



Public Interest Disclosure Procedure

Section 1 - Purpose and Objectives

(1) This procedure provides information about how CFA handles and manages public interest disclosures made under the [Public Interest Disclosures Act 2012](#) (the PID Act), including how CFA will manage the welfare of a CFA member who intends to, or makes, a public interest disclosure, and protect that person from detrimental action being taken against them in reprisal for making a public interest disclosure. These procedures also apply to persons who may be witnesses to a public interest disclosure or are cooperating with investigators about a public interest disclosure or complaint.

(2) This procedure should be read in conjunction with [the PID Act](#), guidelines published by the Independent Broad-based Anti-corruption Commission (IBAC) and CFA's Public Interest Disclosure Policy (Policy). The terms used in this procedure are adopted from and are consistent with those used in the Policy.

Section 2 - Scope

(3) This policy applies to all CFA members and Labour hire contractors.

(4) For the purpose of this policy where the term CFA member is used, this also applies to Labour hire contractors.

(5) CFA has established and published this procedure in compliance with section 58 of [the PID Act](#). At all times, CFA will ensure these procedures are readily available, online and in hardcopy, to CFA members and the general public.

Section 3 - Procedure

Making a disclosure

(6) CFA is not a body permitted to receive disclosures made under [the PID Act](#). Therefore, if you wish to make a disclosure about CFA, CFA volunteers, CFA board members or CFA employees, you can make that disclosure directly to the Independent Broad-based Anti-corruption Commission (IBAC).

(7) Oral disclosures can be made in person, by telephone (including leaving a voicemail message), and any other form of non-written electronic communication. Disclosures can also be made in writing and by email.

(8) IBAC details are:

Address: Level 1, North Tower, 459 Collins St, Melbourne VIC 3000

Website: www.ibac.vic.gov.au

Telephone: 1300 735 135

Complaint form: www.ibac.vic.gov.au/report-corruption-or-misconduct/online-form

(9) For people who are hearing or speech impaired, contact IBAC via National Relay Service (NRS):

- a. TTY users phone 1800 555 677 then ask for 1300 735 135.
- b. Speak and Listen users phone 1800 555 727 then ask for 1300 735 135.
- c. Internet relay users connect to NRS and ask for 1300 735 135.

(10) See IBAC's website for more information on [making a public interest disclosure](#) as well as their [contact details](#).

(11) CFA members can first raise matters of concern to CFA's Public interest disclosure Coordinator and Fraud and Corruption Control Officer (not mandatory).

Assessment and outcomes of a disclosure

(12) Once a complaint has been made to IBAC, IBAC will typically write to the discloser via letter or email to let them know the outcome of the complaint. IBAC must either dismiss, investigate, or refer any complaint or notification.

(13) If IBAC assesses and determines the disclosure is a public interest complaint, it may conduct a preliminary inquiry and provide the discloser with additional legal protections including:

- a. that IBAC will never publicise the discloser's name;
- b. the discloser will be protected from adverse action such as termination or bullying for making the disclosure;
- c. the discloser will be protected from defamation and detrimental action in reprisal for making the disclosure;
- d. the discloser will receive immunity from any:
 - i. civil or criminal liability and administrative action for making the disclosure;
 - ii. offence under [Constitution Act 1975](#) or any other legislation that imposes obligations of confidentiality or otherwise restricts the disclosure of information;
 - iii. breaching any other obligation (made by oath or rule of law or practice) requiring the maintenance of confidentiality or otherwise restricting the disclosure of information.

(14) If IBAC assesses and determines the disclosure is not a public interest complaint, IBAC may assess whether the disclosure is a complaint or notification under the [IBAC Act](#), or advise the discloser that the disclosure will not be investigated and the identity of the discloser does not have to be kept confidential. However, the protections in Part 6 of [the PID Act](#) apply to the discloser.

(15) CFA will support a CFA member or witness who is the subject of a disclosure where the allegation or information contained in the disclosure is inaccurate or unsubstantiated. CFA will treat the matter confidentially and ensure no adverse action is taken against that person.

(16) CFA will record any reports made by a CFA member or witness who experiences bullying, harassment or discrimination that could be detrimental action taken in reprisal in response to a disclosure made. CFA will treat the matter confidentially. Refer to the Policy to determine what constitutes 'detrimental action'.

