

ACT OMBUDSMAN
ANNUAL REPORT
2022-23

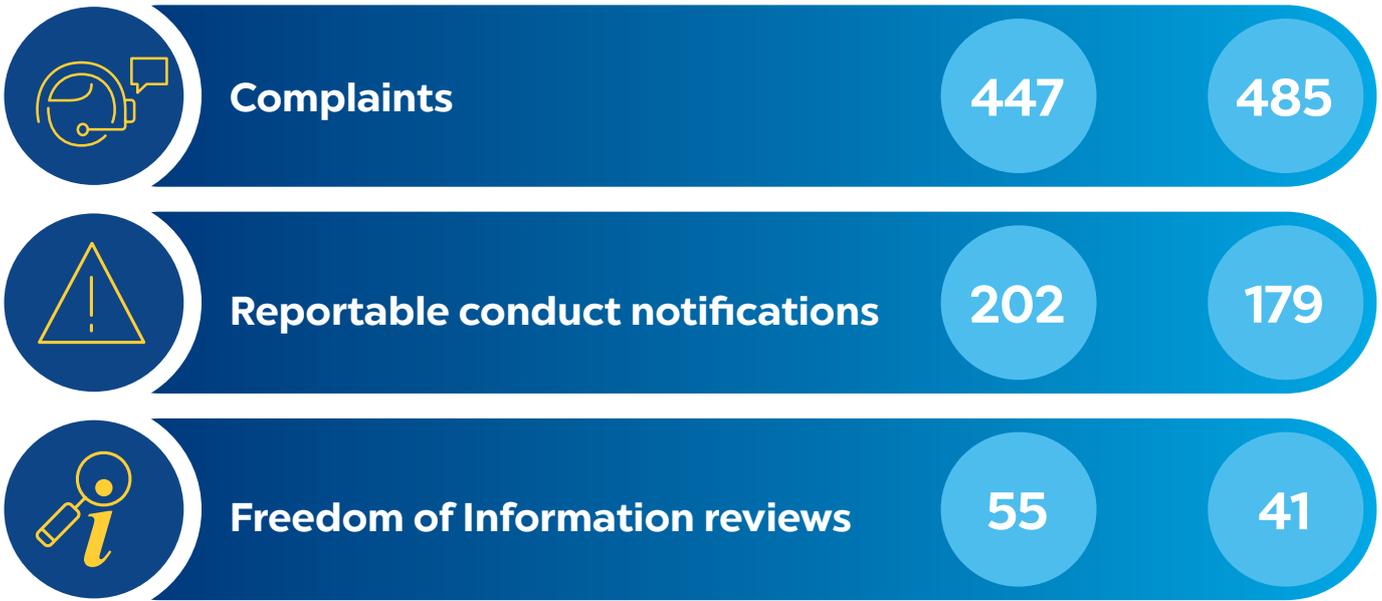
2022-23 HIGHLIGHTS



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Produced by the ACT Ombudsman, Canberra.

Transmittal Certificate

6 October 2023

Ms Joy Burch MLA
Speaker
ACT Legislative Assembly
London Circuit
CANBERRA ACT 2601

Dear Madam Speaker

I present to you the *2022–23 ACT Ombudsman Annual Report*.

The report has been prepared to fulfil the requirements of s 7A of the *Annual Reports (Government Agencies) Act 2004*.

I certify the *2022–23 ACT Ombudsman Annual Report* is an honest and accurate account of the work of the ACT Ombudsman's Office and all material information on the operations of the office has been included for the period 1 July 2022 to 30 June 2023.

As I am an Officer of the Assembly, this report is not subject to the *Annual Reports (Government Agencies) Directions 2023*. Where relevant to the ACT Ombudsman's Office, I sought to include similar information in this report to the information required under these directions.

Section 15 of the *Annual Reports (Government Agencies) Act 2004* requires that you present a copy of this report to the Legislative Assembly within 15 weeks after the end of the reporting year.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Iain Anderson', written in a cursive style.

Iain Anderson
ACT Ombudsman

Contacting the ACT Ombudsman

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If you would like further information about the ACT Ombudsman, please go to:

Website ombudsman.act.gov.au

This *2022–23 ACT Ombudsman Annual Report* is available on the above website.

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Part 1: Review by the ACT Ombudsman



I am pleased to introduce the *2022–23 ACT Ombudsman Annual Report*.

During 2022–23, the ACT Ombudsman continued to deliver oversight and assurance for the ACT community. Through our primary complaint handling function, as well as our investigations, stakeholder engagement and education activities, and specialised oversight and inspection functions, we have helped to improve public administration to deliver better outcomes for the ACT community. At the centre of our approach has been our focus on helping people affected by the actions of ACT Government agencies, especially the most vulnerable members of our community. The ACT Government agencies we oversee provide valuable public services, which is why it is important that this is done well and in a way that is fair and reasonable. Where there is room for improvement, we have said so.

With this mindset, in 2022–23 the ACT Ombudsman conducted an own motion investigation into Housing ACT’s administration of the mandatory relocation phase of the Growing and Renewing Public Housing Program. Our report, [How do you tell someone they have to move?](#), was published at the beginning of 2023–24.¹ We made 9 recommendations focused on improvements to strengthen the support and assistance provided to tenants with known vulnerabilities. Housing ACT accepted 8 of the 9 recommendations and accepted in-principle the remaining recommendation. Housing ACT advised it will be taking action in response to each recommendation, which we will monitor over the coming year.

The number of complaints we received about ACT agencies decreased by approximately a third in 2022–23, compared to 2021–22. We commonly see variation in complaint numbers across financial years and the decrease in 2022–23 was not uniform across all ACT Government agencies or activities. For example, complaints about freedom of information (FOI) and notifications of reportable conduct allegations under the ACT’s Reportable Conduct Scheme increased during the year. Details are provided in **Part 3: Performance analysis**.

Our work to monitor implementation of our previous recommendations continued during the year. In October 2022, we published a report titled [Did They Do What They Said They Would? Volume 2](#), which included point-in-time assessments of progress implementing recommendations made during the period 1 July 2019 to 30 June 2021, including from 3 reports into ACT Corrective Services, the ACT Revenue Office and ACT Policing.²

¹ ACT Ombudsman, *How do you tell someone they have to move?*, Report No.2, 2023, https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0040/299884/Report-by-the-ACT-Ombudsman-How-do-you-tell-someone-they-have-to-move-Housing-ACTs-implementation-of-mandatory-relocation-under-the-Growing-and-Renewing-Public-Housing-Program.pdf

² ACT Ombudsman, *Did They Do What They Said They Would? Volume 2*, October 2022, https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0030/296058/Did-they-do-what-they-said-they-would.-Reviewing-our-recommendations,-Volume-2,-October-2022.pdf

The ACT Ombudsman is part of the ACT's multi-body National Preventive Mechanism (NPM) to support Australia's implementation of the United Nations' [Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment \(OPCAT\)](#), alongside the ACT Inspector of Correctional Services and ACT Human Rights Commission.³ The ACT NPM commenced on 20 January 2023 at the same time as Australia's OPCAT obligations commenced. Since then, the ACT Ombudsman has engaged in ACT NPM activities, including joint visits with the Office of the Commonwealth Ombudsman and NPM to the Belconnen Police Station and the ACT Police Watchhouse, and contributing to the ACT NPM fact sheets and joint ACT NPM statements and submissions.

This year, we continued working with agencies to share better practice ideas and provide guidance on dealing with complex issues arising from FOI and the ACT Reportable Conduct Scheme. The ACT Ombudsman hosted the first in-person FOI round table with senior information officers and continued holding virtual FOI and reportable conduct practitioner forums. The round table in particular was a great opportunity to meet with relevant stakeholders in person after a lengthy period of working and meeting remotely.

In relation to FOI, all 9 ACT Government directorates provided both mandatory and optional data for reporting, allowing us to build on our understanding of the operation of the [Freedom of Information Act 2016](#) (the FOI Act).⁴ In 2022–23, we completed 39 reviews under the FOI Act – 19 decisions were published on our website. Our total of 104 published decisions as of 30 June 2023 contributes to a solid body of knowledge and better practice on the FOI Act, which is available to guide ACT public servants in their future decision making.

The ACT Reportable Conduct Scheme has operated for 6 years and continues to mature. The significant increase in reportable conduct notifications and contacts to the ACT Ombudsman during 2022–23 demonstrates a positive reporting culture in the ACT. We continue to work closely with stakeholders through case conferences, practitioner forums and individual case feedback to help build capability so they meet their obligations under the Scheme. We have also worked with stakeholders to improve compliance with the legislated 30-day timeframe for notifying allegations. It is pleasing to see improvements in compliance with this timeframe this financial year.

As ACT Ombudsman, I am also the Inspector of the ACT Integrity Commission. During 2022–23, our small Inspector team commenced the second formal investigation of a complaint about the Commission, resolved 3 other complaints about the Commission, and began assessing evidence of the Commission's implementation of 3 recommendations made on 30 June 2022.

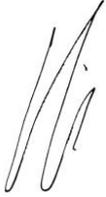
The ACT Ombudsman also supports the ACT Judicial Council through the ACT Ombudsman's role as the Principal Officer. In this capacity, we have provided secretariat services to the Council, received the Council's enquiries and complaints, helped the Council to conduct preliminary inquiries and other examinations, and facilitated communication between the Council, complainants and judicial officers.

We continued to engage with the ACT Legislative Assembly in 2022–23 through submissions to committee inquiries and appearances at committee hearings. As well as our appearances at ACT Budget and Annual Report Estimates, we made submissions to the Inquiry into the Freedom of Information Amendment Bills 2022 (October 2022), the Corrections and Sentencing Legislation Amendment Bill 2022 (February 2023), and the Review of the ACT *Integrity Commission Act 2018* (March and June 2023).

³ See <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-against-torture-and-other-cruel>

⁴ ACT Government, *Freedom of Information Act 2016*, <https://www.legislation.act.gov.au/View/a/2016-55/current/html/2016-55.html>

Looking ahead to 2023–24, we will continue to monitor how ACT Government agencies balance their important and legitimate public policy objectives with taking a people-centred approach to service delivery, especially communications and engagement with individuals and businesses affected by government decisions. We will continue to engage with stakeholders and the ACT community to inform our work and foster fairness and integrity.

A handwritten signature in black ink, appearing to read 'Iain Anderson', written in a cursive style.

Iain Anderson
ACT Ombudsman

Part 2: Annual Report requirements

Organisational overview

The role of the ACT Ombudsman

As ACT Ombudsman, we seek to influence systemic improvement in public administration in the ACT and provide assurance to the Legislative Assembly and the ACT community that ACT Government agencies and other designated entities in our jurisdiction act with fairness and integrity.

We undertake this role through our traditional complaint handling activities and by working with agencies to support their provision of accessible and effective complaint handling processes to the public. We may decide to conduct an own motion investigation when assessing a complaint, or when a matter is brought to our attention in another way, if it appears to raise systemic issues.

The ACT Ombudsman also provides oversight of:

- the ACT FOI framework
- the ACT Reportable Conduct Scheme
- use of covert and intrusive powers under ACT legislation
- ACT Policing
- the ACT Integrity Commission (as the Inspector).

We also provide a support role for the Judicial Council, through the ACT Ombudsman's role as the Principal Officer.

Together with the ACT Inspector of Correctional Services and ACT Human Rights Commission, we make up the multi-party ACT NPM in support of Australia's implementation of OPCAT.

The following sections provide an overview of our funding and each of these functions.

For detailed performance information about these functions during 2022–23, see **Part 3: Performance analysis**.

A copy of our organisational chart is available on the [ACT Ombudsman website](#).⁵

Managing complaints about public administration

The ACT Ombudsman receives complaints from people who consider they have been treated unfairly or unreasonably by an ACT Government agency or ACT Policing.

