



OMBUDSMAN AN OFFICER OF  
THE ACT LEGISLATIVE ASSEMBLY



# ANNUAL REPORT



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THE ACT LEGISLATIVE ASSEMBLY 



**ANNUAL REPORT**



Australian Capital Territory

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# A. TRANSMITTAL CERTIFICATE



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1 October 2017

Ms Joy Burch MLA  
Speaker  
Legislative Assembly for the ACT  
London Circuit  
CANBERRA ACT 2600

Dear Speaker

I present to you my Annual Report for 2016–17.

This report has been prepared to fulfil my obligations under the *Annual Reports (Government Agencies) Act 2004*.

I certify that information in the attached Annual Report is an honest and accurate account and that all material information on the operations of the ACT Ombudsman has been included for the period 1 July 2016 to 30 June 2017.

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

Yours sincerely

A handwritten signature in blue ink, appearing to read "Michael Manthorpe".

Michael Manthorpe PSM  
ACT Ombudsman



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The ACT Ombudsman Annual Report 2016–17 is available on the website.

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# B. ORGANISATIONAL OVERVIEW AND PERFORMANCE

## B.1 Organisational overview

### The Ombudsman's role and functions

The ACT Ombudsman seeks to influence systemic improvements in public administration in the ACT and to provide assurance that ACT Government agencies will act with integrity and treat people fairly.

The Commonwealth Ombudsman is also the ACT Ombudsman. The ACT Ombudsman's role is delivered by the Office of the Commonwealth Ombudsman under a Service Agreement between the ACT Government and the Commonwealth Ombudsman. A Senior Assistant Ombudsman and a dedicated team has day-to-day responsibility for managing the relationship with ACT agencies and the ACT community. Our Operations Branch handles complaints about ACT Government agencies and ACT Policing and our National Assurance and Audit Team undertakes inspections of policing.

### Complaints

The Ombudsman receives and considers approaches from members of the public who believe they have been treated unfairly or unreasonably by an ACT Government agency or ACT Policing. Complainants are encouraged to deal directly with agencies in the first instance. To support this, we work

with ACT Government agencies to help ensure they provide accessible and effective complaint-handling processes to the public. The Office also helps people by referring them to appropriate review or compliance avenues where these are available.

While all approaches are considered, not all of them are investigated. Whether the Ombudsman investigates or not, the decision is made independently and impartially. We always explain our reasons for not investigating a complaint based on our legislation. If a complaint raises urgent issues requiring attention by an agency, we will endeavour to act on it promptly.

The aim in all cases is to resolve complaints fairly and to help people access any appropriate remedies. The most common remedies are better explanations from an agency or this Office about a process or outcome, reconsidering a matter or requesting that a matter be expedited if a delay appears to be unreasonable. Other remedies include individual apologies, and if we identify a systemic issue, changes to law, policy or practices, if warranted.

Investigations are conducted in private and the Ombudsman has broad powers to access information held by agencies. The Ombudsman cannot compel agencies or ACT Policing to follow its recommendations. However, the Ombudsman may provide a report to relevant ministers, or release a report publicly.

## The ACT Reportable Conduct Scheme

In 2016–17, the ACT Ombudsman prepared for its new functions under the ACT Reportable Conduct Scheme (the scheme) which commenced on 1 July 2017.

The scheme addresses employment-related child protection issues. Certain employers who work with children must report to the Ombudsman when they become aware of an allegation about, or conviction of, an employee that relates to certain misconduct involving children (reportable conduct).

We prepared for our new role by establishing relationships with child protection services, existing regulators, professional oversight bodies and employers in the ACT. From March to 1 July 2017, the Ombudsman presented 31 information sessions to more than 750 attendees, most of which were representing employers covered by the scheme. In addition, we released publications to assist employers to understand their reporting requirements under the scheme and what they could expect from 1 July 2017. An email marketing platform was also used to send updates about the scheme to over 300 individuals and groups.

The scheme is modelled on a similar scheme oversighted by the NSW Ombudsman. This Office acknowledges the support of the NSW Ombudsman in informing our practice and understanding on its scheme.

## Judicial Council principal officer

On 1 February 2017, the ACT Judicial Council was established with powers to receive, investigate, and report to heads of jurisdiction or to the Attorney-General about complaints against judicial officers.

The Ombudsman's Office has an agreement with the ACT Government to provide a principal officer to support the Council.

