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Complaints finalised between 1/6/2018 and 30/11/2024 with ActionTaken (Outcome) = S6(1)(a)

148 complaints

This data was captured on 6 January 2025. Although searches were conducted for complaints between 1/6/2018 and 30/11/2024, it is possible that a small number of complaints may have been reclassified or backdated into or outside of those dates.

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Complaints finalised between 1/6/2018 and 30/11/2024 with ActionTaken (Outcome) = S6(1)(b)(i)

24 complaints

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Complaints finalised between 1/6/2018 and 30/11/2024 with ActionTaken (Outcome) = S6(1)(b)(ii)

439 complaints

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Complaints finalised between 1/6/2018 and 30/11/2024 with ActionTaken (Outcome) = S6(1)(b)(iii)

18805 complaints

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**Agency for Commonwealth complaints finalised between 1/6/2018 and 30/11/2024 with
ActionTaken (Outcome) = S6(1)(a) OR S6(1)(b)(i) OR S6(1)(b)(ii) OR S6(1)(b)(iii) OR s6(1A)**Agency

Aboriginal Hostels Limited
Administrative Appeals Tribunal
Administrative Review Tribunal
Aged Care Complaints Commissioner
Aged Care Quality and Safety Commission
Agriculture, Fisheries and Forestry
Aircraft Noise Ombudsman
Airservices Australia
Anindilyakwa Land Council
Attorney-General's Department
Australian Aged Care Quality Agency
Australian Border Force
Australian Broadcasting Corporation
Australian Building and Construction Commission
Australian Bureau of Statistics
Australian Business Registry Service
Australian Centre for International Agricultural Research
Australian Charities and Not-for-profits Commission
Australian Commission for Law Enforcement Integrity
Australian Communications and Media Authority
Australian Competition and Consumer Commission
Australian Criminal Intelligence Commission
Australian Customs and Border Protection Service
Australian Digital Health Agency
Australian Electoral Commission
Australian Energy Regulator
Australian Federal Police
Australian Financial Security Authority
Australian Fisheries Management Authority
Australian Hearing
Australian Human Rights Commission
Australian Institute for Teaching and School Leadership
Australian Institute of Marine Science
Australian Maritime Safety Authority
Australian National Maritime Museum
Australian National University
Australian Nuclear Science and Technology Organisation
Australian Pesticides and Veterinary Medicines Authority
Australian Prudential Regulation Authority
Australian Public Service Commission
Australian Radiation Protection and Nuclear Safety Agency
Australian Rail Track Corporation
Australian Research Council
Australian Securities and Investments Commission

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Australian Skills Quality Authority
Australian Small Business and Family Enterprise Ombudsman
Australian Sports Anti-Doping Authority
Australian Sports Commission
Australian Taxation Office
Australian Trade and Investment Commission
Australian Transaction Reports and Analysis Centre
Australian Transport Safety Bureau
Bureau of Meteorology
Central Land Council
Centrelink
Civil Aviation Safety Authority
Climate Change, Energy, the Environment and Water
Coal Mining Industry (Long Service Leave Funding) Corporation
Comcare
Commonwealth Scientific and Industrial Research Organisation
CSC - Commonwealth Superannuation Corporation
DCA - Department of Communications and the Arts
Department of Agriculture
Department of Agriculture and Water Resources
Department of Defence, Australia
Department of Agriculture, Water and the Environment
Department of Education
Department of Education and Training
Department of Education, Skills and Employment
Department of Employment and Workplace Relations
Department of Employment, Skills, Small and Family Business
Department of Finance
Department of Foreign Affairs and Trade
Department of Health
Department of Home Affairs
Department of Human Services
Department of Immigration and Border Protection
Department of Industry, Innovation and Science
Department of Industry, Science and Resources
Department of Industry, Science, Energy and Resources
Department of Infrastructure, Regional Development and Cities
Department of Infrastructure, Transport, Cities and Regional Development
Department of Infrastructure, Transport, Regional Development and Communications
Department of Infrastructure, Transport, Regional Development, Communications and the Arts
Department of Parliamentary Services
Department of Social Services
Department of the Environment and Energy
Department of the Prime Minister and Cabinet
Department of the Treasury
Digital Transformation Agency
Digital Transformation Office
Director of National Parks

