

ACT OMBUDSMAN
ANNUAL REPORT
2023-24

Acknowledgement of Country

We acknowledge the Ngunnawal people as the traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

Contacting the ACT Ombudsman

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If you would like further information about the ACT Ombudsman, please go to:

Website ombudsman.act.gov.au

This 2023–24 ACT Ombudsman Annual Report is available on the above website.

Accessibility

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Credits

Australian Capital Territory

ISSN 1037-4302

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Produced by the ACT Ombudsman, Canberra.



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Transmittal certificate

4 October 2024

Ms Joy Burch MLA
Speaker
ACT Legislative Assembly
London Circuit
CANBERRA ACT 2601

Dear Madam Speaker

I present to you the *2023–24 ACT Ombudsman Annual Report*.

This report has been prepared to fulfil the requirements of s 7A of the *Annual Reports (Government Agencies) Act 2004*.

I certify the *ACT Ombudsman Annual Report 2023–24* is an honest and accurate account and that all material information on the operations of the Office has been included for the period 1 July 2023 to 30 June 2024.

As I am an Officer of the Assembly, this report is not subject to the *Annual Reports (Government Agencies) Directions 2024*. Where relevant to the ACT Ombudsman's Office, I sought to include similar information in this report to the information required under these directions.

Section 15 of the *Annual Reports (Government Agencies) Act 2004* requires that the Speaker present the report to the Legislative Assembly on the second sitting day after the election is held this year.

Yours sincerely



Iain Anderson
ACT Ombudsman



2023–24 HIGHLIGHTS



Received



Finalised



Complaints

430

370



Reportable conduct notifications

184

177



Freedom of Information (FOI) reviews

43

49



Complaint investigations

19

Number



Own motion investigations

2



Publications

7



Submissions / appearances

27



Inspections

5



Recommendations/suggestions/comments

54



From the Ombudsman



I am pleased to introduce the *2023–24 ACT Ombudsman Annual Report*. It, together with several other stand-alone annual reports, details our activities in our 6 ACT Government roles: ACT Ombudsman; Inspector of the ACT Integrity Commission; overseer of the ACT *Freedom of Information Act 2016* (FOI Act); overseer of the ACT Reportable Conduct Scheme; Principal Officer to the ACT Judicial Council; and part of the ACT National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture (OPCAT).

During 2023–24, we improved our performance in handling complaints, produced a variety of public reports (including several in collaboration with the Commonwealth Ombudsman and other entities), influenced improvements in the agencies we oversee and increased our stakeholder engagement and education activities. We have done so across our core Ombudsman function as well as through our specialised oversight and inspection functions, with the ultimate objective of helping people and improving government, to deliver better outcomes for the ACT community.

As Ombudsman, my Office has a focus on whether ACT Government agencies act with integrity and treat people properly – namely, treating people fairly, reasonably, justly, lawfully, not oppressively and not in ways that are improperly discriminatory. We influence improvement by investigating and resolving individual complaints, investigating systemic issues and making recommendations for improvement, reviewing administrative actions, conducting statutory compliance inspections, monitoring agency actions to address issues, promoting better practice and reporting publicly on our activities.

During 2023–24, we received 430 complaints about ACT agencies, slightly less than the 442 complaints received in 2022–23. However, there were several agencies about which complaints notably increased. These included: an increase in complaints about the ACT Integrity Commission from 5 in 2022–23 to 21 in 2023–24; an increase in complaints about the ACT Revenue Office from 20 in 2022–23 to 34 in 2023–24; and a reversal from



last year's drop in complaints about ACT Policing, which were at 88 complaints in 2021–22, fell to 57 in 2022–23 and increased again to 72 in 2023–24.¹

While we finalised fewer complaints in the reporting period than the previous year, we have improved our timeliness. The nature and complexity of each complaint impacts timeframes, and we recognise this is an area in which we must keep improving. We are implementing ways to reduce delays and assess complaints more efficiently by improving our processes and systems, as well as reviewing our staffing and training needs.

In the reporting period, we published 2 investigation reports, 2 monitoring reports and 3 better practice guides. These reports are available on our [website](#). Our investigations covered Housing ACT's mandatory relocations under its Growing and Renewing Public Housing Program – in response to which the ACT Government publicly apologised and suspended the program – and the manner in which the ACT Integrity Commission dismissed corruption reports.

Our monitoring reports included the results of a survey into religious designated entities' engagement with the ACT Reportable Conduct Scheme and findings from our first visits to the ACT Policing Watch House and ACT Police Stations as part of our role in monitoring places of detention as part of the ACT's NPM under OPCAT.

Our better practice guides included an update to our Freedom of Information (FOI) Guidelines on considering the public interest, reportable conduct case studies and a guide for agencies on how to tell people they owe money to the government, which we published jointly with the Commonwealth Ombudsman and the Inspector-General of Taxation and Taxation Ombudsman.

Assessing whether agencies implement the recommendations they accept is an important part of improving government. It also provides transparency to the public and holds agencies to account. During 2023–24, we initiated or completed the review of 5 past investigations. The first of these reports was [published](#) on 30 July 2024 as part of our 'Actions Speak' series. Two more reviews in progress will be published as part of 'Actions Speak' when completed, while the assessments relating to the implementation of recommendations made to the ACT Integrity Commission will be published as part

¹ Complaint data is dynamic and may be updated. For this reason, there may be minor differences when compared to complaint numbers published in previous reports.



of my annual operational review in the Inspector's annual report (available on our [website](#)).

Our work in reviewing FOI decisions by ACT agencies continued through 2023–24, with 28 FOI reviews completed (up from 13 last year). We publish a separate report every year on the operation of the FOI Act (available on our [website](#)).

In 2023–24, we finalised 177 reportable conduct matters (179 in 2022–23) and continued to meet our key performance indicators for assessment timeliness, contributing to keeping children safe in the ACT.

We undertook 5 inspections of law enforcement agencies' compliance with certain covert and intrusive powers under ACT legislation. This included the Australian Federal Police (encompassing ACT Policing), the Australian Criminal Intelligence Commission and the ACT Integrity Commission.

I also support the ACT Judicial Council as the Principal Officer. In this capacity, we provide secretariat services to the Council, receive the Council's enquiries and complaints, help the Council to conduct preliminary inquiries and other examinations, and facilitate communication between the Council, complainants and judicial officers.

We continued to engage with the ACT Legislative Assembly in 2023–24 through submissions to committee inquiries and appearances at committee hearings. This included engaging with the ACT Government, together with our ACT NPM colleagues from the ACT Human Rights Commission and the Office of the Inspector of Correctional Services,² in the development of legislation to enshrine the necessary powers, protections and independence of the ACT's NPM.

Amendments to the [Monitoring of Places of Detention \(Optional Protocol to the Convention Against Torture\) Act 2018](#) passed in late August 2024. This was a significant step towards giving effect to Australia's obligations under OPCAT and strengthening protections for people in situations where they are deprived of their liberty and potentially vulnerable to mistreatment or abuse.

² On 28 August 2024, legislation passed in the ACT Legislative Assembly which also amended the name of this Inspector to Inspector of Custodial Services. Throughout this report, we have retained the name that was current during the 2023–24 financial year.





*Welcoming the formal establishment of the ACT NPM under ACT law:
ACT Human Rights Commission President, Pene Mathew, ACT Ombudsman, Iain Anderson,
and ACT Custodial Inspector, Rebecca Minty.*

In 2024–25, I look forward to continuing to help people within the ACT community through directly addressing their complaints and the issues that affect them, and by promoting meaningful systemic improvements to government administration through our various oversight and assurance activities.

Iain Anderson
ACT Ombudsman

Part 1. Overview of the Office

Role of the Ombudsman

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 influence systemic improvements in public administration by:

- independent, 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 the:

- [Ombudsman Act 1989](#)
- [Public Interest Disclosure Act 2012](#)
- [Freedom of Information Act 2016](#)
- [Integrity Commission Act 2018](#)
- [Children and Young People Act 2008](#)
- [Crimes \(Controlled Operations\) Act 2008](#)



- [Crimes \(Child Sex Offenders\) Act 2005](#)
- [Crimes \(Assumed Identities\) Act 2009](#)
- [Crimes \(Surveillance Devices\) Act 2010](#)
- [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, while performing the role of the ACT Ombudsman, is a Commonwealth entity that is required to comply with Commonwealth legislation.

Performance snapshot

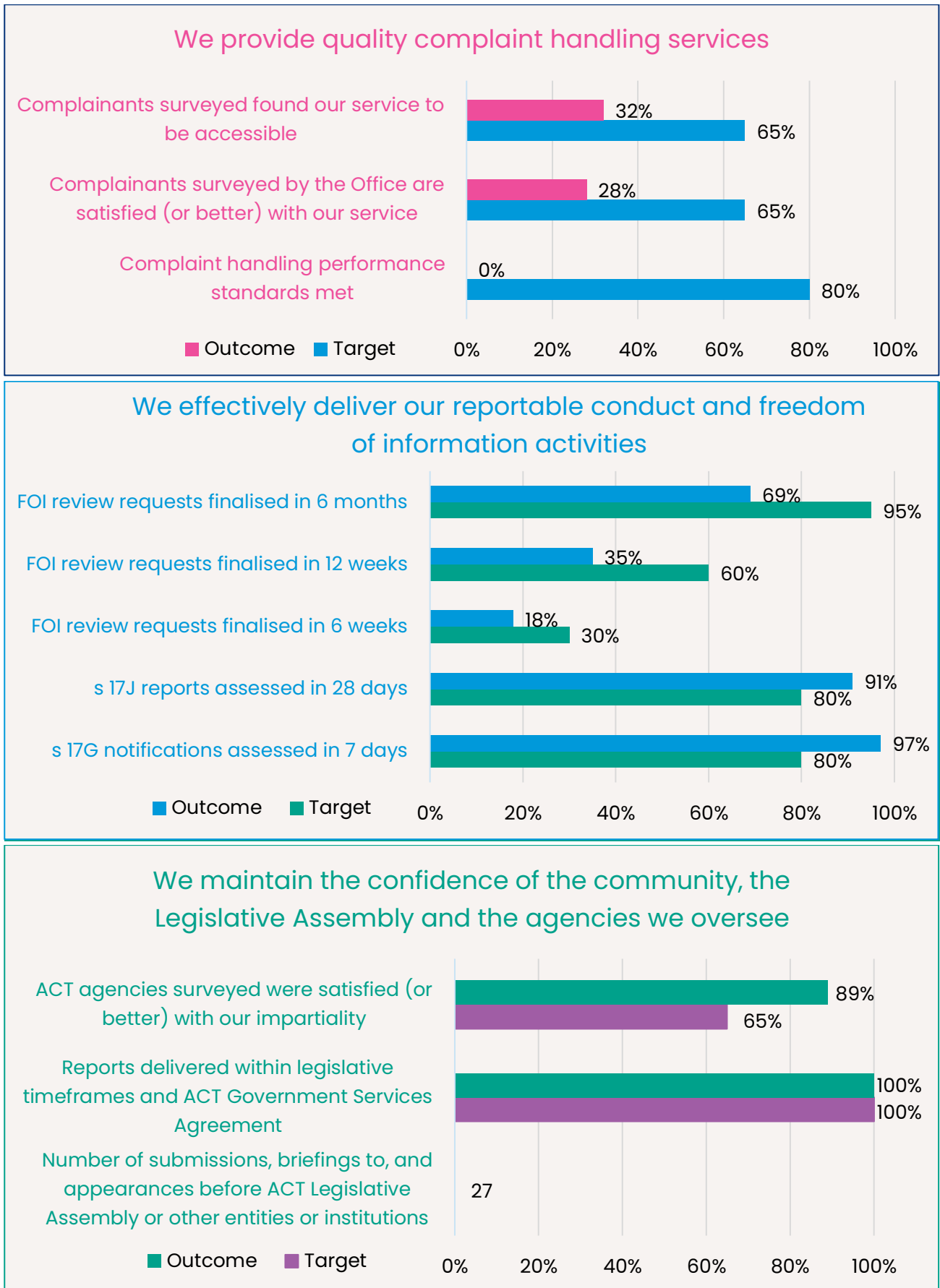
In 2023–24, we measured our performance against 4 overarching criteria:

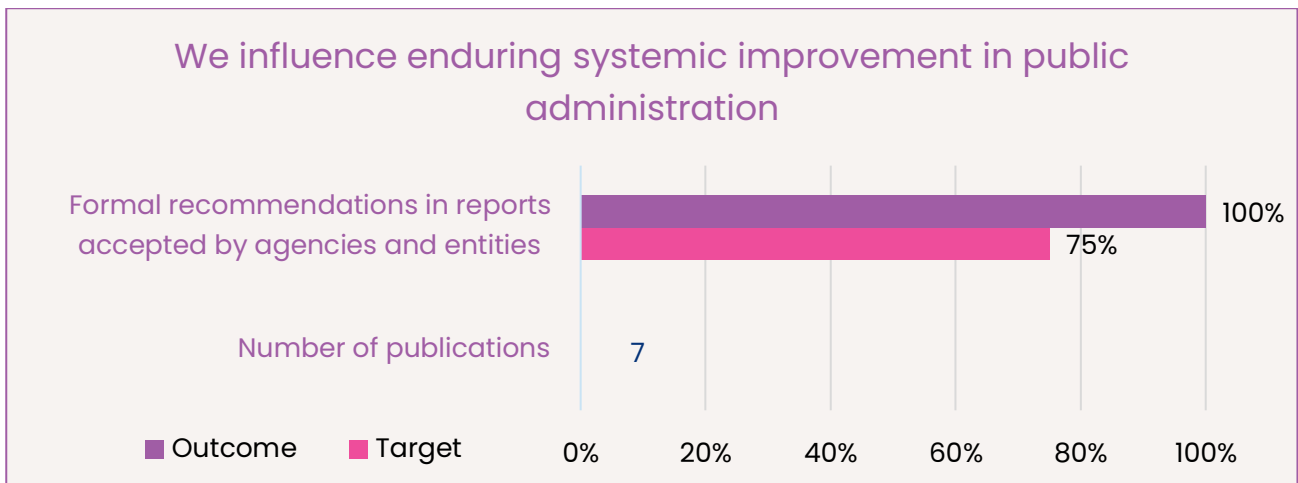
Criterion 1	We provide quality complaint handling services
Criterion 2	We effectively deliver our reportable conduct and freedom of information activities
Criterion 3	We maintain the confidence of the community, the Legislative Assembly and the ACT agencies we oversee
Criterion 4	We influence enduring systemic improvement in public administration

We assess our performance against these criteria by measuring our achievement against 13 key performance indicators (KPIs). For some criteria, setting a target (such as a target that 100% of reports will be published within statutory timeframes) is appropriate. For other measures, our aim is to set a benchmark that can be improved in the coming years.