Since March 2017, the principal officer has assisted the Council by providing secretariat and administrative support and receiving enquiries and complaints from members of the public.

## Other roles

The Ombudsman receives complaints about responses from ACT Government agencies to requests made under the *Freedom of Information Act 1989* (see Section O.2), disclosures under the *Public Interest Disclosure Act 2012* and complaints about agencies' responses to such disclosures (see Section P.2).

We monitor police use of covert powers through inspections conducted under the *Crimes (Controlled Operations) Act 2008*, the *Crimes (Assumed Identities) Act 2009* and the *Crimes (Surveillance Devices) Act 2010* (see Part 4).

## Strategic engagement

The Office engages with ACT Public Service administrative decision-makers and service delivery managers. We continue to express our interest in briefings from ACT Government agencies at the planning and design stage of new initiatives and policy changes that could foreseeably result in public approaches to make complaints.

We participate in regular liaison meetings with key government agencies, including the Chief Minister Treasury and Economic Development Directorate (CMTEDD), the Justice and Community Safety Directorate (JACSD) and Housing ACT in the Community Services Directorate.

In addition to this liaison, we participated in several ACT inter-Directorate committees, including the Reportable Conduct Governance Group (convened by CMTEDD), the Freedom of Information Project Board and Working Group and the Moss Implementation (see submissions and investigations section) Inter-Directorate Committee, JACSD.

The Office also participated in regular meetings of the Alexander Maconochie Centre (AMC) Oversight Agencies Working Group, convened by ACT Corrective Services. The Ombudsman also participates in the oversight agencies' own regular meetings. This group includes the Human Rights Commission, the Public Trustee and Guardian and official visitors. These meetings are a way to share concerns or interests and to coordinate appropriate responses, if and as required.

In March 2017, the Ombudsman's Office conducted a Complaint-Handling Forum, which was attended by staff from ACT Government agencies as both panel presenters and participants. The forum was focused on the wellbeing of complaint handlers, acknowledging the complex and often difficult environment that they operate in.

For further information, see also Section N-Community engagement and support.

## Outlook and priorities

In 2017-18, the Office will continue to implement and consolidate its new functions, as well as performing its traditional complaint-handling functions. The Ombudsman will guide employers covered by the reportable conduct scheme to fulfil their responsibilities and encourage their engagement with existing child protection mechanisms.

From 1 January 2018, the Ombudsman will have significant new functions under the new *Freedom of Information Act 2016* (FOI Act). In 2017-18, the Office will direct resources to establishing and implementing these new functions, including by continuing to work with the ACT Government agencies. The ACT

Government has provided funding for the 2017-18 and 2018-19 financial years.

The Ombudsman will continue to prioritise engagement with the Aboriginal and Torres Strait Islander community and wider ACT community during 2017-18.

Following a review of our Communication Strategy in 2017, we have plans for an expanded social media presence and the preparation of communications materials for distribution at community events in 2017-18.

## B.2 Performance analysis

The ACT Ombudsman role is delivered by the Office of the Commonwealth Ombudsman under a Service Agreement with the ACT Government. Quarterly performance reports are provided to the Speaker and the Head of Service on complaints received and investigated.

Information about our complaint work and investigations is provided below. Information about the monitoring and inspections work is provided at Part 4.

All public contact with the Office is recorded as an approach. Not all approaches are complaints requiring further action. People may be seeking information on how to raise a concern with an ACT Government agency or ACT Policing. Others are concerned about entities or specific actions that are outside the Ombudsman's jurisdiction.

The Ombudsman does not take further action on approaches when:

- the concern is resolved during that contact
- the person is referred to a more appropriate agency
- we would be unable to access a better remedy by investigating, or
- the matter has been considered by a Minister or been before a court or tribunal.

For approaches that are within jurisdiction and require further action, the Office contacts the agency for further information and provides it with an opportunity to respond to the complaint. Often this contact is sufficient for the complaint to be resolved.

Remedies obtained by complainants may be at the initiative of agencies or suggested by the Office. These may include the Ombudsman providing the complainant with a better explanation of what the agency or ACT Policing did and why. At times, we can provide independent assurance to a complainant that an outcome was not unreasonable.

The Ombudsman encourages agencies to make improvements to their service delivery and administration.

In 2016–17, Directorates accounted for 12 per cent fewer approaches than in 2015–16. ACT Policing accounted for a nine per cent increase in approaches compared with the previous year. This variation in number of complaints is similar to fluctuations in complaint numbers over the past five years.

