

ACT Ombudsman

Six month report

Q1 & Q2 of 2023-24

A report on the activities of the ACT Ombudsman

1 July to 31 December 2023

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Overview of ACT Ombudsman functions

The role of the ACT Ombudsman (the Office) is to consider complaints about the actions of ACT government agencies and ACT Policing, and provide assurance that ACT government agencies and entities we oversee act with integrity and treat people fairly.

We aim to influence systemic improvements in public administration by:

- independent and impartial review of complaints about government administrative action
- our oversight of:
 - the ACT Freedom of Information (FOI) framework
 - the ACT Reportable Conduct (RC) Scheme
 - ACT Policing
 - the ACT Integrity Commission (as Inspector)
- influencing government agencies to be accountable, lawful, fair, transparent, and responsive
- providing assurance that law enforcement, integrity and regulatory agencies are complying with legal requirements when using covert, intrusive and coercive powers
- providing support to the Judicial Council as its Principal Officer.

We also form part of the ACT's multi-body National Preventive Mechanism (ACT NPM) for places of detention under the control of the ACT, alongside the ACT Inspector of Correctional Services and the ACT Human Rights Commission.

The ACT Ombudsman's functions and powers are prescribed under ACT legislation, including:

- [Ombudsman Act 1989 \(ACT\)](#)
- [Public Interest Disclosure Act 2012](#)
- [Freedom of Information Act 2016](#)
- [Integrity Commission Act 2018](#)
- [The Children and Young People Act 2008](#)
- [The Crimes \(Controlled Operations\) Act 2008](#)
- [The Crimes \(Child Sex Offenders\) Act 2005](#)
- [The Crimes \(Assumed Identities\) Act 2009](#)
- [Judicial Commissions Act 1994.](#)



Under the [ACT Self-Government \(Consequential Provisions\) Amendment Act 1989](#) (Cth), and by arrangement between the Australian and ACT governments, the Commonwealth Ombudsman is also the Ombudsman for the ACT. The Territory and the Ombudsman recognise that the Office of the Commonwealth Ombudsman, which currently performs the role of the ACT Ombudsman, is a Commonwealth Government entity that is required to comply with Commonwealth legislation.

This six-month report is produced in accordance with the [Services Agreement between the ACT and Commonwealth of Australia. \(1 July 2020 – 30 June 2025\)](#) as amended.¹

This report covers the period 1 July to 31 December 2023.

¹ The Services Agreement was amended by exchange of letters between the Acting Ombudsman and the ACT Chief Minister on 18 May 2022 and 2 July 2022.



Reports, submissions, inspections and investigations

Reports

The ACT Ombudsman published three reports in the first six months of the 2023-24 financial year. All reports can be found on the publications page of the ACT Ombudsman website [Publications | ACT Ombudsman](#).

Engagement and compliance with the Reportable Conduct Scheme

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.

The results of the survey were published as a report, [2023 Survey of Religious Designated Entities](#), together with a [Religious Designated Entities Snapshot](#) in August 2023.

How do you tell someone they have to move?

In July 2023, the Ombudsman published a report [How do you tell someone they have to move? Housing ACT's implementation of mandatory relocation under the Growing and Renewing Public Housing Program](#) following the completion of an own motion investigation. The report made nine recommendations to Housing ACT. Housing ACT accepted 8 of the 9 recommendations and accepted in principle the remaining recommendation. More information on this report can be found on page 8.

Investigation into dismissal of corruption reports by the ACT Integrity Commission

In November 2023, the Inspector of the ACT Integrity Commission (the Commission) published a [Special Report: Investigation into the dismissal of corruption reports by the ACT Integrity Commission](#). The report made seven recommendations to the



Commission. The Commission accepted all recommendations. More information on this report can be found on page 11.

Submissions

In November 2023, the Ombudsman provided a submission to Victoria's Inquiry into the operation of the *Freedom of Information Bill Act 1982 (Vic)*, at the request of the Victorian inquiry. The submission provided the Inquiry with information on differences between the Victorian scheme and the Territory's scheme and operational challenges faced in the Territory.

The [submission](#) is available on the publications page of our website.

Own Motion Investigations

As mentioned above, in July 2023, the ACT Ombudsman completed an own motion investigation into the [Growing and Renewal Program at Housing ACT](#).

In November 2023, the ACT Ombudsman, acting as the Inspector of the ACT Integrity Commission, commenced an own initiative investigation under section 265 of the *Integrity Commission Act 2018*. This is the first time an investigation under this provision has been conducted. The outcomes of this investigation will be reported when it is completed.

Covert and intrusive powers inspections

The Office is responsible for inspecting ACT Policing records related to the use of certain covert and intrusive powers under ACT legislation.

Three inspections have been conducted since July 2023. We inspected ACT Policing under the *Crimes (Surveillance Devices) Act 2010 (ACT)* and the *Crimes (Controlled Operations) Act 2008 (ACT)* in September 2023. The ACT Ombudsman focused our inspections on record-keeping and execution of warrants within legislative requirements. Except for some minor administrative and compliance findings, we considered ACT Policing was generally compliant and able to support operational staff with their compliance requirements when executing their powers. (Continues page 10)



How do you tell someone they have to move?

In July 2023, we published a report on our investigation into [Housing ACT's implementation of mandatory relocation under the Growing and Renewing Public Housing Program](#).

What we looked at

Public housing tenants in the ACT are some of our most vulnerable community members. We received several complaints regarding Housing ACT's transition from voluntary to mandatory relocation. We looked at whether Housing ACT's administration of the transition to mandatory relocation was appropriate and reasonable.

What we found

- Housing ACT underestimated the impact on tenants.
- Communication with tenants was impersonal and caused significant distress.
- The personal circumstances of tenants should have been considered before notifying them about mandatory relocation.
- While clearly well-intentioned and based on legitimate public policy goals, Housing ACT did not plan adequately for implementation of the Program.

Lessons learned

- Agencies need to understand, and plan for, likely impacts of new or changed government policy on impacted community members.
- Agencies should think through program delivery with empathy and compassion for the impacted community.
- Agencies should continue to monitor programs and make adjustments to policies and processes as needed.

Our Recommendations

Nine recommendations were made to Housing ACT to improve its policies, procedures and practice.

Housing ACT agreed with all nine recommendations.



Two recommendations about improving policies and procedures for frontline staff



Two recommendations related to communication and providing current and accurate information about the Program on the internet.