Our performance outcomes are summarised in the snapshot at Figure 1 below. Elements of our performance are detailed in the relevant sections throughout the report, with details of our performance against the complaint handling performance standards that underpin our KPIs at pages 36 to 37 below.

Figure 1 2023–24 performance against KPIs





Note: ACT agencies were surveyed as part of a combined Commonwealth/ACT survey. The result reflects the combined Office rating.

Reporting requirements

As an Officer of the Legislative Assembly, the *Annual Reports (Government Agencies) Directions* do not apply to the ACT Ombudsman. We nevertheless seek to include similar information in our annual report, except when the information is reported in the annual report for the Office of the Commonwealth Ombudsman.

All reporting related to organisational operations, including risk management, internal audit, fraud prevention, workplace health and safety, human resources management and detailed financial management can be found in the *Commonwealth Ombudsman Annual Report 2023–24*, available on the Commonwealth Ombudsman’s [website](#).

The ACT Ombudsman is also required to report annually on the operation of the FOI Act³ (see [Part 5](#) below), the inspections of agencies’ use of covert and intrusive powers⁴ (see [Part 7](#) below) and on our operations as Inspector of the ACT Integrity Commission, including an operational review report⁵ (see [Part 9](#) below).

³ See s 67 of the [Freedom of Information Act 2016](#).

⁴ See s 42 of the [Crimes \(Surveillance Devices\) Act 2010](#), s 31 of the [Crimes \(Controlled Operations\) Act 2008](#), s 41 of the [Crimes \(Assumed Identities\) Act 2009](#) and s 4C and Div 2.2 of the [Ombudsman Act 1989](#).

⁵ See s 281 and 283 of the [Integrity Commission Act 2018](#).

Financial management

In the 2023–24 ACT Budget, released on 27 June 2023, the ACT Government allocated \$4,420,000 (GST exclusive) to the Commonwealth Ombudsman to undertake ACT Ombudsman functions in accordance with the [Services Agreement 2020–25](#) between the Office of the Commonwealth Ombudsman and the ACT Government (Table 1).

Table 1 ACT Ombudsman funding 2023–24

Function	Funding (\$'000)
Ombudsman/ACT Policing	2,158
Reportable Conduct Scheme	1,111
Judicial Council	95
Freedom of Information Scheme	766
Inspector of the ACT Integrity Commission	290
Total Ombudsman Funding	4,420

Note: All figures above are exclusive of GST.

Funding provided for the ACT Ombudsman in 2023–24 was \$494,734 more than funding received in the previous financial year. We sought this increase to manage increased workload due to the complexity of FOI applications and to undertake health checks and inspections to support the Chief Minister's request for the ACT Integrity Commission to access telecommunications data and stored communications.

The funding for this financial year was used to perform core legislative obligations and deliverables required under our [Services Agreement 2020–25](#) with the ACT Government. Detailed financial statements are published in the *Commonwealth Ombudsman Annual Report 2023–24*, which will be made available on the [Commonwealth Ombudsman website](#).

FOI access applications

During 2023–24, we received 4 applications for release of information under the FOI Act. We do not charge for information released under an access application made to the ACT Ombudsman.



We released the information in full for 2 applications and provided partial access for one. For the other application, we released the information under administrative access arrangements.

We decided 2 applications within timeframes under s 40 of the FOI Act (30 calendar days and 3 calendar days respectively). The other 2 applications were decided within agreed extension periods.

We received no requests to amend personal information under the FOI Act in 2023–24. We received no applications under s 74 of the FOI Act for review of decisions made by our Office in 2023–24. No applications were made to the ACT Civil and Administrative Tribunal (ACAT) under s 84 of the FOI Act for review of decisions made by our Office in 2023–24.

To request information under the FOI Act, access applications can be sent via email to FOI@ombudsman.gov.au or posted to:

Information Officer
ACT Ombudsman
GPO Box 442
Canberra ACT 2601

Details of access applications dealt with by the ACT Ombudsman, including copies of any released information, can be viewed on the [ACT Ombudsman disclosure log](#).

Decisions on open access

During 2023–24, we made 38 decisions to publish open access information (Table 2).

We did not make any decisions refusing to publish open access information or descriptions of open access information.

Table 2 Open access decisions 2023–24

	Total
Decisions to publish open access information	38
Decisions not to publish open access information	0
Decisions not to publish a description of open access information withheld	0

Public Interest Disclosure

The ACT Ombudsman is a 'disclosure officer' under the ACT's [Public Interest Disclosure Act 2012](#), which means we can receive disclosures and may investigate disclosable conduct if a disclosure is referred to the Ombudsman by the Integrity Commissioner (under s 19(2)(c)).

Under the *Public Interest Disclosure Act 2012*, the ACT Integrity Commission is responsible for oversight of the Public Interest Disclosure (PID) Scheme. However, we can take complaints about, and review the handling of, PIDs by ACT public sector agencies and the Public Sector Standards Commissioner.

During 2023–24, we received one disclosure. We received 3 general PID enquiries and 3 complaints about the handling of disclosures.

The Integrity Commissioner did not refer any disclosures to us for investigation during the reporting period.



Part 2. Reports, submissions and investigations

Reports

The ACT Ombudsman published 4 reports and 3 better practice guides in the 2023–24 financial year. All reports can be found on the [publications](#) page of the ACT Ombudsman website.

Investigation reports

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 9 recommendations to Housing ACT, who accepted 8 of the recommendations and accepted in principle the remaining recommendation.

Our recommendations focused on improvements that would strengthen the support and assistance provided to tenants with known vulnerabilities. We emphasised that designing and implementing programs involving vulnerable ACT residents should:

- have a people-centred approach to communication and engagement, which takes account of vulnerabilities from the outset
- publish clear and up-to-date information that is easily located and accessible
- involve appropriate program and risk planning, including building review and evaluation into program delivery.

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 7 recommendations to the Commission directed at improving the Commission's policies, procedures and practices for:

- assessing corruption reports and determining appropriate actions
- making information disclosures
- ensuring sufficient records are kept of the reasons for decisions, to demonstrate relevant considerations were made according to the requirements of the [Integrity Commission Act 2018](#).

The Commission accepted all recommendations.

Monitoring reports

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 (the 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 survey results indicated that some religious designated entities are engaging with the scheme, complying with legislative requirements and actively promoting the objects of the scheme. However, the level of understanding and maturation is not evident uniformly across the sector. The survey found:

- approximately 80% of responding entities had documented reportable conduct policies and procedures
- approximately 89% of responding entities were actively providing training and raising awareness of child safety topics.

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.

Post visit summaries

On 15 to 16 June 2023, the Commonwealth National Preventive Mechanism (NPM) and the ACT Ombudsman visited the ACT Policing Watch House, with staff from the ACT



Human Rights Commission and ACT Office of the Inspector of Correctional Services attending as members of the ACT NPM and observers.

The visit revealed the ACT Watch House was in relatively good condition and largely compliant. However, deficiencies were also identified in aspects of Watch House operations, in particular infrastructure and ability to meet the current needs of a range of people in detention and staff. The Office made 21 suggestions for improvement about the ACT Watch House.

The Commonwealth NPM and ACT Ombudsman also conducted announced visits to the following ACT Police Stations between 20 April and 3 May 2023:

- Belconnen
- Gungahlin
- Tuggeranong
- Woden.

These were our first visits to ACT Policing facilities as part of our role monitoring places of detention under control of the Australian Federal Police (AFP). We made 17 suggestions for improvement about deficiencies in some aspects of detention operations in the Police Stations visited. Eleven suggestions applied to all facilities visited and 6 regarded specific facilities. Deficiencies included a lack of signage for emergency procedures and insufficient information for people in detention about their rights and responsibilities and how to access assistance services such as legal aid, ombudsmen and the NPM. Other deficiencies of note related to fire safety, CCTV blind spots, monitoring screens being too small to effectively monitor people in cells and lack of toileting privacy.

In June 2024, our Office published our [post visit summaries](#) for the ACT Watch House and Police Stations. In its response to the post visit summaries, the AFP/ACT Policing:

- accepted 34 suggestions, noted 2 suggestions and partially accepted 2 suggestions
- advised it had commenced or completed actioning 18 of the accepted suggestions.



Better practice guides

Considering the public interest

In November 2023, we published an update of our [Freedom of Information \(Volume 4 – Considering the public interest\) Guidelines 2023](#), following the commencement of amendments to the ACT Freedom of Information Act 2016 on 23 May 2023.

How to tell people they owe the government money

In March 2024, the ACT Ombudsman, Commonwealth Ombudsman and Inspector-General of Taxation and Taxation Ombudsman collaborated and published best practice principles for re-raising and clearly informing people about older debts in a paper called [How to tell people they owe the government money](#).

ACT reportable conduct Case Studies

In June 2024, we published [Practice Guide No. 11: ACT reportable conduct case studies](#), which covers allegations or convictions of child abuse or misconduct toward children and young people.

Submissions

During 2023–24, the ACT Ombudsman participated in various inquiries and consultation processes, contributing our insights and perspectives on a variety of matters.

Public submissions and inquiry appearances

At the invitation of the Victorian Parliamentary Integrity and Oversight Committee, the Ombudsman made a submission to and appeared before their inquiry into the operation of the *Freedom of Information Act 1982* (Vic). The Ombudsman [outlined](#) some key differences between the Victorian and ACT FOI schemes and some of the challenges faced in the ACT, including timeliness and increasing volumes of information held by government.

Representing the Commonwealth Ombudsman and ACT Ombudsman, we also participated in the federal Parliamentary Joint Committee on Human Rights' inquiry



into Australia's Human Rights Framework. This included making a [written submission](#) and [appearing](#) for the hearings.

As Inspector of the ACT Integrity Commission, we provided a public [submission](#) to a discussion paper published as part of the independent review of the [Integrity Commission Act 2018](#) and [Public Interest Disclosure Act 2012](#) by Mr Ian Govey AM. We also commented on the ACT Government's response to the independent review.

Consultations on legislation

We were consulted on a range of ACT policy initiatives from their initial stages through to the drafting of legislation. Key legislation we were consulted on included the:

- [Monitoring of Places of Detention Legislation Amendment Bill 2024](#), which was passed on 28 August 2024, and established the ACT NPM. For this process, we collaborated with the ACT Human Rights Commission and Office of the Inspector of Correctional Services.
- [Integrity Legislation Amendment Bill 2024](#), which passed on 5 September 2024, and implemented the first part of the ACT Government's response to the independent review of the Integrity Commission Act.
- [Crimes Legislation Amendment Act 2024](#), which updated the *Crimes (Child Sex Offenders) Act 2005* to include additional offences that trigger child sex offender registration obligations.

Other consultations

We also provided input into ACT Government consultations about:

- modernising the [Children and Young People Act 2008](#)
- the statutory 5-year review of the operation of the ACT FOI Act
- defamation law reforms
- the ACT Government's [response](#) to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability
- potential oversight measures relevant to proposed reforms.



Investigations

Own motion investigations

Own motion or own initiative investigations are usually broad in scope, targeted at strategic or systemic issues and often result in a public report with formal recommendations or a public statement.

As mentioned above, we published the following 2 investigation reports in 2023–24:

- [*How do you tell someone they have to move? Housing ACT's implementation of mandatory relocation under the Growing and Renewing Public Housing Program*](#)
- [*Special Report: Investigation into the dismissal of corruption reports by the ACT Integrity Commission.*](#)

We also commenced 3 new investigations in 2023–24, which are ongoing:

- In November 2023, the Inspector of the ACT Integrity Commission commenced an own initiative investigation under s 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 complete.
- In response to our concerns about evidence collection and findings by a designated entity under the ACT Reportable Conduct Scheme, the ACT Ombudsman commenced an investigation under s 17K of the [*Ombudsman Act 1989*](#). In September 2024, we made a [public statement](#) on the outcomes of our investigation.
- In April 2024, the ACT Ombudsman initiated an own motion investigation under s 5(1)(b) of both the [*Ombudsman Act 1976*](#) (Cth) and the [*Ombudsman Act 1989*](#) (ACT) to examine ACT Policing's use of force.

Monitoring recommendation implementation

ACT Ombudsman 'Actions Speak' reviews

When we complete an own motion investigation, we ask agencies whether they agree to our recommendations. We then monitor and report on the actions agencies take to implement the recommendations they have agreed to.



