



Public Interest Disclosures Policy

Section 1 - Purpose and Objectives

(1) This policy affirms CFA's commitment to the purposes of the [Public Interest Disclosures Act 2012](#) (the Act) which include encouraging and facilitating the making of disclosures of improper conduct by public officers and public bodies, including CFA and CFA members.

(2) The purposes of the Act and this policy are to:

- a. encourage and facilitate public interest disclosures;
- b. protect an applicable person who makes, or may suffer detrimental action in reprisal for, a public interest disclosure; and
- c. ensure public interest disclosures are properly treated.

Section 2 - Scope

(3) This policy applies to 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) A discloser of a public interest disclosure must be an individual/natural person (i.e. not an organisation or company). The individual could be a person within CFA or any member of the public. The conduct or action being disclosed may have taken place, still be occurring, may be believed to have occurred or be occurring, or may happen in future.

Section 3 - Policy

Role of CFA and CFA Members

(6) CFA recognises the value of transparency and accountability in its administrative and management practices and supports the making of disclosures that reveal improper conduct.

(7) CFA does not tolerate improper conduct, or detrimental action taken in reprisal against those who come forward to disclose improper conduct.

(8) CFA members are encouraged to raise any issues of concern and make public interest disclosures by following this policy, the Public Interest Disclosures Procedure, related CFA policies and procedures, as well as relevant policies and procedures of the Independent Broad-based Anti-corruption Commission (IBAC) and other applicable agencies.

(9) CFA is a public body subject to the Act, but is not authorised to receive public interest disclosures. Any Public interest disclosure about CFA must be made directly to IBAC. Disclosures may be made to IBAC in a number of ways set out in the Act, including anonymously, in writing or verbally. A discloser need not identify the person or body that the public interest disclosure is made about.

(10) CFA's Public Interest Disclosure Coordinator (Senior Legal Counsel), and Fraud and Corruption Control Officer

(General Manager Governance, Legal and Risk) are available to CFA members who are considering or wish to raise concerns or make a public interest disclosure, and to discuss this policy. All communications with the Public Interest Disclosure Coordinator and Fraud and Corruption Control Officer related to this policy are treated with the utmost confidentiality.

(11) While CFA cannot receive public interest disclosures, some matters may not amount to a public interest disclosure and may be able to be handled within CFA according to CFA's policies and procedures. If a conversation raises matters that could become the subject of a public interest disclosure the Public Interest Disclosure Coordinator or the Fraud and Corruption Control Officer will advise the member to report the matter to IBAC. It is important to note that a disclosure made to CFA will not attract the same protection as a public interest disclosure made to IBAC under the Act.

(12) CFA's Chief Executive Officer may be required to directly notify IBAC under the [Independent Broad-based Anti-corruption Commission Act 2011](#) (the IBAC Act) of any matter that they suspect, on reasonable grounds, involves corrupt conduct occurring or having occurred.

Confidentiality

(13) CFA takes its obligations under [the Act](#) seriously. This includes the requirement to protect the identity of the discloser and the matters disclosed by a discloser. Maintaining confidentiality in relation to public interest disclosure matters is critical in ensuring detrimental action is not taken against a discloser.

(14) It is a criminal offence under [the Act](#) to disclose information connected with a disclosure made in accordance with the Act, including the identity of the discloser. The possible penalties for breaching confidentiality obligations include financial penalties and imprisonment.

(15) As IBAC is not required to contact CFA about any public interest disclosure a CFA member makes, a CFA member should not discuss any disclosure made to IBAC with CFA or any person in CFA unless:

- a. the permission of IBAC has first been obtained to do so;
- b. IBAC has made a direction to do so; or
- c. IBAC has contacted CFA to provide information to allow CFA to provide any necessary welfare and support.

Section 4 - Definitions

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

Corrupt conduct or corruption	<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 individual 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.
Detrimental action	<p>Detrimental action is defined in section 3 of the 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>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>
Improper conduct	<p>Improper conduct is defined in section 4 of the 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

- (17) [Public Interest Disclosure Procedure](#)
- (18) [Fraud and Corruption Prevention and Control Policy](#)
- (19) [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.

"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.