Five recommendations related to planning and evaluation, namely staff training, monitoring, and taking on board lessons learned and proactively engaging with tenants based upon their individual circumstances.

The Office also conducted an inspection of ACT Policing's compliance with legislative requirements relating to the Child Sex Offenders Register (CSOR) in September 2022. The result of the CSOR inspection will be included in the ACT Ombudsman's 2023–24 annual report.

ACT National Preventive Mechanism

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.

In the reporting period, the ACT Ombudsman conducted a joint inspection with the Commonwealth Ombudsman of the Jervis Bay Police Station. In addition, the draft reports from earlier visits to the Belconnen Police Station and ACT Police Watchhouse were provided to ACT Policing for their response.

We have also participated in the Australian NPM Network, which is composed of bodies nominated by Australian Governments to be NPMs. Together with other members of the Australian NPM we:

- made a [joint statement on the report of the Subcommittee on Prevention of Torture's 2022 visit to Australia and the Australian Government's reply](#) (21 December 2023)
- made a [submission to the United Nations Special Rapporteur on Torture's fourth thematic report](#) which will focus on current issues and good practices in prison management (28 November 2023)
- released a [joint statement on changes to Queensland laws allowing indefinite detention of children in police watch houses and adult prisons](#) (6 September 2023)
- made a [submission to the Parliamentary Joint Committee on Human Rights \(PJCHR\)](#) in response to the Committee's inquiry into the effectiveness of Australia's 2010 Human Rights Framework and the National Human Rights Action Plan. (4 August 2023).

Dismissal of corruption reports by the ACT Integrity Commission

In November 2023, the ACT Ombudsman in their role as the Inspector of the ACT Integrity Commission (the Commission) published a [special report](#) detailing the outcome of an investigation into the Integrity Commission's dismissal of corruption reports during the 2020-21 financial year. This investigation was commenced after a complaint was received by a former staff member of the Commission.

It is the first time the Inspector has exercised the power to prepare a special report under section 275 of the [Integrity Commission Act 2018](#).

What we looked at

The investigation focused on the Commission's framework for assessing corruption reports and included examining samples of specific corruption reports the Commission had assessed and dismissed.

What we found

The investigation identified gaps in how the Commission assessed and dismissed some corruption reports, including instances where the Commission did not follow its own practices and procedures, kept insufficient records of reasons for dismissing corruption reports or for disclosing information, and failed to consider appropriate mechanisms for external referral.

Our Recommendations

Seven recommendations were made to the Commission to improve its policies, procedures and practice.

The Commission agreed with all seven recommendations.



One recommendation related to the Commission ensuring it articulates and records its grounds to dismiss corruption reports.



One recommendation related to the Commission ensuring corruption reports are assessed in accordance with its policies and procedures.



Three recommendations related to the update of policies and procedures.



Two recommendations related to the Commission providing further information to the Inspector

Complaints management

Complaints received

During the first six months of 2023-24 (Quarter 1 and Quarter 2), the Office received 183 complaints across all ACT directorates, agencies, and ACT Policing (Table 1).

This trend follows the previously observed reduction in complaints to the Office in comparison to previous periods. Comparison with other Australian jurisdictions shows that complaint numbers can fluctuate and that COVID has had some impact on this.

Changes in complaint numbers may also reflect improved agency complaint handling, or greater or lesser public awareness of external complaint avenues. The Office will be conducting its regular complainant survey in 2024 and will report on any relevant insights in the annual report.

Table 1: ACT complaints received from 1 July to 31 December 2023 compared to previous years.

Complaints received	2021-22			2022-23			2023-24
	Q1 & Q2	Q3 & 4	Total	Q1 & Q2	Q3 & 4	Total	Q1 & Q2
ACT Directorates and Agencies	195	224	419	192	162	354	149
ACT Policing	48	38	86	33	22	55	27
FOI Act	1	2	3	9	4	13	3
ACT Reportable Conduct Scheme	4	6	10	7	9	16	3
ACT Integrity Commission	3	2	5	2	2	4	1
Total complaints received	251	272	523	243	199	452	183

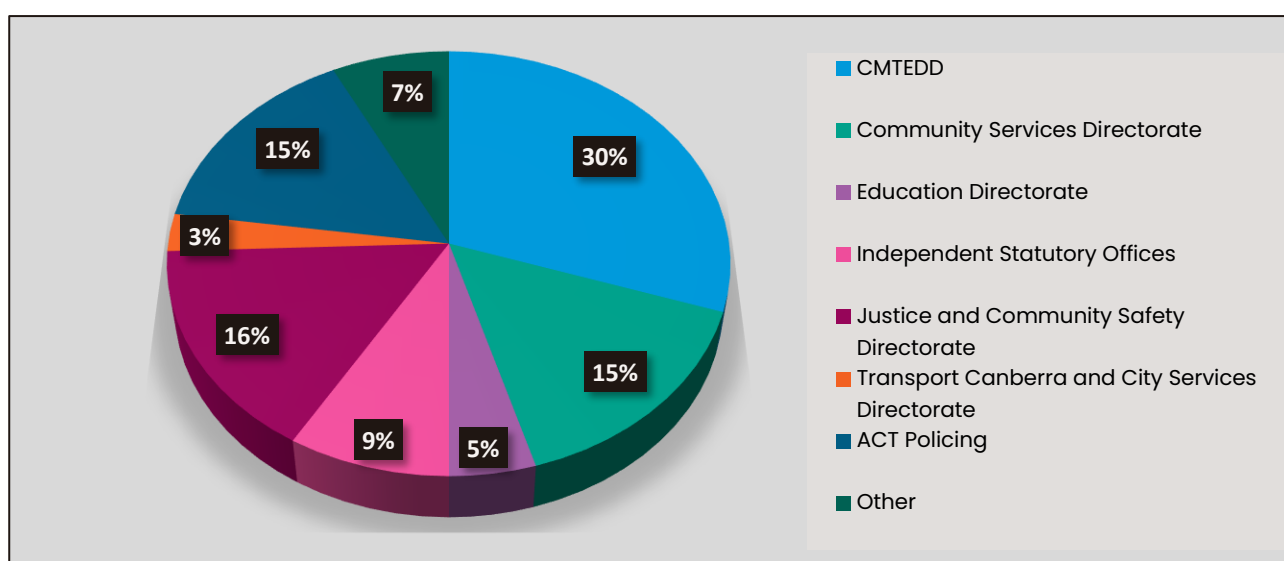
Note: This data is dynamic and may be updated. For this reason, there may be minor differences when compared to previous published reports.