We have recently commenced a new 'Actions Speak' series of reports specifically focusing on implementation. These reports provide transparency to the public and hold agencies to account. In 2023–24, we initiated reviews of agency implementation of recommendations from 3 past investigations. The first of these reports was published in July 2024.



Investigation into the transparency of commercial land valuation decisions in the ACT – ACT Revenue Office

Our [investigation report](#), published in August 2020, identified the need for the ACT Revenue Office (ACTRO) to improve its consistency and transparency when undertaking annual land revaluations. We made 9 recommendations, all of which were accepted by the ACTRO.

In October 2022, in our [Did They Do What They Said They Would? Volume 2](#) report, we assessed ACTRO as having implemented 3 and partially implemented 6 of the 9 recommendations.

In July 2024, we revisited ACTRO's implementation of these recommendations, finding 5 of the 6 outstanding recommendations had been implemented, with the remaining recommendation on track for completion later in 2024. Overall, we determined ACTRO had implemented 8 of the original 9 recommendations.

Our report, [Actions speak: ACT Revenue Office implementation of recommendations in the Investigation into the transparency of commercial land valuation decisions in the ACT](#), published our findings and is the first in our new 'Actions Speak' series to be published.

The next of our 'Actions Speak' reports will cover our reviews of:

- ACT Corrective Services' (ACTCS) implementation of the 7 outstanding recommendations from our November 2020 report on [Parole processes at the Alexander Maconochie Centre: Investigation into the administration of parole by ACT Corrective Services](#)
- Housing ACT's implementation of the 9 recommendations from our July 2023 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](#).



Inspector of the Integrity Commission reviews

As Inspector of the ACT Integrity Commission (the Commission), we completed one review and initiated one review of the Commission's implementation of past recommendations.



Investigation into a complaint about the ACT Integrity Commission's decision-making and communications about reported corruption

In June 2022, the Inspector made 3 recommendations to the ACT Integrity Commission aimed at improving the Commission's record-keeping and communications with complainants when making decisions to dismiss reports of corruption. The Commission undertook to improve its practices.

Our review found the Commission had partially implemented each recommendation, while noting the Commission may have taken further steps to progress implementation since it provided the information that informed our assessment in May 2023. Further details of our review of the Commission's implementation of these recommendations are included in the Inspector's 2023–24 operational review (available on our [website](#)).

The Inspector also initiated a review into the implementation of the 7 recommendations to the Commission made in the [Investigation into the dismissal of corruption reports by the ACT Integrity Commission](#) special report, which aimed to improve the Commission's policies, procedures and practices. The Commission agreed to all 7 recommendations. Our assessment of the Commission's implementation of these recommendations is in progress and will be available in the Inspector's 2024–25 operational review.



Part 3. Complaint handling

The ACT Ombudsman receives complaints from people who consider they have been treated unfairly or unreasonably by an ACT government agency, public sector body or ACT Policing.

Each complaint we receive is assessed to determine the most appropriate course of action. Complaints that are not in our jurisdiction may be referred to an organisation in a better position to assist the complainant. Complaints in our jurisdiction undergo further assessment to determine if the agency has been made aware of the issue, and whether preliminary inquiries or a formal investigation of the matter are required. When making these assessments, we focus on resolving the individual complaint while also seeking to identify any potential systemic issues.

While we cannot compel an agency to take any action in response to a complaint, we can make recommendations about actions we believe would be appropriate.

There are several outcomes that can help resolve a complaint. These include a better explanation of an agency's action, an apology, a refund or a change of decision. Sometimes agencies may agree to take further action or to expedite a process already underway.

A vital part of complaint management is the ongoing improvement of administrative processes. We provide feedback to agencies to help avoid unfair or unreasonable decisions or actions and to promote better communication with the public. Promoting better administration is at the heart of what we do.

Contacts

In 2023–24, 855 contacts were made, compared to 936 in 2022–23. Contacts included:

- 397 complaints about ACT agencies and ACT Policing
- 433 program specific matters (freedom of information (FOI) and reportable conduct)
- 25 ACT Inspector complaints and referrals.

These are discussed in more detail in the sections below.



Complaint management

Complaints received

During 2023–24, the Office received 430 complaints (Table 3). This is 12 complaints fewer than last year.

Complaint numbers can fluctuate over different periods, reflecting changes in agency complaint handling, or greater or lesser public awareness of external complaint avenues.

Table 3 ACT complaints received over the last 3 financial years

Complaints received	2021–22	2022–23	2023–24
ACT agencies	419	354	325
ACT Policing	86	54	72
FOI Act	3	13	4
Reportable Conduct Scheme	10	16	8
ACT Integrity Commission	5	5	21
Total complaints received	523	442	430

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

Further discussion about the handling of complaints for ACT agencies and ACT Policing is set out below, with information on complaints about FOI, reportable conduct and the Integrity Commission set out in the parts of this report relevant to each function ([Part 5](#), [Part 6](#) and [Part 9](#) respectively).

ACT agencies and ACT Policing

Table 4 shows a breakdown of the 397 complaints received in 2023–24 by the ACT Ombudsman about ACT agencies' (325) and ACT Policing's (72) administrative actions. Additional information relating to complaints received by the ACT Ombudsman is provided at [Appendix A](#).



Table 4 ACT directorates, other bodies and ACT Policing complaints received 2023–24

ACT directorates, other bodies and ACT Policing	Complaints received	% of total complaints
Chief Minister, Treasury and Economic Development Directorate	98	25%
Community Services Directorate	60	15%
Justice and Community Safety Directorate	57	14%
Transport Canberra and City Services Directorate	14	4%
Education Directorate	13	3%
Environment, Planning and Sustainable Development Directorate	8	2%
ACT Health Directorate	6	2%
Canberra Health Services	4	1%
Major Projects Canberra	1	<1%
Total complaints received (ACT directorates)	261	66%
Other bodies and authorities	47	12%
ACT Courts and Tribunal	15	4%
Territory-owned corporations	1	<1%
Office/Officers of the Legislative Assembly	1	<1%
Total complaints received (ACT directorates and other bodies)	325	82%
ACT Policing	72	18%
Total complaints received (ACT directorates, other bodies, ACT Policing)	397	100%

Note: Percentages may not add up to 100% due to rounding.

Fifty-four per cent of complaints received by the ACT Ombudsman in 2023–24 related to 3 directorates:

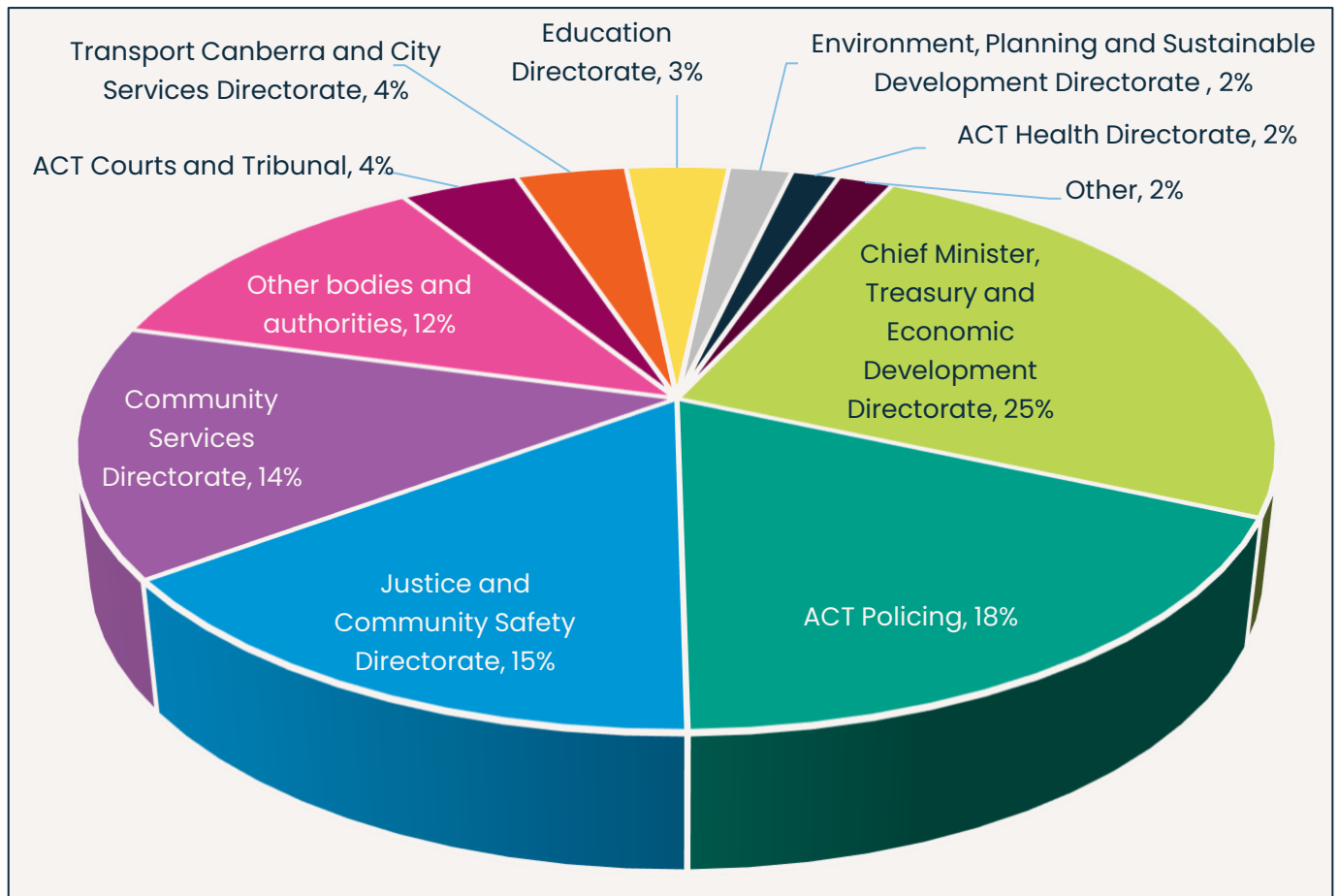
- Chief Minister, Treasury and Economic Development Directorate (98 complaints)
- Community Services Directorate (60 complaints)
- Justice and Community Safety Directorate (57 complaints).



Eighteen per cent of complaints were about ACT Policing (72 complaints).

Figure 2 shows the percentages of complaints received by the ACT Ombudsman about each directorate, agency and ACT Policing in 2023–24.

Figure 2 ACT directorates, other bodies and ACT Policing complaints received 2023–24



Note: Directorates and other bodies that received less than 5 complaints are grouped together as 'Other'.

How complaints were received

Table 5 shows the number of complaints received by the Office from 1 July 2023 to 30 June 2024 and the methods complainants used to communicate with us. The online form remains the preferred method.



Table 5 How complaints about ACT agencies and ACT Policing were received 2023–24

How received	ACT agencies		ACT Policing		Total	
	Complaints received	% of complaints	Complaints received	% of complaints	Complaints received	% of complaints
Internet	159	49%	41	57%	200	50%
Telephone	98	30%	24	33%	122	31%
Email	55	17%	3	4%	58	15%
In person	7	2%	2	3%	9	2%
Other	6	2%	2	3%	8	2%
Total	325	100%	72	100%	397	100%

Complaints finalised and outcomes

The Office finalised 371 complaints in 2023–24 (Table 6). Of these, 235 complaints related to ACT agencies, with 47 complaints finalised about Access Canberra, 46 about ACT Corrective Services and 44 about Housing ACT.

Table 6 ACT complaints finalised 2023–24 compared to previous financial years

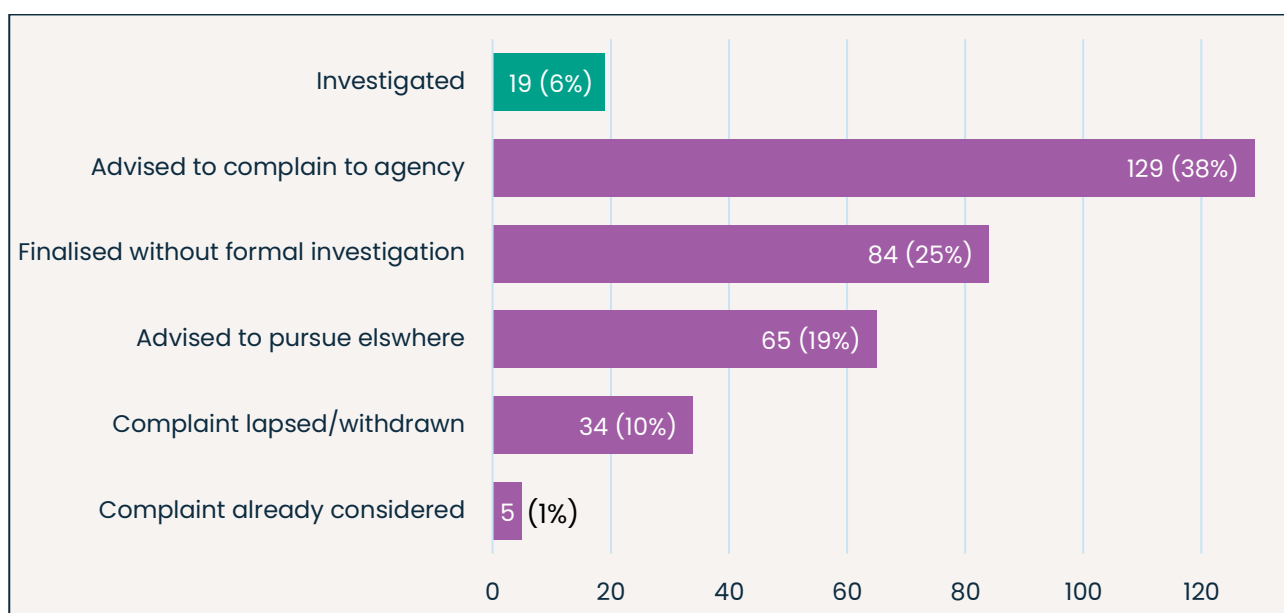
	2021–22	2022–23	2023–24
ACT government agencies	335	387	286
ACT Policing	70	67	50
ACT FOI	2	13	4
ACT Reportable Conduct	13	15	9
ACT Integrity Commission	6	3	21
Total	426	485	370

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

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

Figure 3 outlines actions we took to finalise complaints received during the reporting period about ACT agencies and ACT Policing. The most common action to finalise complaints (39%) was referring the complainant to the agency of concern to follow that agency’s internal complaints pathway. Agencies reviewing their own decision can be the quickest way for a complainant to get a changed decision. Complaints finalised without a formal investigation (25%) included those where preliminary assessment led to a decision not to use our formal powers to investigate in the circumstances. Other complaints were finalised without formal investigation where the matter would be better pursued elsewhere or was out-of-jurisdiction for the ACT Ombudsman, where the complainant was no longer engaging further in the process or withdrew their complaint, or where a matter had already been considered.