Responsibilities

CFA

(17) If CFA considers that the matter could be a public interest disclosure, CFA will advise the CFA member how a public interest disclosure should be made to ensure it enlivens the protections in the PID Act.

(18) If CFA considers that the matter is not a public interest disclosure, it will inform the discloser in writing within 28 days.

(19) If CFA receives a disclosure that it considers may be a public interest disclosure, it must notify the disclosure to IBAC within 28 days for IBAC to assess the disclosure. CFA will also notify the discloser that their disclosure has been sent to IBAC for assessment.

(20) A discloser's identity and the information they disclose will be treated confidentially and handled in accordance with this procedure.

(21) A number of the protections in the PID Act do not apply in circumstances including:

- a. the discloser may commit a criminal offence if they knowingly provide false or misleading information relating to a public interest disclosure;
- b. the discloser may commit a criminal offence if they claim that a matter is the subject of a public interest disclosure knowing the claim to be false;
- c. for the discloser's own conduct even if they disclose that conduct;
- d. the discloser is not protected against legitimate management action being taken in relation to them. However, if a discloser believes on reasonable grounds that detrimental action will be, is being, or has been taken against them, may request a transfer of employment.

CFA members

(22) CFA members are encouraged to speak out and report to IBAC or CFA's Protected Disclosure Coordinator incidents or suspected incidents of improper conduct or detrimental action they have experienced or witnessed in relation to CFA members.

Public Interest Disclosure Coordinator

(23) CFA's Public Interest Disclosure Coordinator is responsible for managing CFA's obligations under the PID Act and can be contacted confidentially. If a conversation raises matters that could become the subject of a public interest disclosure, the Coordinator's role is to:

- a. provide the CFA member with a copy of the Policy and this procedure;
- b. determine whether the disclosure could be a public interest disclosure and if so, advise the discloser and refer the matter to IBAC and;
- c. ensure the welfare and protection of the discloser and/or any witnesses in accordance with Part 6 of the PID Act (Protection of person making public interest disclosure);
- d. monitor and respond to any issues such as detrimental action in reprisal of making a disclosure (such as victimisation or threats that may be made verbally or in writing);
- e. assist the discloser or the witness throughout the process;
- f. maintain confidentiality of the information disclosed and the identity of the discloser;
- g. where warranted, consider investigating the matter disclosed;
- h. ensure confidentiality is afforded to the discloser; and
- i. where the complaint is not considered a public interest disclosure, advise the discloser that no referral will be made to IBAC.

(24) Specifically, CFA's Public Interest Disclosure Coordinator will support disclosers and other witnesses by:

- a. keeping them informed, by providing:
 - i. confirmation that the disclosure has been received, if IBAC has provided this information to CFA;
 - ii. information about the protections that may be available to the person;

- iii. a description of any action proposed to be taken;
 - iv. if action has been taken by CFA, details about results of the action known to CFA;
- b. providing active support by:
- i. acknowledging and assuring the person for having come forward;
 - ii. assuring them that all reasonable steps will be taken to protect them;
 - iii. keeping them informed as far as CFA is reasonably able to.
- c. managing their expectations by undertaking an early discussion with them about:
- i. what outcome they seek;
 - ii. whether their expectations are realistic;
 - iii. what CFA will be able to do;
- d. maintaining confidentiality by:
- i. ensuring as far as is possible that other people cannot infer the identity of the discloser or other witnesses;
 - ii. reminding the discloser or other witnesses not to reveal themselves or to reveal any information that would enable others to identify them as a discloser or other witnesses;
 - iii. ensuring that hardcopy and electronic files relating to the disclosure are accessible only to those who are involved in managing disclosures in CFA;
- e. proactively assessing the risk of detrimental action being taken in reprisal including actively monitor the workplace, anticipating problems and dealing with them before they develop as far as is possible;
- f. protecting the discloser or other witnesses by:
- i. examining the immediate welfare and protection needs of the person and seeking to foster a supportive work environment;
 - ii. listening and responding to any concerns the person may have about harassment, intimidation or victimisation in reprisal for their actions;
 - iii. assessing whether the concerns the person may have about harassment, intimidation or victimisation might be due to other causes other than those related to the public interest disclosure;
- g. using best endeavours to prevent the spread of gossip and rumours about any investigation into the public interest disclosure where CFA is aware of any investigation being undertaken or about to be undertaken; and
- h. keeping contemporaneous records of all aspects of the matter.

