

ACT Ombudsman—Quarterly Report

A REPORT ON THE ACTIVITIES OF THE ACT OMBUDSMAN

1 OCTOBER TO 31 DECEMBER 2019

Report by the ACT Ombudsman
Michael Manthorpe PSM

REPORT NO. **1 | 2020**

Introduction from ACT Ombudsman

I am pleased to introduce the second quarterly report for the ACT Ombudsman for 2019–20.

This quarter, my Office has continued to focus on:

- ensuring the ACT community is aware of the services we provide
- overseeing and influencing improvements in public administration in the ACT
- working with ACT agencies to improve their complaint handling, Freedom of Information and Reportable Conduct processes.

This quarter saw the launch of a new ACT Ombudsman website on 1 October 2019, which will help improve the visibility and accessibility of our services. My Office also held our inaugural complaint handling workshop specifically for ACT government agencies. This program provides an open platform for engagement and sharing of experiences by frontline complaint handling staff within the ACT government.

Engagement with ACT Corrective Services (ACTCS) about the Alexander Maconochie Centre (AMC) remained a priority for my Office. In this quarter, we:

- signed a joint relationship protocol with other AMC oversight agencies outlining how we will work together to ensure effective oversight of the prison
- reached agreement on new assisted referral (complaint transfer) arrangements
- continued an own motion investigation into parole processes.

Together with other oversight agencies we have raised concerns about strip searching procedures at the AMC. I am pleased to see our concerns were acknowledged and some of the feedback we provided is being incorporated into proposed policy guidance. We will continue to closely monitor this issue together with our oversight colleagues.

My Office continues to encourage the ACT Directorates and agencies to comply with their Open Access obligations under the *Freedom of Information Act 2016*. This quarter, my Office finalised and commenced implementation of its Open Access monitoring strategy, which will see agencies' compliance monitored and formal audits considered where concerns are identified.

Under the Reportable Conduct Scheme, my Office continues to focus on improvements to entities' policies and practices that prevent and respond to risks to child safety in organisations. I acknowledge the work completed by the Education Directorate this quarter to establish policies and procedures and update its codes of conduct in response to an earlier investigation and recommendations made by my Office.

I expect to provide further advice regarding my new role as Inspector of the ACT Integrity Commission in the next quarter, with the Commission commencing full operations on 1 December 2019. Arrangements for ACT community members to make a complaint to the Inspector have also been implemented, and further liaison with the Commission regarding information exchange and reporting is underway.

We welcome feedback to the Office about our ACT Ombudsman activities and these quarterly reports, as we continue to explore the most effective ways to influence improvements in ACT public administration and make a positive difference for the people of Canberra. Feedback can be provided to Ms Cathy Milfull, Director of the ACT Strategy and FOI section at cathy.milfull@ombudsman.gov.au.

Michael Manthorpe PSM
ACT Ombudsman

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Part 1: OUR STRATEGY IN THE ACT

The role of the ACT Ombudsman is to influence systemic improvements in public administration in the ACT, as well as providing assurance that ACT government agencies within our jurisdiction act with fairness and integrity. We work with agencies to help ensure they provide accessible and effective complaint handling processes to the public.

This financial year we will continue to focus on improving the accessibility of the ACT Ombudsman's Office, building on the release of the ACT Ombudsman Facebook page, our separate ACT Ombudsman phone line (02 6276 3773) and the release of our updated ACT Ombudsman website on 1 October 2019.

Other priority areas for our Office for 2019–20 include:

- influencing positive improvement in public administration in the context of ACT Policing, Housing ACT and the Alexander Maconochie Centre (AMC)
- working more closely with ACT Government to improve agency complaint handling
- promoting the objectives of the *Freedom of Information Act 2016* (the FOI Act)
- monitoring compliance of ACT agencies with the Open Access Information Scheme (OAIS)
- improving the awareness and practices of entities under the Reportable Conduct Scheme
- promoting information sharing related to the Reportable Conduct Scheme.

Part 2: COMPLAINT TRENDS

Complaints received

During this reporting period, as outlined in Figure 1, the Office received a total of **114 complaints**, 25.4 per cent less than last quarter:¹

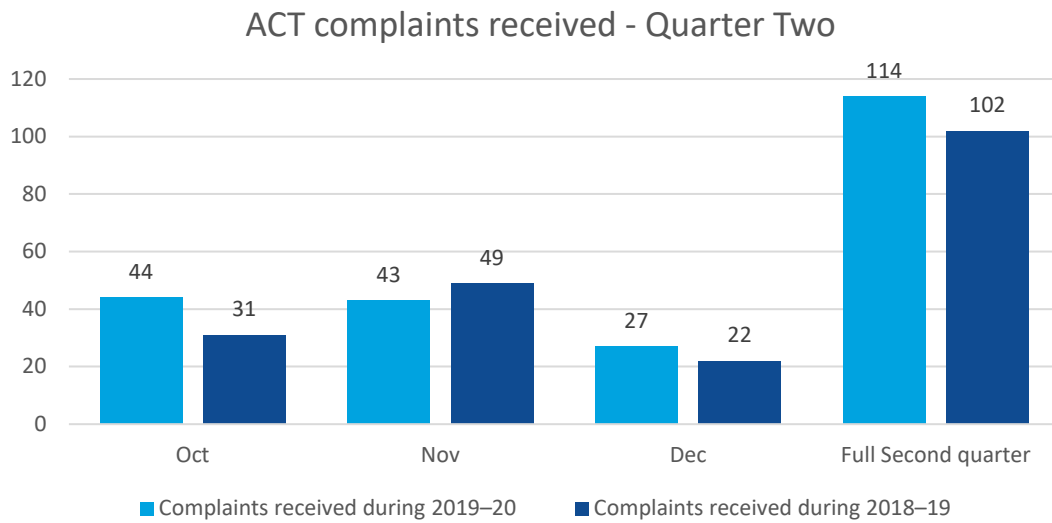
- **98 complaints** related to ACT agencies
- **16 complaints** related to ACT Policing.

Complaint numbers about ACT agencies have decreased by 28.6 per cent compared to last quarter, while complaint levels about ACT Policing remained largely stable. This is, however, not unexpected with lower volumes of complaints traditionally received at the end of the calendar year.

As reflected in Figure 1, complaint levels still remain approximately 12 per cent higher than for the same period last financial year.

¹ The above are complaint figures only. They do not include other contacts to our Office from the ACT community, such as enquiries that are identified as out of jurisdiction. These additional contacts have traditionally been recorded, on a yearly basis only, in the Commonwealth Ombudsman annual report. We have commenced recording these separately and will be continuing to build our capability to provide comprehensive reporting in this area—see ACT enquiries below.

