



ACT HUMAN RIGHTS
COMMISSION

Australian Capital Territory



ACT Ombudsman

Relationship Protocol between ACT Human Rights Commission and ACT Ombudsman

JUNE 2021

1. Purpose

This Relationship Protocol (Protocol) outlines arrangements in place between the ACT Human Rights Commission (ACT HRC), the ACT Ombudsman (ACTO) and their respective staff members. The protocol outlines:

- the roles and responsibilities of the ACTO and the ACT HRC
- the principles underpinning the relationship between the two agencies
- how the two agencies will engage and work together
- how information and complaints will be referred between the two agencies.

2. Overview of the role of the parties to this protocol

Appendix 1 is a table which summarises the role of the ACT HRC, the ACTO and the legislation they operate under.

Appendix 2 is a summary of the main areas within each agency which will engage with each other, and the areas responsible for managing this protocol and keeping it up to date.

The ACTO undertakes his role with support from the ACT Strategy and Freedom of Information (FOI) section and the Reportable Conduct Team within the Office of the Commonwealth Ombudsman (the Office).

Note:

This protocol should be used in conjunction with:

- [Relationship Protocol between agencies responsible for the oversight of the Alexander Maconochie Centre \(AMC\)](#) (October 2019). This protocol outlines how the ACT Inspector of Corrective services, the ACT HRC and the ACTO, alongside the Official Visitors (OVs) operating in the correctional services environment, will work together to ensure effective oversight of the prison. Including specific roles, responsibilities and complaint transfer and referral processes for AMC matters.
- [Scatter Gun Complaints Policy for managing complaints sent to multiple AMC oversight agencies](#), which establishes a consistent policy and procedure for managing these complaints.

These arrangements have been mirrored in the appendices to this protocol where appropriate.

3. Principles underpinning the relationship

The ACT HRC and the ACTO wish to foster a productive and mutually respectful relationship taking into account their respective roles and objectives. They recognise that an effective relationship is fundamental to achieving successful outcomes for each organisation and the ACT community.

The agencies are committed to establishing and maintaining a relationship that is founded on the principles of:

- open and effective communication
- collaboration to meet respective outcomes
- respect and courtesy in dealings with each other.

We agree that our dealings will endeavour to be efficient, effective and timely, in order to understand the issues, reach resolutions and/or achieve outcomes for our organisations, our stakeholders, complainants and other external stakeholders. We also agree that any communication issues or concerns, are best resolved at the earliest opportunity.

Each agency is subject to its own privacy obligations under legislation and respective privacy policies, and these will be respected in any exchange of personal information.

4. Engagement between agencies

The ACT HRC and the ACTO will meet quarterly at the Director/Executive Manager level, with each agency to take turns to co-ordinate the meetings.

The agencies are encouraged to use this meeting to share information at a high level arising from individual complaint investigations or other engagement activities that may be of relevance to the jurisdiction of the other agency and/or raise systemic concerns about public administration in the ACT.

These meetings are also an opportunity to share positive developments, lessons learnt and examples of best practice.

At the end of each financial year, the agencies will also use these meetings to share the priority activities for the upcoming financial year.

The agencies will seek to resolve any issues arising in business-as-usual activities by engaging in informal discussions including ad-hoc face-to-face meetings, email or telecommunication communications.

The ACT HRC and the ACTO may also convene additional meetings/workshops to explore shared areas of interest, such as the application of the *Human Rights Act 2004*, in more depth.

5. Information sharing between agencies

A summary of information sharing arrangements between the ACT HRC and the ACTO is at **Appendix 3**.

6. Review and amendment

The specific contact arrangements set out in the attachments may be varied by written agreement between the protocol owners without requiring the re-signing of this protocol. The protocol owners will review contact officers' details every six months to ensure that information remains current.

Where either party wishes to amend any aspect of the arrangements, that party shall notify the other in writing of the proposed changes. The protocol contact officers agree to negotiate in good faith as to whether the changes will be made, and if so, to what extent.

Revised protocols will apply from the date on which they are agreed, in writing, by the protocol owners as described in **Appendix 2**.

