
1. Purpose

- To promote a culture and environment that encourages and supports disclosure of suspected misconduct of Footprints Community Limited (**Footprints**) personnel.
- To outline procedures for making and managing disclosures of alleged or suspected misconduct at Footprints.
- To outline the supports and protections available to eligible persons making disclosures under relevant whistleblower legislation.

2. Scope

This policy and procedure only applies to the following circumstances:

Disclosures made by a person other than a client or a client representative

- Disclosures made about reportable conduct outlined in [Appendix A](#) relevant to the Corporations Act, Taxation Act, NDIS Act and Aged Care Act as it applies to Footprints.

Disclosures made by or on behalf of clients

- Disclosures of reportable conduct outlined in [Appendix A](#) made by or on behalf of clients under:
 - NDIS Act
 - Aged Care Act.

Disclosures outside the scope of this policy and procedure

- For clarity, disclosures not covered by this policy and procedure may be covered by protections for whistleblowers in other legislation.
- Client complaints about any Footprints services that do not amount to reportable conduct will be managed in accordance with the [Feedback Management Policy and Procedure](#).

Disclaimer: This document does not constitute legal advice. This document (including the Appendices) is a summary of the main provisions of the whistleblower protections as they generally apply. There are differences between the whistleblower protections in each of the Acts and the protections apply differently across those Acts (See [Appendix A](#) for details). It is recommended that persons considering making a disclosure seek legal advice about the whistleblower protections that will apply to them in the circumstances.

3. Statement

- Footprints is committed to fostering an open and transparent culture, encompassing integrity and ethical behaviour in all its endeavours.
- Footprints encourages disclosure of any matters which may be considered unethical, illegal, or representative of serious wrongdoing or misconduct.
- Footprints is committed to ensuring this policy and procedure is accessible to anybody who requires it. A copy will be published on Footprints' website, available to all personnel, clients and their representatives and others who may wish to use it.
- Whistleblower protections are provided to eligible persons making eligible disclosures of misconduct, so that they may do so without fear of reprisal or adverse consequences.
- This document should be read in conjunction with Footprints [Code of Conduct](#).
- The [Privacy and Confidentiality Procedure](#) applies to disclosures made under this policy. Where there is any conflict between the Privacy and Confidentiality Procedure and the Whistleblower Policy and Procedure, the Whistleblower Policy and Procedure will take precedent, to the extent of the discrepancy.

4. Procedure

4.1 Disclosers

For the purposes of this policy and procedure a 'discloser' is a person disclosing misconduct within the scope of this whistleblower policy. A discloser may also be referred to as a 'whistleblower'. Only certain disclosers are eligible for the whistleblower protections. The eligible disclosers under each Act are outlined in [Appendix A](#).

4.2 Reportable Conduct

The types of reportable conduct to which the whistleblower protections apply under each Act are outlined in [Appendix A](#).

4.3 Discloser's basis for belief

The whistleblower protections apply to disclosures made by a discloser who has reasonable grounds to suspect that misconduct has occurred, and in the case of disclosures under the NDIS Act or Aged Care Act, the discloser must also make the disclosure in good faith. The discloser remains covered by the relevant whistleblower protections even if upon investigation, the alleged misconduct cannot be substantiated.

4.4 Non-protected conduct

Generally, disclosures concerning a personal work-related grievance of an employee will not amount to misconduct and will not be covered by this policy or protected under the whistleblower protections. Such excluded conduct may include, but is not limited to:

- interpersonal conflict between employees;
- a decision that does not involve a breach of workplace laws;
- a decision about the engagement, transfer or promotion an employee;
- a decision about terms and conditions of employment;
- a decision to suspend or terminate employment, or which otherwise relates to workplace disciplinary matters.

These matters will be managed in accordance with the [Staff Grievances Policy and Procedure](#).

However, a personal work-related grievance may still qualify for protection and be covered by this policy if:

- it includes, or is accompanied by information that meets the requirements for reportable conduct as set out in [Appendix A](#);
- the grievance suggests misconduct beyond the personal circumstances of the employee and that meets the requirements for reportable conduct as set out in [Appendix A](#)
- it concerns a contravention, or alleged contravention of the Corporations Act prohibition against victimisation of disclosers; or
- the discloser seeks legal advice or legal representation about the operation of the whistleblower protections under the Corporations Act.