Figure 1—ACT complaints received during the second quarter of 2019–20, compared to last financial year



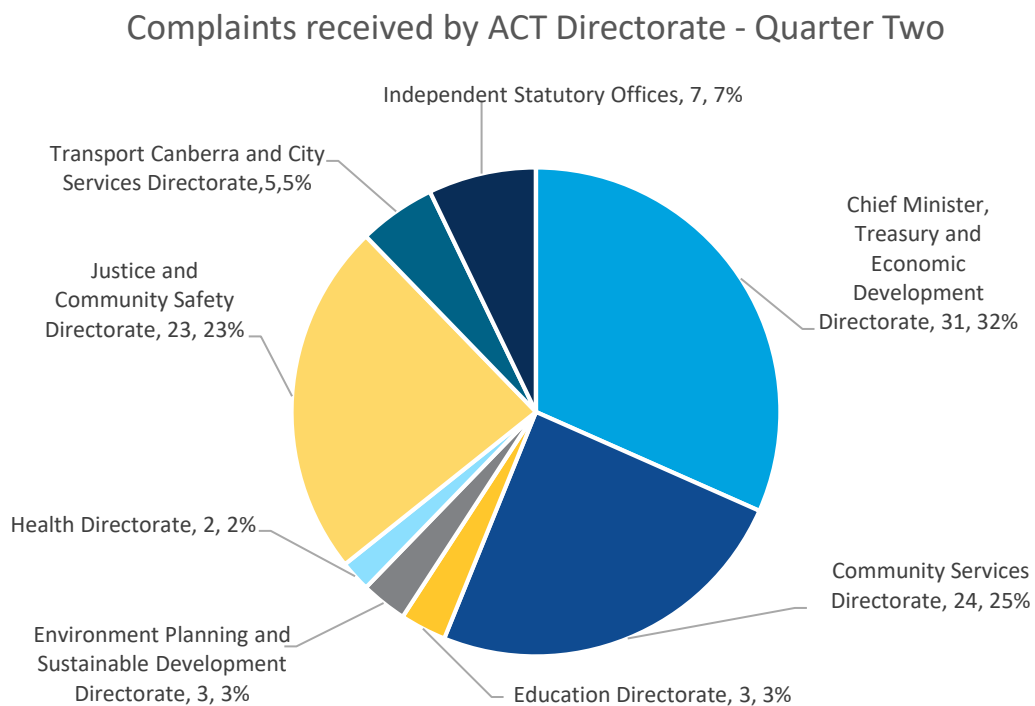
Complaints about ACT agencies

Figure 2 provides a breakdown of the **98 complaints** made about ACT agencies by Directorate.

This quarter, the agency with the highest number of complaints was the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) with 31, followed by Community Services Directorate (CSD) with 24.

We received 23 complaints about the Justice and Community Safety Directorate (JACS), a decrease from 36 received in the last quarter.

Figure 2—ACT complaints received during the second quarter of 2019–20 by ACT Directorate



In terms of individual agencies, as opposed to Directorates, the largest number of complaints received this quarter were about:

- Access Canberra—21 complaints
- ACT Corrective Services (ACTCS)—21 complaints
- Housing ACT—21 complaints.

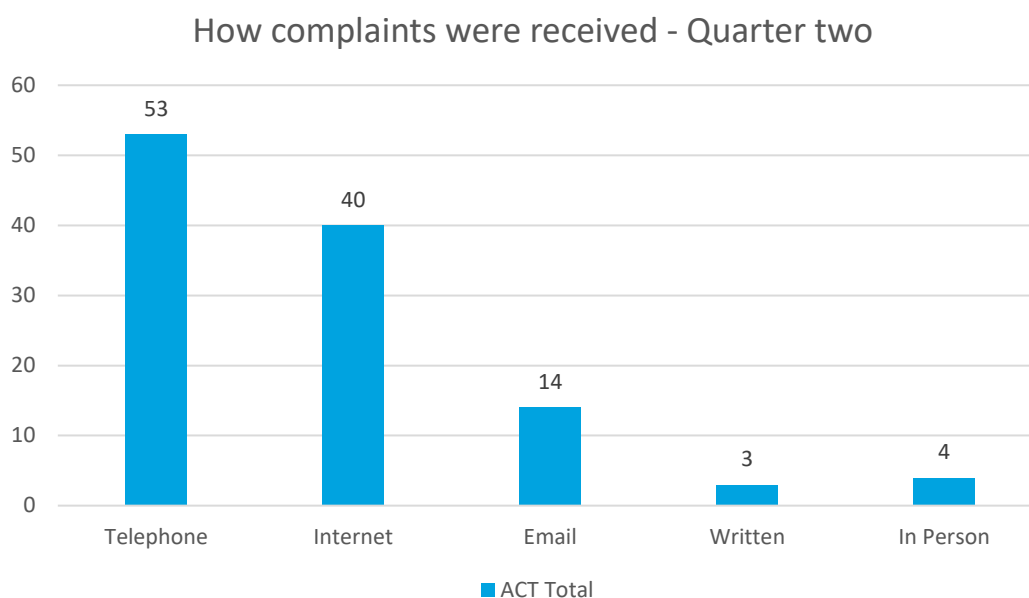
A more detailed table indicating complaints received by individual ACT agencies is at **Appendix A**.

How complaints were received

Figure 3 below shows the telephone is still the preferred method for contacting our Office. However this method has decreased from last quarter at 52 per cent to 46 per cent in this quarter. The use of our web based smart form has increased, at 23 per cent, up from 35 per cent last quarter.

Most of the complaints made in person are a result of our outreach activities.

Figure 3—How ACT complaints were made during the second quarter of 2019–20



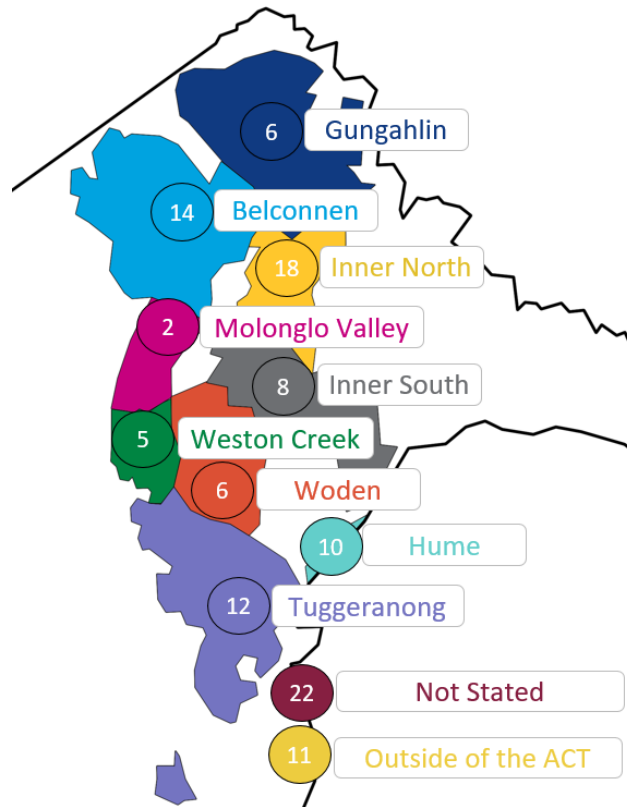
Locations where we received complaints from

Figure 4 provides a breakdown of the **114 complaints** made about ACT agencies and ACT Policing by ACT district.

This quarter, the highest number of complaints (18) were received from the Inner North, followed by Belconnen with 14 complaints.

We received 22 complaints from people that did not state their suburb, and 11 complaints from outside of the ACT.

