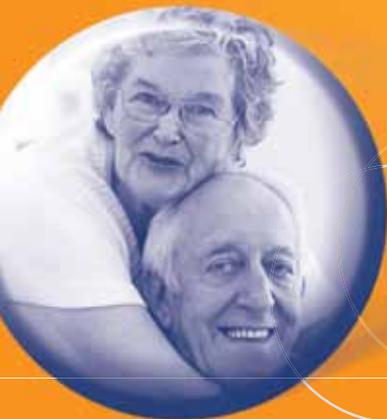




Australian Capital Territory

OMBUDSMAN



ANNUAL REPORT

2010-2011



2010-2011

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20 September 2011

Mr Simon Corbell MLA
Attorney-General
Australian Capital Territory Legislative Assembly
London Circuit
CANBERRA ACT 2600

Dear Attorney-General

I am pleased to provide you with the twenty-second Australian Capital Territory (ACT) Ombudsman's annual report for tabling in the Legislative Assembly. The report covers the period 1 July 2010 to 30 June 2011.

This report has been prepared under subsection 6(1) of the *Annual Reports (Government Agencies) Act 2004* and in accordance with the requirements referred to in the Chief Minister's Annual Report Directions in as far as they relate to this office. It has been prepared in conformity with other legislation applicable to the preparation of the annual report by the ACT Ombudsman.

I hereby certify that this annual report is an honest and accurate account and that all material information on the operations of the ACT Ombudsman during 2010–2011 has been included and that it complies with the Chief Minister's Annual Report Directions in as far as they relate to this office.

Section 13 of the *Annual Reports (Government Agencies) Act 2004* requires that you cause a copy of the report to be laid before the Legislative Assembly within three months of the end of the financial year.

Yours sincerely



Allan Asher
Australian Capital Territory Ombudsman

CONTACTING THE ACT OMBUDSMAN

Enquiries about this report or requests for other information should be directed to:

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Commonwealth and ACT Ombudsman

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Fax: 02 6276 0123
Email: ombudsman@ombudsman.gov.au
Website: www.ombudsman.act.gov.au

The ACT Ombudsman Annual Report 2010–2011 is available on our website.

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FOREWORD

I commenced my appointment as ACT Ombudsman on August 30, 2010 and quickly formed the view that residents of the Australian Capital Territory were not receiving the level and quality of services from the ACT administration to which they are entitled. I set as an early and urgent priority for my term as Ombudsman, to review all areas of complaint with a view to identifying root causes and systemic problems and to work with ACT Government agencies to correct them.

I made a commitment to making the ACT Ombudsman role more engaged with the challenges of ensuring ACT Government agencies delivered services more effectively.

By the close of the 2010–2011 year it was clear to me that there remain significant areas for improvement in service delivery and complaint-handling. Overall, 742 approaches and complaints were received by my office about ACT Government agencies and ACT Policing, up from 676 the previous year. Those specifically about ACT Government agencies have risen 19 per cent on 2009–10, from 507 to 600. Of these, my office formally investigated 126 complaints, which in 14 cases resulted in a finding of ‘administrative deficiency’. This is four more than in 2009–2010.

Four of the recommendations to Housing ACT were made from a single investigation into an application for priority listing. The report, *Housing ACT: Assessment of an application for priority housing–01|2011*, published in June 2011 provides details about this investigation and our recommendations. It is available on our website (www.ombudsman.act.gov.au).

This report sets out in some detail what my office found during 2010–2011. It summarises approaches and complaints made about ACT Government

agencies and ACT Policing. There is an account of our inspection work relating to the child sex offenders register and controlled operations. It also deals with our community engagement and provides details of agency and public awareness research surveys undertaken during the reporting period.

Following a series of meetings with senior ACT Government officials and members of the legislative assembly, I put forward a ‘10-Point Plan’ of steps which could be taken to improve service delivery and offer assurance to members of the Legislative Assembly and the general public that administration in the ACT meets legitimate community expectations.

We have observed no decline in complaints since 1 July 2011. In fact, the reorganisation of agencies under nine new directorates has given rise to complaints. As such, looking ahead, my office has developed a program for working with all of the Government directorates to improve complaint-handling processes and to ensure consistent high-quality administration. As a Member of the Law Reform Advisory Council I will be providing advice on areas of the law that the government chooses to review and I look forward to working with the government to update the Ombudsman Act and to improve the laws relating to child sex offenders.

This year we plan further inspections on police controlled operations and the use of surveillance devices as well as a program of inspections at the Alexander Maconochie Centre. Specifically we will be looking carefully at aspects of ACT Corrective Services including complaints handling, record-keeping, detainee property records and behaviour management routines applied there. Management of mentally impaired detainees and building closer cooperative

relationships between ACT Corrective Services and the Ombudsman is a continuing priority.

Following a public awareness survey, in which we found relatively low levels of awareness of our work amongst young people and those from culturally and linguistically diverse backgrounds, we will be extending our outreach to these communities.

Lack of responsiveness in some parts of the ACT administration also makes it harder to carry out one of the roles of my office, namely to foster public administration that is accountable, lawful, fair, transparent and responsive. This is important because over the past decade there has been a slowing in the pace at which the ACT has kept in step with other jurisdictions in relation to broader integrity issues. For instance, while other jurisdictions are developing or have passed new legislation in relation to anti-corruption, personal privacy, freedom of information, lobbying activities, and parliamentary integrity, the ACT has not. Rather, it still mostly relies on Australian Government agencies to provide these services or on legislation which was largely passed from the Commonwealth when self-government was granted in 1989.

I have sought to address these priorities in a number of ways. For instance, we made a submission to the ACT public sector review conducted by Dr Allan Hawke AC (the Hawke Review) in December 2010, in which we pointed out that the ACT was once a leader in integrity and government accountability, but has recently fallen behind reforms in a range of other jurisdictions. Among our recommendations and discussions with government were that consideration be given to the establishment of an ACT Integrity Commission to comprise responsibility for Ombudsman, personal privacy, law enforcement inspections, freedom of information, ethical advice, anti-corruption and lobbyist regulation functions. Neither this, any of the other recommendations have, as yet, been acted on. Our full submission is available on the ACT Ombudsman's website (www.ombudsman.act.gov.au).

Related activities of my office to improve administration over the course of the financial year included:

- a submission to the Hamburger review in the operation of the Alexander Maconochie Centre in November 2010

- a series of meetings with senior politicians and bureaucrats
- a contact officers' forum for ACT Government agencies to discuss good public administration in the ACT, and issues of concern
- contributing to induction training for newly recruited ACT Corrections Officers.

My office will continue to seek the improvements to public sector integrity within the ACT. For instance, it is our view that the imminent introduction of Commonwealth whistle-blower legislation should be mirrored in the ACT by amendments to the *Public Interest Disclosure Act (ACT) 1994*.

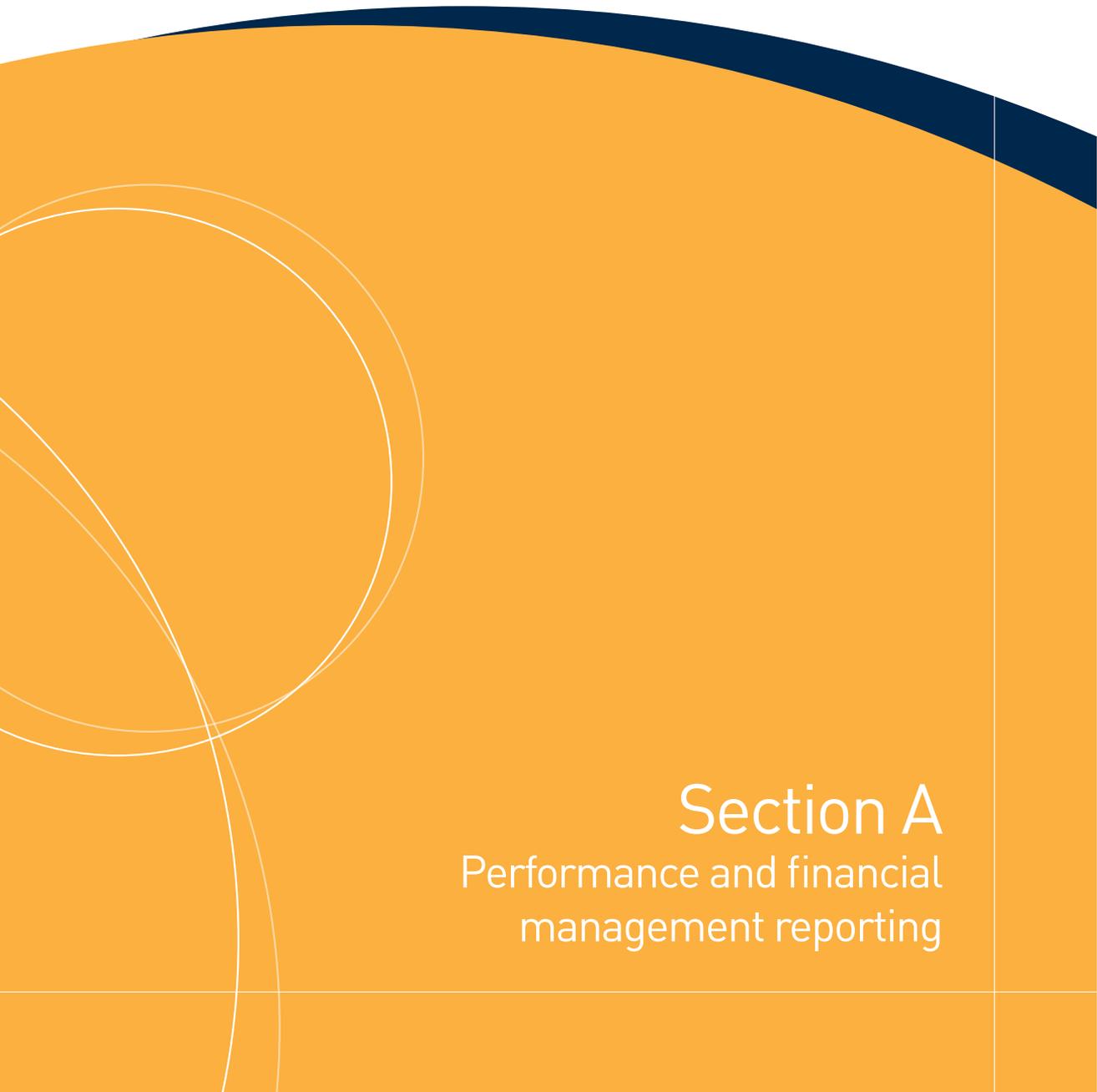
A final area of concern to my office has been the implementation of Tasers for officers by ACT Policing. Earlier in the year I had consultation with ACT Policing, raising concerns about the training regime to accompany any roll-out, but was subsequently surprised by the announced implementation – with some of these matters outstanding. My office will monitor this closely during 2011–2012.

We're ready and willing to act against agencies who don't commit to action, and equally ready and willing to work with anyone prepared to contribute to our goals of fairness, accountability and greater social inclusion through improved service delivery to residents of the ACT community.



Allan Asher, ACT Ombudsman





Section A
Performance and financial
management reporting

THE ORGANISATION

The role of the ACT Ombudsman is performed under the *Ombudsman Act 1989* (ACT). The Ombudsman also has specific responsibilities under the *Freedom of Information Act 1989* (ACT) and the *Australian Federal Police Act 1979* (Cth), and is authorised to deal with whistle-blower complaints under the *Public Interest Disclosure Act 1994* (ACT).

The Commonwealth Ombudsman, who is appointed under the *Ombudsman Act 1976* (Cth), discharges the role of ACT Ombudsman under the *ACT Self-Government (Consequential Provisions) Act 1988* (Cth).

Up until 30 December 2006 the Ombudsman also had specific responsibilities in relation to the AFP under the *Complaints (Australian Federal Police) Act 1981* (Cth). Complaints made about the AFP before 30 December 2006 continue to be dealt with under that Act. Complaints made after that date are dealt with under the *Ombudsman Act* (Cth). In addition, the Ombudsman has a role in monitoring compliance with chapter 4 (Child Sex Offenders Register) of the *Crimes (Child Sex Offenders) Act 2005* (ACT) by the ACT Chief Police Officer and other people authorised by the Chief Police Officer to have access to the register.

The ACT Ombudsman is an independent statutory officer who considers complaints about the administrative actions of government departments and agencies. The Ombudsman aims to foster good public administration by recommending remedies and changes to agency decisions, policies and procedures. The Ombudsman also makes submissions to government on legislative and policy reform.

The office investigates complaints in accordance with detailed written procedures, including relevant legislation, a service charter and a work practice manual. It carries out complaint investigations impartially, independently and in private. Complaints may be made by telephone, in person or in writing (by letter, email or facsimile, or by using the online complaint form on our website). Anonymous complaints may be accepted.

The key values of the ACT Ombudsman are independence, impartiality, integrity, accessibility, professionalism and teamwork.

Our clients and stakeholders cover all people who may be affected by the administrative actions of ACT Government agencies and of the AFP in carrying out their ACT Policing role. A services agreement between the ACT Government and the Ombudsman covers the provision of services in relation to ACT Government agencies and ACT Policing.

In 2010–11 the Ombudsman delegated day-to-day responsibility for operational matters for the ACT Ombudsman to Senior Assistant Ombudsman Helen Fleming, and responsibility for law enforcement, including ACT Policing, to Senior Assistant Ombudsman Diane Merryfull and Senior Assistant Ombudsman Adam Stankevicius. The Senior Assistant Ombudsmen are supported by specialist staff in the Territories, Law Enforcement and Inspections' teams in carrying out these responsibilities for the Ombudsman. The Ombudsman and Deputy Ombudsmen maintain an active involvement in the work of these two teams.



Executive Team (from left) Ombudsman Allan Asher, Diane Merryfull, Deputy Ombudsman Alison Larkins, Adam Stankevicius and Helen Fleming

OVERVIEW

Summary and complaint statistics

Complaint handling remains the core of the Ombudsman's role. In 2010–11 we received 742 approaches and complaints about the actions of ACT Government agencies (600) and ACT Policing (142). Overall, this was up by nearly 10 per cent on 2009–10 when the office received 676 approaches and complaints (507 about ACT Government agencies

and 169 about ACT Policing). However, for ACT Government agencies it was up 19%, with a decrease again for ACT Policing, continuing a 3 year trend.

Housing ACT and ACT Corrective Services (Corrective Services) continue to be the agencies that are the subject of the largest number of government agency complaints that we received (146 and 169 respectively in 2010–11), up again on the previous reporting period. The numbers of complaints about these agencies are not necessarily an indication that they are not performing well, but a reflection of the nature of the role and responsibilities of each agency in the community.

During the period we finalised 774 approaches and complaints, 626 of which were about ACT Government agencies and 148 about ACT Policing. Detailed analysis is provided in the Performance section of this report under the headings ‘ACT Government agencies—Approaches and complaints’ and ‘ACT Policing— Approaches and complaints’.

