



Department of Justice and Attorney-General
Office of the Director-General

In reply please quote: DCAR 3067494

15 JAN 2016

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Dear Mr Clarke

Thank you for your letter dated 3 November 2015 and your invitation to provide a submission in relation to the statutory review of the *Public Interest Disclosure Act 2010* (PID Act). You nominated 15 January 2016 as the date by which submissions should be made. I apologise for the delay in responding.

The Department of Justice and Attorney-General (DJAG) is actively involved in the administration of the PID Act inasmuch as it applies to staff of DJAG and disclosures made in connection with staff and the activities of DJAG.

DJAG has a diverse portfolio of businesses including the courts, Youth Justice, Queensland Corrective Services, and licensing and regulatory offices. Bodies with statutory heads such as the Office of the Public Guardian, the Legal Services Commission, and the Office of the Director of Public Prosecutions, are staffed with employees appointed by DJAG.

DJAG's Ethical Standards Unit and the Human Resources Branch have had experience in dealing with Public Interest Disclosures (PID) and Public Interest Disclosers across the diversity of DJAG's activities.

Your publication, *A review of the Public Interest Disclosure Act 2010 - Issues Paper*, has been most helpful as a guide to matters which are being considered during review.

The following matters are of particular interest to DJAG:

- other ways to promote the disclosure of wrongdoing for example through the application of the *Code of Conduct for the Queensland Public Service* after the introduction of the PID Act and the complementarity of the two;
- options for providing more guidance about the meaning of 'substantial and specific';
- the management of PIDs which are substantially workplace complaints;
- responding to disclosures by public officers reporting role-related PIDs;

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- the inclusion of certain contractors within the definition of 'public officer';
- confidentiality about the identity of disclosers when there are natural justice considerations regarding the person who is the subject of the disclosure; and
- opportunities in addition to legislative provisions to encourage the disclosure of information about wrongdoing in the public sector and provide protection to those making disclosures, for example through cultural change within organisations.

DJAG would welcome the opportunity to meet with your officers during the course of the review to discuss aspects of the above, possibly together with other agencies which have similar interests. This would allow the exploration of the issues involved and the building of a shared understanding of where the potential may lie for improvements in the PID Act, or non-legislative ways in which the objectives of the Act may be best served.

Should you have any queries please do not hesitate to contact me or invite your officers to liaise with [REDACTED] on [REDACTED] or at: [REDACTED], who will be pleased to assist.

I trust this information is of assistance.

[REDACTED]

David Mackie
Director-General