Figure 4—Where ACT complaints were made from during the second quarter of 2019–20 by ACT District



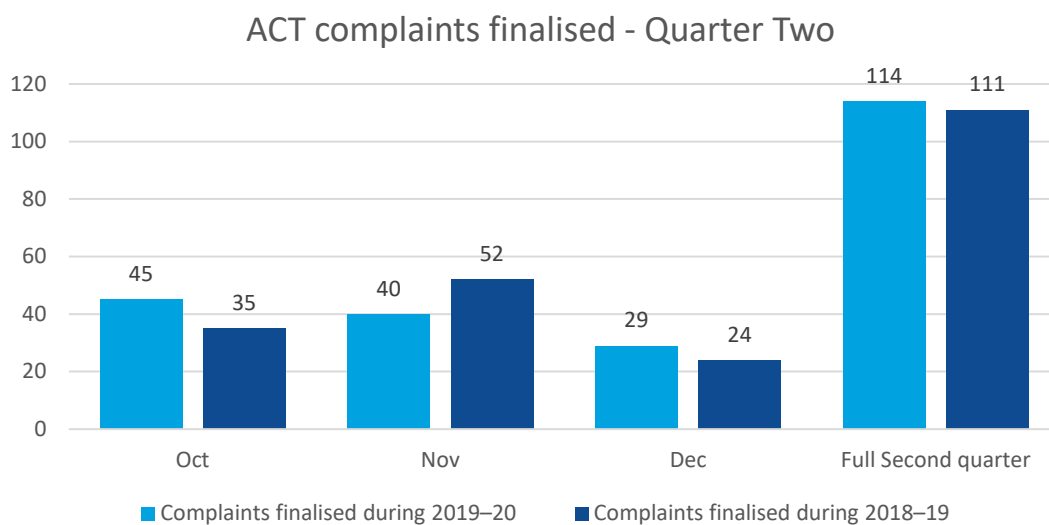
Complaints finalised

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

As outlined in Figure 5, the Office finalised **114 complaints** during this quarter. This included:

- **96 complaints** related to ACT government agencies
- **18 complaints** related to ACT Policing matters.

Figure 5—ACT complaints finalised during the second quarter of 2019–20, compared to last financial year



Every complaint is assessed to see if it can be resolved quickly, or whether a more formal investigation is warranted. Our renewed focus on early resolution provides a better service for complainants.

A number of factors determine how we deal with a complaint, including whether:

- the agency concerned had an opportunity to resolve the complaint or an internal review pathway exists
- another oversight body or a tribunal could provide a better outcome
- a reasonable outcome is available for the complainant.

Positive outcomes for complainants can be achieved with or without a full investigation, such as where we can give a better explanation to the person, based on our knowledge of processes within Directorates and agencies.

An example of a positive outcome achieved this quarter, without an investigation, was where an ACT resident contacted our Office because they had been informed their vehicle was illegally parked on territory land. Our Office made preliminary inquiries with the relevant agency to determine the status of the complaint. In response, the agency investigated the complainant's concerns, contacted the complainant and apologised for the initial incident, and how their complaint had been handled. It advised our Office that it has since initiated new procedures to ensure complaints are dealt with in a timely manner.

Outcomes achieved for investigated complaints

The table at **Appendix B** provides outcomes resulting from investigations finalised this quarter, by ACT government agency. More than one outcome can be achieved per complaint investigation.

The outcomes achieved this quarter included:

- the Ombudsman being able to provide a better explanation to the complainant in nine cases
- a better explanation being provided by the agency in three cases
- the action being expedited in two cases
- a decision being changed or reconsidered in one case
- a remedy being provided by the agency in one case
- a change to a law, policy or procedure in one case

An example of a positive outcome achieved this quarter, with an investigation, was where an ACT resident contacted our Office because of maintenance problems with their public housing property (including water leakage, mould, a broken window and a stove not working). The complainant had already made several complaints to the relevant agency and their service provider. Following our investigation, the relevant agency expedited and acted on the complainant's maintenance requests. The complainant thanked our Office for the courteous and professional way we had dealt with their complaint.

Another investigation finalised this quarter involved the increase of the unimproved value for a commercial property. During the course of our investigation and a related inquiry into commercial rates by the ACT Legislative Assembly, the property owner received a revised, reduced valuation for their property and some positive changes were also made to the ACT Revenue Office website providing greater transparency around how valuations and rates are determined. The availability of individual reasons provided to property owners —particularly where there is a significant increase in the value determined for their property in contrast to local property trends, remains an issue our Office will continue to monitor.

ACT enquiries

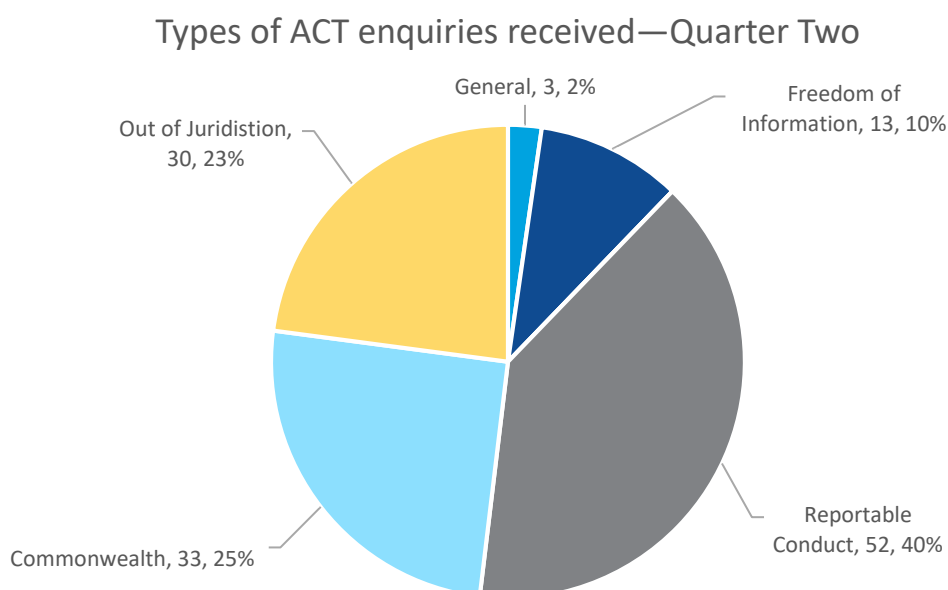
With the introduction of the separate ACT Ombudsman phone line, our Office has commenced reporting on additional enquiries (other than complaints) made to our Office by the ACT community, including about matters that fall outside of our jurisdiction. As noted above, these have previously been reported annually, as part of the Commonwealth Ombudsman annual report.

We received **131 enquiries** to the ACT Ombudsman via our phone line and electronically this reporting period. Of these:

- 3 were general enquiries related to the work of the ACT Ombudsman
- 33 were transferred to the Commonwealth Ombudsman
- 30 were out of jurisdiction for our Office
- 65 were related to program specific matters (e.g. FOI or Reportable Conduct).

Figure 6 provides a breakdown of the enquiries received by topic area.

Figure 6—Types of enquiries received by the ACT Ombudsman in the second quarter of 2019–20



Performance against service standards

As reported last quarter, our Office has new service standards in place from 1 July 2019.² These standards apply to complaints we receive about government agencies whether Australian government or ACT government.

Consistent with these standards, we aim to resolve about 60 percent of all government complaints within 7 days. We have, however, identified that the ACT complaint cohort is significantly different in terms of complexity and diversity.

This quarter, approximately 40 per cent of complaints about ACT government agencies were simple and able to be closed within 7 days, with approximately 80 per cent of complaints finalised in 30 days. All our ACT complaints were finalised in 12 months as expected.

As a result, we are considering developing separate service standards to give added transparency and certainty to the work we do in the ACT. We also continue to explore ways to deliver efficiencies in complaints management, while ensuring we provide the ACT community with appropriate levels of service where complex complaints are made.

We will also aim to provide further reporting on our management of broader ACT enquiries to our Office for future reporting periods.

New and ongoing complaint trends

In this quarter, Access Canberra, ACTCS and Housing ACT received the highest number of complaints with **21 complaints** each.

Complaints about **ACTCS** (21) did, however, decrease from the previous quarter (35 complaints).

The complaints received continue to cover a wide range of issues including:

- the conduct of searches—both strip searches and cell searches
- access to visits
- staff conduct
- unfair decisions
- access to medical treatment
- segregation practices
- missing property and/or treatment of personal property.

