

PUBLIC INTEREST DISCLOSURE PROCEDURE

1. Purpose

This Public Interest Disclosure (**PID**) Procedure has been developed to comply with Section 28 of the [Public Interest Disclosure Act 2010 \(Qld\)](#) (**PID Act**), which requires Racing Queensland (**RQ**), as a public sector entity, to establish reasonable procedures for dealing with PIDs, consistent with the [Public Interest Disclosure Standard No.1](#) made under section 60 of the PID Act, by the oversight agency, the Queensland Ombudsman.

RQ makes the following commitments in relation to Public Interest Disclosures:

- Organisation commitment to PIDs;
- An effective PID Procedure through regular review and changes to this procedure as required;
- The allocation of adequate resources to PID management;
- The maintenance of a suitable PID reporting system;
- Assessing and dealing with PIDs;
- The provision of support and reasonable protection for disclosers;
- Keeping disclosers updated on the progress of their PID;
- Ensuring PID reporting obligations are met;
- PID education and training; and
- The maintenance of confidentiality where appropriate.

2. Who Does This Procedure Apply To?

This procedure applies to all RQ employees including employees whether permanent, temporary, full-time, part-time or casual, and all volunteers, students, contractors, consultants or anyone who works in any other capacity for RQ including RQ Board members.

In addition, this procedure applies to any person that makes a PID about the conduct of any RQ employee.

3. Reporting

3.1. Who can make a Disclosure?

Under the PID Act, any person, including public officers, can make a disclosure about the matters in Section 3.2 below (as further explained in Section 3.3).

3.2. What does the Disclosure have to be about?

The following matters can be the subject of a PID:

- a substantial and specific danger to the health or safety of a person with a disability
- the commission of an offence, or contravention of a condition imposed, under a provision of legislation mentioned in Schedule 2 of the PID Act, if the offence or contravention would be a substantial and specific danger to the environment
- reprisal because of a belief that a person has made or intends to make a disclosure.

In addition, public sector officers can make a disclosure about the following public interest matters:

- corrupt conduct



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- maladministration that adversely affects a person's interests in a substantial and specific way
- a substantial misuse of public resources
- a substantial and specific danger to public health or safety
- substantial and specific danger to the environment.

3.3. Further explanation of matters

To assist understanding those matters that can be the subject of a PID, further explanation of key concepts is detailed in the following table:

Term	Meaning
Administrative action	<p>a. means any action about a matter of administration, including, for example:</p> <ul style="list-style-type: none"> i. a decision and an act; and ii. a failure to make a decision or do an act, including a failure to provide a written statement of reasons for a decision; and iii. the formulation of a proposal or intention; and iv. the making of a recommendation, including a recommendation made to a Minister; and v. an action taken because of a recommendation made to a Minister; and <p>b. does not include an operational action of a police officer or of an officer of the Crime and Corruption Commission.</p>
Corrupt conduct	<p>As defined in section 15 of the Crime and Corruption Act 2001 (Qld)</p> <p>(1) Corrupt conduct means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <ul style="list-style-type: none"> a. adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— <ul style="list-style-type: none"> i. a unit of public administration; or ii. a person holding an appointment; and b. results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that— <ul style="list-style-type: none"> i. is not honest or is not impartial; or ii. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or iii. involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and c. would, if proved, be—

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Term	Meaning
	<ul style="list-style-type: none"> i. a criminal offence; or ii. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment. <p>(2) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <ul style="list-style-type: none"> a. impairs, or could impair, public confidence in public administration; and b. involves, or could involve, any of the following— <ul style="list-style-type: none"> i. collusive tendering; ii. fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)— <ul style="list-style-type: none"> a. protecting health or safety of persons; b. protecting the environment; c. protecting or managing the use of the State's natural, cultural, mining or energy resources; iii. dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets; iv. evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue; v. fraudulently obtaining or retaining an appointment; and c. would, if proved, be— <ul style="list-style-type: none"> i. a criminal offence; or ii. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.
Disability	<p>As defined in section 11 of the Disability Services Act 2006 (Qld), for the purposes of this procedure:</p> <p>(1) a disability is a person's condition that—</p> <ul style="list-style-type: none"> a. is attributable to— <ul style="list-style-type: none"> i. an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment; or ii. a combination of impairments mentioned in subparagraph (i); and



