



Committee	Parliamentary Joint Committee on Corporations and Financial Services
Inquiry	Oversight of ASIC, the Takeovers Panel and the Corporations Legislation No.1 of the 46th Parliament
Question No.	025.1
Date	26 November 2021
Topic	Nuix whistleblower
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Committee member	Senator O'Neill

Question

Senator O'NEILL: Can I ask, a little more pointedly, because I think there is an opportunity, given that the whistleblower—well, there may be more than one, but the whistleblower that was represented by the lawyers who provided information about the Nuix float that we discussed publicly provided me an opportunity to ask: on how many occasions now, in the course of your continuing inquiry, have you gone back to the lawyers to advise them about what's going on? The whistleblower is less at risk, because we're talking about the lawyers. I'm trying to understand how satisfied they would be. What is your standard operating procedure in terms of response and reply?

Mr Longo: I'd make a couple of points. I think ASIC has good, robust procedures in dealing with whistleblowers, as a general matter, and I don't have any concerns about our policy. On the more specific question about the whistleblower, or people who are helping us with this particular investigation on Nuix, I'll ask Deputy Chair Court to comment, because I really want to respect the investigation process.

Senator O'NEILL: Yes. Well, we want a good outcome.

Mr Longo: Yes—exactly. So I might ask Sarah to see what we can say about the particular whistleblower in this matter.

Ms Court: I don't have with me the precise details of the number of times that the whistleblower has been spoken to or contacted. I can assure you, though, that the issues that the committee has raised and the questions and issues that you've put to ASIC in the course of these hearings have been squarely understood by the team, and, as I say, the investigations are being expedited, and so that will naturally involve dealing with a range of potential witnesses [inaudible] more generally. So I don't have the precise details of—

Senator O'NEILL: Maybe you could take that on notice. Again, I'd love as much on the public record as possible, but I'm interested in the information, for us to remain informed about it. **Could you perhaps take on notice, as you might need to go back and have a look: have you changed any of your processes or protocols in light of what became apparent in our questions about Nuix and the way that that was managed?**

Mr Longo: As I said earlier, I carefully looked at what ASIC did at the time, and I think our whistleblowing policies are robust and we conducted ourselves appropriately and in accordance with our policies and procedures at all material times. We obviously take any whistleblowing situation very seriously, and we did that here. I can't say much more than that.

Senator O'NEILL: We might disagree, then!

Answer

[ASIC Information Sheet 239](#) sets out how ASIC handles reports from and communicates with whistleblowers. Under our internal whistleblower policies and procedures, ASIC has a dedicated whistleblower liaison officer in relation to this matter, who was in contact with the whistleblower shortly after the investigation commenced and has continued to be in regular contact with the whistleblower during the course of the Nuix investigations.

Since 2014 ASIC has had a dedicated Office of the Whistleblower to improve ASIC's ability to identify, assess and inquire into whistleblower reports and communicate to whistleblowers including to inform them of their rights and protections under the law. The Office of the Whistleblower oversees ASIC's

whistleblower handling processes, embedded whistleblower liaison officers and ensures ASIC teams comply with internal policies on whistleblowers. ASIC's internal whistleblower policies and procedures are regularly reviewed, including considering cases such as the Nuix case, and updated to embed appropriate handling and communication processes for whistleblowers.