We also received a small number of complaints about issues associated with the emergency lock down of the AMC in response to a security threat in early November 2019. The prison was in lock down for a total of six days, during which time ACTCS kept oversight agencies informed. Our Office attended a special de-briefing on the lock down by the ACTCS Executive Director. We understand the vast majority of detainees understood the context for the lock down and were compliant with the unprecedented situation.

² For more information about complaint service standard see:
<https://www.ombudsman.act.gov.au/making-a-complaint/what-we-do-with-your-complaint>.

Complaints about **Access Canberra** covered a broad range of issues including:

- licencing issues
- working with vulnerable people registration practices
- parking and traffic infringement notices.

The number of complaints about **Housing ACT** (21) increased this quarter, up from 12 complaints in the previous quarter. The complaints related to similar issues to those raised previously including:

- anti-social behaviour and neighbourhood disputes
- poor and delayed responses to requests for maintenance
- debt and refund issues.

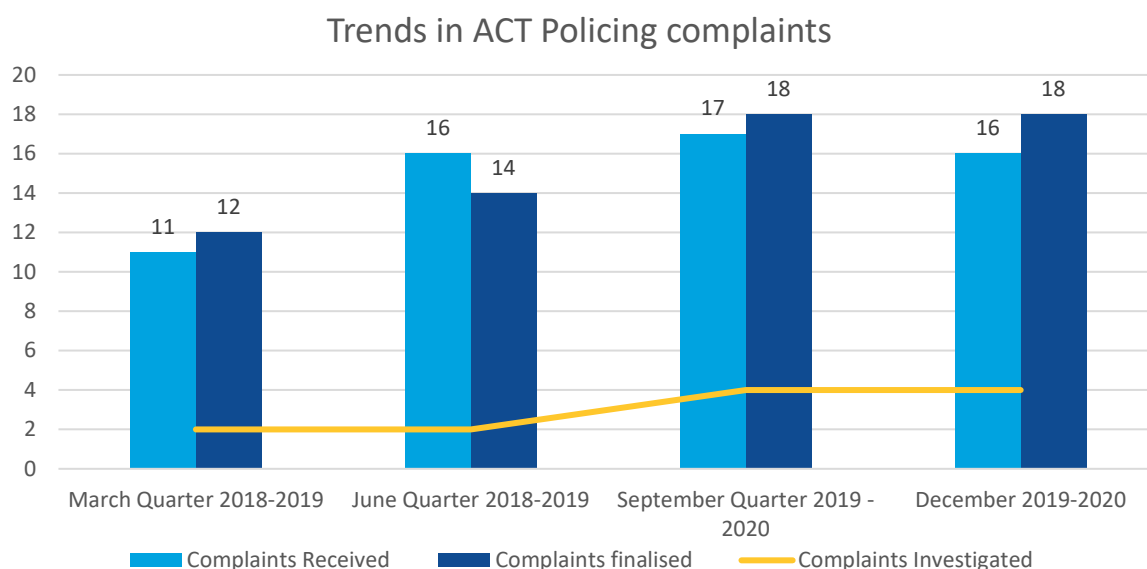
Part 3: ACT POLICING

The Ombudsman is able to investigate complaints made about ACT Policing. As noted above, this quarter we received **16 complaints** about ACT Policing, and finalised **18 complaints**. Of those complaints finalised, 22 per cent were investigated.

The complaints investigated related to delay in progressing an investigation, records management issues, customer service and arrest issues respectively. A better explanation was provided to the complaint in three of these matters. The Ombudsman provided suggestions to the Australian Federal Police in terms of the timeliness of investigations and contact with complainants.

Figure 7 shows the trends in ACT Policing complaints received and finalised over the last four quarters.

Figure 7—Trends in ACT Policing complaints over the period 1 March to 31 December 2019



We are also responsible for inspecting ACT Policing records relating to their use of certain covert and intrusive powers under ACT legislation.

Two inspections (one on Surveillance Devices and one on Controlled Operations) were conducted during this reporting period. The next scheduled inspections will occur in March and June 2020.

Part 4: ACT COMMUNITY OUTREACH ACTIVITIES

The Office continues to engage with the ACT community, targeting our outreach activities for maximum impact under our ACT engagement plan.

Most of our outreach activities this quarter were focused on raising awareness about our updated ACT Ombudsman website which was released on 1 October 2019. We will continue to work with the ACT community to improve the site and make it a valuable resource. We will seek feedback to ensure the website is engaging, accessible and includes useful information about our Office and the programs we monitor, including the ACT Reportable Conduct Scheme and the FOI Act.

The ACT Ombudsman has a range of brochures, guidelines and fact sheets available, both printed and online. We have had our most popular brochure translated into 22 community languages and made it available to community organisations and at our stalls at community events.

This quarter our staff attended:

- a meeting of the ACT Joint Advisory Council Chairs
- a Justice Reform Group meeting at the Women’s Centre for Health Matters, which included a discussion with the Judge of the new Drug and Alcohol Court
- a 15th birthday event for Catholic Care’s Sobering Up Shelter, including a tour of the facility which provides overnight support, care and monitoring of people over the age of 18 recovering from alcohol and/or drug intoxication.

The Office also held stalls at the Mental Health and Wellbeing Expo, Canberra Fair Day and Annual Comorbidity Interagency Day, to raise awareness about our services.

Outreach to ACT Aboriginal and Torres Strait Islander communities continued in this quarter. We met with representatives from:

- Tjabal Centre for Indigenous students at the Australian National University
- Tjillari Justice Aboriginal Corporation, Yeddung Mura Aboriginal Corporation and the Yurauna Centre at the Canberra Institute of Technology.

Part 5: AGENCY ENGAGEMENT

The Ombudsman met with a range of agency heads to discuss strategic issues and priorities including:

- CEO of the ACT Integrity Commission
- ACT Auditor-General
- Head of Service and Director-General of CMTEDD
- ACT Human Rights Commissioner
- ACT government Director-Generals

The Ombudsman and other staff also attended the National Conference of Inspectors and Parliamentary Commissioners to gain a greater understanding of our new role as Inspector of the ACT Integrity Commission, including the challenges faced by other inspectorates.

In December 2019, the Office held its inaugural complaint handling workshop for ACT government agencies. The workshop was well attended with 26 participants and 9 agencies represented.

Feedback from the workshop was positive, with participants stating it enhanced their knowledge about best practice complaint handling techniques and was an opportunity to share experiences and ideas. One attendee advised that:

I enjoyed the workshop immensely. I found the subject matter fascinating and the structure of the day and content really easy to follow. Having participants from across ACT Public Service also enriched the experience with different perspectives and experiences.

I was particularly impressed with the presenters, they were all excellent. I found their real anecdotes from their experience in the field valuable and I thought each presenter brought their own value and style to the day. The whole day also ran really smoothly and was super well organised. I've already mentioned the workshop to others in my work area as something that's really useful and interesting.

This quarter our staff also met with:

- Access Canberra to discuss our respective roles, complaint trends and ways to ensure complaints processes across the ACT are more consistent and integrated
- Transport Canberra and City Services Directorate (TCCS) to discuss FOI matters and the management of dangerous dogs
- JACS (Social Justice team), ACT Health and ACT Child and Youth Protection Services, to discuss engagement with ACT Aboriginal and Torres Strait Islander communities.

In relation to our AMC oversight, we attended:

- a Ministerial round table with service providers, peak bodies, advocacy agencies and oversight agencies about women detainees at AMC, organised by the Hon Shane Rattenbury MLA, Minister for Corrections. Our Office has since been invited to join a Women in Custody Reference Group
- briefings on the *Healthy Prison Review*,³ conducted by the ACT Inspector of Correctional Services
- our regular meetings with ACTCS, Official Visitors, the ACT Human Rights Commission and the Inspector of Custodial Services to ensure appropriate coordination of the oversight of the AMC.