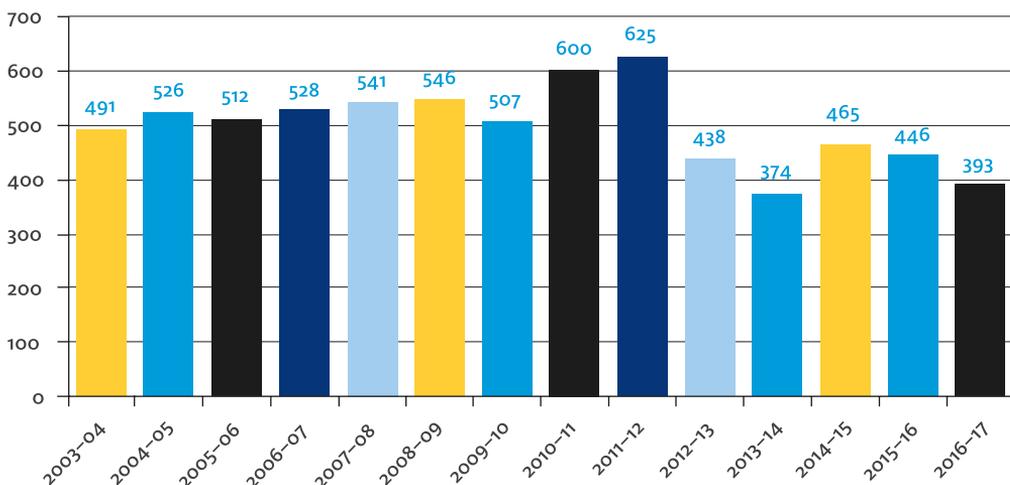
In 2016–17, the Ombudsman finalised 508 approaches: 383 about Directorates and 125 about ACT Policing. We investigated 68 approaches: 57 about Directorates and 11 about ACT Policing. In comparison, in 2015–16 we finalised 586 approaches: 459 about Directorates and 127 about ACT Policing and investigated 91 approaches: 74 about Directorates and 17 about ACT Policing.

Details of the complaints received and finalised are at Appendix 1.

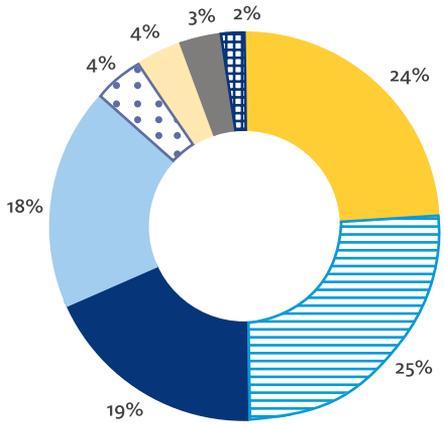
### Summary of complaint statistics

In 2016–17, the Ombudsman received 526 approaches: 393 about Directorates and 133 about ACT Policing. In 2015–16 we received 568 approaches: 446 about Directorates and 122 about ACT Policing.

**Figure 1: Approaches and complaints received about Directorates (excluding ACT Policing), 2003–04 to 2016–17**



**Figure 2: Spread of approaches and complaints received about Directorates and ACT Policing, 2016–17**



- Chief Minister, Treasury and Economic Development Directorate
- Environment and Planning Directorate
- ACT Policing
- Health Directorate
- Justice and Community Safety Directorate
- Education and Training Directorate
- Community Services Directorate
- Territory and Municipal Services Directorate

The three ACT agencies that we receive the most complaints about are Housing ACT in the Community Services Directorate (CSD), Access Canberra in CMTEDD and ACT Corrective Services in JACSD. This reflects the close nature of the contact that these agencies have with their clients and the public. While we do get slight variations in the numbers of approaches to the Office over the past five years, generally the numbers of approaches in relation to these three agencies have remained stable.

**ACT Corrective Services**

The Office received 51 approaches in 2016–17, up slightly on 46 in 2015–16. Most complaints are made by detainees in the Alexander Maconochie Centre (AMC), although AMC visitors and family also approach our Office. Complaints were made about access to services and programs, limitations placed upon visits, and alleged inaction in relation to requests to change cells. Other complaint issues included concerns about the facilities (heating, telephones, showers), disputes about rental charges and financial accounts.

