

## PUBLIC INTEREST DISCLOSURE

Under the *Public Interest Disclosure Act 1994* (ACT) (PID Act), a person may make a public interest disclosure (PID) to any ACT Government agency including the Ombudsman. The Ombudsman can become involved directly or at the request of the agency concerned. PID matters are among the most complex cases the Ombudsman deals with in terms of their investigation and resolution.

The PID complaints investigated by the Ombudsman tend to be closely connected with workplace disputes and grievance processes; disputes sometimes broach differing views on the wider operations of the agency involved.

The PIDs outstanding from previous years were finalised this year. In each case the person making the disclosure was advised that further investigation of their PID was not warranted in the circumstances. This was because there had been previous investigations into the matters raised and because the actions said to be unlawful reprisals did not seem to be taken because of the person's disclosure.

The Ombudsman received four PID complaints from three people this year.

One complaint raised issues of financial probity and also contained a claim that the whistleblower had been effectively dismissed from his employment following his attempts to raise the issues within his department. As this office is not well placed to investigate financial issues, those aspects of the matter were referred to the Auditor-General. Similarly, the employment-related matters were referred to the Commissioner for Public Administration as a more appropriate body to investigate those issues. The Ombudsman has retained a watching brief over the matters and at the end of the reporting period investigation of both aspects of the matter was continuing.

In another complaint, we declined to investigate because the matter had been previously investigated and the actions characterised as reprisals did not appear to have been taken because of the original disclosure to the relevant department. The person involved has resubmitted his PID in a different form, claiming that the issues should be investigated. This matter was still under consideration at the end of the reporting period.

The fourth PID was also still under consideration.

## FREEDOM OF INFORMATION

### Complaints about the actions of agencies

Subsection 53(3) of the *Freedom of Information Act 1989* (ACT) (FOI Act) requires the Ombudsman to report on complaints about the handling of freedom of information (FOI) requests by ACT Government agencies.

This year we received nine complaints involving six agencies in which the handling of requests made under the FOI Act was raised as an issue. These complaints mostly related to concern about delay by agencies in providing documents and/or reasons for exemption. Often the focus of our intervention is to have the agency expedite a response.

### FOI requests to the Ombudsman

In 2006–07 the ACT Ombudsman received one FOI request under s 15 of the FOI Act. The Act mandates a 30-day period for the processing of FOI requests, subject to certain exceptions and extensions. The FOI request was subject to an extension to liaise with third parties and was processed within the extended timeframe of 60 days. Partial access to the documents was granted.

It is not feasible to calculate reliably the cost of dealing with the FOI request, as it is so dispersed throughout the office. During the period, no fees or charges were imposed on the applicant.

There were no applications for review of our decisions made to the Administrative Appeals Tribunal.

## HUMAN RIGHTS ACT 2004

The ACT Ombudsman continued to work collaboratively with the ACT Human Rights Office and ACT Corrective Services on issues concerning the new ACT Prison. The ACT Ombudsman also provided some input and assistance to the Human Rights Office in its human rights audit of the two remand centres in the ACT. In this way, Ombudsman staff have continued to be involved in human rights issues affecting the ACT community.

## COMMISSIONER FOR THE ENVIRONMENT

There were no requests, investigations or recommendations relating to the ACT Ombudsman.

## ACT MULTICULTURAL STRATEGY 2006–2009

The Ombudsman now provides information sheets in 35 community languages that set out the role of the Ombudsman and how to make a complaint about a government agency. The languages are Albanian, Amharic, Arabic, Bosnian, Chinese (simplified and traditional), Croatian, Dari, Dinka, Dutch, Farsi/Persian, Filipino, German, Greek, Hindi, Indonesian, Italian, Khmer, Korean, Kurdish, Lao, Macedonian, Malaysian, Pashtu/Pashto, Polish, Russian, Serbian, Sinhalese, Somali, Spanish, Swahili, Tamil, Tigrinya, Turkish and Vietnamese. The information sheets are available via a link on our website at [www.ombudsman.act.gov.au](http://www.ombudsman.act.gov.au).

## ABORIGINAL AND TORRES STRAIT ISLANDER REPORTING

In 2005–06 we reported on the establishment of an Indigenous Working Group (IWG) in the Ombudsman's office. The aim of the IWG is to develop a program of consultation with Aboriginal and Torres Strait Islander people, organisations and communities, with a dual focus on both improving our services and on identifying key issues about how government more generally delivers services to Indigenous people and communities.

The IWG provided the Ombudsman with an interim report in mid-2006, outlining a range of initiatives, including:

- *two-stage consultation process*: identifying and testing consultation options, which can then be used by specific teams in the office, with the results being integrated into the office's planning and reporting processes
- *own motion investigations*: identifying and undertaking a program of own motion investigations into areas of specific concern to Indigenous people and communities
- *Indigenous employment strategy*: building an effective secondment program for the office, and over time developing an Indigenous recruitment strategy
- *partnerships with existing contact networks in Indigenous communities*: building on relationships established during our consultation work to offer communities training, resources, and direct contact points with investigation officers who are personally known to them
- *targeted outreach*: including through radio and print media, as well as the consultation program outlined above
- *internal management*: including better data capture about approaches from Aboriginal and Torres Strait Islander people, and training in Indigenous cultural awareness for all staff.

The Ombudsman endorsed the findings and recommendations of the IWG interim report. Implementation of the recommendations began in 2007, although progress has been slower than we would have hoped. A key step towards implementation has been our commitment to developing a Reconciliation Action Plan (RAP). We are currently working with Reconciliation Australia on our draft RAP, which embodies many of the initiatives outlined above. We hope to launch the RAP later in 2007.

### **ECOLOGICALLY SUSTAINABLE DEVELOPMENT**

The Ombudsman continued to encourage staff to manage all resources, including energy, and manage waste, prudently and in an ecologically responsible manner. The Environmental Management Policy was reviewed to provide guidance on improving energy efficiencies and reducing waste

across the office. The office has initiated environmental awareness strategies in the efficient use of lighting, computer equipment and water, and the recycling of toner/printer cartridges, paper products, classified waste, bottles, cans and plastic. These strategies are communicated to staff through the office intranet and induction program.

### **ACT WOMEN'S PLAN**

The Ombudsman's office contributes to the achievement of the ACT Women's Plan by:

- promoting the rights of all individuals, including women and girls, to complain about the administrative actions and decisions of government agencies
- providing a flexible, sensitive and responsive complaint service that can deal effectively with complaints from women and girls.