Each complaint we receive is assessed to determine the most appropriate course of action. Complaints that are not in our jurisdiction may be referred to an organisation that is in a better position to assist the complainant. Complaints in our jurisdiction undergo further assessment to determine if the agency has been made aware of the issue, and if preliminary enquiries or an investigation of the matter is required. When making these assessments, we focus on resolving the individual complaint, while also identifying any potential systemic issues.

⁵ ACT Ombudsman, Organisational chart, https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0018/105930/Org-Chart-May-2023-website-A2336422_190523_ACT.pdf

While we cannot compel an agency to take any action in response to a complaint, we can make recommendations as to the action we believe is appropriate.

There are several outcomes that can help resolve a complaint. These include a better explanation of an agency's action, an apology, a refund, or a change of decision. Sometimes agencies may take further action or expedite a process already underway.

A vital part of complaints management is the ongoing improvement of administrative processes. We provide feedback to agencies to help avoid unfair or unreasonable decisions or actions and to ensure better communication with the public. Ensuring better administration is at the heart of what we do.

Improving complaint processes

An important element of our engagement activities with ACT agencies is supporting the development of accessible and effective complaint handling systems within agencies. This includes developing a healthy complaint handling culture which values complaints as a tool to improve service delivery. The sections below highlight some of the work the ACT Ombudsman has done to support improvements in complaint handling.

Complaints assurance program

In the past, our Complaints Assurance Program (CAP) has been a useful tool to help agencies improve complaint handling processes. This collaborative program allows agencies to self-assess their complaint policies and practices and provide a random sample of complaints for analysis.

In 2022–23, we did not commence any new CAPs, instead focusing on undertaking an own motion investigation (see below) and supporting implementation of suggestions made in previous CAPs. We engaged with Housing ACT about its implementation of 5 suggestions we made in August 2020. Some of our suggestions were incorporated into the Community Services Directorate's (CSD) agency-wide review of complaint handling, and we participated in CSD's consultation on revised complaint handling policies and procedures. In 2023–24 we will continue to monitor CSD and Housing ACT progress, as these policies and procedures are finalised and implemented.

On 4 July 2022, the ACT Ombudsman wrote to the Australian Federal Police (AFP) to advise the CAP process in relation to ACT Policing's complaint handling function was complete and to provide our final assessment on the AFP's response to the 15 suggestions we made in September 2019. We assessed that 3 of our suggestions had been fully implemented, with 8 suggestions partially implemented. We agreed the remaining 4 suggestions were no longer applicable and no further action was required.

Complaint Handling Forum

This year, we assisted with the Commonwealth Ombudsman's Complaint Handling Forum (CHF), held virtually over 4 days from 6–9 June 2023, and attended by representatives from ACT Government agencies.

The CHF focused on challenges and changes in complaint handling and opportunities to learn about, improve and enhance complaint handling services. The CHF featured expert speakers from a variety of backgrounds, who shared practical and strategic insights on complaint handling across 90-minute sessions, covering:

- Perspectives on success in complaint handling
- Complaints and Gen Z
- De-escalating conflict in complaints
- Back to basics: customer service in complaints.

Own motion investigations and public reports

Own motion investigations are usually broader in scope than individual complaint investigations and are more likely to result in a public report with formal recommendations.

In 2022–23, we conducted an own motion investigation to look at whether Housing ACT’s administration of the transition to mandatory relocation of its Growing and Renewing Public Housing Program was appropriate and reasonable.

Own Motion Investigation – Implementation of mandatory relocation under the Growing and Renewing Public Housing Program

In the first half of 2022, we received 9 complaints from tenants who had been told they must move because their properties had been identified for renewal. We investigated 6 of these complaints and made suggestions to Housing ACT in relation to 3 of the complaints, aimed at improving communication with tenants and the process for tenants seeking an exemption from mandatory relocation. To Housing ACT’s credit, it engaged constructively with our investigations and made improvements to the program in response to our suggestions.

We commenced an own motion investigation in December 2022 to build on those early improvements. We did so recognising the challenges involved in delivering public housing in the ACT, including high demand, population growth, limited supply, increasing repair and maintenance costs, and the changing needs of tenants as they age.

Our investigation found that although Housing ACT improved delivery of the program since it commenced, further changes could be made, especially in relation to Housing ACT’s policies and procedures, communication with tenants, and planning and evaluation.

The [How do you tell someone they have to move?](#) report made 9 recommendations focused on improvements to strengthen the support and assistance provided to tenants with known vulnerabilities to balance the legitimate public policy goals of the program with the needs of public housing tenants.⁶ Housing ACT accepted 8 of the 9 recommendations and accepted in-principle the remaining recommendation. Housing ACT advised it will take action in response to each recommendation, which we will monitor over the coming year.

Biennial recommendations implementation monitoring

We continue to monitor the implementation of recommendations made to agencies across various functions and reports. The ACT Ombudsman has been working on internal policies to better monitor recommendation implementation, including reviewing our policies on when and how we make and follow-up recommendations.

On 17 October 2022, we published our second recommendations implementation monitoring report [Did They Do What They Said They Would? Volume 2](#).⁷ The report covered the actions taken by 8 agencies to implement ACT Ombudsman recommendations made in reports published in the period 1 July 2019 to 30 June 2021, including ACT Corrective Services, ACT Revenue Office and ACT Policing.

⁶ ACT Ombudsman, *How do you tell someone they have to move?*, Report No.2, 2023, https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0040/299884/Report-by-the-ACT-Ombudsman-How-do-you-tell-someone-they-have-to-move-Housing-ACTs-implementation-of-mandatory-relocation-under-the-Growing-and-Renewing-Public-Housing-Program.pdf

⁷ ACT Ombudsman, *Did They Do What They Said They Would? Volume 2*, October 2022, https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0030/296058/Did-they-do-what-they-said-they-would.-Reviewing-our-recommendations,-Volume-2,-October-2022.pdf

We assessed the steps taken by agencies and formed a view about whether our recommendations were fully implemented, partially implemented or not implemented. We identified:

- The ACT Revenue Office accepted all 9 recommendations with 3 recommendations implemented and 6 partially implemented.
- ACT Corrective Services accepted all 15 recommendations with 8 recommendations implemented and 7 partially implemented.
- ACT Policing accepted 6 recommendations, partially accepted 2 recommendations and noted one recommendation. All 9 recommendations were assessed as partially implemented.

Many agencies advised in their formal responses to the draft report that they had taken further action to implement our recommendations since our point-in-time assessments. The agencies involved demonstrated good engagement and commitment to recommendation implementation.

Reportable Conduct Scheme

The ACT Reportable Conduct Scheme (the Scheme) commenced on 1 July 2017 and has just completed its sixth year of operation.

Under the Scheme, which is set out in Division 2.2A of the [Ombudsman Act 1989](#) (the Ombudsman Act), the ACT Ombudsman oversees how designated entities⁸ prevent and respond to allegations of child abuse and child-related misconduct by employees.⁹

In addition to reporting to ACT Policing, Child and Youth Protection Services (CYPs), and/or any other relevant professional or regulatory bodies, designated entities covered by the Scheme must:

- report to the ACT Ombudsman allegations or convictions relating to child-related misconduct by employees, including volunteers and contractors, in the context of their professional or private activities¹⁰
- have practices and procedures in place to prevent reportable conduct, respond to such allegations and convictions, and to handle and share information in accordance with provisions in the [Children and Young People Act 2008](#) (CYP Act).¹¹

The ACT Ombudsman role is to:

- receive and assess designated entities' responses to reportable conduct allegations or convictions, including whether there was appropriate action by the designated entity in its response and the adequacy of any investigation carried out by the designated entity
- monitor the above practices and procedures a designated entity has in place to meet its obligations under the Scheme.

The Scheme does not replace or interfere with police investigations.

⁸ 'Designated entities' covered by the scheme include ACT Government directorates, health services, kinship and foster care organisations, residential care organisations, government and non-government schools, childcare services, education and care services including after school care, and religious organisations.

⁹ ACT Government, *Ombudsman Act 1989*, https://www.legislation.act.gov.au/a/alt_a1989-45co/default.asp

¹⁰ ACT Ombudsman's Office, *ACT Ombudsman Practice Guide No. 2 Identifying Reportable Conduct*, February 2018, www.ombudsman.act.gov.au/data/assets/pdf_file/0037/295948/RCS-ACT-Ombudsman-Practice-Guide-No.-2-Identifying-Reportable-Conduct-A2337905.pdf

¹¹ ACT Government, *Children and Young People Act 2008*, <https://www.legislation.act.gov.au/a/2008-19/>

To enhance designated entity-based child protection outcomes and encourage best practice, we may also:

- monitor an investigation carried out by the designated entity
- investigate any reportable conduct allegation or conviction, or the response of an organisation to a reportable conduct allegation or conviction
- disclose information about investigations to a child, parent and carer, the Office of Fair Trading and other entities specified in the CYP Act.

Freedom of Information

The ACT Ombudsman oversees the ACT FOI Act and promotes its objects by:

- conducting independent merits review of decisions on access applications
- publishing guidelines to assist FOI practitioners who make access decisions
- granting extensions of time to decide access applications
- investigating complaints about an agency or Minister's actions under the FOI Act
- monitoring the compliance of agencies and Ministers with their open access obligations.

In reviewing a decision, we can confirm or vary the original decision or set it aside and substitute it with a new decision. Ombudsman review decisions are binding and may be appealed to the ACT Civil and Administrative Tribunal (ACAT).

We resolve review matters informally where possible. For example, by facilitating a compromise where an agency and applicant agree to some additional information being provided to the applicant, and the review application is subsequently withdrawn.

We also work closely with agencies through regular forums to support them to build capability and meet their obligations under the FOI Act.

We publish a separate report every year on the operation of the FOI Act. This report is available on our website.¹²

Statutory compliance inspections

The ACT Ombudsman oversees the use of certain covert and intrusive powers under ACT legislation by the AFP (which encompasses ACT Policing), the Australian Criminal Intelligence Commission (ACIC), and the ACT Integrity Commission, including under the [Crimes \(Surveillance Devices\) Act 2010](#), the [Crimes \(Controlled Operations\) Act 2008](#), and the [Crimes \(Assumed Identities\) Act 2009](#). We also monitor ACT Policing compliance with Part 3.11 (Entry and search warrants) and Chapter 4 (Child sex offenders register) of the [Crimes \(Child Sex Offenders\) Act 2005](#), and we review the AFP handling of complaints under the [Australian Federal Police Act 1979](#) (Cth), including the handling of complaints about ACT Policing.¹³

Information about our inspections in 2022–23 is set out in **Part 4: Annual report requirements for specific reporting entities**.

¹² ACT Ombudsman website, reports page,

https://www.ombudsman.act.gov.au/publications?form=simple&profile=default&num_ranks=&query=%21showall&collection=actomb-publications&f.Tab%7CFUN41tscbvivv9ruxcvvgxjbpsee=Investigation+Reports

¹³ ACT Government, ACT Legislation Register, <https://www.legislation.act.gov.au/> and Australian Government, *Australian Federal Police Act 1979*, <https://www.legislation.gov.au/Details/C2016C00710>

Inspector of the ACT Integrity Commission

The ACT Ombudsman is the Inspector of the ACT Integrity Commission. The Inspector is an independent statutory role created under the [Integrity Commission Act 2018](#) (IC Act).¹⁴

The function of Inspector was established to provide oversight of the ACT Integrity Commission to ensure it operates within its legislative powers. The Inspector's functions include to:

- assess and report on the Commission's compliance with the Act
- receive, investigate and assess complaints about the Commission and Commission staff
- make recommendations to the Commission or other public bodies about practices or procedures in relation to the performance of functions under this Act.

The Inspector prepares a separate annual report under the [Annual Reports \(Government Agencies\) Act 2004](#), which includes the information required under s 283 of the IC Act, including our annual operational review report, prepared in accordance with s 281 of the IC Act.¹⁵ The separate Inspector's report is available on our website.¹⁶

ACT Judicial Council

The ACT Ombudsman provides support to the ACT Judicial Council.

