



Right to Information Act 2009

Information disclosure under the *Right to Information Act 2009*

What is the *Right to Information Act*?

The *Right to Information Act 2009* (the Act) commenced on 1 July 2010 and provides for greater access to information held by government bodies by:

- ▶ authorising and encouraging greater routine disclosure of information held by public authorities without the need for requests or applications;
- ▶ authorising and encouraging greater active disclosure of information held by public authorities in response to informal requests without the need for applications;
- ▶ giving members of the public an enforceable right to information held by public authorities; and
- ▶ providing that access to information held by government bodies is restricted in only limited circumstances which are defined in the Act.

The Superannuation Commission is a public authority and must comply with the Act.

Why do we have a *Right to Information Act*?

The *Right to Information Act 2009* was designed to improve democratic government in Tasmania by:

- ▶ increasing the accountability of the executive to the people of Tasmania;
- ▶ increasing the ability of Tasmanians to participate in their governance; and
- ▶ acknowledging that information collected by public authorities is collected for and on behalf of Tasmanians, and is the property of the State.

The Act gives members of the public the right to obtain:

- ▶ information held by public authorities and Ministers; and
- ▶ information about the operation of Government.

It is the intention of Parliament that the Act facilitates and promotes that the maximum amount of official information is provided promptly, and at the lowest reasonable cost.

How do I get access to information?

RBF is required by the Act to routinely make information available which will assist the public's understanding of what we do, and how we do it.

You may be able to obtain the information you need by:

- ▶ searching our website **www.rbf.com.au**;
- ▶ reviewing our publications such as Fact sheets and/or Member Booklets; or
- ▶ looking through reports such as the Superannuation Commission Annual Report.

Some information is not released in this way. This is either because it is not of general public interest, or because it is information RBF would need to assess against the exemptions in the Act prior to disclosure.

You may find the information you need in one of the following ways:

▶ **Through the Tasmanian Archives and Heritage Office**

If you are seeking old information, it may be deposited with the Tasmanian Archives and Heritage Office.

You can:

- ▶ search the Tasmanian Archives and Heritage Office system at **www.linc.tas.gov.au/archive-heritage**; or
- ▶ call **(03) 6165 5538**; or
- ▶ email **linc@education.tas.gov.au**

OR

▶ **Direct from RBF**

- ▶ search the RBF website **www.rbf.com.au**
- ▶ look in our annual reports
- ▶ look at our publications.

If you still cannot find the information you want, you can contact the RBF Enquiry Line on **1800 622 631**. We may be able to help you find it, or we may give it to you.

If it is not freely available we will help you make an application for an assessed disclosure.

Applications for assessed disclosure

Applications for assessed disclosure need to be made to the department, authority or council holding the relevant information, or most closely linked to the information.

All applications to RBF are to be made in writing to:
Right to Information Officer
Office of the Superannuation Commission
Reply Paid 89418
PARRAMATTA NSW 2124

RBF's application form for assessed disclosure is available on our website. You do not have to use this form for your application.

If you do not use RBF's application form, the following minimum information prescribed by the Right to Information Regulations 2010 must be provided in your application:

- ▶ your name;
- ▶ your address;
- ▶ your daytime contact details;
- ▶ the general topic of the application;
- ▶ details of the information you seek;
- ▶ details of any efforts you have made to obtain the information sought;
- ▶ the date of the application;
- ▶ your signature; and
- ▶ proof of identity if your application includes a request for your personal information.

Application fee

Applications are to be accompanied by the application fee. This fee is 25 fee units and is indexed annually. For more information on fee units, please refer to <https://www.treasury.tas.gov.au/economy/economic-policy-and-reform/fee-units>

You may apply to have the fee waived if:

- ▶ you are in financial hardship (we would usually ask to see evidence that you are in receipt of income support such as Centrelink or Veterans' Affairs payments);
- ▶ you are a Member of Parliament and the application is in connection with your official duty; or
- ▶ you are able to give us information which shows that the information sought is intended to be used for a purpose that is of general public interest or benefit.

Please make sure you have looked for the information before you make a formal application. If the information is otherwise available your application may be refused without the return of your application fee.

What will we do once we have your application?

- ▶ We will check your application to make sure we have the information we need and that you have paid the application fee (unless we have made a decision to waive the fee).
- ▶ We may transfer your application to another public authority if we do not believe we are best placed to provide you with the information.
- ▶ Before your application is accepted, we may need to contact you to ask you about your application, this will help us to understand your request.
- ▶ Once accepted, an officer will assess your application against the Act and let you know the outcome of that process in writing.
- ▶ You will be notified of the decision as soon as practicable, but no more than 20 working days from the application being accepted.

If your request is complex, or involves a large amount of information, we may ask you to give us more time.

If there is a need to consult with a third party about their business affairs or about their personal information, the Act allows for longer processing times. We will still let you know the outcome as soon as practicable, but no later than 40 working days from the application being accepted. You will be informed if this time extension applies to your request.

What if my application is refused?

If your application, or part of your application, is refused, then we will provide you with the reasons for the refusal to provide the information. These reasons will be given as part of the decision, together with details of your right to seek a review of the decision.

You can apply for a review by writing to:

Principal Officer
Right to Information
Office of the Superannuation Commission
Reply Paid 89418
PARRAMATTA NSW 2124

If the RBF officer assessing your application does not get back to you in the time frame allowed then we are taken to have refused your application. You then have the right to make an application for review to the Ombudsman. Some information on reviews by the Ombudsman can be found on the Office of the Ombudsman's website at www.ombudsman.tas.gov.au.

Right to Information Manual and Guidelines

The Tasmanian Ombudsman has produced a Right to Information Manual and Guidelines which are available on the Office of the Ombudsman's website. They will provide you with more detail on making requests under the *Right to Information Act 2009* and how they are processed.

Related Acts and Regulations

You can view, download and print the following Acts and Regulations made available by the Tasmanian Legislation Online website www.legislation.tas.gov.au

Right to Information Act 2009

Right to Information Regulations 2010

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

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