PUBLIC INTEREST DISCLOSURE SCHEME

CHAPTER 6: Deciding whether to investigate

AGENCY GUIDE TO THE *PUBLIC INTEREST DISCLOSURE ACT 2013*

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COMMONWEALTH OMBUDSMAN

6 Deciding whether to investigate under the PID Act

6.1 GENERAL REQUIREMENT TO INVESTIGATE A DISCLOSURE

Once a disclosure had been allocated to an agency under the PID Act, the principal officer of that agency is obliged to investigate it (s 47).

However, the principal officer may decide not to investigate the disclosure, or to stop investigating it, if one of the discretionary grounds in s 48 of the PID Act applies. If this occurs, the discloser continues to have access to the protections and civil remedies provided by the PID Act.

This chapter explains when it may be appropriate for the principal officer to decide not to investigate a disclosure under the PID Act.

The principal officer may delegate any or all of their functions or powers to a public official who belongs to the agency (s 77(1)). References to the principal officer in this chapter include references to their delegates, including an investigator. A person exercising delegated powers or functions of the principal officer must comply with any directions of that principal officer (s 77(2)).

Generally, officials that are delegates of the principal officer should not also be appointed as authorised officers, to maintain separation between the allocation and investigative processes. However, if this is not feasible due to an agency's size, it is best practice that an investigation is not undertaken by the same authorised officer that received and allocated the disclosure.

6.1.1 Advising the discloser about the principal officer's powers

Section 9 of the PID Standard requires an agency that is allocated a disclosure under the PID Act to inform the discloser about the principal officer's powers to decide:

- not to investigate the disclosure under the PID Act, or to stop a PID investigation that has started (discussed in this chapter) or
- to investigate the disclosure under a separate investigative power (discussed in 7.2.1 of this guide).

If it is reasonably practicable to do so, the discloser must be given this information within 14 days after the disclosure is allocated to the agency under the PID Act.

In practice, where the authorised officer has allocated the disclosure to their own agency, this information can be given to the discloser at the same time as the notice of allocation (see 5.4.5.3 of this guide). Where the disclosure is allocated to a different agency, the receiving agency must provide this information to the discloser.

6.2 WHEN CAN AN AGENCY DECIDE NOT TO INVESTIGATE?

The principal officer may decide not to investigate a disclosure under the PID Act only on a ground set out in s 48, that is, if:

- the discloser is not a current or former public official (see 6.2.1)
- the information does not, to any extent, concern serious disclosable conduct (see 6.2.2)
- the disclosure is frivolous or vexatious (see 6.2.3)

- the information is the same, or substantially the same, as information previously disclosed under the PID Act and the earlier disclosure either has been (or is being) investigated under the PID Act, or was the subject of a previous decision not to investigate under s 48 (see 6.2.4.1)
- the conduct disclosed, or substantially the same conduct, is being investigated under another law or power, and it would be inappropriate to conduct another investigation under the PID Act at the same time (see 6.2.4.2)
- the conduct disclosed, or substantially the same conduct, has already been investigated under another law or power, and there are no matters that warrant further investigation (see 6.2.4.2)
- the conduct disclosed would be more appropriately investigated under another Commonwealth law or power (see 6.2.4.2)
- the principal officer has been informed by the discloser, an authorised officer of the agency or a principal officer or authorised officer of another agency that the discloser does not wish the investigation to be pursued, and there are no matters that warrant further investigation (see 6.2.5)
- it is impracticable to investigate the disclosure because (see 6.2.6):
    - of the age of the information
    - the discloser has not disclosed their name and contact details, or
    - the discloser has failed, or is unable, to give the investigator the information or assistance they requested.

If the investigation has already started, the principal officer may subsequently decide to stop the investigation on one of the grounds set out above.

6.2.1 The discloser is not a public official

In order to make a public interest disclosure, a person must be a current or former public official, or a deemed public official (see 2.3 of this guide). If the principal officer or their delegate identifies that an authorised officer allocated a disclosure in the mistaken belief that the discloser is a public official, the principal officer or their delegate may decide not to conduct an investigation or stop an investigation that has already started (s 48(1)(a)).

