



REPORTING DISCLOSABLE CONDUCT

Things to consider prior to making a report of disclosable conduct to the Registered Organisations Commission (ROC)

Definition of Disclosable Conduct

An act or omission that:

- Contravenes, or may contravene a provision of the *Fair Work (Registered Organisations) Act 2009 (RO Act)*, *Fair Work Act 2009*, or the *Competition and Consumer Act 2010*;
- Constitutes, or may constitute, an offence against a law of the Commonwealth.

Protection

Importantly, the RO Act protects an eligible disclosure even if it is reported internally to the organisation in the first instance. This is because section 337BA of the RO Act stipulates that a discloser is protected under the RO Act if the person made, or could have made, the disclosure to the ROC or other authorised recipient.

Not Disclosable Conduct

Under the RO Act, the ROC is only able to investigate matters which meet certain criteria.

If you have answered no to some of these questions, your matter might relate to a complaint or breach of internal rules or policy. If it does, you should consider reporting the matter to your organisation for it to take appropriate action.

What information do you have?

For Example

- What have you observed? Time, place, circumstances?
- What information, documents, images, etc. (if any) are you aware of?
- Are there any witnesses?
- What other evidence (direct or indirect) are you aware of?

Are you a current or former officer, employee, member, supplier, or a lawyer acting on behalf of one of the above?

Does your matter relate to disclosable conduct under the RO Act?

Does your disclosable conduct relate to a registered organisation?

Have you considered raising the disclosable conduct with your registered organisation?

- A Your designated official or manager
- B A person from the relevant committee or human resources
- C A senior official or your National Office

Do you have information relevant to your concerns about Disclosable Conduct?

YES



You can report matters over the telephone, or in writing.



What type of conduct does your matter relate to?

ROC

- Disclosure obligations
- Financial reporting
- Annual returns
- Notifications of changes
- Registered organisation's elections
- Improper conduct by officers and members

FAIR WORK COMMISSION OR FAIRWORK OMBUDSMAN

- A contravention by your registered organisation relating to a term or condition of employment or industrial action
- Preventing or coercing an employee from exercising a workplace right
- Hindering, obstructing or misleading any person empowered by the *Fair Work Act 2009*.

AUSTRALIAN BUILDING AND CONSTRUCTION COMMISSION

- In relation to the construction industry:
- unlawful industrial action
 - right of entry breaches

These agencies may refer matters to Police or the ACCC

ROC

- 🌐 www.roc.gov.au
- ✉ regorgs@roc.gov.au
- ☎ 1300 341 665
- 📍 GPO Box 2983, Melbourne VIC 3001

Fair Work Commission

- 🌐 www.fwc.gov.au
- ☎ 1300 799 675

Fair Work Ombudsman

- 🌐 www.fairwork.gov.au
- ☎ 13 13 94

ABCC

- 🌐 www.abcc.gov.au
- ☎ 1800 003 338

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This infographic is not intended to be comprehensive. It is designed to assist in gaining an understanding of reporting disclosable conduct, the Registered Organisations Commission and its work. The Registered Organisations Commission does not provide legal advice.