

Access to Justice Arrangements

The Victorian Ombudsman's response to the Productivity Commission's
draft report

May 2014

About the Victorian Ombudsman	2
Access to Ombudsman services	2
The cost of Ombudsmen services.....	7
The future for Ombudsman offices?.....	10
Incentives for government	16
Benchmarking	17

About the Victorian Ombudsman

The Victorian Ombudsman is an independent officer of the Parliament under section 94E of the *Constitution Act 1975*. The Ombudsman is appointed to office under section 3 of the *Ombudsman Act 1973* by the Governor in Council. I was appointed for a 10 year term in March 2014.

The Ombudsman's principal function is to enquire into or investigate administrative actions under the Ombudsman Act. The jurisdiction encompasses actions taken by or on behalf of government departments, public statutory bodies, officers and employees of municipal councils and actions by private sector entities when delivering services on behalf of government. Enquiries and investigations may be conducted as a consequence of a complaint or on the Ombudsman's own motion.

The Ombudsman also has responsibilities about disclosures of improper conduct under the *Protected Disclosure Act 2012*; about human rights under the *Charter of Human Rights and Responsibilities Act 2006*; and some important functions aimed at ensuring compliance by state entities with certain other specified Victorian legislation.

The Ombudsman receives more than 30,000 approaches each year.

Access to Ombudsman services

The draft report makes a compelling case that the Ombudsman model is a highly effective yet underutilised approach to dispute resolution. Draft recommendation 9.1 includes sensible steps that would assist the public to access complaint handling services. However there are further opportunities to make it easier for the public to access complaint handling services.

Develop a complaint handling system

The evidence obtained by the Commission demonstrates how difficult it is for members of the public to find the correct service to assist them. As a result many people do not receive the help they need while others are frustrated at being passed between services, often having to explain their complaint many times to different agencies.

This experience is inevitable when large numbers of complaint handling bodies operate to idiosyncratic standards in jurisdictions that might overlap or otherwise be complex or difficult to understand.

Australia can be described as having an extensive **network of complaint handling bodies**. The strength of the network is variable across sectors and geography. Closer collaboration can and does occur, such as through the Australian & New Zealand Ombudsman Association (ANZOA). However we do not

have, at either state or federal level, anything resembling a true overarching ***complaint handling system***.

A robust complaint handling system would ensure members of the public can find the service best placed to handle their complaint without needing to understand the complexity of the system. In short, the responsibility to navigate a complaint to the correct destination should largely lie with the complaint handling system and not with the individual seeking assistance.

The Productivity Commission could build on its recommendation and promote the development of a complaint handling system consisting of agencies with a shared commitment to:

- simplicity and ease of access
- leveraging technology to link users to the correct agency
- protocols for the direct transfer of misdirected complaints between agencies
- agreed common standards and processes to facilitate the above.

A coalition of agencies who share a commitment to the above could establish a single complaints portal using dynamic search functionality that would enable users to access the correct service for their problem and geographic location. Centralising this function would mean providing the hosting agency(ies) with the resources to properly promote and resource the portal.

Any complaints that are misdirected despite this improved portal would be the responsibility of the receiving agency to refer on to the correct body. If participating agencies work toward complementary on-line complaint forms, with standardised questions and syntax, these referrals could be processed with minimal delay or inconvenience to the complainant and lower administrative overheads for complaint handling bodies.

These protocols should address:

- privacy / consent requirements
- consistent approach to information sought from complainants
- technical requirements for data exchange.

This degree of collaboration represents, if undertaken progressively in a series of achievable steps, an opportunity to build a truly cohesive and high functioning complaint handling system. In my short period as Victorian Ombudsman I have already encountered enthusiastic support for taking action to provide the public with a simpler and easier to use complaint handling system in Victoria.

Provide information to users of public services

The draft recommendations suggest that service providers should provide consumers with information about complaint resolution processes. Developing a more coherent complaint handling system as I have proposed above would provide opportunities to make dispute resolution options more visible in the community. However general awareness should be complemented by context specific information delivered when it is most relevant to a consumer.