Based on the nature of the disclosed information, the principal officer or their delegate may consider it is appropriate to continue the investigation, even though the discloser has never been a public official. If so, they should ask the authorised officer who allocated the disclosure to consider whether it is appropriate to deem the discloser to be a public official (see 2.3.2 and 4.1.2 of this guide).[1] A determination to deem the person a public official would place the investigation on a proper footing and provide the discloser protection under the PID Act.

6.2.2 The disclosed information does not concern serious disclosable conduct

The principal officer or their delegate may decide not to investigate a disclosure (or stop investigating it) if the disclosed information does not, to any extent, concern serious disclosable conduct (s 48(1)(c)). This means that in some situations, information about conduct that may constitute disclosable conduct will not be considered serious enough to warrant investigation under the PID Act.

6.2.2.1 What is serious disclosable conduct?

The term 'disclosable conduct' is defined in s 29 of the PID Act and discussed in 2.5.2 of this guide. However, the PID Act does not define '**serious** disclosable conduct'. It is a matter for the principal officer or their delegate to decide whether the alleged conduct is serious.

The principal officer should consider this question based on all the information before them. Factors to consider could include:

[1] Alternatively, if the investigation officer is also an authorised officer, they may consider whether to make a determination under s 70 of the PID Act (see 2.3.2 of this guide).

- whether the wrongdoing, if proven, involves an offence with a significant penalty or could lead to disciplinary action including, but not limited to, the termination of the official's engagement or appointment[2]
- whether the wrongdoing was one of a series of incidents that indicates a course of conduct
- the level of trust, confidence or responsibility placed in the public official who is alleged to have acted wrongly
- the level of risk to others or the Commonwealth
- the harm or potential harm arising from the conduct, including the amount of public money involved
- the benefit or potential benefit derived by the public official or others
- whether the public official acted in concert with others, and the nature of their involvement
- any apparent premeditation or consciousness of wrongdoing
- what the public official ought to have done and how their conduct might reasonably be viewed by their professional peers
- any applicable codes of conduct or other policies
- maladministration that relates to significant failure in the administration of government policy, programs or procedures.

This list is not exhaustive and is provided as a guide to the types of issues that might be considered when determining if disclosable conduct is serious. If an agency's PID procedures include guidance about when a matter might be considered 'serious', they should not be written in a way that could be seen to fetter a delegate's discretion.

It is important to remember that s 48(1)(c) is a discretionary ground. If the principal officer forms the view that the disclosure does not concern serious disclosable conduct, but considers it should still be investigated, they may continue the PID investigation.

In such a situation, it would also be acceptable for the principal officer or their delegate to decide not to investigate on the basis that the information does not, to any extent, concern serious disclosable conduct.

6.2.3 What is meant by frivolous or vexatious?

The principal officer or their delegate may decide not to investigate a disclosure (or stop investigating it) if the disclosure is frivolous or vexatious (s 48(1)(d)).

In determining whether a disclosure is vexatious, the principal officer should consider such factors as whether:

- the disclosure was made with the sole intention of annoying or embarrassing another person
- the disclosure was made for another purpose, rather than being made in good faith by a person concerned about stopping or preventing wrongdoing
- the allegations are so obviously untenable or manifestly groundless that they cannot possibly be made out[3]
- the discloser has made repeated disclosures under the PID Act of the same, or substantially the same, information (noting s 48(1)(e) may also apply in this situation)
- the discloser has persistently pursued enquiry into the same, or substantially the same, information through earlier court proceedings or other types of investigations (noting s 48(1)(g) may also apply in this situation).

However, the principal officer should be careful not to dismiss a disclosure merely because there appears to be associated conflict or animosity in the workplace, since it may also involve substantive issues of misconduct or

[2] While the severity of any alleged misconduct will be a relevant factor in determining whether particular disclosable conduct is 'serious', the categories of disclosable conduct in s 29(1) of the PID Act include conduct that may arise from both individual and systemic issues. This is distinct from s 29(2)(b), which provides that without limiting s 29(1), conduct engaged in by a public official that could, if proved, give reasonable grounds for disciplinary action resulting in the termination of the official's engagement or appointment is also disclosable conduct. The limitation in s 29(2)(b) to conduct that could give reasonable grounds for disciplinary action that could result in the termination of the official's engagement or appointment should not be imported into s 29(1).

[3] *Attorney General v Wentworth* (1988) 14 NSWLR 481, 491.

wrongdoing which should be investigated, or the workplace conflict or animosity may, in fact, have arisen because of the alleged misconduct or wrongdoing.