Signed:

Michael Manthorpe PSM, ACT Ombudsman

Date: 4.6.2021

Signed:

Helen Watchirs, OAM, President and ACT
Human Rights Commissioner

Date: 26 May 2021

Appendix 1—Overview of Roles and Responsibilities

	ACT Ombudsman	ACT Human Rights Commission
Summary of role	<p>Investigates complaints from individuals who have been unable to resolve problems with ACT government agencies. Also has a broader focus on seeking to improve public administration in the ACT by influencing systemic change and an ‘own motion’ investigation power.</p> <p>Oversights <i>Freedom of Information Act 2016</i> and is the ACT FOI independent review body. Overseights the ACT Integrity Commission as Inspector.</p> <p>Oversees the responses of certain organisations in the ACT to allegations of abuse, or misconduct, by any of their employees, that involve children.</p>	<p>Handles individual or systemic (including own motion) complaints in relation to discrimination, services for people with a disability, health services, including health records, veterinary services, services for children and young people, services for older persons, occupancy disputes, vulnerable persons, retirement villages, sexuality and gender identity conversion practices, and justice agency services for victims of crime.</p> <p>Does not handle individual complaints regarding breaches of the <i>Human Rights Act 2004</i>, but seeks to improve compliance and influence agencies regarding systemic issues.</p> <p>Receives information in relation to allegations involving children/young people having been abused in Out of Home Care where the matter proceeds to appraisal (s507 C&YP Act).</p>
Relevant legislation	<p><i>Ombudsman Act 1989</i> (the Ombudsman Act) <i>Freedom of Information Act 2016</i></p>	<p><i>Human Rights Act 2004</i> <i>Human Rights Commission Act 2005</i> (HRC Act) <i>Health Records (Access and Privacy) Act 1997</i> <i>Discrimination Act 1991</i> <i>Children and Young People Act 2008</i> <i>Victims of Crime Act 1994</i></p>
Right to access information	<p>The Ombudsman has the power to obtain information (s 11) in relation to an investigation notified under s 9.</p> <p>Section 17F gives a right to access practices and procedures for reportable conduct.</p>	<p>Broad power under s 73 of the HRC Act to require a person to provide information/document or other thing where it is relevant to consideration of a complaint (noting offences under this section do not apply for victims rights complaints),</p> <p>Power under s 879 of the C&YP Act to require an ACT child welfare service to provide information, advice, guidance, assistance, documents, facilities or services in relation to the physical or emotional welfare of children and young people.</p>
Reporting powers and obligations	<p>Sections 15(5) and 18 of the Act allow a report to be produced in relation to a complaint. Annual reports must be prepared.</p> <p>Section 17K allows for reporting on reportable conduct investigations.</p> <p>The ACT and the Office of the Commonwealth Ombudsman have a Services Agreement, under which the Commonwealth Ombudsman acts as the ACT Ombudsman. This Agreement includes provisions that require the Ombudsman to report quarterly about numbers of complaints, investigations, reviews and monitoring operations</p>	<p>In addition to annual reporting requirements, under Part of the HRC Act, the President is responsible for:</p> <ul style="list-style-type: none"> reporting to the Minister and other appropriate entities about a Review arising from the complaints jurisdiction of the Commission (section 14(1)(d)) reporting to the Minister and other relevant entities regarding a Report arising from a Minister’s direction (section 17) a Commission-initiated report – where the Commission elects to undertake a consideration of a matter that could be the

ACT Ombudsman		ACT Human Rights Commission
		subject of a complaint, or any other matter relevant to the Commission's functions, <ul style="list-style-type: none"> • such as section 41 of the Human Rights Act (section 84) • an own-initiative report to the Minister about any matter of public importance related to the Commission, its functions or a matter that may be complained about (section 87) or • providing a third party a Report that arises from a complaint consideration process, where such a Report is in the public interest, as well as other specific criteria. (section 83)
Powers to make recommendations	Sections 15(4) and 18 of the Act allow comments, suggestions and recommendations to be made in the outcome of an investigation (including own motion investigations under s 5(1)(b)). Section 17K allows recommendations to be made in relation to reportable conduct.	May make recommendations in reports produced in relation to individual complaints and Commission-Initiated Considerations.

Appendix 2—Protocol Owners and key contacts

Protocol Owners

As there may be changes to protocol owners and team members during the lifetime of this arrangement, the agencies will review this information on an annual basis and agree to update the document as required.