Figure 3 Actions taken for finalisation of complaints received 2023–24



Investigated complaints

During 2023–24, the ACT Ombudsman finalised 19 formal complaint investigations about ACT directorates, agencies and ACT Policing, which is notably lower than the 54 complaint investigations finalised in 2022–23. This is in line with the reduced number of complaints finalised this year: 285, compared with 454 last year. It may also reflect a



differing degree of complexity in the type of complaints assessed in each period. A number of other formal complaint investigations were commenced in 2023–24 that were not yet finalised at 30 June 2024.

Investigations can provide an outcome to a complainant and can result in improvements to an agency’s administrative practice, communication with the public or staff training. Following our independent and impartial review of concerns raised, we found in 12 cases the agency had acted appropriately and in accordance with its obligations. In these cases, complainants received a better explanation about relevant legislation, agency policies and procedures, and why we had determined the agency had acted appropriately. In the remaining 7 cases, our investigations delivered the following outcomes⁶:

- in 6 instances, the agency changed its decision, granted a payment, or waived/reduced penalties
- in 2 instances, the agency made an apology or provided a non-financial remedy (such as rectifying a fault)
- in 2 instances, no individual remedy could be provided, but the agency undertook to pursue systemic improvements, such as staff training and improving record-keeping practices.

Appendix B provides further detail on the outcomes of complaint investigations finalised during 2023–24. More than one outcome can be achieved per finalised investigation.

See also the case study below, which demonstrates how we help people.

Access Canberra to review processes and fulfil commitments to provide records

Case study

The ACT Ombudsman received a complaint from an individual who claimed Access Canberra had not addressed their complaint about a neighbour’s use of their residential property to run a commercial business.

⁶ Some investigations resulted in more than one outcome.

The complainant had contacted Access Canberra requesting regulatory action on multiple occasions since 2017. Access Canberra's view was that the complaints had been investigated, and on each occasion the conduct reported was not subject to regulatory action.

The complainant alleged their complaints were not taken seriously and had not been investigated thoroughly by Access Canberra. They also claimed they had requested records from Access Canberra about their complaints, and the records had not been provided.

The ACT Ombudsman reviewed the information provided by the complainant and decided to make inquiries of Access Canberra about its handling of the complaints. In particular, it appeared to the ACT Ombudsman that Access Canberra had not provided the complainant with records it had committed to providing on 9 August 2021.

Access Canberra acknowledged the complainant told them on 17 September 2021 and 20 May 2022 that they had not received the records and Access Canberra did not respond to the complainant or undertake any follow-up. Access Canberra acknowledged its conduct did not accord with its service charter. It committed to reviewing its processes to avoid similar circumstances in the future and ensure enquiries are directed to the appropriate line area of Access Canberra.

Access Canberra contacted the complainant, apologised for not providing the records and made arrangements for the records to be given to the complainant.

On the other issues raised by the complainant, the ACT Ombudsman formed the view that the information received demonstrated that Access Canberra had appropriately considered the complaints.

Complaint trends

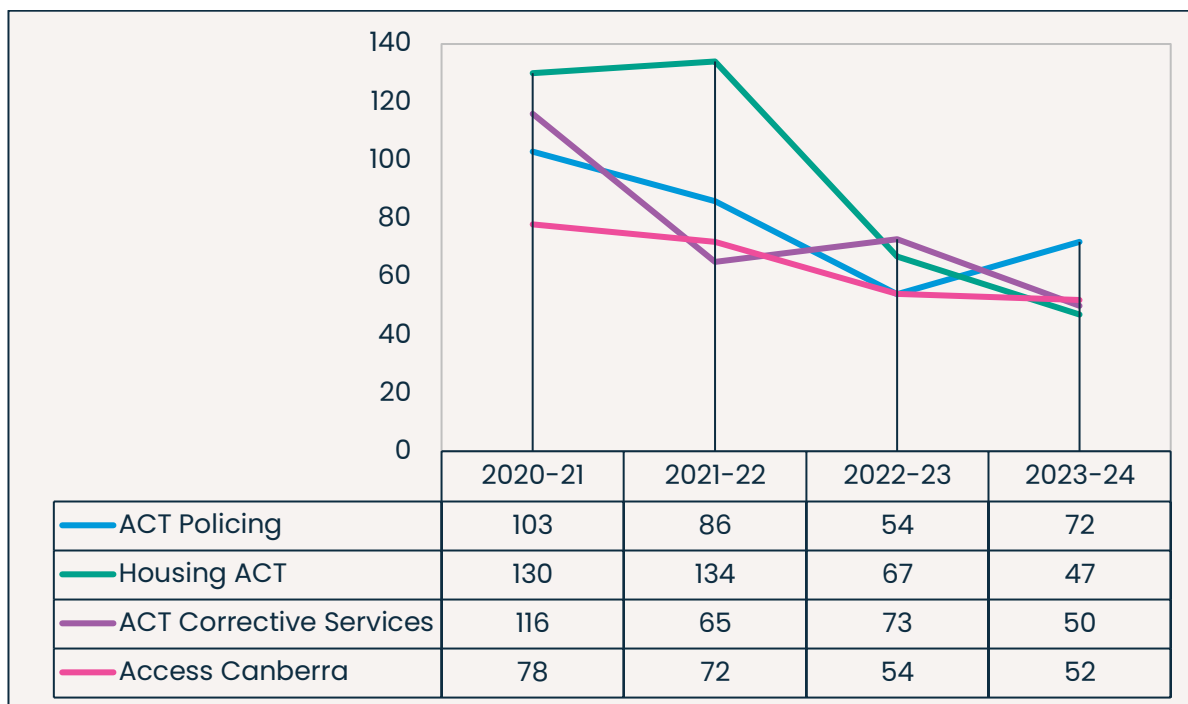
General trends

The agencies about which we received the highest number of complaints during 2023–24 were ACT Policing (72), Access Canberra (52), ACT Corrective Services (50) and Housing ACT (47).



While these agencies remain the 4 most complained about agencies since 2020–21, there has been a general reduction in the total number of complaints over the past few years, with ACT Policing the only agency with an increase in complaints since last financial year (Figure 4).

Figure 4 Complaints received for the top 4 agencies by financial year 2020–21 to 2023–24



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

The main issues of concern for each of these agencies in complaints made to the ACT Ombudsman during 2023–24 are outlined below.

ACT Policing

The ACT Ombudsman received 72 complaints about ACT Policing during 2023–24, an increase from the 54 complaints received in 2022–23. Key issues identified in ACT Policing complaints to the ACT Ombudsman included:

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

Complaints about the actions of ACT Policing are commonly referred for investigation by the Australian Federal Police’s (AFP) Professional Standards area, if the complainant has not yet raised their complaint with the AFP. We engage routinely with ACT Policing

at various levels, with touch-points relevant to complaints, investigations and inspections.

Access Canberra

The ACT Ombudsman received 52 complaints about Access Canberra in 2023–24, a slight reduction from 54 complaints in 2022–23.

We recognise Access Canberra’s public-facing role, and the small number of complaints made to our Office relative to the number of enquiries it handles each year suggests its complaint handling systems appear to be generally working well.

The most common issues raised in Access Canberra complaints to the ACT Ombudsman included:

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

We engage with Access Canberra through regular meetings that include discussion of complaint trends, emerging issues and changes affecting how complaints are handled by Access Canberra.

ACT Corrective Services

During 2023–24, we received 50 complaints about ACT Corrective Services (ACTCS), the majority of which were about the Alexander Maconochie Centre (AMC). This was a reduction from 73 complaints in 2022–23.

Complaints received in this period raised multiple issues, with the most common issues in ACTCS complaints to the ACT Ombudsman including:

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

We work closely with other AMC oversight agencies (see also [Part 8](#)) and maintain regular contact with ACTCS, including through joint meetings and other communication, which allow us to raise and to monitor issues of potential concern.



Housing ACT

During 2023–24, the Office received 47 complaints about Housing ACT, a reduction from 67 complaints in 2022–23.

The most common issues raised in Housing ACT complaints to the ACT Ombudsman included:

- maintenance and repair, mainly around timeliness, lack of communication and unsatisfactory completion of tasks
- administration of public housing waitlists/requests for transfers
- anti-social behaviour and neighbourhood disputes.

Through 2023–24, we engaged regularly with Housing ACT through meetings focused on updates from Housing ACT on its implementation of recommendations from our own motion investigation, as well as quarterly meetings on complaint trends, emerging issues and changes that may impact Housing ACT's complaints.

Performance against complaint handling service standards

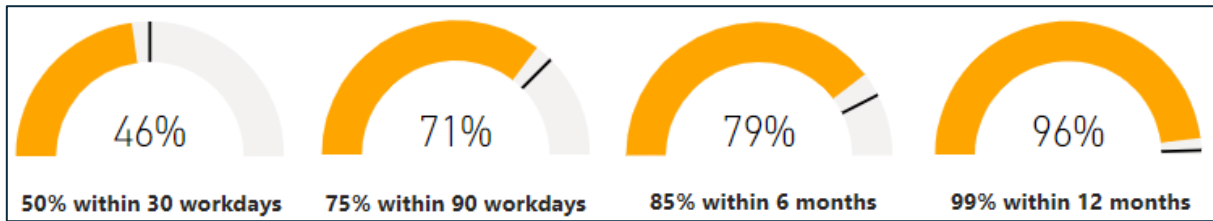
We have service standards which we apply to complaints received in relation to government entities in both the Commonwealth Ombudsman's jurisdiction and the ACT Ombudsman's jurisdiction.

In 2023–24, we revised our performance framework to simplify objectives and ensure meaningful performance criteria and targets.⁷ An easy-to-understand framework, coupled with a dedicated approach to raising performance across the organisation, will support the continuous improvement culture we are instilling in our operations.

Figure 5 shows our performance against our complaint finalisation timeliness standards in 2023–24.

⁷ Previous service standards were: 55% of complaints finalised within 7 days, 85% within 40 days, 90% within 90 days and 99% within 12 months.

Figure 5 Performance against complaint finalisation standards 2023–24



While not quite meeting our targets, we have improved our performance from the previous year. For example, in 2022–23 we finalised 56% of complaints in 90 days, compared to 71% in 2023–24.

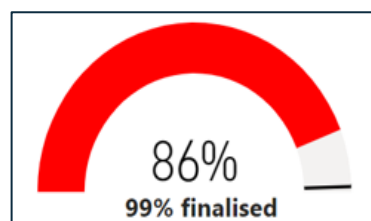
We have found that we are usually able to meet our service standards for routine or simple complaints, but more complex complaints may take longer to resolve. This means we may not always meet our targets during periods where we receive a higher proportion of complex complaints.

We acknowledge this means that some complainants are experiencing significant delays. We are implementing ways to reduce delays and assess complaints more efficiently by improving our processes and systems, as well as reviewing our staffing and training needs. This includes:

- establishing a Complaint Handling Support Unit to support staff with a structured onboarding training program and contemporary written guidance
- tendering for a new, modern Customer Relationship Management (CRM) platform, which is expected to enhance efficiency in the longer-term
- exploring other ways to use technology to enhance efficiency
- refining complaint registration procedures to identify and action complaints that are outside our jurisdiction in ‘one-touch’
- allocating additional staff to assist with complaints.

Another measure of our complaint performance is whether we finalised as many complaints as we received in the reporting period (Figure 6). This year we fell short.

Figure 6 Finalised complaints as a percentage of total complaints received



Part 4. Freedom of information oversight

The ACT Ombudsman oversees the ACT *Freedom of Information Act 2016* (FOI Act) and promotes its objects by:

- conducting independent merits review of decisions on access applications
- publishing guidelines to assist FOI practitioners who make access decisions
- granting extensions of time to decide access applications
- investigating complaints about an agency's or Minister's actions under the FOI Act
- monitoring the compliance of agencies and Ministers with their open access obligations.

In reviewing a decision, we can confirm or vary the original decision or set it aside and substitute it with a new decision. Ombudsman review decisions are binding and may be appealed to the ACT Civil and Administrative Tribunal (ACAT).