Submissions and major investigations

An important role of the Ombudsman is to contribute to public discussion on administrative law and public administration and to foster good public administration that is accountable, lawful, fair, transparent and responsive. Also, to achieve more customer-centred public administration. To achieve these outcomes, we made submissions to, or commented on, a range of administrative practice matters, cabinet submissions and legislative proposals during the year. These included:

- input into the Hamburger Review regarding the governance and accountability procedures within the ACT Corrective Services. The Ombudsman’s office also provided statistical data on 25 October 2010 for the independent review
- a submission to the independent review of the effectiveness, capacity and structure of the ACT Government public sector (known as the Hawke Report)
- in June 2011, the Ombudsman made four recommendations when he released a report about Housing ACT’s management of an

application for Priority housing for a vulnerable person. The report, *Housing ACT: Assessment of an application for priority housing—01/2011* (see case study ‘Flexible Policy’) is an example of how things can go wrong if policies are inflexible.

Organisational planning and environment

The 2010–13 strategic plan for the Office of the Commonwealth Ombudsman sets out strategic objectives for that period. Each year the Ombudsman and Deputy Ombudsman review the plan and establish the priorities for the next year with strategic planning underway for 2011–2014.

In 2011–12, the Ombudsman’s office will continue its focus on significant systemic issues arising from complaints, inspections and monitoring with a focus on our *10-Point Plan improve ACT Government service delivery* (Appendix 3). We will continue our endeavours to improve structures and processes to deliver efficient, practical, higher quality and more consistent responses to complaints. The strategic priorities of the office are to:

- improve quality assurance and review of complaint handling
- build on the work practices and system changes to deliver improved quality, efficiency and consistency in managing complaints
- develop an enhanced approach to social inclusion and effective interaction through social media
- targetted outreach, relevant publications and communication activities to key stakeholders, particularly through community intermediaries
- be responsive to areas of need in allocating resources.

Detailed reporting on a range of office-wide initiatives against the priorities for 2010–11 is provided in our Commonwealth Ombudsman Annual Report, available on our website (www.ombudsman.act.gov.au) from late October 2011.

In June 2011 we made further changes to our online complaint form. This form helps people understand the role of the Ombudsman and is a step by step guide to assist complainants when lodging a complaint including an option to upload documents. Our website has helpful links to information on other government agencies which may assist.

HIGHLIGHTS

Complaint service

The Public Contact Team (PCT) provides professional first line contact for members of the ACT community making enquiries and lodging complaints with the Ombudsman's office. The team sustains a complaint intelligence gathering function with which to support the Territories Team.

The main role of the PCT is to:

- provide professional initial interaction with members of the public via telephone and in person
- respond to incoming documents we receive via email, internet (including electronic complaints), fax and normal post
- resolve enquiries and out of jurisdiction complaints.

The Territories Team provides training sessions to new PCT staff on the role and jurisdiction of the Ombudsman. The Territories Team also supplements the PCT's ongoing training program to ensure that approaches to the office are efficiently and effectively handled in the first instance. In circumstances where an approach is not within jurisdiction, the PCT provides guidance and contact details for other agencies that may assist the complainant, such as the Children and Young People Commissioner and the ACT Civil and Administrative Tribunal.

Periodically the office undertakes surveys of complainants and agencies, as this is one way to measure our performance and to identify areas for improvement in service delivery. Such surveys also provide information that helps us better target our outreach activities. Planning is underway for a client-satisfaction survey in early 2011–12.

Public administration and complaint handling

The Ombudsman continued to contribute to improvements in public administration by participating in specific projects, investigating and resolving complaints from individuals and by identifying systemic problems in public administration.

The Commonwealth Ombudsman continued to promote the *Better Practice Guide to Complaint Handling* as published in April 2009. The guide builds on previous Ombudsman publications by defining the essential principles for effective complaint handling, and we promote this guide to ACT Government agencies when developing or evaluating their own complaint-handling systems.

We continued to have regular liaison with ACT agencies and with agency contact officers. These meetings assist in maintaining a good working relationship with agencies which is important for timely and effective resolution of complaints.

We have provided significant input into ACT Government initiatives during the year, including participation in the following projects:

- contribution into the publication of the independent review of the effectiveness, capacity and structure of the ACT public sector (known as the Hawke Report)
- contribution into the Hamburger Review which focused on the first 12 months of operation of the Alexander Maconochie Centre
- liaison meeting with the Burnett Institute and Mary Durkin the Health Services Commissioner to discuss health services at the Alexander Maconochie Centre.

Under s 40XA of the *Australian Federal Police Act 1979* (Cth), the Ombudsman, as Commonwealth Ombudsman, has a responsibility to review the administration of the AFP's handling of complaints, through inspection of AFP records. This includes records of the handling of complaints about ACT Policing. Further details are in the 'Performance' section of this report under the heading 'ACT Policing—Approaches and complaints'.

Public awareness and agency surveys

The Ombudsman's office conducts triennial periodic surveys measuring client satisfaction with our complaint handling services, public awareness of the role and services of our office, and the experiences of our counterparts in Australian and ACT Government agencies in their dealings with our office. In 2010–11 our office engaged an independent social research consultancy to conduct two surveys.

Public awareness survey

The public awareness survey sampled 2487 people living in metropolitan, regional, rural and remote areas in all states and territories. The survey was designed to test their awareness about, and attitudes to, the work of the Ombudsman's office. The field work was conducted in June 2011 through telephone interviews, online surveys and intensive one-on-one discussions with senior representatives of organisations acting as advocates or frontline service providers for vulnerable and disadvantaged individuals and communities.

While the research did not identify issues or concerns particular to ACT residents, the findings suggests that three sections of the community are disadvantaged in their access to our services nationally:

- women of all ages, but especially in age groups younger than 55 years
- young people aged 18 to 24 years and young adults aged 25 to 34 years
- people from culturally and linguistically diverse backgrounds, especially newly emerging migrant communities.

The research identified several factors mitigating the access of these demographic groups to our services. They are threefold:

1. lower awareness about the role and services of the ACT Ombudsman and ombudsman services generally
2. greater uncertainty about their rights as citizens and what might constitute unfair treatment by a government agency

3. greater reluctance to complain when they feel they have been treated unfairly or unjustly, or that the decision by a government agency was wrong, unlawful or discriminatory.

The office of the ACT Ombudsman is actively developing strategic collaborations with community service agencies operating across the fields of youth, women and culturally and linguistically diverse communities to advance our vision of equitable, fair and just access to services regardless of age, gender or ethnicity.

Australian and ACT government agency survey

Our second survey of the year sought to identify the attitudes and perceptions of ACT Government agencies in their dealings with the ACT Ombudsman's office, including their satisfaction levels with those dealings. The research was part of a larger survey that sampled all Commonwealth and ACT Government departments and agencies about which the Ombudsman's office had received five complaints or more from the public in the preceding financial year. Twenty ACT Government departments and agencies met this criterion.

Through anonymous online surveys of our counterparts in these agencies, supplemented by intensive one-one interviews with senior executive staff, the research identified:

- a high level of understanding of the roles, powers and authority of the Ombudsman's office
- a high level of satisfaction with the Ombudsman's staff and our procedures in compliant handling case management and attendant negotiations
- wide-spread respect and recognition of the Ombudsman's independence and impartiality
- a keen interest for the Ombudsman's office to provide training and seminars on best practice in complaint handling and administrative law
- a desire for closer liaison with the Ombudsman's office on complaint and complainant issues and trends through roundtables and feedback forums.

The Ombudsman's office is encouraged by this research to further fund its commitment to initiate dialogue and training on better citizen-centric and socially inclusive practices by government.

OUTLOOK FOR 2011–2012

We intend promoting our 10-Point Plan to improve ACT Government service delivery. We will also continue our program of contact officer forums for ACT Government agencies' complaint contact officers and further promote our *Better Practice Guide to Complaint Handling*.

We will also promote the *Better Practice Guide to Managing Unreasonable Complainant Conduct* in the ACT Government sector as a valuable tool for helping agencies to resolve difficult situations in the most efficient and effective manner possible.

We actively encourage agencies to seek our participation in their internal training sessions.

As a result of closer involvement in training programs, this office will be able to develop training aids that target the information needs of ACT Government agencies about the functions of the Ombudsman. We will also be able to target information sessions based on the specific issues relevant to the individual agencies.

STATEMENT OF AGENCY PERFORMANCE

Summary of performance

In 2010–11, the ACT Government paid an unaudited total of \$1,031,206 (including GST) to the Ombudsman's office for the provision of ACT Ombudsman services.

The Ombudsman is funded under a services agreement with the ACT Government which was signed on 31 March 2008. Payments (including GST) were for the purposes of the *Ombudsman Act 1989* (ACT) (\$485,436) and for complaint handling in relation to ACT Policing (\$545,770).

The office is negotiating with the ACT Government for an increase in funding to adequately cover increased complaint handling work, own motion complaints and increased inspections responsibilities.

The office's performance against indicators is shown in Table 1. Further detail is available under the headings 'ACT Government agencies – Approaches and complaints', 'ACT Policing – Approaches and complaints' and 'ACT Policing – Inspections'.

Table 1: Summary of achievements against performance indicators, 2010–2011

Performance indicators	ACT Government agencies	ACT Policing
Number of approaches and complaints received	600 approaches and complaints (507 in 2009–2010)	142 approaches and complaints (169 in 2009–2010)
Number of approaches and complaints finalised	626 approaches and complaints (490 in 2009–2010)	148 approaches and complaints (167 in 2009–2010)
Time taken to finalise complaints	82% of all complaints finalised within three months (86% in 2009–2010)	91% of all complaints finalised within three months (89% in 2009–2010)

We will continue our focus on improving web based services, including our revised online complaint form, twitter and other social media. We also intend to find ways of engaging with the vulnerable in the community.

Finally, there will be continued pressure on our resources. We need to continue to improve both the efficiency and effectiveness of our complaint handling and broader work.

The statistical report in Appendix 1 provides details of complaints received and finalised, and remedies provided to complainants, in 2010–11.

The categories of approaches and complaints to this office range from simple approaches that can be resolved with minimal investigation to more complex matters requiring the office to exercise its formal statutory powers. In all approaches that require investigation, we contact the agency to find out further

information about the complaint and to provide the agency with an opportunity to respond to the issues raised in the complaint. Often an approach from this office to the agency assists in resolving the complaint in the first instance.

Where a complaint involves complex or multiple issues, we conduct a more formal investigation. The decision to investigate a matter more formally can be made for a number of reasons:

- a specific need to gain access to agency records
- the nature of the allegations made by a complainant require records to be provided
- if there is likely to be a delay in the time taken by an agency to respond to our request for information
- the likely effect on other people of issues raised by the complainant
- the agency requests that formal powers are used in an investigation.

Not all of the approaches we receive are complaints that are within the jurisdiction of the Ombudsman. We refer people to other oversight agencies that are established to handle specific types of complaints such as the Human Rights and Discrimination Commissioner and the Children and Young People Commissioner. There are some issues that are not within the jurisdiction of the Ombudsman, such as employment-related matters or decisions of courts or tribunals. In these cases, we inform the person of the role of the Ombudsman and the limits of our jurisdiction. We try to assist by directing them to the relevant areas and provide information and contact details.

Liaison and training

This office aims to develop a better understanding by the public and by agency staff of the role and responsibilities of the Ombudsman. We engage in community outreach activities that assist to promote this better understanding. In 2010–11 this included:

- promoting the Ombudsman role to students during Orientation Week activities at the University of Canberra and the Canberra Institute of Technology

- participation in training for the ACT Corrective Services' new recruits on the role and responsibilities of the Ombudsman
- outreach with the Australian National University and the Alexander Maconochie Centre to support 'books for all', a campaign to raise money for the purchase of additional books for the Centre library
- promoting the Ombudsman role at a breakfast for the Council of the Ageing
- meeting with the Commissioner for Public Administration in relation to the *Public Interest Disclosure Act 1994*.

Ombudsman staff participated in formal and informal meetings with ACT Government agencies and conducted information and training sessions throughout the ACT Government sector and inspections of ACT Government facilities. This liaison and training is important for the effective and efficient conduct of our complaint investigation role. Activities included:

- regular information sessions as part of the induction process of ACT Corrective Services staff as well as whole of Alexander Maconochie Centre information sessions
- regular meetings with senior staff in ACT Government agencies to provide feedback on complaints received and to ensure smooth handling of complaints
- input into publications including the Hawke Report which focused on the structure and capacity of the ACT public sector; and the Hamburger Review regarding the governance and accountability procedures within the ACT Corrective Services
- a liaison meeting regarding the implementation of the Aboriginal and Torres Strait Islander Justice Agreement
- an inspection of the Periodic Detention Centre
- an inspection of detainee property at the Alexander Maconochie Centre's admissions area.

The Ombudsman's office maintains contact with the community in a variety of formal and informal ways.

This aspect of our work is important in raising public awareness of the right to complain to the Ombudsman and building confidence in the role of the office in managing and investigating complaints about ACT Government agencies and ACT Policing. During 2010–11 we:

- conducted outreach activities during Orientation Week at the University of Canberra and the Canberra Institute of Technology
- met with the trainee staff of ACT Corrective Services to explain our role
- hosted a half-day ACT Agency Contact Officers Forum to promote best practice in complaint handling
- liaised with the Burnett Institute and Mary Durkin the Health Services Commissioner to discuss health matters at the Alexander Maconochie Centre.

Service charter standards

The Ombudsman Service Charter sets out the standard of service that can be expected from this office, explains how complainants can assist us to help them and provides them with an opportunity to comment on our performance.

We regularly monitor our performance against the service charter standards and assess ways to promote further improvement. This feedback enables us to improve our service. The service charter is available at our website (www.ombudsman.act.gov.au).

If a complainant disagrees with the conclusions about a complaint, they can request a review. The reasons for seeking a review should be provided as this assists the office to fully understand the complainant's concerns.

Late in 2009 a new approach to dealing with requests for reviews was adopted. A central team considered whether a review should be undertaken and then conducted the review if required. In some cases, the person may just need a clearer explanation of information we have already provided, or, they may have misunderstood our role, and further investigation is not necessary. The aim of this approach was to provide greater consistency and timeliness of reviews.

It is important to assess the likelihood of a better outcome for a complainant should a review proceed. This helps ensure that the office's resources are directed to the areas of highest priority. If, as a result of a review, investigation or further investigation is required, the review team provides the complaint to a senior staff member to decide who should undertake the investigation or review.

With this in mind we are once again we are looking at new ways of dealing with reviews.

During 2010–11 we dealt with ten requests for reviews. All ten related to ACT Government agencies and four involved ACT Policing.

With respect to ACT Government agencies, in four cases the original decision was affirmed. In one case, the complaint was referred back to the relevant team for investigation or further investigation. One case is under consideration.

The main method by which we gauge the level of satisfaction with the quality of our services is through periodic surveys of people and agencies in who we have had contact. In 2010–11 we commissioned an independent market research company to undertake an ACT Government survey and public awareness survey. This is reported on in Highlights. The next Client-satisfaction survey will be undertaken 2011–2012.

Ongoing challenge

Challenges for this office in 2011-12, will be to promote the 10-Point Plan to improve ACT Government service delivery.