The relationship protocol owners are:

- ACTO, Senior Assistant Ombudsman, Program Delivery Branch
- ACT HRC, Discrimination, Disability and Community Services, Health Services Commissioner

The relationship protocol contact officers are:

- ACTO, Director, ACT Strategy and Freedom of Information (FOI)
- ACTO, Director, Reportable Conduct
- ACT HRC, Executive Manager, ACT HRC Director, Complaint Services

Additional advice is provided below regarding the areas of the ACT OMB and ACT HRC offices that are likely to engage with each other.

ACT Ombudsman

A structure chart is available on the ACTO website at: [Who we are | ACT Ombudsman](#). The areas of the ACTO likely to engage with the ACT HRC are summarised in the table below.

Area	Responsibilities
Program Delivery Branch ACT Strategy and FOI	<ul style="list-style-type: none"> • provide advice and support to teams dealing with complaints and referrals • disseminate updates and general information to relevant teams • liaise with stakeholders to coordinate meetings, briefings and information requests • identify and respond to systemic issues, including undertaking own motion investigations, preparing issues papers and discussion papers • monitor the implementation of Ombudsman recommendations • undertake reviews under the <i>Freedom of Information Act 2016</i>
Complaints Management and Education Branch	<ul style="list-style-type: none"> • handle complaints by considering the most appropriate inquiry pathway in each case • identify themselves and provide the Ombudsman’s reference number on all enquiries • consider relevant protocols of external stakeholders including referrals to the ACT HRC • provide relevant complainant details and background of matters • prepare and provide reports where relevant
Program Delivery Branch ACT Reportable conduct team	<ul style="list-style-type: none"> • receive and assess the notifications and reports, including whether there was appropriate action by the organisation in response and the adequacy of any investigation carried out by the organisation • monitor the practices and procedures an agency has in place to meet its obligations under the scheme • to enhance organisation-based child protection outcomes and encourage best practice, we also:

	<ul style="list-style-type: none"> ○ monitor an investigation carried out by the organisation ○ conduct an investigation into any reportable allegation or conviction, or the response of an organisation to a reportable allegation ○ disclose information about investigations to a child, parent and carer, the Office of Fair Trading, and other entities specified in the CYP Act.
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ACT Human Rights Commission

Details of the Human Rights Commission’s structure is available at <http://www.ACT HRC.act.gov.au> including various protocols the Commission must prepare under its legislation, including an Operations Protocol.

Area	Responsibilities
Human Rights Commissioner	<p>The role of the Human Rights Commissioner is to:</p> <ul style="list-style-type: none"> ● promote discussion and educate the community about human rights ● provide systemic oversight and advice to government and others on compliance with human rights ● review the effect of Territory laws on human rights, including monitoring places of detention, ● seek leave to intervene in significant court and tribunal human rights cases.
Discrimination, Health, Disability and Community Services Commissioner	<p>The role of the Discrimination, Health, Disability and Community Services Commissioner is to consider complaints about unlawful discrimination, sexual harassment and vilification under the <i>Discrimination Act 1991</i>, as well as complaints about the provision of health services, including health records, veterinary services. Services for people with a disability, services for children and young people, services for older people, occupancy disputes, vulnerable persons, retirement villages, sexuality and gender identity conversion practices, and justice agency services for victims of crime. The Commissioner also considers complaints about breaches of the <i>Health Records (Privacy and Access) Act 1977</i>, promote service improvements through own motion consideration of complaints and promote recognition and acceptance of the principle of equality of opportunity for all people.</p>
Victims of Crime Commissioner	<p>The VOCC engages in systemic and individual advocacy for victims of crime. Section 11 of the <i>Victims of Crime Act 1994</i> sets out the Commissioner’s advocacy functions including:</p> <ul style="list-style-type: none"> ● advocating for the interests of victims of crime ● advocating for the interests of affected people under the <i>Mental Health Act 2015</i> ● consulting on and promoting reforms to meet the needs or priorities of victims of crime ● developing educational and other programs to promote awareness of the interests of victims of crime ● ensuring victims receive information and assistance they need ● advising the Minister on matters in relation to the interests of victims of crime ● ensuring victims rights concerns under the Charter of Rights for Victims of Crime are dealt with promptly and effectively ● promoting the prompt and effective resolution of complaints about victims rights monitoring and promoting compliance with victims rights.

