



**Australian Government**

**Registered Organisations Commission**

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# **Registered Organisations Commission (ROC) Sydney Information Session**

26 March 2019



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Commissioner's address

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# **Registered Organisations Commission (ROC) Sydney Information Session**

## **RO Act Whistleblower Scheme – What's New**

March 2019



# Elements of the RO Act Whistleblower Scheme

- Discloser
- Organisation
- Disclosable Conduct
- Recipient
- Protections from reprisals
  
- What's New



## Who can make a protected disclosure?

A person from (or associated with) an organisation or branch:

- An **officer** or **former officer**
- An **employee** or **former employee**
- A **member** or **former member**
- A **contractor** or **former contractor** supplying services/goods
- An **officer, employee** or **former employee** of that contractor
- A person who **has or had a transaction** with an organisation, branch, or officer on its behalf
- And a **lawyer** on behalf of one of the above.



## What is an 'organisation'?

An organisation registered under *Fair Work (Registered Organisations) Act 2009*

(Section 6)

A disclosure can also involve:

- A branch of an organisation; and
- Officers and employees of an organisation or branch

(Section 337A)



## What is 'Disclosable Conduct'?

An **act or omission** that:

- (a) **contravenes, or may contravene**, a provision of the **RO Act**, the ***Fair Work Act 2009*** (FW Act) or the ***Competition and Consumer Act 2010*** (C&C Act); or
- (b) Constitutes, or may constitute an **offence** against a law of the Commonwealth

(Section 6)



## Who can receive a disclosure?

- The RO Commissioner
- Staff assisting the RO Commissioner
- FWC Tribunal Members
- The General Manager of the FWC
- Staff of the the FWC
- The Commissioner of the ABCC
- A Deputy Commissioner of the ABCC
- ABCC Inspectors
- Staff of the Office of the FWO





# Disclosures to the ROC and other external agencies

Where a matter is about disclosable conduct, the discloser (whether internal or external to the organisation) is entitled to raise their concerns directly with the ROC or another agency designated to receive disclosures.



## What's new?

Additional resources for:

- Organisations
- Disclosers
- Persons dealing with disclosures

(Section 337A)



# Responding to a protected disclosure

The ROC seeks to foster a culture of voluntary compliance in registered organisations. Consistent with this, the ROC encourages organisations, their officers and employees to address instances of potential non-compliance as soon as they become aware of them.

Part of how the ROC aims to achieve this is by providing registered organisations with guidance material to assist them in handling complaints, alleged breaches of internal rules and policies, as well as planning for and responding to reports of Disclosable Conduct.


The ROC has received feedback from stakeholders that organisations want support material and guidance to help manage matters.

The ROC recognises that some registered organisations do not have the internal resources to develop materials needed to manage and guide them.

Whistleblower information and material has been developed for registered organisations which aims to raise awareness of the whistleblower scheme and its provisions.

## Designated official and manager's guide to handling matters within registered organisations

The Designated official and manager's guide to handling matters within registered organisations has been created to provide designated officials, managers, senior officers and committees of management within registered organisations with tools and procedures to effectively encourage, manage, and support people who wish to raise complaints, breaches of internal rules or policies, or to make reports of 'disclosable conduct' within an organisation.

 [Designated official and manager's guide to handling matters within registered organisations \(DOCX 147.1KB\)](#)

## Tools and checklists

More information about the tools available to assist organisations to effectively respond to disclosures and develop a speak up culture can be found on our '[Tools and checklists](#)' webpage.



## Infographic

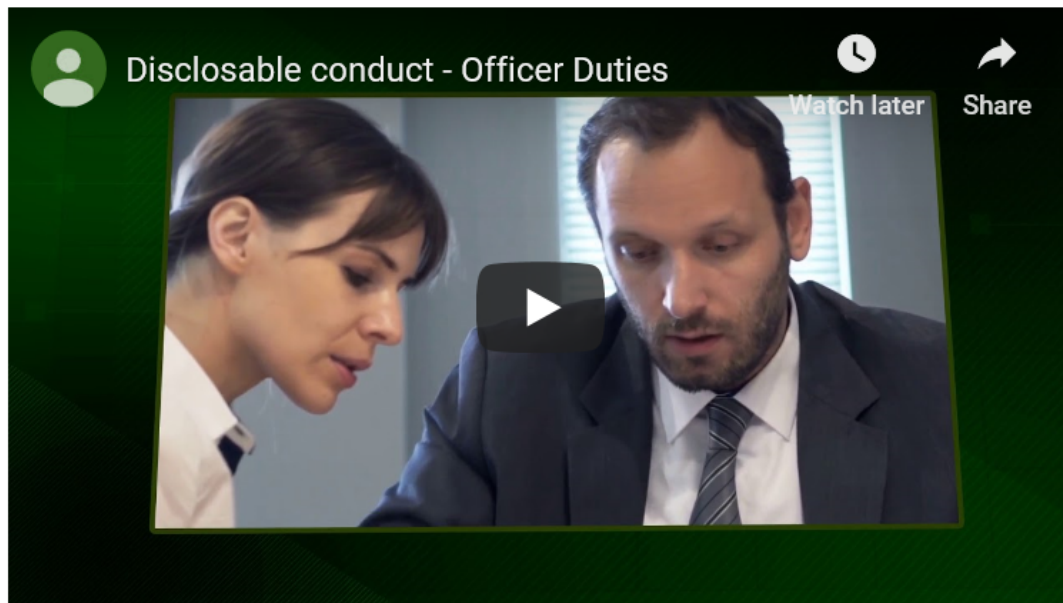
 [Reporting disclosable conduct \(PDF 2.2MB\)](#)

This infographic provides a visual representation of what to consider prior to making a report of disclosable conduct to the ROC.

## Videos

### Officer's Duties

An allegation that an officer has breached an officer's duty under the RO Act may be a protected disclosure, depending on the circumstances of the disclosure. This video provides an example of the duty of officers to act with care and diligence in relation to the financial management of the organisation (s. 285 of the RO Act).



### Illegitimate Payments

An allegation that an organisation and/or its officers and employees have made or received a cash or in kind payment to a union, or a union's prohibited beneficiary may be a protected disclosure, depending on the circumstances of the disclosure. This video explains what an illegitimate payment is and why they are an offence under the RO Act.