

ACT Ombudsman—Quarterly Report

A REPORT ON THE ACTIVITIES OF THE ACT OMBUDSMAN

1 JANUARY TO 31 MARCH 2020

Report by the ACT Ombudsman
Michael Manthorpe PSM

REPORT NO. **2** | 2020

Introduction from ACT Ombudsman

I am pleased to introduce the third quarterly report for the ACT Ombudsman for 2019–20.

My Office is acutely aware of the pressures that many ACT government agencies are under at this time in responding to the COVID-19 pandemic. As a result, I am seeking to minimise the extent to which my Office's oversight role might unreasonably distract agencies from managing the current crisis.

That said, independent oversight of administrative action—the core purpose of my Office—remains important, all the more so at a time of unprecedented actions by both Commonwealth and State/Territory governments. When large, new and very necessary government interventions are rolled out at speed, things can sometimes go wrong. Consequently, my Office continues to monitor new initiatives as they are offered, and stands ready to provide advice to ACT government agencies on issues of implementation of new programs.

Despite changing circumstances and many of our staff now working remotely, my Office also remains committed to delivering our oversight functions, including:

- managing complaints made to our Office about ACT agencies and ACT Policing
- overseeing and influencing improvements in public administration in the ACT, and
- working with ACT agencies to improve their complaint handling, Freedom of Information and Reportable Conduct processes, while maintaining flexibility with agencies around timeframes.

We have paused some of our education, awareness raising and stakeholder engagement activities for the time being. We maintain a close interest in developments at the Alexander Maconochie Centre (AMC), but have paused physical visits. We are also working with the other oversight agencies to ensure we take a coordinated approach to engaging with AMC management, particularly about risk mitigation with respect to COVID-19.

At this stage, complaint numbers to my Office are relatively steady. We are not seeing any major spike in complaints arising from the various measures that the ACT Government has put in place in response to COVID-19. I will alert relevant agencies if this changes.

We welcome feedback to the Office about our ACT Ombudsman activities and these quarterly reports, as we continue to explore the most effective ways to influence improvements in ACT public administration and make a positive difference for the people of Canberra. Feedback can be provided to Ms Cathy Milfull, Director of the ACT Strategy and FOI section at cathy.milfull@ombudsman.gov.au.

Michael Manthorpe PSM
ACT Ombudsman

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Part 1: OUR STRATEGY IN THE ACT

The role of the ACT Ombudsman is to influence systemic improvement in public administration in the ACT, as well as providing assurance that ACT government agencies within our jurisdiction act with fairness and integrity. We work with agencies to help ensure they provide accessible and effective complaint handling processes to the public.

This financial year we continue to focus on improving the accessibility of the ACT Ombudsman's Office, building on the release of the ACT Ombudsman Facebook page, our dedicated ACT Ombudsman phone line (02 6276 3773) and the release of our updated ACT Ombudsman website on 1 October 2019.

Priority areas for our Office for 2019–20 include:

- influencing improvement in public administration in ACT Policing, Housing ACT, the ACT Revenue Office and the Alexander Maconochie Centre (AMC)
- working more closely with ACT Government to improve agency complaint handling
- promoting the objectives of the *Freedom of Information Act 2016* (the FOI Act)
- monitoring compliance of ACT agencies with the Open Access Information Scheme (OAIS)
- improving the awareness and practices of entities under the Reportable Conduct Scheme
- promoting information sharing related to the Reportable Conduct Scheme
- establishing our role as Inspector of the ACT Integrity Commission.

Part 2: COMPLAINT TRENDS

Complaints received

During this reporting period, as outlined in Figure 1, the Office received a total of **110 complaints**, 3.5 per cent less than last quarter:¹

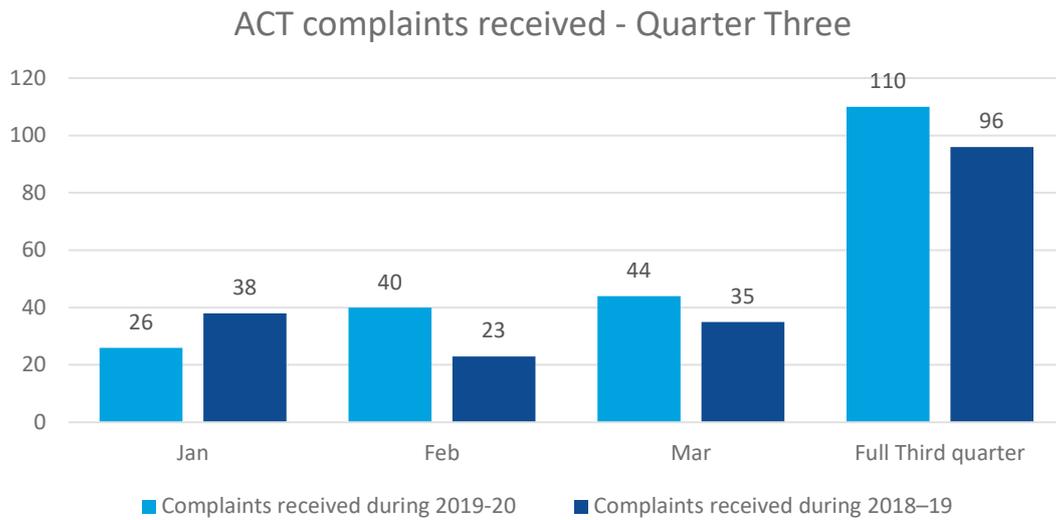
- **95 complaints** related to ACT agencies
- **15 complaints** related to ACT Policing.

Complaint numbers about ACT and ACT Policing remained largely stable.

As reflected in Figure 1, complaint levels are 14.6 per cent higher than for the same period last financial year.

¹ The above are complaint figures only. They do not include other contacts to our Office from the ACT community, such as enquiries that are identified as out of jurisdiction. These additional contacts have traditionally been recorded, on a yearly basis only, in the Commonwealth Ombudsman annual report. We have commenced recording these separately and will be continuing to build our capability to provide comprehensive reporting in this area—see ACT enquiries below.

Figure 1—ACT complaints received during the third quarter of 2019–20, compared to last financial year