<p>Public Advocate and Children and Young People Commissioner</p>	<p>The PACYPC has legislative responsibility under the <i>Human Rights Commission Act 2005</i> for promoting, protecting, upholding and advocating for the rights and interests of people in the ACT who are experiencing vulnerability. This role extends to persons whose situation or condition gives rise to a need for protection from abuse, exploitation or neglect, or a combination of those things, such as people involved with mental health services, disability services and children and young people with child and youth protection services.</p> <p>Under s 27B of the <i>Human Rights Commission Act 2005</i>, the Public Advocate has a number of advocacy functions for people with a disability, children and young people. These include fostering the provision of services and facilities, supporting the establishment of organisations and the development of programs. This is to promote the protection of people with a disability from abuse and exploitation, to represent forensic patients before the ACAT or a court and dealing, on behalf of people with a disability, with entities providing services.</p>
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Appendix 3—Information Sharing

The ACTO and the ACT HRC recognise they must all comply with relevant legislation and privacy laws in the ACT when sharing information. Nevertheless, the agencies acknowledge it is important for them to share information where appropriate to ensure:

- information of concern does not fall between the ‘cracks’, noting the different jurisdiction of each agency
- given limited resources, there is minimal duplication of effort on particular issues between the agencies
- a collaborative approach to oversight is taken.

The table below summarises specific legislative provisions which potentially provide for the sharing of information. Further detail about the specific complaint referral arrangements between the ACTO and the ACT HRC which take these provisions into account are outlined at **Appendix 4**.

Legislation	Summary of provisions
<i>Ombudsman Act 1989</i>	<ul style="list-style-type: none"> • s 6A—the ACTO may refer a complaint to a statutory officeholder, where it could be dealt with more conveniently, or effectively by the officeholder and the officeholder consents to the referral • s 6B—the ACTO must refer a complaint to the ACT HRC if it would be more appropriate for the complaint to be investigated by the ACT HRC. The ACTO must provide the ACT HRC with the relevant documents and information about the complaint • s 33—ACTO staff have a duty to observe confidentiality and it is an offence to disclose information obtained under the Act, unless provided for under the Ombudsman Act, consent is provided by the principle information holder of the agency/responsible Minister or the person who provided the information, or in the context of an annual report where disclosure is considered appropriate by the Ombudsman • s 34—the Ombudsman can still make a public statement or disclose information where the Ombudsman considers that it is in the interests of an agency, person, or otherwise in the public interest to do so and it will not interfere with the carrying out of an investigation/report under the Act. However, in doing so, the Ombudsman must not: <ul style="list-style-type: none"> ○ set out opinions critical of an agency/person unless they have first been given the opportunity to comment ○ disclose the name of a complainant/other identifying information unless it is fair and reasonable in all the circumstances to do so. • s 34A(c)—the ACTO can disclose information to the ACT HRC that is relevant to the safety, health or wellbeing of a child or class of child • s 17N—the ACT HRC may disclose information where it is relevant to the Ombudsman’s functions
<i>Human Rights Commission Act 2005</i>	<ul style="list-style-type: none"> • s 52A—the ACT HRC may refer a matter to a statutory officeholder, where it could be dealt with more conveniently, or effectively by the officeholder, and the officeholder has been consulted • s 99—it is an offence for ACT HRC staff to make a record or divulge <i>protected information</i> (i.e. information about a person disclosed/obtained due to the exercise of a function under the Act), unless this is done under the Act or another territory law, or with the person’s consent.

<i>Children and Young Peoples Act 2008</i>	<ul style="list-style-type: none"> Division 25.3.3—gives the ACT HRC and ACTO permission to request and share information relevant to the safety and wellbeing of a child or class of child.
<i>Victims of Crime Act 1994</i>	<ul style="list-style-type: none"> 18G(3) If the commissioner is unable to resolve a victims rights concern, the commissioner may, with the victim’s consent— <ul style="list-style-type: none"> (a) refer the concern to a relevant complaints entity (b) if the concern is referred under paragraph (a)—give the entity any information the commissioner has in relation to the concern. <p>18G(4) defines a ‘relevant complaints’ entity to include the ombudsman.</p>

Appendix 4—Complaints transfer procedures

This appendix outlines how complaint matters will be referred between the ACTO and the ACT HRC. It also explains how complaints emailed to both agencies concurrently will be handled.