(25) CFA's Public Interest Disclosures Coordinator's role is also to:

- a. prepare an annual report relating to complaints or enquiries made to CFA;
- b. review the Policy and these procedures as required; and
- c. cooperate with IBAC as required; and
- d. help coordinate welfare support.

(26) CFA's Public Interest Disclosures Coordinators are:

<p>██████████ Senior Legal Counsel 8 Lakeside Drive Burwood East VIC Australia 3151 Telephone: (03) 9262 8444 Email: ██████████</p>	<p>██████████ General Manager Governance, Legal and Risk 8 Lakeside Drive Burwood East VIC Australia 3151 Telephone: (03) 9262 8444 Email: ██████████</p>
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Reporting

(27) Where a matter is returned from IBAC for investigation by CFA this will be reported and managed in accordance with the [Fraud and Corruption Prevention and Control Policy](#) and [Fraud and Corruption Prevention and Control Procedure](#).

Confidentiality

(28) The [Freedom of Information Act 1982](#) and corresponding freedom of information obligations do not apply to any document that discloses information relating to a public interest disclosure or may lead to the identification of a discloser.

Welfare management

(29) CFA is committed to ensuring the welfare of those who make or co-operate with public interest disclosures. As CFA cannot receive public interest disclosures under [the PID Act](#), CFA may not be aware someone has made a public interest disclosure.

(30) IBAC will only notify CFA of a public interest disclosure if it decides it is in the public interest. If IBAC does notify CFA of the identity of a discloser, or a person cooperating with an investigation, these notifications are confidential, and CFA will provide that person with reasonable welfare support. CFA will also take reasonable steps to protect the welfare of the CFA members that CFA knows are the subject of a disclosure.

(31) CFA will consider appointing a Welfare Manager when a CFA member has made a public interest disclosure or a CFA member or witness is cooperating, or intending to cooperate, with an investigation of a public interest disclosure. In determining whether to appoint a Welfare Manager in any particular case, CFA will consider:

- a. whether the disclosure has proceeded, or is likely to proceed, to an investigation;
- b. whether there are any real risks of detrimental action against the persons involved, considering their particular circumstances;
- c. whether CFA can ensure that the person is taken seriously and treated with respect;
- d. whether CFA can provide effective support to the persons involved, including keeping them informed of the progress of the disclosure, and
- e. whether it is within CFA's power to protect the person/s involved from suffering repercussions.

(32) To protect the welfare of a discloser or other witnesses, CFA and any Welfare Manager will:

- a. consider the welfare and protection needs of the discloser and/or witness' and fostering a supportive work environment;
- b. monitor a specific discloser or co-operator;
- c. provide practical advice and support;
- d. keep the CFA member informed and provide the discloser and/or witness with information about the protections that may be available under the PID Act;
- e. receive, record and respond to any disclosures of detrimental action in reprisal for making the disclosure (eg harassment, intimidation or victimisation);
- f. maintain confidentiality by only discussing the matter with the CEO, Public Interest Disclosure Coordinator or IBAC, where permitted.

(33) CFA may appoint an internal person as Welfare Manager or engage a contractor to provide welfare services. CFA will also consider referring a CFA member to its Employee Assistance Program (EAP).

Section 4 - Definitions

(34) Commonly defined terms are located in the CFA [centralised glossary](#). Document-specific definitions are listed below.

