

Caveat

This report has been prepared for the Secretary of the Commonwealth Department of Agriculture and Water Resources, Mr Daryl Quinlivan, (the Secretary).

The report has been prepared with the full knowledge that a formal disclosure (PID 8/2018) was made by a person (herein after referred to as Complainant 2), on 26 November 2018. This disclosure was made under the provisions of the Public Interest Disclosure Act 2013 (PID Act). The disclosure relates directly to this investigational review.

Complainant 2 has exercised their rights under the Act, requesting that their anonymity be protected and not disclosed. The PID Act prohibits me from disclosing the identity of the person making the disclosure or any other information that would allow the identity of the discloser to be established. This requirement has been confirmed in written correspondence by the Departmental PID Act Authorised Officer.

As a result, the specifics of the investigational material uncovered during the investigation cannot be further disclosed, as to do so, would in my view, lead to the identification of Complainant 2.

This has meant that obvious lines of inquiry, have not been pursued. Including importantly, interviews with those complained of, thereby ensuring that procedural fairness was afforded to all those involved. Additionally, access to relevant departmental documentation in the circumstances has not been possible. This has resulted in the investigation being incomplete, with fundamental questions remaining unanswered. As the situation currently stands, there is no possible resolution to this position.

[REDACTED]

Conclusion:

As previously outlined the outcomes, at one level, from this investigational review, are very unsatisfactory. Those who have allegedly required mortality investigational reports to be altered, have not been required to explain their actions and if warranted be subjected to appropriate sanctions. Coupled with lingering doubts that such a situation could occur again, [REDACTED]

At least one mortality report, on my assessment, is misleading.

Whilst the misreporting in the media was unfortunate, ultimately given the anonymity issues and PID Act Disclosure and the nature of the investigation, meant that a full investigation of the allegations was never going to be possible.

There are positives that emerge:

Many of the recommendations of the Moss Review will assist in providing the high-level assurance that incidents like this will not occur again, or if they do, there are robust mechanisms and capability in place to mitigate and respond to these situations.

The complainant/s feel that their concerns have been listened to, believed and acted upon. They are content to move forward [REDACTED] knowing the issues raised in their submission have been taken seriously. They are satisfied with the review outcome.

Often with persons who find themselves as 'whistle-blowers' this is not the outcome that is reached. What often occurs is a build-up of bitterness that the concerns have not been properly addressed. Typically, other forums are sought to address the believed injustices, often this is played out in the media, with generally poor outcomes all round. That is not likely to be the situation in this case.

Care has been taken not to name the complainants, or those complained of, or detail any circumstances which in my view would lead to the identification of the discloser of this information, under the PID Act.

I believe this brings this investigational review to a conclusion.

John A Lawler AM APM

14 January 2019