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Term	Meaning
	<ul style="list-style-type: none"> b. results in— <ul style="list-style-type: none"> i. a substantial reduction of the person’s capacity for communication, social interaction, learning, mobility or self-care or management; and ii. the person needing support. <p>(2) For subsection (1), the impairment may result from an acquired brain injury.</p> <p>(3) The disability must be permanent or likely to be permanent.</p> <p>(4) The disability may be, but need not be, of a chronic episodic nature.</p>
Maladministration	<p>As defined in schedule 4 of the PID Act, maladministration is administrative action that—</p> <ul style="list-style-type: none"> a. was taken contrary to law; or b. was unreasonable, unjust, oppressive, or improperly discriminatory; or or c. was in accordance with a rule of law or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; or d. was taken— <ul style="list-style-type: none"> i. for an improper purpose; or ii. on irrelevant grounds; or iii. having regard to irrelevant considerations; or e. was an action for which reasons should have been given, but were not given; or f. was based wholly or partly on a mistake of law or fact; or g. was wrong.

3.4. ‘Reasonable belief’ or ‘Reasonable grounds’

For a disclosure to be a PID, the person must either have a reasonable belief that the wrongdoing has occurred, or reasonable grounds that the information tends to show that the wrongdoing has occurred (regardless of whether the person honestly believes the information).

A mere allegation with no supporting information is unlikely to be considered as having reasonable grounds, however, a Discloser does not need to prove their allegations.

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3.5. Who can a Disclosure be made to?

To qualify for protections under the PID Act, disclosures must be made to an appropriate authority. RQ is a proper authority to receive disclosures about the conduct of RQ employees.

The PID Act provides that if a proper authority has a reasonable procedure for making a PID, the discloser must use the procedure.

Internal PID Reporting Procedure – Reporting a PID to RQ

RQ's employees can make disclosures to:

- RQ's General Manager Legal in writing;
- if the disclosure concerns the General Manager Legal, in writing by giving it to RQ's EGM Legal, Risk & Insurance / Board Secretary; or
- the Chief Executive Officer.

The person to whom the disclosure is made in accordance with the above procedure is the 'Nominated Person' for the purposes of this Procedure.

Employees considering making a PID are encouraged to have a confidential discussion regarding the matters of concern with the HR Advisor, General Manager Legal or EGM Legal, Risk & Insurance / Board Secretary prior to taking any action.

Employees should report wrongdoing to their Supervisor unless the Supervisor is a party to the wrongdoing, in which case the matter can be reported to the person that the Supervisor reports to, or to a Nominated Person. Supervisors are required to report wrongdoing that may amount to a PID to the Nominated Persons.

Notwithstanding the above, any employee may make a disclosure at any time to executive management, or to the Nominated Person/s. A disclosure about the Nominated Person/s can be made to Executive General Managers (**EGMs**), or the CEO. A disclosure about the CEO can be made to the Nominated Person/s or to an EGM.

External PID Reporting Procedure – Reporting a PID to another entity

Any person (including an employee) may make a PID to any public sector entity, identified as a proper authority in the PID Act, that has the power to investigate and deal with a matter.

As a guide, PIDs can be made about the following matters to the public sector entity concerned or to the below entities:

Matter	Proper Authority
Corrupt conduct or a reprisal	Crime and Corruption Commission (CCC)
Substantial misuse of resources	Queensland Audit Office
Danger to the health and safety of a child or young person with a disability	Department of Children, Youth Justice and Multicultural Affairs
A danger to the health and safety of a person with a disability	Office of the Public Guardian
A danger to the health and safety of a person with a disability	Department of Seniors, Disability Services, and Aboriginal and Torres Strait Islander Partnerships

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A danger to the environment	Department of Environment, Tourism, Science and Innovation
A substantial loss of funds	Queensland Audit Office
Any wrongdoing or danger	A member of the Legislative Assembly (MP)
Wrongdoing by a judicial officer	The Chief Judicial Officer of a court or tribunal
	*Also, a person may make a complaint under the Anti-Discrimination Act 1991 (Qld) about a reprisal in accordance with section 44 of the PID Act. A complaint can be lodged with the Queensland Human Rights Commission.

