

# Statement of Expectations

## This statement:

- 1** Sets out the Ombudsman's expectations of organisations we oversee ('organisations') when engaging with them in carrying out our statutory oversight functions.
- 2** Applies to all organisations the Ombudsman oversees, including heads of organisations, all employees and contractors.
- 3** Replaces any pre-existing relationship protocols (but not Memoranda of Understanding) agreed with the Office about the exercise of our statutory oversight functions.

## The Office of the Commonwealth Ombudsman seeks to:



Provide assurance that organisations we oversee act with integrity and treat people fairly, and influence systemic improvement in administration.

## We do this by:

- Independently and impartially handling complaints and disclosures.
- Influencing organisations to be accountable, lawful, fair, transparent, and responsive.
- Providing a level of assurance that relevant agencies comply with legal requirements when using covert, intrusive and coercive powers.
- Inspecting places of detention.

## Our roles and functions

We are a non-corporate Commonwealth entity established under the *Ombudsman Act 1976* (the Act). We deliver the following major functions:

- Complaint management
- Oversight of Commonwealth agencies
- Oversight of prescribed private sector organisations
- Oversight of the Commonwealth Public Interest Disclosure Scheme.
- Responding to reports of serious abuse within Defence
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) National Preventive Mechanism (NPM) Coordinator and NPM for places of detention under the control of the Commonwealth
- Inspections of the use of certain covert and intrusive powers by law enforcement and integrity bodies.

We have jurisdiction over all Commonwealth entities and their contracted service providers, subject to some specific statutory exclusions (i.e. the Australian Taxation Office and intelligence agencies). We also oversee the activities of a range of private sector organisations, including:

- Private health insurers
- Postal operators that elect to register with the Postal Industry Ombudsman scheme
- Some providers of education services.



## We expect that organisations will:

1

**Engage with us in good faith and actively assist** us to perform our statutory functions including providing information, documents and access to staff, premises and systems.

This means organisations will:

- Provide **correct and complete responses to requests for information** in the specified timeframe. Where a timeframe cannot be met, organisations will contact us promptly to request additional time and explain the reason why more time is needed. Where an organisation does not provide a response within the specified timeframe and does not seek or is not granted more time, its response will be recorded as being provided late. We may proceed to form a view based on the information already available, and may publicly refer to instances where a response was not received, including in a public report.
- Be honest, transparent and thorough when providing assistance, by submitting all information or documents that could reasonably be considered relevant, even if not specifically referred to in the request/requirement.
  - If unsure whether information or documents are relevant or useful, or unsure about the Ombudsman's power to request certain information or documents, the organisation will promptly contact us to **seek clarification**.
  - If asked to do so, organisations will **identify and make available staff** who are best suited to answer questions and/or assist us to locate and extract relevant information from records management and customer management systems.

Organisations should ensure responses to our requests and investigations are not led or overseen by individuals or divisions with direct involvement in matters under consideration. If we detect conflicted staff are overseeing entity responses, we will call this out.



2

**Provide formal responses to recommendations** within the specified timeframe and provide updates on implementation as required.

This means organisations will:

- Provide clear **responses to each suggestion/recommendation** – accept, or not accept – within the specified timeframe. Organisations will also provide information about how each recommendation will be implemented and accurate and achievable timeframes for full implementation of each recommendation. Equivocal responses such as ‘noted’ will be recorded as not accepted.
- Provide **prompt updates on implementation**, including evidence of implementation, in response to requests made by the Ombudsman.

3

**Proactively advise us about issues affecting the organisation’s ability to deliver its functions** in accordance with applicable legislation and policy, or which might otherwise result in unfair or unreasonable outcomes.

Organisations do not need to have all the answers (including a fix) before approaching the Office and should contact us **as soon as practicable** once they become aware of an issue (because the Office may be receiving complaints as a result of the issue and can better assist complainants if we know about the issue).

4

**Act in a timely way to implement and report to us progress** against suggestions and recommendations arising from our oversight activities.

This means organisations will:

- Actively implement and monitor implementation of our recommendations and suggestions for improvement.
- Providing evidence of implementation of our recommendations and suggestions.

5

**Provide and maintain accurate details for designated points of contact** within their organisation.

**NOTE:** In most instances we will use these contact points but note we may contact any area/officer within an organisation if we consider that area/person is best placed to assist us to perform our statutory functions.