4.5 False or unreasonable reports

The whistleblower protections do not apply to disclosures which have no reasonable basis and, under the NDIS Act and Aged Care Act only, have not been made in good faith. Disclosures which are found to be deliberately false, vexatious, or otherwise manifestly unreasonable are not protected and will be treated by Footprints as a very serious matter. Persons who make such disclosures may be subject to civil liability, criminal liability or administrative liability including disciplinary action by Footprints.

4.6 Eligible Recipients

Only disclosures made to one or more eligible recipients are covered by the whistleblower protections.

4.6.1 Internal Eligible Recipients

The categories of personnel and other persons related to Footprints who are eligible internal recipients of protected disclosures under each Act are outlined in [Appendix A](#).

Most staff and volunteers of Footprints are not eligible recipients and disclosures made to them will not be eligible for the whistleblower protections. Employees, clients, and other persons who indicate a wish to raise a concern should be directed to the appropriate eligible recipient/s before the disclosure is made.

4.6.2 External Eligible Recipients

Regulators and other persons not related to Footprints who are eligible external recipients of protected disclosures under each Act are outlined in [Appendix A](#).

Please note that although Footprints is a registered charity, the Australian Charities and Not-for-Profits Commission (ACNC) is not an eligible recipient under the whistleblower protections.

4.6 How to make a disclosure

4.6.1 Internal disclosures

Disclosures of reportable conduct to internal eligible recipients may be made to Footprints addressed to the eligible recipient by email at executive@footprintscommunity.org.au or by post to PO Box 735, New Farm Qld 4005 marked confidential and addressed to Executive.

Contact can also be made directly with the eligible recipients by phone or in person. Contact details for these are on Footprints internal directory.

4.6.2 External disclosures

Contact the relevant external eligible recipient or visit its website to find out how to make a disclosure and how the disclosure will be handled.

4.6.3 Content of disclosures

Disclosures should include as much factual information as possible, including details of the conduct, person/s involved, times and dates, where available and any supporting evidence.

4.6.4 Anonymity

Protections apply to anonymous disclosures under the Corporations Act and the Taxation Act. Disclosers can remain anonymous while making a disclosure, over the course of any investigation, and after an investigation is finalised. The discloser can refuse to answer questions that they feel could reveal their identity at any time, including during follow-up conversations, however, it may not be possible to undertake an effective investigation if an anonymous discloser cannot be contacted.

Anonymous disclosures can be made by post to PO Box 735, New Farm Qld 4005 marked confidential and addressed to Executive.

Anonymous disclosures are not permitted under the Aged Care Act or the NDIS Act and will not be subject to whistleblower protections. Eligible disclosers under those Acts are required to give their name to the eligible recipient before making the disclosure in order to qualify for protection.

4.7 Protections for the Discloser

4.7.1 Identity protection (confidentiality)

An eligible recipient or other person who receives a disclosure of reportable conduct under the Corporations Act or Taxation Act must not disclose the identity of the discloser or information that is likely to lead to identification of the discloser except:

- if the disclosure is authorised by the relevant whistleblower legislation, including if it is made:
 - to ASIC (Corporations Act only);
 - to the Commissioner of Taxation (Taxation Act only);
 - to a member of the Australian Federal Police;
 - to a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the operation of the whistleblower protections in those Acts; or
 - with the consent of the discloser; or
- if the disclosure is not of the identity of the discloser and is reasonably necessary for the purpose of investigating the disclosure, and the person making the disclosure takes all reasonable steps to reduce the risk that the discloser will be identified as a result of the disclosure.

Breach of this confidentiality protection requirement may result in civil or criminal liability of Footprints and/or personnel and/or other persons involved in the contravention and may result in disciplinary action by Footprints against the personnel involved.

4.7.2 Protection from detrimental acts or omissions (victimisation)

A person must not engage in conduct that causes detriment to a discloser (or another person) when the first person believes or suspects that the discloser (or another person) has made, or may have made, or proposes to make or could make, a disclosure.

In addition, a person must not intentionally or recklessly make a threat to cause detriment to a discloser (or another person) in relation to a disclosure or proposed disclosure. A threat may be express or implied, or conditional or unconditional.

Conduct that causes detriment includes, but is not limited to:

- dismissal of an employee;
- injury of an employee in their employment;
- alteration of an employee's position or duties to their disadvantage;
- discrimination between employees (refer [Anti-discrimination & Equal Opportunity Policy & Procedure](#) for more information);
- harassment or intimidation of a person;
- harm or injury to a person, including psychological harm;
- damage to a person's property, reputation or business or financial position; or
- any other damage to a person.