Over the reporting period we saw continuing pressure on resources and timeliness of complaint handling. Nonetheless, it is our role to deliver high quality service in a timely manner. Accordingly, we will continue to review processes, training and technical support to find the means to improve timeliness in particular. We will continue to negotiate with the ACT Government about resourcing levels.

ACT GOVERNMENT AGENCIES – APPROACHES AND COMPLAINTS

APPROACHES AND COMPLAINTS – RECEIVED

Complaint handling remains the core of the ACT Ombudsman’s role. In 2010–11 we received 600 approaches and complaints about ACT Government agencies, 93 more than the previous year.

Housing ACT and ACT Corrective Services (Corrective Services) continued to be the agencies that are the subject of the largest number of government agency complaints that we received (24 per cent and 28 per cent respectively in 2010–11).

Of the remaining top five ACT agencies for complaints received in 2010–11, the Department of Territory and Municipal Services and ACT Planning and Land Authority accounted for six (6) per cent each of complaints received and Roads ACT four (4) per cent.

Figure 1 provides a comparison of approaches and complaints received about ACT Government agencies for the eight-year period 2003–2004 to 2010–11.

Figure 2 over the page, provides an illustration of the spread of approaches and complaints received across ACT Government agencies.

Figure 1: Approaches and complaints received about ACT Government agencies, 2003–2004 to 2010–11

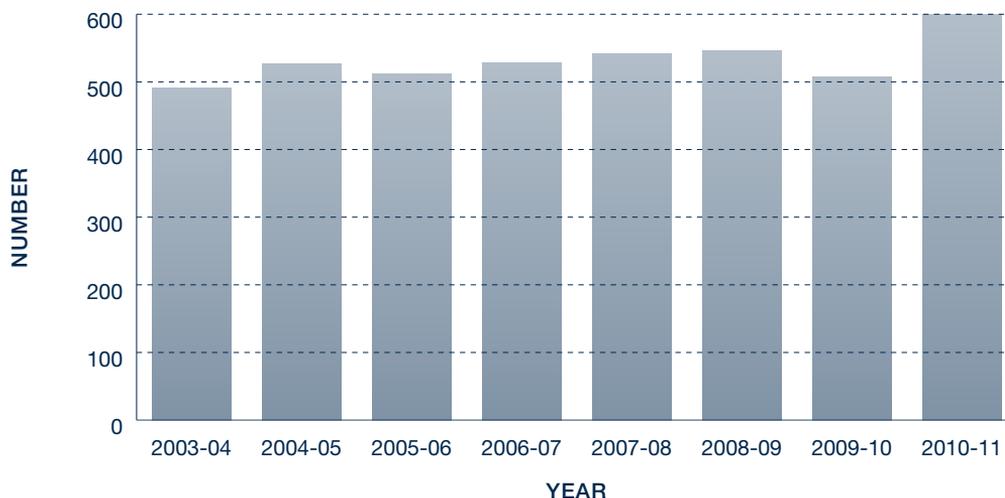


Figure 2: Spread of approaches and complaints received about ACT Government agencies, 2010–2011

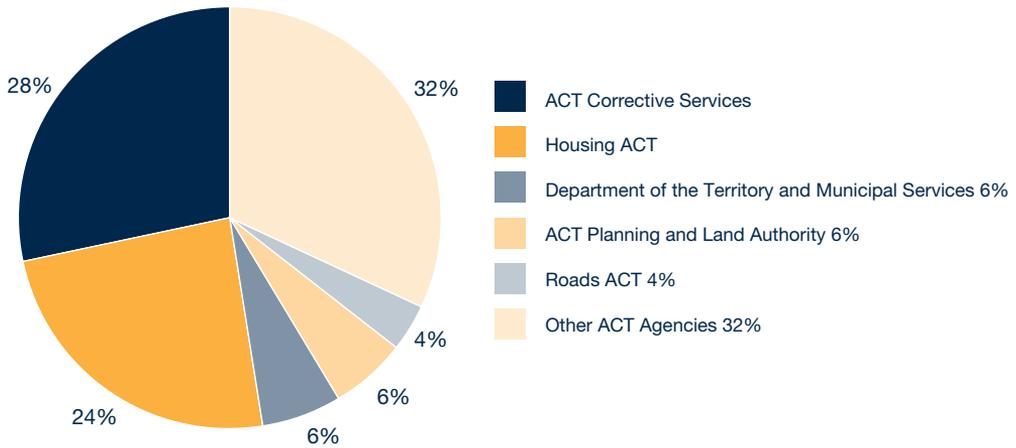


Table 2 below provides a comparison of the top five ACT agencies for complaints received by number.

Table 2: Complaints received by agency

Agency	2009–10	2010–11
ACT Corrective Services	151	169
Housing ACT	106	146
Department of Territory and Municipal Services	58	36
ACT Planning and Land Authority	27	35
Roads ACT	5	22
Other Agencies	160	192
Total	507	600

Most complaints received involve agency record keeping standards and complaint handling mechanisms. Case studies of some of the complaints that we received regarding these agencies are explored under 'Complaint themes'.

APPROACHES AND COMPLAINTS – FINALISED

During 2010–11, we finalised 626 approaches and complaints about ACT Government agencies, compared with 490 in 2009–10. This year we investigate 24% of the complaints we finalised, up marginally on the last year.

Table 3 below provides a comparison of the top five ACT agencies for complaints finalised by number.

Table 3: Complaints finalised by agency

Agency	2009–10	2010–11
ACT Corrective Services	144	172
Housing ACT	103	156
Department of Territory and Municipal Services	53	46
ACT Planning and Land Authority	24	36
Roads ACT	5	21
Other agencies	161	195
Total	490	626

We encourage complainants in the first instance to approach the agency that is the subject of the complaint. This provides the agency with an opportunity to deal with the approach using their complaint-handling procedures and to resolve the issue.

During 2010–11, 51% of the complaints we finalised were done so within one week and 82% within three months (see Figure 3). This is lower than in 2009–10, where it was 55% within one week and 86% in three months, reflective of the increased volume of complaints received.

Of the remaining approaches and complaints, 11% were completed in three to six months and 8% took more than six months to complete.

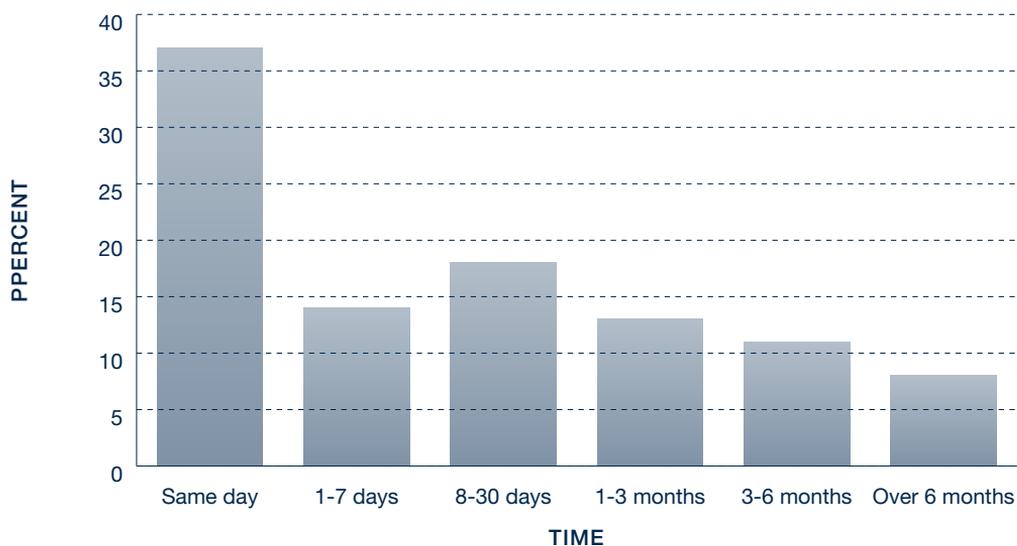
public, the need for flexible policies and maintaining contact with complainants.

Privacy and confidentiality

Under the ACT *Ombudsman's Act 1989*, the Ombudsman is able to provide an independent and impartial oversight on matters dealing with privacy and confidentiality. Where for privacy reasons complainants are not permitted to know the outcome of investigations involving a third party, we can provide independent assurance that a matter was handled in accordance with policy and legislation and the decision was one that was reasonable.

The following case (Ms A) over the page, demonstrates how the Ombudsman can provide independent

Figure 3: Time taken to finalise approaches and complaints about ACT Government agencies, 2010–11



COMPLAINT THEMES

The Ombudsman identified a number of themes arising out of complaint handling and our contact with agencies during the year. The themes related to confidentiality and privacy issues in complaint handling and record keeping remains a recurring issue. We also highlighted the need for improving information to the

assurance that an ACT Government agency's decision making was reasonable in the circumstances, whilst maintaining utmost privacy and confidentiality.

Independent assurance that decision making was reasonable

Ms A was dissatisfied with an ACT Government agency handling of her complaint about an allegation of an inappropriate email from a colleague. Ms A has requested that the Department investigate her complaint. After a four month investigation, the Department found that the communication to Ms A was inappropriate and acknowledged Ms A felt harassed over the matter. However, the investigation also found that there was no intention to harass on behalf of the colleague.

Ms A disagreed with this decision and approached the Ombudsman for a review of the matter.

One of the issues under contention was the limitation on the disclosure of personal information to Ms A under the *Privacy Act 1988*. Whilst the Act precludes the disclosure of personal information to an unauthorised third party, the ACT *Ombudsman Act 1989* allows an investigation officer to receive all records relevant to the investigation of a complaint. Whilst also bound by the Privacy Act, the release of confidential and personal information to the Ombudsman allows for a full and impartial review.

Through our enquiries, we established that whilst not all outcomes of the investigation could lawfully be communicated to Ms A, we were able to assure her that the decision making process was reasonable.

Record keeping

We encourage government agencies making decisions that impact on members of the community to provide reasons and explanations that are clearly articulated. Some problems that give rise to complaints are inevitable. Decisions about complex technical matters can be difficult to get right particularly where discretion is required. It is important that decisions are

documented, supported by legislation and consistent with policy. Officers need to consider all the facts and any discretionary powers need to be applied fairly and impartially (with appropriate delegation).

The next case study (Mr B) represents the unintended consequence of a strict interpretation of the relevant legislation and the resultant poor record keeping practice of the agency concerned.

Frivolous or not frivolous: That is the vexed question

Mr B lodged a complaint with this office in regard to difficulties he was having in lodging nuisance noise complaints (barking dogs) with ACT Domestic Animal Services (the Agency). Mr B advised our office that he was categorised as 'frivolous' on his second attempt to lodge a complaint with the Agency for a similar problem regarding animal noise in his street. Mr B lodged a complaint a number of months prior to this, which the Agency was unable to resolve.

In our investigation of Mr B's complaint, we established that the Agency had declined to investigate Mr B's complaint. Under the relevant legislation it was mandatory for all complaints to be investigated unless the matter is determined to be frivolous. Accordingly, the Agency decided to categorise Mr B's complaint as 'frivolous' and declined to investigate his second complaint.

The Agency advised that it recognised that procedural fairness and natural justice had not been observed and now had the view that decision may have been premature. The inflexibility inherent in the legislation obliged the Agency to either investigate or find a complainant frivolous; there was no middle ground.

Given the limited options to deal effectively with animal complaints, we suggested the Agency may wish to consider amending its policy for investigating complaints rather than recording that a complainant is 'frivolous' if the decision by the Agency was not to investigate a complaint. We also suggested that the Agency may also wish to consider whether an amendment to the legislation would better serve its purposes.

The following case (Ms C) illustrates where detriment was caused to the complainant where the Agency did not keep their record keeping up to date.

No evidence of notice

Ms C complained to this office in regard to the unexpected extended suspension of her drivers licence. She was advised by an officer at Canberra Connect in September 2010 that she would be required to cease driving her vehicle as of midnight for three months. She subsequently approached Canberra Connect on in December 2010 to confirm that her suspension was to expire the following day. Ms C was advised by Canberra Connect that her suspension did not begin until October 2010, and would not expire until January 2011. Ms C said the officer advised her that this information would have been included on the suspension notice issued to her in September. Ms C advised us that no written correspondence was recieved from Roads ACT regarding her suspension.

Our investigation into the matter revealed that a suspension to Ms C's licence was warranted, however, it did not appear that any notice of suspension had been issued to her. It was discovered that the external service provider for Roads ACT had not kept any copies of suspension notices issued to drivers until October 2010 after Roads ACT had requested the service provider to start keeping copies of suspension notices.

Roads ACT issued an apology to Ms C in regard to her unexpected extension to her suspension. Roads ACT also acknowledged that in November 2010, as part of the normal practices of the department, Road User Services reviewed the way it handled notifications to licence holders. Roads ACT stated that following this review, it has now implemented a new procedure to better store and retrieve copies of notifications issued to suspended licence holders.

Improving information to the public

The Ombudsman encourages ACT Government agencies to ensure that public information is accessible, inclusive, comprehensive, informative and written in plain language.

The next case (Ms D) deals with improving agency relations with the public by publishing accessible and relevant information upfront.

Then in the case that follows on, we were able to advise the complainant (Ms E) that the information on an agency's website was not deficient.

Publishing public information upfront

Ms D advised our office that the ACT Gambling and Racing Commission (the Commission) declined to investigate a complaint she had about an incident that occurred with respect to access to gambling machines at an ACT club. Ms D advised that she requested a statement of reasons relating to the Commission's decision not to investigate her complaint and this request was also declined.

From our investigations it was evident that the Commission had considered all aspects of Ms D's complaint and had endeavoured to provide her with all available information. It was established that that the decisions and actions of the Commission were open to them under legislation and were not unreasonable.

We advised the Commission that the public information then on the Commission's website did not explain the specific nature of their investigative role and powers. It was suggested that a clearer definition of the Commission's complaint-handling role and the complaints that can or will be investigated by the Commission might reduce any confusion for future complainants. The Commission's response was to amend the information on its website to include better clarification on the Commission's role.

Website information established as sound

Ms E approached our office about her dissatisfaction with ACTION regarding the fact that she had received parking infringements having utilised its Park and Ride Service. She felt that there was insufficient information on the ACTION website for her to make an informed view as to whether the Park and Ride Service was appropriate for her circumstances.

Upon investigation, it was established that the ACTION website was reasonably comprehensive and contained sufficient information to allow the public to inform themselves of the terms and conditions of use of the Park and Ride Service. Further, it was confirmed that the information was clear and written in plain language.

Maintaining contact with the client

We receive a number of complaints from people who have not been advised of the outcome of their complaint with an agency. Often the agency is actively dealing with the complaint but have inadvertently

neglected to keep the complainant advised of the progress of the matter. In our view, improving service delivery and customer contact in this regard will go a long way in facilitating a more positive experience of the complainant's dealings with that agency.

No communication about birth certificate

Mr F had complained to the Ombudsman that he felt that there had been no progress on his matter with the Births, Deaths and Marriages Unit of the Office of Regulatory Services regarding an application to obtain his birth certificate from interstate.