6.2.4 Other investigation or decision relating to the same matter

The PID Act contains several discretionary grounds that allow a principal officer or their delegate to decide not to investigate a disclosure. These include if the information concerns conduct that has already been, or is currently being, investigated, either under the PID Act or another law or power; if a decision was previously made under the PID Act not to investigate it; or where an investigation would be more appropriately conducted under another law or power. If a PID investigation has already commenced, the principal officer may also decide to stop the investigation on these grounds. The requirements are discussed in 6.2.4.1 and 6.2.4.2 below.

6.2.4.1 Investigation or decision under the PID Act

The principal officer or their delegate may decide not to investigate a disclosure (or stop investigating it) if the disclosed information is the same, or substantially the same, as information previously disclosed under the PID Act and:

- a decision was made under s 48(1) not to investigate the earlier disclosure, or not to investigate it further, (s 48(1)(e)(i)), or
- the earlier disclosure has been, or is being, investigated under the PID Act (s 48(1)(e)(ii)).

It does not matter if a different public official made the earlier disclosure, as long as the information disclosed is the same or substantially the same.

It may also be appropriate to use this ground to decide not to investigate a second or subsequent disclosure made by the same public official who is dissatisfied with the outcome of the investigation of their earlier disclosure. In such a case, the principal officer should carefully consider whether the official has provided any additional information to suggest that further investigation of the matter is warranted.

6.2.4.2 Investigation under another law or power

Current investigation: The principal officer or their delegate may decide not to investigate a disclosure (or stop investigating it) under the PID Act if it concerns conduct that is currently being investigated under another Commonwealth law other than the PID Act (including procedures established under such a law) or the Commonwealth's executive power, and the principal officer or their delegate is satisfied on reasonable grounds that it would be inappropriate to conduct a PID investigation at the same time (s 48(1)(f)).

The conduct already under investigation must be the same or substantially the same as the conduct the disclosure was about.

Prior investigation: The principal officer or their delegate may decide not to investigate a disclosure (or stop investigating it) under the PID Act if it concerns conduct that has already been investigated under another Commonwealth law (including procedures established under such a law) or the Commonwealth's executive power. The principal officer or their delegate must be satisfied on reasonable grounds that there are no further matters concerning the conduct that warrant investigation (s 48(1)(g)).

The conduct previously investigated must be the same or substantially the same as the conduct the disclosure was about.

The prior or current investigation does not need to be in response to information provided by the official who made the disclosure. In most cases, the conduct will have been identified through other means. It is important to note that it is the *conduct* that must be the same as that subject to the other investigation, rather than the discloser or the circumstances in which the conduct has come to light.

Referral for another type of investigation: The principal officer or their delegate may decide not to investigate a disclosure (or stop investigating it) under the PID Act if they are satisfied on reasonable grounds that the conduct disclosed would be more appropriately investigated under another Commonwealth law (including procedures established under such a law) or the Commonwealth's executive power (s 48(1)(ga)).

If the principal officer or their delegate decides under s 48(1)(ga) not to investigate a disclosure (or to stop investigating it), they must – as soon as reasonably practicable – take reasonable steps to refer the conduct disclosed, or to facilitate its referral, for investigation under the other law or power (s 50AA(2)).

The discretion provided under s 48(1)(ga) to not investigate a disclosure under the PID Act *cannot* be exercised only because the conduct disclosed raises a corruption issue (s 48(1A)). While it is mandatory for a PID officer to refer corruption issues to the NACC if they could involve corrupt conduct that is serious or systemic, this does not mean that the NACC will necessarily commence an investigation. If a disclosure is referred to the NACC, the disclosure must continue to be investigated under the PID Act unless a stop action direction is issued under the NACC Act.

6.2.4.3 What sorts of investigations can be conducted under another law or power?

Below is a non-exhaustive list of other types of investigations (and the relevant Commonwealth law or power) that could provide a basis for a principal officer to exercise their discretion under s 48(1)(f)-(ga) of the PID Act.

- a Code of Conduct investigation under the *Public Service Act 1999*
- a Code of Conduct investigation under the *Parliamentary Service Act 1999*
- a Code of Conduct investigation, or disciplinary or Redress of Grievance process under Defence Force legislation or regulations
- an investigation under the *Fair Work Act 2009*
- an investigation under the *Work Health and Safety Act 2011*
- a Professional Standards investigation under the *Australian Federal Police Act 1979*
- an investigation (known as an inquiry) under the *Inspector-General of Intelligence and Security Act 1986*
- an investigation under the Protective Security Policy Framework.

