



Andivina Uy
Senior Adviser
Strategic Policy

Greg Hackett
Senior Manager
Office of the Whistleblower

Australian Securities and Investment Commission
GPO Box 9827
Brisbane QLD 4001

E-mail: whistleblower.policy@asic.gov.au

Submission of the Synod of Victoria and Tasmania, Uniting Church in Australia on the proposed guidance on Whistleblower Policies 18 September 2019

The Synod of Victoria and Tasmania, Uniting Church in Australia, welcomes the opportunity to provide a submission on the proposed guidance for entities that must have a whistleblower policy.

The Synod members have been deeply supportive of government action to protect and support whistleblowers. The 2014 meeting of approximately 400 representatives of congregations across the Synod resolved to call on the Commonwealth Government to:

To introduce legislation to protect and reward private sector whistleblowers who expose fraud and corruption against Australian governments, similar to laws that already exist in the UK and US.

B1Q4 Do you agree with our proposed guidance that an entity's whistleblower policy should focus on disclosures of information that qualify for protection, rather than reports about all issues and concerns, in relation to the entity? If not, please provide details.

It is desirable that whistleblower policies focus on those things that qualify for protection, so that the whistleblower systems within entities do not get consumed dealing with complaints and grievances about other workplace matters. Entities should have separate policies to deal with other workplace matters and grievances, such as bullying and harassment, and employees should be directed to those mechanisms instead as suggested in the draft guidance.

B1Q5 Do you agree with our proposed guidance that an entity's whistleblower policy should cover 'eligible whistleblowers' outside of the entity? If not, please provide details.

We agree that an entity's whistleblower policy should cover 'eligible whistleblowers' outside the entity, where the disclosure relates to the entity. It is possible that retaliation can be directed at whistleblowers outside of the entity by staff within the entity and therefore it makes sense to extend protection and support to those whistleblowers outside the entity.

B1Q8 Do you agree with our proposed good practice guidance that smaller entities (particularly those with a limited number of employees) should consider authorising an independent whistleblower service provider to receive disclosure and consider engaging third-party service providers to help investigate disclosures? If not, please provide details.

We agree that it would be helpful to recommend to smaller entities that consider the use of an independent whistleblower service provider. For small entities, with limited resources, such an entity will be more likely to be able to deal with whistleblowers more professionally and consistently, which is likely to result in a better outcome for the whistleblower and the entity in most cases. It also addresses the issue of making sure the person protecting the disclosure and conducting the investigation is not independent of the whistleblower.

B1Q9 Do you have any suggestions on how the guidance in Section B of draft RG 000 can be improved? Please provide details.

The Synod believes that it would be helpful in the guidance to include advice on how to maintain the anonymity of a discloser, where the person wishes to remain anonymous. It will be possible to identify a whistleblower in some circumstances based on the nature of the information provided or how the investigation is conducted. For example, an investigation that goes straight at the part of the entity's operations that are the subject of the whistleblower disclosure could make it easier to identify who the whistleblower was. This could be addressed by the investigation doing a broad audit or an area, before narrowing down on the issue raised by the whistleblower, to make it look like the investigation was part of a broader random audit.

Dr Mark Zirnsak
Senior Social Justice Advocate
Synod of Victoria and Tasmania
Uniting Church in Australia
Phone: ...
E-mail:...