This already occurs in many industry sectors, particularly those that are subject to significant regulatory oversight. For example Victoria's *Energy Retail Code*¹ requires energy retailers to:

- handle a customer complaint in accordance with the Australian Standard on Complaint Handling
- inform customers of their escalation options when responding to complaints
- include the Energy and Water Ombudsman Victoria's telephone number on any disconnection warning
- inform a customer in writing of their right to refer complaints about other matters to the Ombudsman if they remain dissatisfied.

I see no reason why public services should not be subject to the same requirements and a small number of Victorian public sector agencies do adopt such practices. However the absence of mandated minimum complaint handling standards across the Victorian public sector results in an inconsistent approach across agencies.

The draft report highlights the large proportion of unmet need within the community that concerns matters within the jurisdiction of government ombudsmen². Requiring public sector agencies to adopt a similar approach to the *Energy Retail Code* would ensure information is provided to people with grievances when it is most relevant to them.

Make it easier to complain

As well as the complexity of navigating the myriad of complaint handling bodies, Victorians who wish to complain to my office have an additional barrier – a legislated requirement to make their complaint in writing.

The Ombudsman Act has included this requirement since its enactment in 1973. The Act allows for some exceptions however the requirement is an unnecessary impediment to a member of the public lodging a complaint.

¹ pp. 35-36 <http://www.esc.vic.gov.au/getattachment/0d91ae04-024f-4fbd-803b-93880419a9d2/Energy-Retail-Code-v10a.pdf>

² P. 283

When the Ombudsman Act came into effect many homes did not have a telephone, fax machines were not in common use and the internet was unheard of. The requirement to make a complaint in writing often surprises people who approach my office with the reasonable expectation that public services, including the services of my office, should be accessible, flexible and responsive.

Seventy five per cent of approaches to my office in 2012-13 were initiated by telephone. This is a quick and convenient means to deal with issues where advice from my staff is sufficient e.g. providing information about a merits review scheme available to the caller.

However if the call is within my jurisdiction and my staff consider further action is required by my office they must inform the caller to submit a written complaint unless one of the legislative exemptions apply³. This is regardless of whether the complaint may have been readily resolved without any practical need for further information from the caller.

In the first nine months of this financial year my staff have received nearly 800 complaints over the telephone that they considered merited further action by my office. Only slightly more than half of these callers followed through with a written complaint despite my officers offering to assist any callers they suspected as having difficulty with the process.

The counter arguments to removing the requirement for a complaint to be made in writing might include the desirability of testing complainants' commitment to their complaint, obtaining a clear statement as to their concerns and the potential for complaint handling bodies to be overloaded with minor complaints if it was 'too easy' to complain. All of these issues could be alleviated by providing the Ombudsman with the ability to require a complaint to be made in writing only where that is appropriate in the circumstances of the case.

Reaching out to the public and public sector

The draft report canvasses opportunities for ombudsmen to provide more information to providers of referral and legal assistance services. It also refers to the successful outreach activities undertaken by the Public Transport Ombudsman.

There are lessons to be learnt from industry ombudsmen schemes as to how governance arrangements for public sector ombudsmen can be structured to ensure a focus on educating the community about their services.

The Public Transport Ombudsman's Charter includes a responsibility for:

³ The complainant is under 18 years of age, does not have sufficient knowledge of the English language or has a mental or physical impairment.

appropriate public information programs on promoting the PTO scheme and its complaint-handling procedures.

The Energy and Water Ombudsman Victoria's Charter includes a responsibility to:

...in consultation with the Board, promot[e] the EWOV scheme and its complaint-handling procedures'.

The Telecommunications Industry Ombudsman complies with the Commonwealth Government's *Benchmarks for Industry-Based Customer Dispute Resolution Services*. One of six underlying principles included in this document is:

The scheme makes itself readily available to customers by promoting knowledge of its existence, being easy to use and having no cost barriers.

In each scheme the Ombudsman is mandated to take proactive steps to inform the public about their services.

