**Template Form TF 019** | 6 March 2023

# Reporting a protected disclosure

## Whistleblowing under the *Fair Work (Registered Organisations) Act 2009*

## Purpose of this document

This document is designed to help you lodge a protected disclosure with the Fair Work Commission (the Commission) in writing or over the telephone. It may assist you to identify what information is relevant and provide it to the Commission for investigation.

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|  | **This form is meant for phone and written disclosures**You can use this form as a guide even if you want to remain **anonymous**. The form will help you understand what we can and can’t investigate (our jurisdiction) and what we need to know to look into your disclosure. It will **help you** give us more relevant information and evidence. |

While this document is about lodging a protected disclosure with the Commission, protected disclosures under the *Fair Work (Registered Organisations) Act 2009* (the RO Act) can also be lodged with the Fair Work Ombudsman.

Consider which regulator is most relevant to your complaint before you lodge it.

To make an eligible disclosure with the Commission, call 1300 341 665 to discuss your responses to the questions on this form, or email it to regorgs@fwc.gov.au.

## About You

1. Your contact details

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| **Your name** |  |
| **Contact details** | Email | Telephone |

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|  | You can remain anonymous, but this **may limit any investigation** of the disclosure if we are unable to contact you to obtain more information as we progress our investigation. We will also not be able to notify you of the outcome of the investigation. Alternatively, you could provide us with your name and contact details and ask that we don’t reveal them to others. This will help us investigate your concerns and also protect your identity. |

## Are you an eligible discloser?

1. To be an eligible discloser, you must fall within at least one of the categories below.

Identify the category relevant to you.

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| --- | --- |
| Officer / former officer of a registered organisation | [ ]  |
| Employee / former employee of a registered organisation | [ ]  |
| Member / former member of a registered organisation | [ ]  |
| A person (or their employer) who has / had a contract for supply of goods or services to (or any other transaction with) a registered organisation / branch  | [ ]  |
| A person (or their employer) who has / had a contract for supply of goods or services to (or any other transaction with) an officer of a registered organisation / branch acting on its behalf | [ ]  |
| A lawyer on behalf of any of the above | [ ]  |

## Who is your complaint about?

1. Identify the registered organisation that your complaint relates to.
A list of federally registered organisations can be found on our [website](https://www.fwc.gov.au/registered-organisations/find-registered-organisation).
Specify the branch if your complaint is about a branch of a registered organisation.

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| **Name of the registered organisation** |  |
| **Name of the branch (if relevant)** |  |
| **Name of the officer (if relevant)** |  |

## What is your complaint about?

1. Tell us what your complaint is about. Only certain disclosures are protected under theRO Act.

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|  | **We cannot help you with service issues**If you have a complaint about the level of service you have received from your organisation (e.g. you were not satisfied with their assistance / representation), we are not able to assist. You should speak to the organisation directly or your consumer affairs office. |

Below are common **examples of disclosable conduct** that are reported to the Commission.
If the nature of your complaint is not listed, please describe it as ‘other’.

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| **Examples of disclosable conduct**  |  |
| Refusing membership of an organisation to a person eligible to join | [ ]  |
| Using the organisation’s resources to favour one candidate over another in an election(s) | [ ]  |
| Other election-related conduct, e.g. interference in the election process, not conducting elections or other irregularities | [ ]  |
| Failure to keep an accurate register of members | [ ]  |
| Providing false or misleading information about the records of an organisation | [ ]  |
| Not declaring loans, grants and donations over $1000  | [ ]  |
| Not providing financial reports to members | [ ]  |
| Officer not acting with due care and diligence or in good faith in financial matters, including unauthorised expenditure | [ ]  |
| Officer / employee using their position or information to benefit themselves / others, or to cause detriment to the organisation  | [ ]  |
| Other (please specify): | [ ]  |

## Describe the disclosable conduct

1. Tell us more about what you know about the disclosable conduct?

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|  | When filling in this box, please consider the following questions and provide as much information as possible:* Who was involved in the conduct?
* What was the conduct?
* When did the conduct occur?
* Where did the conduct occur?
* Why do you think the conduct breaches the RO Act or the organisation’s rule/s or relevant policies?
* How do you know about the conduct?
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## What evidence do you have?

1. Identify the evidence you have to support your complaint. Please tell us if you don’t have evidence in your possession, but you know where it can be found.
If you are lodging this form by email, you can attach any evidence you have with this form.

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## Are there any witnesses?

1. Please provide the name(s) and contact details (if possible) of anyone else the Commission may contact to get further information about the conduct.

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## Other information

1. Please let us know if you have any other information you consider relevant to your complaint. You can describe it below or attach it to this form if you are lodging by email.

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| **Shape  Description automatically generated** | Call the Commission on 1300 341 665, orSend this form and any attachments to regorgs@fwc.gov.au |

## What happens after you make an eligible disclosure with the Commission?

We’ll consider your information to determine whether you are eligible for protection under the RO Act. For more information about who is eligible for protection as a whistleblower, please see our [Whistleblower disclosures fact sheet](https://regorgs.fwc.gov.au/sites/default/files/migration/429/fs003-whistleblower-disclosures-fact-sheet.pdf). If you have given us your contact details, we will contact you to discuss the matter, any further information we may need, and any steps we may take to investigate it.

The RO Act requires that a protected disclosure is dealt with within 90 days from the date it is allocated to an authorised official (section 337CB). You can generally expect that the matter will be completed in this period. We will advise you if the investigation is likely to take longer.

We collect and use private information in accordance with our [Privacy Policy](https://www.fwc.gov.au/about-us/legal-and-freedom-information/privacy/privacy-policy). We take steps to protect your personal information and privacy. Your details and the information that you have provided to us will be stored securely.