ACT directorates and agencies

The largest number of complaints received by the ACT Ombudsman in Quarter 1 and Quarter 2 2023–24 related to the Chief Minister, Treasury and Economic Directorate (CMTEDD) (30 percent), ACT Policing (15 percent), Community Services Directorate (15 percent) along with Justice and Community Safety Directorate (16 percent).

Outlined in Figure 1 is the portion of total complaints received by the Office across all Directorates and ACT Policing.

Figure 1: ACT directorate, agency and ACT Policing complaints received 1 July to 31 December 2023



Note: the chart groups together directorates that received less than 5 complaints in the 'other' category.

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

- ACT Policing (27)
- ACT Corrective Services (25)
- Access Canberra (24)
- ACT Housing (22)

These four agencies have for the last three financial years consistently been subject to the most complaints.

Table 2 shows a breakdown of the 176 complaints received about ACT directorates, agencies and ACT Policing in the reporting period. Additional information relating to complaints received by the Office about ACT directorates and agencies is provided at **Appendix A**.

Table 2: ACT directorate, agency and ACT Policing complaints received
1 July to 31 December 2023

ACT Reporting Portfolio	Contact Count	% Contact Count
Chief Minister, Treasury and Economic Development Directorate	53	36%
Justice and Community Safety Directorate	28	19%
Community Services Directorate	27	18%
Independent Statutory Offices	15	10%
Education Directorate	8	5%
Transport Canberra and City Services Directorate	5	3%
Environment and Sustainable Development Directorate	3	2%
Canberra Health Services	2	1%
Environment and Planning Directorate	2	1%
Health Directorate	3	2%
Office of the Legislative Assembly	1	1%
Prescribed Authorities	1	1%
Territory-owned Corporations	1	1%
Total complaints received (directorates and agencies)	149	87%
ACT Policing	27	15%
Total complaints received overall	176	100%

*Percentages may not add up to 100 per cent due to rounding

How complaints were received

Table 3 shows the number of complaints received by the Office from 1 July to 31 December 2023 and the method complainants used to communicate with us. The online form remains the preferred method.

Table 3: How complaints about ACT directorates, agencies and ACT Policing were received from 1 July to 31 December 2023.

How Received	ACT Government		ACT Policing		Total	
	Complaints	% Contact Type	Complaints	% Contact Type	Complaints	% of all contacts
Internet	74	50%	18	67%	92	52%
Telephone	48	33%	6	22%	54	31%
Email	22	15%	2	7%	24	14%
In Person	2	1%	-	-	2	1%
Written	2	1%	1	4%	3	1%
Social Media	1	1%	-	-	1	1%
Total	149	100%	27	100%	176	100%



Complaints finalised

As outlined in Table 4, the Office finalised 165 complaints in the first six months of 2023–24, with 159 complaints relating to ACT directorates, agencies and ACT Policing. Thirty complaints were finalised about Housing ACT, 26 about Access Canberra and 22 about ACT Corrective Services.

Table 4: ACT complaints finalised from 1 July to 31 December 2023 compared to previous years

Complaints finalised	2021–22			2022–23			2023–24
	Q1 & Q2	Q3 & Q4	Total	Q1 & Q2	Q3 & Q4	Total	Q1 & Q2
ACT Directorates and Agencies	159	176	335	239	148	387	142
ACT Policing	36	34	70	39	28	67	27
FOI Act	0	2	2	3	10	13	1
ACT Reportable Conduct Scheme	8	5	13	6	9	15	4
ACT Integrity Commission	0	6	6	0	3	2	1
Total complaints finalised	203	223	426	287	198	484	165

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

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

Complaints are assessed to see if they can be resolved quickly or whether a more formal investigation is warranted. Our focus on early resolution aims to provide a better service for complainants and agencies by resolving complaints as quickly as possible.

Several factors determine how we deal with a complaint, including whether:

- the complainant has already complained to the agency or an internal review pathway exists
- another oversight body or a tribunal could provide a better outcome
- a reasonable outcome is available for the complainant.

Positive outcomes for complainants can be achieved with or without a formal investigation. For example, there are times where we can provide a better explanation about decisions to a complainant based on our knowledge of directorates or agencies.

Figure 2 outlines the actions taken by the Office to finalise complaints received during the reporting period. The most common action to finalise complaints (40 percent) was referring the complainant to the agency of concern to follow that agency's internal complaints pathway.

Figure 2: Actions taken for finalisation of complaints received from 1 July to 31 December 2023



Investigated complaints

During Quarter 1 and Quarter 2 of 2023–24, the Office finalised 8 formal complaint investigations about ACT directorates, agencies and ACT Policing.

Investigations can provide an outcome to a complainant and can result in improvements to an entity's administrative practice, communication with the public or staff training. For three investigations, no remedy was required for the particular complainants. In the others, a decision was changed or remade, a better explanation was given or an apology offered.

The table at **Appendix B** provides further details of the outcomes of complaint investigations finalised during Quarter 1 and Quarter 2 of 2023–24. More than one outcome can be achieved per finalised investigation.