The Office of Regulatory Services had introduced an initiative to assist members of the indigenous community to register their births and assist where possible to in obtaining their birth certificates, irrespective of whether being born in the ACT or interstate.

Periodically an application from a party can become a complex inter-jurisdictional matter that may take some time to resolve. Upon investigation, we were of the view that the Office of Regulatory Services had done significant work 'behind-the-scenes' but overlooked to inform Mr F on a regular basis as to the progress on his matter.

Systemic issues

Record keeping remains as challenge for agencies. We highlighted this issue in the 2009–2010 Annual Report and note that this year further cases have been noted

where poor record keeping has led to mistakes that continue to impact of good administration.

In this case (Mr G) over the page, poor decisions by the agency were hampered by poor record keeping practices.

Keeping appropriate records

Mr G was a detainee of the Alexander Maconochie Centre. Upon admission, a number of personal effects were held in possession on his behalf by the Centre. Subsequent to his admission, Mr G complained to the Ombudsman that his personal effects were missing and that he was dissatisfied with Centre's handling of his complaint.

In conducting the investigation, the Ombudsman observed that there were significant difficulties in verifying as to whether Mr G had sold or traded his property to other detainees or had otherwise consented for other parties to acquire them. Furthermore, insufficient record keeping practices meant that there was not a proper audit trail of personal items stored in the Centre's admissions records and those issued to the detainee.

Our analysis determined some potential short-comings in the Centre's dealings with detainees' property management. To this end, the Centre has agreed to maintain proper records in this regard and Mr G's personal effects were either replaced or restored to his rightful ownership.

CROSS AGENCY ISSUES

From time to time the Ombudsman receives complaints that may encompass issues beyond our jurisdiction to investigate and resolve. We liaise with agencies to determine which office is better suited to deal with the issues of the complaint (see Commissioner for the Environment section).

A report by the Ombudsman is forwarded to the agency concerned and the responsible minister.

If the recommendations in the report are not accepted, the Ombudsman can choose to furnish the report to the ACT Chief Minister or the ACT Legislative Assembly.

These reports are not always made publicly available. The Ombudsman is subject to statutory secrecy provisions, and for reasons of privacy, confidentiality or privilege it may be inappropriate to publish all or part of a report. Nevertheless, to the extent possible, reports by the Ombudsman are published in full or in an abridged version. Copies or summaries of the reports are usually made available on the Ombudsman website (www.ombudsman.act.gov.au).

REPORTS RELEASED

Under the *Ombudsman Act 1989* (ACT), the Ombudsman investigates the administrative actions of ACT Government agencies and officers. An investigation can be conducted as a result of a complaint or on the initiative (or own motion) of the Ombudsman.

The Ombudsman encourages agencies to ensure that they maintain an appropriate level of procedural assistance in their application of policy, especially in cases dealing with vulnerable persons. Being the subject experts of their relevant functions, agencies should wherever possible promote extra assistance to those who have more specialised and imminent needs.

Most complaints to the Ombudsman are resolved without the need for a formal finding or report. The above Act provides (in similar terms) that the Ombudsman can culminate an investigation by preparing a report containing the opinions and recommendations of the Ombudsman. A report can be prepared if the Ombudsman is of the opinion that the administrative action under investigation was unlawful, unreasonable, unjust, oppressive, improperly discriminatory, or otherwise wrong or unsupported by the facts; was not properly explained by an agency; or was based on a law that was unreasonable, unjust, oppressive or improperly discriminatory.

In June 2011 the Ombudsman publicly released a report into the Housing ACT's handling of an application for priority housing. The following case study (Ms H) over the page is an example where we were of the view that the agency did not act reasonably in the circumstances in its provision of services to the disadvantaged.

Inflexible application of agency policy

Ms H, a single mother with several children, complained to the Ombudsman about having been on Housing ACT's High Needs housing list for six months and not receiving any assistance from them. Ms H had been living in short-term rental accommodation that she could not afford. She had fallen behind in her rent and had received an eviction notice.

Ms H applied for housing assistance with supporting documentation attesting to her needs and those of her children. About one month later she attended an assessment interview with Housing ACT and was deemed eligible for High Needs housing, the second of Housing ACT's three needs categories.

On several occasions during the intervening months Ms H provided further documentation to Housing ACT that demonstrated that her situation was serious and deteriorating. Each time Ms H did so she was advised that her application for housing had been re-assessed and remained on the High Needs housing list.

Although Housing ACT had initially informed Ms H of her right to request a review in writing, the information was not presented in a manner that clearly advised her of the procedure and nor was it conveyed to her when she submitted further written documentation supporting her claim. Because Ms H did not formally request that the decision be reviewed, her application remained in the High Needs category, greatly reducing the likelihood of her receiving the public housing accommodation she and her children needed.

Based on our investigation of Ms H's complaint, we formed the view that Housing ACT had not provided Ms H with a level of procedural assistance that was reasonable for a housing applicant in her circumstances. Housing ACT did reassess Ms H's situation and she was subsequently rehoused appropriately. Housing ACT also agreed to review its practices and procedures in this regard.

UPDATE FROM LAST YEAR

We have continued our program of Contact Officer Forums for the ACT Government Agency's complaint officer. We also intend to expand on this aspect of agency contact to include regular contact with priority stakeholder engagement group including people with mental health issues, Indigenous people, new arrivals to Australia and the homeless.

STAKEHOLDER ENGAGEMENT, OUTREACH AND EDUCATION ACTIVITIES

The Ombudsman continues to contribute to improvements in public administration by participating in specific projects, investigating and resolving

complaints from individuals and by identifying systemic problems in public administration.

The Commonwealth Ombudsman continues to promote the *Better Practice Guide to Complaint Handling* as published in April 2009. The guide builds on previous Ombudsman publications by defining the essential principles for effective complaint handling, and is being used by ACT Government agencies when developing or evaluating their complaint-handling systems.

We continued to have regular liaison with ACT agencies and with agency contact officers. These meetings assist in maintaining a good working relationship with agencies which is important for timely and effective resolution of complaints.

We have provided significant input into ACT Government initiatives during the year, including participation in the following projects:

- contribution into the publication of the independent review of the effectiveness, capacity and structure of the ACT public sector (known as the Hawke Report)

- contribution into the Hamburger Review which focused on the first 12 months of operation of the Alexander Maconochie Centre
- liaison meeting with the Burnett Institute and Mary Durkin the Health Services Commissioner to discuss health matters at the Alexander Maconochie Centre.

LOOKING AHEAD

In September 2010 the ACT Chief Minister, Mr Jon Stanhope MLA announced a review of the ACT Public Sector to be conducted by Dr Allan Hawke AC. In February 2011 the report was published and proposed a number of changes to the ACT Government structure. In June 2011 the new Chief Minister, Ms Katy Gallagher MLA, implemented a number of changes to the structure of the ACT Government. The new structure consists of nine Directorates. Some Directorates share similar responsibilities which had once been under one portfolio.

Where some agencies' responsibilities have been split between other Directorates, it will not be possible to compare complaint trends from previous Annual Reports. Our office is currently reviewing our case management system to align it with the new ACT structure.

The Ombudsman proposed a 10-Point Plan to improve Government service delivery for the coming year (complete copy of the 10-Point Plan can be found at Appendix 3):

1. Clarify the new government structure and its areas of responsibility by:
 - a. clearly and accessibly informing the public of specific areas responsible for particular services
 - b. listing contact/access points for services, complaints and submissions.
2. Introduce a consistent complaint-handling structure across the whole of government. Specifically:
 - a. provide clear information about making and progressing complaints
 - b. adopt an agreed definition of what constitutes a complaint
3. Move away from a culture of denial and defensiveness to one that welcomes complaints and Ombudsman reports as a means of improving service delivery.
4. Commit to ongoing training and career development for ACT Government employees, and greater involvement with agency strategic planning.
5. Introduce consistent case management systems servicing ACT Government agencies.
6. Use plain language information in communication.
7. Improve the approach to decision making by:
 - a. providing clear reasons for decisions in a language the client can understand
 - b. ensuring rights of review are clearly stated and explained.
8. Improve contract management by giving powers to the Ombudsman's office to oversee third-party service providers. (Most other state and territory ombudsmen have these powers).
9. Ensure that officers/agencies responsible for maintaining carriage of service requests and applications are clearly identified.
10. Introduce a program of regular inspections covering the broad range of conditions and services available at and via ACT Corrective Services.

ACT POLICING – APPROACHES AND COMPLAINTS

OVERVIEW

In the ACT, the Australian Federal Police (AFP) undertakes community policing governed by an agreement between the Commonwealth and the ACT Governments. The AFP provides policing services to the ACT in areas such as traffic law, crime prevention, maintaining law and order, investigating criminal activities and responding to critical incidents.

Complaints about the AFP made since 30 December 2006 are dealt with by the AFP under the *Australian Federal Police Act 1979* (AFP Act) and may also be investigated by the Ombudsman under the *Ombudsman Act 1976* (Cth). The Ombudsman does not oversight the AFP's handling of every complaint, but is notified by the AFP of complaints it receives which are categorised as serious conduct issues (Category 3 issues). The Ombudsman reviews these complaints annually.

If a complainant is not satisfied with the outcome of the AFP's own investigation, the person can complain to this office which then decides whether to investigate the matter.

Complaints made about the AFP and its officers acting in their ACT Policing role are dealt with by the Law Enforcement Ombudsman under Commonwealth jurisdiction and through an agreement with the ACT Government. The Law Enforcement Ombudsman is also the ACT Ombudsman and the Commonwealth Ombudsman.

COMPLAINT THEMES

In 2010–11 we received 142 approaches and complaints about the actions of AFP members in their ACT Policing role. This is a reduction of 37 from 2009–10. The most common complaints were about:

- inappropriate action (51)
- police misconduct (minor 13, serious 13)
- customer service (27)
- police practices (18)
- use of force (7).

Some of the complaints also related to the adequacy of AFP investigations, failure to act and unreasonable delays in investigating complaints.

COMPLAINTS FINALISED

In 2010–11, we finalised 148 approaches and complaints. As is our usual practice with complaints, we referred 95 of these back to the AFP as the complainants had not previously approached that agency to seek resolution of their concerns. In eight cases, we advised the complainants to pursue their issues in a court or to contact a more appropriate oversight agency.

We decided not to investigate 23 of the approaches and complaints, for reasons such as:

- an investigation was not warranted in all the circumstances
- the matter had been considered by a court
- the matter was out of jurisdiction
- the complainant was aware of the matter more than 12 months before approaching the Ombudsman.

Figure 4: Approaches and complaints received, investigated and finalised about ACT Policing, 2007–08 to 2010–11



Of the 16 complaints we did investigate, the main issues raised covered use of force, misuse of authority, failure to act, discourtesy, arrest and misconduct.

We were critical of the AFP in two cases – one, where in our view, the AFP’s investigation of a complaint was badly handled and another where there was an unreasonable delay (of almost 15 months) in investigating the complaint.

In relation to the badly handled complaint, we prepared a detailed report for the AFP Commissioner on what we identified as the deficiencies. Of particular concern to us were inadequately addressed conflicts of interest, incomplete and unsubstantiated information in the report of the complaint investigation and the sharing of information with third parties in the context of informal inquiries, as outlined in the case study below.

A badly handled complaint

Mr J complained to this office that the AFP officer who had investigated his complaint was the supervisor of the officer about whom he had complained. The outcome of that investigation was that Mr J’s complaint was ‘not established’ [not substantiated]. The original complaint that Mr J had made to the AFP was that an officer had acted on unsubstantiated information to make enquiries about Mr J that had caused him embarrassment.

After we investigated Mr J’s complaint we came to the view that the original officer had made an error in judgement in the actions that he had taken. However, of particular concern to us was that the AFP officer who investigated Mr J’s complaint had not disclosed his involvement, as the supervisor of the officer complained about. We were of the view that this supervisor had also not properly investigated Mr J’s complaint and not adequately disclosed what we considered to be his conflict of interest in conducting this investigation. The Ombudsman was sufficiently concerned about this matter, and the initial AFP response to our views, to prepare a report to the AFP Commissioner about our conclusions on the investigation and to recommend that the AFP better address conflict of interest, information sharing issues, and improve its record keeping.

The Commissioner reconsidered the case in light of the Ombudsman’s comments and commissioned a review of the way that the AFP had managed the complaint and the circumstances that led to that complaint being made. The Commissioner’s conclusion was that the case showed isolated issues of procedure in terms of the actions of the officer subject to the complaint and the officer who undertook the complaint investigation.

A badly handled complaint (continued)

However, the Commissioner was satisfied that a 'conflict of interest' was not a key factor in either the original investigation or the complaint investigation.

The Commissioner agreed to action the Ombudsman's recommendations in relation to conflict of interest and record keeping but was of the view that the AFP's information sharing practices were consistent with the relevant legislation.

Given the AFP response the Ombudsman decided not to publish the report, but he was sufficiently concerned about the way the original complaint was managed to reiterate to the Commissioner his critical findings.

The Ombudsman has continued to highlight that the importance of the AFP complaint management practices being both transparent and seen to be above reproach is fundamental to the integrity of the police in the eyes of the community. It is essential that the processes of investigation and internal review recognise that the public perception of the police can be compromised if a customer-centred approach to complaints is not taken.

For the remaining 14 complaints we investigated, we recommended in two cases that the AFP apologise to the complainant and provide a better explanation of its actions. We were able to resolve a number of

complaints directly by providing a better explanation to the person concerned – for example in one case that explanation concerned watch-house procedures and the role of AFP members. And in another why the person's vehicle had been stopped by the AFP. In relation to an FOI request to the AFP, we were able to inform the complainant that their request was not received by the AFP due to a failure in the mailing system.

In one case we investigated, the complainant tried on a number of occasions to have the AFP correct its records. Its failure to do so caused him unnecessary embarrassment and stress, as illustrated below.

Complainant sees red

Mr K received a Traffic Infringement Notice (TIN) for a camera detected offence for allegedly running a red light in September 2008. He then received another red light camera TIN in February 2009. In June 2009 he wrote to the AFP disputing both TINs, stating that the photo evidence did not support the offences and requested the matters be determined by a Court. When, later that month, Mr K received a letter from the AFP withdrawing both TINs he thought the matter was closed.

In mid-2010 Mr K received a letter from the Road Transport Authority advising of the impending suspension of his licence for an unpaid fine relating to the two TINs. In July 2010 Mr K wrote to the police advising that the TINs had been withdrawn and no fines were owing. In August 2010 he received a letter from the AFP stating that only one of the TINs had been withdrawn and if the fine was not paid his licence would be suspended. In early August 2010 Mr K attended the City Police Station to show the AFP the letter withdrawing the two TINs and the AFP took copies of the letter.

In late August 2010 Mr K was stopped for a random breath test in Victoria. A routine check showed that his licence was suspended (due to the non-payment of the 'withdrawn' TINs) and he was detained. After being excused he drove back to Canberra. Later that day, he received a third TIN for a camera detected offence (speeding) for travelling at 91 km/h in an 80 km/h zone. Mr K wrote to the police asking for the TIN for speeding to be withdrawn because of his good driving record.