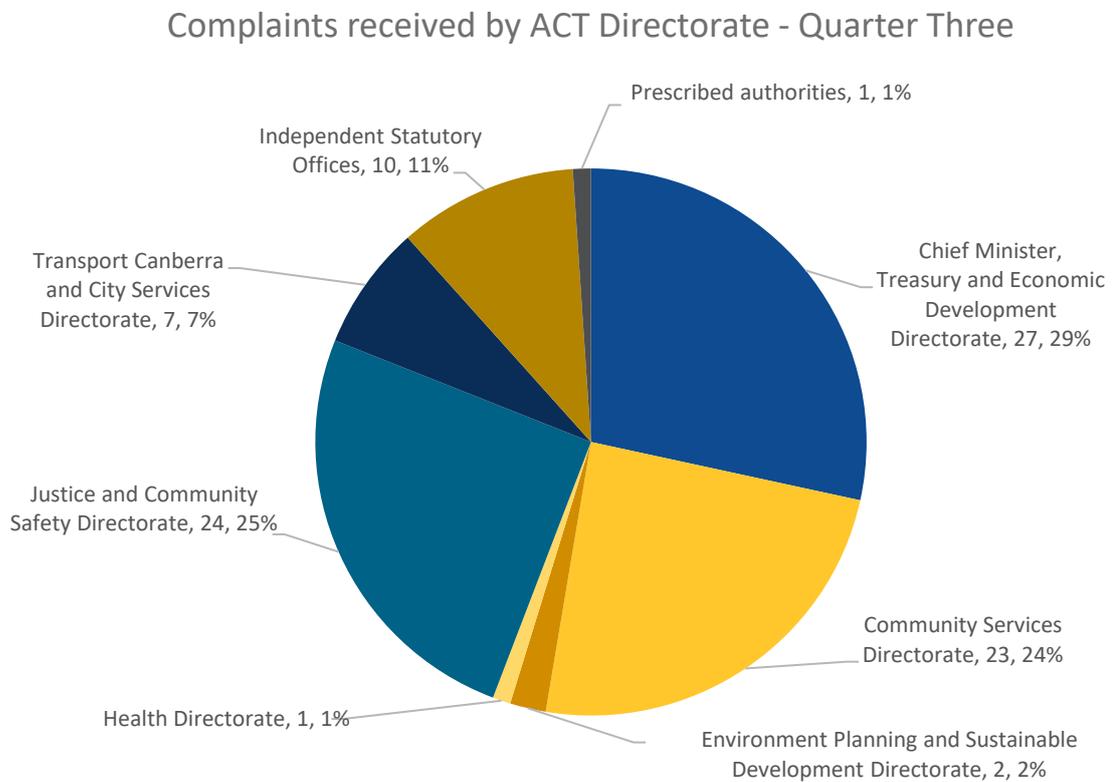


Complaints about ACT agencies

Figure 2 provides a breakdown of the **95 complaints** made about ACT agencies by Directorate.

This quarter, the agency with the highest number of complaints was the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) with 27, followed by Justice and Community Safety Directorate (JACS) with 24.

Figure 2—ACT complaints received during the third quarter of 2019–20 by ACT Directorate



In terms of individual agencies, as distinct from Directorates, the largest number of complaints received this quarter were about:

- ACT Corrective Services (ACTCS) –24 complaints
- Housing ACT–18 complaints
- Access Canberra–14 complaints.

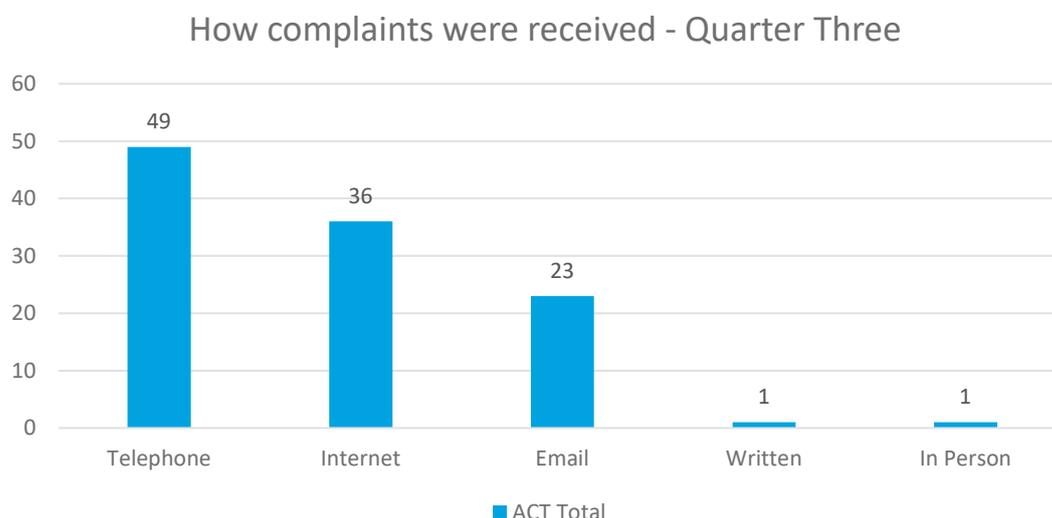
A more detailed table indicating complaints received by individual ACT agencies is at **Appendix A**.

How complaints were received

Figure 3 below shows the telephone is still the preferred method for contacting our Office.

Use of the telephone and our web based form has remained stable compared to the previous quarter. Email contact has increased from 12 per cent in the previous quarter to 21 per cent this quarter.

Figure 3—How ACT complaints were made during the third quarter of 2019–20



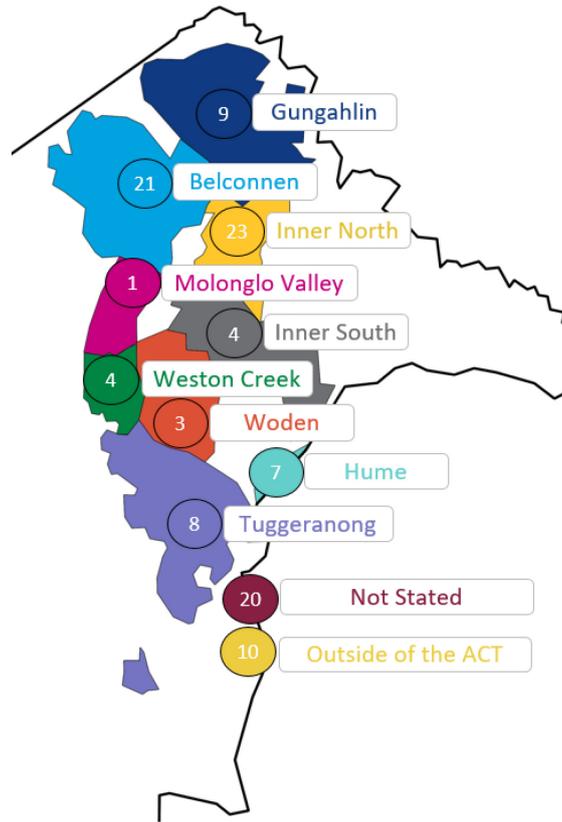
Locations where we received complaints from

Figure 4 provides a breakdown of the **110 complaints** made about ACT agencies and ACT Policing by ACT district.

This quarter, the highest number of complaints (23) were received from the Inner North, followed by Belconnen with 20 complaints.

We received 19 complaints from people that did not state their suburb, and 10 complaints from outside of the ACT.

Figure 4—Where ACT complaints were made from during the third quarter of 2019–20 by ACT District



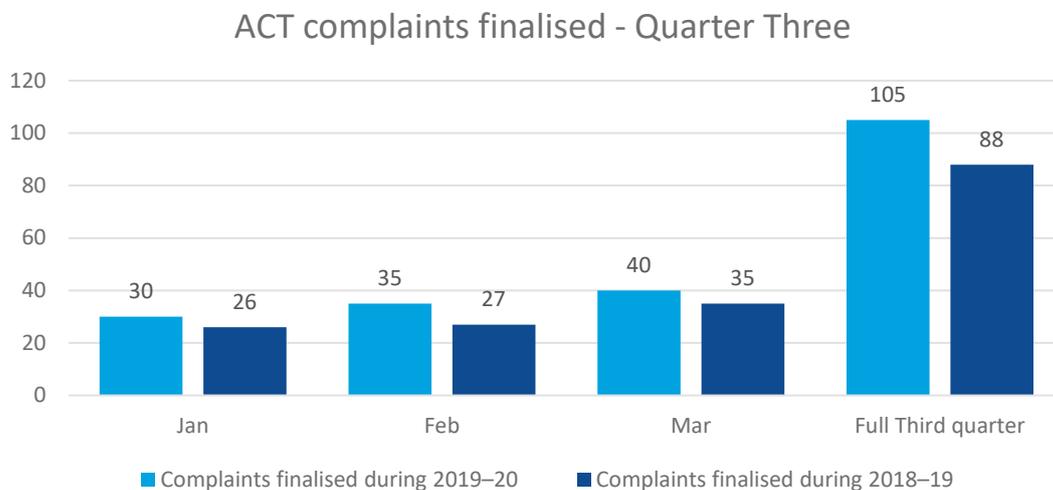
Complaints finalised

Complaints to the Office can result in different outcomes, such as a better explanation of the decision, an apology, further action taken by the agency, or an expedited process within the agency.