The Council is a separate entity established under the [Judicial Commissions Act 1994](#) with powers to receive and examine complaints about the conduct or capacity of ACT judicial officers (judges and magistrates).¹⁷ The Council has 4 members:

- the Chief Justice of the ACT Supreme Court
- the Chief Magistrate of the ACT Magistrates Court
- an appointed legal practitioner member
- an appointed member of the community.

The ACT Ombudsman is the Council's Principal Officer. Together with nominated staff, the Ombudsman is responsible for:

- receiving the Council's enquiries and complaints
- assisting the Council to conduct preliminary inquiries and other examinations
- facilitating communication between the Council, complainants and judicial officers.

Ombudsman staff also perform secretariat services for the Council.

The Council issues its own annual report to the ACT Attorney-General, published on the [ACT Judicial Council website](#).¹⁸

¹⁴ ACT Government, *Integrity Commission Act 2018*, <https://www.legislation.act.gov.au/a/2018-52/>

¹⁵ ACT Government, *Annual Reports (Government Agencies) Act 2004*, <https://www.legislation.act.gov.au/a/2004-8>

¹⁶ ACT Ombudsman website, publications page, https://www.ombudsman.act.gov.au/publications?form=simple&profile=_default&num_ranks=&query=%21showall&collection=actomb-publications&f.Tab%7CFUN41tscbvivv9ruxcvvgxjbpsee=Investigation+Reports

¹⁷ ACT Government, *Judicial Commissions Act 1994*, <https://legislation.act.gov.au/a/1994-9/default.asp>

¹⁸ ACT Judicial Council website, www.actjudicialcouncil.org.au/annual-report

ACT National Preventive Mechanism (NPM)

The ACT Ombudsman is part of the ACT's multi-body NPM to support Australia's implementation of the United Nations' OPCAT.¹⁹ The agencies that make up the ACT NPM are the ACT Ombudsman, the ACT Inspector of Correctional Services and the ACT Human Rights Commission.

The ACT NPM became operational on 20 January 2023, in line with the commencement of Australia's obligations outlined in OPCAT. Our role is to conduct preventive monitoring visits of places of detention and to work with the government that appointed us to ensure that people detained are not subjected to torture or to cruel, inhuman or degrading treatment while detained. We work together to uphold the human rights of people in detention to better support their social, health and wellbeing outcomes.

More information is available at the [ACT National Preventive Mechanism website](https://www.npm.act.gov.au/).²⁰

¹⁹ Australia ratified the UN's OPCAT in December 2017. The establishment of a multi-body ACT NPM was announced by ACT Attorney-General on 20 January 2022.

²⁰ ACT National Preventive Mechanism website, <https://www.npm.act.gov.au/>

Part 3: Performance analysis

Contacts

In 2022–23, 936²¹ contacts were made, comprising:

- 447 complaints about ACT agencies, organisations or ACT Policing
- 489 program specific matters (for example, FOI review requests or reportable conduct notifications).

These are discussed in more detail in the sections below.

Complaints management

Complaints received

In 2022–23, as outlined in Table 1, we received a total of 447 complaints, comprising:

- 357 complaints related to ACT agencies and general public administration matters
- 57 complaints related to ACT Policing
- 16 complaints related to the ACT Reportable Conduct Scheme
- 4 complaints related to our work as Inspector of the ACT Integrity Commission
- 13 complaints related to the FOI Act.

Table 1: ACT complaints received during 2022–23, compared to the previous 2 financial years

	2020–21	2021–22	2022–23
Complaints received about ACT agencies	500	418	357
Complaints received about ACT Policing	103	88	57
Complaints received related to ACT Reportable Conduct Scheme	21	10	16
Complaints received about ACT Integrity Commission	4	5	4
Complaints received related to FOI Act	6	3	13
Total complaints received	634	524	447

There was a 15%²² decrease in complaints received about ACT agencies, compared to the previous financial year, with 357 complaints received in 2022–23 and 418 complaints received in 2021–22.

There was a 60% increase in complaints received related to the ACT Reportable Conduct Scheme, and an increase of more than 300% in complaints received related to the FOI Act.

Complaints received about ACT Policing decreased by 35%, with 57 complaints received in 2022–23, compared to 88 complaints received in 2021–22.

²¹ This figure includes ACT complaints received, FOI requests, notifications, notices and complaints, and reportable conduct notifications, enquiries and complaints.

²² Percentages rounded to nearest whole number.

Complaints about agencies

Table 2 outlines the number of complaints received by the ACT Ombudsman that relate to ACT Government directorates, ACT Policing, and other independent ACT agencies, and reports this number as a percentage of total complaints received.²³

Table 2: ACT complaints received during 2022–23, by agency

Agency	Number	Percentage ²⁴
Chief Minister, Treasury and Economic Development Directorate	98	24
Community Services Directorate	90	22
Justice and Community Safety Directorate	75	18
ACT Policing	57	14
Independent Statutory Offices	46	11
Transport Canberra and City Services Directorate	16	4
Education Directorate	13	3
Environment Planning and Sustainable Development Directorate	5	1
Health Directorate	4	1
Canberra Health Services	4	1
Prescribed authorities	3	1
Territory-owned corporations	2	<1
Offices of the Legislative Assembly	1	<1
Total	414	100

*Does not include complaints related to the FOI Act, Inspector of the ACT Integrity Commission and Reportable Conduct Scheme.

The largest number of complaints received by the ACT Ombudsman in 2022–23 related to the Chief Minister, Treasury and Economic Development Directorate (CMTEDD). Together, complaints about CMTEDD and CSD made up 46% of all complaints about ACT Government agencies.

When reported by individual agency, as opposed to directorate, the largest number of complaints received were about:

- ACT Corrective Services (73)
- Housing ACT (68)
- Access Canberra (57).

A detailed table of the number of complaints received about individual agencies is provided at **Appendix 1**.

How complaints were received

Figure 1 shows the most common method for contacting us in 2022–23 was via our online complaint form (43.6% of all complaints received).²⁵

Comparing the proportion of contacts, methods of contacting the ACT Ombudsman were broadly consistent with the previous financial year. There was an increase in complainant use of our online

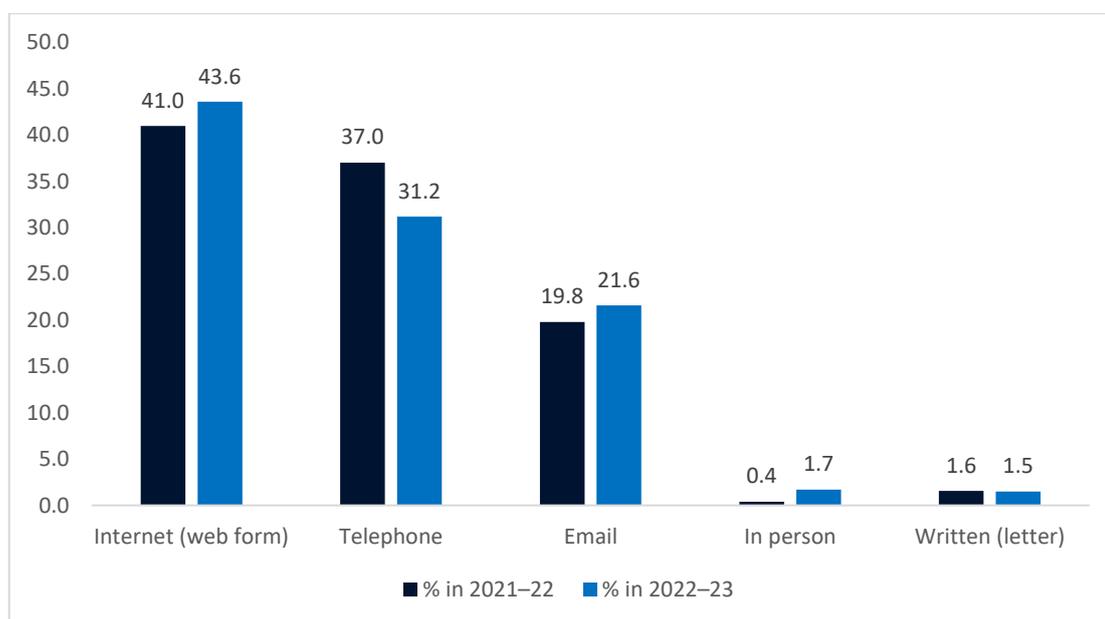
²³ This table does not include complaints related to the FOI Act, Inspector of the ACT Integrity Commission and Reportable Conduct Scheme, which are discussed separately in this report.

²⁴ Percentages may not add up to 100 due to rounding.

²⁵ Includes complaints received about ACT Policing and ACT Government agencies.

complaint form (from 41% in 2021–22, to 43.6% in 2022–23), while complainant use of the telephone to contact us decreased slightly (from 37.0% in 2021–22, to 31.2% in 2022–23).

Figure 1: How ACT complaints were made during 2022–23, compared to the previous financial year²⁶



Note: This data is dynamic and may be updated. For this reason, there may be minor differences when compared to previous published reports.

Complaints finalised

As outlined in Table 3, in 2022–23 we finalised a total of 485 complaints comprising:

- 387 complaints related to ACT Government agencies (made under the Ombudsman Act)
- 67 ACT Policing matters
- 15 complaints related to the Reportable Conduct Scheme
- 3 complaints related to the ACT Integrity Commission (made to the Inspector)
- 13 complaints related to the FOI Act.

Table 3: ACT complaints finalised during 2022–23, compared to the previous 2 financial years

	2020–21	2021–22	2022–23
ACT Government agencies	483	335	387
ACT Policing	107	70	67
ACT Reportable Conduct Scheme	21	13	15
ACT Integrity Commission	4	6	3
ACT FOI Act	7	2	13
Total complaints finalised	622	426	485

Every complaint is assessed to determine whether it can be resolved quickly, or if a formal investigation is required. Often, positive outcomes can be achieved for complainants without us needing to proceed to a full formal investigation.

²⁶ Includes complaints received about ACT Policing and ACT Government agencies made under the [Ombudsman Act 1989](#).

Outcomes achieved for formally investigated complaints

The table at **Appendix 2** provides information about outcomes resulting from investigations finalised in 2022–23. More than one outcome can be achieved in a single complaint investigation.

The outcomes achieved in 2022–23 included:²⁷

- better explanation by Ombudsman in 17 cases
- remedy provided by agency in 9 cases
- action expedited by agency in 4 cases
- apology issued in 3 cases.

During 2022–23, we finalised 54 formal investigations.²⁸ In most matters, the complainant’s concerns were resolved after we started our investigation and raised the matter with the relevant agency. In some cases, we were able to provide independent assurance to complainants that agencies had acted reasonably and lawfully and/or could give a better explanation of what had occurred.

CASE STUDY – Housing ACT moves to proactive engagement with vulnerable tenants

The complainant contacted the ACT Ombudsman reporting that they had been contacted in person, via phone and in writing by Housing ACT to advise that their property had been identified for redevelopment under the Growing and Renewing Public Housing Program. The complainant was later informed they would be required to move to a different Housing ACT property or would be required to apply for an exemption.

The complainant was an elderly, physically impaired pensioner who had lived in that property for several decades, and was concerned by the emotional and physical stress of having to orientate themselves to unfamiliar surroundings due to their impairments.

The ACT Ombudsman investigated the complaint and advised Housing ACT that it should refine its strategy for engaging with tenants, including to consider a tenants’ individual circumstances when identifying sites for redevelopment or disposal under the Growing and Renewing Public Housing Program.

Housing ACT agreed with our suggestions and updated its exemptions policy to ensure vulnerable tenants for whom there is a clear case for exemption are not required to go through an exemption process or receive relocation correspondence prior to a review of their personal circumstances.

After receiving this complaint and several others about this Housing ACT program, the Ombudsman chose to conduct an own motion investigation into the administration of this program, which is mentioned earlier in this report.