Part A—mandatory referral of health-related complaints from ACTO to the ACT HRC

Purpose	Ensure that health related complaints that are out of jurisdiction for the ACT OMB are promptly transferred to the ACT HRC
Legislative framework	s 6B of the <i>Ombudsman Act 1989</i> s 5(2)(o) of the <i>Ombudsman Act 1989</i>
Responsibilities	<p>ACT OMB staff, with the appropriate delegation, are responsible for:</p> <ul style="list-style-type: none"> referring health related complaints to the ACT HRC where they are satisfied that it would be more appropriate for the ACT HRC to investigate the complaints advising the complainant that the complaint will be referred. <p>Note:</p> <ul style="list-style-type: none"> The ACT OMB also has additional protocols in place for urgent AMC-related health complaints where, with the consent of the complainant, the Office will advise ACT Corrective Services of the complaint, on the same day that it is received, as well as making the referral. If ACTO received a copy of the complaint at the same time as the ACT HRC, see Part D for further guidance. If a complaint is received by the ACTO, which may need to be split into two matters, with only part referred to ACT HRC, this will be discussed by the Director, ACT Strategy and the HRC Director, Complaint Services.
Service standards	Within five working days
Format	Email to HRCintake@act.gov.au

Parameters	<p>Complaints must be referred that relate to the provision of health services, or refusing to provide a health service, as defined by the <i>Human Rights Commission Act 2005</i>.</p> <p>Examples where a transfer would be appropriate include where:</p> <ul style="list-style-type: none">• a person calls to complain about delay in booking a surgical procedure• a person complains that their spouse was discharged from cancer treatment at a hospital without sufficient support or co-ordinated ongoing care• a person calls about inadequate dental treatment• a person complains about their relative's treatment in a hospital emergency department• a person calls to raise concerns about billing practices by a specialist.
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Part B—mandatory referral of non-health related complaints from ACTO to the ACT HRC

Purpose	Ensure that non-health related complaints that are out of jurisdiction for the ACTO but are able to be investigated by ACT HRC, are promptly transferred to the ACT HRC.
Legislative framework	s 6B of the <i>Ombudsman Act 1989</i> s 5(2)(o) of the <i>Ombudsman Act 1989</i>
Responsibilities	<p>ACT OMB staff, with the appropriate delegation, are responsible for:</p> <ul style="list-style-type: none"> • referring relevant complaints to the ACT HRC where they are satisfied it would be more appropriate for the ACT HRC to investigate the complaint • advising the complainant that the complaint will be referred. <p>Note:</p> <ul style="list-style-type: none"> • If ACTO received a copy of the complaint at the same time as the ACT HRC, see Part D for further guidance. • If a complaint is received by the ACTO, which may need to be split into two matters, with only part referred to ACT HRC, this will be discussed by the Director, ACT Strategy and the HRC Director, Complaint Services.
Service standards	Within five working days.
Format	Email to HRCIntake@act.gov.au
Parameters	<p>Complaints must be referred to the ACT HRC where they relate to the matters that are out of jurisdiction for the ACTO. Section 5(2)(o) excludes the ACTO from investigating action taken by an agency for the purpose or in the course of providing, purporting to provide, or refusing to provide:</p> <ul style="list-style-type: none"> • a disability service (e.g. home help) • a health service • a service for children or young people (e.g. education, accommodation or rehabilitation services) • a service for older people (e.g. respite care, personal care, home maintenance services, retirement villages) • a service for people with disabilities (e.g. home help) <p>In addition, the ACTO may refer complaints where a delegate is satisfied that that it would be more effective or convenient for the ACT HRC to handle the complaint. For example:</p> <ul style="list-style-type: none"> • complaints that raise a claim of direct or indirect discrimination (e.g. sexuality and gender identity conversion practices) • support and financial assistance for Victims of Crime; and (where appropriate) justice agency services for victims of crime • vulnerable people—abuse, neglect or exploitation of vulnerable people over 60 or people with a disability and occupancy dispute <p>Examples of complaints received where a referral may be appropriate include:</p> <ul style="list-style-type: none"> • A woman complains she is being discriminated against as a member of the Aboriginal and Torres Strait Islander community, as her accommodation needs

were not adequately considered and she had to meet additional conditions that were not imposed on non-Indigenous co-tenants.