Any person (including an employee) may make a PID to a journalist, if the following conditions have been met:

- a valid PID was initially made to a proper authority; and
- the proper authority:
 - decided not to deal with or investigate the disclosure; or
 - investigated the PID but decided not to recommend taking any action; or
 - failed to notify the person within six (6) months of them making the PID, whether or not the disclosure was to be investigated or otherwise dealt with.

When disclosing to journalists, only in these circumstances above will the disclosing person retain protected status under the PID Act. If these conditions are met, the person may make a disclosure to the journalist of substantially the same information that was made in the original PID.

A person making a disclosure should seek independent legal advice before making a disclosure to a journalist or parliamentarian under the PID Act.

4. How to make a PID

A discloser can make a PID in any way, including anonymously, either verbally or in writing. To assist in the assessment, and any subsequent investigation of a PID, disclosers are requested to:

- Provide contact details (this could be an email address that is created for the purpose of making the disclosure or a telephone number).
- Provide as much information as possible about the suspected wrongdoing, including:
 - who was involved;
 - what happened;
 - when it happened;
 - where it happened;
 - whether there were any witnesses, and if so who they are;
 - any evidence that supports the PID, and where the evidence is located;
 - any further information that could help investigate the PID;
- Provide this information in writing.

5. Assessing Public Interest Disclosures

All PIDs must be referred to the Nominated Person as soon as practicable.

The Nominated Person will assess the PID and determine:

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- how the PID will be dealt with (which may range from taking no action to investigation, or referral to another proper authority);
- the level of risk of reprisal to the discloser utilising an approved risk management tool;
- the appropriate level of protection and support to be provided to the discloser having regard to the level of risk;
- whether the allegation amounts to 'corrupt conduct' and requires referral to the CCC; and
- whether the allegation requires referral to a more appropriate public sector entity.

PIDs may be dealt with by:

- taking no action;
- increased supervision or performance;
- mediation and conciliation;
- an internal audit;
- a review of the issues or operations of a unit;
- implementation or the review of a policy or procedure;
- investigation; or
- referral to an appropriate external Agency.

The Nominated Person will acknowledge receipt of the PID to the discloser in writing and advise the following:

- how the PID is to be dealt with;
- the likely timeframes;
- their involvement in the process;
- the importance of maintaining confidentiality;
- that RQ will keep the information and the discloser's identity confidential, except as allowed under the PID Act;
- the name and contact number of their support person;
- what advice they will receive; and
- the outcome of the matter.

The Nominated Person may determine that no action is warranted if it is reasonable to conclude that the PID:

- has already been dealt with by an appropriate process;
- should be dealt with by another appropriate process;
- is impracticable to investigate because of its age or lack of detail; or
- is trivial in nature.

In these cases, the Nominated Person will provide written reasons for the decision to the discloser.

6. Rights & Responsibilities

6.1. Risk assessment and protection from reprisal

Disclosers should not suffer any form of detriment as a result of making a PID. Upon receiving a PID, RQ will ensure that a risk assessment is conducted to assess the likelihood of the discloser (or witnesses or affected third parties) suffering reprisal action as a result of having made the disclosure. This assessment will take into account the actual and reasonably perceived risk of the

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discloser (or witnesses or affected third parties) suffering detriment, may be supported by RQ's Risk function and will include consultation with the discloser.

A risk assessment will be undertaken if the discloser is anonymous on the basis of information available in the PID. The risk assessment will also take into account the risk to persons who may be suspected of making the PID.

Consistent with the assessed level of risk, RQ will ensure that a risk management plan is developed and implemented and reasonably necessary arrangements are made to support or protect the discloser (or witnesses or affected third parties).

RQ will ensure that the risk of reprisal is regularly reassessed while the PID is being managed, in consultation with RQ's Risk function and the discloser, and ensure that the risk management plan is reviewed as required.