Performance against service standards

Our service standards apply to complaints we receive about ACT Government agencies and ACT Policing. Our service standard timeframes are:

- 55% finalised in 7 days
- 85% finalised in 40 days
- 90% finalised in 90 days
- 99% finalised in 12 months.

²⁷ Includes outcomes of investigations related to ACT Government agencies and ACT Policing.

²⁸ Includes investigations finalised related to ACT Government agencies and ACT Policing.

In 2022–23, 21% of complaints finalised about ACT Government agencies were closed in 7 days, 45% in 40 days, 56% in 90 days and 98.5% in 12 months.

While we received fewer complaints in 2022–23 compared to 2021–22, we finalised considerably more complaints this year, in large part due to the work of the surge team engaged to reduce the number of older complaints on hand. Performance against our service standards was impacted by organisational changes in our approach to complaints management, staff turnover and the introduction of a new contact centre system, which required a major training exercise and temporarily impacted our productivity and output. The fact that we started the year with a number of older complaints on hand also meant that, although we were actively resolving complaints throughout the year, we had already exceeded our service standard timeframes for a number of these.

We remain committed to improving our service timeliness through:

- a change in organisational structure to provide a single, dedicated focus on complaint management
- cross-training staff to create a more flexible workforce that can work across jurisdictions and channels according to complaint volumes
- bedding down the new contact centre system to increase the number of staff available to work on phones and to improve resource allocation between phones and web forms
- improving our web forms to obtain targeted information for specific agencies from the outset.

Complaint trends and agency engagement

The sections below provide information on complaint trends about specific agencies during 2022–23 and our engagement activities with them.

Complaints made about FOI or reportable conduct matters are discussed separately in this report. Complaints about the ACT Integrity Commission are discussed in the *ACT Inspector of the Integrity Commission Annual Report 2022–23*.

In 2022–23, we continued our regular liaison with directorates and agencies across the ACT as part of our oversight role to monitor possible systemic issues and identify improvements in public administration. For example, we met regularly with the ACT Human Rights Commission, ACT Inspector of Correctional Services, Housing ACT, Access Canberra, ACT Corrective Services (ACTCS) and ACT Policing.

Housing ACT

During 2022–23, we received 68 complaints about Housing ACT, a 49% decrease in complaints compared to 2021–22. The most common issues raised in complaints included:

- maintenance and repair
- anti-social behaviour and neighbourhood disputes
- administration of public housing waitlists/requests for transfer
- financial claims – payments and charges.

As mentioned earlier in this report, the ACT Ombudsman also conducted an own motion investigation into the administration of the Growing and Renewing Public Housing Program in 2022–23. Progress against actioning the recommendations in this report by Housing ACT will be monitored by the ACT Ombudsman during 2023–24.

We meet regularly with Housing ACT and also attend the ‘Who’s new on the street’ forum, which brings together various community providers of housing and homelessness services to build a greater understanding of the economic and social environment in which these services and Housing ACT operate.

Access Canberra

The number of complaints received about Access Canberra decreased this reporting period, from 72 in 2021–22 to 57 in 2022–23 (a decrease of 20.8%).

Similar themes were evident in complaints about Access Canberra compared to the previous financial year. Complaints covered a broad range of issues including:

- licencing and registrations
- building and property issues and approvals
- parking and traffic infringement notices.

CASE STUDY – Access Canberra to provide accurate advice

The ACT Ombudsman received a complaint from an individual who claimed the wrong advice was provided to them by Access Canberra regarding the transfer of their vehicle registration from another state, and when the individual requested to speak with the manager, they were refused.

The issue related to the application of the [Road Transport \(Vehicle Registration\) Act 1999](#), which sets out being a registered operator of a vehicle in the ACT or any other state does not equate with ownership of a vehicle, although it is commonly the case that a registered operator is also the owner.²⁹ When the ACT Ombudsman assessed and investigated the complaint, we contacted Access Canberra to learn that it retained no telephone recorded information about the nature of the call, the issues discussed or advice given. Based on the information provided, and the assumptions made in relation to vehicle registration / ownership, we found that Access Canberra had, on the balance of probabilities, provided the complainant with incorrect information in the circumstance.

As a result of clarifying the misunderstanding, the individual's vehicle was registered to the satisfaction of the owner. We also suggested Access Canberra consider recording its telephone contact with customers; consider implementing a policy to place comprehensive interaction notes against a person's notes following personal visits; and ensure that customers who ask to be transferred to a manager or supervisor are granted that request. Access Canberra continues to assess how calls from the community can be recorded while safeguarding private information and ensuring compliance with the relevant standards.

We engage with Access Canberra through regular meetings that include discussion of complaint trends, emerging issues and changes affecting how complaints are handled by Access Canberra. We observed that Access Canberra had an increase in contacts and complaints during 2022–23, while complaints to the ACT Ombudsman about Access Canberra were down approximately 22% in 2022–23. This may indicate Access Canberra's Complaints Management Review and actions it took to reduce backlogs and support community awareness are improving outcomes for those engaging with the service.

ACT Corrective Services

In 2022–23, we received 73 complaints about ACTCS, 12.3% more than the 65 complaints received in 2021–22.

All of the 73 complaints were about the Alexander Maconochie Centre (AMC). These complaints were made by (or on behalf of) detainees or by their friends and families.

Common AMC complaints related to:

- health/medical
- education/programs related to parole

²⁹ ACT Government, *Road Transport (Vehicle Registration) Act 1999*, <https://www.legislation.act.gov.au/a/1999-81/>

- safety/physical location
- officer behaviour/management of AMC
- visits.

We work closely with other AMC oversight agencies and maintain regular contact about a range of issues (through joint meetings and other communication). These other oversight agencies are:

- Office of the Inspector of Correctional Services
- ACT Human Rights Commission, which also includes members
- Official Visitors.

The ACT Ombudsman’s participation in the AMC oversight network is based on the broader role of receiving, assessing and investigating complaints about administrative matters in the ACT.

ACT Revenue Office

We received 20 complaints about the ACT Revenue Office in 2022–23, an increase compared to 18 complaints received in 2021–22. The most common complaint issues in 2022–23 included:

- landholder duty
- late payment penalties
- matters relating to rental bonds.

Public Trustee and Guardian for the ACT

In 2022–23, we received a relatively low total number of complaints about the Public Trustee and Guardian (PTG) for the ACT, but this reflected a substantial increase on the previous financial year. Compared to 7 complaints in 2021–22, we received 17 complaints in 2022–23. These complaints covered the following issues:

- not distributing sufficient funds
- delays in distributing proceeds from estate
- not managing finances effectively
- charging excessive fees for executor role.

The issues raised by these complaints are consistent with previous years. However, the increase remains a matter of concern. We are aware that late in 2022–23, the ACT Audit Office published a report on the PTG, *Financial Management Services for Protected Persons*, which identified shortcomings across a range of governance, administrative and service delivery arrangements.³⁰ We will monitor PTG complaint trends carefully in 2023–24, while being cautious not to duplicate the ACT Audit Office’s work.

Transport Canberra and City Services

In 2022–23, the number of complaints received about Transport Canberra and City Services (TCCS) decreased by 33%. We received 16 complaints this financial year, compared to 24 complaints received in 2021–22.

³⁰ ACT Auditor-General’s Performance Audit Report, *Financial Management Services for Protected Persons*, Report No.3, 2023, https://www.audit.act.gov.au/_data/assets/pdf_file/0005/2246297/Report-No.3-2023-Financial-Management-Services-for-Protected-Persons.pdf

Complaints about TCCS covered a range of issues, including:

- property matters, such as damage caused by trees
- domestic animals, such as barking dogs
- transport and traffic issues, such as vehicle registration, cancellations and defect notices.

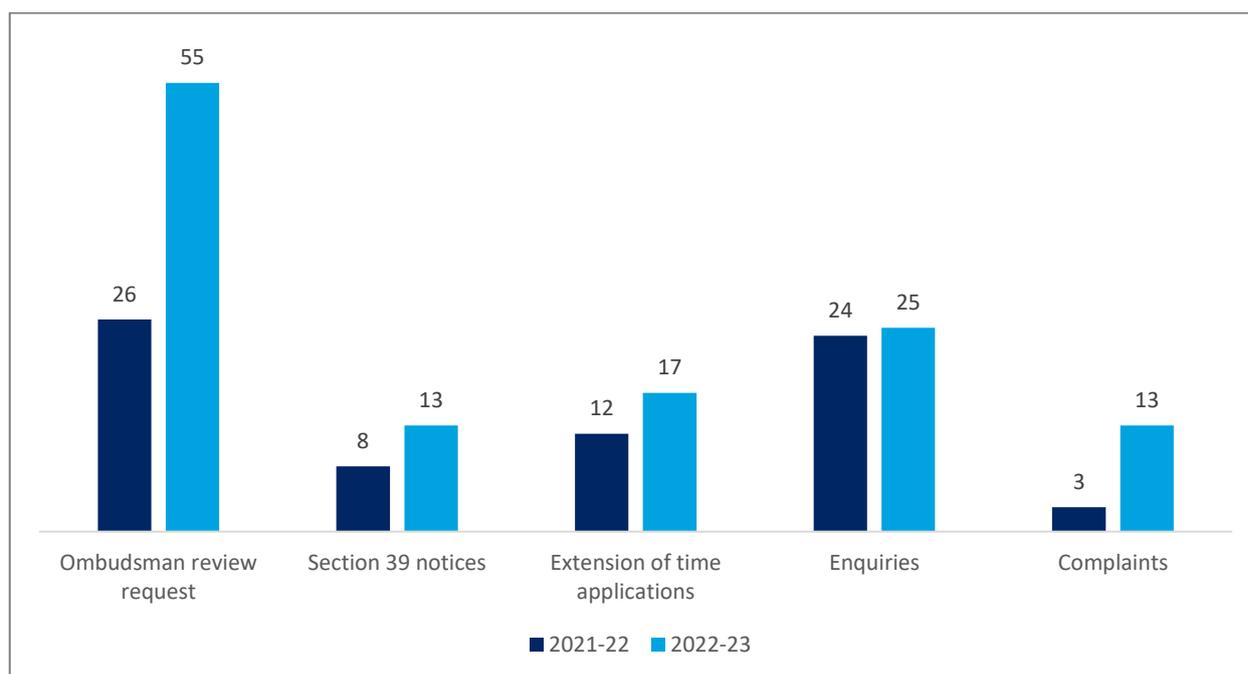
Freedom of Information oversight

FOI contacts received

In 2022–23, we received 123 contacts related to our role as the independent oversight agency for FOI, compared to 73 contacts in 2021–22. This was a 68% increase compared to last financial year. As outlined in Figure 2, this included:

- 25 FOI-related enquiries
- 55 applications for Ombudsman review
- 13 notices under s 39 of the FOI Act (notices given to the ACT Ombudsman to advise that a decision on an access application was not made in time)
- 17 extension of time requests
- 13 FOI-related complaints.