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Fair Work Commission
Fair Work Ombudsman
Family Court of Australia
Federal Circuit and Family Court of Australia
Federal Circuit Court of Australia
Federal Court of Australia
Food Standards Australia New Zealand
Future Fund Management Agency
Governor-General and Commander-in-Chief
Great Barrier Reef Marine Park Authority
Health and Aged Care
High Court of Australia
Independent Parliamentary Expenses Authority
Indigenous Business Australia
Inspector General Australian Defence Force
Inspector-General of Intelligence and Security
Inspector-General of Taxation
Inspector-General of Water Compliance
IP Australia
Murray Darling Basin Authority
National Anti-Corruption Commission
National Archives of Australia
National Broadband Network Co Ltd
National Capital Authority
National Disability Insurance Agency
National Disability Insurance Scheme Quality and Safeguards Commission
National Health and Medical Research Council
National Housing Finance and Investment Corporation
National Mental Health Commission
National Native Title Tribunal
National Offshore Petroleum Safety and Environmental Management Authority
Northern Land Council
Office of the Australian Information Commissioner
Office of the Commonwealth Director of Public Prosecutions
Office of the eSafety Commissioner
Office of the Migration Agents Registration Authority
Office of the Official Secretary to the Governor-General
Professional Services Review
Registrar of Indigenous Corporations
Remuneration Tribunal
Reserve Bank of Australia
Royal Australian Mint
Screen Australia
Services Australia
Southern Cross University
Special Broadcasting Service Corporation
Sport Integrity Australia
Superannuation Complaints Tribunal

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Sydney Harbour Federation Trust
Tertiary Education Quality and Standards Agency
The Department of Jobs and Small Business
The Financial Adviser Standards and Ethics Authority
Torres Strait Regional Authority

This period has been searched for the date each complaint was finalised, not the date it was received. This is appropriate because complaints do not have outcomes, decisions, and other classifications assigned until they are finalised.

This data was captured on 6 January 2025. Although searches were conducted for complaints between 1/6/2018 and 30/11/2024, it is possible that a small number of complaints may have been reclassified or backdated into or outside of those dates.



50th anniversary of the Kerr Report

Joint symposium between the NSW AIAL and the Gilbert + Tobin Centre for Public Law at UNSW

Date: Friday, 22 October 2021

Time: 9.30am (speak for 15 minutes)

Panel 1: The Kerr Committee elements (ADJR, Ombudsman, AAT/ARC, FOI)

Panel speakers: Basten J (ADJR), Penny McKay (Ombudsman), Bernard McCabe (AAT) and John McMillan (FOI)

Suggested talking points from UNSW Law & Justice:

1. Ombudsman, how the institution looks/operates now vs when it was established.
2. How its role has evolved.
3. Major challenges. (Or anything along those lines/anything else you think might be interesting on the theme).

Talking Points

- Thank you for the opportunity to join you today
- Acknowledge traditional owners of the land on which we meet today – pay my respects to the elders past, present and emerging.

The Ombudsman in 2021 compared to 1977

- The difference between the Commonwealth Ombudsman's Office in 2021 compared to the Office that was established in 1977 following the Kerr Committee report, is significant to say the least – but still holds true to the core purpose that was envisaged when the Office was established.
- That is, to investigate complaints about administrative action of officials, make recommendations for improvement, report to Parliament and have the power to investigate the whole field of administrative activity of government – those were the words of the Attorney-General upon introducing the Ombudsman Bill to Parliament in 1976.
- In the 44 years of operation since the Office commenced, we've handled thousands of complaints, published numerous reports, and investigated a whole range of government administration.
- We've grown from just 5 staff in the Office in Canberra to 232 APS staff and a contractor workforce across Offices in Canberra, Sydney, Melbourne, Adelaide, Brisbane and Perth.
- We've had 10 Ombudsmen appointed to the position – one of whom was a woman – and we currently await the appointment of the 11th Commonwealth Ombudsman

- We've gone from initially receiving complaints only in writing or in person to now receiving complaints by phone, email, webforms and during inspections.
- And the number and variety of functions our Office performs has also grown to reflect a broader and more contemporary approach to influencing improvement across government administration, whilst staying true to our core purpose of representing the interests of the public by investigating and addressing complaints reported by individual citizens.
- Despite all the changes that have occurred over the past 44 years, these principles still form the core work of the Office and will continue to do so into the future.
- The motto for our Office today states we are **Influencing Systemic Improvement in Public Administration** – this motto appears at the foot of every email sent by the Office and is a true reflection of the role of the Ombudsman's Office in 2021.

