

Appendix 5

The agreement struck between NXT and the Government during the passage of the Fair Work (Registered Organisations) Amendment Bill 2014

Following the agreement to strengthen and enhance whistleblower protections in the Registered Organisation Commission (ROC) legislation, the Government has agreed to the following:

- 1) To support a Parliamentary inquiry to examine the ROC whistleblower amendments with the objective of implementing the substance and detail of those amendments to achieve an equal or better whistleblower protection and compensation regime in the corporate and public sectors.
- 2) To support the Parliamentary inquiry considering, on the basis of mutually agreed terms of reference, matters including but not limited to:
 - a. Compensation arrangements in whistleblower legislation across different jurisdictions, for example the bounty system used in the United States.
 - b. The definition of detrimental action and reprisal and the interaction between criminal and civil liability.
 - c. Issues associated with internal disclosures.
- 3) That the motion to refer this issue to the Parliamentary Committee will be voted on in the Senate (or if a reference to a Joint Committee by both House of Parliament) by Wednesday 30 November 2016 with a reporting date of 30 June 2017.
- 4) That following the tabling of the Parliamentary Committee report, if the report recommends adopting stronger whistleblower protections in the corporate and public sectors, the Government will establish an expert advisory panel to expedite the development and drafting of legislation to implement whistleblower reforms in the corporate and public sectors.
- 5) That legislation will be introduced into the Parliament by December 2017 (subject to any extensions on the Parliamentary inquiry reporting date that may be determined by the Senate) to introduce greater protections for whistleblowers in the corporate and public sectors consistent with the recommendations of the Parliamentary Committee and the expert advisory panel with the proviso that the Government commits to, as a minimum, supporting the substance and detail of the whistleblower protection and compensation regime contained in the ROC legislation.
- 6) The Government will commit to support enhancements to whistleblower protections and commit to a parliamentary vote on the legislation no later than 30 June 2018.