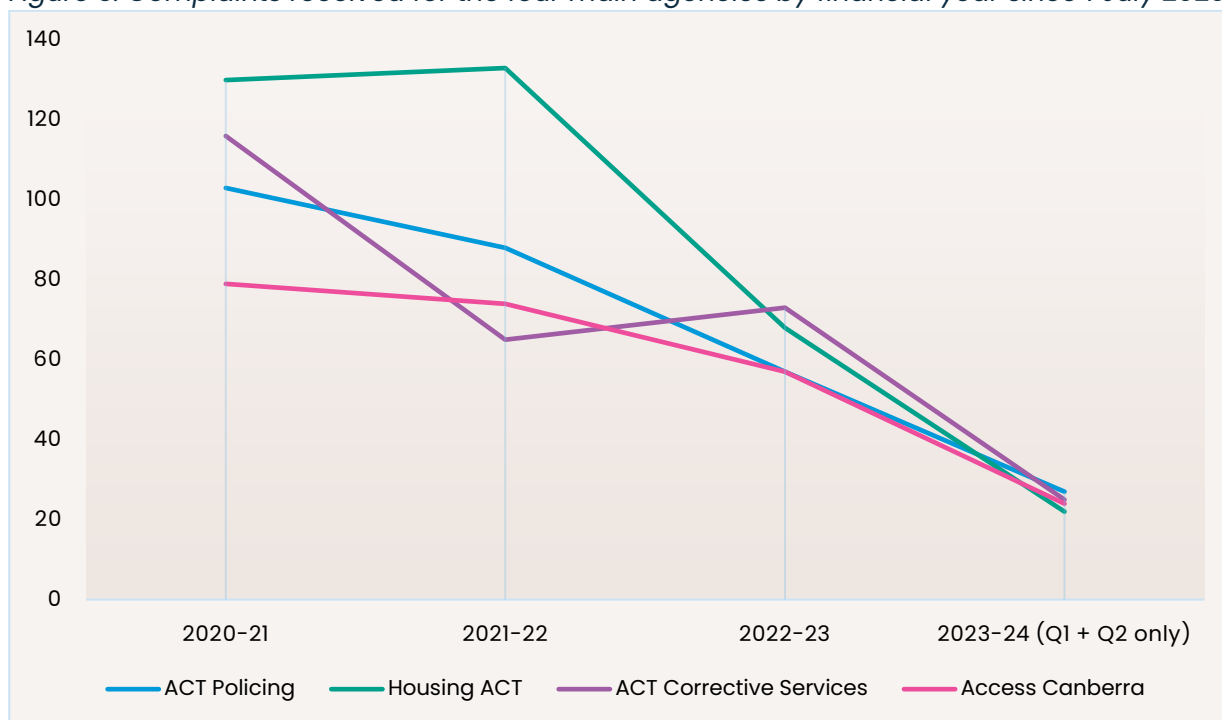
Complaint trends

General trends

The ACT agency for which we received the highest number of complaints during Quarter 1 and Quarter 2 of 2023–24 was ACT Policing (27), followed by ACT Corrective Services (25), Access Canberra (24) and ACT housing (22).

While these agencies remain the most complained about, there is a slight shift with ACT Policing this year so far receiving slightly more complaints than ACT Corrective Services. Figure 3 shows the trend in complaints for the top four most complained about agencies since July 2020.

Figure 3: Complaints received for the four main agencies by financial year since 1 July 2020



ACT Policing

The Office received 27 complaints about ACT Policing during Quarter 1 and Quarter 2 of 2023–24, a reduction from the 39 complaints received in Quarters 1 and 2 of 2022–23.

Key issues identified in ACT Policing complaints included:

- lack of action in relation to Family Violence Orders, and
- handling of mental health related incidents.

ACT Corrective Services

During Quarter 1 and Quarter 2 of 2023-24, the Office received 25 complaints relating to ACT Corrective Services (which includes the Alexander Maconochie Centre (AMC)), a reduction from 35 complaints in the same period of 2022-23.

Approximately 40 percent of all complaints received in this period raised multiple issues. The most common issues in ACT Corrective Services complaints were:

- visits with detainees
- officer conduct
- access to medical treatment.

Access Canberra

During Quarter 1 and Quarter 2 of 2023-24, the Office received 24 complaints about Access Canberra, a reduction from 29 complaints in the same period of 2022-23.

The most common issues raised in Access Canberra complaints included:

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

Housing ACT

During Quarter 1 and Quarter 2 of 2023-24, the Office received 22 complaints about Housing ACT, a reduction from 33 complaints in the same period of 2022-23.

The most common issues raised in Housing ACT complaints relating included:

- Maintenance and repair mainly around timeliness, lack of communication & unsatisfactory completion of tasks
- Administration of public housing waitlists/requests for transfers
- Anti-social behaviour and neighbourhood disputes.

Performance against complaint handling service standards

The Office has service standards which we apply to complaints received in relation to government entities in both the Commonwealth Ombudsman's jurisdiction and the ACT Ombudsman's jurisdiction.



The Office revised its performance framework across all jurisdictions for 2023–24. This revision has seen the simplification of objectives and the development of new performance criteria and targets. A simple, easy to understand KPI framework, coupled with a dedicated approach to raising the profile of performance across the Office will best support the continuous improvement culture the Office is instilling in its operations.

We aim to finalise complaints as outlined below:

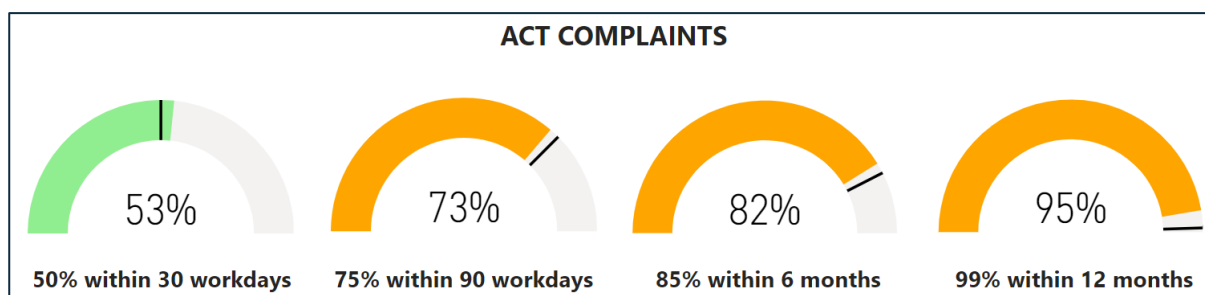
- 50 percent within 30 working days
- 75 percent within 90 working days
- 85 percent within 6 months, and
- 99 percent within 12 months.

In addition, 95 percent of enquiries and out of jurisdiction contacts are to be finalised within 10 working days. This is a shift from our previous performance standards.²

We are usually able to achieve this timeframe for routine or simple complaints, but more complex complaints may take longer to resolve. This means we may not always meet our target during periods where we receive a higher proportion of complex complaints.

As set out in Figure 4, in Quarter 1 and Quarter 2 of 2023–24, 53 percent of complaints finalised about ACT directorates, agencies and ACT Policing were closed in 30 working days, with 73 percent of complaints finalised in 90 working days, 82 percent of complaints finalised in 6 months and 95 percent in 12 months.

