

Victoria Police Manual – Procedures and Guidelines

Commonwealth offence investigations

Source Policy

These Procedures and Guidelines support and must be read in conjunction with the following:

- **VPM Crime attendance and investigation**

Application

Procedures and Guidelines are provided to support the interpretation and application of rules and responsibilities. They include recommended good practices and assessment tools to help employees make lawful, ethical and professional decisions. Employees should use the **Professional and ethical standards** to inform the decisions they make to support interpretation of Procedures and Guidelines.

Procedures and Guidelines are not mandatory requirements on their own. However, where rules and responsibilities state that employees must have regard to Procedures and Guidelines, the Procedures and Guidelines must be used to help make decisions in support of the rules.

Procedures and Guidelines

1. Requests to investigate a Commonwealth offence

1.1 *Overarching general principles*

- Victoria Police should only undertake an investigation of a Commonwealth offence where both of the following criteria are met:
 - the Commonwealth offence is incidental to a State offence
 - it is reasonable and appropriate in the circumstances for Victoria Police to undertake the investigation.
- All other Commonwealth offences should be referred to the relevant Commonwealth agency or the Australian Federal Police (AFP).

1.2 *Requests from Commonwealth agencies*

- Ensure that there is adequate and appropriate accompanying documentation (including statements, exhibits etc) with the request from the Commonwealth agency.

- Refer any request from Commonwealth agencies to the Manager, Major Crime Tasking & Coordination, Crime Command for consideration and referral to a relevant workgroup within Crime Command or to a Region for investigation.

2. Conduct of a Commonwealth investigation

2.1 Interviews

- If a person is to be interviewed in relation to a Commonwealth offence, conduct the interview under Commonwealth law, in particular Part IC of the *Crimes Act 1914* (Cwlth).
- Seek advice about conducting interviews under Commonwealth law from any of the following:
 - AFP
 - Melbourne Airport Police
 - Regional Training Officer

2.2 Charges

- If charges for a State offence are applicable, members should interview and charge suspects with a State offence in favour of a Commonwealth offence, except where the Commonwealth offence more specifically applies to the circumstances of the alleged criminal activity e.g. Commonwealth offences in relation to Commonwealth property or Commonwealth officials.
- Where there is doubt seek advice from the Legal Advisor's Office.

2.3 Prosecutions

- Seek approval to prosecute serious Commonwealth offences from the Commonwealth Director of Public Prosecutions (Commonwealth DPP).
- For minor Commonwealth offences members may apply discretion to decide whether or not to prosecute. Where the decision is made to prosecute, seek compensation for costs.
- Where a civil suit is pursued and compensation is awarded for a minor offence, send a report of the details to the Commonwealth DPP.

3. Specific Commonwealth offences investigations

3.1 Telecommunications investigations

- Victoria Police should only investigate telecommunications offences in the case of an emergency or life threatening call. An emergency or life threatening call is one that is connected with an event which is actually or potentially perilous to human life and includes:

- threats of injury
 - bomb threats
 - extortion demands
 - kidnapping
 - threats to public safety.
- In the case of unwelcome or nuisance calls:
 - refer complainants to their telecommunications carrier or service provider.
 - if the complainant wants to make a report to police or if the unwelcome/nuisance calls persist, refer them to the AFP.
 - complete a Family Violence Risk Assessment and Management Report [Form L17] in accordance with **VPMP Family violence**, where appropriate.

3.2 **Counterfeit currency**

- Preserve forensic evidence by placing counterfeit currency in a paper envelope.
- Ensure counterfeit currency is not marked in any way
- Telephone the Currency Branch, AFP as soon as practicable. Follow this with a written report of the details, including the name of the member at the Currency Branch to whom the matter is reported.
- If it is necessary to send the counterfeit currency to the AFP, ensure that it is first placed in a TEAB and sent via registered mail. Costs are to be met from local budgets and the Delivery Confirmation to be used as a property receipt.
- Dispose of counterfeit currency as any other exhibit in accordance with **VPM Seized property and special property types**.

3.3 **Crimes at Sea**

In accordance with the *Agreement for a National Protocol for Receiving Reports of Crimes at Sea*, Victoria Police is the investigating agency of crimes at sea in the following circumstances:

- If the incident occurs within 12 nautical miles of the Victorian coast
- If the incident occurs between 12 and 200 nautical miles from the Victorian coast and is consistent with Victorian law
- If the incident occurs on a foreign ship beyond 200 nautical miles of the Victorian coast and:
 - Victoria is the first state at which the offence is reported or;

- Victoria is the first place the ship calls or is the first place a person lands, after criminal conduct

Process -

- The Work Unit closest to the place the ship has landed is responsible for the reporting and management of the incident.
- If the incident has occurred on a foreign ship beyond 200 nautical miles consult with the Commonwealth Attorney, via Legal Services Department as soon as practicable to ensure that prosecution can be authorised
- All investigations must be made in accordance with usual processes outlined in **VPM Crime attendance and investigation**, including incidents suspected of being major crime.

3.4 State offences with Commonwealth aspect

Where the AFP are investigating a State offence with a Commonwealth aspect, they will notify in writing and consult with the Manager, Major Crime, Tasking & Coordination on how the investigation will progress.

Further Advice and Information

For further advice and assistance regarding these Procedures and Guidelines, contact your supervisor or local training officer.

Update history

Date of first issue	22/02/10	
Date updated	Summary of change	Force File number
06/12/10	Inclusion of section 3 guidelines for the investigation of crimes at sea in accordance with the <i>Agreement for a National Protocol for Receiving Reports of Crimes at Sea</i>	054872/08
24/09/12	Persons interviewed for Cwlth offence, should be interviewed under Cwlth law. Apply State law if both State and Cwlth offences apply, with exceptions (section 2).	066850/11
15/01/13	Updated to reflect organisational governance and structural changes.	FF-074790
01/09/14	Minor amendments at section 3.2 to use TEAB	FF-088866
21/10/19	Instrument names amended to reflect updated property management policies	FF-116667