There are also examples of where statutory ombudsmen have been mandated to proactively support the public sector to improve its practices without the requirement for an investigation. For instance section 12(c) of the *Ombudsman Act 2001* (Queensland).

to consider the administrative practices and procedures of agencies generally and to make recommendations or provide information or other help to the agencies for the improvement of the practices and procedures;

Victoria's Ombudsman Act includes five statutory functions that I am obliged to undertake. However none require me to educate the community or the public sector about the role of my office.

A statutory Ombudsman's enabling legislation establishes his or her mandate from the Parliament for which he or she is then accountable. There are always more complaints and investigations than an office can investigate regardless of the resources available to the Ombudsman. If there is no statutory basis for the Ombudsman to undertake community or public sector education it is only rational that those activities will not receive the same priority as his or her statutory duty to investigate complaints.

The Commission could make a constructive contribution to complaints handling by recommending that Governments review the legislation of their statutory ombudsmen and incorporate, where absent, functions related to community and public sector education. Incorporating these functions in legislation would promote community engagement as a core responsibility of Ombudsman offices

to be balanced with their day-to-day complaint handling responsibilities and resourced accordingly.

The cost of Ombudsmen services

The Commission has sought feedback regarding its estimates for the cost of Ombudsman services and about the cost of undertaking systemic investigations.

Complaint handling costs

The average cost of resolving a jurisdictional complaint to my office was estimated by an independent consultant at \$640 in February 2013. This is consistent with the estimates in the draft report.

Systemic investigations

My office has been developing its capacity to track indicative costs for its more complex investigations over the past 18 months. This data is collected for internal management purposes such as monitoring the progress of investigations and informing decisions about internal resource allocation.

The degree of rigour required for these purposes is not as great as could be expected in industry schemes which recoup their costs from members and therefore collect data to substantiate their expenditure. As a result it is likely that the processes used in my office tend to underestimate the true costs of these investigations. The following data should therefore be considered cautiously nevertheless it provides some insight into the costs of conducting larger scale investigations.

A definition of a 'typical' systemic review is particularly elusive in a broad jurisdiction such as mine. I have therefore provided a number of examples of systemic investigations which range from the relatively straightforward to those which involved significant resource commitments.

The costs of conducting systemic review should be placed in the context of the value derived from them – for the public, the agency and the government. I have included some brief comments regarding the value delivered by these investigations.

Own motion investigation into deaths and harm in custody

Tabled in Parliament: March 2014

Approximate cost = \$205,000

In light of continuing overcrowding in Victorian prisons and police cells, coinciding with an increase in deaths and harm in custody, the Ombudsman decided to conduct an investigation into deaths and harm in Victorian custodial facilities.

The investigation examined whether adequate steps have been taken by responsible agencies to minimise the risks of deaths and harm to people held in custody. Investigators visited each custodial facility across the State, interviewing 45 witnesses and examining practices and procedures at each facility.

Over 40 recommendations were made by the Ombudsman, the overwhelming majority of which were supported and will be used by custodial agencies in the development of strategies to minimise deaths and harm in custody.

Own motion investigation into Corrections Victoria following the death of Mr Carl Williams at Barwon Prison

Tabled in Parliament: April 2012

Approximate cost = \$175,000

As a result of concerns about the circumstances of a high profile prisoner's death and the adequacy of monitoring systems in Victoria's highest security prison unit, the Ombudsman decided to commence an independent administrative investigation into Corrections Victoria's management of Mr Williams at Barwon Prison.

Investigators interviewed over 30 witnesses, visited the prison and consulted with various agencies, including the State Coroner. The Ombudsman made 57 recommendations aimed at improving the safety and security of Victorian prisons.

All recommendations were accepted by the Department of Justice and implemented as a matter of priority. Two of the Ombudsman's recommendations resulted in legislative amendments to the Corrections Act.

Own motion investigation into unenforced warrants

Tabled in Parliament: August 2013

Approximate cost = \$100,000

The Ombudsman commenced this investigation after becoming aware that two million warrants worth \$886 million had not been enforced over a period of eight years, a significant loss to the State. In total a pool of \$1.2 billion worth of unexecuted warrants existed at the time of the investigation.

