



ROCpod episode 10 – Behind the scenes with the ROC

Speaker Key

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CH	Christine Hibberd	MG	MaryAnne Guina
SL	Sam Lynch	AN	Announcer
KN	Kylie Ngo		

AN Welcome to ROCpod: Talking with the Registered Organisations Commission. The official podcast of the ROC about the regulation of unions and employer associations. And in this monthly podcast we'll share essential information, uncover handy hints and tips and reveal our best tools for proactive compliance with the complex legislative requirements. Don't forget to subscribe and see how ROCpod can help you and your organisation.

CA Welcome to ROCpod, talking with the Registered Organisations Commission. My name is Caroline Hamilton and I'm a Senior Communications Advisor with the ROC. Here at the ROC, we help organisations to comply with their requirements under the Fair Work Registered Organisations Act 2009, or as we call it, the RO Act for short. To do this, we work to encourage behaviours in registered organisations that see them acting in the best interests of their members, ensuring members' money is spent in a way that is transparent and properly authorised.



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CA This month, we're taking you on a behind-the-scenes look at what happens at the ROC, and meeting some of the people that organisations might encounter when they come to the ROC for advice and assistance. One of the first people you may interact with when you contact the ROC, is Christine Hibberd. She's one of the ROC's administration officers. Hi Christine.

CH Hello

CA So, how do you help organisations and their members when they contact the ROC, Christine?

CH Well, I mainly deal with managing the ROC's email inbox, as well as phone calls that



are made to 1300 341 665. Whenever calls go to voicemail, I check the message and either ring back or pass the message on.



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CA It's worth pointing out that the ROC doesn't have a large call centre like other organisations. Christine is one of a few staff members who answer our phones, and make sure that organisations and individuals get the advice and assistance they need quickly. So, if you ever do call us and reach the voice mailbox, please do leave a message. You'll be surprised how quickly someone responds. So, Christine, what sort of advice do you provide to people who call or email you?

CH People ask me all sorts of questions. Many of them I can answer myself, for example, if the question relates to annual returns or notifications of change. But if it's something I don't know, or I'm unsure of, I always make sure that the query gets passed on quickly to a person who has the knowledge to reply accurately.

CA Thanks, Christine. One of the people Christine might pass your call onto is Kylie Ngo, who's a Financial Reporting Assistant at the ROC. Hi Kylie.

KN Hi Caroline.

CA So, Kylie, tell me what you do as a Financial Reporting Assistant.

KN Well, my job is quite varied, but essentially I assist with the financial reporting process, including loans, grants and donations. I'm also dealing with the process of registration of auditors. And when required, I provide technical financial advice and support to other team members in relation to inquiries and investigations. I also assist with the procurement and invoicing process of the ROC.

CA And, what are the outcomes of what you do?



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KN Well, it is to ensure that all matters lodged with us, are assessed and finalised in a timely manner. Another outcome, and I think this is one of the most important outcomes, is to assist registered organisations and auditors to comply with the RO Act regarding accounts and audits and comply with the reporting guidelines as well as the accounts vendors.

I also make sure that the procurement process at the ROC is in line with the Commonwealth Procurement Guidelines and all invoices to external suppliers are paid on time.

CA So, if someone from a registered organisation gets in touch with you, what sort of help can they expect?

KN Well, if they dealing with me in regarding the assessment of their financial report, it is



often because I have identified non-compliant issues and communicated those with them. I help them to understand the issues, so their next financial reports will comply with the legislation. Other people normally contact me to clarify the timeline of the financial reports.

Sometimes, I get contacted from registered organisations with questions that I was unsure of the answer. And I'm pretty sure some of us here have also experienced that. In those situations, I would escalate or transfer those questions to the right team members within the ROC to make sure that the person would get the correct information as soon as possible.



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CA Thanks for that, Kylie.

KN Thank you, Caroline.

CA Another ROC team member you might come across when you deal with us, is Sam Lynch. Sam is a Senior Adviser in our Compliance and Investigation Team. His team examines suspected contraventions of the RO Act, while also working collaboratively with organisations to improve their governance. Hi Sam.

SL Hello.

CA So, what do you typically do everyday?

SL My role is to work on investigations, inquiries and litigation matters, and there's a range of tasks involved with that. But typically, on a day-to-day basis, I might write to an organisation, work on evidence, prepare a notice to produce, or review an interview transcript, to name just a few things. My work is really varied.

CA So, why do you do these things?

CL Under the legislation, the Registered Organisations Commissioner can make inquiries and conduct investigations. And the short answer is that I assist with that. But more broadly, organisations, and importantly their members, benefit from compliant registered organisations that exercise good governance.



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CA So, what sort of help and assistance do you provide?

SL It's important that people know that in the early stages, and whenever the ROC begins an inquiry or investigation, we try to work with the organisation and any other relevant people, in the first stance, to address and solve any non-compliance and promote good governance.

I'm often engaging with the organisations and help them to identify any potential issues or any potential non-compliance. We find that the vast majority of organisations want to do the right thing and meet their compliance obligations. I'm



often able to provide advice and assistance at an early stage, to help organisations comply with their obligations under the RO Act. And this might be over the phone, by email or by letter.

CA Great, thank you for sharing that, Sam. One of the most common ways our stakeholders might deal with the ROC, is via our education team. The ROC has developed a range of education activities and resources, in consultation with registered organisations and peak bodies, to enable organisations to meet their obligations under the RO Act. Kristina Menzies is a Senior Adviser on the ROC's Education and Reporting team, and she's here with us today. Welcome, Kristina.

KM Hi Caroline, it's great to be on the podcast this month.

CA So, what does your day-to-day job look like, Kristina?