In the event of reprisal action being alleged or suspected, RQ will:

- attend to the safety of the discloser (or witnesses or affected third parties) as a matter of priority;
- ensure that its risk assessment, risk management plan and any protective measures needed to mitigate the risk of any further reprisals are reviewed; and
- manage any allegation of a reprisal as a PID in its own right.

A person must not cause, or attempt to cause, a detriment (a reprisal) to another person because they have made or intend to make a PID. A person who takes a reprisal commits an indictable criminal offence under the PID Act and may be liable to disciplinary action.

Any person that believes they have been subject to a reprisal should report the matter immediately to management for referral to the Nominated Person. The Nominated Person, with such other appropriate support from RQ as required, will assess an allegation of reprisal and determine the most appropriate manner to deal with it; however, a person commits an offence against the PID Act if they intentionally make a false or misleading statement intending it to be acted upon as a PID.

The making of a PID does not prevent management from addressing unsatisfactory performance or improper conduct of a discloser who is an employee.

During the assessment of the PID that involves an RQ employee, the Nominated Person will ensure that an appropriate level of support is in place and will liaise with the discloser to appoint a suitable support person (normally a senior line manager) to provide support. The support person will have the capacity to monitor the discloser's workplace and take steps to protect the discloser.

6.2. Maintaining Confidentiality

RQ is committed to maintaining confidentiality of information gained in the administration of the PID Act. A person who gains information because of their involvement in the administration of the PID Act must not make a record of the information or intentionally or recklessly disclose the information unless:

- it is for the purposes of the PID Act;
- it is to discharge a function under another Act;
- it is for a proceeding in a court or tribunal;

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- the discloser consents;
- if the person cannot obtain the discloser's consent and making the record or disclosing the information is unlikely to harm the interests of the discloser and is reasonable in the circumstances; or
- the person reasonably believes the making of the record or disclosing the information is necessary to provide for the safety and welfare of the person.

Disclosers should also ensure they do not unnecessarily disclose their information to other persons, whilst their disclosure is being dealt with (as doing so could increase the risk of reprisal).

The Nominated Person will maintain a confidential record of disclosers and information in relation to the management of disclosures and is responsible for recording PID information in the "[Public Interest Disclosure Report to the Queensland Ombudsman](#)" Form.

RQ will ensure that communication with all parties involved will be arranged discreetly to avoid identifying the discloser wherever possible.

Disclosers should be aware that while RQ will make every attempt to keep their details confidential, it cannot guarantee that others will not try to deduce their identity.

6.3. *Rights of internal and external review*

All information that could reasonably amount to a PID is to be referred to the Nominated Person for assessment. Where a person reports information and is dissatisfied with the Nominated Person's assessment as to whether it amounts to a PID, or how it is to be dealt with, the person should contact the Nominated Person and seek an explanation of the assessment.

If the person is dissatisfied with the Nominated Person's explanation, they may request a review of the decision. Such review will be conducted by an executive management employee appropriately appointed by the CEO. If the person is dissatisfied with the outcome of the review, they may refer the matter to the Queensland Ombudsman and seek an external review.

The [Judicial Review Act 1991 \(Qld\)](#) provides a right of review to the Supreme Court, where a public officer (an RQ employee) may, under an Act, appeal against or apply for a review of:

- unfair treatment of the officer;
- the appointment or transfer of the public officer or another public officer to a position as a public officer; or
- disciplinary action taken against the officer.

A public officer may also appeal the action or have the action set aside because it was the taking of a reprisal against the public officer. An application for an injunction about a reprisal may be made to the industrial commission or Supreme Court in circumstances stated in sections 48 and 49 of the PID Act respectively.

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6.4. *The role of employees in PID management and support*

The Nominated Person is responsible for the process of managing PIDs.