Interviews were conducted with the Sheriff and Sheriff's Officers of varying levels of seniority and from locations throughout the state. Investigators also observed a Sheriff's Operation; reviewed legislation, policies, processes and procedures; spoke to officers in comparable agencies interstate and in New Zealand; and reviewed the State Government's proposed Fines Reform Program.

The final report included 24 recommendations designed to support better management of warrants. All recommendations were accepted or accepted in principle.

The Government has recently introduced legislation to reform the enforcement and collection of fines and civil judgement debts supported by \$34.6 million in capital and recurrent funding over four years to upgrade information systems and increase enforcement capacity.

Own motion investigation into children transferred from the youth justice system to the adult prison system

Tabled in Parliament: December 2013

Approximate cost = \$70,000

The Ombudsman commenced an investigation into the transfer of children from the youth justice system to the adult prison system after learning that a 16 year old Aboriginal boy had been transferred to Port Phillip Prison and held in solitary confinement for a number of months.

Twenty four witnesses were interviewed, youth justice centres and prisons were inspected and enquiries were made with the Department of Human Services, Corrections Victoria, the Victorian Aboriginal Child Care Agency and the Equal Opportunity and Human Rights Commission.

The investigation established there had been 15 instances of children transferred to the adult prison system since 2007. These transfers had often taken place after the children had demonstrated an escalating pattern of violent behaviour which had not been adequately managed in the youth justice system.

The Ombudsman made a number of recommendations including that legislation be amended to remove the option to transfer children to the adult prison system. The Government is considering this recommendation.

The investigation led to several measures to strengthen the youth justice system's ability to meet the needs of children who might otherwise have been imprisoned. Processes for confirming the age of young offenders have been improved to ensure no child is remanded in adult custody in error and experienced clinicians now participate in any decision to transfer a child into the adult penal system.

The future for Ombudsman offices?

The draft report considered opportunities to consolidate the number of complaint handling bodies and the means by which funding arrangements are designed to provide incentives to minimise complaints and resolve disputes efficiently.

Rationalisation

The draft report recommends the rationalisation of ombudsmen services to improve efficiency and reduce unnecessary costs. I agree with the recommendation and the accompanying analysis that suggests doing so would also have a number of other benefits.

The development of a better integrated complaint handling system, as I have advocated above, would present considerable scope to realise efficiencies. In particular, such an approach would reduce double handling of complaints and avoid the inefficiencies inherent in the replication of infrastructure across numerous small bodies. It may also reduce complainant fatigue, where complainants simply do not follow up on their complaint, despite being referred to the appropriate agency.

In Victoria there are multiple instances of small complaint handling bodies. In some instances their jurisdiction overlaps with my own creating even more complexity for members of the public seeking to resolve a dispute. The following diagram includes the most common overlaps:



My office receives over 30,000 approaches each year. The next highest amongst these other bodies is, so far as I can ascertain from the public record, less than 10,000 approaches. None of the other four bodies received more than ten per cent of the number of approaches made to my office⁴.

A simpler and more streamlined means to access the complaints handling system would be a significant improvement in how the public experiences the system. A consolidation in the number of complaint handling agencies would also ensure that these agencies were of a size to invest in service improvement, innovation and community engagement.

⁴ The Mental Health Complaints Commissioner is in its establishment phase and has not yet commenced operations. However it will service a subset of consumers who access services already under the jurisdiction of the Health Services Commissioner. The Commissioner's annual budget is \$2.44 million.

For example my office has developed expertise in the use of information and communications technology to provide responsive advice and referral information to callers at a low cost. My office is frequently visited by similar agencies wanting to learn about these innovations. Most leave impressed by what they have seen however few have the resources to undertake similar development.

I am not suggesting that a consolidation of the complaint system means all of the smaller bodies who perform these functions should cease to exist. Such organisations generally have other functions which may benefit from being administered without the distraction (and potential conflict between an advocacy vs arbitration role) of initial complaint handling.