Detainees do complain to the Office alleging concerns with access to or adequacy of health services. These complaints are not in the jurisdiction of the ACT Ombudsman and are transferred to the Health Services Commissioner in the ACT Human Rights Commission.

The ACT Ombudsman investigated 30 per cent of ACT Corrective Services complaints received in 2016–17. This is a higher rate of investigation compared to the rate of investigation of complaints relating to ACT agencies over the same period (15 per cent). It reflects our acknowledgement that detainees in a closed environment have particular vulnerabilities. It is important that there is external and independent oversight of management’s response to issues raised. It has been our experience that Corrective Services has been positive about this role.

At times a complaint highlights that management may not have been aware of a detainees concern and as a result of our approach, management has taken prompt action to address those matters. In many other cases we have provided explanations for certain decisions or actions.

**Housing ACT**

Housing ACT complaints were down slightly from 86 in 2015–16 to 80 in 2016–17. Complaints are made by Housing ACT tenants or by neighbours. Common reasons why people make complaints about Housing ACT include delays in responding to requests to

move, neighbourhood disputes and matters that relate to maintenance.

Complaints that relate to housing issues can be complex and may involve family, mental and physical health issues and disability. In some instances, many government agencies become involved in attempting to resolve a situation.

The ACT Ombudsman is aware of the complex and intractable nature of some of the housing complaints. We provide assurance to complainants that their complaints are taken seriously and actioned appropriately whenever possible.

### Access Canberra

Access Canberra includes ACT Government shopfronts, a call centre, online services and regulatory and licencing functions.

The complaints about Access Canberra are similarly diverse and can cover rental bonds, building repairs, vehicle registration and many other matters.

Complaints about Access Canberra can cover quite simple refund-type matters, to issues that could affect people's lives and livelihoods.

### Submissions and investigation reports

The Ombudsman made a submission to the *Inquiry into the Treatment in Custody of Detainee Steven Freeman*, undertaken by Independent Reviewer, Mr Philip Moss AM. The submission set out our role, as it relates to the AMC, and provided an analysis of the complaints received from detainees at the AMC.

Mr Moss' report, *'So Much Sadness in our Lives'*, following the inquiry, was released in November 2016. Recommendation 8 was that the Ombudsman review the response to critical incidents at the AMC. Mr Moss also concluded that this Office be funded to undertake a regular inspection function of the AMC. The ACT Government has committed to exploring models for an ACT Inspectorate of Prisons and having an Inspectorate operational by the end of 2017.

The ACT Ombudsman also made a submission to the Select Committee on an Independent Integrity Commission. This submission highlights the need to ensure the model selected for a Commission responds to the specific integrity risks and oversight gaps in the ACT. The submission suggests that any new entity be subject to an oversight and accountability regime, including a complaints system.

The Ombudsman concluded one own motion investigation in 2016–17. A report of the investigation was publicly released in November 2016. The investigation resulted from a complaint about certain procurement matters and it relates to the Procurement and Capital Works, a part of the CMTEDD and the ACT Health Directorate.

Following the investigation, the Ombudsman formed the view that the confidence of contractors in ACT Government procurement processes could be improved by consideration of the report and three recommendations relating to those processes. These three recommendations were accepted by CMTEDD. A fourth recommendation related to consideration of a remedy to the complainant. While this was considered, CMTEDD did not accept it.

The submissions and report are available on the ACT Ombudsman website.

## B.3 Scrutiny

The Ombudsman's Office appeared before the Standing Committee on Public Accounts in February 2017 and the Select Committee on Estimates 2017–18 in June 2017.

No recommendations were made to the Ombudsman in the reports of these Committee inquiries.

# C. FINANCIAL MANAGEMENT REPORTING

In 2016–17 the ACT Government paid a total of \$1,766,089 (including GST) to the Office of the Commonwealth Ombudsman to undertake a number of functions.

In accordance with the Service Agreement, between the Ombudsman and the ACT Government, the Office was provided with \$545,542 for ACT Ombudsman services and \$613,347 for complaint-handling and oversight in relation to ACT Policing. The Office received additional funding for its new functions in 2016–17 through variations to this Agreement.

The ACT Government paid the Ombudsman:

- \$520,300, including GST, for the implementation of the Reportable Conduct Scheme which commenced on 1 July 2017.
- \$86,900, including GST, for principal officer support to the ACT Judicial Council.

