



# QUEENSLAND POLICE SERVICE



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Our Ref: DOCIS/1375585

Your Ref:

4 December 2015

Mr Phil Clarke  
Queensland Ombudsman  
GPO Box 3314  
Brisbane Qld 4001

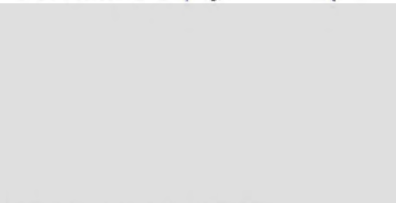
Dear Mr Clarke

I refer to your letter of 3 November 2015 advising that your Office has commenced a review of the operations of the *Public Interest Disclosure Act 2010* (PID Act) and calling for submissions from stakeholders to inform this administrative review process.

I thank you for the opportunity to provide feedback on the review and request that you make contact with [REDACTED] Ethical Standards Command on telephone number [REDACTED] if you require further information.

It is acknowledged that the Queensland Police Service submission will be made public and shared across agencies to inform the review. Please find attached our Service submission.

Yours sincerely



IAN STEWART  
COMMISSIONER



Noted

4/1/16

**Queensland Police Service (QPS) Submission on a review of the  
Public Interest Disclosure Act 2010**

The objects of the PID Act are to:

- Promote the public interest by facilitating public interest disclosures of wrongdoing in the public sector
- Ensure that public interest disclosures are properly assessed and, when appropriate, properly investigated and dealt with
- Ensure that appropriate consideration is given to the interests of persons who are the subject of a public interest disclosure
- Provide protection from reprisals to persons making public interest disclosures.

The QPS submission is broad in nature and provides commentary on the following issues:

**1) the scope of matters that may be classified as a 'public interest disclosure' (a PID)**

*The objects of the PID Act still remain valid and the utilisation of the definition of corrupt conduct (under s.15 of the Crime and Corruption Act 2001) has not created any administrative difficulties for the QPS, as overview of complaint matters by the Crime and Corruption Commission assists in ensuring an appropriate independent classification response.*

*The QPS acknowledges that disclosures about wrongdoing are an important public sector accountability mechanism and believes that the PID Act has been effective in promoting public interest disclosures. QPS internal policy determines the selection of appropriate investigative response to allegations of suspected criminal conduct, corrupt conduct and police misconduct by members of the Service.*

**2) the definition of 'public officer' for the purpose of making a PID**

*The effect of including two categories of disclosers ('any person' and 'public officer') has not adversely impacted on the QPS and appears appropriate. However, consideration of adding a public interest test for disclosures by public officers would be of little benefit to the QPS, as complaints classified as corrupt conduct automatically achieve PID status.*

**3) the process requirements of the PID Act on agencies and individuals**

*The QPS believes that overall the provisions of the PID Act are appropriate for achieving its main objects, however perhaps consideration could be given to the inclusion of examples that would provide more guidance (particularly to other government agencies) on the meaning of 'substantial and specific' as it relates to Sections 12 and 13 of the PID Act.*

**4) application of the reprisal provisions in the PID Act**

*On the question of multiple pathways for reporting a public interest disclosure, and the suggestion that different agencies may follow different processes to manage the matter, thus raising the question about how any subsequent allegation of reprisal would be managed - it is noted that over the last three years of the PID Act's operation, PID's about reprisal action account for less than 2% of reported PIDs. Given the low incidences of reported reprisals the QPS does not consider this a systemic issue requiring further work.*



*To support the application of the reprisal provisions in the PID Act, the QPS has recently introduced a 7 minute intensive learning experience package on the QPS Internal Witness Support Unit and the Public Interest Disclosure Act, which can be accessed by all personnel and highlights the QPS commitment to responding to serious wrongdoing and the provision of support and protection to those who come forward with information.*

**5) the role and powers of the PID Act oversight agency**

*The current oversight functions of the Office of the Queensland Ombudsman in relation to the PID Act are appropriate and the QPS believes that the main objects of the PID Act are achieved and remain valid.*