



Service Standard 1.1.25

Disclosing Charges and Convictions

Version	1.0
Policy Owner	Executive Director People & Strategy
Policy Contact	Director People & Culture
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1. Purpose

- 1.1. RFS members occupy a position of trust in the community. The RFS must consider the impact that a member being charged or convicted with a serious criminal offence may have on the reputation of the RFS, and on our ability to continue delivering a trusted and reliable public safety service.
- 1.2. This Service Standard outlines the circumstances under which members must disclose charges and convictions, the processes to be followed, and the actions which may be taken by the RFS following a disclosure.

2. Policy

Staff members

- 2.1. Staff members are required under Clause 9 of the Government Sector Employment Regulation 2014 to report in writing to their agency if they are charged with or convicted of a serious offence.
- 2.2. In addition, staff members are required to disclose charges or convictions for any offence which is specified in clause 2.7 of this Service Standard.
- 2.3. Such charges or convictions may relate to an incident or conduct that happened while the staff member was on duty, off duty or before they were employed by the RFS.

Volunteer members

- 2.4. Under clause 8(2) of the Rural Fires Regulation 2022 a conviction for a serious offence may be grounds for the removal of volunteer membership.
- 2.5. Volunteer members must disclose any charges or convictions for a serious offence, or any other offence specified in clause 2.7 of this Service Standard.
- 2.6. Such charges or convictions are required to be disclosed by volunteer members if they occurred on or after 13 June 2007.

Specified offences

- 2.7. The specified offences are any offence which is:
- a. A "sexual offence" as defined in section 7(4) of the Criminal Records Act 1991 or a similar offence in another jurisdiction;
 - b. Any dealings with or involving a person under the age of 18 years;
 - c. Dishonesty, including theft or fraud;
 - d. Assault or violence against a person;
 - e. The death or injury of another person;
 - f. The importation, manufacture, cultivation, sale, distribution or trafficking of drugs;
 - g. Terrorism, however described;
 - h. Arson or the setting of fires, however described;
 - i. Serious traffic offences such as:
 - Drink driving;
 - Dangerous or negligent driving where someone is hurt; or
 - Driving whilst disqualified.
 - j. Public mischief or the making of false alarms.

The specified offences include any attempt or conspiracy to commit the substantive offence.

Member Responsibilities

- 2.8. When a member is charged with a serious or specified offence and/or is convicted of such an offence they must report this to their relevant manager within seven days of the charge or conviction.
- 2.9. Members must formally disclose the full details of the charges/convictions and provide related documents such as: Court Attendance Notices (CANs); Field Court Attendance Notices (Field CANs); charge sheets; written advice from the member's legal representative on the outcome; or police records.
- 2.10. Members who have been charged but not yet convicted of a serious offence must keep their relevant manager informed of the progress and outcomes of any court proceedings.
- 2.11. Where a staff member is also a volunteer member, the staff member must identify their volunteer membership as part of the disclosure to their line manager.

Relevant Manager Responsibilities

- 2.12. Relevant managers must report **staff** disclosures to the Executive Director People & Strategy and Director People & Culture immediately after a staff member has reported to them that they have been charged, convicted, or found guilty of a serious offence.
- 2.13. Relevant managers must report **volunteer** disclosures to the Area Operations Workplace Conduct team immediately after a volunteer member has reported to them that they have been charged, convicted, or found guilty of a serious offence.
- 2.14. The relevant manager will also provide their assessment of the risk to the RFS and any factors they are aware of that may need to be taken into consideration.
- 2.15. The Performance & Conduct Unit or Area Operations Workplace Conduct team will take into consideration the relevant manager's assessment of the risk when making recommendations to a delegate on any risk control measure, including the stand down or suspension of a member.

- 2.16. Where a manager becomes aware of a charge or conviction that has not been disclosed, they should discuss the matter directly with the member and advise them of the disclosure requirements outlined in this Service Standard.
- 2.17. Where the member will not or is unable to make a disclosure, the relevant manager must notify and obtain advice from the Performance and Conduct Unit.

Role of the Delegate (staff)

- 2.18. The Commissioner has delegated to the Executive Director People & Strategy (EDPS) the authority to consider all aspects of a non-executive staff member's charge/s or conviction/s (including their severity) and determine the action to be taken.
- 2.19. Any action taken will be in accordance with Sections 69(4) and 70 of the Government Sector Employment (GSE) Act 2013, the Government Sector Employment Regulation 2013, and the Government Sector Employment Rules 2014.

Role of the Delegate (volunteers)

- 2.20. The Commissioner has delegated to the relevant Area Commander or Director Area Operations the authority to consider all aspects of a volunteer member's charge/s or conviction/s (including their severity) and determine whether the member should be removed from the RFS.
- 2.21. Where the Delegate has determined that the member should be removed from the RFS they must give that member notice, with reference to relevant provisions of the Rural Fires Regulation 2022, that their name will be removed from their brigade register/s 21 days after the date of the notice unless they appeal in writing to the Commissioner.

Failure to disclose

- 2.22. Failure to disclose a serious criminal charge or conviction, or the provision of false or misleading information, is a breach of Service Standards (staff and volunteers) and GSE legislation (staff).

3. Definitions

- 3.1. For the purpose of this Service Standard, the following definitions apply:
 - a. **Line Manager:** any RFS staff member who is part of the chain of command and directly supervises or manages one or more RFS staff members;
 - b. **Member:** a volunteer or staff member of the RFS;
 - c. **Relevant Manager:** In the circumstance of a volunteer, the Manager of the District relevant to the volunteer. In the circumstances of a staff member, the staff member's line manager.
 - d. **Serious offence:** an offence punishable in NSW by imprisonment for life or for 12 months or more (including an offence committed outside NSW that would be an offence so punishable if committed in NSW).
 - e. **Staff member:** a staff member includes:
 - i. temporary or ongoing employees;
 - ii. any employee of another government agency on secondment to the RFS; and
 - iii. all consultants, contractors and agency employees engaged to perform work for, or on behalf of the RFS.
 - a. **Volunteer member:** a member of a rural fire brigade as defined in s20 of the Rural Fires Act 1997.

4. Document control

Release history

Version	Date	Summary of changes
1.0	15 July 2024	Initial release as SS 1.1.25 Repeals and remakes sections of SS 1.1.21 v2.1, and P1.1.6 v1.1

Approved by

Name	Position	Date
Rob Rogers AFSM	Commissioner	15 July 2024

Related documents

Document name
Disclosing Charges and Convictions Form