Figure 2: Contacts received under the FOI Act in 2022–23, compared to 2021–22



Finalised FOI reviews

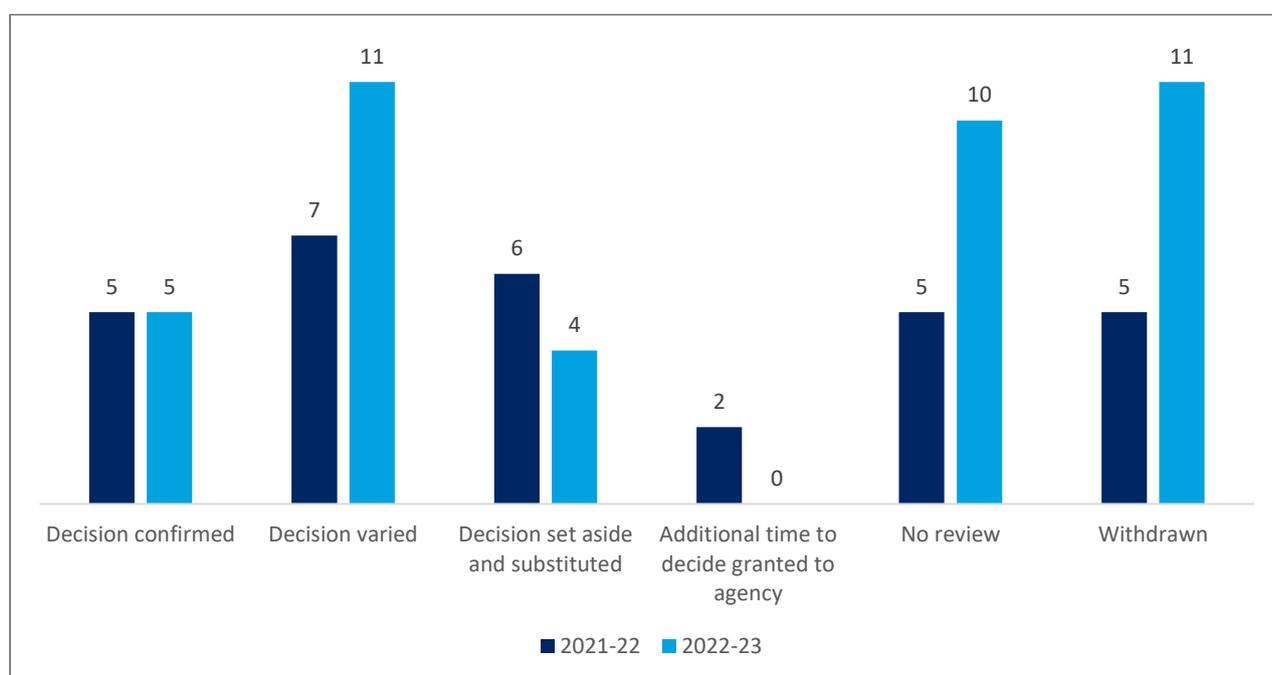
As shown in Figure 3, we finalised 41 Ombudsman reviews in 2022–23.

The outcomes of these reviews were:

- the original decision was **confirmed** in 5 cases
- the original decision was **varied** in 11 cases
- the original decision was **set aside** in 4 cases

- 10 matters were **closed** without review because they were either invalid requests, there was no reasonable prospect of the original decision changing, the agency made a further decision, or the applicant could not be contacted
- 11 matters were **withdrawn** following informal resolution activities.

Figure 3: FOI review requests finalised in 2022–23, compared to 2021–22



Performance against service standards

We established service standards for our FOI review applications on 1 July 2019.³¹

In 2022–23, we did not meet our service standards:

- 22% finalised within 6 weeks (below the standard of 30%)
- 41% finalised in 12 weeks (below the standard of 60%)
- 73% finalised in 6 months (below the standard of 95%).

FOI review matters may be finalised within 6 weeks where informal resolution is successful. Our ability to meet the 30% service standard is expected to vary depending on the number of cases finalised through informal resolution processes.

Where a formal decision is required, matters are expected to take at least 12 weeks to finalise and complex matters can take longer. Timeframes may also be delayed where agencies are slow to provide copies of relevant documentation to enable a review to commence.

In 2022–23, there was a significant increase in the number of reviews resolved by informal resolution and withdrawn compared with 2021–22. A similar increase compared to 2020–21 was observed for matters resolved without review; either because the request was invalid, there were no reasonable prospects of the original decision changing, the agency made a new decision or the applicant could not be contacted.

³¹ For more information about FOI service standards, see <https://www.ombudsman.act.gov.au/accountability-and-oversight/freedom-of-information/foi-complaints-and-reviews>

Published decisions

At 30 June 2023, we had published 104 FOI decisions on the ACT Ombudsman website, of which 19 were published during 2022–23.³²

Publishing decisions contributes to the body of precedent for FOI law, and provides agencies and applicants with guidance on the FOI Act, including the application of the public interest test and transparency in decision making.

Open access monitoring

In 2022–23, due to competing priorities, we did not progress the specific open access monitoring strategy as originally planned in this reporting period. We will re-evaluate the progression of the open access monitoring strategy in 2023–24.

We continued to monitor open access in the ACT through our participation in the Community Attitudes Survey on Information Access in 2023. The NSW Information Privacy Commissioner conducts this survey on a regular basis. Members of the public in NSW and other participating jurisdictions, including the ACT, are surveyed on their awareness of, and attitudes to, government information, with survey results released in time for International Access to Information Day in September of each year.

We also monitored open access in the ACT via our review function and will continue to consult with stakeholders and provide assistance on areas for improved practice.

Engagement activities

Throughout the 2022–23 financial year we engaged with stakeholders in a variety of ways. We continue to communicate informally with agencies, providing advice and clarification on FOI matters. As part of our ongoing engagement with government stakeholders, we provided input on proposed amendments to the FOI Act.

To mark International Access to Information Day on 28 September 2022, we released a joint statement with Information Commissioners and Ombudsmen across Australia.³³ The joint statement highlighted the importance of enabling digital access to support members of the public to effectively access government-held information.

We circulated a newsletter to ACT FOI practitioners in December 2022, providing updates on current events and trends and advising senior practitioners on dealing with access applications.

We hosted an in-person FOI roundtable with senior information officers in the ACT Government and a virtual FOI practitioner forum in May 2023, with more than 30 Information Officers from agencies attending. The forum was an opportunity to connect with ACT agencies and involved discussion on the recent amendments to the FOI Act, insights on Ombudsman reviews including data and timeframes, and other topics of interest to forum participants.

The ACT Ombudsman attended 2 meetings of the Association of Information Access Commissioners, in December 2022 and June 2023.

³² ACT Ombudsman website, FOI Review decisions, <https://www.ombudsman.act.gov.au/accountability-and-oversight/freedom-of-information/foi-review-decisions>

³³ Office of the Australian Information Commissioner, 'Information commissioners and ombudsmen hail importance of enabling digital access', <https://www.oaic.gov.au/newsroom/information-commissioners-and-ombudsmen-hail-importance-of-enabling-digital-access>

Reportable Conduct Scheme

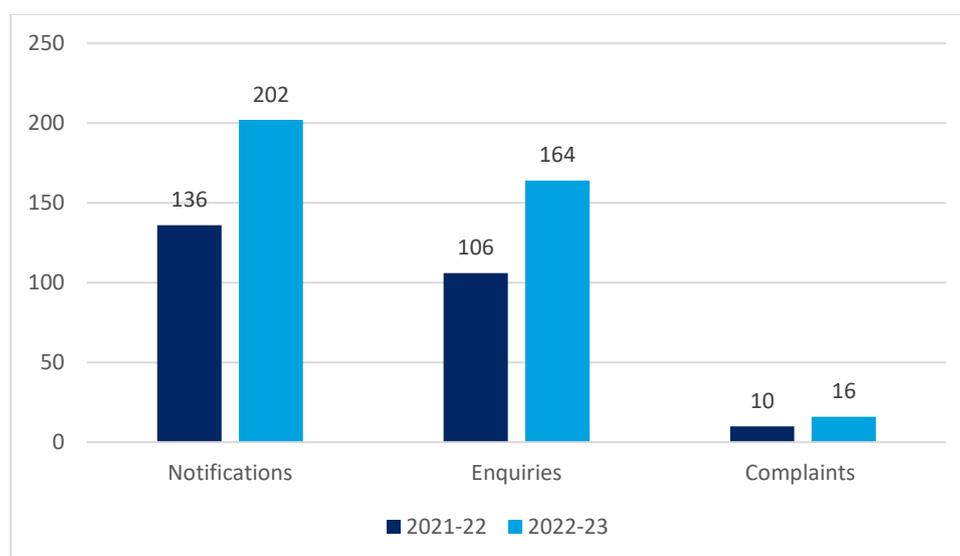
Reportable Conduct – contacts received

We received 382 contacts relating to reportable conduct in 2022–23, a significant increase (52%) on the 252 contacts reported in 2021–22.

Figure 4 shows:

- 202 notifications from designated entities³⁴ about allegations of reportable conduct
- 164 enquiries
- 16 complaints.

Figure 4: Contacts received related to reportable conduct in 2022–23, compared to 2021–22



The number of overall contacts increased significantly compared to previous years, as Figure 4 shows. Notifications increased by 48.5%, while enquiries increased by 54.7% compared to 2021–22.

In 2021–22, we attributed the decrease in contacts to the impacts of the COVID-19 pandemic and subsequent restrictions. The number of notifications received this year is higher than pre-COVID-19 pandemic levels. The increase could be attributed to stakeholder engagement, a maturing of the Reportable Conduct Scheme and a positive reporting culture in the ACT. We also conducted a survey of the religious organisation sector which resulted in an increase in enquiries to our office.

Of the 202 notifications this year, 42 were also reported to ACT Policing. This is a decrease in the total number of matters reported to ACT Policing and a reduction in the proportion of matters reported to ACT Policing, compared to 2021–22. We continued to observe an increased complexity in the matters received during this reporting period, including the nature of the allegations, cross-jurisdictional issues and challenges for organisations progressing investigations.

Table 4 shows the number of notifications received in 2022–23, by sector.

³⁴ The term ‘designated entity’ is defined under s 17EA of the *Ombudsman Act 1989*.

In 2022–23, we continued to receive the largest number of notifications from government and non-government schools (90 notifications), followed by education and care service providers (51 notifications), and the kinship and foster care sector (27 notifications).

Table 4: Notifications received in 2022–23 by sector and percentage of total notifications received

	Number	Percentage ³⁵
Government and Non-Government Schools	90	45%
Education and Care Service Providers	51	25%
Kinship and Foster Care	27	12%
Residential Care Organisations	9	5%
ACT Directorates	7	4%
Religious Organisation	7	4%
Health Service Providers	5	2%
Non-designated entity (Out of Jurisdiction)	4	2%
No sector information	2	1%

Timeliness of notification reporting

Under s 17G(2) of the Ombudsman Act, a designated entity is required to notify the ACT Ombudsman within 30 days after becoming aware of a reportable allegation or reportable conviction of an employee.

In 2022–23, designated entities' compliance with this obligation increased to 79% compared to 69% in the last reporting period. We are alert to this issue and timeliness has been addressed with designated entities. We have been encouraging designated entities to contact us if they anticipate a delay.

It is important designated entities notify the ACT Ombudsman within 30 days. When approaches are made early, we can add extra value to a designated entity's response. Where we identify a designated entity is not making timely notifications, we may encourage the designated entity to review its processes and resourcing dedicated to handling allegations of child abuse or child-related misconduct by employees.

We published Practice Guide No. 1³⁶ to assist designated entities with the process of notifying us about reportable allegations and convictions against employees.

Cases finalised

Under s 17J of the Ombudsman Act, designated entities must provide the ACT Ombudsman with a written report of the results of its investigation, including actions taken.

We assess the designated entity's overall response, in consideration of a range of factors outlined in our Practice Guide No. 9,³⁷ to determine if the designated entity made sufficient inquiry and took appropriate

³⁵ Percentages may not add up to 100 due to rounding.

³⁶ ACT Ombudsman, *ACT Ombudsman Practice Guide No.1 – How the ACT Ombudsman Responds to Notifications and Reports*, https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0036/295947/No.-1-How-the-ACT-Ombudsman-responds-to-notifications-and-reports-A2337902.pdf

³⁷ ACT Ombudsman, *ACT Ombudsman Practice Guide No.9 – How the Ombudsman Assesses an Employer's Response/Investigation*, https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0034/295954/RCS-ACT-Ombudsman-Practice-Guide-No.-9-How-the-ACT-Ombudsman-Assesses-an-Employers-Response-Investigation-A497799.pdf

action(s). We may seek further information to be satisfied of the response. We may also provide feedback to the designated entity for it to consider in terms of ongoing practice improvement.

We finalised 179 matters in 2022–23, a 16% increase in finalised cases compared to 2021–22 (154 matters).