# PART 4—DIRECTORATE AND PUBLIC SECTOR BODY SPECIFIC ANNUAL REPORTING REQUIREMENTS

The Ombudsman has statutory responsibility for inspecting the records of law enforcement agencies, including ACT Policing, in relation to the use of certain covert and intrusive powers under ACT legislation.

During our 2016–17, inspections of ACT Policing, ACT Policing was cooperative and provided the Office with sufficient access to relevant information.

Overall, the inspections found ACT Policing's records relating to controlled operations and its use of surveillance devices to be comprehensive and adequate. ACT Policing accepted our findings and acknowledged its positive working relationship with our Office. The results of these inspections are discussed below.

## Controlled operations

The *Crimes (Controlled Operations) Act 2008* allows ACT Policing to conduct controlled (covert) operations in the ACT. The Ombudsman is required to inspect the records of ACT Policing at least once every 12 months to determine the extent of compliance with the Act.

In 2016–17, we conducted and finalised two inspections (of authorities that had either expired or were cancelled in 2016) and also finalised one inspection that was conducted during 2015–16 (of authorities that had either expired or were cancelled during 1 July – 31 December 2015).

## Inspection criteria

The following inspection criteria were applied to assess compliance:

1. Did the agency obtain the proper authority to conduct the controlled operation?
2. Were activities relating to a controlled operation covered by an authority?
3. Were agency records comprehensive and adequate?
4. Was the agency cooperative in facilitating the inspection?

## Inspection findings

As a result of our inspections initiated in 2015–16 and then finalised in 2016–17, ACT Policing was assessed as compliant with the requirements of the Act.

As a result of our first inspection conducted in 2016–17, ACT Policing was again assessed as compliant with the requirements of the Act.

At our second inspection conducted in 2016–17, we identified a small number of administrative errors in the general register, which is required to be kept by ACT Policing. Subsequent to the inspection, ACT Policing advised that it had corrected these errors.

## Surveillance devices

The *Crimes (Surveillance Devices) Act 2010* establishes a framework for the use of surveillance devices by law enforcement officers in the ACT. The Ombudsman may inspect the records of ACT Policing to determine the extent of compliance with the Act.

In 2016–17, we conducted and finalised one inspection (of warrants that had either expired or were revoked during 1 January – 30 June 2016) and also finalised one inspection which was conducted in 2015–16 (of warrants that had either expired or were revoked during 1 July 2015 – 31 December 2015). ACT Policing advised that there were no relevant warrants to inspect for the period 1 July – 31 December 2016.

### Inspection criteria

The following inspection criteria were applied to assess compliance:

1. Did the agency have the proper authority for the use and/or retrieval of the device?
2. Were surveillance devices used and/or retrieved in accordance with the authority of warrants?
3. Was protected information properly stored, used and disclosed?
4. Was protected information properly destroyed and/or retained?
5. Were agency records comprehensive and adequate?
6. Was the agency cooperative in facilitating the inspection?

## Inspection findings

As a result of our inspection conducted in 2015–16, ACT Policing was assessed as compliant except in five instances. Four of these instances (one of which was self-disclosed) were administrative in nature, and the other instance related to a significant issue self-disclosed by ACT Policing. In this instance, the installation of a surveillance device in New South Wales was unlawful due to a legislative omission in the *Surveillance Devices Regulation 2014* (NSW), which does not declare the *Crimes (Surveillance Devices) Act 2010* to be a corresponding law under the *Surveillance Devices Act 2007* (NSW). We are satisfied that ACT Policing has since taken appropriate steps to resolve this matter, by obtaining in-house legal advice and informing the Justice and Community Safety Directorate.

As a result of our inspection conducted in 2016–17, ACT Policing was assessed as compliant with the requirements of the Act.

## Assumed identities

The *Crimes (Assumed Identities) Act 2009* facilitates investigations and intelligence gathering in relation to criminal activity by providing for the lawful acquisition and use of assumed identities in the ACT. The Ombudsman may inspect records of ACT Policing to determine the extent of compliance with the Act.

To date, no inspections have been conducted under the Act as ACT Policing has advised that it has not applied any of the provisions.

# Child Sex Offenders Register

The ACT Child Sex Offenders Register (the register) is established by the *Crimes (Child Sex Offenders) Act 2005* (ACT). The register must contain current information relating to the identity and whereabouts of people living in the ACT who have been convicted of sexual offences against children.

