

# Procedures

## *Public Interest Disclosures Act 2002*

### **Introduction**

The purpose of the *Public Interest Disclosures Act 2002* (the Act) is to encourage and facilitate the making of disclosures about the improper conduct of public officers or public bodies. The Act provides protection to persons who make disclosures in accordance with the Act, and establishes a system by which the disclosed matters can be investigated and action taken to rectify any deficiencies.

Employees are encouraged to report known or suspected incidences of improper conduct, corrupt conduct or detrimental action.

### **Office of the Tasmanian Energy Regulator/Government Prices Oversight Commission**

The independent Regulator was appointed and the Office established effective 1 July 1998, pursuant to amendments to the *Electricity Supply Industry Act 1995* (ESI Act). The ESI Act amendments established an independent economic, technical and safety regulator. This was consistent with reform of the electricity supply industry and National Competition Policy which requires that regulatory functions be removed from government business enterprises. In anticipation of the introduction of natural gas into the Tasmanian energy market, the Regulator was also charged with responsibility for gas regulation under the Gas Act and Gas Pipelines Act. Accordingly, the Regulator (and Office) was re-named as the Tasmanian Energy Regulator.

The Office is co-located with the Government Prices Oversight Commission (the Commission) and shares resources.

The Commission is an independent statutory body. It was established following the commencement of the *Government Prices Oversight Act 1995* (GPO Act) on 1 January 1996. Its role is to investigate the pricing policies of Government Business Enterprises (GBEs), agency activities and local government businesses that are monopoly providers of goods and services in Tasmania. The GPO Act was amended in 1997 to provide the Commission with powers to investigate alleged breaches of the national competition policy competitive neutrality principles by State and local government business activities.

Staff of the combined Offices of the Tasmanian Energy Regulator and the Commission are employees of the Department of Treasury and Finance (Department) and support the Regulator and the Commission in undertaking their functions.

The Commission, as a public body for the purposes of the Act, is required to establish written procedures to facilitate the making of disclosures about any improper conduct of the Commission.

## **Disclosures in relation to employees of the Department**

A disclosure in relation to staff members, being employees of the Department, can be made to the Secretary or to the Protected Disclosure Coordinator of the Department. Accordingly staff can follow the Department's procedures (which also contain alternative contact persons to whom disclosures may be made). The Department's procedures are available on its website at [www.treasury.tas.gov.au/domino/df/df.nsf](http://www.treasury.tas.gov.au/domino/df/df.nsf).

## **Disclosures in relation to the Regulator or Commission**

The independent Energy Regulator is a public officer for the purposes of the Act. A disclosure relating to the improper conduct or detrimental action of the Regulator may be made to the Ombudsman.

The Commission comprises a single Commissioner, although Assistant Commissioners can be appointed for the purposes of pricing investigations. The Commission is established as a body corporate by section 9 of the GPO Act and is, therefore a public body for the purposes of the Act. A disclosure in relation to the Commission may, again, be made to the Ombudsman.

The Ombudsman  
99 Bathurst Street  
Hobart, Tasmania 7000  
Internet: [www.justice.tas.gov.au/ombudsman](http://www.justice.tas.gov.au/ombudsman)  
Email: [ombudsman@justice.tas.gov.au](mailto:ombudsman@justice.tas.gov.au)

Tel: 6233 6217  
Toll Free: 1800 001 170

For general information about the operation of the PID Act in respect of the Regulator, Commission or staff employed within the Office, please contact:

Executive Officer  
Government Prices Oversight Commission  
5<sup>th</sup> Floor, 111 Macquarie Street  
Hobart, Tasmania 7000  
Tel: (03) 6233 5665  
Email: [office@gpoc.tas.gov.au](mailto:office@gpoc.tas.gov.au)

## **Confidentiality / Penalties**

The Act requires any person who receives information due to the handling or investigation of a protected disclosure, not to disclose that information except in certain limited circumstances. Disclosure of information in breach of section 23 of the Act constitutes an offence that is punishable by a maximum fine of 60 penalty units (currently one penalty unit is equal to \$100) or six months imprisonment or both.

The circumstances in which a person may disclose information obtained about a protected disclosure include:

- where exercising the functions of the public body under the Act;
- when making a report or recommendation under the Act;
- when publishing statistics in the annual report of a public body; and
- in criminal proceedings for certain offences in the Act.

However, the Act prohibits the inclusion of particulars in any report or recommendation that is likely to lead to the identification of the discloser. The Act also prohibits the identification of the person who is the subject of the disclosure in any particulars in an annual report.