Whether another type of investigation provides grounds for a decision under s 48 will depend on the unique circumstances of each matter and there may be other laws or powers relevant to the situation for the principal officer or their delegate to consider.

6.2.5 The discloser does not want an investigation

The principal officer or their delegate may decide not to investigate a disclosure (or stop investigating it) if they are advised by either the discloser, an authorised officer of the agency, or a principal officer or authorised officer of another agency that the discloser does not wish the investigation to be pursued, **and** the principal officer is satisfied on reasonable grounds that there are no matters concerning the disclosure that warrant investigation (s 48(1)(h)).

One situation in which this ground might apply is if an official unintentionally makes a disclosure. As explained in 4.1.3 of this guide, all that is required to make an internal disclosure is for a public official to convey information about suspected wrongdoing to a person who is able to receive a disclosure under the PID Act (an authorised officer or supervisor).

For example, an official might tell their supervisor something, or say something to a person who is an authorised officer, without realising that the information concerns disclosable conduct and their disclosure will trigger obligations and protections under the PID Act. Once the criteria for an internal disclosure are met, the authorised officer is obliged to allocate the disclosure for handling under the PID Act and must advise the discloser accordingly (unless the authorised officer instead decides the conduct would be more appropriately investigated under another law or power). At this point, the official might ask that the matter is not pursued as a PID investigation.

Even if these circumstances arise, a person who has made a disclosure cannot simply withdraw it. They also do not have to consent to an investigation. While a discloser's preference is a *relevant* consideration, the principal officer or their delegate must also be satisfied there are no matters concerning the disclosure that warrant investigation (s 48(1)(h)(ii)). This will be a matter for the principal officer or their delegate to decide, based on the subject matter of the disclosure and, possibly, whether action is already in train to address it.

Importantly, if the disclosure relates to corrupt conduct that is serious or systemic to the extent that the mandatory referral requirements found in s 35 of the NACC Act apply, it would not be open to the agency to consider the

discloser's wishes. This is because the agency must comply with its obligations under the NACC Act (see Chapter 10 of this guide).

If a public official asks to withdraw their disclosure, the principal officer or their delegate should seek to understand the reasons for that request. It would clearly be inappropriate not to investigate a disclosure if the official who made it was reluctant to cooperate in case their own wrongdoing came to light. On the other hand, if the discloser is concerned about their identity becoming known, or reprisal action being taken, it would be appropriate – and important – to put in place measures to mitigate those risks (or provide reassurance if either has already occurred). Further guidance about how to assess and manage reprisal risks can be found in 5.4 and Chapter 8 of this guide.

6.2.6 Investigation of the disclosure is impracticable

There are three separate grounds on which the principal officer or their delegate can decide not to investigate a disclosure because it would be impracticable.

6.2.6.1 Discloser's name and contact details unknown

The principal officer or their delegate may decide not to investigate a disclosure (or stop investigating it) if an investigation is impracticable because the discloser has not disclosed their name and contact details (s 48(1)(i)(i)).

This ground might apply when a disclosure is made anonymously, and the discloser has declined or omitted to provide the authorised officer with any means of contacting them. It might also apply if the discloser has provided the authorised officer with his or her name and contact details but has not consented to that information being provided to the principal officer of the investigating agency. The key consideration is whether the absence of this information meaningfully and practically prevents the agency from proceeding with an investigation.

The PID Act specifically permits disclosures to be made anonymously or using a pseudonym (see 4.1.4 of this guide), and for a discloser to refuse to be identified to the principal officer (see 5.4.5.1 of this guide). The objects of the PID Act include ensuring that disclosures by public officials are properly investigated and dealt with (s 6(d)). Accordingly, before deciding to not investigate, or stop investigating on this ground, the principal officer or their delegate should consider the amount and quality of the information provided and whether the discloser's involvement in the investigation is critical. If other witnesses can be identified, or an investigation can be conducted by examining documents or electronic records, this should occur, so long as that type of investigation is practicable in the circumstances.