The Ombudsman is required to monitor ACT Policing's compliance with Chapter 4 of the Act, which specifies how ACT Policing must manage the register. We assess whether all necessary information is included on the register and whether ACT Policing has sufficient controls regarding the use and disclosure of information from the register.

During 2016–17, our Office finalised one inspection that was conducted during 2015–16 and conducted another inspection in June 2017. The results of the June 2017 inspection have not been finalised and will be reported on in our 2017–18 annual report.

In relation to our finalised inspection, ACT Policing was assessed as compliant with Chapter 4 except in a small number of instances where information was incorrectly recorded or inadvertently omitted from the register. Following the inspection, ACT Policing advised that it had rectified all identified errors.

The detailed report on the results of this inspection was provided to ACT Policing and the Minister for Police and Emergency Services in June 2017.

# PART 5—WHOLE OF GOVERNMENT ANNUAL REPORTING

## N. Community engagement and support

The Ombudsman's Office continues to engage with the ACT Community. Throughout 2016–17 the Office met with community groups and services to hear about contemporary community issues and to raise awareness of the Ombudsman's role. This information helps to shape our priorities and conversations with Directorates about community needs.

In December 2016, together with our Commonwealth Ombudsman social services program, we held a community round-table discussion. It was attended by 15 community groups to address topics involving the delivery of a range of government services and the role of the Ombudsman. We also presented at a student information day at the Canberra Institute of Technology. This provided student groups with information on the role of the Ombudsman as well as an opportunity for students to talk to staff about any issues or concerns.

The Ombudsman is committed to ensuring its services are accessible to all members of the ACT community. The Office redesigned and restructured its ACT Ombudsman website in 2016–17 to improve the format and layout and to update content.

### Aboriginal and Torres Strait Islander community engagement

The Ombudsman's Office is committed to strengthening its relationship with the Aboriginal and Torres Strait Islander community in the ACT and to ensuring that the Office's complaint services are accessible to Aboriginal and Torres Strait Islander people.

We have prioritised our engagement with Indigenous communities and stakeholders who work closely with Aboriginal and Torres Strait Islander people to better understand that communities' experience of ACT Government agencies and barriers to making complaints. During 2016–17, the Office has engaged with the Aboriginal and Torres Strait Islander community on 45 different occasions including with community organisations, community associations and ACT Government agencies. This work has been supported by an Indigenous Strategy and Policy Officer since November 2016.

In 2017, the Office of the Commonwealth Ombudsman commenced a review of its Reconciliation Action Plan.

## O. Justice and community safety

### O.2 Freedom of Information

The Ombudsman receives and investigates complaints about the handling of applications made under the *Freedom of Information Act 1989* (the FOI Act). In 2016–17 the Office finalised 22 approaches about requests for information made to agencies. Fourteen related to the merits of a decision and were referred for reconsideration by the agency or to ACT Civil and Administrative Tribunal (ACAT) for review. Four approaches sought guidance on how to make a request for information or were about an agencies' handling of a request. Four complaints were investigated and all related to the time taken for the agency to respond to requests.

The Ombudsman received one request for information under s 14 of the FOI Act. We released some of the information requested and refused the release of some information, as it had been destroyed in line with our records disposal authority. The FOI request was completed in less than 30 days, which is consistent with the requirements under s 18(1)(d) of the FOI Act. No cases went to review by ACAT and no fees were charged in relation to any application.

## P. Public sector standards and workforce profile

### P.2 Public Interest Disclosure (PID)

The Ombudsman is a 'disclosure officer' under the *Public Interest Disclosure Act 2012* and may investigate disclosable conduct that relates to the head of service. The Ombudsman can also take complaints about and review the handling of PIDs.

Four disclosures were received during the reporting period and referred to the head of the respective Directorate for investigation. One complaint about the handling of a disclosure by a Directorate was received and an investigation undertaken.

## Q. Territory records

The Ombudsman has a records-management program that was approved by the Director of Territory Records. We operate in line with the *Territory Records (Records Disposal Schedule – Ombudsman Complaint Management Records) Approval 2011 (No 1) (NI 2011-93)*.