Figure 4: Performance against complaints service standards 1 July to 31 December 2023



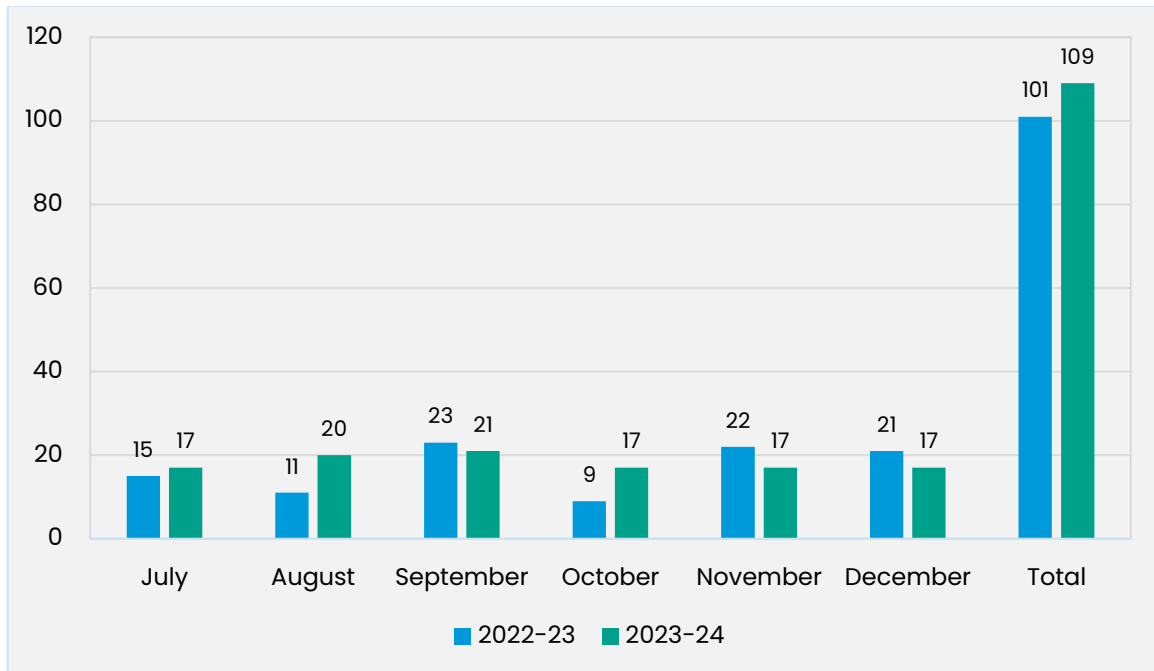
² The Office’s previous performance standards were 55 per cent of complaints within 7 days, 85 per cent within 40 days and 90 per cent within 90 days.

Reportable Conduct Scheme

Notifications received

During Quarter 1 and Quarter 2 of 2023–24, the Office received 109 notifications from designated entities (entities) about allegations of reportable conduct, with 26 of these notified to ACT Policing by entities. This is an increase from 101 notifications in the same period in 2022–23.

Figure 5: Notifications received from 1 July to 31 December 2023, compared to 1 July to 31 December 2022



The largest number of notifications received were from government and non-government schools (41) followed by education and care service providers (24) and then kinship and foster care (14 reports) (see Table 5).

Table 5: Notifications received from 1 July to 31 December 2023, by sector.

Sector	Number	Percentage*
Government and non-government schools	41	38%
Education and care service provider	24	22%
Kinship and foster care	14	13%
Religious organisation	7	6%
Residential care organisations	6	6%
ACT Directorates	5	5%
Childcare Services	5	5%
Health Service Providers	4	4%
Other (No sector info – Out of Jurisdiction)	3	3%
TOTAL	109	102

*Percentages may not add up to 100 per cent due to rounding.

Along with notifications, during Quarter 1 and Quarter 2 of 2023–24, the Office received 59 enquiries (56) and complaints (3) from designated entities (entities).

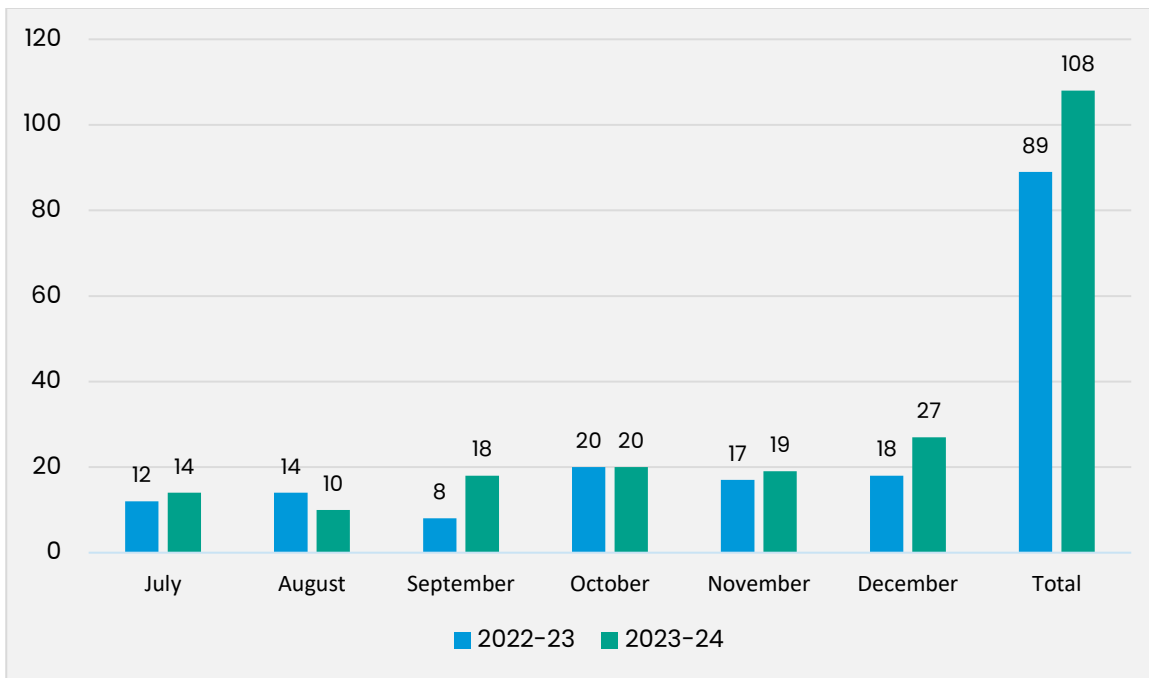
Designated entity compliance

Entities must lodge a notification under section 17G of the *Ombudsman Act 1989* within 30 days of the entity becoming aware of a reportable conduct allegation. During Quarter 1 and Quarter 2 of 2023–24, entity compliance with the 30 calendar days was 95 percent. This is a significant improvement compared to 78 percent for 2022–23. The Office has worked with entities through our practitioner forums, liaison meetings and case feedback to increase compliance with the legislative requirements.