- A person with a disability claims they were discriminated against when a ACT government agency did not provide dedicated parking for people with disabilities.
- NOTE: The HRC does not require a complainant to have contacted the respondent to try to resolve the matter prior to lodging a complaint with the HRC. The HRC can also accept complaints anonymously and in some cases from third parties.

Part C—referral of complaints from ACT HRC to the ACTO

Purpose	<p>To ensure that complaints that are out of jurisdiction in terms of ACT HRC complaint handling, that are able to be investigated by the ACTO, are promptly transferred to the ACTO.</p> <p>Note: AFP (including ACT Policing) related complaints referred will be considered under the Commonwealth Ombudsman jurisdiction.</p> <p>Note: The HRC can handle complaints about ACT Policing in relation to justice agency services for victims of crime.</p>
Legislative framework	<p>s 52A of the <i>Human Rights Commission Act 2005</i></p> <p>18G of the <i>Victims of Crime Act 1994</i>.</p>
Responsibilities	<p>ACT HRC staff, with the appropriate delegation, are responsible for:</p> <ul style="list-style-type: none"> • consulting with the Ombudsman regarding possible referrals • referring relevant complaints to the Ombudsman where they are satisfied that it would be more appropriate for the Ombudsman to investigate the complaint • advising the complainant that the complaint will be referred. <p>Note:</p> <ul style="list-style-type: none"> • if ACT HRC received a copy of the complaint at the same time as the ACTO, see Part D for further guidance • if a complaint is received by the ACT HRC, which may need to be split into two matters, with only part referred to ACTO, this will be discussed by the Director, ACT Strategy and the HRC Director, Complaint Services.
Service standards	<p>Within five working days.</p>
Format	<p>Email to ombudsman@ombudsman.gov.au cc: to act.ombo@ombudsman.gov.au</p>
Parameters	<p>The ACTO can investigate individual complaints about ACT agencies or authorities that do not relate to the following:</p> <ul style="list-style-type: none"> • a health service or a refusal to provide a health service • a service for children or young people (e.g. education, accommodation or rehabilitation services) • a service for older people (e.g. respite care, personal care or home maintenance services or home help) • a service for people with disabilities (e.g. respite care, personal care, home maintenance services or home help) • ACT public service employment matters. <p>The Office has a particular focus on agency complaints handling and matters of public administration. As the Commonwealth Ombudsman, the Office can also investigate complaints about:</p> <ul style="list-style-type: none"> • ACT Policing • a Commonwealth government agency • a private CRICOS registered education provider • a VET FEE-HELP or VET student loan approved provider • a postal operator (e.g. Australia Post, StarTrack, Fed Ex Australia, Cheque-Mates, D and D Mailing Services)

- a health insurance agency.

Examples of complaints received where a referral may be appropriate include:

- A woman complains she made a public housing transfer request some time ago but has not had a response from Housing ACT. She has complained several times to Housing ACT and they have failed to respond.
 - Referral to the ACTO would be appropriate as the ACTO can consider matters of administration such as delays and poor communication unless it relates to a ground covered by the Discrimination Act such as disability, race, carer responsibilities, family violence.
 - The ACTO also has an assisted referral policy in place for Housing complaints, which could facilitate bringing this matter to the immediate attention of Housing ACT, so it can respond appropriately.
- A man claims he has been subjected to an inappropriate use of force by ACT Policing. He has already made a complaint to the Australian Federal Police's Professional Standards Unit but was not happy with the response.
 - Referral to the ACTO would be appropriate in these circumstances as the person has already complained to the agency first. As the Commonwealth Ombudsman, the Office has the power to investigate complaints about ACT Police.
- A woman claims she has made several requests to CSD for copies of her housing file and submitted a formal access application under the *Freedom of Information Act 2016* (FOI Act) eight months ago, but has still not been given access or even had a response.
 - Referral to the ACTO would be appropriate as ACTO has responsibility for oversight of the ACT FOI Act.

Note: the Ombudsman generally does not progress complaints that have not been made directly to the agency of concern first, unless the client is identified as having high and complex, or alternative, service needs. Matters of vulnerability should be discussed when consultation about the referral occurs, to ensure that the Ombudsman is best placed to progress the complaint.