As outlined in Figure 5, the Office finalised **105 complaints** during this quarter:

- **91 complaints** related to ACT government agencies, and
- **14 complaints** related to ACT Policing matters.

Figure 5—ACT complaints finalised during the third quarter of 2019–20, compared to last financial year



Every complaint is assessed to see if it can be resolved quickly, or whether a more formal investigation is warranted. Our renewed focus on early resolution provides a better service for complainants.

A number of factors determine how we deal with a complaint, including whether:

- the agency concerned had an opportunity to resolve the complaint or an internal review pathway exists
- another oversight body or a tribunal could provide a better outcome, or
- a reasonable outcome is available for the complainant.

Positive outcomes for complainants can be achieved with or without a full investigation, such as where we can give a better explanation to the person, based on our knowledge of processes within Directorates and agencies.

An example of a positive outcome achieved this quarter, without an investigation, was where a complainant raised concerns that an ACT agency had apparently failed to disburse their income entitlements in a timely manner, after they transitioned from one accommodation to another.

Our Office was able to achieve a better explanation for the complainant from the agency. We made preliminary inquiries with the agency, which explained it had been disbursing payments regularly, but these payments were lower than previously, due to other factors, including an increase in the cost of the complainant's accommodation.

The agency advised it would give the complainant a statement of income and expenses to help them understand the change, and explained the complainant would have the option to complain in the event they remained dissatisfied after receiving the statement. The complainant appreciated our assistance and advice.

Outcomes achieved for investigated complaints

The table at **Appendix B** provides outcomes resulting from investigations finalised this quarter, by ACT government agency. More than one outcome can be achieved per complaint investigation.

The outcomes achieved this quarter included:

- the Ombudsman being able to provide a better explanation to the complainant in 11 cases
- a better explanation being provided by the agency in three cases
- the action being expedited in two cases
- a decision being changed or reconsidered in one case
- a remedy being provided by the agency in one case
- a change to a law, policy or procedure in one case

During this quarter, the Office finalised seven investigations. In most of the investigations, agencies resolved the complainant's concerns either before our involvement, or while we engaged with them.

We also provided additional assurance to complainants about the outcomes of agencies' investigations, and that the agencies had acted reasonably and lawfully. Another positive outcome we achieved through an investigation was an agency identifying that while it acted appropriately, it could improve its record-keeping practices as a continuous improvement initiative.

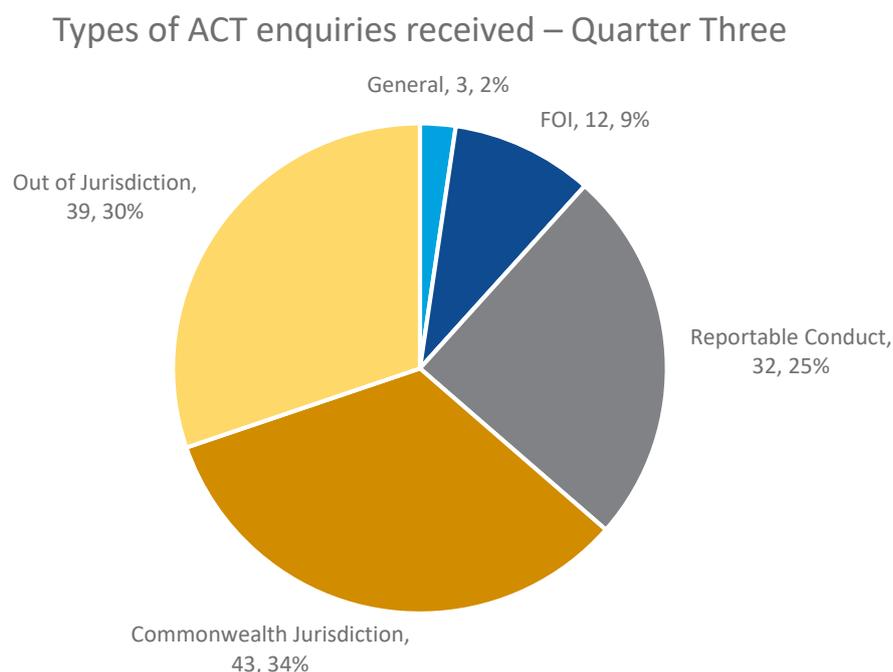
ACT enquiries

We received **129 enquiries** to the ACT Ombudsman via our phone line and electronically this reporting period. Of these:

- 3 were general enquiries related to the work of the ACT Ombudsman
- 43 related to the work of the Commonwealth Ombudsman
- 39 were out of jurisdiction for our Office
- 44 were related to our work on program specific matters (e.g. FOI or Reportable Conduct).

Figure 6 provides a breakdown of the enquiries received by topic area.

Figure 6—Types of enquiries received by the ACT Ombudsman in the second quarter of 2019–20



Performance against service standards

As reported last quarter, our Office has new service standards in place from 1 July 2019.² These standards apply to complaints we receive about government agencies whether Australian Government or ACT Government.

We aim to resolve about 60 percent of all government complaints within 7 days. While we are generally able to meet this standard across all of our government complaints, our complaints vary significantly in terms of complexity and diversity. It therefore does not necessarily mean that 60% of all ACT government complaints will be finalised within 7 days.

² For more information about our complaint service standards see:
<https://www.ombudsman.act.gov.au/making-a-complaint/what-we-do-with-your-complaint>.

This quarter, consistent with last quarter, approximately 40 per cent of complaints about ACT government agencies were simple and able to be closed within 7 days, with approximately 80 per cent of complaints finalised in 30 days. All our ACT complaints were finalised in 12 months as expected, with approximately 96 percent finalised in 90 days.

We are considering developing separate service standards to give added transparency and certainty to the work we do in the ACT. We also continue to explore ways to deliver efficiencies in complaints management, while ensuring we provide the ACT community with appropriate levels of service where complex complaints are made.

We also aim to provide further reporting on our management of broader ACT enquiries to our Office for future reporting periods.

New and ongoing complaint trends

In this quarter, ACTCS (24), Housing ACT (18) and Access Canberra (15) recorded the three highest complaint levels.

Complaints about **ACTCS** (24) increased from the previous quarter (21). The complaints received continue to cover a wide range of issues in relation to the AMC, including:

- access to visits
- staff conduct
- unfair decisions
- access to medical treatment
- cleanliness of the prison
- segregation practices, and
- missing property and/or treatment of personal property.