In early September 2010 Mr K received a letter from the AFP stating that one of the earlier red light TINs in dispute had been withdrawn, the sanction on his licence has been lifted and his licence was no longer suspended. Mr K complained to us in September 2010. In October 2010 Mr K received a letter from the AFP

Complainant sees red (continued)

advising that the August 2010 speeding TIN would not be withdrawn because of the warning signs before the camera and his prior traffic infringement history in 2008 and 2009 (the disputed red light TINs) and that the matter had been referred to the Court.

As a result of our investigation the AFP acknowledged that one of the earlier TINs was not withdrawn at the time due to a clerical error by AFP staff. In our view, had the AFP actioned these matters properly, Mr K would not have been detained in Victoria and suffered the consequent embarrassment and stress from his unsuccessful attempts over two years to have the issue sorted out. We wrote to the AFP and suggested that a written apology be provided to Mr K.

REVIEW OF COMPLAINT HANDLING

The Ombudsman has an obligation under s40XA of the AFP Act to review the administration of the AFP's handling of complaints through inspection of AFP records. This includes records of the handling of complaints about ACT Policing. The Ombudsman reports to the Commonwealth Parliament annually, commenting on the adequacy and comprehensiveness of the AFP's handling of conduct and practices issues, and inquiries ordered by the relevant Minister.

Our Annual report on the Commonwealth Ombudsman's activities under Part V of the Australian Federal Police Act 1979 covered the period 1 July 2009 to 30 June 2010 and was tabled in Parliament in February 2011. This report dealt with three reviews of AFP complaint records that we undertook in that period. The report is available on the Ombudsman's website (www.ombudsman.act.gov.au).

We made a number of recommendations to the AFP arising from the three reviews:

1. The AFP should conduct further analysis to determine the causes of delay in finalising complaints in all categories.
2. The AFP should continue to focus on improving outcome letters to complainants, providing details of findings made and the reasons for those findings.
3. The AFP should give more attention to maintaining regular contact with complainants during the course of an investigation and, where a matter will not be finalised within the prescribed benchmarks, provide a report to the complainant that outlines the progress.
4. The AFP should explain the complaints process clearly to the complainant and record this in their record management system (CRAMS).
5. The AFP should advise the complainant they have the right to complain to the Ombudsman about the actions of AFP members and about AFP policies, practices and procedures, and advise how they can complain.
6. The AFP should improve the standard of recording of information in Operational Safety Use of Force Reports, consistent with the requirements of the Commissioner Orders (CO3).
7. Investigations and adjudications of complaints of excessive use of force should overtly demonstrate that the CO3 requirements of negotiation and de-escalation have been fully considered. Members using force should be required to demonstrate that they appropriately employed or discarded these strategies based upon the circumstance that were present at the incident.
8. The Operational Safety Use of Force Report should be amended to include a section requiring the member to set out full details of the member's attempts to negotiate and de-escalate the situation, or to set out full details of why this was not appropriate in the circumstances.
9. Complaint investigations should seek to resolve differences between the evidence of complainants and that of members, particularly for more serious conduct issues, by seeking corroborating evidence. This should include other forms of evidence such as closed circuit television (CCTV) records.

10. Investigators and decision-makers should consider a member's complaint history when conducting a complaint investigation and making a decision whether or not to establish a complaint.

We noted that the AFP continued to make efforts to improve the quality and consistency of its complaint handling. In particular the standard of adjudications of serious complaints was high, however, we noted deteriorating timeliness in resolving complaints across all categories from the least to the most serious. Since then, the AFP has continued to take positive steps to address the backlog of complaints and has kept our office briefed on a variety of strategies it has employed to achieve this. We also continued to draw attention to the need for the AFP to better use the information provided by complainants to determine and address systemic problems.

A consistent finding of our recent reviews was that the rate of the AFP establishing complaints from members of the public was very low. In particular we found that no complaints from members of the public about excessive use of force had been established across all of the AFP, including the ACT, from the time that the new complaints handling regime had commenced in December 2006 up until the cut off time for our last review of complaints for the reporting period, in November 2009.

We noted that that there was little evidence on the records we looked at to show that AFP members took steps to diffuse difficult situations before resorting to force. We also saw that records were inconsistent or incomplete.

We continue to take a close interest in complaints about the AFP's use of force and have taken the opportunity to observe AFP training in this area. This assists us to better understand how policies are put into operational practice and can also help us to better understand the information we get from police when we investigate complaints. Further details on our findings and the AFP's response can be found in the most recent report to the Parliament, available on our website (www.ombudsman.gov.au).

Of the 737 conduct issues raised in complaints to the AFP during the review period 2009–10, 62% related to ACT Policing. Of all complaints received, nearly 50% are about ACT Policing. This is consistent with ACT

Policing being the area of the AFP with the greatest contact with members of the public.

Of these, the AFP considered nine per cent 'established' (substantiated).

CRITICAL INCIDENTS

The AFP notifies the Ombudsman of critical incidents involving ACT Policing. Critical incidents are incidents in which a fatality or significant injury has occurred, or where the AFP has been required to respond to an incident on a large scale, as might occur during a public demonstration. Usually we do not get involved in the investigation of critical incidents unless the AFP requests our involvement. The AFP provides a briefing to the Ombudsman so the office can keep a watching brief on the more serious incidents that arise in the ACT involving the AFP.

During 2010–11, the Ombudsman was notified of two critical incidents. One was in October 2010 where ACT police were called out to a residence to assist the ACT Domestic Animal Services in catching two large and dangerous dogs that had attacked and bitten some residents. The animal service officers were unable to catch the dogs and the police ultimately shot and killed one dog, with the other one subdued and later euthanised.

During this incident, one of the bullets ricocheted through the window of a residential address but no one was injured. We reviewed the police investigation and found no reasons to criticise the actions of the officers at that time. The police did state that they would use this incident as a case study for future training purposes.

STAKEHOLDER ENGAGEMENT, OUTREACH AND EDUCATION ACTIVITIES

The Ombudsman's office hosted the annual AFP/Ombudsman Forum in March 2011. The forum is a valuable opportunity to discuss relevant issues that arise through the work of both agencies, to exchange information and ideas on ways to improve the AFP's complaint handling processes. This year we considered the AFP Categories of Conduct which is a legislative instrument determined jointly by the AFP Commissioner and the Ombudsman under the AFP Act. It forms the basis for AFP investigations of complaints against members.

The Ombudsman Law Enforcement Team engaged in outreach and stakeholder activities during the year to discuss the role of the Ombudsman and our complaint handling procedures. This assists people to understand how they can make a complaint. Outreach during this period included:

- attending the Canberra Institute of Technology Students Association and Summernats' Fyshwick Nats 2010 car show. This annual event is held at the Fyshwick Trade Skills Centre to promote the automotive trades and encourage young people to take pride in their cars. We found that the students and apprentices often had little knowledge of our office or appreciation that they could complain about the way they were treated by the police, or any government agency. The students and apprentices were just as interested



AFP – Commonwealth and Law Enforcement Ombudsman Forum - March 2011

in discussing matters related to Centrelink, housing and other government agencies and bodies they interacted with. Most were surprised that they would be given an opportunity to discuss their concerns

- a presentation to staff of the Bimberi Youth Detention Centre to remind them that children or their parents who have a complaint about the AFP or other ACT agencies can contact our office
- attending the Canberra Institute of Technology International Student Orientation Day, providing a presentation and answering questions at our stall
- visiting the ACT Disability, Aged and Carer Advocacy Service.

LOOKING AHEAD

Over the next year we will continue to focus our attention on working with the AFP to further improve its timeliness in finalising its complaint investigations. The establishment by the AFP in 2010 of an Adjudication Panel for the determination of more serious complaints, and the appointment of an independent consultant by the AFP to adjudicate on older complaints, should assist the AFP to address the delays in finalising the more serious, Category 3, complaints.

We would like to see the AFP embrace complaints from members of the public as a resource to improve their operations and interactions with the wider community. By doing so the number of future complaints should diminish, particularly where systemic issues are addressed in a timely manner.

The AFP also needs to improve the way it communicates with complainants and members of the community, particularly in explaining decisions and the outcomes of its complaint investigations.

Already the AFP has informed our office about how it intends to improve the format of letters to those complaining about less serious matters. By changing the language from whether a complaint is 'established' or 'not established' to acknowledging that a complaint has been received, will help the AFP to use that complaint to better manage the particular area of concern.

ACT POLICING – INSPECTIONS

OVERVIEW

Our role

Child Sex Offenders Register

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

Information on the register comes principally from offenders, who must report any changes in their circumstances such as a change of address, within seven days, and in any case must contribute details to the register or confirm existing details at least once a year.

The ACT Ombudsman is required to ensure that the Register is maintained accurately by ACT Policing. In 2010–11, we conducted one inspection of ACT Policing in relation to the Register.

Controlled Operations

The *Crimes (Controlled Operations) Act 2008* allows ACT Policing to conduct controlled (covert) operations in the ACT. The Ombudsman is required to inspect the records of ACT Policing at least once every 12 months to ascertain compliance with the Act. In 2010–11, we conducted one inspection of ACT Policing in relation to its conduct of controlled operations.

Influencing positive change

Our inspections provide external scrutiny of, and hold agencies accountable for, the use of covert powers

and how they deal with sensitive information. In doing so, our main focus is to improve agencies' compliance with the relevant legislative provisions. Therefore, a large part of our work is raising awareness of actual and potential compliance issues among the agencies we inspect, as well as with relevant policy makers within government. By promoting positive change in this way, we believe that agencies are more likely to collaborate in a joint approach to achieving positive results.

Another way in which we promote positive change is to ensure that our own inspection processes are open and transparent to the agencies, the responsible Ministers and Parliamentary Committees. For example, before conducting inspections we write to ACT Policing to outline our inspection process, the criteria used to assess compliance, the documents we require access to and the reasons for requesting these documents. We also pursue discussions outside the formal inspection process with agencies on administrative processes that may lead to improved compliance with the legislation.

INSPECTION FINDINGS

ACT Child Sex Offenders Register

Under the section 20A of the *Ombudsman Act 1989 (ACT)*, the ACT Ombudsman may provide a written report to the Minister for Police and Emergency Services on the results of any inspections carried out and compliance with the *Crimes (Child Sex Offenders) Act 2005 (ACT)* by ACT Policing.

This office has conducted five inspections of the register since its introduction in 2005, with the fifth inspection of the register conducted at the time of this report in June 2011 and the report of that inspection being in the process of being finalised. The June 2010 inspection report was provided to the Minister for Police and Emergency Services and the ACT Chief Police Officer during the current reporting period. The Ombudsman found that ACT Policing is compliant with the relevant provisions of the Act and that the register is being maintained appropriately. In addition to assessing compliance, the Ombudsman made two recommendations to ACT Policing in relation to improving certain processes regarding controlling access to the register and restricting information about protected witnesses.

We acknowledge ACT Policing's cooperation with Ombudsman staff during inspections. ACT Policing continues to display a willingness to implement both suggestions for improvement and formal recommendations made by the office.

ACT Controlled Operations

Under the *Annual Reports (Government Agencies) Act 2004*, the ACT Ombudsman is required to report every financial year on the results of each inspection conducted under the *Crimes (Controlled Operations) Act 2008*. The report must include a report on the comprehensiveness and adequacy of the records of the agency and the cooperation given by the agency in facilitating the inspection by the ombudsman of those records.

We conducted one inspection during 2010-11, which examined ACT Policing's records associated with authorities to conduct controlled operations that had either expired or were cancelled during the period 16 October 2009 to 30 June 2010. ACT Policing was assessed as compliant with the requirements of the *Crimes (Controlled Operations) Act 2008*.

We appreciate ACT Policing's cooperation with Ombudsman staff and the provision of documents relevant to the inspection. The ACT Policing was also open to suggestions for improvement, and preparedness to implement recommendations.

Improvements made by ACT Policing

ACT Policing has a high standard of recordkeeping associated with the conduct of controlled operations. In particular, we noted improvements made by ACT Policing in relation to including details about a controlled operation in its "principal law enforcement officers' reports" under s 27(1) of the *Crimes (Controlled Operations) Act 2008*.

Issues noted

The *Crimes (Controlled Operations) Act 2008* gives participants in a controlled operation protection from criminal responsibility and civil liability for their actions. As such, it is important for participants of a controlled operation to ensure they act within the terms of the controlled operations authority.

In one instance, a controlled operation commenced an hour prior to the authority to conduct the operation being issued. Due to the nature of the operation, we were advised that the authority was unable to be secured in time and the participants commenced the operation without the authority in place. Accordingly, the participants in the controlled operation were not protected from criminal and civil liability. This occurrence was self-disclosed by ACT Policing at the time of the inspection.

ACT Policing was not aware that it could obtain verbal approval for the controlled operation, which would ensure that the authority was granted on time. Accordingly, we advised that procedures for making an urgent application to conduct a controlled operation are available under the Act. We made the following recommendation:

- ACT Policing should ensure that the conduct authorised by a controlled operation authority is performed within the period that the authority is in force, as participants engaging in any conduct falling outside the period of the authority may not be protected from criminal responsibility under s 18 or civil liability under s 19 of the *Crimes (Controlled Operations) Act 2008*.

STAKEHOLDER ENGAGEMENT

Working with ACT Policing

Throughout 2010–11, we worked closely with ACT Policing to improve compliance with the administration of the Child Sex Offenders Register and the conduct of controlled operations and achieved positive results with both.

In relation to the administration of the Child Sex Offenders Register, ACT Policing has improved communication with the ACT courts and interstate police forces so that the Register captured the most up-to-date information on offenders.

In relation to controlled operations, ACT Policing self-disclosed a non-compliance issue at the inspection and undertook to improve its processes to ensure that the situation does not arise again. ACT Policing was open to our suggestions for improvement and willing to accept advice.

Working with the ACT Government

Although our inspections of the Child Sex Offenders Register found that ACT Policing was generally compliant with their obligations under the Act, we informed the Minister for Police and Emergency Services of our concern that the Act might not be achieving its aim of reducing the likelihood of offenders reoffending. This was because the Act, as it currently stands, does not prohibit offenders having contact with children, nor does it give police powers to monitor offenders. We recommended that the Minister consider legislative amendments to the Act to enable police to monitor offenders and take action when they identify a child at risk.

Consequently, we have begun to work with ACT Policing and the ACT Department of Justice and Community Safety (JACS) on proposed legislative amendments. These amendments aim to better align the Act with child sex offender regimes in other states and reduce the risk of offenders reoffending. These amendments also address a number of other issues and concerns we have raised during past inspections.

We welcome the opportunity to continue to work with JACS and ACT Policing in finalising the proposed amendments.

CASE STUDY

“Children living with sex offenders taken into care” (Canberra Times, 30 March 2011)

An article in the Canberra Times reported that six children had been taken into care, in two separate incidents, when it was discovered that they were living under the same roof as convicted child sex offenders.

The article correctly pointed out that, under current ACT legislation, convicted child sex offenders are not specifically prevented from living with children, as long as the details are reported and recorded in the Child Sex Offenders Register and that this issue had been highlighted in our 2009–10 annual report.