Our relationship with other AMC oversight agencies will be strengthened following the development of a joint protocol agreed by all agencies in October 2019. This is available on our website.⁴

The protocol outlines:

- the role of the various AMC oversight agencies and the role of the Official Visitors
- the legislation they operate under
- the principles underpinning the relationship between these agencies
- how the agencies and the Official Visitors will engage and work together
- how information will be referred between individual agencies, as well as with the Official Visitors.

³ https://www.ics.act.gov.au/_data/assets/pdf_file/0011/1463681/10606R-ACT-ICS-Healthy-Prison-Review-Nov-2019_FA-TAGGED.pdf

⁴ https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0019/109621/Relationship-Protocol-between-agencies-responsible-for-the-oversight-of-the-Alexander-Maconochie-Centre.pdf

Part 6: REPORTABLE CONDUCT

Notifications received

This quarter, the Office received **62 initial notifications** from entities about allegations of reportable conduct, with fourteen of these also being notified to ACT Policing.

As outlined in Figure 8, this is a 41 per cent increase in reporting, compared to the same quarter in the 2018–19 financial year. It is also an increase on the previous quarter (45 notifications, 38 per cent increase).

The reason for this increase is not clear and no particular patterns were evident. The notifications can fluctuate quite widely on a monthly and quarterly basis. For the financial year to date, notifications are up 10 per cent on the same period in the previous year.

Figure 8—Reports received in the second quarter of 2019–20, compared to previous financial year

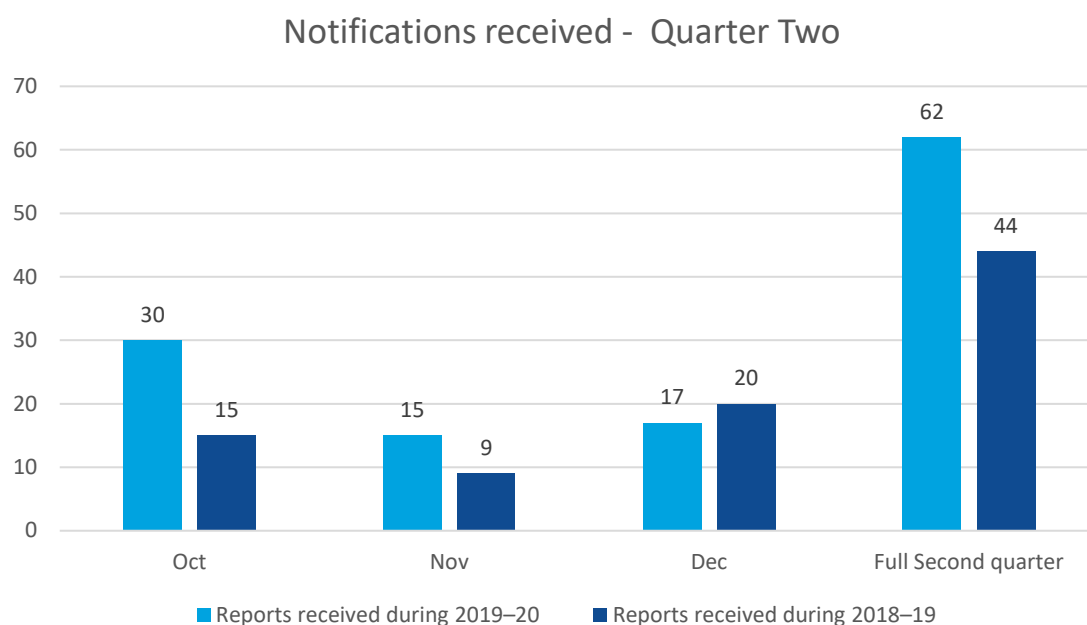
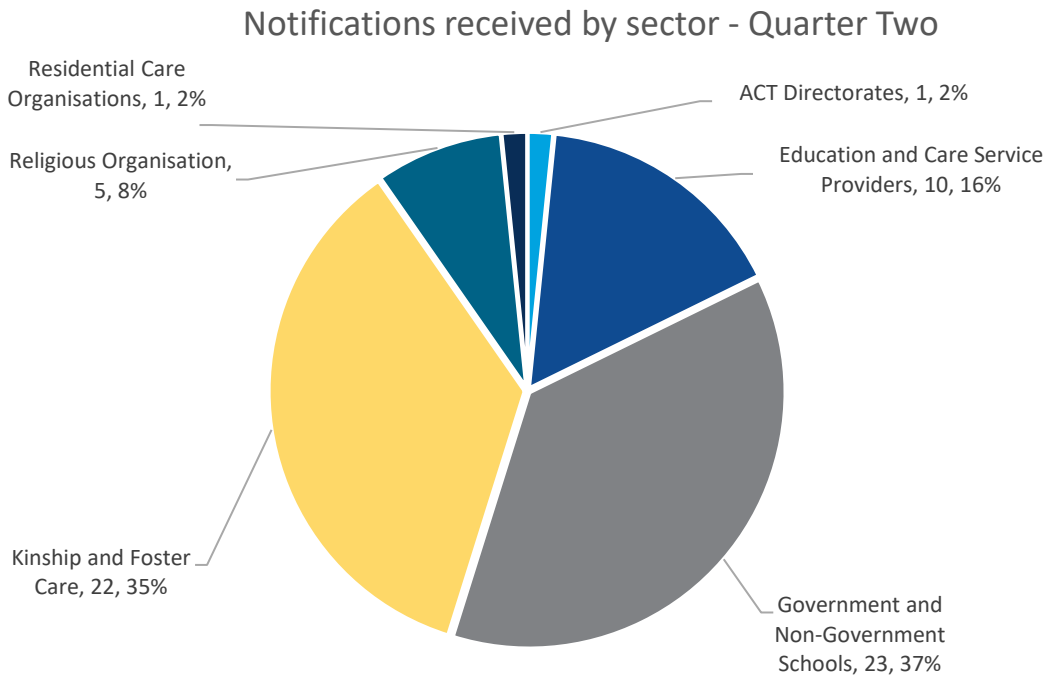


Figure 9 outlines the number of notifications received this quarter, by sector.

The largest number of notifications received were from government and non-government schools (23 reports) followed closely by the kinship and foster care sector (22 reports). As a percentage, this is consistent with previous quarters.

There was an increase in the religious sector (up from one to five reports or 2 per cent to 8 per cent) and decrease in the early education and care sector (down from 11 to 10 reports or 25 per cent to 16 per cent).