The number of complaints about **Housing ACT** (18) decreased this quarter, down from 21 complaints in the previous quarter.

The complaints related to similar issues to those raised previously, including:

- anti-social behaviour and neighbourhood disputes
- poor and delayed responses to requests for maintenance
- requests for new properties, and
- debt and refund issues.

Complaints about **Access Canberra** (14) covered a broad range of issues, including:

- licencing and registration issues, including, vehicles being incorrectly registered to third parties, dealing with stolen vehicles, and difficulties transferring a licence from another state to the ACT
- issues with building and construction, including, complaints about building noise and approvals, and not following policy or procedure
- parking and traffic infringement notices, and issues with payment plans for traffic infringements, and
- wait times for vehicle inspection times after the Canberra hail storm.

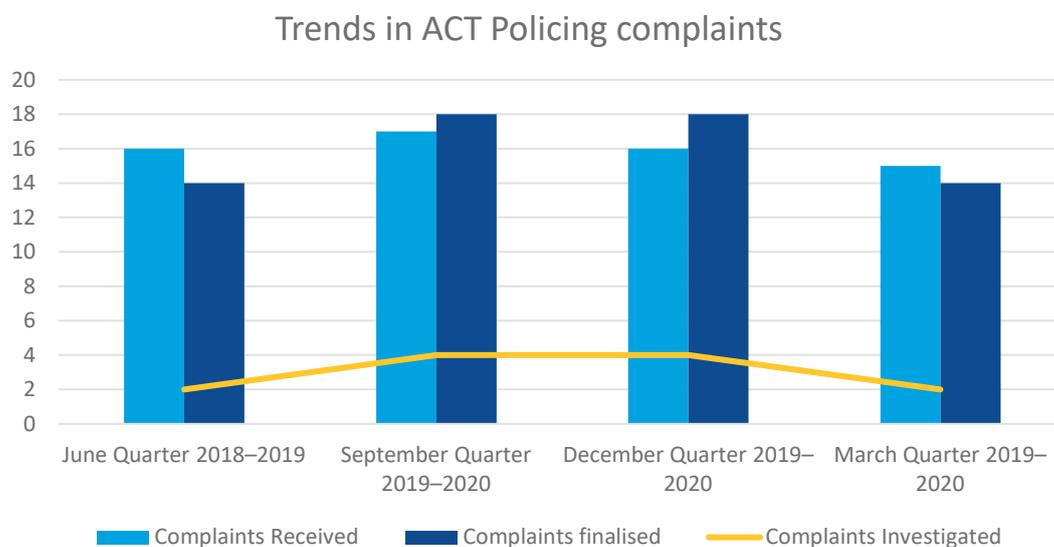
Part 3: ACT POLICING

The Ombudsman is able to receive and consider complaints about ACT Policing. As noted above, this quarter we received **15 complaints** about ACT Policing, and finalised **14 complaints**. Of those complaints finalised, two were investigated.

The complaints investigated related to arrest and customer service. A better explanation was provided to the complainant as a result of each of these investigations.

Figure 7 shows the trends in ACT Policing complaints received and finalised over the last four quarters.

Figure 7—Trends in ACT Policing complaints over the period 1 April 2019 to 31 March 2020



We conducted two inspections of ACT Policing under ACT legislation during this reporting period – one assessing its compliance with the *Crimes (Surveillance Devices) Act 2010* (ACT) and the other assessing compliance with the *Crimes (Controlled Operations) Act 2008* (ACT). We will include the results of these inspections in the ACT Ombudsman’s annual report once finalised.

Part 4: ACT COMMUNITY OUTREACH ACTIVITIES

Engaging with the ACT community remains a key part of our engagement strategy and is particularly valuable for ensuring more vulnerable people are aware of our role.

The ACT Ombudsman has a range of brochures, guidelines and fact sheets available, both printed and online. We have had our most popular brochure translated into 22 community languages and made it available to community organisations and at our stalls at community events.

This quarter our staff attended:

- a meeting of the ACT Joint Advisory Council Chairs
- an Indigenous Business Trade Fair conducted by Supply Nation
- the ACT 2020 Women’s Awards ceremony

The Office also held a stall at the National Multicultural Festival, a major event in the ACT, to raise awareness about our services. We received many visitors who raised complaints and gained a clearer understanding of our role.

Planned engagement activities, including outreach to ACT Aboriginal and Torres Strait Islander communities, were cancelled towards the end of the quarter due to the COVID-19 pandemic. We continue to monitor and respond to the changing situation. The Office is considering a revised engagement plan for the next quarter and beyond.

Part 5: AGENCY ENGAGEMENT

The Ombudsman met with the following agency heads to discuss strategic issues, priorities and common challenges:

- Head of Service and Director-General of CMTEDD
- Inspector General of Corrective Services

This quarter our staff also met with:

- ACT Housing to discuss complaint pathways and trends, the assisted referral of complaints and the Complaints Assurance Program (CAP)—see further information below
- TCCS to discuss FOI matters and the management of dangerous dogs—see further information below
- JACS Directorate to discuss FOI matters
- ACT Human Rights Commission to discuss complaint trends and referral arrangements between our two agencies
- ACT Integrity Commission to discuss its operational set up and challenges in establishing its functions, and
- ACT Policing to discuss liaison between our agencies and the CAP.

Other issue specific engagement activities for this quarter are described in more detail below.

The role of Access Canberra

Representatives from Access Canberra (including the Deputy Director-General) presented to our Office about its role and its complaint handling processes. In collaboration with Access Canberra, we subsequently developed internal guidance for our compliant handling staff on Access Canberra’s role and their complaints process.

Management of Dangerous Dogs

Our Office has been working with TCCS to clarify how ACT community members can make complaints about dangerous dogs. This information will shortly be summarised and published on our website.

TCCS also updated our Office on its progress in implementing recommendations from the 2018 Independent Expert Review into the Management of Dogs in the ACT.³ TCCS has made significant progress, with all 34 recommendations either fully or partially implemented. Our Office will continue to engage with TCCS on its progress, including a proposed update of its operational manual and internal guidance, and further development of community education and awareness campaigns.

AMC oversight

In relation to our oversight of the prison in the ACT, we:

- attended our regular meetings with ACTCS, Official Visitors, the ACT Human Rights Commission and the Office of the Inspector of Custodial Services to ensure appropriate coordination of the oversight of the AMC, particularly in relation to COVID 19
- developed new posters, in collaboration with other AMC oversight agencies, to display at AMC which clearly explain what detainees can complain about and the internal and external pathways to make a complaint
- progressed proposed new arrangements for managing complaints about AMC that are raised with more than one oversight agency at the same time, and
- finalised a process for facilitating the agreed assisted referrals of AMC complaints to ACTCS
 - This new process ensures that where a complaint relating to the immediate safety, wellbeing or dignity of a detainee or where a detainee is having difficulty accessing the complaints process, the detainee is put in direct contact with the area best able to manage their complaint quickly and effectively.
 - A feedback loop also ensures the ACT Ombudsman is updated about the outcome of the matter and that it is resolved. A copy of our assisted referral policy is available on our website.⁴

Public housing

Assisted referrals

This quarter we agreed to a process for facilitating the assisted referral of complaints to Housing ACT.