It was noted in this article the steps the Ombudsman had taken to highlight this issue and the recommended changes to the ACT legislation.

LOOKING AHEAD

As a major focus in future years, we will seek to enhance engagement with our ACT stakeholders. ACT Policing has been responsive to our reports, implementing improvements to deal with issues we have raised. We will seek to build further on this foundation by encouraging even greater collaboration with a key aim of improving transparency of administration in the application of coercive powers.



FEATURE

NATIONAL RECONCILIATION WEEK

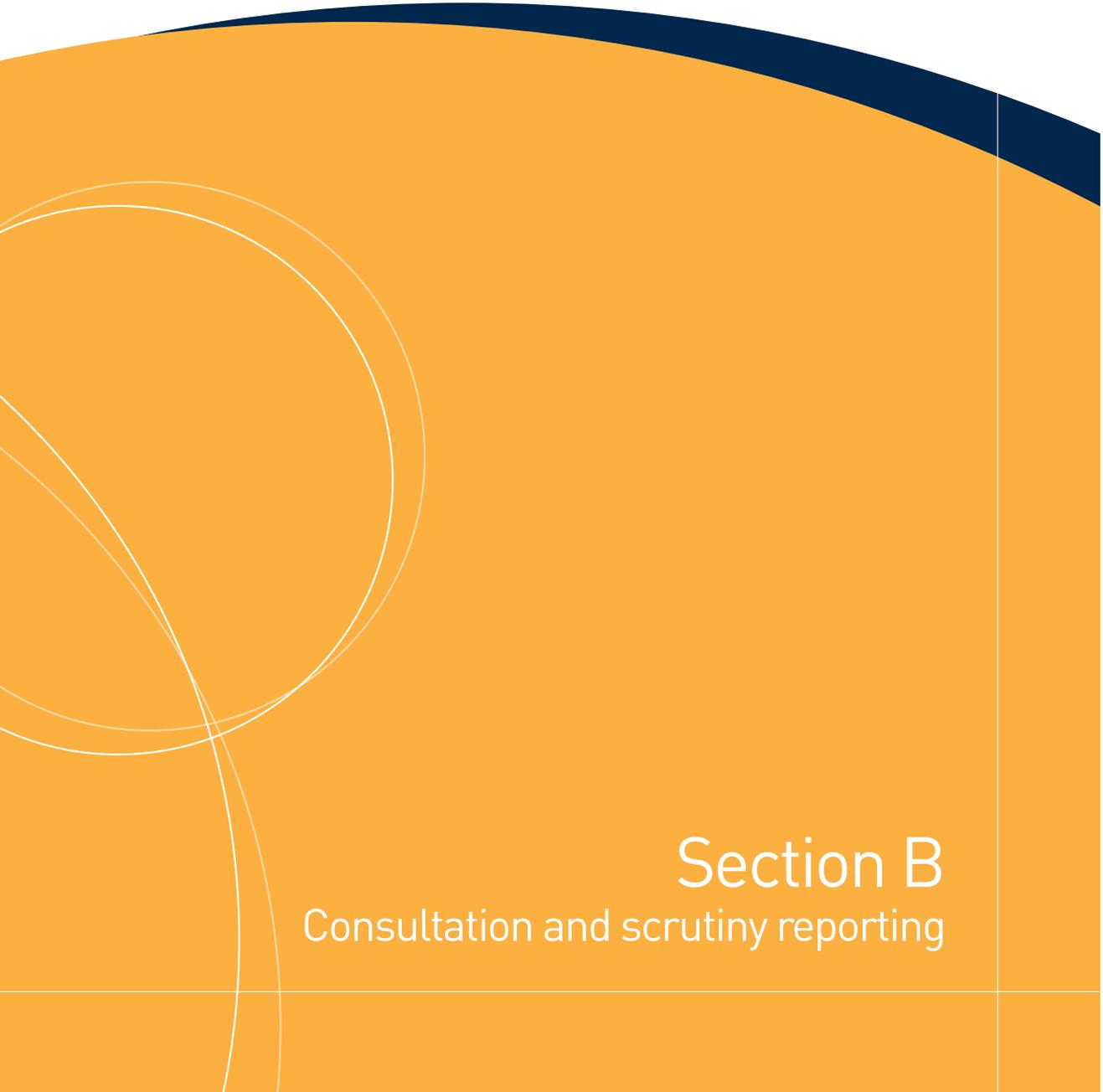
We are beginning the work that is necessary to make our own services more accessible to indigenous Australians through development of an indigenous communication and engagement strategy, through developing a Reconciliation Action Plan led by the Social Inclusion Working Group, and through the ongoing direct outreach work.

During National Reconciliation Week, Ms Tracey Whetnall was invited to address staff in our Canberra office. Ms Whetnall is a local Indigenous woman and an active member of the

community who was recently appointed as an Official Visitor for the Alexander Maconochie Centre, under Ministerial appointment. Ms Whetnall works with Corporations, Government, Indigenous Organisations, Non-Government Organisations and Educational Institutions, to raise awareness of indigenous histories, cultures and peoples. Ms Whetnall also spoke of her new experiences as the Alexander Maconochie Centre's new Official Visitor.



Tracey Whetnall and Ombudsman Allan Asher



Section B

Consultation and scrutiny reporting

COMMUNITY ENGAGEMENT

The Ombudsman's office maintains contact with the community in a variety of formal and informal ways. This aspect of our work is important in raising public awareness of the right to complain to the Ombudsman and building confidence in the role of the office in managing and investigating complaints about ACT Government agencies and ACT Policing.

During 2010–2011 we:

- conducted outreach activities during Orientation Week at the University of Canberra and the Canberra Institute of Technology
- met with the trainee staff of ACT Corrective Services to explain our role
- hosted a half-day ACT Agency Contact Officers Forum to promote best practice in complaint handling
- liaised with the Burnett Institute and Mary Durkin the Health Services Commissioner to discuss health matters at the Alexander Maconochie Centre
- attending the Canberra Institute of Technology Students Association and Summernats' Fyshwick Nats 2010 car show
- a presentation to staff of the Bimberi Youth Detention Centre to remind them that children or their parents who have a complaint about the AFP or other ACT agencies can contact our office
- attending the Canberra Institute of Technology International Student Orientation Day, providing a presentation and answering questions at our stall
- visiting the ACT Disability, Aged and Carer Advocacy Service.

LEGISLATIVE ASSEMBLY COMMITTEE INQUIRIES AND REPORTS

The Standing Committee on Justice and Community Safety considered the ACT Ombudsman's Annual Report 2009–2010 in its Report on Annual and Financial Reports 2010–2011, tabled in the Legislative Assembly on 30 June 2011. The Committee did request advice on whether the Ombudsman took account of risk assessments on registered offenders, with a response provided on 12 January 2011. The Committee inquiry has been concluded and the committee report released on 30 June 2011. The Committee made no recommendations in relation to the ACT Ombudsman.

LEGISLATION REPORT

The role of the ACT Ombudsman is performed under the *Ombudsman Act 1989* (ACT). The Ombudsman also has specific responsibilities under the *Freedom of Information Act 1989* (ACT) and is authorised to deal with whistle-blower complaints under the *Public Interest Disclosure Act 1994* (ACT).

ACT Policing

Members of the AFP provide policing services for the ACT under an agreement between the Commonwealth and ACT Governments. Members of the AFP assigned to the AFP's ACT region are engaged in community policing duties under the ACT Chief Police Officer, who is also an AFP Assistant Commissioner.

The AFP deals with complaints under Part V of the *Australian Federal Police Act 1979*. Complaints

received by either the AFP or the Ombudsman prior to 30 December 2006 are dealt with under the provisions of the *Complaints (Australian Federal Police) Act 1981* (Cth). The last complaints under this legislation were finalised in 2009–2010.

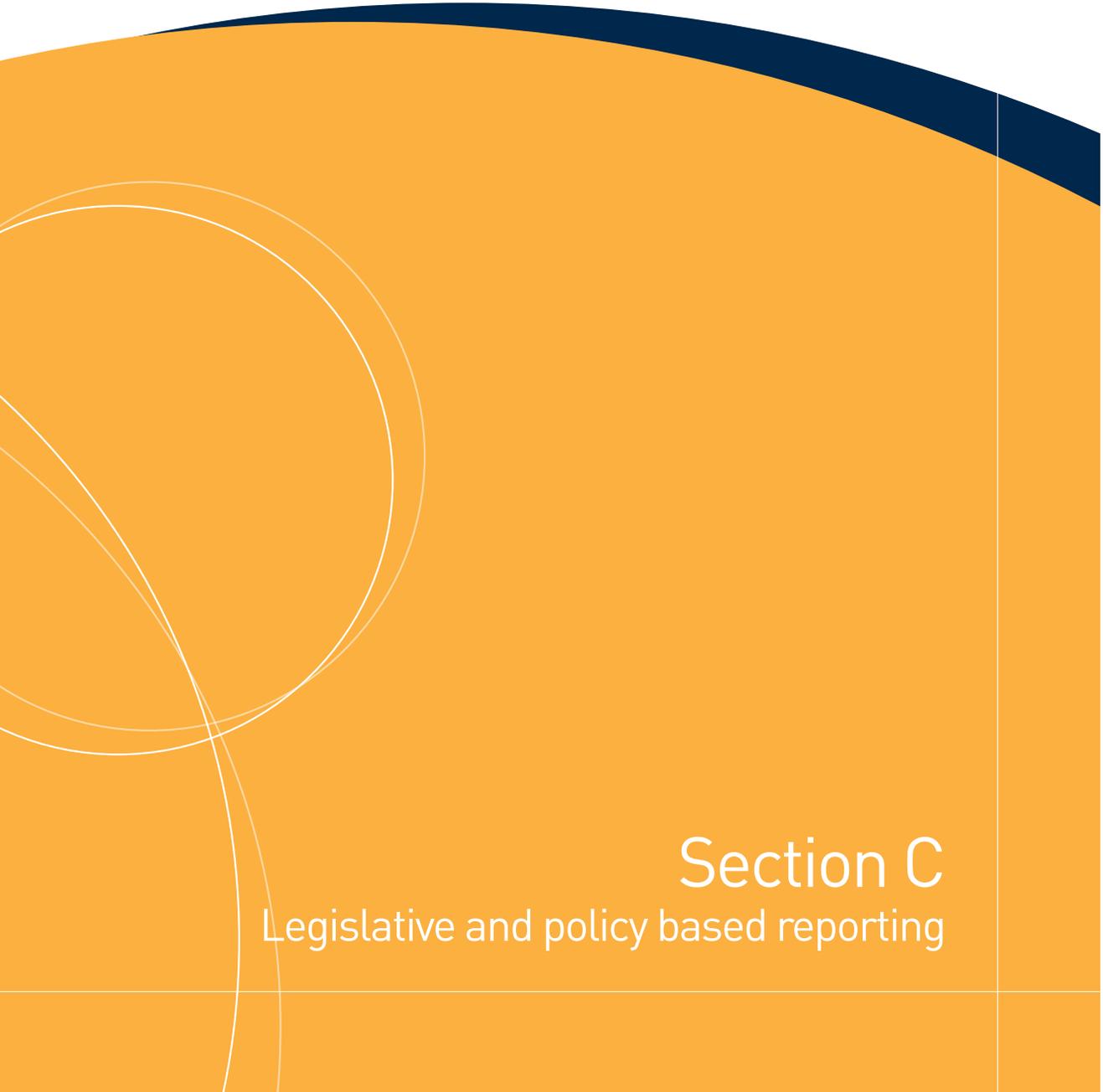
Responsibility for investigating complaints rests with the AFP. AFP line managers are required to deal with minor matters. More serious matters are notified to the Ombudsman's office. The categorisation of complaints into minor or serious matters was agreed on by the AFP Commissioner and the Ombudsman and set out in a legislative instrument. Primary responsibility for resolving more serious matters remains with the AFP. The Ombudsman may investigate complaints about the AFP under the *Ombudsman Act 1976* (Cth). In general, complainants are expected to raise their complaints with the AFP in the first instance before the office will consider investigating them.

In addition, the Commonwealth Ombudsman, also designated as the Law Enforcement Ombudsman under the *Ombudsman Act 1976* (Cth), is required to review the handling of complaints and conduct issues in the AFP at least annually and may investigate conduct issues on his own initiative. The AFP notifies us of serious complaints, which the AFP alerts the Ombudsman to matters that may warrant investigation.

The ACT *Crimes (Controlled Operations) Act 2008* allows ACT Policing to conduct controlled (covert) operations in the ACT and gives oversight to the Ombudsman. A controlled operation is a covert operation carried out by law enforcement officers under the ACT *Crimes (Controlled Operations) Act 2008* for the purpose of obtaining evidence that may lead to the prosecution of a person for a serious offence. The operation may result in law enforcement officers engaging in conduct that would constitute an offence unless authorised under this Act.

A Child Sex Offenders Register was established in the ACT as a requirement of the *Crimes (Child Sex Offenders) Act 2005* (ACT) (the Act). One of the Ombudsman's functions under the ACT Ombudsman Act is to monitor compliance with Chapter 4 of the Act by the ACT Chief Police Officer and other people authorised by the Chief Police Officer to have access to the register.





Section C
Legislative and policy based reporting

PUBLIC INTEREST DISCLOSURE

Under the *Public Interest Disclosure Act 1994* (Public Interest Disclosure), a person may make a public interest disclosure to any ACT Government agency including the Ombudsman.

The Ombudsman can become involved directly or at the request of the agency concerned. Public Interest Disclosure matters are among the most complex cases the Ombudsman deals with in terms of their investigation and resolution.

Public Interest Disclosure complaints investigated by the Ombudsman often intersect with workplace disputes and grievance processes. Such disputes can open up other issues relating to the wider operations of the agency involved.

In 2010–11 we received five complaints that were Public Interest Disclosure or characterised as Public Interest Disclosures by the complainant. Two complaints were finalised, and three are ongoing.

A review of the *Public Interest Disclosure Act 1994* was due in 2007 however this did not occur. In May 2011 the Ombudsman met with the Commissioner for Public Administration to discuss Public Interest Disclosures and our thoughts on what should feature in the ACT Legislation.

FREEDOM OF INFORMATION

Complaints about actions of agencies

Section 55(2) of the *Freedom of Information Act 1989* (ACT) requires the Ombudsman to report on complaints about the handling of Freedom of Information (FOI) requests by ACT Government agencies.

During the year the Ombudsman received seven complaints involving seven agencies about the

processing of requests under the FOI Act. Of these, six were investigated and one was closed on the grounds that investigation was not considered warranted in the circumstances.

We closed six complaints during the year. Two of these complaints had been received during the previous annual report year.

FOI requests to the Ombudsman

In 2010–11, the ACT Ombudsman received six FOI requests under s 14 of the FOI Act.

No applications for review of our decisions were made to the Administrative Appeals Tribunal/ACT Civil and Administrative Tribunal. It is not feasible to calculate reliably the cost of dealing with the FOI requests, as it is dispersed throughout the office. Any attempt to do so would require significantly more resources that were expended on this request. During the period, no fees or charges were imposed.