Reports finalised

During Quarter 1 and Quarter 2 of 2023–24, as outlined in Figure 6 below, the Office finalised 108 matters, an increase from the 89 matters finalised in 2022–23.

Figure 6: Reports finalised from 1 July to 31 December 2023 compared to 1 July to 31 December 2022

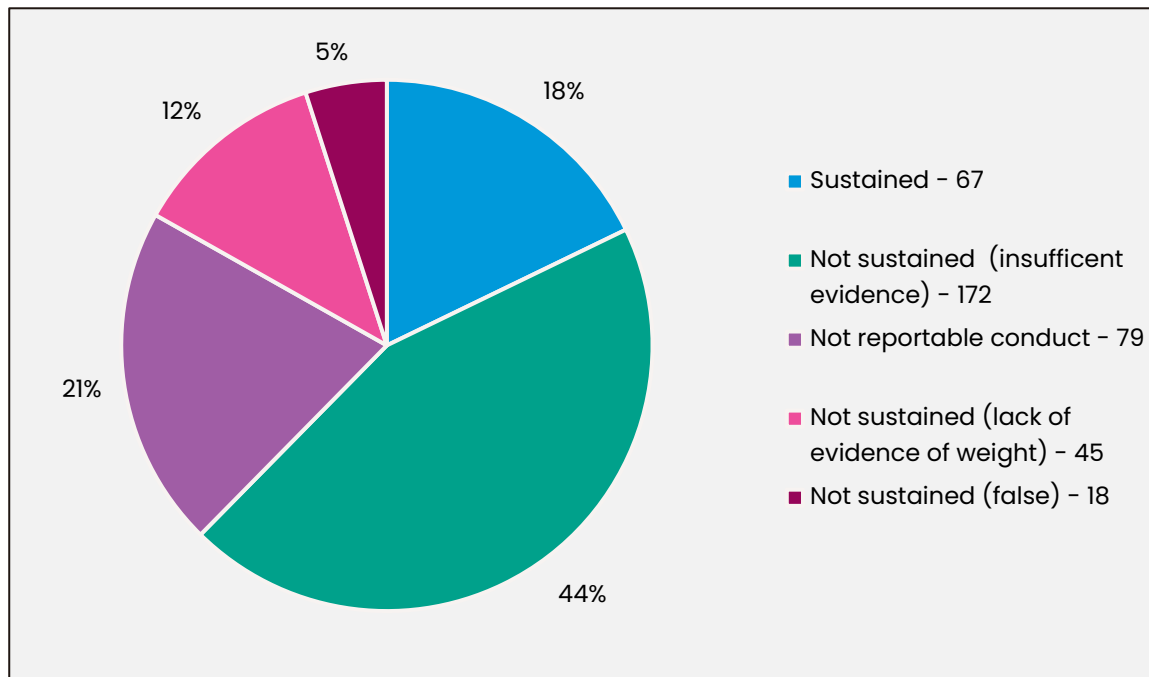


Entities must report the results of the investigation when completed and any taken or proposed action.

An investigation into alleged reportable conduct may find the allegation is unsustainable based on insufficient evidence or lack of evidence of weight. In some cases, an allegation may be found to be false or may not meet the definition of reportable conduct.

The investigation outcomes of each allegation and the action taken by entities during Quarter 1 and Quarter 2 of 2023–24 are summarised in Figure 7 and Table 6. A notification may contain multiple allegations, each having a finding and action recorded.

Figure 7: Investigation outcomes reported by entities from 1 July to 31 December 2023



*Percentages may not add up to 100 per cent due to rounding.

Table 6: Final investigation actions taken by entities from 1 July to 31 December 2023

Action	Number	Percentage*
No action after the investigation process	157	41
Training	79	21
Counselling	39	10
Termination	39	10
No information	25	7
Performance monitoring or managing	25	7
Letter of warning	15	4
Other forms of disciplinary action	2	1
TOTAL	381	100

Note: An investigation may contain more than one allegation, which may result in more than one finding and action. *Percentages may not add up to 100 per cent due to rounding.

Reportable conduct service standards

The Office has service standards for the performance of our functions under the Reportable Conduct Scheme. (see Figure 8)

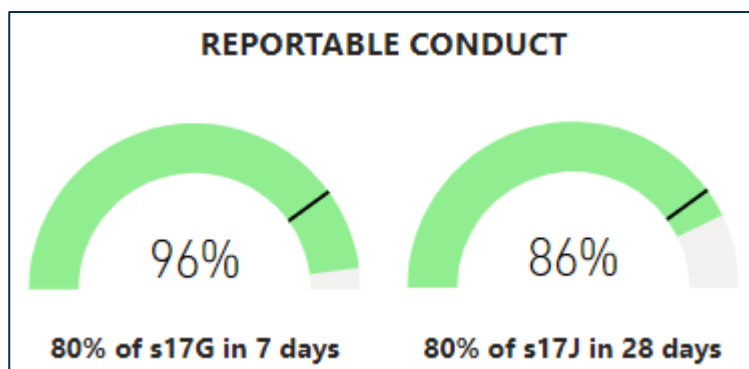
When we receive a notification from an entity about an allegation of reportable conduct (section 17G notification) we conduct an assessment of the organisation's initial response against criteria including reporting to other bodies, risk assessment, and investigation plan. This allows the entity to consider our feedback during its investigation. We aim to do this within 7 days in 80 per cent of cases.

During Quarter 1 and Quarter 2 of 2023–24, we assessed 96 per cent of initial notifications within 7 days.

When we receive a final report from an entity following its investigation into reportable conduct allegations (section 17J report), we consider whether there was a proper investigation, appropriate action taken and whether we need further information from the entity. This gives the entity 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.

During Quarter 1 and Quarter 2 of 2023–24, we completed 86 per cent of these assessments within this timeframe.