The arrangements aim to ensure vulnerable complainants who are finding it difficult to get help with resolving housing-related issues are put in direct contact with the area of Housing ACT that can assist them most effectively. The process includes a feedback loop to ensure the ACT Ombudsman is advised of the outcome of the matter and that it is resolved. A copy of our assisted referral policy will be available on our website shortly.

We are also working with Housing ACT to clarify and document its complaint pathways and processes, particularly for maintenance requests which are largely managed by a third party contractor, Programmed. In some cases, the complaints process for these matters is unclear.

³ https://www.tccs.act.gov.au/_data/assets/pdf_file/0003/1251345/Independent-Expert-Review-into-the-Management-of-Dogs-in-the-ACT.pdf

⁴ https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0016/110806/ACTCS-assisted-referrals-March-2020.pdf

Housing ACT - Complaints Assurance Program

The Office of the Commonwealth Ombudsman has commenced a Complaints Assurance Program (CAP).

The aim of the CAP is to provide assurance that agencies have accessible and effective complaint handling services. It is a collaborative process designed to support agencies to improve complaint handling, and share best practice initiatives across the ACT and Australian Public Service. We work with agencies to understand and improve their complaint handling by:

- building and strengthening services to ensure accessibility and effectiveness
- recognising agencies' accomplishments and identifying improvements
- establishing agency-tailored frameworks so agencies can self-identify trends and systemic issues
- facilitating knowledge, information and innovation sharing.

The CAP is conducted using our own motion investigation powers and involves the agency completing a self-assessment and providing a complaint sample to the Office.

In 2020, Housing ACT is participating in the CAP. The process formally commenced on 3 February 2020 and is progressing well. Housing ACT has provided both its completed self-assessment and its complaint sample to the Office for analysis. At this stage, the process for Housing ACT remains on track for finalisation in 2020.

In February 2020, the Commonwealth Ombudsman released a report on the 2019 CAP, which included reviewing the complaints process of ACT Policing. The report is available on the Commonwealth Ombudsman website.⁵

Part 6: REPORTABLE CONDUCT

Notifications received

This quarter, the Office received **30 initial notifications** from entities about allegations of reportable conduct, with five of these also being notified to ACT Policing.

As outlined in Figure 8, this is a 6 per cent decrease in reporting, compared to the same quarter in the 2018–19 financial year. It is also a decrease on the previous quarter (by 33 notifications or 52 per cent).

For the financial year to date, notifications are up six per cent on the same period in the previous year.

⁵ https://www.ombudsman.gov.au/_data/assets/pdf_file/0023/110597/Lessons-in-good-complaint-handling.pdf

Figure 8—Reports received in the third quarter of 2019–20, compared to previous financial year

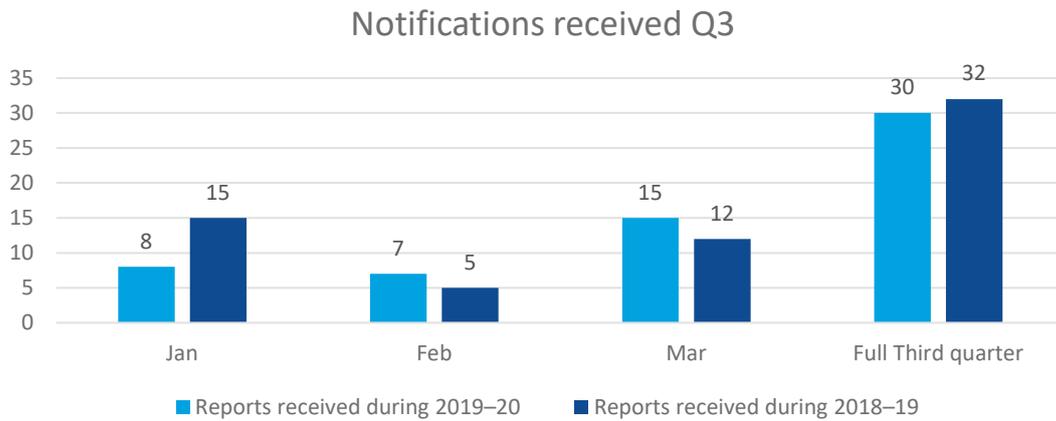
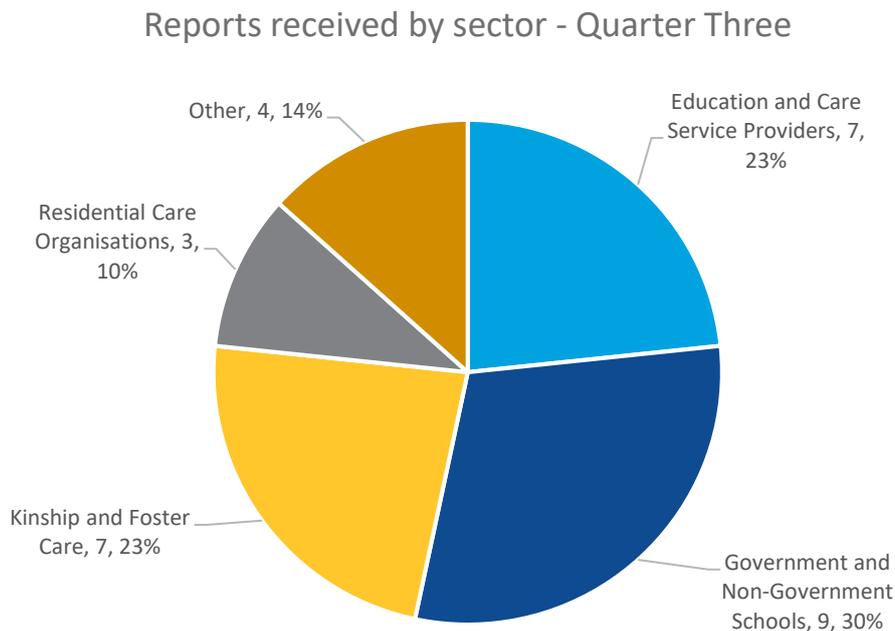


Figure 9 outlines the number of notifications received this quarter, by sector.

The largest number of notifications received were from government and non-government schools (nine reports) followed closely by the kinship and foster care sector, and education and care providers with seven reports.

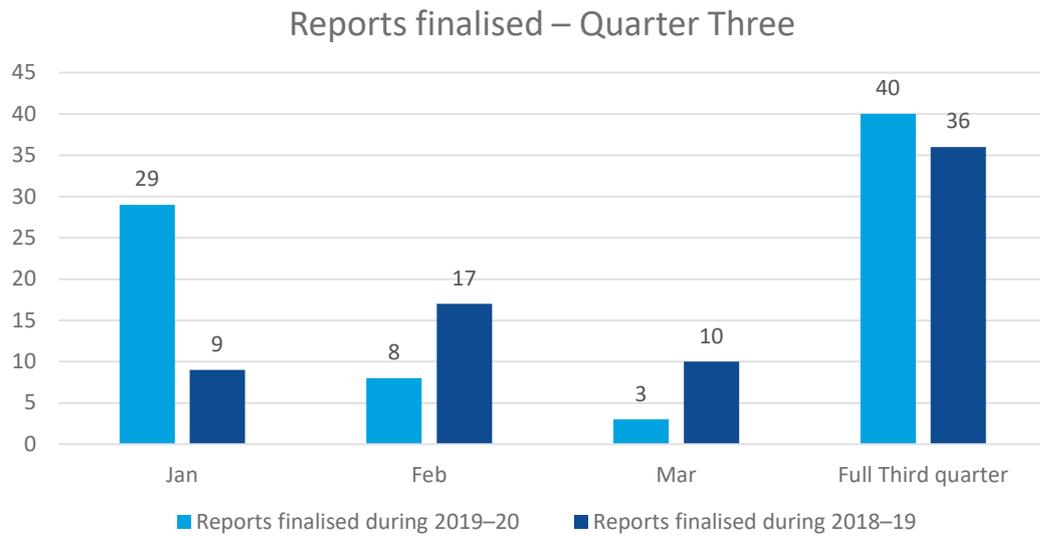
Figure 9—Notifications received in the third quarter of 2019–20 by sector.