INTERNAL ACCOUNTABILITY

The Commonwealth Ombudsman is also the ACT Ombudsman. Funding for the work undertaken in relation to ACT Government agencies and ACT Policing is provided through a services agreement with the ACT Government. The current agreement took effect from 31 March 2008. The Ombudsman's office remains independent of the ACT Government.

The Governor-General appointed Allan Asher as Commonwealth Ombudsman, commencing in August 2010. Mr Ron Brent, Deputy Ombudsman and Acting Ombudsman moved at this time to the new role of Aircraft Noise Ombudsman. Alison Larkins was appointed as Deputy Ombudsman in March 2011.

The remuneration for the Ombudsman and Deputy Ombudsmen is determined by the Remuneration Tribunal (Commonwealth).

COMMUNITY GRANTS/ ASSISTANCE/ SPONSORSHIP

The ACT Ombudsman's office did not provide any community grants, assistance or sponsorship during the reporting period.

TERRITORY RECORDS

The ACT Ombudsman's office has a records management program that was approved by the Director of Territory Records.

In accordance with the *Territory Records Act 2002* (ACT), the office ensures that:

- all ACT Ombudsman records are stored appropriately and securely
- relevant position profiles and duty statements reflect the records management skills required by the Ombudsman's office
- training is available for records management and general staff in record-keeping skills and responsibilities
- a controlled language system for records management for the Ombudsman's office has been developed and is used by staff.

The office operates with an approved Records Disposal Schedule (Territory Records (Records Disposal Schedule – Ombudsman Complaint Records) Approval 2003 (No 2); Notifiable Instrument NI 2003-458).

Given the nature of our work, the office does not have records that may allow people to establish links with their Aboriginal or Torres Strait Islander heritage.

Part 3 of the Territory Records Act provides for public access to ACT records that are more than 20 years old.

HUMAN RIGHTS ACT 2004

The Ombudsman continued to work collaboratively with the ACT Human Rights Commission and ACT Corrective Services on issues concerning the Alexander Maconochie Centre.

The Ombudsman's office also plays an important role in human rights protection. The right to complain is both a right in itself, implicit in the civil and political rights listed in the Human Rights Act, and one of the best mechanisms to ensure that all other rights can be protected.

It establishes a fundamental status for the individual in his or her dealings with government.

The existence of public sector ombudsmen and other such bodies is crucial to minimising the inequality of power, resources and information that can prevent this right, and those available through it, from being exercised.

COMMISSIONER FOR THE ENVIRONMENT

The Ombudsman's office received one complaint where we consulted the Commissioner for the Environment and it was agreed that the Commissioner would investigate the complaint.

ACT MULTICULTURAL STRATEGY

The Ombudsman provides support to this strategy through efforts to ensure our office is easily accessible by the Australian community. Information sheets are available in 36 community languages setting out the role of the Ombudsman and how to make a complaint about a government agency.

These languages are: Albanian, Amharic, Arabic, Bosnian, Chinese (simplified and traditional), Croatian,

Dari, Dinka, Dutch, Farsi/ Persian, Filipino, French, German, Greek, Hindi, Indonesian, Italian, Khmer, Korean, Kurdish, Lao, Macedonian, Malay, Pashtu/ Pashto, Polish, Russian, Serbian, Sinhalese, Somali, Spanish, Swahili, Tamil, Tigrinya, Turkish and Vietnamese.

The information sheets are available on our website (www.ombudsman.act.gov.au).

The office uses interpreting services, particularly telephone interpreting services, to assist people dealing with the office who may have difficulty communicating in English.

ABORIGINAL AND TORRES STRAIT ISLANDER REPORTING

An Indigenous Communication and Engagement Strategy was started in early 2010 to support the office of the Commonwealth Ombudsman and the ACT Ombudsman in engaging more effectively with Indigenous people and communities in the Northern Territory, the Australian Capital Territory and across all states. This work has been informed by research among selected Indigenous communities in urban, regional and remote locations to gain a better understanding of attitudes, cultural influences, levels of awareness and the best ways to engage with the diversity of Indigenous communities.

The research was completed in late 2010 and is informing the development of more effective visual communication materials and messages. It has also confirmed the style of outreach undertaken by the office in the Northern Territory in its role in relation to the Northern Territory Emergency Response and Closing the Gap programs. The research report will be included with a report on lessons learnt in engaging and dealing with complaints from Indigenous people, to be completed later in 2011.

The finding that there are many and significant barriers to Indigenous people making complaints has also confirmed the need for a culturally aware workforce and the value of developing a Reconciliation Action Plan, currently underway through the office's social inclusion working group, made up of staff from a number of investigation teams and state offices.

Contacts have been made with representatives of the local ACT Indigenous community to promote greater access to Ombudsman services locally, although this work represents only a small part of what is required to more effectively engage with Indigenous people and communities in the wider Australian community. A significant challenge to this work remains appropriate levels of resourcing to the office.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The Ombudsman continued to encourage staff to manage all resources, including energy, prudently and in an ecologically responsible manner.

The office's Environmental Management Policy and staff information focus on energy conservation in the workplace, including the use of lighting, computer equipment, water management, transport management and organic recycling. The office actively recycles toner/printer cartridges, paper and cardboard products, classified waste and cans/tins, bottles and plastic. These strategies are promoted to staff through the office intranet and induction program.

An electronic records management system has also been introduced, which continues to be refined to support a reduction in the use of paper. Our office's premises have a 5 star energy rating.

Reporting on resource usage specific to the ACT Ombudsman function only is not possible.

ACT WOMEN'S PLAN

Where possible the Ombudsman's office will provide support to the objectives of the ACT Women's Plan 2010–2015 by:

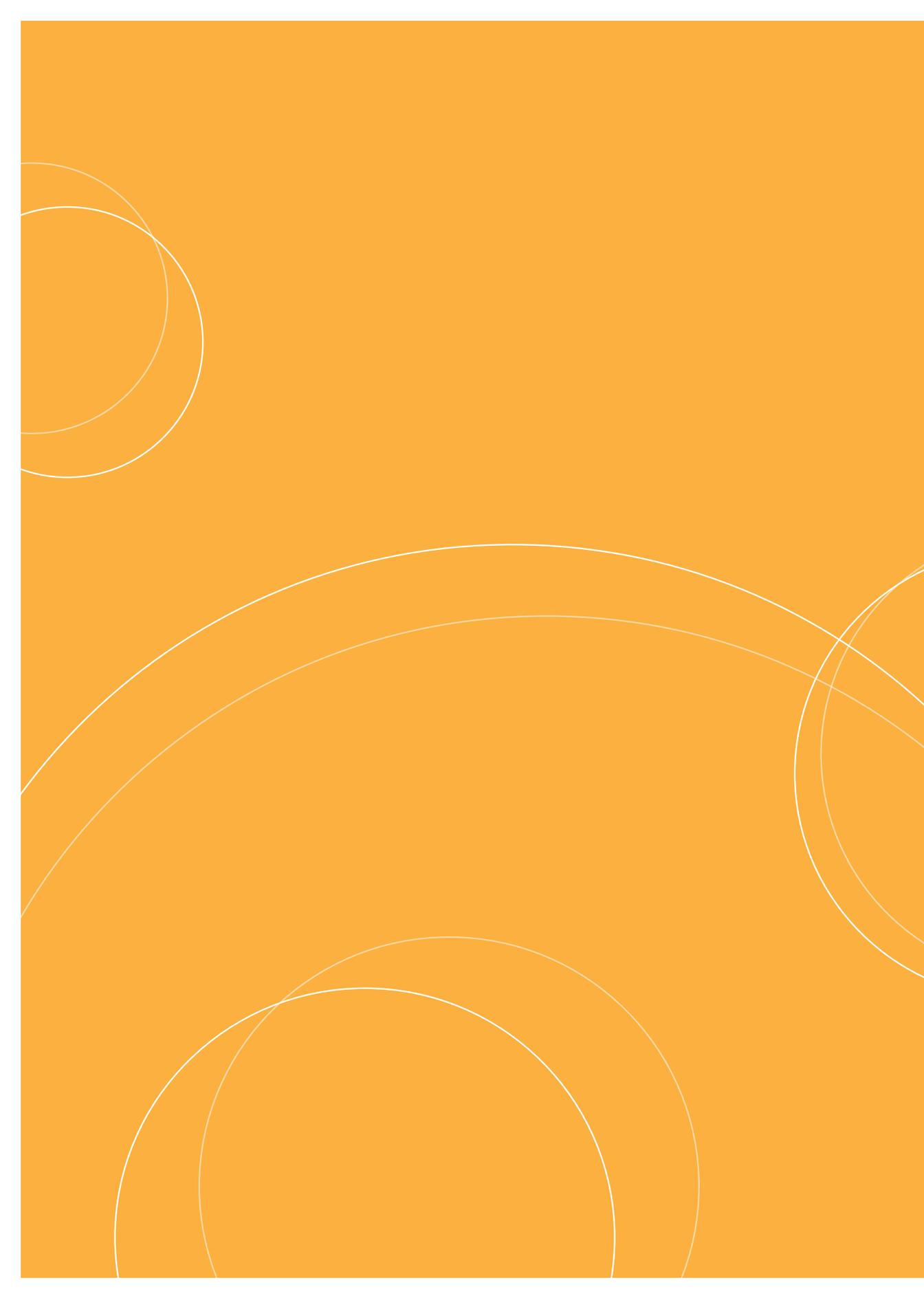
- promoting the rights of all individuals, including women and girls, to complain about the administrative actions and decision of government agencies
- providing a flexible, sensitive and responsive complaints service that can deal effectively with complaints from women and girls.

ACT STRATEGIC PLAN FOR POSITIVE AGEING 2010–2014

The ACT Strategic Plan for Positive Ageing (2010–2014) has been developed in partnership with the ACT Ministerial Advisory Council on Ageing with a focus on the following key principles:

- social inclusion, participation and self-fulfilment
- respect and valuing
- support, independence and dignity
- partnerships
- consultation.

Taking into account the key values of the Plan, the Ombudsman is keen to ensure that ACT Government agencies provide ACT seniors easily accessible information about government services, especially housing, transport and support services. In particular, the Ombudsman encourages ACT Government agencies to provide better coordinated information and communication to senior persons in a range of senior centric friendly formats.



Appendices

APPENDIX 1—STATISTICS

Table A1: Approaches and complaints received and finalised about ACT Government agencies and ACT Policing, 2010–11, *Ombudsman Act 1989* (ACT) (including freedom of information).

Explanations of terms used in Table A1

Approaches/complaints finalised—approaches/complaints finalised in 2010–11, including some complaints carried over from previous years

Approaches/complaints received—approaches/complaints received in 2010–11

Category 1 approaches—resolved without investigation, outcomes include decisions not to investigate and referrals to appropriate agency or authority

Category 2 approaches—approaches that cannot be resolved at category 1 and require further internal enquiries/research or more information from the complainant, resolved without contacting the agency

Category 3 approaches—investigation conducted and agency contacted

Category 4 approaches—further investigation conducted, as the complaint/approach was not able to be resolved in category 3

Category 5 approaches—further investigation conducted, as the complaint/approach was not able to be resolved in category 4; involves formal reporting processes

Remedies—complaints can contain a number of issues, each requiring separate investigation and possibly resulting in a number of different remedies

APPENDIX 2—REPORT OMISSIONS AND REASON FOR NON-COMPLIANCE

The ACT Ombudsman is neither a public authority nor an administrative unit within the meaning of the *Annual Reports (Government Agencies) Act 2004* (ACT). Consequently, the ACT Ombudsman is unable to report against some aspects of the ACT Chief Minister's Annual Report Directions 2010–2011. Reporting on these issues and whole-of-government issues is provided for the office as a whole through the Commonwealth Ombudsman Annual Report 2010–11, which is available at www.ombudsman.gov.au

Table A2: Report omissions and reasons for non-compliance

Section	Part	Reason
Section A: Performance and financial management reporting	A.5 Management discussion and analysis A.6 Financial report A.7 Statement of performance A.8 Strategic indicators	ACT Ombudsman functions are intrinsically linked with broader Commonwealth Ombudsman organisational operations
Section B: Consultation and scrutiny reporting	B.2 Internal and external scrutiny	ACT Ombudsman functions are intrinsically linked with broader Commonwealth Ombudsman organisational operations
Section C: Legislative and policy based reporting	C.1 Risk management and internal audit C.2 Fraud prevention C.5 Internal accountability (most aspects) C.6 HR performance C.7 Staffing profile C.8 Learning and development C.9 Workplace health and safety C.10 Workplace relations C.12 Strategic asset management C.13 Capital works C.14 Government contracting	ACT Ombudsman functions are intrinsically linked with broader Commonwealth Ombudsman organisational operations
	C.11 Strategic Bushfire Management Plan	No requirement to report
	C.23 Model Litigant Guidelines	ACT Ombudsman practices are consistent with Commonwealth requirements

APPENDIX 3—A PROPOSED 10-POINT PLAN TO IMPROVE ACT GOVERNMENT SERVICE DELIVERY

Complaints to the ACT Ombudsman's office about ACT Government agencies in 2010–11 were up 19% on the previous financial year, from more than 500 to 600.

Since then we have been receiving complaints about the recent rearrangement of agencies into nine new directorates, specifically:

- that some agencies dealing with related issues are spread across apparently unrelated directorates
- it is not consistently clear how a resident can even find which directorate they should approach.

This has prompted me to produce the following 10-Point Plan outlining how the ACT Government can improve its service delivery. It is an example of how complaints can be invaluable in helping define precisely what agencies can do to improve their service delivery.

Summary

1. Clarify the new government structure and its areas of responsibility by:
 - a. clearly and accessibly informing the public of specific areas responsible for particular services
 - b. listing contact/access points for services, complaints and submissions.
2. Introduce a consistent complaint-handling structure across the whole of government. Specifically:
 - a. provide clear information about making and progressing complaints
 - b. adopt an agreed definition of what constitutes a complaint
 - c. introduce consistent ACT Government complaint service standards
 - d. ensure better processes and IT systems.
3. Move away from a culture of denial and defensiveness to one that welcomes complaints and Ombudsman reports as a means of improving service delivery.
4. Commit to ongoing training and career development for ACT Government employees, and greater involvement with agency strategic planning.
5. Introduce consistent case management systems servicing ACT Government agencies.
6. Use plain language information in communication.
7. Improve the approach to decision making by:
 - a. providing clear reasons for decisions in a language the client can understand
 - b. ensuring rights of review are clearly stated and explained.
8. Improve contract management by giving powers to the Ombudsman's office to oversee third-party service providers. (Most other state and territory ombudsmen have these powers).
9. Ensure that officers/agencies responsible for maintaining carriage of service requests and applications are clearly identified.
10. Introduce a program of regular inspections covering the broad range of conditions and services available at and via ACT Corrective Services.

1. Clarify the new government structure and its areas of responsibility by:
 - a. clearly and accessibly informing the public of specific areas responsible for particular services
 - b. listing contact/access points for services, complaints and submissions.