Table 5 shows the allegation type³⁸ of all finalised matters reported to the ACT Ombudsman in 2022–23. The most common allegations reported to us in 2022–23 were the same as in 2021–22 and 2020–21, namely ill-treatment involving hostile use of force/physical contact (173 allegations) and emotional abuse (164 allegations).

Table 5: Allegation type for matters finalised in 2022–23 and percentage of all allegations and convictions reported

Type of allegation	Number	Percentage
Ill-treatment – hostile use of force	173	29%
Ill-treatment – emotional abuse	164	27%
Misconduct of a sexual nature – crossing professional boundaries	87	14%
Neglect	58	10%
Ill-treatment – inappropriate restrictive intervention	53	9%
Misconduct of a sexual nature – sexually explicit comments and other overtly sexual behaviour	52	9%
Sexual offences where a child is a victim or is present	6	1%
Misconduct of a sexual nature – grooming behaviour	6	1%
Offences against a person	4	1%
Offences against the Education and Care Service National Law	0	0%
Psychological harm	0	0%
Total allegations	603	100%

Allegations of misconduct of a sexual nature have been increasing over the life of the Scheme. For example, in 2018–19 (the last non-COVID impacted financial year), allegations in this category accounted for 14% of allegations, while this category accounts for 24% of all allegations received 2022–23.

The increase in notification numbers reflects a positive reporting culture and the increase in allegations may indicate a better understanding within entities of the wide range of behaviours that may constitute sexual misconduct, such as grooming.

Performance against service standards

Our focus in 2022–23 continued to be the management of immediate risks associated with incoming notifications and monitoring current reportable conduct investigations by designated entities.

Section 17G notifications

When the ACT Ombudsman receives a new s 17G notification from a designated entity about an allegation of reportable conduct, we assess the initial response by the designated entity – including whether it has reported to other authorities – and its risk assessment and investigation plan. This allows the designated entity to consider our feedback during its investigation. We aim to assess notifications within 7 calendar days in 80% of cases.

³⁸ A notification may contain multiple allegations.

In 2022–23, 94% of notifications were assessed within the required timeframe (being 7 calendar days).

Section 17J final reports

When we receive a final report from a designated entity following its investigation into reportable conduct allegations or convictions (s 17J report), we consider whether the allegation or conviction was properly investigated and appropriate action taken, and whether we need further information from the designated entity. This gives the designated entity reasonable opportunity to act on our feedback or provide further information. We aim to complete this within 28 calendar days in 80% of cases.

In 2022–23, 87.8% were assessed within the required timeframe (being 28 calendar days).

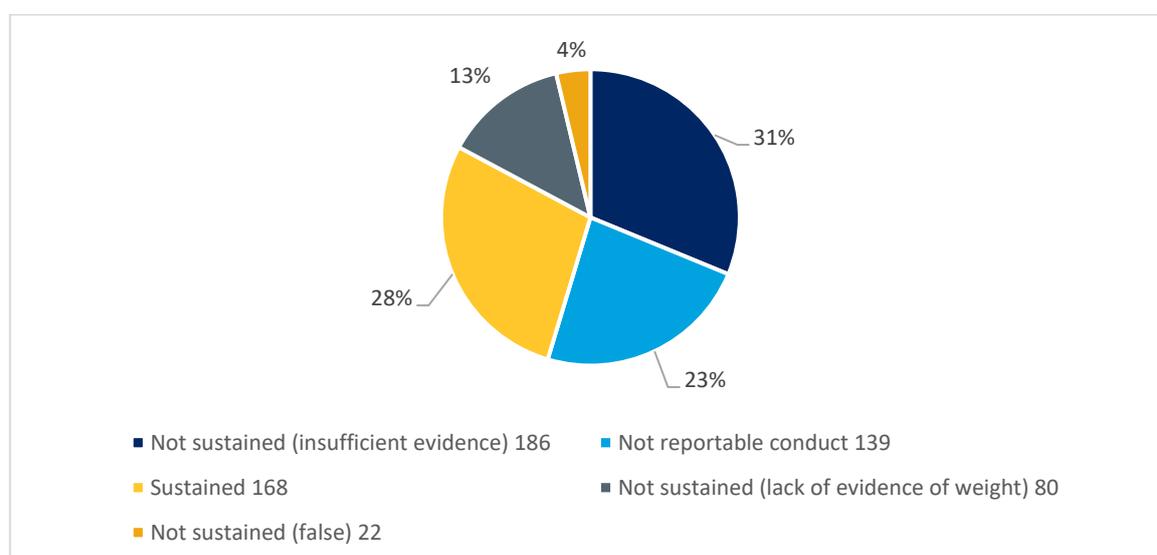
We will continue to strive to meet these service standards – recognising the importance of providing timely consideration to designated entities on assessments and the impacts that reportable conduct allegations have on both persons subject to allegation and alleged victims.

Outcomes

After notifying the ACT Ombudsman of a reportable conduct allegation or conviction, and on conclusion of its investigation, a designated entity must provide the Ombudsman with the outcome of its inquiries and what action it has taken or plans to take as a result. Designated entities are required to report on whether an allegation has been sustained or not sustained.

Figure 5 and Table 6 show the outcomes for each allegation and conviction, and the actions taken by designated entities, as provided to us in reports finalised in 2022–23.³⁹

Figure 5: Outcomes reported by designated entities – finalised investigations in 2022–23⁴⁰



³⁹ A notification may contain multiple allegations, each having a finding and action recorded. The total number of allegations is 603.

⁴⁰ There were 8 allegations with no findings.

Table 6: Actions taken by designated entities – finalised in 2022–23 and percentage of all actions taken

Action	Number	Percentage
Performance monitoring or managing	159	26%
No action after the investigation process	158	26%
No information provided	109	18%
Training	73	12%
Counselling	51	8%
Termination	23	4%
Other forms of disciplinary action as per employer	17	3%
Letter of warning	12	2%
Transfer/demotion	1	1%

Investigations and complaints

The ACT Ombudsman may, on its own initiative or in response to a complaint, choose to investigate any reportable conduct allegation or conviction against an employee of a designated entity considered under the Scheme. The Ombudsman may also investigate a designated entity’s response to a reportable conduct allegation or conviction.

In 2022–23, we received 16 complaints about designated entities’ handling of reportable conduct matters. All of these were handled by contacting the relevant designated entity and facilitating pathways for complainants to access internal processes or information, investigating the complaint through the reportable conduct allegation, or providing further information directly to the complainant.

CASE STUDY – Reportable conduct

A reportable conduct notification was received from a designated entity in November 2021. At the time the ACT Ombudsman assessed the notification from the entity, the age of the alleged victim (AV) was not known. During the course of the investigation and at the conclusion, we requested the details of the AV from the entity on a number of occasions. At the conclusion of its investigation, the entity determined that 2 of the 6 allegations were sustained and informed the person subject of allegation (PSOA) of this on 31 March 2022. The ACT Ombudsman provided feedback to the entity and the matter was closed.

In September 2022, we received a complaint from the PSOA stating the entity had failed to accurately determine the thresholds for reportable conduct were met, namely the definition of a child being under 18 years old at the time of the alleged incidents. The PSOA indicated the AV was not under 18 years old at the time of the alleged incidents. We investigated the PSOA complaint, and the designated entity advised that on the balance of probabilities, it was unlikely that AV would have been 18 years of age at the time of the alleged incidents. Given this information, we recorded an allegation of not reportable conduct and suggested the entity advise the PSOA of the outcome and provide an apology.

Monitoring activities

Our *Practice Guide No. 9 – How the Ombudsman Assesses an Employer’s Response/Investigation* provides information to designated entities about how the ACT Ombudsman monitors practices and procedures for preventing reportable conduct, and how designated entities deal with reportable allegations and convictions.⁴¹

As outlined in the guide, we consider the following aspects of a designated entity’s response:

- initial response
- planning
- information gathering
- employee response
- making a finding
- taking action.

We provide written feedback to designated entities on the s 17J final reports provided to us under the Ombudsman Act. Where we identify systemic feedback concerns, we raise these at liaison meetings. Designated entities are also invited to contact us for further discussion about feedback and we encourage designated entities to revisit previous feedback provided when handling new matters.

During 2022–23, our feedback continued to address:

- providing procedural fairness to those involved in an investigation
- allegations needing to be clearly defined, clarified and recorded correctly before an investigation is conducted
- clearly articulating the appropriate category and sub-category of each allegation at commencement to enable appropriate findings at conclusion of the investigation
- the articulation and mitigation of risk, based on a broad assessment
- timely investigation plans
- understanding that reporting obligations under the Scheme may include allegations concerning an employee’s private life, where the conduct impacts on the employee’s behaviour in the workplace.

Through future practitioner forums, stakeholder liaison and our published information, we continue to focus on how we can better support designated entities to implement our feedback and facilitate improvement. We recognise that managing reporting obligations can be complex and time consuming.

In March and April of 2023, the ACT Reportable Conduct team conducted a survey of religious designated entities. The purpose of the survey was to assess the level of engagement and compliance with the Reportable Conduct Scheme by religious designated entities. The survey focused on seeking information from religious designated entities about the policies, procedures and practices in place to prevent and manage allegations of reportable conduct. It also focused on the level of engagement with the Scheme, and the education and awareness strategies in place within religious designated entities.

⁴¹ ACT Ombudsman, *ACT Ombudsman Practice Guide No.9 – How the Ombudsman Assesses an Employer’s Response/Investigation*, https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0034/295954/RCS-ACT-Ombudsman-Practice-Guide-No.-9-How-the-ACT-Ombudsman-Assesses-an-Employers-Response-Investigation-A497799.pdf

Results from the survey will:

- inform the ACT Reportable Conduct team of how to better engage with religious designated entities
- assist the ACT Reportable Conduct team to target those religious designated entities with low awareness and engagement with the Scheme
- assist in developing religious designated entities' maturity in preventing and responding to allegations of reportable conduct.

Engagement activities

During the year we maintained regular engagement activities with designated entities, ensuring quarterly liaison with key stakeholders and more regular liaison with those designated entities with high notification numbers. This engagement helped us provide timely feedback and support to designated entities to build their capacity to prevent, report and respond to allegations of reportable conduct.

We maintained regular liaison with Access Canberra's Working with Vulnerable People (WWVP) team, ACT Policing Sexual Assault and Child Abuse Team (SACAT), ACT Together Barnardos, CSD and the Education Directorate.

We continue to attend meetings with the Bimberi oversight group (convened by CSD), and the ACT Government's Redress Implementation Group (convened by the Justice and Community Safety Directorate). We attended an interjurisdictional reportable conduct forum with each jurisdiction sharing challenges and strategies to address these.

The ACT Ombudsman and ACT Senior Practitioner signed a memorandum of understanding outlining our oversight roles and responsibilities, and solidifying engagement and referral activities.

In 2023–24, we plan to expand our stakeholder engagement to include religious organisations and the early education and care sector.

Practitioner forums

We hosted 3 practitioner forums, one in August 2022, the second in February 2023 and the third in June 2023. All of the practitioner forums were held online, allowing for greater attendance numbers.

The August 2022 practitioner forum included a presentation from the Public Advocate's Office about its role and how it operates in the ACT in relation to the child protection framework. ACT Policing's SACAT provided a presentation about its role and the information-sharing provisions under the Reportable Conduct Scheme. The investigation team from the CSD CYPS also provided a presentation about case practice issues.

The February 2023 practitioner forum included a case study presentation from the Education Directorate on private life matters, which highlighted some of the challenges associated with the intersection of private life conduct of employees and the Reportable Conduct Scheme. The ACT Senior Practitioner provided a presentation on its role and intersection with the Scheme.

The June 2023 practitioner forum provided a case study presentation from TCCS on its investigation of a private life matter. The Children's Education and Care Assurance team from the Education Directorate provided an overview of its role and intersection with the Scheme. The discussions also created an impromptu discussion with administrators of the WWVP scheme in response to questions raised by other participants.