Reports finalised

In this quarter, as outlined in Figure 10, the Office finalised **40 matters**—a 11 per cent increase in finalised cases compared to the same quarter for the previous financial year, but consistent with the previous quarter.

Figure 10—Reports finalised in the third quarter of 2019–20, compared to previous financial year



After notifying the Office of a reportable conduct allegation, an organisation must update the Ombudsman on the outcome of its investigation and what action it has taken as a result. Figures 11 and 12 summarise the outcomes for each allegation and the actions taken by organisations, as provided to us in reports, finalised this quarter.⁶

Figure 11—Outcomes reported by organisations—finalised investigations in the third quarter of 2019–20

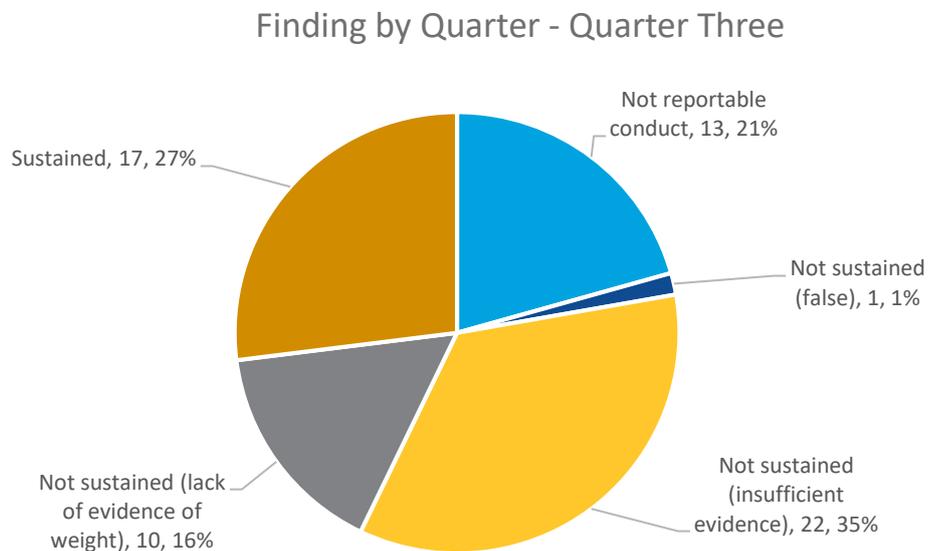
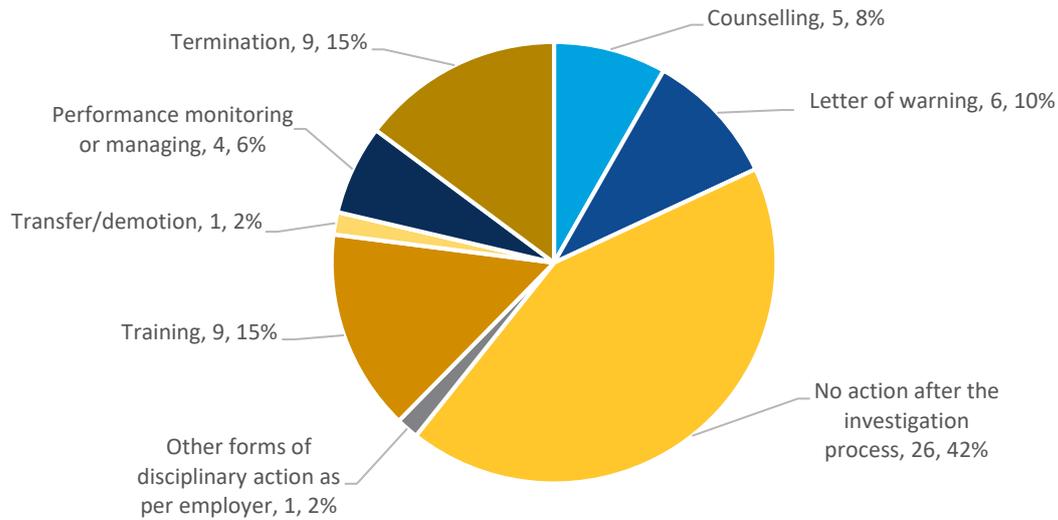


Figure 12—Actions taken by organisations—finalised in the third quarter of 2019–20

⁶ A notification may contain multiple allegations, each having a finding and action recorded.

Actions taken by organisations - Quarter Three



Performance against service standards

As reported last quarter, our Office established service standards from 1 July 2019.⁷

When we receive a new notification from an organisation about an allegation of reportable conduct (s 17G notification), we assess the initial response by the organisation, against criteria such as its reporting to other bodies, its risk assessment and investigation plan. This allows the organisation to take into account our feedback during its investigation. We aim to do this within seven days in 80 per cent of cases.

This quarter we exceeded the initial assessment of s 17G notifications with approximately 90 per cent of assessments completed in seven days. All were assessed within 10 days.

When we receive a final report from an organisation following its investigation into reportable conduct allegations (s 17J report), we consider whether there was a proper investigation and appropriate action taken, and whether we need further information from the organisation. This gives the organisation reasonable opportunity to act on our feedback or provide further information. We aim to complete this within 28 days in 80 per cent of cases.

This quarter we assessed approximately 68 per cent of these assessments within this timeframe. The Office did, however, experience a high influx of final reports from organisations in November and December.

Engagement and monitoring activities

We delivered two free information sessions. These are open to representatives of any organisation under the scheme, and set out requirements and expectations on organisations. Attendees continue to indicate high levels of satisfaction with these sessions.

⁷ For further information about Reportable Conduct service standards see: <https://www.ombudsman.act.gov.au/improving-the-act/reportable-conduct>

ACT Ombudsman—Quarterly report, 1 January to 31 March 2020

This quarter staff from the Office:

- attended the Children and Young People Oversight Agencies Group convened by the Public Advocate and the Children & Young People Commissioner
- attended the ACT Royal Commission Working Party
- maintained our regular liaison with Barnardos, the Education Directorate, CMTEDD, the Public Advocate and Children & Young People Commissioner, and
- provided our Office's submission on the Child Safe Standards Discussion Paper to CMTEDD.

