



Public Interest Disclosures

RBF's commitment

RBF is committed to the aims and objectives of the *Public Interest Disclosures Act 2002* (the Act) and will not tolerate improper conduct by its employees or contractors.

RBF will afford natural justice to all parties involved in the investigation and management of a Public Interest Disclosure (Disclosure) and will take all reasonable steps to protect people from any detrimental action in reprisal for making a Disclosure under the Act.

Public Interest Disclosures Act 2002

The objectives of the *Public Interest Disclosures Act 2002* (the Act) are to:

- ▶ encourage and facilitate Disclosures of improper conduct by public officers and public bodies;
- ▶ protect a person making a Disclosure from reprisals;
- ▶ protect other relevant persons from reprisals;
- ▶ provide for the matters disclosed to be properly investigated and dealt with; and
- ▶ provide all parties involved with natural justice.

When does the Act apply?

The Act applies when an authorised person makes an honest Disclosure to an authorised person or body about the improper conduct of a public officer or public body.

Who does the Act apply to?

The Act applies to public bodies, including RBF. It does not apply to the private sector.

Other public bodies the Act applies to include:

- ▶ the Parliament of Tasmania;
- ▶ a State Service Agency;
- ▶ Tasmania Police;
- ▶ a council;
- ▶ a Government Business Enterprise;
- ▶ a State-owned company;
- ▶ a council-owned company;
- ▶ a body or authority, whether incorporated or not, whose members or a majority of whose members are appointed by the Governor or a Minister;
- ▶ any other prescribed body or authority, whether incorporated or not, to which any money is paid by way of appropriation from the Public Account or over which the Government or a Minister exercises control.

What can be disclosed under the Act?

A Disclosure must be about improper conduct, including detrimental action in response to a Disclosure, by a public officer or public body.

Improper conduct must be serious or significant as determined in accordance with guidelines issued by the Ombudsman and must constitute:

- ▶ illegal or unlawful activity;
- ▶ maladministration;
- ▶ professional misconduct;
- ▶ a waste of public resources;
- ▶ a danger to public health or safety or to both public health and safety;
- ▶ a danger to the environment;
- ▶ misconduct, including breaches of applicable codes of conduct;
- ▶ corrupt conduct; or
- ▶ conduct that constitutes detrimental action against a person who makes a public interest disclosure under the Act.

Corrupt conduct includes:

- ▶ conduct that adversely affects, or could adversely affect, either directly or indirectly, the honest performance of a public officer's or public body's functions;
- ▶ conduct of a public officer that amounts to the performance of any of his or her functions as a public officer dishonestly or with inappropriate partiality;
- ▶ conduct of a public officer, a former public officer or a public body that amounts to a breach of public trust;
- ▶ conduct of a public officer, a former public officer or a public body that amounts to the misuse of information or material acquired in the course of the performance of their functions as such (whether for the benefit of that person or body or otherwise); or
- ▶ a conspiracy or attempt to engage in conduct referred to in the above points.

Who can make a Disclosure?

A Disclosure can only be made by a member, officer or employee of a public body or a contractor. For the purposes of the Act, a contractor is:

- ▶ a person who at any time has entered into a contract with a public body for the supply of goods or services to, or on behalf, of the public body;
- ▶ an employee of the contractor; or
- ▶ a subcontractor engaged by the contractor to fulfil all or part of a contract with a public body for the supply of goods or services to, or on behalf of, the public body.

What legal protections does the Act provide to disclosers?

The Act provides protections to the discloser from actual or threatened detrimental action. Detrimental action includes:

- ▶ action causing injury, loss or damage;
- ▶ intimidation or harassment; and
- ▶ discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business including the taking of disciplinary action.

Considering making a Public Interest Disclosure?

There are limitations as to who can make a Disclosure, the type of information that can be disclosed, and to whom Disclosures can be made before legal protections apply.

If you are considering making a Disclosure, consider obtaining advice before doing so to ensure that the Disclosure is made in the correct form and to the appropriate agency or person so that all available legal protections apply.

Issued by the Superannuation Commission (ABN 96 573 090 182) as trustee of the Retirement Benefits Fund (ABN 51 737 334 954)

This fact sheet was current at the time of publication but is subject to change without notice. If there are any mistakes or omissions in the information, we reserve the right to correct those errors or omissions. The provisions of the *Public Interest Disclosures Act 2002* will prevail over any misstatement in this fact sheet.

(V4-05/20)

Who should a Disclosure be made to?

There are many people and agencies authorised to receive a Disclosure, including RBF's Public Interest Disclosures Officers, the Integrity Commission and the Ombudsman.

RBF's Public Interest Disclosures Officer

Ground Floor, 21 Kirksway Place
Hobart TAS 7000
Phone: (03) 6166 4234

The Integrity Commission

Surrey House
Level 2, 199 Macquarie Street
Hobart TAS 7000
Phone: 1300 720 289
Email: contact@integrity.tas.gov.au
Web: www.integrity.tas.gov.au

The Ombudsman

NAB House
Level 6
86 Collins Street
Hobart TAS 7000
Phone: 1800 001 170
Email: ombudsman@ombudsman.tas.gov.au
Web: www.ombudsman.tas.gov.au

Further information

To access the *Public Interest Disclosures Act 2002* go to www.thelaw.tas.gov.au

Contacting RBF

Contact RBF if you would like additional information or assistance.

RBF Enquiry Line: 1800 622 631 or
+61 2 8571 6868
(international)

Visit: www.rbf.com.au

Write: RBF, Reply Paid 89418,
PARRAMATTA NSW 2124

Office: Ground Floor,
21 Kirksway Place,
Hobart
Level 3, Henty House,
1 Civic Square,
Launceston