Actions which do not represent detrimental acts include, but are not limited to:

- reasonable management of work performance;
- reasonable actions intended to provide protection from detriment (e.g. temporary change in work conditions or location while investigations are pending; changes to support plan or staff providing supports).

Breach by Footprints personnel of these prohibitions against victimisation of disclosers or potential disclosers may result in civil or criminal liability of Footprints and/or personnel and/or other persons involved in the contravention and may result in disciplinary action by Footprints against the personnel involved.

4.7.3 Compensation and other remedies

Disclosers and other persons may be entitled to seek compensation or other legal remedies from Footprints and/or personnel and/or other persons, if they suffer loss, damage, or injury because of detrimental conduct taken in relation to a disclosure. Disclosers should seek independent legal advice in relation to this.

4.7.4 Liability protection

Protections for eligible disclosers in relation to their disclosure include:

- civil liability (e.g. legal action against the discloser for breach of an employment contract, duty of confidentiality or another contractual obligation owed to Footprints or another person);
- prosecution for criminal liability by relevant regulators, such as ASIC or law enforcement agencies; and
- administrative liability including disciplinary action by Footprints,

and no contractual or other remedy can be enforced, or right exercised against a protected discloser (such as termination of employment or demotion) on the basis of their disclosure.

However the whistleblower protections do not grant immunity for any misconduct by the discloser, which is revealed by their disclosure or the investigation of it.

4.8 Public interest disclosure or emergency disclosure

In very specific circumstances (outlined in [Appendix B](#)), disclosures may be made to a parliamentarian or journalist where this is in the public interest or there is an emergency (i.e. a substantial imminent danger to health or safety). Independent legal advice is recommended prior to making a public interest disclosure or emergency disclosure. Where the eligibility criteria are satisfied, public interest disclosures and emergency disclosures are protected under the whistleblower protections in the Corporations Act.

4.9 Support and protection for Disclosers

4.9.1 Identity protection and confidentiality

All information provided to Footprints' personnel will be managed in accordance with the Privacy and Confidentiality Procedure (see [Section 3](#) above).

The whistleblower protections require that during and after the investigation process, Footprints must not disclose information that is likely to lead to the identification of the discloser except with the discloser's consent or as otherwise permitted – see **4.7.1**.

Footprints will take appropriate measures to ensure the confidentiality of the discloser's identity. Measures may include, but are not limited to:

- redacting identifying information from reports and internal correspondence in relation to the disclosure noting that information other than a person's name may lead to them being identified;
- liaising with the discloser to identify aspects of their disclosure that could inadvertently identify them;
- referring to the discloser with gender-neutral language and context;
- handling and investigation of disclosures by qualified personnel;
- storing and sending all paper and electronic documents and other materials relating to disclosures securely;
- limiting access to all information relating to disclosures to those directly involved in managing and investigating the disclosure;
- restricting the number of people who are aware of the disclosure and the discloser's identity (subject to the discloser's consent);
- reminding all persons handling and investigating a disclosure about the confidentiality requirements, including that an unauthorised disclosure of a discloser's identity may be a criminal offence;
- If disclosure is required, seeking the discloser's consent for disclosure.

Disclosers should be made aware that anonymity and confidentiality of identity cannot be guaranteed. In some circumstances it may be possible for people with relevant knowledge to guess the discloser's identity or for other legal processes to require release of information that could identify a discloser.

4.9.2 Protection from detriment

Footprints will take appropriate measures to ensure that disclosers are protected from detriment. Measures may include, but are not limited to:

- as soon as possible after receiving a disclosure, assessing the risk of detriment against a discloser;
- providing support services (including counselling or other professional or legal services);
- implementing strategies to help the discloser minimise and manage stress, time or performance impacts, or other challenges resulting from the disclosure or its investigation;
- allowing disclosers who are employees, volunteers or contractors to perform their duties from another location, reassigning them to another role at the same level, making other modifications to their workplace or the way they perform their work duties, or reassigning or relocating other staff involved in the reportable conduct;
- implementing processes for ensuring that management are aware of their responsibilities to maintain the confidentiality of a disclosure, addressing the risks of isolation or harassment, managing conflicts, and ensuring fairness when managing the performance of, or taking other management action relating to, a discloser;
- providing procedures on how a discloser can lodge a complaint if they have suffered detriment, and the actions that Footprints may take in response to such complaints
- initiating interventions for protecting a discloser if detriment has already occurred. These might include investigating and addressing the detrimental conduct, such as by:
 - taking disciplinary action against those involved in the breach;
 - allowing the discloser to take extended leave;
 - developing a career development plan for the discloser that includes new training and career opportunities
 - offering an apology, compensation, or other remedies.