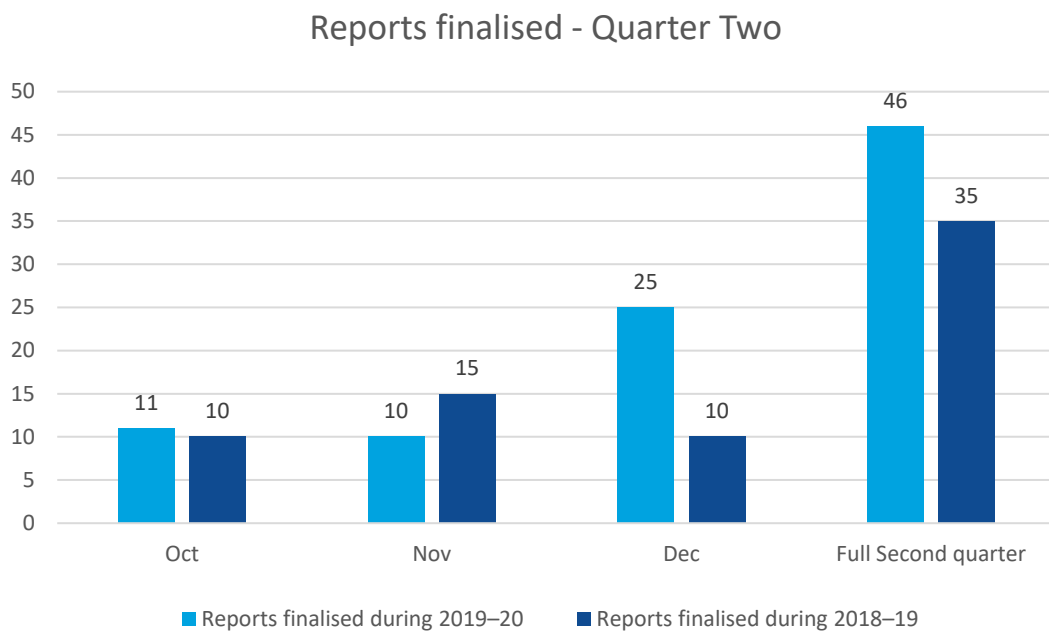
Figure 9—Notifications received in the second quarter of 2019–20 by sector.



Reports finalised

In this quarter, as outlined in Figure 10, the Office finalised **46 matters**—a 31 per cent increase in finalised cases compared to the same quarter for the previous financial year, but consistent with the previous quarter.

Figure 10—Reports finalised in the second quarter of 2019–20, compared to previous financial year



After notifying the Office of a reportable conduct allegation, an organisation must update the Ombudsman on the outcome of its investigation and what action it has taken as a result. Figures 11 and 12 summarise the outcomes for each allegation and the actions taken by organisations, as provided to us in reports finalised this quarter.⁵

Figure 11—Outcomes reported by organisations—finalised investigations in the second quarter of 2019–20

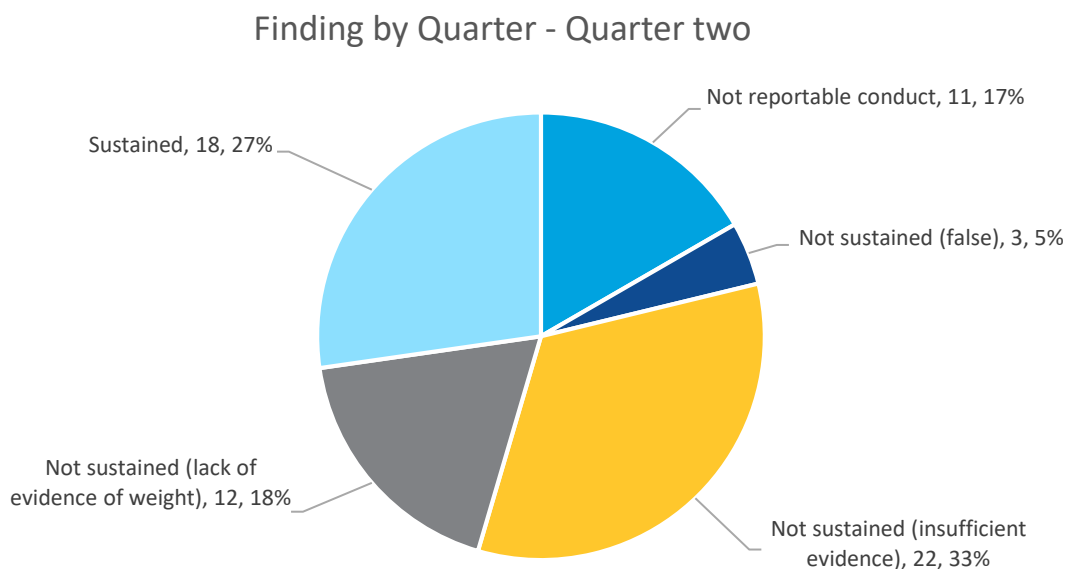
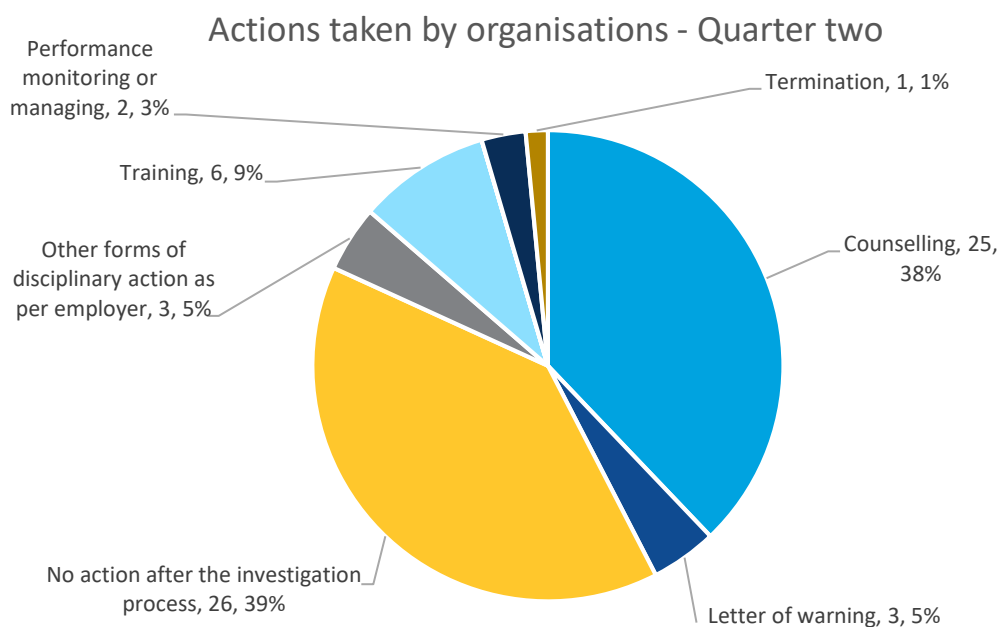


Figure 12—Actions taken by organisations—finalised in the second quarter of 2019–20⁶



⁵ A notification may contain multiple allegations.

⁶ The other forms of disciplinary actions employers can take include mediation, mentoring, restorative action, demotion, reclassification of duties, and increased case management activities (for carers).

Performance against service standards

As reported last quarter, our Office has established service standards from 1 July 2019.⁷

This quarter we exceeded these standards with approximately:

- 95 percent of initial assessments on s 17G notifications completed in 7 days, and
- 83 per cent of 17J reports assessed within 28 days.

When we receive a new notification from an organisation about an allegation of reportable conduct (s 17G notification), we assess the initial response by the organisation, against criteria such as its reporting to other bodies, its risk assessment and investigation plan. This allows the organisation to take into account our feedback during its investigation. We aim to do this within seven days in 80 per cent of cases.

When we receive a final report from an organisation following its investigation into reportable conduct allegations (s 17J report), we consider whether there was a proper investigation and appropriate action taken, and whether we need further information from the organisation. This gives the organisation reasonable opportunity to act on our feedback or provide further information. We aim to complete this within 28 days in 80 per cent of cases.

Engagement and monitoring activities

In November 2019, the Office hosted its second practitioners' forum for religious bodies under the scheme. Attendees heard from CSD about making and responding to child concern reports and from ACT Policing on reporting to and assisting its responses to criminal allegations within organisations. Participants also agreed to share practice material with other religious organisations.

We delivered two free information sessions. These are open to representatives of any organisation under the scheme, and set out requirements and the expectations on organisations. Attendees continue to indicate high levels of satisfaction with these sessions.