It may also be appropriate to consider whether one of the other grounds for not investigating apply, such as whether the disclosure concerns serious disclosable conduct (see 6.2.2) or whether the disclosure is frivolous or vexatious (see 6.2.3).

6.2.6.2 Discloser unable or unwilling to assist in the investigation

The principal officer or their delegate may decide not to investigate a disclosure (or stop investigating it) if an investigation is impracticable because the discloser refuses, fails or is unable to give the investigator information or assistance (s 48(1)(i)(ii)). For this ground, with limited exception, the investigator must have requested information or assistance from the discloser, and the lack of that information or assistance must make it impracticable to investigate the disclosure. In some circumstances, it may not be appropriate to contact the discloser with a request for information. For example, where the discloser has provided medical advice advising that it is not safe for the discloser to be contacted about the investigation or the discloser has made this request themselves. Relevantly, agencies have concurrent work, health and safety obligations under the *Work Health and Safety Act 2011*.

The principal officer or delegate should consider whether the discloser's involvement in the investigation can be delayed, whether their involvement is critical, and whether there are other sources of information available to progress the investigation.

All public officials, including the discloser, have an obligation to use their best endeavours to assist in a PID investigation, which includes assisting any other public official to exercise a right, or perform a duty or function under the PID Act (see 4.4 of this guide). However, depending on the circumstances – including the seriousness of the matter, the risk of reprisal, or the discloser's health and safety – there may be circumstances where the discloser does not to wish to assist in the investigation. As discussed above, the principal officer or delegate should consider whether the discloser's involvement in the investigation is critical, and whether there are other sources of information available to progress the investigation.

6.2.6.3 The age of the information

The principal officer or their delegate may decide not to investigate a disclosure (or stop investigating it) if an investigation is impracticable because of the age of the information (s 48(1)(i)(iii)).

There is no time limit for making a disclosure (see 2.4.2 of this guide). However, if the disclosure relates to matters that occurred a long time ago, it may be difficult to locate and interview witnesses and/or relevant records may have been destroyed. Mere difficulty in conducting an investigation would not be sufficient to meet this ground. The principal officer or their delegate should consider what evidence is required for the investigation and whether it is possible or practicable to access it.

6.3 DOES A DECISION NOT TO INVESTIGATE PREVENT OTHER ACTION?

A decision not to investigate a disclosure (or stop investigating it) under the PID Act does not prevent any other type of investigation of the matter (s 48(2)).

Significantly, if the principal officer or their delegate decides under s 48 not to investigate a disclosure, in circumstances where they are also satisfied that the conduct disclosed would be more appropriately investigated under another law or power (other than a separate investigative power), they must take reasonable steps to refer the matter, including the referral of relevant information and documentation (or facilitate its referral) for that other type of investigation (s 50AA – see 6.2.4.2 above). While this referral requirement can arise for any of the decision grounds listed in s 48, it will always apply to a decision made under s 48(1)(ga).

For example, a disclosure might be made about an alleged breach of the Code of Conduct under the Public Service Act. If the requirements for making an internal disclosure were met, the discloser would be given protection under the PID Act.

However, the principal officer or their delegate might determine that one or more grounds in s 48 of the PID Act apply in these circumstances. This could be that the alleged wrongdoing is not 'serious disclosable conduct' (s 48(1)(c)), meaning it is not sufficiently serious to warrant investigation under the PID Act. Nonetheless, the allegation may still warrant investigation under the Code of Conduct procedures in force under the Public Service Act. This would create a positive duty on the principal officer or their delegate to refer the information for a Code of Conduct investigation under the Public Service Act.

It should be noted that in the scenario above, the decision not to investigate could also be made under s 48(1)(ga), as the conduct would be more appropriately investigated under another law or power. However, it could not be made on the grounds set out in s 48(1)(f) or s 48(1)(g) of the PID Act, as there is no current or prior investigation of the disclosure.

If none of the grounds in s 48 apply, it is necessary for the principal officer to complete their investigation under the PID Act.

In 7.3.4 of this guide, we explain how the PID investigation can be integrated with, and complement other investigation processes.

6.4 WHAT RECORDS MUST BE MADE OF A DECISION NOT TO INVESTIGATE?

The principal officer or their delegate must make a written record of their decision not to investigate a disclosure (or stop investigating it) on one of the grounds in s 48 and prepare written reasons for their decision. In practice, the decision and reasons may be recorded as part of the notice given to the Ombudsman or the IGIS.