<p>Corrupt conduct or corruption</p>	<p>Corrupt conduct is defined in section 4 of the IBAC Act and means conduct:</p> <ol style="list-style-type: none"> 1. that adversely affects the honest performance of the functions of a public officer or public body; or 2. that constitutes or involves the dishonest performance of functions as a public officer or public body; or 3. that constitutes or involves knowingly or recklessly breaching public trust; or 4. that involves the misuse of information or material acquired in the course of the performance of functions as a public officer or public body, whether or not for the benefit of the public officer or public body or any other person; or 5. intended to adversely affect the effective performance or exercise by a public officer or public body of the functions or powers of the public officer or public body and result in obtaining a benefit that they would not have otherwise obtained; or 6. that could constitute a conspiracy or an attempt to engage in any conduct referred to in paragraphs (1)-(5)— being conduct that would constitute a relevant offence. <p>Examples of conduct that may be corrupt conduct include dishonest activity in which a CFA member acts contrary to the interests of CFA and abuses their position of trust in order to achieve some personal gain or advantage, such as:</p> <ol style="list-style-type: none"> 1. taking or offering bribes; 2. dishonestly using influence; 3. committing fraud, 4. theft or embezzlement; 5. misusing information or material acquired at work; and 6. conspiring or attempting to engage in the above corrupt activity.
<p>Detrimental action</p>	<p>Detrimental action is defined in section 3 of the PID Act and includes:</p> <ol style="list-style-type: none"> 1. action causing injury, loss or damage; 2. intimidation or harassment; 3. discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action. <p>A person can take detrimental action just by threatening to take such action and without actually having taken the action itself. Some examples of detrimental action include:</p> <ol style="list-style-type: none"> 1. threats to a person's personal safety or property; 2. discriminating or disadvantaging a person in their career, profession, employment, trade or business; and 3. the demotion/isolation or change in duties of a discloser due to the disclosure. <p>(35) In a disclosure of both improper conduct and detrimental action, the conduct or action being disclosed may have taken place, still be occurring, or may be believed to have occurred or be occurring, or may happen in future.</p>
<p>Improper conduct</p>	<p>Improper conduct is defined in section 4 of the PID Act and means:</p> <ol style="list-style-type: none"> 1. corrupt conduct; 2. criminal offence; 3. serious professional misconduct; 4. dishonest performance of public functions; 5. intentional or reckless breach of public trust; 6. intentional or reckless misuse of information or material, acquired in performing the functions of the public body or public officer; 7. substantial mismanagement of public resources; 8. substantial risk to health or safety of a person; 9. substantial risk to the environment; 10. conduct of any person that adversely affects the honest; 11. performance by a public officer of their functions; and 12. conduct of any person that is intended to adversely affect the effective performance or exercise of the functions or powers of a public body or public officer and results in the person or their associate obtaining a benefit. <p>Trivial conduct is excluded from the definition of improper conduct.</p>

Section 5 - Related Documents

- (36) [Public Interest Disclosure Policy](#)
- (37) [Fraud and Corruption Prevention and Control Policy](#)
- (38) [Fraud and Corruption Prevention and Control Procedure](#)

Status and Details

Status	Current
Effective Date	22nd October 2024
Review Date	22nd October 2027
Approval Authority	Chief Executive Officer
Approval Date	22nd October 2024
Expiry Date	Not Applicable
Accountable Officer	██████████ General Manager Governance, Legal and Risk
Responsible Officer	██████████ General Counsel
Author	██████████ Senior Manager Governance Services
Enquiries Contact	Legal Services

Glossary Terms and Definitions

"CFA member" - Refers to all CFA volunteers, volunteer auxiliary workers, officers, employees and secondees.

"CFA employee" - Any person who is directly employed by CFA, including those employees on a fixed term or casual employment contract.

"CFA volunteer" - An officer, member, or volunteer auxiliary worker who receives no remuneration for their services in relation to a brigade but does not include an officer or member of an industry brigade.

"Independent Broad-based Anti-corruption Commission (IBAC)" - The Independent Broad-based Anti-corruption Commission (IBAC) is Victoria's agency responsible for preventing and exposing public sector corruption and police misconduct. Our jurisdiction covers state and local government, police, parliament and the judiciary.

"Labour hire contractor" - Personnel provided by a staffing agency for a fee. These personnel are employees of the agency and not CFA.

"Public interest disclosure" - Public interest disclosure is defined in section 9 of the Public Interest Disclosures Act 2012 (the Act) and means a disclosure by a natural person that, or the person reasonably believes, shows, tends to show: a person, public officer or public body has engaged, is engaging or proposes to engage in improper conduct; or a public officer or public body has taken, is taking or proposes to take detrimental action against a person. A complaint may also be made about the conduct of a person who is not a public officer or is not employed by a public body, where their conduct is adversely affecting the honest performance of a public body or public officer, or is intended to adversely affect their performance. The conduct you are disclosing must be related to the performance of a person or body's function as a public officer or public body or private individuals who try to improperly influence public officers or public bodies in the performance of their official functions. The Act allows an individual to make a disclosure even if they can't identify the person or the business or organisation to which the disclosure relates.