We resolve review matters informally where possible. For example, we can facilitate a compromise where an agency and applicant agree to some additional information being provided to the applicant, and the review application is subsequently withdrawn.

We also work closely with agencies through regular forums to support them to build capability and meet their obligations under the FOI Act.

We publish a separate report every year on the operation of the FOI Act, available on our [website](#).

FOI contacts

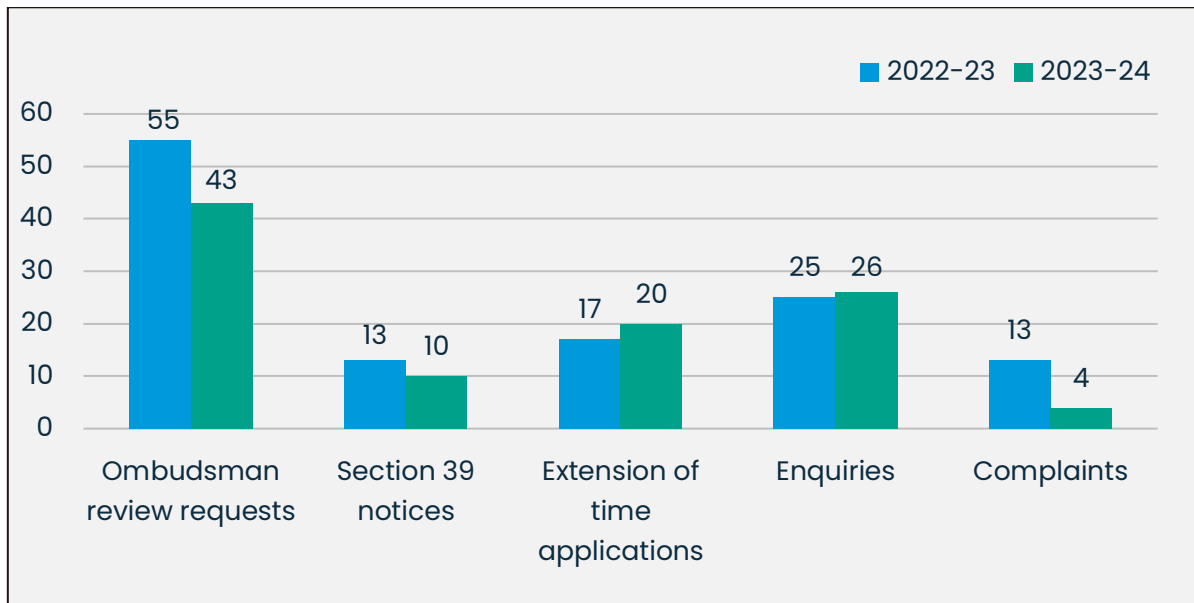
The ACT Ombudsman received 103 contacts about our role under the FOI Act in 2023–24, compared to 123 contacts received in 2022–23. As shown in Figure 7, the contacts included:

- 43 applications for Ombudsman review



- 10 notices given to the Ombudsman to advise that a decision on an access application was not made in time under s 39
- 20 extension of time requests
- 26 enquiries
- 4 complaints.

Figure 7 Contacts received under the FOI Act in 2023–24, compared to 2022–23



The reduction in FOI review applications may be due to improvements made by agencies in considering and articulating FOI decisions. This also correlates with the increase in the ACT Ombudsman affirming agency decisions (12 in 2023–24 compared to 5 in 2022–23) through an FOI review process.

There was an 18% increase in FOI review applications informally resolved in 2023–24. Thirteen of 49 ACT FOI review applications were resolved informally. This increase may suggest a level of community and agency trust in the ACT Ombudsman oversight functions.

In 2022–23, the majority of complaints were linked to issues identified during an FOI review. These issues were remedied through the complaints process. In 2023–24, the Office managed to resolve some of the issues through an inquiry process, without moving to a complaint.



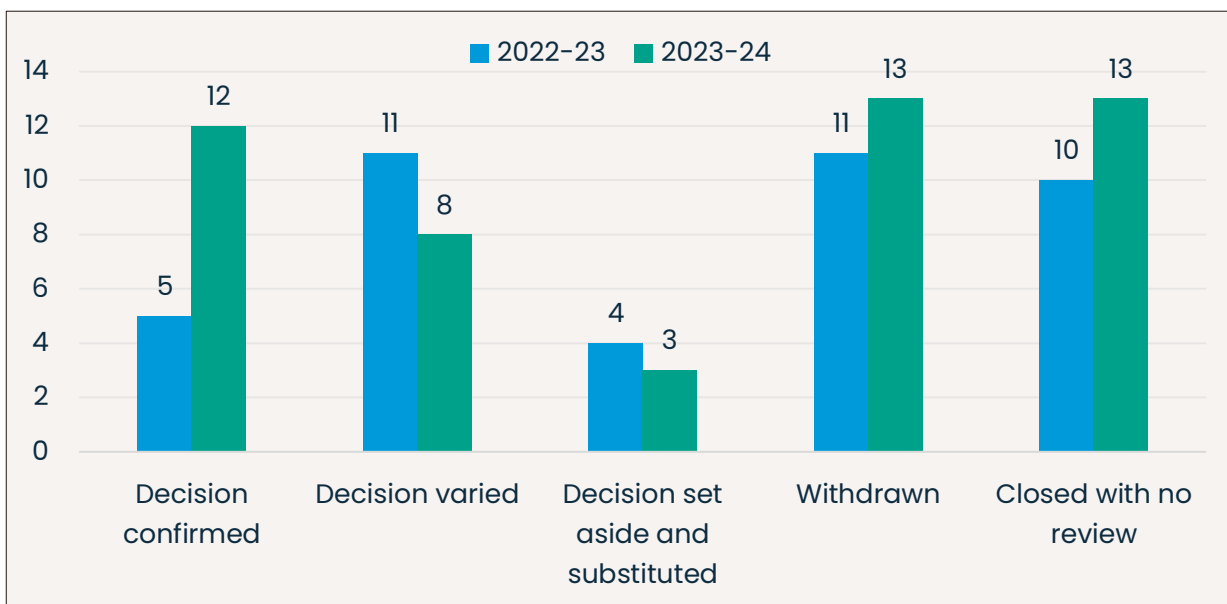
Finalised Ombudsman FOI reviews

The ACT Ombudsman finalised 49 Ombudsman reviews in 2023–24 (Figure 8). This was an increase compared to the 41 reviews finalised in 2022–23.

The outcomes of these 49 Ombudsman reviews were:

- the original decision was **confirmed** in 12 cases
- the original decision was **varied** in 8 cases
- the original decision was **set aside and substituted** with a new decision in 3 cases
- 13 applications were **withdrawn** following informal resolution
- 13 applications were **finalised without review**.⁸

Figure 8 FOI review requests finalised in 2023–24, compared to 2022–23



In 2023–24, there was a significant increase in the number of reviews resolved by confirming the original decision made by the respondent – from 5 in 2022–23 to 12 in 2023–24 (140% increase) – and a smaller increase in the number of reviews resolved without review from 10 in 2022–23 to 13 in 2023–24 (30% increase).

⁸ A review may be closed without review because the Ombudsman was of the view there was no reasonable prospect the original decision would be varied or set aside, we were unable to contact the applicant, or the application was invalid.

The Office continues to work with agencies to improve decision-making and the articulation of reasoning in decision notices. We also use our draft considerations and final decisions as tools to improve agencies' consideration of ACT FOI applications. The increase in ACT FOI review applications being confirmed or not reviewed suggests improvements made by agencies in considering and articulating ACT FOI decisions, including providing more detail about how the public interest factors have been balanced and explaining why releasing the information sought is contrary to the public interest.

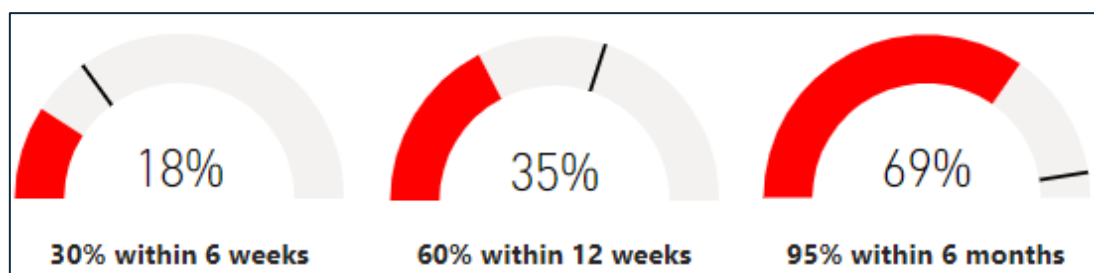
FOI review service standards

The Office has service standards for our FOI review applications.⁹ 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 2023–24, as shown at Figure 9, we did not meet the 3 service standards in relation to the 49 matters that were finalised:

- 18% of FOI review matters were finalised within 6 weeks (below the standard of 30%).
- 35% were finalised within 12 weeks (below the standard of 60%).
- 69% were finalised within 6 months (below the standard of 95%).

Figure 9 Performance against FOI service standards in 2023–24



This reflects the complexity of some review matters 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 of

⁹ For more information about FOI service standards, see [FOI Complaints and Reviews](#).



sensitive material, third party involvement, the information at issue being voluminous, or 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. As part of the review process, we also provide parties with the opportunity to respond to our preliminary view before the review decision is finalised. Several complex reviews were finalised in this reporting period where the information at issue concerned integrity, misconduct and employment matters requiring substantial analysis.

FOI published decisions

At 30 June 2024, we had published 128 decisions on the ACT Ombudsman [website](#) since commencing the ACT FOI oversight function.

Of these decisions, 24 were [published](#) in 2023–24. Publication of decisions provides agencies and applicants with guidance on the FOI Act, including the application of the public interest test and transparency in decision-making.

Open access monitoring

In 2023–24, we conducted a ‘glasshouse review’ of our internal policies and procedures for the identification, assessment and publication of open access information held by the ACT Ombudsman.

We note the steady rate of enquiries to the Office about the open access information scheme requirements, particularly the consideration of educational or other materials which are not technically policy documents but contain information about the work and functions of the entity. We intend to publish an open access information checklist to assist officers to understand their obligations and improve compliance with the scheme.

As part of the ACT Government’s upcoming review of the FOI Act, we intend to provide input on open access to ensure the maximum amount of information is published and reporting on decisions to publish or not publish information is accurately captured in annual reporting.



We will continue to monitor the operation of the open access scheme and progress the open access monitoring strategy. During the reporting period, we received enquiries from agencies about open access data. We intend to engage with agencies about additional, optional open access data reporting in 2024–25 and open access obligations generally.

FOI engagement activities

Throughout 2023–24, we engaged with stakeholders in a variety of ways. We continued to communicate formally and informally with agencies, providing advice and clarification of FOI matters. We were consulted by the ACT Government on the procurement of the independent reviewer to undertake the review under s 110(3) of the FOI Act. Once the review commences, we will provide input on proposed amendments to the FOI Act.

To mark International Access to Information Day on 28 September 2023, we released a [joint statement](#) with information access commissioners and ombudsmen across Australia. The statement highlighted the need for agencies to consider their approach to the online space, and implement strategies and practices to further improve digital access and support the right to access information. We also released a [joint media statement](#) on the results of the 2023 Cross-jurisdictional Information Access Study, which measured the public's awareness of the right to access government information and their experiences and outcomes in exercising that right. The results of the survey indicate there is an opportunity to further promote the availability of open access information, including on agencies' FOI disclosure logs, to reduce the need for formal applications.¹⁰

We hosted an FOI roundtable with senior information officers in the ACT Government on 11 December 2023 and a virtual practitioner forum on 30 May 2024, with 29 information officers from agencies attending. The Community Services Directorate presented on the challenges of meeting timeframes and seeking extensions of time from the Ombudsman. The Office also provided insights on Ombudsman reviews, including data and timeframes.

¹⁰ Woolcott Research and Engagement and ACT Ombudsman, [Information Access Study](#), June 2023.



The ACT Ombudsman attended 2 meetings of the Association of Information Access Commissioners, on 3 November 2023 and 15 March 2024.

In November 2023, we published an update of our [Freedom of Information \(Volume 4 – Considering the public interest\) Guidelines 2023](#), effective 1 December 2023, following the commencement of amendments to the FOI Act on 23 May 2023.

We attend meetings of the Privacy Authorities Australia/Association of Information Access Commissioners Communications Working Group. With support from the NSW Information and Privacy Commission, we contributed to the national dashboard and metrics on the public's use of FOI laws.¹¹ ACT data is now available on the dashboard from the 2018–19 financial year to the 2022–23 financial year.

¹¹ NSW Information and Privacy Commission, [Dashboard and metrics on the public's use of FOI laws](#).

Part 5. Reportable Conduct Scheme

The ACT Reportable Conduct Scheme (the scheme) commenced on 1 July 2017 and has just completed its seventh year of operation. Under the scheme, which is set out in Division 2.2A of the [Ombudsman Act 1989](#), the ACT Ombudsman oversees how designated entities¹² prevent and respond to allegations of child abuse and child-related misconduct by employees.

In addition to reporting to ACT Policing, Child and Youth Protection Services (CYPS) and/or any other relevant professional or regulatory bodies, designated entities covered by the scheme must:

- report to the ACT Ombudsman allegations or convictions relating to child-related misconduct by employees, including volunteers and contractors, in the context of their professional or private activities¹³
- have practices and procedures in place to prevent reportable conduct, respond to such allegations and convictions, and to handle and share information in accordance with provisions in the [Children and Young People Act 2008](#) (CYP Act).

