

Mr Phil Clark
Queensland Ombudsman
53 Albert Street
Brisbane Qld 4000

By email – PIDreview@ombudsman.qld.gov.au

Dear Sir

Review of the Public Interest Disclosure Act 2010

I refer to your issues paper dated November 2015 inviting submissions to assist your office in the review of this legislation.

Queensland Rail recognises the value of and need to protect public interest disclosers given the important role they play in detecting, reporting and deterring misconduct and corrupt conduct in the public sector.

In regards to potential improvement areas, we suggest the following matters could be considered as part of the review;

- Role related disclosures made by a person in the normal course of employment (such as disclosures made by Governance and HR officers arising from information they obtain in performance of their roles) could potentially have a reduced administrative process applied in the treatment of those officers as disclosers. This may include simplifying the process of notification of protections to those disclosers and the case closure processes.
- Where-ever possible, discloser details (noting that this can include more than just name and job role) should have the protection of law across legislation and across jurisdictions. Where different legislation has applicability, there should be clear priority given to the rights and obligations of the discloser under the Public Interest Disclosure Act, ideally by reference back to that Act. Further, The protections given to disclosers under the Act should be given priority in situations where parties are compelled to produce information in legal processes initiated by others. By way of example, consideration should be given to allowing discloser details to be withheld from disclosure where documents containing such information are required to be produced under subpoena or summons in other court proceedings. Without this, the protections offered to disclosers under the Act can effectively be undermined.
- Consideration could be given to whether the oversight agency, in this case the Ombudsman's Office, could play an additional role in auditing agencies in their management of public interest disclosures.

I would like to thank you for providing Queensland Rail with the opportunity to make a submission in relation to this review.

Should you wish to discuss Queensland Rail's response please feel free to contact me.

Yours Sincerely

Senior Manager Ethics and Integrity