In December 2019, the Education Directorate advised the Office it had established policy and procedures for reportable conduct and in doing so addressed many of the recommendations made in our October 2018 report following our investigation into its response to a reportable conduct allegation⁸. The Directorate also reported that it had revised and updated its codes of conduct to reflect reportable conduct. The Office provided substantial feedback on these documents and we maintain a close working relationship with the Directorate. We are encouraging the Directorate to share its policies and experiences with other ACT agencies, helping to improve consistency of responses to reportable conduct matters across the ACT Government.

⁷ For further information about Reportable Conduct service standards

see: <https://www.ombudsman.act.gov.au/improving-the-act/reportable-conduct>

⁸ https://www.ombudsman.act.gov.au/data/assets/pdf_file/0032/89564/Public-Statement-about-a-reportable-conduct-investigation.pdf

This quarter staff from the Office:

- attended the Bimberi oversight group, convened by CSD
- attended the Children and Young People Oversight Agencies Group convened by the Public Advocate and the Children & Young People Commissioner
- maintained our regular liaison with Barnardos, the Education Directorate, Senior Practitioner, CMTEDD, the Public Advocate and Children & Young People Commissioner.

Part 7: FREEDOM OF INFORMATION (FOI)

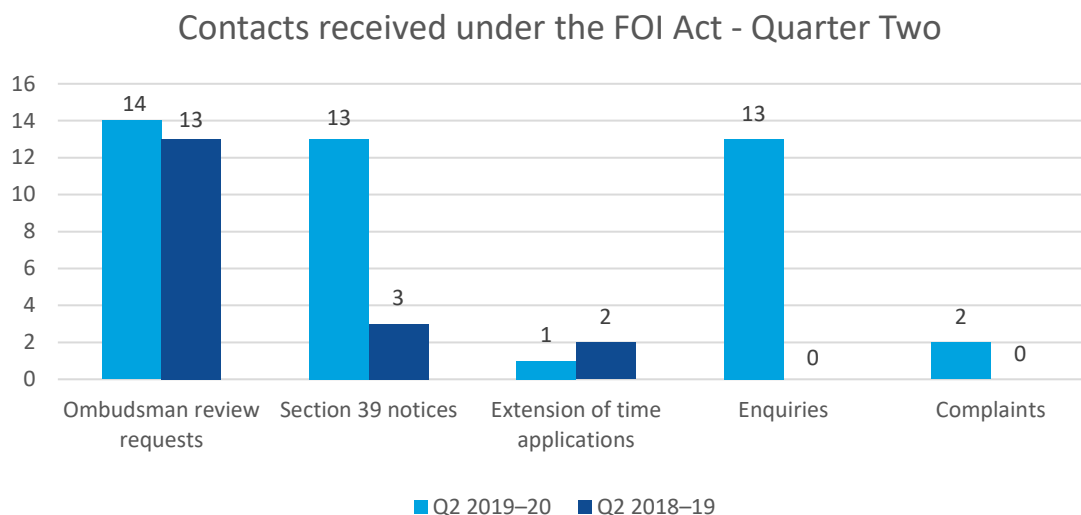
FOI contacts received

As outlined in Figure 13, the Office received **43 contacts** relating to our role under the FOI Act during the first quarter of 2019–20, which is an increase on the 30 contacts received in the previous quarter.

This comprised of:

- 14 applications for Ombudsman review
- 13 section 39 notices (notices given to the Ombudsman to advise that a decision on an access application was not made in time)
- one extension of time request
- 13 enquiries
- two complaints.

Figure 13—Contacts received under the FOI Act in the second quarter of 2019–20, compared to the second quarter of 2018–19



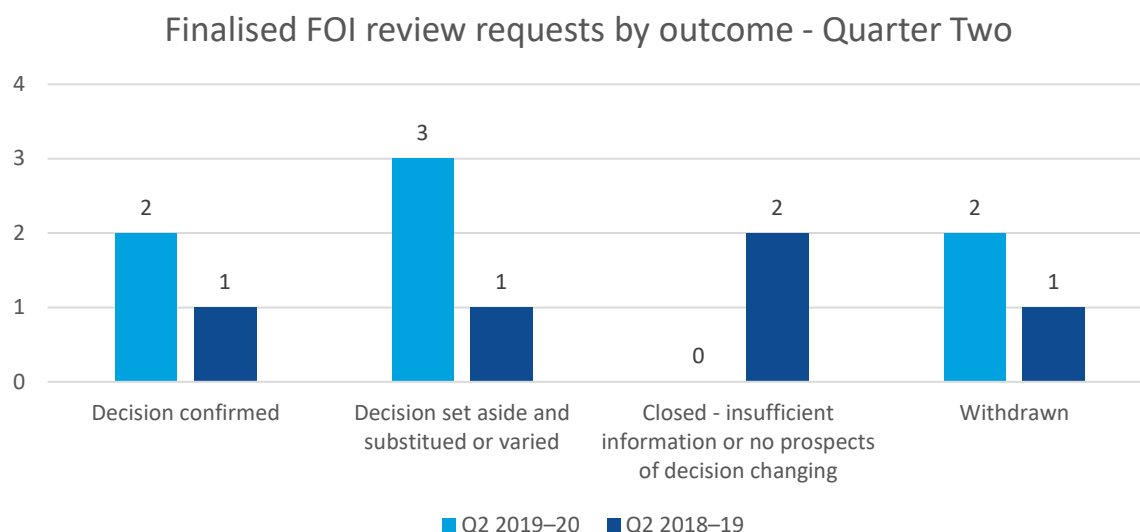
Finalised FOI reviews

As shown in Figure 14, the Office finalised **7 Ombudsman reviews** this quarter.

The outcomes of these reviews were to:

- confirm the original decision in two cases
- vary the original decision in three cases
- two matters were withdrawn following informal resolution activities.

Figure 14—FOI review requests finalised in the second quarter of 2019–20, compared to the second quarter of 2018–19



Performance against service standards

As reported last quarter, our Office has established service standards from 1 July 2019.⁹

This quarter, we exceeded these standards with:

- 50 percent of FOI review matters finalised within 6 weeks
- 83 per cent finalised in 12 weeks, and
- 100 per cent finalised in six months.

FOI review matters can be finalised in six weeks where informal resolution is successful. Where a formal decision is required, matters are expected to take 12 weeks to finalise, however, complex matters can take longer. Timeframes may also be delayed where agencies are slow to provide copies of relevant documentation to enable a review to commence.

Wherever possible, we continue to focus on informal reviews. This approach has resulted in cases being resolved ahead of a formal decision, reducing the overall timeframe for our review.

Published decisions

At 31 December 2019, we have published **32 decisions** on the ACT Ombudsman website.¹⁰

Five of these decisions were published during this reporting period. These decisions provide agencies and applicants with guidance on the FOI Act, including the application of the public interest test.

⁹ For more information on Freedom of Information service standards see: <https://www.ombudsman.act.gov.au/improving-the-act/freedom-of-information/foi-complaints-and-reviews>

¹⁰ See <http://www.ombudsman.act.gov.au/improving-the-act/freedom-of-information/foi-review-decisions>

Guidelines project

A priority for our Office in 2019–20 has been the development of a set of FOI Guidelines to assist agencies to implement and improve their processes under the FOI Act.

Updated versions of the first two guidelines on the topics *Open Access Information* (Guideline 1)¹¹ and *Dealing with informal requests for government information* (Guideline 2)¹² are now available on the ACT Ombudsman website. These guidelines were developed in consultation with ACT government agencies, information commissioners from across Australia, and FOI specialists.