The ACT Ombudsman's role is to:

- receive and assess designated entities' responses to reportable conduct allegations or convictions, including whether there was appropriate action by the designated entity in its response and the adequacy of any investigation carried out by the designated entity
- monitor the above practices and procedures a designated entity has in place to meet its obligations under the scheme.

¹² 'Designated entities' covered by the scheme include ACT government directorates, health services, kinship and foster care organisations, residential care organisations, government and non-government schools, childcare services, education and care services (including after school care), and religious organisations.

¹³ ACT Ombudsman, [ACT Ombudsman Practice Guide No. 2: Identifying Reportable Conduct](#), February 2018.



The scheme does not replace or interfere with police investigations.

To enhance designated entity-based child protection outcomes and encourage best practice, we may also:

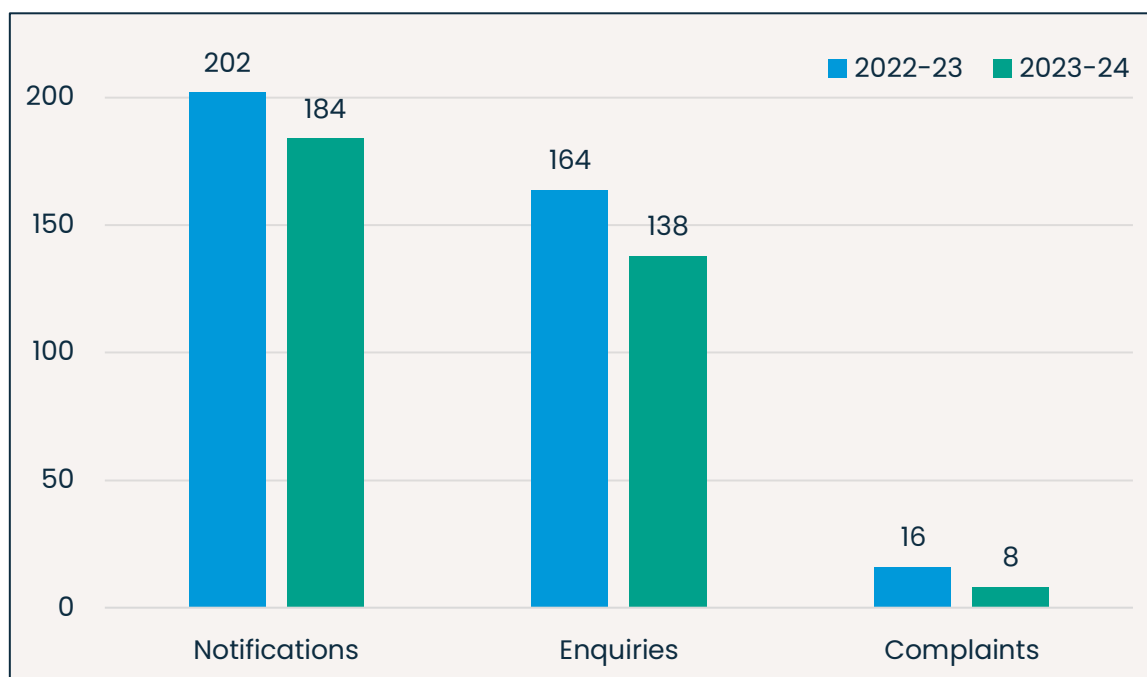
- monitor an investigation carried out by the designated entity
- investigate any reportable conduct allegation or conviction, or the response of an organisation to a reportable conduct allegation or conviction
- disclose information about investigations to a child, parent and carer, the Office of Fair Trading and other entities specified in the CYP Act.

Reportable conduct contacts

Contacts in relation to the scheme fell 14% from 382 in 2022–23 to 330 in 2023–24 (Figure 10). The contacts in 2023–24 comprised:

- 184 notifications from designated entities about allegations of reportable conduct
- 138 enquiries
- 8 complaints.

Figure 10 Contacts received about reportable conduct in 2023–24, compared to 2022–23



Notifications

During 2023–24, the ACT Ombudsman received 184 notifications from designated entities (entities) about allegations. This was a 10% decrease in cases received compared to 202 notifications in 2022–23.

The decrease reflects a reduction in notifications from the government and non-government schools sector. We received 94 notifications from the sector in 2022–23 compared to 66 in 2023–24, a decrease of 31%. The reduction in this sector is primarily due to a reduction in reports from the Education Directorate, the largest designated entity in that sector in terms of the number of notifications and sub-entities.

The Education Directorate attributed the reduction in notifications to more mature reportable conduct processes and improved onboarding and training delivered in schools. We will continue to work with the sector to address and improve compliance with and awareness of the scheme.

The largest number of notifications received was from government and non-government schools (66), followed by education and care service providers (46), and then kinship and foster care (21) (Table 7). This ordering is consistent with 2022–23.

Table 7 Notifications received in 2023–24 by sector

Sector	Number	Percentage
Government and non-government schools	66	36%
Education and care service providers	46	25%
Kinship and foster care	21	11%
Residential care organisations	12	7%
Religious organisations	11	6%
Childcare services	10	5%
ACT directorates	9	5%
Health service providers	6	3%
Other (Out of Jurisdiction)	3	2%
TOTAL	184	100%



Of the 184 notifications this year, 46 were also reported to ACT Policing. The percentage of matters reported to ACT Policing remains the same as for the previous year at 25%.

Enquiries and complaints

The 16% decrease in enquiries this year was anticipated, as the high number of enquiries in 2022–23 was related to the survey of religious organisations conducted in that year.

The 50% decrease in complaints in 2023–24 could be a result of better investigations by designated entities, particularly regarding providing adequate procedural fairness to employees who are subject to reportable conduct allegations.

Designated entity compliance

Entities must lodge a notification under s 17G of the Ombudsman Act within 30 calendar days of becoming aware of a reportable conduct allegation. During 2023–24, entity compliance with this timeframe was 83%. This is an improvement on 78% 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

Under s 17J of the Ombudsman Act, designated entities must provide the ACT Ombudsman with a written report of the results of their investigation, including actions taken.

The ACT Ombudsman assesses the designated entity's response to determine if the matter was investigated appropriately and if appropriate action was taken. We consider a range of factors when assessing a response, which are outlined in our [*Practice Guide No. 9: How the Ombudsman Assesses an Employer's Response/Investigation*](#). We may seek further information from an entity to ensure we are satisfied with the response and provide feedback to assist in improving reportable conduct practices and processes.

During 2023–24, we finalised 177 matters, a slight decrease from the 179 matters finalised in 2022–23. Table 8 shows the allegation types for all finalised matters



reported to the ACT Ombudsman in 2023–24. A matter may include multiple allegations or convictions. The most common allegations/convictions reported to us in 2023–24 were the same as in 2022–23: ill-treatment involving emotional abuse or hostile use of force and misconduct of a sexual nature involving crossing professional boundaries.

Table 8 Allegation type for matters finalised in 2023–24

Type of allegation	Number	Percentage
Ill-treatment – emotional abuse	155	27%
Ill-treatment – hostile use of force	145	25%
Misconduct of a sexual nature – crossing professional boundaries	102	17%
Neglect	70	12%
Misconduct of a sexual nature – sexually explicit comments and other overtly sexual behaviour	57	10%
Ill-treatment – inappropriate restrictive intervention	27	5%
Misconduct of a sexual nature – grooming behaviour	21	4%
Psychological harm	5	<1%
Offences against the person, including physical offences, where a child is a victim or is present	1	<1%
Sexual offences where a child is a victim or is present	1	<1%
TOTAL	584	100%

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

There was a small decrease from the previous financial year in the percentage of allegations of ill-treatment involving hostile use of force, from 29% in 2022–23 to 25% in 2023–24. The percentage of allegations of ill-treatment involving emotional abuse remained unchanged at 27%.

Both the number of allegations of misconduct of a sexual nature involving crossing professional boundaries and their overall percentage increased in 2023–24 (102 allegations and 17%) compared to 2022–23 (87 allegations and 14%). This may reflect

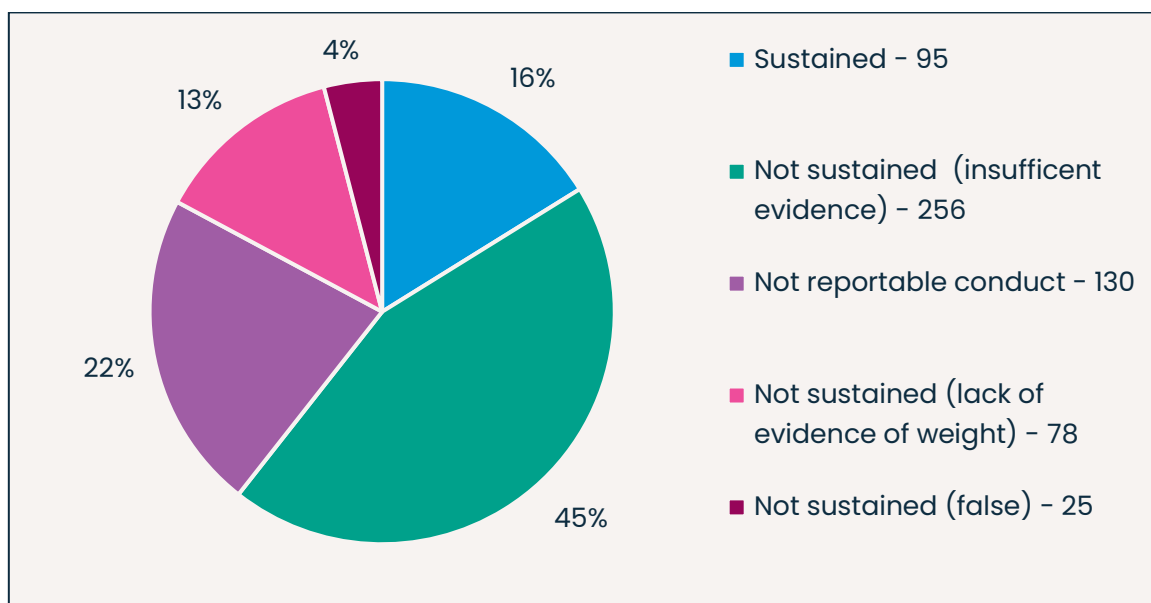


an increasing awareness and reporting of this type of allegation. We will continue to work with entities to identify instances of crossing professional boundaries, recognising these matters can often be difficult to identify and investigate.

Outcomes

After notifying the ACT Ombudsman of a reportable conduct allegation or conviction, and on conclusion of its investigation, a designated entity must provide the Ombudsman with the outcome of its inquiries and what action it has taken or plans to take as a result. Designated entities are required to report on whether an allegation has been sustained or not sustained. Figure 11 and Table 9 show the outcomes for each allegation and conviction, and the actions taken by designated entities, as provided to us in reports finalised in 2023–24.

Figure 11 Investigation outcomes reported by entities in 2023–24



Note: An investigation may contain more than one allegation, which may result in more than one finding and action.

Table 9 Final investigation actions taken by entities in 2023–24

Action	Number	Percentage*
No action after the investigation process	236	40%
Training	129	22%
Counselling	56	10%
Termination	49	8%
Performance monitoring or managing	33	6%
No information provided	25	4%
Other forms of disciplinary action as per employer	23	4%
Letter of warning	20	3%
Transfer/demotion	12	2%
A formal apology	1	<1%
TOTAL	584	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.

Investigations and complaints

The ACT Ombudsman may, on its own initiative or in response to a complaint, choose to investigate any reportable conduct allegation or conviction against an employee of a designated entity considered under the scheme. The Ombudsman may also investigate a designated entity’s response to a reportable conduct allegation or conviction.

As mentioned in [Part 3](#), we commenced an investigation under s 17K of the Ombudsman Act in 2023–24. The investigation was initiated due to concerns about the quality of evidence gathering in the investigation and the associated findings made by a designated entity. On 12 September 2024, we published a [statement](#) on the outcomes of the investigation.

In 2023–24, we received 8 complaints about designated entities’ handling of reportable conduct matters. All of these were resolved through contacting the relevant designated

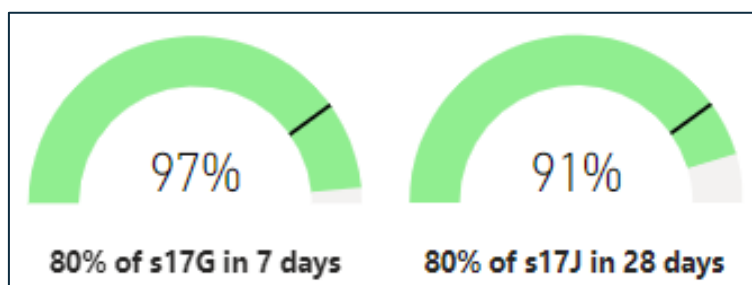


entity and facilitating pathways for complainants to access internal processes or information, or by providing further information directly to the complainant.

Reportable conduct performance against service standards

The ACT Ombudsman has service standards for the performance of our functions under the Reportable Conduct Scheme (see Figure 12).

Figure 12 Performance against reportable conduct service standards in 2023–24



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

During 2023–24, we assessed 97% of initial notifications within 7 days.

When we receive a final report from an entity following its investigation into reportable conduct allegations (s 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% of cases.

During 2023–24, we completed 91% of these assessments within 28 days.

Reportable conduct monitoring and education

Our [Practice Guide No. 9: How the Ombudsman Assesses an Employer's Response/Investigation](#) provides information to designated entities about how the ACT Ombudsman monitors practices and procedures for preventing reportable conduct, and how designated entities deal with reportable allegations and convictions.

