

**From:** [Joel Dignam](#)  
**To:** [Whistleblower Policy](#)  
**Subject:** Submission re: CONSULTATION PAPER 321 Whistleblower policies  
**Date:** Tuesday, 3 September 2019 1:49:06 PM

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To Andivina Uy and Greg Hackett,

I am writing to encourage ASIC to exempt small not-for-profits or charities from the requirement to have a whistleblower policy.

I am the Executive Director of Better Renting, a small charity that I founded in April 2018. We started as a public company limited by guarantee. We were part of an incubator that included numerous other similar organisations, also structured as public companies limited by guarantee.

Currently, our annual revenue is less than \$100,000 per year, and we have less than 1 FTE staff. For an organisation like ours, the requirement to have a whistleblower policy creates a compliance burden that would be challenging to meet. For example, we have no access to legal counsel internally, and we cannot afford to obtain it internally. Not only are the costs higher, the benefits are less: as a small organisation with minimal staff, the implications of not having a policy are negligible. Many charities may also have no paid staff and be solely volunteer run. In these cases, the costs would seem to exceed the benefits. It's also likely that many small not-for-profits and charities would not be aware of this requirement. ASIC would be setting these organisations up to fail by creating a requirement with high costs, low benefits, and that organisations are unaware of.

Our view is that the appropriate threshold for exemption should line up with existing ACNC criteria for either a small or medium charity. Particularly for a small charity, the cost/benefit situation does not justify the requirement to develop such a policy. A large charity, which would likely have multiple staff members and more potential for whistleblowing, would seem to be a suitable organisation to be required to have a policy. If ASIC's criteria are consistent with ACNC criteria it will be easier for Directors of small charities and not-for-profits to make sense of the legislative requirements and to be aware when they have crossed relevant thresholds.

Regards,

Joel Dignam  
Better Renting