Part 7: FREEDOM OF INFORMATION (FOI)

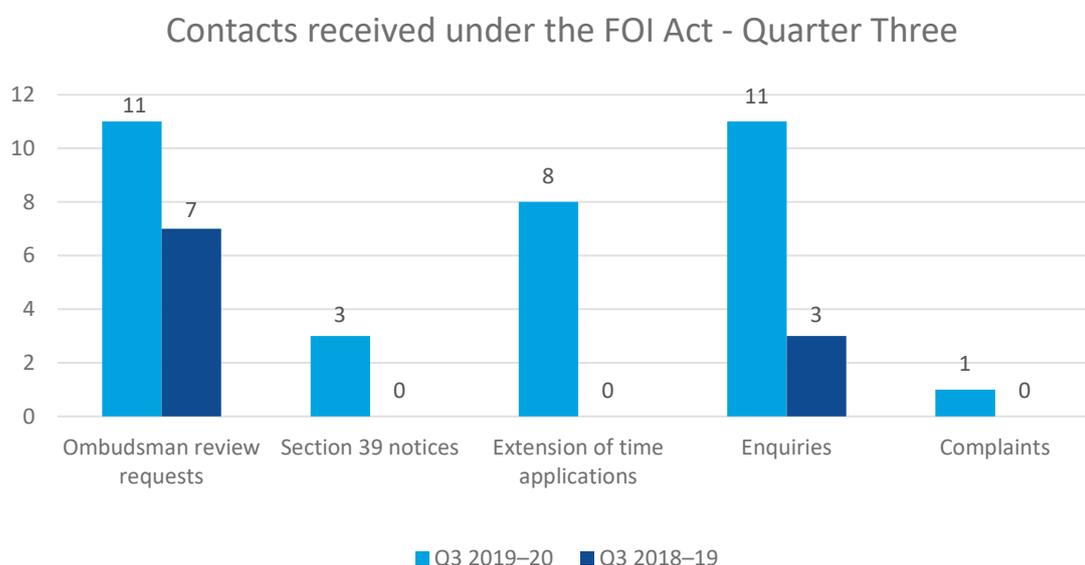
FOI contacts received

As outlined in Figure 13, the Office received **34 contacts** relating to our role under the FOI Act during the third quarter of 2019–20, which is a decrease on the 43 contacts received in the previous quarter.

This comprised:

- 11 applications for Ombudsman review
- three s 39 notices (notices given to the Ombudsman to advise that a decision on an access application was not made in time)
- eight extension of time requests
- 11 enquiries, and
- one complaint.

Figure 13—Contacts received under the FOI Act in the third quarter of 2019–20, compared to the third quarter of 2018–19



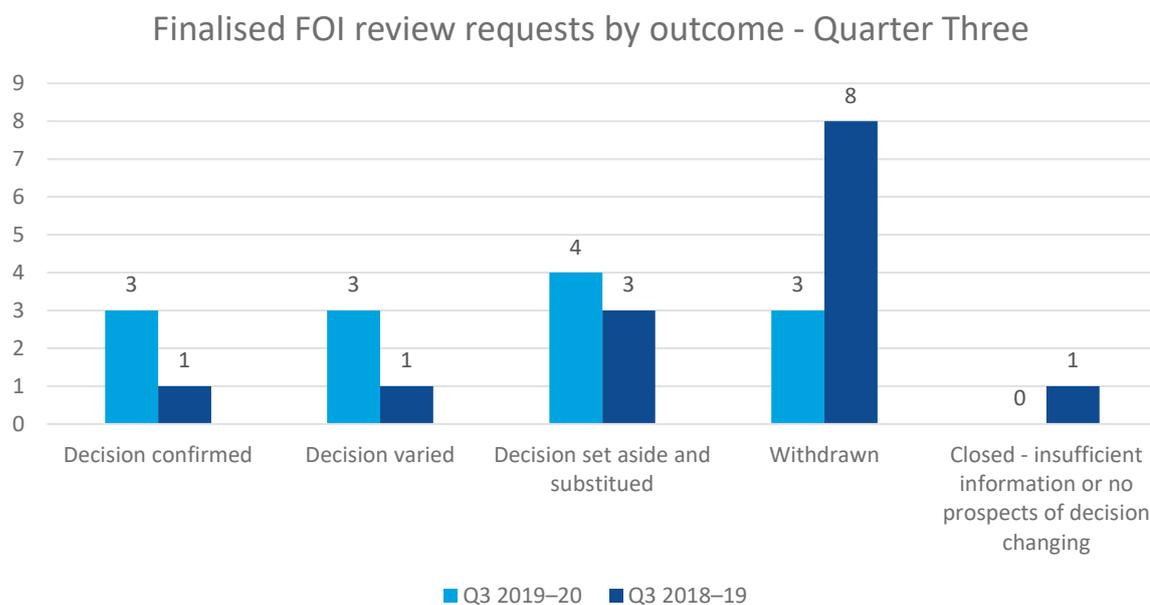
Finalised FOI reviews

As shown in Figure 14, the Office finalised **13 Ombudsman reviews** this quarter.

The outcomes of these reviews were:

- the original decision was **confirmed** in three cases
- the original decision was **varied** in three cases
- the original decision was **set aside** in four cases, and
- three matters were withdrawn following informal resolution activities.

Figure 14—FOI review requests finalised in the third quarter of 2019–20, compared to the third quarter of 2018–19



Performance against service standards

Our Office established service standards for our FOI review applications from 1 July 2019.⁸

This quarter, we met one of the three standards with:

- 8 per cent of FOI review matters finalised within 6 weeks (below the standard of 30 per cent)
- 8 per cent finalised in 12 weeks (below the standard of 60 per cent)
- 100 per cent finalised in six months as required.

FOI review matters can generally only be finalised in six weeks where informal resolution is successful. As a result, our ability to meet the 30 per cent service standard is expected to vary as it depends on the amount of cases that are able to be finalised through informal resolution processes.

Where a formal decision is required, matters are expected to take 12 weeks to finalise, however, 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.

Seven of the 13 reviews finalised this quarter outside of the targeted timeframes were older, more complex cases which were on hand pending possible mediation, prior to being withdrawn by the applicant in March.

We also finalised more than double the number of older reviews in this quarter, compared with the first and second quarters.

⁸ For more information on Freedom of Information service standards see: <https://www.ombudsman.act.gov.au/improving-the-act/freedom-of-information/foi-complaints-and-reviews>

Published decisions

At 31 March 2020, we have published **42 decisions** on the ACT Ombudsman website.⁹

Ten of these decisions were published during this reporting period. These decisions provide agencies and applicants with guidance on the FOI Act, including the application of the public interest test.

Development of FOI Guidelines

A priority for our Office in 2019–20 has been the development of a set of FOI Guidelines to assist agencies to implement and improve their processes under the FOI Act.

Updated versions of the first four guidelines are now available on the ACT Ombudsman website:

- [Open Access Information \(Guideline 1\)](#)
- [Dealing with informal requests for government information \(Guideline 2\)](#)
- [Dealing with access applications \(Guideline 3\)](#)
- [Considering the public interest \(Guideline 4\)](#)

These guidelines were developed in consultation with ACT government agencies, information commissioners from across Australia, and FOI specialists.

Development of two final guidelines has progressed during this reporting period:

- *Amending personal information* (Guideline 5)
- *Ombudsman reviews* (Guideline 6)

These guidelines have now been finalised and were published on our website on 4 May 2020. We will now proceed to publish all six guidelines as a notifiable instrument in the next quarter.