How the Ombudsman's role has evolved

- But how has our Office evolved?
- While the Office's core function of handling complaints remains the same, the scope of our jurisdiction has expanded, with additional functions and duties.
- At the core, the role of the Commonwealth Ombudsman is to provide assurance that the government entities and private sector bodies we oversee, act with integrity and treat people fairly.
- The independence and impartiality of the Office will continue to define the role of the Commonwealth Ombudsman as it always has done. As will our ability to report to Parliament on matters of concern about how government entities carry out their functions.
- But as government has moved into new areas since 1977, so have the institutions charged with overseeing its administration.
- With the introduction of new technologies facilitating practices such as automated decision-making and covert surveillance, as well as the emergence of other specific functions that required particular oversight, the remit of the Commonwealth Ombudsman has evolved over time.
- This has led to the Commonwealth Ombudsman taking on a wide range of additional functions and powers over the past 44 years, such as:
 - 1981 – A new role to investigate complaints from members of the public concerning the conduct of the Australian Federal Police (AFP).
 - 1982 – The function of handling complaints made about the handling of Freedom of Information requests by agencies after the introduction of the *Freedom of Information Act*. This function was later passed onto the Office of the Australian Information Commissioner in 2010.

- 1983 – The specialised role of **Defence Force Ombudsman** to handle defence-related complaints.
- 1988 – The Office took on the responsibility for auditing and reporting on the use of telephone interception records by law enforcement agencies under the *Telecommunications (Interception) Amendment Act 1987*. This function was later expanded to include records of stored communications, controlled operations and the use of surveillance devices, and may be expanded further with the current Electronic Surveillance Reforms that are underway following the recent Comprehensive Review by Dennis Richardson.
- 1989 – The creation of the **ACT Ombudsman** function sitting alongside the Commonwealth Ombudsman after self-government was established for the ACT.
- 2006 – The role of the **Postal Industry Ombudsman** was established to handle complaints regarding Australia Post and private sector postal operators.
- 2006 – The Office's role overseeing the AFP was expanded and formed the new role of **Law Enforcement Ombudsman**. This function also saw the oversight of surveillance devices expanded to other law enforcement agencies as well.
- 2011 – The role of **Overseas Students Ombudsman** was established to provide protection for overseas students studying with private education providers in Australia.
- 2014 – The Office took on the role of promoting awareness and monitoring the operation of the *Public Interest Disclosure Act 2013*.
- 2015 – The **Private Health Insurance Ombudsman** function was rolled into the Commonwealth Ombudsman's remit. This merger saw a 60% increase in complaints to the PHIO in the following year.
- 2016 – The **Defence Force Ombudsman** function was significantly expanded to handle reports of serious abuse, with the ability to recommend reparation payments being added in 2017.
- 2016 – In the Office's dual role as ACT Ombudsman, it gained responsibility overseeing the operation of the *Freedom of Information Act 2016 (ACT)* after this legislation passed the ACT Parliament.
- 2017 – The Commonwealth Ombudsman was designated as the **National Preventative Mechanism (NPM)** and NPM Coordinator after the government announced their intention to ratify OPCAT (Optional Protocol to the Convention against Torture and other Cruel, Inhuman Treatment or Punishment).

- 2019 – The Office took on the role of **VET Student Loans Ombudsman**, handling complaints regarding vocational education and training providers. This role also looks at any inappropriate behaviour on the part of the providers leading to debts being incurred with the ability to recommend a re-crediting of the debts if appropriate.
- The addition of all of these functions has not only contributed to the increase in the size of the Office since it was established in 1977, but also increased the breadth of oversight, contributed to further enhancing our skills in performing effective oversight and allowed us to bring our expertise in complaint handling, inspections and auditing to a wider range of administration.
- With the addition of each function, there is a recognition from government that emerging areas require robust oversight and good governance, and there is confidence in our Office to provide it.

Major Challenges

- But expansion of this nature and the provision of robust oversight to achieve change, comes with challenges.
- My Office, like many others, has its share of challenges, many of which centre around accessibility, resourcing, judgement, maintaining independence and influencing change without the power to make binding directions.