For instance the establishment of commissioners for children, people with disabilities or the mentally ill has generally occurred because of concern that vulnerable people require a specialised service to assist them. However a better response may be for these organisations to focus on individual and systemic advocacy for their constituency. These roles may include assisting a person to make a complaint to the Ombudsman. Information sharing provisions could also enable the Ombudsman to provide such a commission with information to assist it to focus its systemic advocacy.

There may also be some functions that are not appropriate for an Ombudsman. For instance it would not be appropriate for the Ombudsman to prosecute councillors – which is the responsibility of the Local Government Investigations and Compliance Inspectorate.

Jurisdiction over local government matters is shared between my office, the Inspectorate and the Independent Broad-based Anti-corruption Commission (IBAC). It is not surprising that members of the public have difficulty determining which body to approach. It is a prime example of an opportunity to reduce complexity and obtain better value for public money.

A complaint regarding a local government matter could be:

Where lodged?	Who is it about?	What happens to it?
Received at my office	A council officer	<ul style="list-style-type: none"> o I deal with it if it is not a protected disclosure and does not involve corrupt conduct o I am required to notify to IBAC if it appears to involve corrupt conduct or I consider the complaint to be a protected disclosure complaint - IBAC

Where lodged?	Who is it about?	What happens to it?
		<p>then:</p> <ul style="list-style-type: none"> ▪ deals with the matter if it constitutes serious conduct; or ▪ –refers it back to me by IBAC – I can then investigate
	A councillor	<ul style="list-style-type: none"> ○ I have no jurisdiction – the complaint should have been made to IBAC or the Inspectorate ○ I am, however, required to notify IBAC if it appears to involve corrupt conduct or I consider the complaint to be a protected disclosure complaint – IBAC - IBAC then: <ul style="list-style-type: none"> ▪ deals with the matter if it constitutes serious conduct; or ▪ –refers it back to me, if IBAC considers that the complaint is a protected disclosure complaint – I can then investigate
Received at IBAC	A council officer	<ul style="list-style-type: none"> ○ it deals with it if it involves serious corrupt conduct ○ it refers the matter to me – I can investigate
	A councillor	<ul style="list-style-type: none"> ○ it deals with it if it involves serious corrupt conduct – the Inspectorate also has jurisdiction ○ it refers the matter to me – I can investigate
Received at the Inspectorate	A council officer	<ul style="list-style-type: none"> ○ it has jurisdiction but under its procedures it requires that the complaint be handled by the Council, VO or IBAC ○ it has jurisdiction and investigates the complaint
	A councillor	<ul style="list-style-type: none"> ○ it has jurisdiction but under its procedures it requires that the

Where lodged?	Who is it about?	What happens to it?
		complaint be handled by the Council, or IBAC ○ it has jurisdiction and investigates the complaint. This includes corruption matters

These arrangements cannot represent good practice. As well as wasteful double handling across the agencies concerned it reduces the likelihood that a complaint will find its way to the agency that is best positioned to respond to it.

Most complaints about local government end up being dealt with by my office⁵. My office is ideally situated to provide the access point for all complaints regarding local government supported by the powers necessary to refer approaches to other bodies where necessary.

This approach would leverage the expertise developed in my office in the triage and assessment of complaints and enable the other bodies to focus their resources on their specialised investigative functions.

How can the Ombudsman complement more expensive civil justice remedies?

The Commission has also requested feedback on how and where alternative dispute resolution processes could be better employed in tribunal settings. The draft report's request is an opportunity to consider how a joined-up system of administrative justice can be developed.

I have raised the potential benefits of a streamlined complaint handling system where fewer ombudsmen deal with a wider variety of matters. My comments regarding local government are a particular example of the opportunity for the Ombudsman to be an effective gatekeeper, resolving a large proportion of matters quickly and efficiently thus preserving the resources of specialist bodies for matters which warrant their intervention.

I believe a similar opportunity exists in the relationship between ombudsmen and tribunals.