We will continue to involve designated entities in upcoming forums, encouraging a 'community of practice' approach, with designated entities presenting case studies and sharing investigation practices.

Online information

We engage in capacity-building activities to support designated entities to properly respond to and investigate allegations of reportable conduct. This is an important part of our oversight function to support designated entities to meet the requirements of the Scheme. To maintain designated entities' engagement and awareness of their obligations to address issues in a timely manner, we published 3 newsletters during the reporting period.

The team conducts free, face-to-face information sessions to key employees of designated entities. During the COVID-19 pandemic, we moved to online platforms to continue to engage and support designated entities. Like many of the designated entities, we had strained resources and unplanned leave. As a result, we ran fewer information sessions. We also noted that designated entity employees were having difficulty attending the limited number of information sessions. To address this issue, we developed an e-learning module, which is available on our website and has been included in the ACT Government e-learning platform (learnhub).

At the February 2023 practitioner's forum, the presented case studies raised 2 topics that led to robust conversations. These topics were the challenges involved in investigating private life matters, and responding appropriately to allegations where evidence or avenues of inquiry are limited. In April 2023, we published a communique on our website to provide clarity and guidance to designated entities on our perspective and expectations on the issues raised.

Community engagement

Community engagement is an important part of our work and we continued our face-to-face community outreach during 2023–24. This included attending the Council on the Ageing (COTA) ACT Seniors Expos in September 2022 and March 2023, which provided an opportunity to explain the role of the ACT Ombudsman and to learn more about issues that may be of concern to attendees. ACT Ombudsman staff fielded a range of questions, including many about ACT Government services relating to:

- freedom of information
- building and construction issues
- ACT Policing
- hospital carparking
- telecommunications issues and electricity
- Robodebt and the Royal Commission
- Centrelink
- privacy
- financial
- general advocacy for seniors.

We also undertook a major website refresh in 2023–24, which went live on 22 May 2023. The new website is a fresh, modern site with information that is easier to find and read. We hope it improves the accessibility of our information and helps with community awareness of the ACT Ombudsman.

Scrutiny

We made several appearances before, and submissions to, Legislative Assembly Committees between 1 July 2022 and 30 June 2023. These were:

- Select Committee on Estimates 2022–23:
 - as Ombudsman and Inspector, appearance before the Inquiry into the ACT Budget 2022–23 (in August 2022).
- Standing Committee on Justice and Community Safety:
 - as Ombudsman, submission to the Inquiry into the Freedom of Information Amendment Bills 2022 (in October 2022)
 - as Inspector, submission to the Inquiry into the Integrity Commission Amendment Bill 2022 (No 2) (in November 2022)
 - as Ombudsman, submission to the Corrections and Sentencing Legislation Amendment Bill 2022 (in February 2023).
- Independent reviews:
 - as Inspector, submission No.1 to the Review of the *ACT Integrity Commission Act 2018* (24 March 2023)
 - as Inspector, submission No.2 to the Review of the *ACT Integrity Commission Act 2018* (2 June 2023).

Financial management reporting

In the 2022–23 ACT Budget, released on 2 August 2022, the ACT Government allocated \$3,925,266 (GST exclusive) to the Commonwealth Ombudsman to undertake the ACT Ombudsman functions.

In accordance with the Services Agreement between the Office of the Commonwealth Ombudsman and the ACT Government, the Commonwealth Ombudsman was provided with:

- \$1,924,495 for ACT Ombudsman services, including complaint handling, and oversight in relation to ACT Policing
- \$1,092,747 to perform functions under the Reportable Conduct Scheme
- \$599,802 to implement and perform functions under the FOI Act
- \$90,830 to perform functions as the Principal Officer to support the ACT Judicial Council
- \$217,392 to implement and perform functions as the Inspector of the ACT Integrity Commission.

Note: All figures above are exclusive of GST.

Funding provided for the ACT Ombudsman in 2022–23 was \$1,069,562 more than funding received in 2021–22. This increase in funding in 2022–23, compared to funding received in 2021–22, was attributable to the ACT Government’s agreement to fund standard staffing on-costs in 2022–23, whereas these had not been funded in 2021–22.

This funding was used on, and supported, performing core legislative obligations and deliverables required under our Services Agreement with the ACT Government. Detailed financial statements for the Office of the Commonwealth Ombudsman, an Australian Public Service entity which currently performs the role of the ACT Ombudsman, are published in the *Office of the Commonwealth Ombudsman Annual Report 2022–23*.

Part 4: Annual report requirements for specific reporting entities

The ACT Ombudsman oversees the use of certain covert and intrusive powers under ACT legislation by the AFP (encompassing ACT Policing), ACIC, and the ACT Integrity Commission. These powers emanate from the *Crimes (Surveillance Devices) Act 2010* (ACT) (the SD Act), the *Crimes (Controlled Operations) Act 2008* (ACT) (the CO Act) and the *Crimes (Assumed Identities) Act 2009* (ACT) (the AI Act).⁴² We also monitor ACT Policing compliance with Chapter 4 and Part 3.11 of the *Crimes (Child Sex Offenders) Act 2005* (ACT) (the CCSO Act).⁴³

Under s 40XA of the [Australian Federal Police Act 1979](#) (Cth) (the AFP Act), the Commonwealth Ombudsman⁴⁴ is required to review the administration of the AFP handling of complaints through inspection of AFP records, including ACT Policing complaint records.⁴⁵

During 2022–23, we conducted inspections of the AFP use of powers under the SD Act and CO Act. We also inspected and reported on ACT Policing compliance with the CCSO Act. During these inspections, ACT Policing demonstrated it had considered and taken appropriate action to address the findings arising from our previous inspections. We were satisfied ACT Policing has a maturing compliance culture in relation to the use of these powers.

We did not conduct any inspections of ACIC or the ACT Integrity Commission as these agencies advised us they had not used powers under the SD Act or CO Act. The ACT Ombudsman has also not conducted an inspection of any law enforcement agencies under the AI Act for the same reason.

Controlled operations

A controlled operation is a covert operation to obtain evidence that may lead to the prosecution of a person for a relevant offence or be used in an integrity investigation. A controlled operation provides protection from civil and criminal liability for law enforcement officers and civilians who engage in certain conduct that would otherwise be unlawful or lead to civil liability. Participants may engage in a variety of types of conduct, so long as that conduct is directly authorised or appropriately related to authorised conduct. Examples of conduct include transporting illicit goods, interfering with a consignment or entering false data into a system.

The CO Act allows AFP, ACIC and the ACT Integrity Commission to conduct controlled operations in the ACT and in other participating jurisdictions. Under the CO Act, the ACT Ombudsman is required to inspect the records of a law enforcement agency at least once every 12 months to determine the extent of compliance with the CO Act by the agency and its officers. The Ombudsman must report on the results of each inspection under the CO Act conducted in the previous financial year.

⁴² ACT Government, ACT Legislation Register, <https://www.legislation.act.gov.au/>

⁴³ Provided for under Division 2.2 of the *Ombudsman Act 1989*.

⁴⁴ The Commonwealth Ombudsman is also the ACT Ombudsman.

⁴⁵ Australian Government, *Australian Federal Police Act 1979*, <https://www.legislation.gov.au/Details/C2016C00710>

Inspection findings

In April 2023, we inspected AFP controlled operations records for the period 1 January to 30 June 2022. We were satisfied the AFP took appropriate action to address suggestions resulting from our previous inspection. We made no findings of non-compliance or risks of non-compliance as a result of our inspection.

Surveillance devices

The SD Act provides a framework for law enforcement officers to use surveillance devices in criminal and corrupt conduct investigations. Surveillance device means a data device, a listening device, an optical device, a tracking device, or a device that is a combination of these devices.

The ACT Ombudsman may inspect the records of the AFP, ACIC and the ACT Integrity Commission to determine the extent of compliance with the SD Act by the agency and its officers.

Inspection findings

In April 2023, we inspected AFP action in response to our previous inspection findings. The AFP had not used the surveillance devices powers in the records period of 1 January to 30 June 2022. We were satisfied the AFP took appropriate action to address our previous suggestions.

Assumed identities

The AI Act facilitates law enforcement investigations and intelligence-gathering in relation to criminal activity by providing for the lawful acquisition and use of assumed identities. We may inspect the records of AFP, ACIC and the ACT Integrity Commission to assess the extent of compliance with the AI Act by the agency and its officers.

To date, we have not conducted any inspections under the AI Act as all agencies advised these powers have not been used.

Child sex offenders register

Under the CCSO Act, ACT Policing must establish and manage the ACT Child Sex Offenders Register in accordance with the requirements set out in Chapter 4 of the CCSO Act. Further, Chapter 4 sets out the information that must be recorded on the register and the controls that must be applied to the use and disclosure of information from the register. Under Part 3.11 of the CCSO Act, ACT Policing may apply for a warrant to enter and search the premises of a registrable offender to verify the offender's personal details or to determine whether the offender has breached, or is likely to breach, an order prohibiting certain conduct.

The Ombudsman Act defines a function of the Ombudsman as being to monitor ACT Policing compliance with Chapter 4 and Part 3.11 of the CCSO Act.

Inspection findings

In August 2022, we conducted one inspection of the register and ACT Policing systems, processes and procedures for managing the register as required under the CCSO Act. As a result of this inspection, we were satisfied that ACT Policing management of the register largely complied with the requirements of

the CCSO Act, and that appropriate action had been taken to address previous suggestions. As a result of our 2022–23 inspection, we made 2 suggestions that ACT Policing:

- ensure registrable offenders are aware of their obligations to report the name of each locality where the offender is generally employed and ensure this detail is recorded on the register
- individually check and update children of interest information at each reporting interview with a registrable offender and record this information clearly on the register and the National Child Offender System.

To date, we have not made an assessment regarding Part 3.11 of the CCSO Act because ACT Policing advised it has not sought or executed any warrant under these provisions.

Review of complaint handling under Part V of the AFP Act

Under s 40XA of the AFP Act, the Commonwealth Ombudsman⁴⁶ is required to review the administration of AFP handling of complaints through inspection of AFP records. This includes reviewing the handling of some complaints about ACT Policing. Further, under s 40XB of the AFP Act, the Ombudsman may, at any time, inspect the records of AFP conduct and practice issues dealt with under Divisions 3 and 4 for the purposes of reviewing the administration of Part V of the AFP Act.

The Ombudsman reports annually to the Federal Parliament on our review of AFP activities under Part V of the AFP Act. These reports are available on the [Commonwealth Ombudsman's website](#).⁴⁷

⁴⁶ The Commonwealth Ombudsman is also the ACT Ombudsman.