Examples where it may be appropriate to separate complaint issues:

- A tenant in public housing complains to the ACT OMB about delays in obtaining maintenance on their property related to their disability and that they are being discriminated against on the basis of their disability. The ACT OMB would consider the maintenance complaint and refer the discrimination complaint to the ACT HRC.

Part D—Managing complaints emailed to ACTO and ACT HRC concurrently

Purpose	<p>To ensure that complaints which are emailed to the ACT HRC and ACTO concurrently are managed efficient and effectively to reduce duplication of effort, with complaints directed to the most appropriate agency, and information on-referred where appropriate.</p> <p>See also: Managing complaints emailed to multiple AMC oversight agencies protocol</p>				
Legislative framework	<p>s 52A of the <i>Human Rights Commission Act 2005</i></p> <p>s 6B of the <i>Ombudsman Act 1989</i></p>				
Responsibilities	<p>Where an email is sent to the ACTO and the ACT HRC, the most appropriate of these agencies (see table below) will:</p> <ul style="list-style-type: none"> • respond to the complainant within five days, advising the complainant which agency will manage the complaint, and if relevant, whether another oversight agency will handle the complaint • copy in the other agency, so they are aware another agency has taken ownership of the complaint and can close the complaint in their systems where appropriate* • take the lead on processing the relevant complaint. <p>If further assessment indicates that a matter outside of its jurisdiction has been raised, or that would be better dealt with by another oversight agency, this specific matter will then be referred to the relevant agency as per the arrangements outlined in this protocol.</p> <table border="1" data-bbox="395 1115 1479 1413"> <thead> <tr> <th data-bbox="395 1115 1026 1155">ACT HRC</th> <th data-bbox="1026 1115 1479 1155">ACTO</th> </tr> </thead> <tbody> <tr> <td data-bbox="395 1155 1026 1413"> <ul style="list-style-type: none"> • a health service provided or not provided • a service for older detainees • a service for people with a disability • claims that an individual has been the subject to discrimination, vilification or sexual harassment • justice agency services for victims of crime. </td> <td data-bbox="1026 1155 1479 1413"> <p>All other matters (E.g. complaints about complaint processes, administrative arrangements, failure to comply with policy)</p> </td> </tr> </tbody> </table> <p>*Note: If a complex complaint is received which may need to be split into two matters to be dealt with by ACT HRC and ACTO respectively, this will be discussed by the Director, ACT Strategy and the HRC Director, Complaint Services.</p>	ACT HRC	ACTO	<ul style="list-style-type: none"> • a health service provided or not provided • a service for older detainees • a service for people with a disability • claims that an individual has been the subject to discrimination, vilification or sexual harassment • justice agency services for victims of crime. 	<p>All other matters (E.g. complaints about complaint processes, administrative arrangements, failure to comply with policy)</p>
ACT HRC	ACTO				
<ul style="list-style-type: none"> • a health service provided or not provided • a service for older detainees • a service for people with a disability • claims that an individual has been the subject to discrimination, vilification or sexual harassment • justice agency services for victims of crime. 	<p>All other matters (E.g. complaints about complaint processes, administrative arrangements, failure to comply with policy)</p>				
Service standards	<p>Within five working days</p>				
Format	<p>To: [enter complainant email]</p> <p>Cc: ombudsman@ombudsman.gov.au; act.ombo@ombudsman.gov.au OR HRCintake@act.gov.au</p> <p>Dear X</p> <p>I wish to acknowledge your complaint, which was sent by email to <enter agency name> on X X 202X.</p>				

This complaint has been sent to both the ACT Human Rights Commission and the ACT Ombudsman. These agencies have a [protocol](#) in place to ensure that we work together to ensure the complaints are managed effectively.

I wish to confirm that <enter agency name> has been identified as the most appropriate agency to manage the complaint that you have made, given the issues raised.

As a result, <enter agency name> will proceed to assess your complaint and advise you of any further action that we plan to take. The reference number for your complaint is XXXXXXXX.

If your complaint raises other issues that could better be handled by another oversight agency included in your email, we will refer this matter to them for specific consideration and you will be advised that this has occurred.

If you have any further questions, or need further information at this time, please contact us at X.

Your sincerely