If the principal officer or their delegate decides during a PID investigation, using one of the grounds in s 48, that it is inappropriate to continue the investigation, they are not obliged to complete the PID investigation and prepare a report under s 51 of the PID Act. However, they must prepare written reasons for their decision under s 48 of the PID Act and notify the discloser, and the Ombudsman or the IGIS (see 6.5 of this guide). This includes explaining why they consider use of the discretion is appropriate.[4]

[4] Notification forms, including a form to notify the Ombudsman of a decision not to investigate a PID, are available on the Ombudsman's website: https://www.ombudsman.gov.au/industry-and-agency-oversight/public-interest-disclosure-whistleblowing.

6.5 WHO MUST BE NOTIFIED OF A DECISION NOT TO INVESTIGATE?

Once the principal officer or their delegate decides not to investigate a disclosure (or stop investigating it) under one of the grounds in s 48 of the PID Act, they must notify:

- the discloser, and
- the Ombudsman or the IGIS.

6.5.1 Notifying the discloser

The principal officer or their delegate must notify the discloser of a decision not to investigate their disclosure or to stop investigating it (s 50(1)(b)). This notice must be in writing.

The notice of allocation of the disclosure and the decision not to investigate it may be given to the discloser in a single document (s 50(4)). However, this approach should only be used if the 2 decisions are made close in time (see 5.4.5.3 of this guide).

The notice must contain the reasons for the decision not to investigate the disclosure and, if applicable, details of any referral of the disclosure for investigation under another law or power in accordance with s 50AA (s 50(2)). If the disclosure is subject to referral under s 50AA, the notice must specify:

- the other law or power the conduct would be investigated under
- the agency or person or body to which the conduct has been, or is to be, referred, and
- the steps taken, or proposed to be taken, for the conduct to be referred or to facilitate its referral.

The principal officer or their delegate may delete from the reasons given to the discloser any reasons that would cause the document to (s 50(3)):

- be exempt for the purposes of Part IV of the FOI Act
- have, or be required to have, a national security or other protective security classification, or
- contain intelligence information (see 2.7.51 of this guide).

It is possible that in a single public interest disclosure, there are several allegations of disclosable conduct. The principal officer or their delegate may decide to continue investigating some conduct and not investigate, or cease investigating, other conduct under s 48. It is important that those matters that are not investigated are dealt with in a s 48 notice of a decision to not investigate, while the remaining matters are dealt with in the report on the investigation (s 51).

6.5.1.1 What if the discloser cannot be contacted?

The principal officer or their delegate does not have to notify the discloser of the decision not to investigate their disclosure if it is not reasonably practicable to contact them (s 50(5)). However, the principal officer or their delegate should still make a written record of their decision and the reasons for it (see 6.4 of this guide).

They should also make a written record of the reasons why contacting the discloser was not practicable and the date, time and method of any efforts to contact the discloser.

6.5.2 Notifying the Ombudsman or the IGIS

The principal officer or their delegate must, as soon as reasonably practicable, give written notice to the Ombudsman when they decide to not investigate a disclosure (or to stop investigating it). The notice must include the reasons for that decision (s 50A(1)).

If the agency is an intelligence agency, or it is the ACIC or the AFP and the disclosure relates to the intelligence functions of the agency, the principal officer or their delegate must give the notice to the IGIS, rather than the Ombudsman (s 50A(2)).

A notice given to the Ombudsman or the IGIS in relation to a decision to not investigate a disclosure (or stop investigating it) must include whether the principal officer or their delegate has referred, or intends to refer, the conduct for investigation under another law or power (s 50A(3)(a)). If applicable, the notice must include details about:

- the other law or power
- the agency or person or body to which the conduct has been, or is to be, referred
- the steps taken, or proposed to be taken, for the conduct to be referred or to facilitate its referral (s 50A(3)(b)).

Agencies that are required to report to the Ombudsman must use the form published on the Ombudsman's website.[5] The IGIS's website www.igis.gov.au also has information to assist agencies who are required to notify it of a decision not to investigate.

[5] Notification forms, including a form to notify the Ombudsman of a decision not to investigate a PID are available on the Ombudsman's website: https://www.ombudsman.gov.au/industry-and-agency-oversight/public-interest-disclosure-whistleblowing.