Open Access monitoring strategy

In this quarter, our Office progressed its monitoring of ACT government agencies' compliance with their Open Access obligations under Part 4 of the FOI Act.

The objectives of our compliance monitoring strategy are to help ensure each ACT agency:

- publishes information in the specified categories, or explain their reasons not to publish where required
- publishes the information in an accessible manner
- keeps published information up-to-date and complete.

We have adopted a phased approach to monitoring compliance with Open Access.

Implementation of phase one of this strategy continued in this quarter with 23 agencies completing the Open Access Information Scheme (OAIS self-assessment checklist included in our FOI Guideline 1.

⁹ See <http://www.ombudsman.act.gov.au/improving-the-act/freedom-of-information/foi-review-decisions>

We commenced phase two in this quarter. Following desktop audits of compliance by ACT Directorates, we are analysing agency responses and preparing to give feedback.

Our initial analysis indicates that agencies are keen to engage with our Office in relation to the OAI and many are working towards meeting their Open Access obligations.

We were pleased to find that most agencies have up-to-date and well maintained disclosure logs. There does, however, appear to be significant variance in the quantity and quality of information published by agencies, in particular, in the required category of policy documents. We have also observed that some agencies are not publishing the most up-to-date versions of documents, as required.

Our Office will continue to work closely with agencies in the next phase of our monitoring strategy to assist them to meet their Open Access obligations under the FOI Act and encourage greater consistency. More information on the outcomes of our Open Access monitoring activities will be provided in the next quarterly report.

APPENDIX A

Complaints received by Directorate and agency for the third quarter of 2019-20

Directorate/Agency	Total received	Total finalised	Finalised with investigation	Finalised without investigation
Canberra Health Services	-	-	-	-
Chief Minister, Treasury and Economic Development Directorate	27	28	1	27
Access Canberra	14	17	-	17
ACT Revenue Office	2	2	1	1
Canberra Institute of Technology	4	3	-	3
Canberra Institute of Technology - International	-	-	-	-
University of Canberra	7	6	-	6
University of Canberra - International	-	-	-	-
Chief Minister, Treasury and Economic Development - other	-	-	-	-
Community Services Directorate	23	22	2	20
Housing ACT	18	18	2	16
Community Services - other	5	4	-	4
Education Directorate	-	1	-	1
Environment Planning and Sustainable Development Directorate	2	3	-	3
Health Directorate	1	1	-	1
Justice and Community Safety Directorate	24	23	4	19
ACT Corrective Services	24	23	4	19
ACT Emergency Services Agency	-	-	-	-
Justice and Community Safety - other	-	-	-	-
Transport Canberra and City Services Directorate	7	4	-	4
ACTION Bus	-	-	-	-
Transport Canberra and City Services - other	7	4	-	4

ACT Ombudsman—Quarterly report, 1 January to 31 March 2020

Directorate/Agency	Total received	Total finalised	Finalised with investigation	Finalised without investigation
Independent statutory offices	10	9	-	9
ACT Court or Tribunal	-	-	-	-
ACT Human Rights Commission	-	-	-	-
Director of Public Prosecutions	-	-	-	-
Legal Aid ACT	1	2	-	2
Public Trustee and Guardian for the ACT	9	7	-	7
Prescribed authorities	1	-	-	-
ACT Law Society	1	-	-	-
Territory-owned corporations	-	-	-	-
ACT Long Service Leave Authority	-	-	-	-
Icon Water	-	-	-	-
Total ACT Government	95	91	7	84
ACT Policing	15	14	2	12
Total ACT	110	105	9	96

APPENDIX B

Outcomes of finalised complaint investigations by agency and outcome for third quarter of 2019–20

Directorate or agency	Investigations finalised	No remedy	Action expeditious	Apology	Change to law, policy or practice	Decision changed or reconsidered	Better explanation by Ombudsman	Better explanation by agency	Agency officer counselled/disciplined	Remedy provided by agency	Penalty waived or reduced	Total positive remedies achieved
Canberra Health Services	-	-	-	-	-	-	-	-	-	-	-	-
Chief Minister, Treasury and Economic Development Directorate	1	-	-	-	-	-	1	-	-	-	-	1
Access Canberra	-	-	-	-	-	-	-	-	-	-	-	-
ACT Revenue Office	1	-	-	-	-	-	1	-	-	-	-	1
Canberra Institute of Technology	-	-	-	-	-	-	-	-	-	-	-	-
Canberra Institute of Technology - International	-	-	-	-	-	-	-	-	-	-	-	-
University of Canberra	-	-	-	-	-	-	-	-	-	-	-	-
University of Canberra - International	-	-	-	-	-	-	-	-	-	-	-	-
Chief Minister, Treasury and Economic Development	-	-	-	-	-	-	-	-	-	-	-	-
Community Services Directorate	2	1	-	-	-	-	-	-	-	1	-	1
Housing ACT	2	1	-	-	-	-	-	-	-	1	-	1
Community Services - other	-	-	-	-	-	-	-	-	-	-	-	-
Education Directorate	-	-	-	-	-	-	-	-	-	-	-	-
Environment Planning and Sustainable Development Directorate	-	-	-	-	-	-	-	-	-	-	-	-
Health Directorate	-	-	-	-	-	-	-	-	-	-	-	-
Justice and Community Safety Directorate	4	1	2	-	-	-	3	-	2	2	-	9
ACT Corrective Services	4	1	2	-	-	-	3	-	2	2	-	9
ACT Emergency Services Agency	-	-	-	-	-	-	-	-	-	-	-	-
Justice and Community Safety – other	-	-	-	-	-	-	-	-	-	-	-	-

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Directorate or agency	Investigations finalised	No remedy	Action expedited	Apology	Change to law, policy or practice	Decision changed or reconsidered	Better explanation by Ombudsman	Better explanation by agency	Agency officer counselled/disciplined	Remedy provided by agency	Penalty waived or reduced	Total positive remedies achieved
Transport Canberra and City Services Directorate	-	-	-	-	-	-	-	-	-	-	-	-
ACTION Bus	-	-	-	-	-	-	-	-	-	-	-	-
Transport Canberra and City Services - other	-	-	-	-	-	-	-	-	-	-	-	-
Independent statutory offices	-	-	-	-	-	-	-	-	-	-	-	-
ACT Court or Tribunal	-	-	-	-	-	-	-	-	-	-	-	-
ACT Human Rights Commission	-	-	-	-	-	-	-	-	-	-	-	-
Director of Public Prosecutions	-	-	-	-	-	-	-	-	-	-	-	-
Legal Aid ACT	-	-	-	-	-	-	-	-	-	-	-	-
Public Trustee and Guardian for the ACT	-	-	-	-	-	-	-	-	-	-	-	-
Prescribed authorities	-	-	-	-	-	-	-	-	-	-	-	-
ACT Law Society	-	-	-	-	-	-	-	-	-	-	-	-
Territory-owned corporations	-	-	-	-	-	-	-	-	-	-	-	-
ACT Long Service Leave Authority	-	-	-	-	-	-	-	-	-	-	-	-
ICON Water	-	-	-	-	-	-	-	-	-	-	-	-
Total ACT Government	7	2	2	-	-	-	4	-	2	3	-	11
ACT Policing	2	-	-	-	-	-	3	-	-	-	-	3
Total ACT	9	2	2	-	-	-	7	-	2	3	-	14