Disclosers should seek independent legal advice or contact the relevant regulatory bodies who are eligible recipients for protected disclosures (such as ASIC) if they believe they have suffered detriment.

4.10 Investigation and management of the disclosure

4.10.1 Handling a disclosure

Upon receipt of a disclosure to Footprints' personnel, the recipient will inform the discloser of receipt (unless anonymous) and determine whether the information disclosed falls within the scope of this policy, and which whistleblower protections apply. Where the recipient is not a member of Footprints Executive or Board (applicable under *Aged Care Act* only), the disclosure will be escalated to a member of the Executive for handling.

Where and while it remains unclear whether a disclosure qualifies for protection, the discloser will be treated as though they were protected under the whistleblower protections.

Appropriate training will be provided to relevant personnel, particularly those who are eligible to receive disclosures and those with specific responsibilities under this policy. Appropriate records and documentation for each step in the process will be maintained.

4.10.2 Investigating a disclosure

Each disclosure will be assessed and may be the subject of an investigation. The recipient will determine whether any investigation should be conducted, whether internally or externally (including obtaining legal advice as required), and who should lead any internal investigation. The objective of an investigation will be to determine whether there is enough evidence to substantiate or refute the matters disclosed. Investigations will be conducted in a timely, fair and objective manner, independent of any person/s to whom the disclosure relates. The discloser may be requested to provide further information.

Regular progress reports will be given to the discloser (unless anonymous), and appropriate supports provided to both the discloser (unless anonymous) and the subject/s of the disclosure.

Issues identified from the investigation will be dealt with and resolved or otherwise finalised in a timely and efficient manner.

A formal account of the disclosure, investigation and any outcomes will be provided to both the Executive Management Committee and the Board. The discloser will be informed when the investigation process has completed and, unless it would not be appropriate in the circumstances, the discloser will be informed of the outcome. Where appropriate, the subject/s of the disclosure or other persons mentioned in it will also be informed of the outcome.

If the discloser is not satisfied with the outcome of Footprints' investigation, they may contact the relevant regulatory bodies who are eligible recipients for protected disclosures in the circumstances (such as ASIC).

4.11 Ensuring fair treatment of employees mentioned in a disclosure

Footprints will take appropriate measures to ensure fair treatment of employees who are mentioned in a disclosure, including those who are the subject of a disclosure. Measures may include, in addition to other measures outlined above:

- disclosures will be handled confidentially as to the identity of any person who is the subject of, or mentioned in the disclosure, when it is practical and appropriate in the circumstances;
- an employee who is the subject of a disclosure will be advised about the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness, and prior to any actions or investigations being taken;
- an employee who is the subject of a disclosure may be provided with support services (including counselling or other professional or legal services).

5. Definition/s

Term	Definition
Aged Care Act	• the Aged Care Act 1997 (Cth) and regulations under it.
Corporations Act	• the Corporations Act 2001 (Cth) and regulations under it.

NDIS Act	<ul style="list-style-type: none"> the National Disability Insurance Scheme Act 2013 (Cth) and regulations under it.
Personnel	<ul style="list-style-type: none"> all persons who act on behalf of Footprints including company directors, other officers, employees, volunteers, students and contractors.
Representatives	<ul style="list-style-type: none"> in relation to a client of Footprints, a family member, carer, representative or nominee, advocate (including an independent advocate) or another person who is significant to the client.
Taxation Act	<ul style="list-style-type: none"> the Taxation Administration Act 1953 (Cth) and regulations under it.

6. Related Footprints Documents

Policy / Procedure / Manual / Guideline	<ul style="list-style-type: none"> Anti-discrimination and Equal Opportunity Policy & Procedure Code of Conduct Privacy and Confidentiality Procedure Staff Grievances Policy and Procedure Feedback Management Policy and Procedure
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7. Compliance Requirements

Legislation	<ul style="list-style-type: none"> Refer section 5.
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8. References and Resources

Australian Securities and Investment Commission (2019) *Information Sheet 238: Whistleblower rights and protections*. <<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-rights-and-protections/>>.

Australian Securities and Investment Commission (2019) *Information Sheet 239: How ASIC handles whistleblower reports*. <<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblowing/how-asic-handles-whistleblower-reports/>>.