As outlined in the guide, we consider the following aspects of a designated entity's response:

- initial response
- planning
- information gathering
- employee response
- making a finding
- taking action.

We provide written feedback to designated entities on the s 17J final reports provided to us under the Ombudsman Act. Where we identify systemic feedback concerns, we raise these at liaison meetings. Designated entities are also invited to contact us for further discussion about feedback, and we encourage designated entities to revisit previous feedback provided when handling new matters.

Providing feedback to improve reportable conduct investigations

Case study

A reportable conduct notification was received from a designated entity in August 2023. At the time the ACT Ombudsman assessed the notification from the entity, we suggested the entity consider as part of its investigation whether the alleged conduct occurred as reported and if it met the threshold for ill-treatment of being unreasonable and seriously inappropriate, cruel or inhumane.

At the conclusion of its investigation, the entity determined the conduct had occurred and made a 'sustained' finding. The ACT Ombudsman assessed the entity's



investigation and noted a number of concerns with the entity's handling of the matter. These included failures to:

- gather statements or make notes of conversations with relevant witnesses
- advise the person subject of allegation (PSOA) of the exact nature of the allegations made against them
- inform the PSOA of the entity's finding
- explain how the entity had made its decision.

We provided this feedback to the entity and held a case conference to discuss the matter in more depth. After further consideration, the entity reviewed its investigation and findings into the matter. In particular, it gave further consideration to the nature of the alleged conduct and reached a conclusion that it did not meet the threshold for reportable conduct. In addition, the entity wrote to the PSOA informing them the matter had been deemed not to be reportable conduct.

In response to our involvement in this matter, the entity reviewed the management of reportable conduct investigations and developed clearer guidance material for staff and managers to follow for future matters.

During 2023–24, our feedback continued to address:

- providing procedural fairness to those involved in an investigation
- allegations needing to be clearly defined, clarified and recorded correctly before an investigation is conducted
- clearly articulating the appropriate category and sub-category of each allegation at the commencement to enable appropriate findings at the conclusion of the investigation
- articulating and mitigating risk, based on a broad assessment, including at the beginning of a reportable conduct investigation and after an investigation has concluded
- timely investigation plans
- understanding that reporting obligations under the scheme may include allegations concerning an employee's private life, if the conduct impacts on the employee's behaviour in the workplace
- encouraging entities to interview children, unless there is a good reason not to, and making a record of the reason for the decision if a child is not interviewed

- adequately weighing evidence gathered in an investigation and clearly explaining how the evidence supports investigation findings.

Using Ombudsman guidance to support better evidence assessment in reportable conduct investigations

Case study

A reportable conduct investigation report was received from a designated entity in August 2023. Under s 17J of the Ombudsman Act, the Office identified significant aspects of the evidence had not been considered appropriately and that, on the evidence available to the investigation, inappropriate findings had been made by the designated entity.

The Office provided feedback to the entity, identifying key elements of the investigation that appeared not to have been afforded appropriate weight when determining if reportable conduct had occurred. This included not giving suitable weight to evidence about a pattern of negligence by the PSOA and more consideration required to the response of the alleged victim when giving evidence.

This feedback encouraged the entity to review the findings with reference to the reportable conduct practice guides and the evidentiary threshold of the Reportable Conduct Scheme, being the balance of probabilities. Upon review of the allegations, the designated entity made 'sustained' findings against the PSOA.

Through practitioner forums, stakeholder liaison and our published information, we continue to focus on how we can better support designated entities to implement our feedback and facilitate improvement in an achievable way.

As mentioned in [Part 3](#), in August 2023, the ACT Ombudsman published the results of a [survey of religious designated entities](#), which was conducted in early 2023. The purpose of the survey was to assess the level of engagement and compliance with the scheme by religious designated entities.

The survey results indicated that some religious designated entities were engaging with the scheme, complying with legislative requirements and actively promoting the scheme. However, the survey results indicated that engagement and compliance with the scheme was not uniform across the sector.



As a result of the survey, the Office developed a multifaceted engagement strategy to continue to raise awareness of the scheme within the religious organisations sector and to build the capacity of religious designated entities to meet their legislative requirements. This strategy included conducting sector-specific information sessions and training, and publishing a sector-specific newsletter. The ACT Ombudsman also wrote to a number of heads of religious designated entities outlining expectations for engagement and compliance with the scheme.

Reportable conduct engagement activities

During the year, we maintained regular engagement activities with designated entities, ensuring quarterly liaison with key stakeholders and more regular liaison with those designated entities with high notification numbers. This engagement helped us provide timely feedback and support to designated entities to build their capacity to prevent, report and respond to allegations of reportable conduct.

We maintained regular liaison with Access Canberra's Working with Vulnerable People (WWVP) team, ACT Policing's Sexual Assault and Child Abuse Team (SACAT), ACT Together Barnardos, the Community Services Directorate (CSD), the Education Directorate, Children's Education and Care Authority (CECA) and Canberra Health Services (CHS).

In 2023–24, we also developed 2 training sessions specifically for religious designated entities. In total, we ran 8 sessions, divided into 2 parts, between 30 April and 22 May 2024. The first sessions introduced the ACT Reportable Conduct Scheme and assisted participants to identify reportable conduct allegations. The second sessions outlined the process for reporting, managing and responding to allegations of reportable conduct.

In 2024–25, we will continue to engage with religious designated entities to improve awareness of and compliance with the scheme.



Reportable conduct practitioner forums

We hosted 2 practitioner forums in 2023–24, one in November 2023 and the second in March 2024. The practitioner forums were held online, allowing for higher attendance numbers.

The November 2023 practitioner forum included a presentation from CSD about proposed changes to the Children and Young People Act.

The March 2024 practitioner forum included a presentation from Catholic Education Canberra & Goulburn about various aspects of investigation planning, including best practice, common difficulties and the benefits of effective investigation plans.

We will continue to involve designated entities in upcoming forums, encouraging a ‘community of practice’ approach, with designated entities presenting case studies and sharing investigation practices.

Online information

An important part of our oversight function is to educate and support entities to meet their requirements under the scheme. To fulfil this function, we published 3 newsletters in 2023–24. Two of the newsletters were targeted to religious designated entities, in line with our religious designated entity stakeholder engagement strategy.

We also published [Practice Guide No. 11: ACT reportable conduct case studies](#). This document is intended to assist organisations to learn more about reportable conduct allegations through practical examples that are similar to real allegations reported to our Office.



Part 6. Covert and intrusive powers oversight

The ACT Ombudsman oversees the use of certain covert and intrusive powers under ACT legislation by the Australian Federal Police (AFP) (encompassing ACT Policing), Australian Criminal Intelligence Commission (ACIC) and the ACT Integrity Commission. These powers come from the [Crimes \(Surveillance Devices\) Act 2010](#) (SD Act), the [Crimes \(Controlled Operations\) Act 2008](#) (CO Act) and the [Crimes \(Assumed Identities\) Act 2009](#) (AI Act). Under s 4C and Division 2.2 of the [Ombudsman Act 1989](#), we also monitor ACT Policing's compliance with Chapter 4 and Part 3.11 of the [Crimes \(Child Sex Offenders\) Act 2005](#) (CCSO Act).

Surveillance devices

The SD Act provides a framework for law enforcement officers to use surveillance devices in criminal and corrupt conduct investigations. Surveillance device means a data device, a listening device, an optical device, a tracking device or a device that is a combination of these devices.

The ACT Ombudsman may inspect the records of the AFP, ACIC and the ACT Integrity Commission to determine the extent of compliance with the SD Act by the agency and its officers.

Inspection findings

In September 2023, we inspected ACT Policing's use of surveillance devices powers. We made only minor administrative findings and observed a proactive compliance approach when using the surveillance devices powers. ACT Policing has a comprehensive framework of governance and sufficient guidance material and templates to support the use of the powers.

We did not conduct any inspections of ACIC or the ACT Integrity Commission in 2023–24, as these agencies advised us they had not used powers under the SD Act.



Controlled operations

A controlled operation is a covert operation to obtain evidence that may lead to the prosecution of a person for a relevant offence or be used in an integrity investigation. A controlled operation provides protection from civil and criminal liability for law enforcement officers and civilians who engage in certain conduct that would otherwise be unlawful or lead to civil liability. Participants may engage in a variety of types of conduct, so long as that conduct is directly authorised or appropriately related to authorised conduct. Examples of conduct include transporting illicit goods, interfering with a consignment or entering false data into a system.

The CO Act allows the AFP, ACIC and ACT Integrity Commission to conduct controlled operations in the ACT and in other participating jurisdictions. Under the CO Act, the ACT Ombudsman is required to inspect the records of a law enforcement agency at least once every 12 months to determine the extent of compliance with the CO Act by the agency and its officers. The Ombudsman must report on the results of each inspection under the CO Act conducted in the previous financial year.

Inspection findings

In September 2023, we inspected ACT Policing's use of controlled operations powers. Our findings were primarily administrative in nature. However, we made one non-compliance finding about the Principal Law Enforcement Officer (PLEO) of a controlled operation providing a report to the Chief Officer of the agency outside the required 2-month period after completion of the authorised operation. ACT Policing accepted our suggestion that fixes be made to ensure report processes are completed within timeframes required under the CO Act.

In June 2023, we performed a health check of the ACT Integrity Commission's actions under the CO Act. We confirmed that reporting was occurring under the Act and a general register was in place.

We also performed similar checks on the ACIC's actions under the CO Act. We are still engaging with the ACIC as part of this process.



Assumed identities

The AI Act facilitates law enforcement investigations and intelligence-gathering in relation to criminal activity by providing for the lawful acquisition and use of assumed identities. We may inspect the records of the AFP, ACIC and ACT Integrity Commission to assess the extent of compliance with the AI Act by the agency and its officers.

To date, we have not conducted any inspections under the AI Act, as all agencies advised these powers have not been used.

Telecommunications data and stored communications

Under the [Telecommunications \(Interception and Access\) Act 1979](#) (Cth) (TIA Act), the Commonwealth Ombudsman must inspect and report annually on the compliance of agencies using powers under the TIA Act. This includes the ACT Integrity Commission, which was [declared](#) to be criminal law-enforcement agency under the TIA Act on 4 June 2024 (with effect from 8 June 2024).

For agencies seeking new access to such powers, the Commonwealth Ombudsman may conduct a 'health check' inspection aimed at assessing the readiness or 'health' of an agency's frameworks, policies and procedures for supporting legislative compliance.

Inspection findings

In January 2024, we performed a 'health-check' inspection of the ACT Integrity Commission's readiness to access telecommunications data and stored communications under the TIA Act. Our inspection found the ACT Integrity Commission was well-placed to exercise the powers. Our report made one suggestion and 4 comments aimed at reducing the risk of non-compliance.

To date, we have not conducted any inspections of the ACT Integrity Commission under the TIA Act, as it advised these powers had not yet been used.



The Ombudsman reports annually to the Australian Parliament on inspections under the TIA Act, available on the Commonwealth Ombudsman's [website](#), once tabled.

Child sex offenders register

Under the CCSO Act, ACT Policing must establish and manage the ACT Child Sex Offenders Register in accordance with the requirements set out in Chapter 4 of the CCSO Act. Further, Chapter 4 sets out the information that must be recorded on the register and the controls that must be applied to the use and disclosure of information from the register. Under Part 3.11 of the CCSO Act, ACT Policing may apply for a warrant to enter and search the premises of a registrable offender to verify the offender's personal details or to determine whether the offender has breached, or is likely to breach, an order prohibiting certain conduct.

Section 4C of the Ombudsman Act provides that a function of the ACT Ombudsman is to monitor ACT Policing compliance with Chapter 4 and Part 3.11 of the CCSO Act. Division 2.2 and s 20A of the Ombudsman Act provide powers to monitor and report.

Inspection findings

In September 2023, we conducted an inspection of the register and ACT Policing systems, processes and procedures for managing the register, as required under the CCSO Act. As a result of this inspection, we found ACT Policing was generally compliant with its administration of the register and had a maturing compliance culture.

Our report to the Minister advised of one recommendation, 3 suggestions and 2 comments made to ACT Policing. Notably, ACT Policing disclosed that new Commonwealth online child sex offences introduced in 2019 and 2020 had not been added to Schedule 2 of the CCSO Act. This resulted in a gap affecting the registration of offenders who resided in the ACT and had been convicted of these offences. Consequently, the Register did not provide the full measure of intended community safety.

We made a comment that ACT Policing, the Justice and Community Safety Directorate (JACS) and the Commonwealth Attorney-General's Department (AGD) establish effective arrangements to ensure ACT legislation is updated when any relevant Commonwealth offence is enacted or amended. In order to manage the risk to public



safety resulting from the gap in legislation, we also recommended to ACT Policing that it assess and seek to mitigate, outside the register, any residual risks from offenders whose registration period was reduced as a result of the CCSO Act not including some Commonwealth convictions from 2020 to 2024.

In response, AGD advised that the Department of Home Affairs had communicated with states and territories about the amendments in question through working groups. However, AGD acknowledged the importance of states and territories being explicitly advised of the passage of new offences which may require updates to registration scheme legislation. AGD stated it would ensure states and territories are advised in future of the passage of amendments to Commonwealth child sex offences that may require amendments to registration schemes.

JACS advised an administrative process is now in place with ACT Policing to ensure that potential updates to the Schedules are identified early to progress necessary changes. JACS also advised that AGD had undertaken to notify relevant agencies in all Australian jurisdictions if amendments are proposed in future.