Accessibility

- The success of any avenue for complaints lies in how easily accessible it is for members of the public who have a complaint to make, as well as awareness of the complaint mechanism.
- Awareness of our Office has been consistently prioritised by the Commonwealth Ombudsman, dating back to the famous 'Bamboozled by the Bureaucracy' advertising campaign on milk cartons and billboards in 1978. These images still decorate the walls of our Canberra office to this day.
- We've been improving the accessibility of our Office as a complaint handling mechanism by expanding our contact options as technology rapidly advanced through the years.
- This has been accompanied by work to identify any areas of our complaint handling procedures where people may face barriers of access and prioritising improvements, including a specific phone line for our Aboriginal and Torres Strait Islander complainants, improving training on working with ~~persons~~ ^{people} who have a disability and providing our materials in a range of languages.

Resourcing

- As you've already heard, the remit of the Ombudsman's Office is wide and we have a funding envelope just like every other government agency or statutory office to work within.

- So, one of the key challenges facing our Office, and an issue that I regularly consider and weigh up, is where do I put the resources I have – what issues should I take a closer look at; what complaints are showing a pattern of a more systemic issue; how often should I inspect a regime or form of detention; how far should I chase the rabbit down the hole in an investigation; and how much assurance is enough assurance to ensure Parliament, agencies and the public are satisfied that we are performing our role well.
- I often answer this question by considering a number of factors, in consultation with my team – including but not limited to:
 - Is there other oversight already occurring around the same issue?
 - Is there work already underway to rectify or improve?
 - What impact will an Ombudsman investigation have – how many people does the issue affect? Is it a long-standing issue or something that is contemporary to the time and place?
 - Do I have the necessary expertise? Or am I the best placed oversight agency to consider this issue?
 - Could an investigation result in something useful that could be used not only by the agency I'm investigating, but more broadly by other agencies grappling with similar issues?
- Each of these questions requires judgement. It's one of the most critical, if not **the** most critical, challenges of the job, and I, like every other person who has occupied the role of Commonwealth Ombudsman – either substantively or acting – are keenly aware of.
- It's simply very important to exercise good judgement, because that is the only way that you will remain relevant, useful and an integral part of the integrity and administrative framework of the Commonwealth.

- Of course, resourcing is also an issue across government, it is not exclusive to my Office.
- If our Office does not have a sufficient level of resourcing to enable us to deliver our functions, the quality of oversight may lessen and the number of issues we can handle and investigate reduces.
- We ask all agencies to remember that whilst relying on the robust oversight that will be provided by the Ombudsman's Office may be an integral part of selling a new policy proposal, it is equally important that that oversight is adequately funded.
- And we remind government that our services are key to ensuring there are independent eyes watching and reporting to them on matters of public administration, so it's important that we are adequately funded to do that.
- Generally, we have few complaints about funding and we provide the best oversight we can within the funding envelope we are provided.

Maintaining Independence

- It's also important to keep an eye to our independence.
- Make sure law reform proposals don't encroach upon the way we do business – that is with unfettered access to information held by government agencies – and we don't become embroiled in political or policy debate.

- Our lane is government administration and it's important that we perform the oversight of that lane with impartiality, independence and robustly.
- So, to this end, we work with agencies proposing legislative reform to ensure independent oversight is included and we often make submissions to Parliamentary Committees which are considering legislation amendments to ensure that our role is not only understood, but our independence is maintained. To date I think we've achieved this.

Influencing Change

- The challenge of relying upon recommendations to influence change as opposed to having the ability to make binding directions is clear – ultimately agencies do not have to agree with us or take any action based upon the recommendations we make.
- We rely upon getting a few things right to maintain our ability to influence change:
 - relationship management (we value our relationships with the community we serve, the agencies we oversee and the Parliament provide reports to);
 - maintaining engagement with agencies through the investigative process to make sure we understand their business and craft recommendations that can be implemented and will achieve the change we think needs to happen;
 - staying relevant (that is continuing to look at issues that will have impact whether it be for an individual, a group of people or across the community as a whole) – those three things along with the potential for public reporting are an essential part of how we do business.
- And we find that it works – the vast majority of recommendations made by our Office are accepted and when we follow up with agencies down the track we find that most of the recommendations have also been implemented.

Conclusion

- The relevance of the bodies established after the Kerr Report only continues to become more apparent as the overall scope of government work has developed in the past 50 years.
- The public have grown to expect good complaint handling and review options when they are dissatisfied with government, showing the impact that the Kerr bodies have had where we are now part of the furniture in the administrative landscape.
- My Office is proud to do our part overseeing the breadth of government administration and handling complaints from members of the public.