Role	Position
Reporting of PID to Nominated Person	Person who receives the PID
Assessment of PID: 1. Does information amount to a PID? 2. Level of risk to discloser 3. How PID will be dealt with	1. Nominated Person 2. Nominated Person (in consultation with RQ's Risk function) 3. Nominated Person (in consultation with the relevant RQ decision-maker)
Providing assessment outcome to discloser	Nominated Person
Arrange support person	Nominated Person (consultation to occur with discloser and relevant RQ decision-maker)
Develop strategy/plan to support discloser (if required)	Nominated Person (in consultation with the relevant RQ decision-maker and RQ's Risk function)
Complete PID Report to Ombudsman Form	Nominated Person
Update discloser on progress of matter	Nominated Person or person dealing with matter
Advise discloser on completion of matter	Nominated Person or person dealing with matter
Advise discloser of final decision	Nominated Person
Recommend changes to and review of PID Management Plan and Procedure	Nominated Person

6.5. *The rights of subject officers*

Appropriate consideration will be given to the interests of officers subject to a PID.

Subject officers will be afforded natural justice. That is:

- subject officers will be notified of allegations about their conduct at an appropriate time;
- they will have an opportunity to respond to any adverse information about their conduct; and
- have the matter dealt with and a determination made by an impartial person.

The identity of disclosers will only be disclosed to subject officers if it is essential to do so under the principles of natural justice and it is unlikely that a reprisal will be taken against the discloser because of the disclosure.

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7. Record-keeping

In accordance with its obligations under the PID Act and the [Public Records Act 2023](#) (Qld), RQ will ensure that:

- accurate data is collected about the receipt and management of PIDs; and
- anonymised data is reported to the Office of the Queensland Ombudsman in their role as the oversight agency, through the PID reporting database.

Records about disclosures, investigations, and related decisions will be kept secure and accessible only to appropriately authorised people involved in the management of the PID.

8. References & Related Documents

Document	Document
Anti-Discrimination Act 1991 (Qld)	Public Interest Disclosure Act 2010 (Qld)
Crime and Corruption Act 2001 (Qld)	Public Records Act 2023 (Qld)
Disability Services Act 2006 (Qld)	Public Sector Ethics Act 1994 (Qld)
Judicial Review Act 1991 (Qld)	Crime and Corruption Commission - Whistleblowing and the media
Ombudsman Act 2001 (Qld)	Public Interest Disclosure Standard No.1, 2 and 3/2019

9. Version History

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Version	Effective	Document Owner	Changes Made
1.1	12/06/2002	Acting Legal Advisor	Initial release.
2	05/04/2017	General Counsel	Review, update to plan and to reflect changes in legislation
3	30/01/2024	EGM Legal, Risk & Compliance	Review, update to plan and to reflect changes in legislation
4	23/03/2026	EGM Legal, Risk & Insurance / Board Secretary	Overall review and update to procedure in light of the Racing Review.

PUBLIC INTEREST DISCLOSURE REPORT



This Form is for reporting Public Interest Disclosure (PID) to the Queensland Ombudsman.

Date the PID was received:			
Source of the PID:			
<input type="checkbox"/> Online complaints form or email		<input type="checkbox"/> Mail	<input type="checkbox"/> Verbal report
Status of the Discloser:			
<input type="checkbox"/> RQ Employee	<input type="checkbox"/> Employee from another entity (not RQ)	<input type="checkbox"/> Member of the public	<input type="checkbox"/> Anonymous
Subject Officer Details:			
Status:	<input type="checkbox"/> RQ Employee	<input type="checkbox"/> Non-RQ Employee	
Subject Officer Geographical Location:			
State:		Region:	
Provide a summary of the allegation/information received:			
<p>_____</p> <p>_____</p> <p>_____</p>			
Provide a summary of the involvement of an external agency/party (if applicable):			
<p>_____</p> <p>_____</p> <p>_____</p>			
Provide a summary of any action taken to minimise any risk of reprisal against the discloser:			
<p>_____</p> <p>_____</p> <p>_____</p>			
Date Investigation into the PID commenced:			and completed:
Provide a summary of the outcome of the investigation:			
<p>_____</p> <p>_____</p> <p>_____</p>			
Date the PID was resolved or closed:			
Date the outcome was advised to the discloser:			
if no action was taken, provide a summary of the reason for the decision:			
<p>_____</p> <p>_____</p> <p>_____</p>			
Provide a summary of any other legal processes associated with the disclosure:			
<p>_____</p> <p>_____</p> <p>_____</p>			