Australian Securities and Investment Commission (2019) *Regulatory Guide 270: Whistleblower Policies*. <<https://asic.gov.au/regulatory-resources/find-a-document/regulatory-guides/rg-270-whistleblower-policies/>>.

Australian Taxation Office Tax Whistleblowers <https://www.ato.gov.au/General/Gen/Whistleblowers/>

9. Document History

Version	Approval Date	Effective Date	Document Custodian	Approval Authority	Summary of change/s
1.0	26/10/2021	11/2021	CEO	Board	☒ New – developed to outline roles, responsibilities and protections under the Corporations Act 2001 and other whistleblower legislation applicable to Footprints.

Appendix A: Eligibility Table

	Eligible Disclosers	Reportable Conduct	Internal Eligible Recipients	External Eligible Recipients
Corporations Act	<p>Individuals who are, or have been any of the following in relation to Footprints:</p> <ul style="list-style-type: none"> officers (inc. company directors) or associates; employees; suppliers, contractors, consultants, service providers or business partners, and their employees; a relative, spouse or dependant of any of the above. 	<p>The whistleblower protections under the Corporations Act apply to disclosures of information made to relevant internal or external eligible recipients if the eligible discloser has reasonable grounds to suspect that the information:</p> <ul style="list-style-type: none"> concerns misconduct, or an improper state of affairs or circumstances in relation to Footprints; or indicates that Footprints or an officer or employee of Footprints has engaged in conduct that: <ul style="list-style-type: none"> constitutes an offence under the Corporations Act, or other specified legislation (however, the Taxation Act, the NDIS Act and the Aged Care Act are not specified for this purpose); or constitutes an offence against any other law of the Commonwealth (including the Taxation Act, the NDIS Act or the Aged Care Act) that is punishable by imprisonment for a period of 12 months or more); or represents a danger to the public or financial system. 	<ul style="list-style-type: none"> Company directors or a company secretary of Footprints; and Members of the Executive Management Committee of Footprints. 	<ul style="list-style-type: none"> An auditor or member of an audit team conducting an audit of Footprints; and The Australian Securities and Investment Commission (ASIC); A legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the operation of the whistleblower protections in the Corporations Act (even in the event that the legal practitioner concludes that a disclosure does not relate to reportable conduct).
	Eligible Disclosers	Reportable Conduct	Internal Eligible Recipients	External Eligible Recipients
Taxation Act	<p>Individuals who are, or have been any of the following in relation to Footprints:</p> <ul style="list-style-type: none"> officers (inc. company directors) or associates; employees; suppliers, contractors, consultants, service providers or business partners and their employees; a relative, spouse or dependant of any of the above 	<p>The whistleblower protections under the Taxation Act apply to disclosure of information to relevant internal or external eligible recipients:</p> <ul style="list-style-type: none"> if the discloser has reasonable grounds to suspect that the information indicates misconduct, or an improper state of affairs or circumstances in relation to the tax affairs of Footprints; and the discloser considers that the information may assist the eligible recipient to perform duties or functions in relation to the tax affairs of Footprints. 	<ul style="list-style-type: none"> Company directors or a company secretary of Footprints; and Members of the Executive Management Committee of Footprints. 	<ul style="list-style-type: none"> The Commissioner of Taxation

