

# Protected Disclosure Policy

**Approval level:** Fire Rescue Victoria  
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**Author:** Manager, Ethical Standards

**Custodian:** People and Culture

**Authorised by:** Fire Rescue Victoria

## 1. INTENT

To confirm and state the commitment of Fire Rescue Victoria (“**FRV**”) to the aims and objectives of the *Protected Disclosures Act 2012* (“**Act**”). The purpose of the Act is to encourage and facilitate the making of disclosures of improper conduct by public officers and public bodies, including FRV, its employees (whether permanent, casual or temporary), officers, contractors and ELT members (“**employees**”).

The FRV recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal improper conduct. It does not tolerate improper conduct by the organisation or its employees nor the taking of reprisals against those who come forward to disclose such conduct.

## 2. SCOPE

Disclosures may be made about “improper conduct” on the part of a public body or its staff, employees and members. Disclosures may also be made about “detrimental action” taken (or suspected may be taken) in reprisal for or in connection with a disclosure made about improper conduct. The conduct or action being disclosed may have taken place, may still be occurring, or it may be believed will occur or be engaged in.

Any individual natural person (not a business, organisation or company) may make a disclosure under the Act. The individual could be a person within the organisation, or any member of the public externally. Disclosures may be made in a number of ways set out in the Act, including anonymously, in writing, or orally. An individual need not identify the person or body about whom the disclosure is made.

## 3. REFERENCES

- *Protected Disclosure Act 2012* (“**Act**”)
- *Protected Disclosure Regulations 2013*
- *Independent Broad-based Anti-corruption Commission Act 2011* (“**IBAC Act**”)
- *Guidelines of the Independent Broad-based Anti-corruption Commission published under s 57 of the Act*
- *FRV’s Protected Disclosure Procedures published under s 58 of the Act (Procedure No. Org 22)* (“**FRV’s Protected Disclosure Procedures**”)

## 4. DEFINITIONS

The Act provides definitions about improper conduct and detrimental action. For more information about what those terms mean, see FRV’s Protected Disclosure Procedures.

## 5. RESPONSIBILITY

### All Employees

Improper conduct or detrimental action taken by the FRV or its employees is unlawful. All employees must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. Furthermore, they should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

In particular, employees are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with this policy and related procedures, whether such conduct or action has taken place, is suspected to take place, or is still occurring.

### Role of the Manager, Ethical Standards Unit

FRV's Manager, Ethical Standards Unit, in conjunction with FRV's Fire Rescue Commissioner ("**Commissioner**"), will be responsible for monitoring and reviewing FRV's compliance with the Act.

The Manager, Ethical Standards Unit is FRV's 'protected disclosure coordinator' and has a central role in the way the organisation deals with all protected disclosure matters. He or she is:

- FRV's contact for assistance with making a protected disclosure and for general advice about the operation of the Act
- FRV's chief contact for liaison with IBAC and other integrity bodies in relation to the Act
- responsible for taking all necessary steps to ensure information received or obtained in connection with a disclosure, including the identities of the disclosure and the person/s to whom the disclosure relate, are kept secured, private and confidential; and
- responsible for ensuring that the welfare of any persons connected with a protected disclosure is properly managed, including by appointing a Welfare Manager to support a person entitled to be protected and to protect him or her from any reprisals.

The contact details for the Manager, Ethical Standards Unit are as follows:

Manager, Ethical Standards Unit  
456 Albert Street  
East Melbourne VIC 3002  
Phone: 9665 9786

Email: [protecteddisclosurecoordinator@frv.vic.gov.au](mailto:protecteddisclosurecoordinator@frv.vic.gov.au)

## 6. PROCEDURES FOR DISCLOSURE

The Act does not permit FRV to receive disclosures made under the Act. Therefore, a person wishing to make a disclosure about FRV or its employees will need to make that disclosure directly to IBAC. If FRV believes a disclosure may be a protected disclosure made in accordance with the Act, it will ask you to make that disclosure to IBAC. IBAC will deal with the disclosure.

However, the CEO has mandatory notification obligations under section 57 of the IBAC Act. This requires him or her to notify IBAC of any matter which he or she suspects, on reasonable grounds, involves corrupt conduct occurring or having occurred. This means that

sometimes a general complaint or allegation that is investigated by FRV may at some point require the CEO to notify IBAC in compliance with his or her mandatory reporting obligations under the Act.

It is important for disclosers to note that IBAC is not required to contact FRV about any disclosure you make, so you should not discuss any disclosure you make to IBAC with any person in FRV *unless* you have first obtained the permission of IBAC to do so, or IBAC has directed you to do so, or IBAC (or another investigating entity like the Victorian Ombudsman) has contacted FRV to provide it with information in order to allow FRV to provide you with any necessary welfare and support.

As required under the Act, FRV has established procedures to facilitate and encourage the making of disclosures under the Act, and how FRV will manage the welfare of persons connected with protected disclosures. These are FRV's *Protected Disclosure Procedures* published under s 58 of the Act, which can be obtained:

- at [www.frv.vic.gov.au](http://www.frv.vic.gov.au); or
- by inspection during normal office hours of FRV at 456 Albert Street, East Melbourne; or
- by requesting a copy of the procedures: please telephone (03) 9662 2311.

If you are contacted by IBAC (or another investigating entity such as the Victorian Ombudsman) in relation to a protected disclosure and you would like representation or legal advice in relation to your rights, liabilities, obligations and/or privileges under the Act, you should contact FRV's Manager, Ethical Standards Unit:

Manager, Ethical Standards Unit  
456 Albert Street  
East Melbourne VIC 3002  
Phone: 9665 9786

Email: [protecteddisclosurecoordinator@frv.vic.gov.au](mailto:protecteddisclosurecoordinator@frv.vic.gov.au)

FRV 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 protected disclosure matters is crucial, among other things, in ensuring reprisals are not made against a discloser. 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 penalties for breaching confidentiality obligations include financial penalties and imprisonment.

For more information about protected disclosures or the Victorian integrity system generally, also see <http://www.ibac.vic.gov.au/report-corruption-or-misconduct/protected-disclosure>.

## 7. DOCUMENTATION

*Protected Disclosure Procedures published under s 58 of the Protected Disclosure Act 2012*  
(Procedure No.Org 22)

## 8. VERIFICATION

Resolution BRD / 07/2019