# APPENDIX 1

## ACT Ombudsman – Approaches and Complaints 2016–2017

| Directorate / Agency  | Finalised      |                  |              |                 | Remedies         |         |                                  |             |                                 |                            |  |                |
|---|----------------|------------------|--------------|-----------------|------------------|---------|----------------------------------|-------------|---------------------------------|----------------------------|--|----------------|
|   | Total Received | Not investigated | Investigated | Total Finalised | Action expedited | Apology | Decision changed or reconsidered | Explanation | Law, policy or practice changed | Other non-financial remedy | Remedy provided by agency without Ombudsman intervention | Total Remedies |
| Chief Minister, Treasury and Economic Development Directorate | 128            | <b>110</b>       | <b>14</b>    | 124             | 1                | 2       | 2                                | 11          | 1                               | 2                          |  | 19             |
| Access Canberra   | 64             | <b>53</b>        | <b>9</b>     | 62              | 1                | 1       | 2                                | 6           |                                 | 2                          |  | 12             |
| Chief Minister, Treasury and Economic Development Directorate | 27             | <b>27</b>        | <b>2</b>     | 29              |                  | 1       |                                  | 1           |                                 |                            |  | 2              |
| ACT Revenue Office  | 15             | <b>14</b>        | <b>1</b>     | 15              |                  |         |                                  |             | 1                               |                            |  | 1              |
| University of Canberra  | 22             | <b>16</b>        | <b>2</b>     | 18              |                  |         |                                  | 4           |                                 |                            |  | 4              |
| Community Services Directorate                                | 95             | <b>81</b>        | <b>11</b>    | 92              | 3                | 1       | 5                                | 11          | 1                               | 1                          |  | 22             |
| Community Services Directorate                                | 15             | <b>13</b>        | <b>1</b>     | 14              |                  | 1       | 1                                |             | 1                               |                            |  | 3              |
| Housing ACT   | 80             | <b>68</b>        | <b>10</b>    | 78              | 3                |         | 4                                | 11          |                                 | 1                          |  | 19             |
| Education Directorate   | 10             | <b>9</b>         | <b>1</b>     | 10              |                  |         |                                  | 1           |                                 |                            |  | 1              |
| Canberra Institute of Technology                              | 6              | <b>6</b>         |              | 6               |                  |         |                                  |             |                                 |                            |  |                |
| Education Directorate   | 4              | <b>3</b>         | <b>1</b>     | 4               |                  |         |                                  | 1           |                                 |                            |  | 1              |
| Environment, Planning and Sustainable Development Directorate | 21             | <b>18</b>        | <b>4</b>     | 22              |                  | 1       | 1                                | 3           |                                 |                            |  | 5              |
| Health Directorate  | 17             | <b>15</b>        | <b>1</b>     | 16              |                  |         |                                  | 1           |                                 |                            |  | 1              |

| Directorate / Agency                             | Total Received | Finalised        |              |                 | Remedies         |          |                                  |             |                                 |                            |  | Total Remedies |
|--|----------------|------------------|--------------|-----------------|------------------|----------|----------------------------------|-------------|---------------------------------|----------------------------|--|----------------|
|  |                | Not Investigated | Investigated | Total Finalised | Action expedited | Apology  | Decision changed or reconsidered | Explanation | Law, policy or practice changed | Other non-financial remedy | Remedy provided by agency without Ombudsman intervention |                |
| Justice and Community Safety Directorate         | 101            | 73               | 21           | 94              | 1                | 1        | 3                                | 10          | 1                               | 4                          | 1  | 21             |
| ACT Corrective Services                          | 51             | 33               | 15           | 48              |                  | 1        | 3                                | 5           | 1                               | 4                          | 1  | 15             |
| ACT Court or Tribunal                            | 8              | 7                |              | 7               |                  |          |                                  |             |                                 |                            |  |                |
| Human Rights Commission                          | 4              | 4                |              | 4               |                  |          |                                  |             |                                 |                            |  |                |
| Justice and Community Safety Directorate         | 14             | 10               | 3            | 13              | 1                |          |                                  | 1           |                                 |                            |  | 2              |
| Legal Aid ACT                                    | 11             | 9                | 1            | 10              |                  |          |                                  | 1           |                                 |                            |  | 1              |
| ACT Law Society                                  | 3              | 3                |              | 3               |                  |          |                                  |             |                                 |                            |  |                |
| Public Trustee for the ACT                       | 10             | 7                | 2            | 9               |                  |          |                                  | 3           |                                 |                            |  | 3              |
| Transport Canberra and City Services Directorate | 21             | 20               | 5            | 25              |                  |          | 1                                | 4           |                                 |                            |  | 5              |
| ACTION Buses                                     | 2              | 1                | 1            | 2               |                  |          |                                  | 1           |                                 |                            |  | 1              |
| Transport Canberra and City Services Directorate | 19             | 19               | 4            | 23              |                  |          | 1                                | 3           |                                 |                            |  | 4              |
| <b>ACT Directorates TOTAL</b>                    | <b>393</b>     | <b>326</b>       | <b>57</b>    | <b>383</b>      | <b>5</b>         | <b>5</b> | <b>12</b>                        | <b>41</b>   | <b>3</b>                        | <b>7</b>                   | <b>1</b>   | <b>74</b>      |
| ACT Policing                                     | 133            | 114              | 11           | 125             | 1                |          | 4                                | 2           |                                 |                            |  | 7              |
| <b>ACT</b>                                       | <b>526</b>     | <b>440</b>       | <b>68</b>    | <b>508</b>      | <b>6</b>         | <b>5</b> | <b>16</b>                        | <b>43</b>   | <b>3</b>                        | <b>7</b>                   | <b>1</b>   | <b>81</b>      |