	Disclosers	Reportable Conduct	Internal Eligible Recipients	External Eligible Recipients
Aged Care Act	<p>A person or body who is or was, any of the following in relation to Footprints:</p> <ul style="list-style-type: none"> • ‘key personnel’ (as defined in the Aged Care Act, including directors and persons responsible for the day-to-day operations of the aged care services provided by Footprints, whether or not an employee of Footprints); • a staff member (an individual who is employed, hired, retained or contracted by Footprints (whether directly or through an employment or recruiting agency) to provide care or other services; • a client or a Representative of a client; or • a volunteer who provides care or other services for Footprints. 	<p>The whistleblower protections under the Aged Care Act apply to disclosure of ‘reportable incidents’ (s 54.3) to relevant internal or external eligible recipients where:</p> <ul style="list-style-type: none"> • the discloser gives their name to the eligible recipient before making the disclosure; • the discloser has reasonable grounds to suspect that the information indicates that a reportable incident has occurred; and • the discloser makes the disclosure in good faith. <p>A ‘reportable incident’ is any of the following incidents that have occurred, are alleged to have occurred, or are suspected of having occurred, in connection with aged care services provided by Footprints to a client:</p> <p>(a) unreasonable use of force against the client;</p> <p>(b) unlawful sexual contact, or inappropriate sexual conduct, inflicted on the client;</p> <p>(c) psychological or emotional abuse of the client;</p> <p>(d) unexpected death of the client;</p> <p>(e) stealing from, or financial coercion of, the client by a staff member of Footprints;</p> <p>(f) neglect of the client;</p> <p>(g) use of physical restraint or chemical restraint in relation to the client (other than in circumstances set out in the Quality-of-Care Principles);</p> <p>(h) unexplained absence of the client from the residential care services of Footprints</p>	<ul style="list-style-type: none"> • Company directors or a company secretary of Footprints; • members of the Executive Management Committee of Footprints; • staff members who are involved in providing aged care services to Clients <p>While some Footprints’ staff members may be eligible recipients in relation to aged care services, Footprints strongly encourages all disclosures to be made to company directors and members of the Executive Management Committee.</p>	<ul style="list-style-type: none"> o The Quality and Safety Commission; and o a police officer.
	Disclosers	Reportable Conduct	Internal Eligible Recipients	External Eligible Recipients
NDIS Act	<p>A person who is any of the following in relation to Footprints:</p> <ul style="list-style-type: none"> • an officer; • an employee; • a person who has a contract for the supply of goods or services to, or on behalf of, Footprints; or • a client or a Representative of a client. 	<p>The whistleblower protections under the NDIS Act apply to disclosure of information to relevant internal or external eligible recipients where:</p> <ul style="list-style-type: none"> • the discloser gives their name to the eligible recipient before making the disclosure; • the discloser has reasonable grounds to suspect that Footprints has or may have contravened a provision of the NDIS Act; and • the discloser makes the disclosure in good faith. 	<ul style="list-style-type: none"> • Company directors or a company secretary of Footprints; and • members of the Executive Management Committee of Footprints. 	<ul style="list-style-type: none"> o The NDIS Quality and Safeguards Commission; and o The National Disability Insurance Scheme Launch Transition Agency.

Appendix B: Criteria for Public Interest Disclosure and Emergency Disclosure

Criteria	Category of Disclosure	Corporations Act requirement
Previous report	Public interest disclosure and emergency disclosure	The Discloser must have previously made a disclosure to ASIC that qualifies for the whistleblower protections under the Corporations Act
90 days	Public interest disclosure	At least 90 days have passed since the protected disclosure was made to ASIC
No action by ASIC	Public interest disclosure	The Discloser does not have reasonable grounds to believe that action is being or has been taken in relation to the disclosure. Note: ASIC will communicate with Disclosers who make disclosures to ASIC, but may not be able to tell the Discloser what specific action ASIC may take in response to the disclosure.
Public interest	Public interest disclosure	The Discloser has reasonable grounds to believe that: <ul style="list-style-type: none"> making further disclosure is in the public interest.
	Emergency disclosure	<ul style="list-style-type: none"> the information in the disclosure concerns a substantial and imminent danger to the health or safety of one or more people or to the natural environment.
Prior written notice to ASIC	Public interest disclosure and emergency disclosure	Before making the public disclosure, the Discloser gives ASIC a written notice that includes sufficient information to identify the earlier disclosure and states the Discloser's intention to make a public interest disclosure or emergency disclosure. Notes: <ul style="list-style-type: none"> This notice could be given by contacting the ASIC officer who received or considered the earlier report and should quote the case reference number of the earlier disclosure. There is no requirement to wait for any time period after giving this notice to ASIC or to have received a response from ASIC before making the public interest or emergency disclosure. Generally, ASIC will not respond to a notice of intended public interest disclosure or emergency disclosure unless ASIC considers it may affect action it is pursuing.
Journalist or parliamentarian	Public interest disclosure and emergency disclosure	The public interest or emergency disclosure can only be made to a journalist (as defined in the Corporations Act) or a member of the Parliament of the Commonwealth, a State or Territory.
Extent of disclosure		The extent of the information disclosed must be no greater than is necessary to inform the recipient:
	Public interest disclosure	<ul style="list-style-type: none"> of the misconduct or improper state of affairs or other basis on which the earlier disclosure was made.
	Emergency disclosure	<ul style="list-style-type: none"> about the substantial and imminent danger.

Reference: Australian Securities and Investment Commission (2019) *Information Sheet 238: Whistleblower rights and protections*. Australian Government <<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-rights-and-protections/>>.