ACT Policing noted the comment and agreed to our recommendation.

Review of complaint handling under Part V of the AFP Act

Under s 40XA of the [Australian Federal Police Act 1979](#) (Cth) (AFP Act), the Commonwealth Ombudsman is required to review the administration of AFP handling of complaints about AFP officers, through inspection of AFP records. This includes reviewing the handling of some complaints about ACT Policing. Further, under s 40XB of the AFP Act, the Ombudsman may, at any time, inspect the records of AFP conduct and practice issues dealt with under Divisions 3 and 4 of the AFP Act for the purposes of reviewing the administration of Part V of the AFP Act.

The Ombudsman reports annually to the Australian Parliament on our reviews of AFP activities under Part V of the AFP Act. Our [report](#) published in 2023–24 included recommendations to the AFP on ensuring investigation reports demonstrate consideration of relevant evidence, and appropriate records are kept detailing the basis of a decision to take no further action on complaints. The report included findings



about how 2 complaints were handled following comments from an ACT magistrate that the use of force by ACT Policing members was excessive. The Ombudsman found the complaints were not correctly categorised and investigated at the highest level of seriousness under the Act. The report recommended the AFP ensure that views expressed by judicial officers on potential conduct and practices issues are consistently administered under the Act.



Part 7. 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' (UN) Optional Protocol to the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT),¹⁴ alongside the ACT Inspector of Correctional Services and ACT Human Rights Commission.

NPM visits and reports

On 6 December 2023 the ACT Ombudsman conducted a joint NPM visit with the Commonwealth NPM of the Jervis Bay Police Station. A representative from the ACT Human Rights Commission accompanied the visit as an observer. A post visit summary of this visit will be published when complete.

As mentioned in [Part 3](#), we published [post visit summaries for the ACT Watch House and ACT Policing](#) in June 2024, following joint visits with the Commonwealth NPM.

On 10 July 2024, the [Australian NPM Annual Report for 2022–23](#) was published, including a short profile of the ACT NPM as well as broader discussion and commentary on the work of the Australian NPM and common themes of collective concern that have been identified by members of the Australian NPM.

NPM submissions

With our ACT NPM colleagues, and at times together with Australian NPM colleagues, we made the following submissions or contributions to consultations in 2023–24:

¹⁴ Australia ratified the UN's OPCAT in December 2017. The establishment of a multi-body ACT NPM was announced by the ACT Attorney-General on 20 January 2022.

- 4 July 2023: [Australian NPM joint submission to the Parliamentary Joint Committee on Human Rights – Inquiry into Australia’s Human Rights Framework](#)
- 6 September 2023: [Australian NPM joint statement – Queensland law change and detention of children in watch houses and adult prisons](#)
- 28 November 2023: [Australian NPM joint submission to the UN Special Rapporteur on Torture’s thematic report on current issues and good practices in prison management](#), including 30 recommendations
- 21 December 2023: [Australian NPM joint statement: response to the report of the Subcommittee on Prevention of Torture – 2022 visit to Australia](#)
- 23 January 2024: Letter to the ACT Minister for Corrections and Justice Health on suggested reforms to the *Corrections Management Act 2007* in relation to solitary confinement
- 19 March 2024: [Response of the Australian NPM: report of the Subcommittee on Prevention of Torture – 2022 visit to Australia](#)
- 21 March 2024: Letter to the ACT Attorney-General about the Australian Government’s response to the report of the UN Subcommittee on the Prevention of Torture
- 5 April 2024: Australian NPM submission to the Association for the Prevention of Torture’s global report on women in prison
- 20 May 2024: [Australian NPM joint statement: little funding for torture prevention in federal Budget](#)
- May 2024: engagement with the ACT Government during its development of a response to OPCAT-related recommendations from the Disability Royal Commission
- January to August 2024: engagement with and submissions to the ACT Government during development of the Monitoring of Places of Detention Legislation Amendment Bill 2024 to enshrine ACT NPM functions and powers.

NPM education

As part of the Australian NPM, ACT Ombudsman staff engage in a variety of learning opportunities as we build our capabilities to undertake our NPM role.

We also provided information sessions for custodial officer recruits alongside our NPM partner agencies in November 2023 and February 2024.



Part 8. Inspector of the Integrity Commission

The ACT Ombudsman is the Inspector of the ACT Integrity Commission (the Commission). The Inspector is an independent statutory role created under the ACT [Integrity Commission Act 2018](#) (IC Act) to provide oversight of the Commission and ensure it operates within its legislative powers. The Inspector's functions include to:

- assess and report on the Commission's compliance with the IC Act
- receive, investigate and assess complaints about the Commission and Commission staff
- make recommendations to the Commission or other public bodies about practices or procedures in relation to the performance of functions under the IC Act.

More information on each of the aspects summarised below is available in the Inspector's annual report, which is available on our [website](#).

Inspector complaints and investigations

In the 2023–24 reporting period, the Inspector received 21 complaints (10 complaints were from 3 individuals). Seventeen were assessed as valid complaints under s 257 of the IC Act. This represents a significant increase in complaints to the Inspector (5 valid complaints were received in 2022–23).

As mentioned in [Part 3](#), the Inspector commenced an own initiative investigation under s 265 of the IC Act during this financial year. This is the first time an investigation under this provision has been conducted.

During this reporting period, the Inspector also commenced 2 complaint investigations under s 264 of the IC Act. The investigations remain ongoing as at 30 June 2024.



Inspector referrals

The Commission must refer corruption reports about the Commissioner or staff of the Commission to the Inspector under s 105 of the IC Act. In 2023–24, the Inspector received 3 referrals from the Commission. All 3 referrals were assessed as not indicating improper conduct and were closed.

The Inspector referred a separate complaint to another ACT information-sharing entity (pursuant to s 271), as the entity was considered better able to deal with the issues being raised.

Inspector reports and recommendations

Table 10 sets out the number of special reports published and recommendations made by the Inspector compared to previous financial years.

Table 10 Special reports and recommendations made by the Inspector

Reports and recommendations	2020–21	2021–22	2022–23	2023–24
Special reports presented to the Legislative Assembly under s 278	0	0	0	1
Recommendations made by the Inspector under s 272 about practices or procedures	0	3	0	7
Recommendations made by the Inspector to the Speaker under s 273	0	0	0	0

As mentioned in [Part 3](#), the Inspector published a special report in November 2023: [Investigation into the dismissal of corruption reports by the ACT Integrity Commission](#). Seven recommendations were made to the Commission to improve its policies, procedures and practice for:

- assessing corruption reports and determining appropriate actions
- making information disclosures



- ensuring sufficient records are kept of the reasons for decisions, to demonstrate relevant considerations were made according to the requirements of the IC Act.

The Commission agreed to all 7 recommendations.



Part 9. ACT Judicial Council

The ACT Ombudsman provides support to the ACT Judicial Council (the Council).

The Council is a separate entity established under the [Judicial Commissions Act 1994](#) with powers to receive and examine complaints about the conduct or capacity of ACT judicial officers (judges and magistrates). The Council has 4 members:

- the Chief Justice of the ACT Supreme Court
- the Chief Magistrate of the ACT Magistrates Court
- an appointed legal practitioner member
- an appointed member of the community.

The ACT Ombudsman is the Council's Principal Officer. Together with nominated staff, the Ombudsman is responsible for:

- receiving the Council's enquiries and complaints
- assisting the Council to conduct preliminary inquiries and other examinations
- facilitating communication between the Council, complainants and judicial officers.

Ombudsman staff also perform secretariat services for the Council.

The Council issues a separate annual report to the ACT Attorney-General, published on the Council's [website](#).



Appendices

Appendix A: Complaints about ACT directorates and agencies in 2023–24

Directorate or other body	Total received	Total finalised*	Finalised with investigation	Finalised no investigation
Chief Minister, Treasury and Economic Development Directorate	98	80	8	72
Access Canberra	52	47	5	42
ACT Revenue Office	35	21	1	20
ACT Territory Records Office	1	1	1	0
Chief Minister, Treasury and Economic Development – other	10	11	1	10
Community Services Directorate	60	58	2	56
Housing ACT	47	44	1	43
Community Services – other	13	14	1	13
Justice and Community Safety Directorate	57	51	2	49
ACT Corrective Services	50	46	2	44
ACT Emergency Services Agency	0	1	0	1
Justice and Community Safety – other	7	4	0	4
Transport Canberra and City Services Directorate	14	11	1	10
Education Directorate	13	8	0	8
Environment, Planning and Sustainable Development Directorate	8	8	1	7
ACT Health Directorate	6	6	0	6



Directorate or other body	Total received	Total finalised*	Finalised with investigation	Finalised no investigation
Canberra Health Services	4	4	0	4
Major Projects Canberra	1	0	0	0
Total ACT directorates	261	226	14	212
Other bodies and authorities	47	43	3	40
Public Trustee and Guardian for the ACT	12	13	0	13
University of Canberra	11	9	1	8
Canberra Institute of Technology	8	5	0	5
Legal Aid Commission (Legal Aid ACT)	3	5	1	4
ACT Law Society	3	3	0	3
ACT Human Rights Commission	3	3	0	3
WorkSafe ACT	3	2	0	2
ACT Long Service Leave Authority	2	1	0	1
Suburban Land Agency	1	2	1	1
Director of Public Prosecutions	1	0	0	0
Territory-owned corporations	1	2	0	2
Icon Water	1	2	0	2
ACT Courts and Tribunal	15	13	0	13
Office/Officers of the Legislative Assembly	1	2	0	2
ACT Audit Office	1	1	0	1
ACT Legislative Assembly	0	1	0	1
Total ACT directorates and other bodies	325	286	17	269



Directorate or other body	Total received	Total finalised*	Finalised with investigation	Finalised no investigation
ACT Policing	72	50	2	48
Total ACT directorates, other bodies and ACT Policing	397	336	19	317

* Data on complaints finalised includes complaints received from 1 July 2023 to 30 June 2024, as well as complaints received in prior months.



Appendix B: Outcomes of complaint investigations finalised in 2023–24

Directorate or other body	Better explanation / independent review	Agency to pursue systemic improvement	Remedies provided by agency					Total
			Apology	Decision changed or reconsidered	Payment granted	Penalty waived or reduced	Other remedy*	
Chief Minister, Treasury and Economic Development Directorate	4	1	1	2	0	0	0	8
Access Canberra	2	1	1	1				5
ACT Revenue Office	1							1
ACT Territory Records Office	1							1
CMTEDD – other				1				1
Community Services Directorate	1	0	0	0	1	1	0	3
Housing ACT					1	1		2
Community Services – other	1							1
Environment, Planning and Sustainable Development Directorate	1							1
Justice and Community Safety Directorate	1	1	0	0	1	0	0	3
ACT Corrective Services	1	1			1			3
Transport Canberra and City Services Directorate					1		1	2
Other bodies and authorities	3	0	0	0	0	0	0	3
Legal Aid ACT	1							1



Directorate or other body	Better explanation / independent review	Agency to pursue systemic improvement	Remedies provided by agency					Total
			Apology	Decision changed or reconsidered	Payment granted	Penalty waived or reduced	Other remedy*	
University of Canberra	1							1
Suburban Land Agency	1							1
ACT Policing	2							2
Total ACT directorates, other bodies and ACT Policing	12	2	1	2	3	1	1	22

Note: Other remedies may include having a fault rectified or issue fixed. More than one outcome can be achieved following a complaint investigation.



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Abbreviations, acronyms and technical terms

Acronym	Meaning
ACAT	ACT Civil and Administrative Tribunal
ACIC	Australian Criminal Intelligence Commission
ACT	Australian Capital Territory
ACTCS	ACT Corrective Services
ACT NPM	ACT National Preventive Mechanism
ACTRO	ACT Revenue Office
AFP	Australian Federal Police
AFP Act	Australian Federal Police Act 1979 (Cth)
AGD	Commonwealth Attorney-General's Department
Agencies	Administrative units of ACT Government business
AI Act	Crimes (Assumed Identities) Act 2009 (ACT)
AMC	Alexander Maconochie Centre
CCSO Act	Crimes (Child Sex Offenders) Act 2005 (ACT)
CECA	Children's Education and Care Authority
CMTEDD	Chief Minister, Treasury and Economic Development Directorate
CO Act	Crimes (Controlled Operations) Act 2008 (ACT)
Commission	ACT Integrity Commission
CSD	Community Services Directorate
CYP Act	Children and Young People Act 2008 (ACT)
CYPS	Child and Youth Protection Services
Directorates	Administrative units of ACT Government business
Entities	Designated entities
FOI	Freedom of information
FOI Act	Freedom of Information Act 2016 (ACT)
IC Act	Integrity Commission Act 2018 (ACT)
JACS	Justice and Community Safety Directorate
JC Act	Judicial Commissions Act 1994 (ACT)
MLA	Member of the ACT Legislative Assembly
NPM	National Preventive Mechanism
Ombudsman Act	Ombudsman Act 1989 (ACT)
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
PID	Public Interest Disclosure

Acronym	Meaning
PID Act	<i>Public Interest Disclosure Act 2012</i> (ACT)
PLEO	Principal Law Enforcement Officer
PSOA	Person subject of allegation
RC	Reportable conduct
SACAT	Sexual Assault and Child Abuse Team (ACT Policing)
SD Act	<i>Crimes (Surveillance Devices) Act 2010</i> (ACT)
TIA Act	<i>Telecommunications (Interception and Access) Act 1979</i> (Cth)
WWVP	Working with Vulnerable People (Access Canberra)