⁴⁷ Commonwealth Ombudsman website, Publications, resources & FAQs page, https://www.ombudsman.gov.au/publications-resources-and-faqs?form=simple&f.Tab%7CFUN8bmrxdhh179ktvi7yj1be61j=Report&profile= default&num_ranks=&query=%21s_howall&collection=comomb-publications

Part 5: Whole-of-Government annual reporting

Freedom of Information

FOI review decisions

FOI review decisions provide agencies and applicants with guidance on the FOI Act, including the application of the public interest test. In 2022–23, 19 ACT Ombudsman review decisions were published:⁴⁸

- Community and Public Sector Union and the Office of the Legislative Assembly [2023] ACTOFOI 12 (29 June 2023)
- ‘CD’ and Chief Minister, Treasury and Economic Development Directorate [2023] ACTOFOI 11 (27 June 2023)
- ‘CC’ and Integrity Commission [2023] ACTFOI 10 (22 June 2023)
- Construction Forestry Maritime Mining and Energy Union and Chief Minister, Treasury and Economic Development Directorate [2023] ACTOFOI 8 (26 May 2023)
- CB and Education Directorate [2023] ACTOFOI 9 (20 June 2023)
- Decision and reasons for decision of Senior Assistant Ombudsman [2023] ACTOFOI 8 (3 May 2023)
- ‘CA’ and Environment, Planning and Sustainable Development Directorate [2023] ACTOFOI 7 (22 March 2023)
- ‘BZ’ and Transport Canberra and City Services [2023] ACTOFOI 6 (24 February 2023)
- Elizabeth Lee MLA and Chief Minister, Treasury and Economic Development Directorate [2023] ACTOFOI 5 (22 February 2023)
- ‘BY’ and Chief Minister, Treasury and Economic Development Directorate [2023] ACTOFOI 4 (18 January 2023)
- Elizabeth Lee MLA and Chief Minister, Treasury and Economic Development Directorate [2023] ACTOFOI 2 (9 January 2023)
- Elizabeth Lee MLA, Ben Ponton and Chief Minister, Treasury and Economic Development Directorate [2023] ACTOFOI 1 (9 January 2023)
- ‘BX’ and ACT Health Directorate [2022] ACTOFOI 12 (23 December 2022)
- ‘BW’ and Chief Minister, Treasury and Economic Development Directorate [2022] ACTOFOI 11 (13 December 2022)
- ‘BV’ and Environment, Planning and Sustainable Development Directorate [2022] ACTOFOI 10 (17 November 2022)
- ‘BU’ and ACT Health Directorate [2022] ACTOFOI 9 (4 November 2022)
- Peter Brewer and Justice and Community Safety Directorate [2022] ACTOFOI 8 (24 October 2022)

⁴⁸ 20 Ombudsman reviews were finalised with a decision – one decision was finalised in 2022–23 but was not published until after the end of 2022–23.

- ‘BT’ and Education Directorate [2022] ACTOFOI 7 (10 October 2022)
- Elizabeth Lee MLA and Chief Minister, Treasury and Economic Development Directorate [2022] ACTOFOI 6 (16 September 2022).

Decisions on open access

During 2022–23, we made 9 decisions to publish open access information. These included the following material:

Factsheets

- OPCAT Factsheet for Detained People – ACT NPM (May 2023)
- OPCAT Factsheet for Service Providers (Detaining Authorities and Civil Society) – ACT NPM (May 2023)
- OPCAT FAQs for Detained People – ACT NPM (May 2023)

Submissions

- Australian NPM Members Submission on UN SPT General (1 April 2023)
- Submission by the ACT Inspector to Independent Review of the *ACT Integrity Commission Act 2018* (24 March 2023)
- Submission by the ACT Inspector to Independent Review of the *ACT Integrity Commission Act 2018* (2 June 2023)
- Inquiry into the Integrity Commission Amendment Bill 2022 (No 2) (25 November 2022)
- Joint Statement – No additional funding to implement Australia’s obligations under OPCAT (10 May 2023)

We did not make any decisions refusing to publish open access information or descriptions of open access information.

Access applications

We received one application for release of information under the FOI Act. The decision in relation to one application was to refuse access, which is to neither confirm nor deny the existence of the document. In zero applications, we did not hold the information requested. For one application, a refusal was deemed because the decision was not provided within time.

Charges and application fees

The FOI Act provides that information should be released at the lowest reasonable cost to applicants.

We do not charge for information released under an access application made to the ACT Ombudsman. In our oversight role, we do not charge any fees for Ombudsman review.

For more information, please visit the [ACT Ombudsman website](#).⁴⁹ To request information under the FOI Act, access applications can be sent via email to FOI@ombudsman.gov.au or posted to:

Information Officer
ACT Ombudsman
GPO Box 442
Canberra ACT 2601

Details of access applications dealt with by the ACT Ombudsman, including copies of any released information, can be viewed on the [ACT Ombudsman website](#).⁵⁰

Human Rights

The [Human Rights Act 2004](#) (the Human Rights Act) forms part of the legislative and policy framework relevant to the complaints we receive. The Human Rights Act provides protections for peoples' civil and political rights and requires that agencies act consistently with those rights.⁵¹

⁴⁹ ACT Ombudsman website, Access our information page, <https://www.ombudsman.act.gov.au/about-us/access-our-information>

⁵⁰ ACT Ombudsman website, Disclosure log page, <https://www.ombudsman.act.gov.au/about-us/access-our-information/disclosure-log>

⁵¹ ACT Government, *Human Rights Act 2004*, <https://www.legislation.act.gov.au/a/2004-5/>

Part 6: State of the Service Report

Public Interest Disclosure

The ACT Ombudsman is a 'disclosure officer' under the [Public Interest Disclosure Act 2012](#) (ACT), which means we can receive disclosures and may investigate disclosable conduct if a disclosure is referred to the Ombudsman by the Integrity Commissioner (under s 19(2)(c)).⁵²

Under the *Public Interest Disclosure Act 2012* (ACT), the ACT Integrity Commission is responsible for oversight of the Public Interest Disclosure (PID) Scheme. However, we can take complaints about and review the handling of PIDs by ACT public sector agencies and the Public Sector Standards Commissioner.

During 2022–23, we received 2 disclosures, and both were referred to the Integrity Commissioner. We received 6 general PID enquiries and 3 complaints about the handling of disclosures.

The Integrity Commissioner did not refer any disclosures to us for investigation during the reporting period.

⁵² ACT Government, *Public Interest Disclosure Act 2012*, <https://www.legislation.act.gov.au/a/2012-43/>

Part 7: Appendices

Appendix 1: Complaints received or finalised

Table 7: Complaints received or finalised by ACT Ombudsman in 2022–23

Directorate/Agency	Total received 2022–23	Total finalised 2022–23	Finalised with investigation	Finalised without investigation
Canberra Health Services	4	4	0	4
Chief Minister, Treasury and Economic Development Directorate	98	102	14	88
Access Canberra	57	54	10	44
ACT Revenue Office	20	20	1	19
Canberra Institute of Technology	4	6	1	5
University of Canberra	11	14	1	13
Chief Minister, Treasury and Economic Development – other	5	6	0	6
WorkSafe ACT	1	2	1	1
Community Services Directorate	90	103	19	84
Housing ACT	68	89	19	70
Community Services – other	22	14	0	14
Education Directorate	13	18	0	18
Environment, Planning and Sustainable Development Directorate	5	5	1	4
Health Directorate	4	4	0	4
Justice and Community Safety Directorate	75	82	5	77
ACT Corrective Services	73	82	5	7
ACT Emergency Services Agency	2	0	0	0
Transport Canberra and City Services Directorate	16	27	5	22
Independent statutory offices	46	38	0	38
ACT Court or Tribunal	9	8	0	8

Directorate/Agency	Total received 2022–23	Total finalised 2022–23	Finalised with investigation	Finalised without investigation
ACT Human Rights Commission	12	9	0	9
ACT Teacher Quality Institute	0	1	0	1
Legal Aid ACT	8	6	0	6
Public Trustee and Guardian for the ACT	17	14	0	14
Office of the ACT Legislative Assembly	1	1	0	1
Office of the ACT Legislative Assembly	1	1	0	1
Territory-owned corporations	2	1	0	1
Icon Water	2	1	0	1
TOTAL ACT Government	356	387	45	342
ACT Policing	57	67	9	58
TOTAL ACT	414	454	54	400

Appendix 2: Outcomes of complaint investigations

Table 8: Outcomes of finalised complaint investigations for 2022–23 by agency and by outcome

Directorate /Agency	Investigations finalised	Action expedited	Apology	Better explanation by agency	Better explanation by Ombudsman	Change to law, policy or practice	Decision changed or reconsidered	Fee refunded, waived or reduced	Other financial remedy	No remedy	Returned	Remedy provided by agency	Total remedies
Chief Minister, Treasury and Economic Development Directorate	14	2	1	-	4	1	-	1	-	6	-	1	16
Access Canberra	10	1	-	-	2	-	-	1	-	5	-	1	10
ACT Revenue Office	1	1	1	-	1	-	-	-	-	-	-	-	3
Canberra Institute of Technology	1	-	-	-	-	-	-	-	-	1	-	-	1
University of Canberra	1	-	-	-	1	-	-	-	-	-	-	-	1
WorkSafe ACT	1	-	-	-	-	1	-	-	-	-	-	-	1
Community Services Directorate	19	-	1	2	2	2	5	-	-	5	-	3	20
Housing ACT	19	-	1	2	2	2	5	-	-	5	-	3	20
Environment and Sustainable Development Directorate	1	-	-	-	1	-	-	-	-	-	-	-	1
Prescribed Authorities	1	-	-	-	-	-	-	-	-	1	-	-	1
ACT Law Society	1	-	-	-	-	-	-	-	-	1	-	-	1
Justice and Community Safety Directorate	5	1			3	1	1			1	-	2	9
ACT Corrective Services	5	1			3	1	1			1	-	2	9
Transport Canberra and City Services Directorate	5	1	-	-	1	1	-	-	1	2	-	-	6
Transport Canberra and City Services – other	5	1	-	-	1	1	-	-	1	2	-	-	6
ACT Government TOTAL	45	4	2	2	11	5	6	1	1	15		6	53
ACT Policing	9	-	1	2	6	-	-	-	-	2	1	2	14
Total	54	4	3	4	17	5	6	1	1	17	1	8	67

a – Note: one investigation may result in multiple outcomes.

b – Note: this table does not include outcomes for finalised matters in relation to FOI, reportable conduct or the ACT Integrity Commission. These outcomes are reported separately.

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Glossary

ACAT	ACT Civil and Administrative Tribunal
ACIC	Australian Criminal Intelligence Commission
ACT	Australian Capital Territory
ACTCS	ACT Corrective Services
AFP	Australian Federal Police
AFP Act	<i>Australian Federal Police Act 1979 (Cth)</i>
Agencies	Administrative units of ACT Government business
AI Act	<i>Crimes (Assumed Identities) Act 2009 (ACT)</i>
AMC	Alexander Maconochie Centre
AV	Alleged victim
CAP	Complaints Assurance Program
CCSO Act	<i>Crimes (Child Sex Offenders) Act 2005 (ACT)</i>
CHF	Complaint Handling Forum
CMTEDD	Chief Minister, Treasury and Economic Development Directorate
CO Act	<i>Crimes (Controlled Operations) Act 2008 (ACT)</i>
COTA	Council on the Ageing
CSD	Community Services Directorate
CYP Act	<i>Children and Young People Act 2008</i>
CYPS	Child and Youth Protection Services
Directorates	Administrative units of ACT Government business
FOI	Freedom of Information
FOI Act	<i>Freedom of Information Act 2016</i>
Human Rights Act	<i>Human Rights Act 2004</i>
IC Act	<i>Integrity Commission Act 2018</i>
MLA	Member of the Legislative Assembly
NPM	National Preventive Mechanism
Ombudsman Act	<i>Ombudsman Act 1989</i>
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
PID	Public Interest Disclosure
PSOA	Person subject of allegation
PTG	Public Trustee and Guardian
SACAT	Sexual Assault and Child Abuse Team (ACT Policing)
SD Act	<i>Crimes (Surveillance Devices) Act 2010 (ACT)</i>
TCCS	Transport Canberra and City Services
WWVP	Working with Vulnerable People (Access Canberra)

Compliance statement

Report on omissions and reasons for non-compliance

The Office of the Commonwealth Ombudsman discharges the role of ACT Ombudsman. The ACT Ombudsman is not required to comply with the *Annual Reports (Government Agencies) Directions 2023* under the *Annual Reports (Government Agencies) Act 2004*, but the Commonwealth Ombudsman is required to act in accordance with the Directions under its Services Agreement with the ACT Government.⁵³ Many omitted items are, where relevant, reported in the *Commonwealth Ombudsman Annual Report 2022–23*, available on [Commonwealth Ombudsman website](https://www.ombudsman.gov.au).⁵⁴

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⁵³ ACT Government, *Annual Reports (Government Agencies) Act 2004*, <https://www.legislation.act.gov.au/a/2004-8/>

⁵⁴ Commonwealth Ombudsman website, Publications, resources & FAQs page, <https://www.ombudsman.gov.au/publications/reports/annual>