Development of four other guidelines has progressed during this reporting period. Formal consultation has ended on draft guidelines *Dealing with access applications* (Guideline 3)¹³ and *Considering the public interest* (Guideline 4)¹⁴, with final draft versions to be published on our website shortly.

Informal feedback has been received from agencies on a further two guidelines on *Amending personal information* (Guideline 5) and *Ombudsman reviews* (Guideline 6). The formal consultation period will commence shortly.

A total of six guidelines will be developed, with the intention that they be published as a complete set of notifiable instruments in March 2020.

Open Access monitoring strategy

In this quarter, our Office finalised its approach to monitoring ACT government agencies' compliance with their Open Access obligations under Part 4 of the FOI Act.

The objectives of our compliance monitoring strategy are to help ensure that each ACT agency:

- publishes information in the specified categories, or explain their reasons not to publish where required
- publishes the information in an accessible manner
- keeps published information up-to-date and complete.

We have adopted a phased approach to monitoring compliance with Open Access. Implementation of phase one of this strategy also commenced in this quarter with agencies being asked to complete an Open Access Information Scheme (OAIS) self-assessment checklist, which is included in our FOI Guideline.

In the next phase, we will be analysing agency responses, conducting desktop audits of ACT Directorates and providing feedback.

More information on the outcomes of phase one of these monitoring activities will be provided in the next quarterly report.

¹¹ See http://www.ombudsman.act.gov.au/_data/assets/pdf_file/0022/106735/1.-Ombudsman-Guidelines-Open-Access-Information-September-2019-A1843367.pdf

¹² See http://www.ombudsman.act.gov.au/_data/assets/pdf_file/0023/106736/2.-Ombudsman-Guidelines-Informal-Requests-for-Government-Information-September-2019-A1843369.pdf

¹³ See https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0020/109064/Draft-Ombudsman-Guidelines-Dealing-with-access-applications.pdf

¹⁴ See https://www.ombudsman.act.gov.au/_data/assets/pdf_file/0019/109063/Draft-Ombudsman-Guidelines-Considering-the-public-interest.pdf

APPENDIX A

Complaints received by Directorate and agency for the first quarter of 2019-20

Directorate/Agency	Total received	Total finalised	Finalised with investigation	Finalised without investigation
Chief Minister, Treasury and Economic Development Directorate	31	34	4	30
Access Canberra	21	20	3	17
ACT Revenue Office	4	6	1	5
Canberra Institute of Technology	2	2	-	2
Canberra Institute of Technology - International	1	1	-	1
University of Canberra	2	3	-	3
University of Canberra - International	-	-	-	-
Chief Minister, Treasury and Economic Development - other	1	2	-	2
Community Services Directorate	24	20	2	18
Housing ACT	21	18	2	16
Community Services - other	3	2	-	2
Education Directorate	3	3	-	3
Environment Planning and Sustainable Development Directorate	3	2	1	1
Health Directorate	2	3	-	3
Justice and Community Safety Directorate	23	21	4	17
ACT Corrective Services	21	18	3	15
ACT Emergency Services Agency	1	-	-	-
Justice and Community Safety - other	1	3	1	2
Transport Canberra and City Services Directorate	5	5	-	5
ACTION Bus	-	-	-	-
Transport Canberra and City Services - other	5	5	-	5

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Directorate/Agency	Total received	Total finalised	Finalised with investigation	Finalised without investigation
Independent statutory offices	7	8	-	8
ACT Court or Tribunal	2	2	-	2
ACT Human Rights Commission	1	3	-	3
Director of Public Prosecutions	-	-	-	-
Legal Aid ACT	2	1	-	1
Public Trustee and Guardian for the ACT	2	2	-	2
Prescribed authorities	-	-	-	-
ACT Law Society	-	-	-	-
Territory-owned corporations	-	-	-	-
ACT Long Service Leave Authority	-	-	-	-
Icon Water	-	-	-	-
Total ACT Government	98	96	11	85
ACT Policing	16	18	4	14
Total ACT	114	114	15	99

APPENDIX B

Outcomes of finalised complaint investigations by agency and outcome for second quarter of 2019-20

Directorate or agency	Investigations finalised	No remedy	Action expedited	Apology	Change to law, policy or practice	Decision changed or reconsidered	Better explanation by Ombudsman	Better explanation by agency	Agency officer counselled/disciplined	Remedy provided by agency	Penalty waived or reduced	Total positive remedies achieved
Chief Minister, Treasury and Economic Development Directorate	4	-	-	-	-	1	4	1	-	-	-	6
Access Canberra	3	-	-	-	-	-	3	-	-	-	-	3
ACT Revenue Office	1	-	-	-	-	1	1	1	-	-	-	3
Canberra Institute of Technology	-	-	-	-	-	-	-	-	-	-	-	-
Canberra Institute of Technology - International	-	-	-	-	-	-	-	-	-	-	-	-
University of Canberra	-	-	-	-	-	-	-	-	-	-	-	-
University of Canberra - International	-	-	-	-	-	-	-	-	-	-	-	-
Chief Minister, Treasury and Economic Development	-	-	-	-	-	-	-	-	-	-	-	-
Community Services Directorate	2	-	2	-	-	-	1	2	-	1	-	6
Housing ACT	2	-	2	-	-	-	1	2	-	1	-	6
Community Services - other	-	-	-	-	-	-	-	-	-	-	-	-
Education Directorate	-	-	-	-	-	-	-	-	-	-	-	-
Environment Planning and Sustainable Development Directorate	1	-	-	-	-	-	1	-	-	-	-	1
Health Directorate	-	-	-	-	-	-	-	-	-	-	-	-
Justice and Community Safety Directorate	4	-	-	-	1	-	3	-	-	-	-	4
ACT Corrective Services	3	-	-	-	1	-	2	-	-	-	-	3
ACT Emergency Services Agency	-	-	-	-	-	-	-	-	-	-	-	-
Justice and Community Safety – other	1	-	-	-	-	-	1	-	-	-	-	1

Directorate or agency	Investigations finalised	No remedy	Action expedited	Apology	Change to law, policy or practice	Decision changed or reconsidered	Better explanation by Ombudsman	Better explanation by agency	Agency officer counselled/disciplined	Remedy provided by agency	Penalty waived or reduced	Total positive remedies achieved
Transport Canberra and City Services Directorate	-	-	-	-	-	-	-	-	-	-	-	-
ACTION Bus	-	-	-	-	-	-	-	-	-	-	-	-
Transport Canberra and City Services - other	-	-	-	-	-	-	-	-	-	-	-	-
Independent statutory offices	-	-	-	-	-	-	-	-	-	-	-	-
ACT Court or Tribunal	-	-	-	-	-	-	-	-	-	-	-	-
ACT Human Rights Commission	-	-	-	-	-	-	-	-	-	-	-	-
Director of Public Prosecutions	-	-	-	-	-	-	-	-	-	-	-	-
Legal Aid ACT	-	-	-	-	-	-	-	-	-	-	-	-
Public Trustee and Guardian for the ACT	-	-	-	-	-	-	-	-	-	-	-	-
Prescribed authorities	-	-	-	-	-	-	-	-	-	-	-	-
ACT Law Society	-	-	-	-	-	-	-	-	-	-	-	-
Territory-owned corporations	-	-	-	-	-	-	-	-	-	-	-	-
ACT Long Service Leave Authority	-	-	-	-	-	-	-	-	-	-	-	-
ICON Water	-	-	-	-	-	-	-	-	-	-	-	-
Total ACT Government	11	-	2	-	1	1	9	3	-	1	-	17
ACT Policing	4	1	-	-	-	-	2	-	-	-	-	2
Total ACT	15	1	2	-	1	1	11	3	-	1	-	19