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KM Well, day-to-day I'm part of a team that's responsible for creating resources that assist organisations to comply with the RO Act. We've got a number of guidance notes, fact sheets and templates on our website. We also have more dynamic content, like the compliance calculator, and of course, this podcast.

Creating these resources is a huge part of my job. I also help organise our interstate workshops. My team's available to assist people over the phone. And from time to time, I assess matters like annual returns and elections, and in doing this I provide tailored guidance over the phone.

CA Why do you do what you do?

KM Well, Caroline, we recognise that not everyone is a lawyer, and understanding the Act can be a bit of a challenge. So, we try to make resources that are both useful and easy to understand. We also want to make compliance as simple as possible and being readily available over the telephone to answer questions on the spot is part of this responsibility. A key aim of the education team is to reduce non-compliance. We know that overwhelmingly people want to comply. So, we're here to assist them to do just that.

CA If someone needs assistance from you, what does that typically look like?

KM The assistance I provide comes in many forms. It might be via a paper-based resource, like a fact sheet on our website. But we also recognise that people like to learn in different ways. So, there are a variety of communications available, like this podcast, for example.



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KM Last month, my team launched the first of the ROC's e-learning modules. The idea



behind the E-Learning Centre on our website, is to provide opportunities for quick and interactive learning. So, we're looking at how we can roll out further modules on other compliance topics. The Education Team also tries to be responsive to people who use our resources. When we identify reoccurring non-compliance in a particular area, the ROC addresses the issue on an individual level with the organisation.

You may have heard Sam talk about the work of the compliance team in that space. However, in the Education Team, we also consider whether a resource, like a podcast episode, a fact sheet or an interactive workshop, would assist all registered organisations with that issue.

CA Great, thank you so much for joining us today, Kristina.

KM You're welcome.

CA Another one of our lawyers is MaryAnne Guina. She's the Principal Advisor of Compliance and Investigations at the ROC, and one of the areas she provides assistance, is to whistleblowers. MaryAnne is one of the people that a whistleblower, or potential whistleblower, might deal with when they contact the ROC with a complaint about a registered organisation under our whistleblower scheme. Hi MaryAnne.



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MG Hello, Caroline. Thank you for this opportunity to speak with you today.

CA So, can you tell me what you do?

MG Yes, I and my team, handle the disclosures that are received by the ROC. The RO Act provides protection to people called eligible disclosers, which are more commonly called whistleblowers, when they make a report about disclosable conduct by an organisation, it's officers or it's employees. Not all conduct that is reported to the ROC qualifies as a protected disclosure though, and I talk to the whistleblowers or the potential whistleblowers to determine if they're information is covered by the disclosure scheme as it's set out in the RO Act.

CA And so what do you do when there's an eligible disclosure? What are the next steps?

MG Well, once a disclosure is made to the ROC, and that's normally through email or telephone contact from a discloser, we engage in further contact with them to gain a better understanding and further details of the nature of their disclosure. This will include a request for documentary evidence that assists in substantiating the alleged disclosable conduct.

Therefore, the more proof of conduct that a discloser has available, the quicker that we can progress the matter, which is always of benefit to all parties. It is invariably the case though that we will need to contact the relevant registered organisation to raise the conduct with it, and to seek further information. The ROC does not disclose



any details about the discloser's identity to the organisation when doing this.



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MG However, sometimes it may be the case that the nature of the disclosed information may allow the identity to be ascertained by the organisation, and that's something maybe disclosers may wish to take into consideration. We do obtain information from the relevant sources, and then dependant upon the issue or whether there's more than one issue, we conduct our investigation. Ultimately, the commissioner or the delegate will advise the outcome of the investigation to all parties at the conclusion of our investigation.

CA So, who can be a discloser?

MG Well, the RO Act defines who can be a discloser and these include a current or former officer, employee or member of a registered organisation, a person who has, or has had, a contract to provide services or goods or another transaction with a registered organisation, or with one of its branches, and this includes with any current or former officer or employee, if they were acting on behalf of the organisation or the relevant branch at the time.

CA And what sorts of things can be disclosed?

MG Well, as mentioned earlier, Caroline, a disclosure needs to relate to disclosable conduct. So, this means it needs to be an act or an omission that may amount to a contravention of the RO Act, or the Fair Work Act, or Australian Consumer Law, or may amount to an offense under a law of the Commonwealth or a state or territory.



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MG I would just like to emphasise though, that decisions an organisation may make related to its internal operation, such as the services they provide to members, or campaigns they decide to undertake are not issues that fall within the definition of disclosable conduct. And we do get some queries about that aspect, but there's nothing that we can do about that.

CA So, I understand the whistleblowers are also protected from reprisals. What does that mean?

MG Yes, that's right, Caroline. The RO Act states that disclosers are protected from certain actions, called reprisal actions, and this basically amounts to a detriment to the discloser. This includes that the discloser cannot be dismissed from, or prejudiced or discriminated in, their employment. Also, they cannot be harassed, intimidated, harmed or injured, and this does include psychological harm, or suffer damage to their property of reputation, because another person believed, or it's suspected, that they made, or could have made, or may be making, a disclosure.

CA Thank you, MaryAnne.



MG Thank you, Caroline.



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CA There's a lot more information resources about whistleblower disclosures on our website. And anyone who needs more information is really urged to check those out. Thank you to everyone who listened to this episode of our podcast and met some of the people behind the ROC. The ROC is here to help registered organisations with any queries or questions, and we encourage you to do so whenever you need. And as you can see, we're only too happy to do so.

Please join us next month for a new episode of ROCpod. We're currently reworking our release schedule to ensure that the topic is addressing the questions and concerns of the people that we're here to assist.

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