Figure 8: Performance against reportable conduct service standards 1 July to 31 December 2023



Freedom of Information

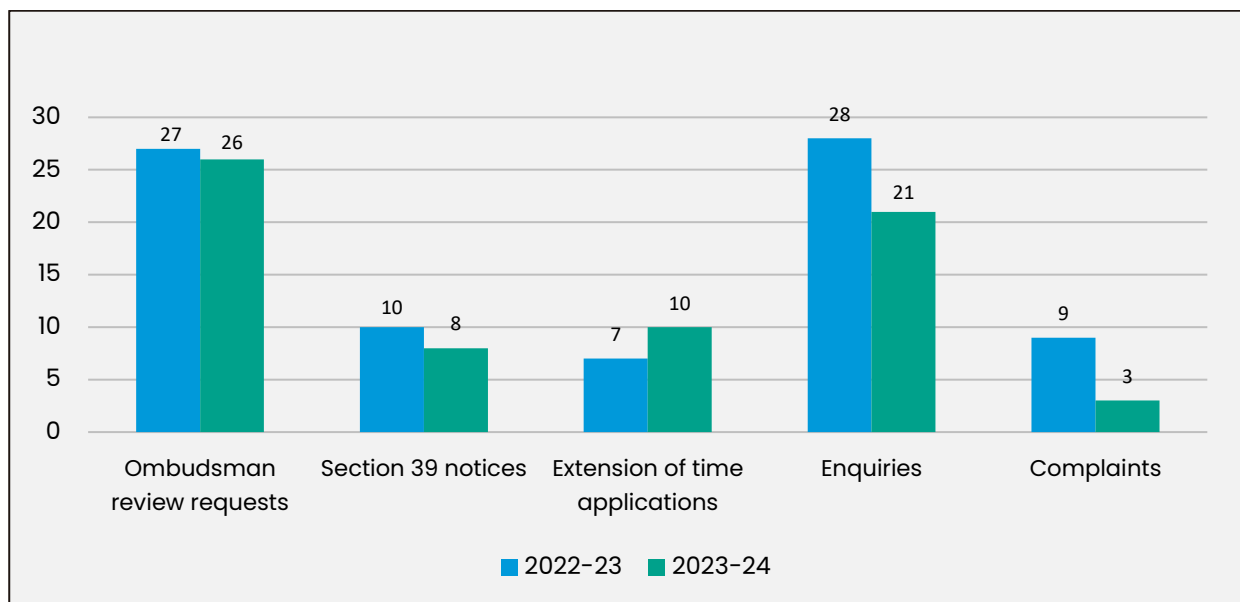
FOI contacts received

The Office received 68 contacts about our role under the *Freedom of Information Act 2016* (FOI Act) in Quarter 1 and Quarter 2 of 2023–24 compared to 81 contacts received in Quarter 1 and Quarter 2 of 2022–23.

In Quarter 1 and Quarter 2 of 2023–24, the contacts comprised of:

- 26 applications for Ombudsman review
- 8 section 39 notices (notices given to the Ombudsman to advise that a decision on an access application was not made in time)
- 10 extension of time requests
- 21 enquiries
- 3 complaints.

Figure 9: FOI contacts received from 1 July to 31 December 2023 compared to 1 July to 31 December 2022



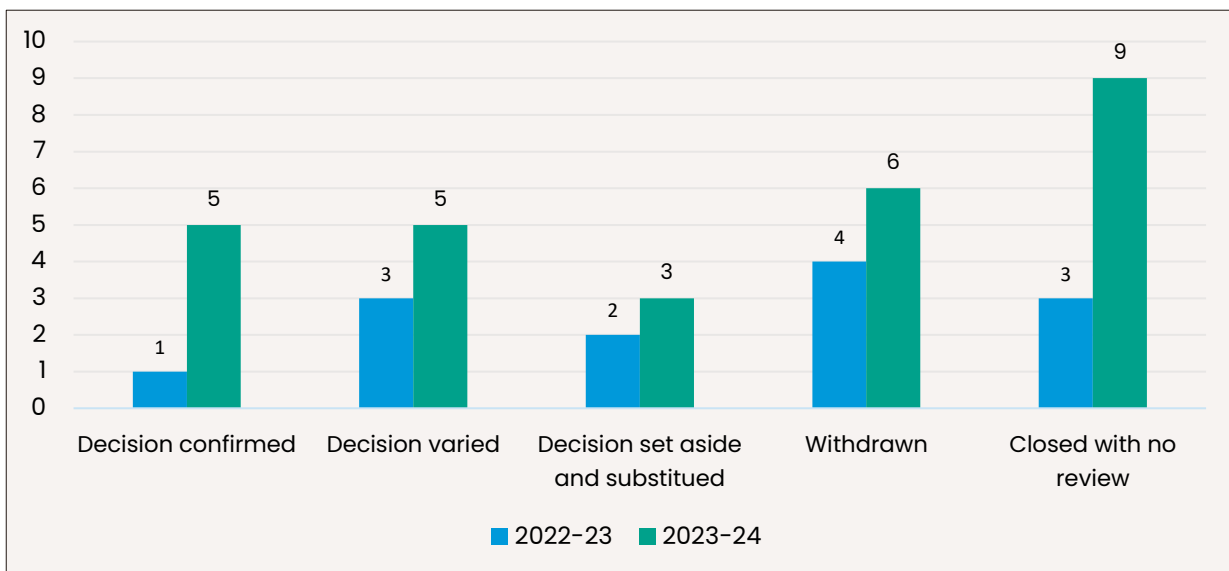
Finalised Ombudsman reviews

As shown in Figure 10, the Office finalised 28 Ombudsman reviews in Quarter 1 and Quarter 2 of 2023–24. This was a significant increase compared to the 13 reviews finalised in Quarter 1 and Quarter 2 of 2022–23.

The outcomes of these 28 Ombudsman reviews were:

- the original decision was confirmed in 5 cases
- the original decision was varied in 5 cases
- the original decision was set aside and substituted with a new decision in 3 cases
- 6 applications were withdrawn following informal resolution
- 9 applications were finalised without review (for example, where the Office found there were no reasonable prospects of the original decision changing or where the matter was otherwise resolved).

Figure 10: FOI review requests finalised from 1 July to 31 December 2022 compared to 1 July to 31 December 2021



FOI review service standards

The Office has service standards for our FOI review applications. Our ability to meet service standards can vary depending on the number of cases finalised through informal resolution processes and the complexity of matters.