Ideally, any person seeking to receive a benefit or a service from the ACT Government should be able to identify, at a glance, the contact point(s) for applying for the benefit or service, and the administrative pathway for seeking review or escalation of the matter.

However, it is not always easy to identify the areas of responsibility for the delivery of ACT government services or benefits. Some of the directorates (formerly 'departments') include some agencies that don't appear to fall logically alongside the other portfolios within the directorate. This does not mean that the directorate structure is necessarily wrong or illogical. Rather, it shows that the community expectation of which services might be co-located differs from the administrative rationale that has informed the decisions to plan the final directorate structure.

These difficulties can become exacerbated when the inquiry is about seeking a review or escalation of the matter at hand. While some review rights may be administered within the same agency, other paths of escalation may fall outside the agency, outside the directorate, or even outside the ACT government structure altogether – e.g. courts or tribunals.

We are not aware of any single source of information, either a document, a diagram or a web site that provides a clear guide to users of ACT Government services of how the various service providers are organised within the new directorate structure. The Canberra Connect service provides a single portal of access for most inquiries or feedback from the community to ACT Government agencies, but it does not provide a 'who's who' information service and cannot explain the ACT Government's structure.

2. Introduce a consistent complaint-handling structure across the whole of government. Specifically:
 - a. provide clear information about making and progressing complaints
 - b. adopt an agreed definition of what constitutes a complaint
 - c. introduce consistent ACT Government complaint service standards
 - d. ensure better processes and IT systems.

There is no common complaints-handling policy effective across different agencies within ACT public administration. Our experience has shown that while some agencies are responsive to complaints received, many are not. The Canberra Connect service provides a single portal that allows most (but not all) complaints about ACT government services to be received, but how the matter progresses thereafter is governed by the policies and procedures in place within the relevant agency.

Some agencies will only accept written complaints whereas others will accept telephone or face-to-face complaints as well. There is no common definition of what constitutes a 'complaint' either. This means that people who contact an agency expressing dissatisfaction, but don't formally advise that they wish to make a complaint, can become frustrated by an apparent lack of acknowledgement or action.

Specific recommendations include:

- a. provide clear information about making and progressing complaints
- b. adopt an agreed definition of what constitutes a complaint
- c. introduce consistent ACT Government complaint service standards for:
 - i. acknowledging complaints
 - ii. responding to complaints
 - iii. escalation points
 - iv. resolution of complaints
 - v. implementation strategy for any recommendations arising from complaints.
- d. ensure better processes and IT systems in relation to:
 - i. Canberra Connect
 - ii. lodging complaints
 - iii. referring the complaint to the relevant directorate
 - iv. case-tracking system.

ACT public administration could benefit from the development of whole of government complaint service standards for:

1. Acknowledging complaints – standardised time frames and a unique receipt/reference identifier for the complaint that is provided to the complainant. The identifier has a format that is commonly recognised across the whole of ACT government.
2. Responding to complaints – within agreed timeframes, advising the complainant who has carriage of the matter, what further action will be undertaken, reasons provided if no further action is to be taken, and options for review/escalation if the agency has decided not to investigate the complaint.
3. Escalation points – complainants to be provided with a clear map of their options for escalating a complaint, including points of contact and expected pre-requisites for starting an escalation at each contact point.
4. Resolution of complaints – a whole of ACT government standard for advising complainants of the outcome following a complaint including: (a) if the complaint was not investigated, the reasons for this decision, (b) what the investigation of the complaint revealed, (c) what if any further action the agency will take to provide a remedy to the complainant and/or redress poor service delivery issues revealed through the complaint investigation.
5. Implementation strategy for any recommendations arising from complaints – ACT government agencies could adopt a common reporting standard for advising actions taken or required to address service delivery issues revealed through the complaint investigations. These reports could be mandatorily included in agency annual reports.

ACT public administration could also benefit from a whole of government contact tracking system that provides a common platform for registering all incoming communications and tracks the actions taken following each contact. The Canberra Connect service goes partway towards providing this, but cannot provide a case tracking function. Once a matter has been referred from Canberra Connect to an agency/directorate, the carriage of the matter no longer remains with Canberra Connect. Canberra Connect may issue a complaint number to the caller, but the agency/directorate will use its own internal reference to register and track the matter. This disconnect between the Canberra Connect registration number and the agency's reference number can lead to confusion and the impression (or fact) that the complaint has been 'lost'.

A common ACT government registration and tracking system for all incoming communications would allow any agency officer, including those at Canberra Connect, to locate the current carriage of the matter and advise the caller who now is dealing with their matter.

3. Move away from a culture of denial and defensiveness to one that welcomes complaints and Ombudsman reports as a means of improving service delivery.
 - a. building trust with Directorates
 - b. includes responding in timely manner
 - c. complete information without redactions
 - d. understanding that our criticisms are made confidentially and privately
 - e. our aim is to bring to the directorates attention deficiencies in administrative responsibility
 - f. embarrassment only comes where directorates are resistant to our recommendations and we go public.

Those agencies that lack good complaint-handling processes also tend to have a less than productive approach to complaints in the first place. When we investigate a complaint, these agencies tend to be defensive, and forget the simple principle that complaints are rivers of gold: a reliable source of invaluable advice that comes completely free of charge. Complaints provide an opportunity for an agency to review its policies and procedures, and to consider whether a better service delivery model could or should be implemented. They should be seen as part of an agency's core business.

Some agencies take the view that a negative report from the Ombudsman's office must be avoided at all costs. This is unproductive. The reality is that no agency is perfect, including us. We do not believe that every complaint can or should be remedied. The majority of our complaint investigations find that the agency has acted fairly, reasonably and lawfully, and that no further action by the agency is warranted. In the minority of cases where we do find that the agency could have provided a better level of service to the complainant we try to recommend practical measures the agency can use to improve its service delivery. We rarely seek to blame anyone for poor outcomes and prefer not to embarrass agencies with negative reports, especially where the agency is trying to be responsive to matters arising from complaints.

This culture is evidenced by:

- The agency focuses on its own procedure to demonstrate that it has 'done nothing wrong', but shows little empathy for the circumstances experienced by the complainant
- The agency appears to refuse to accept any criticism for fear that this will oblige the agency to compensate the complainant or that it may embarrass the Minister
- The agency is reluctant to provide all relevant information to the Ombudsman's office and demands justification before fulfilling our requests to provide all the records
- The agency seeks to argue the case for not being criticised rather than accepting our views or focussing on practical options for improving its service delivery.

Our effectiveness as an oversight agency depends on having a cooperative relationship with the agencies within our jurisdiction. Through complaint investigations, we aim to identify instances of poor public administration, report these to the agency responsible, and where possible recommend practical actions the agency could take to improve its service delivery to its clients. We do not act as advocates for complainants and we do not share confidential information with complainants.

Delays or omissions in the responses to our inquiries can significantly impede our investigations. We are not in the business of conducting ‘fishing expeditions’ – if we ask for complete and un-redacted records it is because we need to consider the whole context of the circumstances that prompted the complaint. Once we have formally commenced an investigation (by issuing a notice under s9 of the *Ombudsman Act 1989*) effectively, we can stand in the shoes of the chief executive of the agency and review such records as would be available to the chief executive. Accordingly, we are also bound to protect and secure the confidentiality of those records to the extent that would be expected of the chief executive.

We ask that agencies trust us to hold their records securely and confidentially, that we will be conscientious in our investigations, and that we will be fair and reasonable in our feedback to the agency. In return, we trust that agencies will be open and cooperative in their dealings with us, and will receive our feedback in the constructive spirit we intend.

4. Commit to ongoing training and career development for ACT Government employees, and greater involvement with agency strategic planning.

‘Siloning’ is a common cause of administrative failure in public and corporate administration. Officers can become acclimatised to a narrow and specific view of their roles and responsibilities. This in turn leads to inflexible decision making, and poor judgement in the face of unfamiliar circumstances. If the agency does not adopt policies to encourage officers to expand their knowledge and experience across the agency’s responsibilities, it will risk entrenching poor practices, attitudes and out-dated service delivery models and expectations. A lack of developmental opportunities will also contribute to lowering staff morale. So a commitment to individuals’ careers development across the public service would be of benefit.

Officers will benefit from having input into the agency’s strategic planning. Being familiar with the agency’s strategic goals helps each individual officer to appreciate the value of the tasks they undertake as well as prioritising the work on hand.

It is difficult for any agency to improve its service delivery without a culture of commitment to achieving best practice.

5. Introduce consistent case management systems servicing ACT Government agencies.

- a. single system across the agencies
- b. all contacts/approaches to government agencies are logged and identified with a unique contact code. The status of the approach can then be tracked using the contact code ID.

In our experience, ACT government agencies lack effective case management. Record systems currently in use, or the officers’ training in these systems, lack the ability to build a comprehensive history of a client’s engagement with the agency. This deficiency is greatly exacerbated when a client’s concern is a matter that crosses multiple agency jurisdictions. A common source of complaint and frustration stems from apparent ‘buck passing’. Complainants will report that their matter has been passed from officer to officer with no continuity of the information already provided. Having to re-explain the matter to a new officer from the beginning because that officer has no previous knowledge of the case is frustrating and inefficient.

Even more concerning are instances where the complainant has not received a timely response because

the matter has been referred to another officer who is unaware of the past history, or unaware of the client's expectation that something will be done.

A common ACT government case management system would allow any agency officer, including Canberra Connect, to locate the current carriage of a matter and advise the officer who is now dealing with the matter what action needs to occur.

6. Use plain language information in all communication.

- a. plain language should be used in agency printed matter, agency websites and all other communication channels
- b. contracts/ tenders – it is important that the broad public are able to comprehend the nature and scope of the services being contracted, not just addressed to business professionals.

The ACT Government and its agencies provide a lot of information to the public via numerous web sites and publications. However, it is not always clear to whom this information is addressed. In searching this information one will find highly technical documents as well as information intended for the general public.

We occasionally receive complaints about a lack of community consultation, or that decisions have been made that are contrary to the expressed views of the community. The Ombudsman's office generally has no authority to comment on matters of public policy and such complaints are normally closed without investigation. Nevertheless, the ACT Government may benefit from a review of its public consultation methodology and providing notification of decisions affecting community groups. One area such a review could focus on is how requests for tenders are advertised, and whether the lay community is provided with sufficient plain English information to comprehend the nature and scope of the services being outsourced to contract.

This is particularly important where the information could be of use to people who are disadvantaged.

7. Improve the approach to decision making by:

- a. providing clear reasons for decisions in a language the client can understand
- b. ensuring rights of review are clearly stated and explained.

It is also important that agencies provide clear reasons for decisions and clearly state and explain rights of review, and improve community engagement particularly for people who are disadvantaged. Clarity of reasons includes:

- review of template letters
- language appropriate format (could a primary school student understand the explanation)
- ensure that an explanation of the reasons for decisions are given (not just providing a statement of the relevant legislation, procedure or policy)
- explanation of how the decision was arrived at.

Applicants for government services or benefits are entitled to know why their application has been declined, or why the outcome is less than they had expected or hoped for. Reasons for decisions must be communicated in a language that the applicant can understand. It is not sufficient to quote a regulation or section of an Act as the reason for the decision. The applicant should be advised of the relevant factors that were taken into consideration in their case, and why these factors lead to the outcome in accordance with the legislation.

8. Improve contract management by giving powers to the Ombudsman's office to oversee third-party service providers. (Most other state and territory ombudsmen have these powers)

A number of ACT government services are provided via contracts with third parties. These include:

- finance of public housing properties
- community housing services
- management of public infrastructure (swimming pools, sports grounds etc.)
- ActewAGL.

Under Commonwealth legislation, the Commonwealth Ombudsman has jurisdiction to investigate third party service providers of government services. However, unlike in many other states and territories, the ACT legislation does not provide the same authority to the ACT Ombudsman. This precludes us from investigating complaints about these service providers directly. We can investigate the government agency's management of the contract but not the service delivered to the complainant.

We want to focus on directorates that have given funding to particular external contractors to provide services to the public on behalf of the ACT Government to ensure that in expending government funds:

1. the contractor is meeting the terms of the contract and if not what is the Directorate doing to remediate the deficiencies?
2. alternatively, recommend that directorates include a default clause in third-party service provider contracts that allows Ombudsman oversight directly.

9. Ensure that officers/agencies responsible for maintaining carriage of service requests and applications are clearly identified:

- a. carriage of responsibility for every contact – there must be an identifiable agency/ body/person responsible for progressing any kind of application for a benefit or service
- b. ensuring no one falls through the cracks.

Not all rights available under ACT legislative instruments are supported by clear administrative arrangements. That is, there are instances of rights that a person may make an application for, but which are not administered by a clearly identified responsible agency. For example, any person may make an application for compensation as a victim of crime under the *Victims of Crime Financial Assistance Act*. The current administrative arrangements are for these applications to be referred to the ACT Government Solicitors Office, although ultimately the decision to compensate is made by the Magistrates Court.

Effective public administration requires that any legislated service or benefit must be supported by a defined administrative procedure. Preferably, this should also include service delivery standards – time frames, notification rights, review rights. It is difficult to see how reasonable service delivery can be assured without identifying the person or agency responsible for implementing the procedure.

The ACT Government may need to review its current portfolio of legislated services and benefits and ensure that all are supported by clearly defined administrative procedures with clearly defined officer responsibilities.

10. Introduce a program of regular inspections covering the broad range of conditions and services available at and via ACT Corrective Services

Section 56 of the *Corrections Management Act (2007)* gives the Ombudsman the authority to conduct inspections at the Alexander Maconochie Centre. Our complaint investigations have revealed poor standards of record keeping at the Centre in regard to (1) detainee property, (2) incident reports and CCTV coverage, (3) segregation reviews and notifications, (4) behaviour management routines, and (5) disciplinary investigations and outcomes. We have noted instances of incomplete and inconsistent records that suggest officers are unable to meet an acceptable standard of record keeping commensurate with the responsibilities and consequences of the decisions they are making. There may be a number of factors contributing to this:

- officers may require further training
- forms may require simplifying or redesigning
- officers may be overstretched and lack the time to complete records accurately
- operational procedures and associated record keeping policies may not be well integrated
- record-keeping systems may be difficult to use.

An inspection program focussing on accuracy and completeness of Centre records would enable this office to identify a number of problem areas and recommend improvements to relevant policies and procedures. We would also be able to identify risks, both physical and legal, and advise ACT Corrective Services of relative priorities for process improvement.

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ABBREVIATIONS AND ACRONYMS

AFP	Australian Federal Police
ACM	Alexander Moconochie Centre
ACT	Australian Capital Territory
ACTCS	Australian Capital Territory Corrective Services
ACTPLA	Australian Capital Territory Planning and Land Authority
CCTV	Closed Circuit Television
CRAMS	Complaints Recording and Management System
Cth	Commonwealth
FOI	Freedom of Information
GST	Goods and Services Tax
JACS	Justice and Community Safety
LET	Law Enforcement Team
PCT	Public Contact Team
RTA	Road Transport Authority
TAMS	Territory and Municipal Services
TIN	Traffic Infringement Notice

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