# GLOSSARY AND ABBREVIATIONS

|              |   |
|--------------|---|
| ACAT         | ACT Civil and Administrative Tribunal                         |
| ACC          | Australian Crime Commission                                   |
| ACT          | Australian Capital Territory                                  |
| AFP          | Australian Federal Police                                     |
| agencies     | administrative units of ACT Government business               |
| AMC          | Alexander Maconochie Centre                                   |
| approaches   | all public contact made with the Office of the ACT Ombudsman  |
| CMTEDD       | Chief Minister, Treasury and Economic Development Directorate |
| CSD          | Community Services Directorate                                |
| Cth          | Commonwealth  |
| Directorates | administrative units of ACT Government business               |
| FOI          | Freedom of Information  |
| JACSD        | Justice and Community Safety Directorate                      |
| Office, the  | the Office of the ACT Ombudsman                               |
| PID          | Public Interest Disclosure                                    |
| scheme, the  | the ACT Reportable Conduct Scheme                             |

# COMPLIANCE STATEMENT

## Report on omissions and reasons for non-compliance

The Office of the Commonwealth Ombudsman discharges the role of ACT Ombudsman.

The ACT Ombudsman is not required to comply with the Annual Report Directions under the *Annual Reports Act*, but the Commonwealth Ombudsman is required to act in accordance with the Directions under its Service Agreement with the ACT Government.

Because the Office of the Commonwealth Ombudsman discharges the role of ACT Ombudsman, many omitted items are separately reported in the Commonwealth Ombudsman Annual Report 2016–17, which is available at [ombudsman.gov.au](http://ombudsman.gov.au).

| Part  | Section  | References                    |
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| 1   | <b>Directions overview</b>   |                               |
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| 2   | <b>Public sector body annual report requirements</b>   | Page 13                       |
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|   | B Organisational overview and performance  | Page 6                        |
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|   | B.2 Performance analysis   | Page 8                        |
|   | B.3 Scrutiny   | Page 11                       |
|   | B.4–9 Risk management, Internal audit, Fraud prevention, Work Health and Safety, Human Resources Management and Ecological Sustainable Development   | n/a                           |
|   | C Financial Management Reporting   | Page 12                       |
|   | C.1–6 Financial Management Analysis, Financial Statements, Capital Works, Asset Management, Government Contracting and Statement of Performance  | n/a                           |
|   | 3  | <b>Reporting by exception</b> |
| D Notices of non-compliance   |  | Nil to report                 |
| D.1 & D.2 Dangerous Substances and Medicines, Poisons and Therapeutic Goods |  | Nil to report                 |
| 4   | <b>Agency-specific annual reporting requirements</b>   | Page 13                       |
|   | E–M Chief Minister, Treasury and Economic Development, Education and Training, Health, Gambling and Racing, Ministerial and Director-General Directions, Public Land Management Plans, Third Party Insurance, Victims of Crime and Waste Minimisation Contraventions | n/a                           |
| 5   | <b>Whole-of-Government Annual Reporting</b>  | Page 16                       |
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|   | O Justice and community safety   | Page 17                       |
|   | O.1 Bushfire risk management   | n/a                           |
|   | O.2 Freedom of Information   | Page 17                       |
|   | O.3 Human Rights   | n/a                           |
|   | O.4 Legal services directions  | n/a                           |
|   | P Public sector standards and workforce profile  | n/a                           |
|   | P.1 Culture and behaviour  | n/a                           |
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