In Quarter 1 and Quarter 2 of 2023–24, as shown at Figure 11, we did not meet the three service standards in relation to the 28 matters that were finalised:

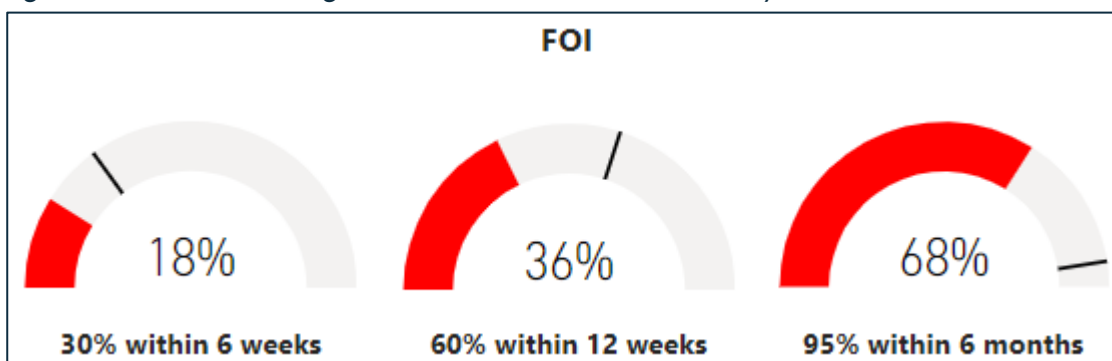
- 18 per cent of FOI review matters were finalised within 6 weeks (below the standard of 30 per cent)
- 36 per cent were finalised in 12 weeks (below the standard of 60 per cent)
- 68 per cent were finalised in 6 months (below the standard of 95 per cent).

This reflects the complexity of some review matters that were considered in this reporting period. Complex matters require additional time and actions to be taken in completing the review, including multiple requests to parties for more information, the review containing sensitive material, third party involvement, the information at issues being voluminous, or the additional work required to assist parties to resolve matters informally.

FOI review matters can generally be finalised in 6 weeks where informal resolution is successful.

Where a formal decision is required, routine matters are expected to take 12 weeks to finalise with complex matters taking longer. Several complex matters were finalised in this reporting period.

Figure 11: Performance against FOI service standards 1 July to 31 December 2023



Published decisions

As of 31 December 2023, we have published 119 decisions on the ACT Ombudsman website since commencing the ACT FOI oversight function.

Of these decisions, 15 were published during Quarter 1 and Quarter 2 of 2023–24. Publication of decisions provides agencies and applicants with guidance on the FOI Act, including the application of the public interest test.

Appendix A

Complaints received about ACT directorates and agencies from 1 July to 31 December 2023

Directorate / Agency	Total received	Total finalised*	Finalised with Investigation	Finalised without investigation
Chief Minister, Treasury and Economic Development Directorate	53	43	3	40
Access Canberra	24	26	2	24
Chief Minister, Treasury and Economic Development Directorate – other	3	4	1	3
ACT Revenue Office	14	5	-	5
Canberra Institute of Technology	3	2	-	2
University of Canberra	6	4	-	4
Worksafe ACT	3	2	-	2
Community Services Directorate	27	38	2	36
Community Services – other	5	8	1	7
Housing ACT	22	30	1	29
Justice and Community Safety Directorate	28	26	2	24
ACT Corrective Services	25	22	2	20
ACT Emergency Services Agency	-	1	-	1
ACT Office of Regulatory Services	-	-	-	-
Justice and Community Safety – other	3	3	-	3
Environment and Planning Directorate	2	2	1	1
Suburban Land Agency	2	2	1	1
Canberra Health Services	2	1	-	1
Education Directorate	8	2	-	2
Environment and Sustainable Development Directorate	3	2	-	2

Directorate / Agency	Total received	Total finalised*	Finalised with Investigation	Finalised without investigation
Health Directorate	3	3	-	3
Independent Statutory Offices	15	16	-	16
ACT Court or Tribunal	5	5	-	5
ACT Human Rights Commission	-	1	-	1
ACT Teacher Quality Institute	-	-	-	-
Director of Public Prosecutions	1	-	-	-
Legal Aid ACT	-	1	-	1
Public Trustee and Guardian	9	9	-	9
Office of the Legislative Assembly	1	1	-	1
ACT Audit Office	1	1	-	1
ACT Electoral Commission	-	-	-	-
ACT Legislative Assembly	-	-	-	-
Prescribed Authorities	1	2	-	2
ACT Law Society	1	2	-	2
Territory-owned Corporations	1	1	-	1
ACT Long Service Leave Authority	-	-	-	-
Icon Water	1	1	-	1
Transport Canberra and City Services Directorate	5	5	-	5
Transport Canberra and City Services – other	5	5	-	5
Total ACT Government	149	142	8	134
ACT Policing	27	17	-	17
Total ACT	176	159	8	151

* Data on complaints finalised includes complaints received from 1 July 2023 to 31 December 2023, as well as complaints received in prior months.

Note: This data is dynamic and may be updated.



Appendix B

Outcomes of complaint investigations finalised from 1 July to 31 December 2023

Directorate / Agency	Apology	Better Explanation by Ombudsman	Decision changed or reconsidered	No Remedy	Other financial remedy	Payment granted	Penalty waived or reduced	Remedy provided by Agency	Total
Chief Minister, Treasury and Economic Development Directorate	1	-	2	1	-	-	-	-	4
Access Canberra	1	-	1	1	-	-	-	-	3
Chief Minister, Treasury and Economic Development Directorate – other	-	-	1	-	-	-	-	-	1
Community Services Directorate	-	-	-	1	1	-	1	-	3
Community Services – other	-	-	-	1	-	-	-	-	1
Housing ACT	-	-	-	-	1	-	1	-	2
Environment and Planning Directorate	-	-	-	-	-	-	-	1	1
Suburban Land Agency	-	-	-	-	-	-	-	1	1
Justice and Community Safety Directorate	-	1	-	1	-	1	-	-	3
ACT Corrective Services	-	1	-	1	-	1	-	-	3
Total ACT	1	1	2	3	1	1	1	1	11

Note: More than one outcome can be achieved following a complaint investigation. This data is dynamic and may be updated.

