

Investigative interviews

The [Queensland Early Childhood Regulatory Authority](#) (RA) regulates early childhood education and care services under the National Quality Framework and Queensland legislation.

The RA is responsible for investigating allegations of breaches of the legislation and any risk of harm to children's health, safety and wellbeing. One of the ways that the RA gathers information about what has happened when non-compliance is alleged, is to interview people who may have relevant information.

Interviews are carried out by investigators appointed as authorised officers under the legislation. They hold certain powers, including the power to enter a premises, and to obtain information and/or documents. They provide the information gathered during the investigation to an unbiased decision-maker, who decides the outcome of the investigation.

Before the interview

Agreeing to participate

Participating provides valuable information about the matters under investigation. If invited voluntarily, you may refuse to attend or answer questions asked of you. However, if you do refuse, the decision-maker may not have the benefit of your information when making their decision.

The RA can choose to compel you to attend and participate in an interview by using specific powers in the legislation. If this occurs, this will be clearly communicated to you. If you fail to comply, you will

be committing an offence – self-incrimination is not an excuse.

Organising a support person or legal representative

You have the right to bring along a support person to your interview. Their role is to support your well-being only; they must not answer questions on your behalf or behave in a way that hinders the investigation.

They may be a friend, family member, union delegate or legal representative. If you are Aboriginal or Torres Strait Islander, you may wish to bring a support person from your local Aboriginal community. They should not be anyone who is or may be involved in the investigation, or have a vested interest in its outcome – it is not appropriate to bring a colleague, nominated supervisor or approved provider, for example.

If you are bringing a legal professional, you will be asked to fill out a legal representative agreement form. This lets the RA understand what capacity they are acting in (as a representative, or as a friend or family member who is a lawyer). The legal representative must not be representing anyone else in the investigation (e.g. a colleague, supervisor or approved provider).

- Let the authorised officer know who you intend to **bring** before the interview day.

During the interview

Interview structure

The interview is a semi-structured conversation. Authorised officers will explain what is being



investigated and ask questions to gather relevant information about what happened and why. They will let you know if you are being interviewed as a witness or a person potentially responsible for alleged breach/es of the legislation. If the allegations are against you, you will also be informed of the evidence gathered and have an opportunity to outline any mitigating circumstances.

Regardless of the context, everyone involved has the right to be treated with dignity and respect during an interview. Authorised officers are bound by the [QLD Public Service Code of Conduct](#) and committed to the highest ethical standards.

Speak freely and truthfully

It is essential that you are honest throughout the interview. It is an offence to provide false or misleading information to an authorised officer or refuse to assist them when compelled to. Speaking freely and truthfully will also assist in an effective investigation.

- Contact the RA immediately if someone takes or threatens to take negative action against you - you have the right to speak freely about what you saw and heard without fear of reprisal.

Electronic recordings

It is standard practice for all interviews to be electronically recorded. This protects attendees from allegations of inappropriate behaviour during the interview; ensures your comments are not corrupted, misconstrued or inaccurately represented; and allows investigators to focus completely on the interview. You have the right to ensure the information you provide has been accurately captured. Whilst you may not make your own recording, you and the authorised officer(s) may take notes.

After the interview

Keeping information confidential

If you think of any other relevant information after the interview, please share it directly with the authorised officers. Otherwise, **do not** discuss details with anyone except your support person, legal representative or the investigating authorised officers. All details of the investigation and your interview must remain confidential.

- Contact the RA if anyone other than the authorised officers approach you to talk about the interview or investigation.

Further information

Right to information

As with most government records, the investigation report, statements, documents, electronic recordings, etc. from the investigation may be accessed through the Right to Information Act 2009 (the RTI Act). Depending on the circumstances and the relevant provisions of the RTI Act, access to the information may or may not be granted. If records are released under the RTI Act, generally any identifying information about an individual would be removed.

How to contact us

If you have any questions or need more information, please visit [our website](#) or contact us at eccec@qed.qld.gov.au.