The draft report identifies the expense involved in administrative tribunal matters citing average costs of \$2500, \$4700 and \$7200 per case for VCAT, the NSW Administrative Decisions Tribunal and AAT respectively. The report also

⁵ My office closed 3,561 complaints against local government in 2012-13.

highlights the divergence between the public's expectation that tribunals will provide a quick and accessible forum for dispute resolution with their actual experience.

The report's conclusions, regarding both the Tribunal system and the role of ombudsmen, point to the opportunities that could be realised if these two systems complemented each other more effectively.

It is apparent that there is a portion of the large caseloads dealt with by Tribunals that are simply misconceived and have no prospect of success. As well as taking up the time and resources of Tribunals and respondents, the individual applicant in these matters does not benefit from these proceedings. In some cases an applicant can end up worse off. The following cases are examples of a poor outcome for all concerned:

On the one hand we have an applicant who we know has some difficulty functioning in society. He loves his dogs. He has received advice that his chances of success are very low and those chances have been realised in this hearing. On the other hand, Council had been exposed to pound costs of about \$8,000 and legal costs in this proceeding of about \$8,000, according to Mr Halse. Mr Halse submits it is fair that an order be made. He doubts it will ever be collected. However, it would be a disincentive for this owner and other owners in the future of unreasonably pursuing these matters.⁶

The applicant has, in my view, had a very weak case. It was abundantly clear from the notes of Dr D'Argent that the applicant's case was difficult at best and it was a case, in my view, that probably should not have been pursued. Given those circumstances, I find it just to make an order for costs which I will make on the County Court scale subsequent to 11 October 2012.⁷

However there is precedent in Victorian law for the Ombudsman acting as a gatekeeper for the Tribunal.

The *Freedom of Information Act 1982*, prior to substantial amendments in 2012, included a provision that a person could only apply to the Tribunal for a review of certain charges if:

... the Ombudsman has certified that the matter is one of sufficient importance for the Tribunal to consider⁸.

⁶ *Sicluna v Hume CC (Review and Regulation)* [2013] VCAT 1318 (7 February 2013)

⁷ *Grenade v Transport Accident Commission (General)* [2013] VCAT 67 (25 January 2013)

⁸ Section 50(2)(c)

The Freedom of Information Commissioner was provided with this function upon its establishment.

This precedent is worth broader consideration. The Commission has indicated its interest in examining opportunities to further embed alternative dispute resolution in Tribunal processes. There may be opportunities to include a role for ombudsmen – both statutory and industry - in the lifecycle of cases currently heard by tribunals. I suggest that further study of this proposal is worthwhile.

Incentives for government

The draft report has recommended that government agencies contribute to the cost of complaints lodged against them. I disagree with this recommendation as it is not appropriate in a public sector context and would have unintended consequences that are contrary to the public interest and could place vulnerable members of the community at risk.

The logic underpinning the Commission's recommendation is apparent. A requirement to contribute to the cost of complaints would provide an incentive for agencies to prevent complaints and be prepared to resolve them earlier when they are received. In the case of a 'for profit' enterprise there is a straightforward link between increased costs and incentives to change behaviour which means that this approach is well accepted in industry dispute resolution schemes.

However I do not consider that this is an appropriate framework for public services. Public services are frequently concerned with the public interest even where this may not be in the best interests of an individual. In fact many public services are indeed purposefully designed to intervene in the lives of members of the public in ways they are likely to be dissatisfied with.

For instance the mentally ill can be detained against their will, child abuse allegations will be investigated against the wishes of their parents, domestic violence perpetrators may be removed from their home, land tax will be levied on those who do not want to pay it and funding for students with disabilities will be shared equitably despite individual parents advocating that their own child should receive more.

In none of these instances would it be appropriate to create an incentive for the agency to avoid or resolve a complaint from the individual who is adversely affected. To do so would be contrary to the public interest, undermine the equitable delivery of services or diminish the protection of vulnerable members of the community.

The above services also highlight another difficulty if this recommendation was accepted. In many instances the services most likely to give rise to complaints,

regardless of the skill with which the work is undertaken, are those which provide services to the most vulnerable. These are the agencies who could least afford financial penalties for complaints.

I think a more productive approach would be to create incentives that resonate with public sector values of transparency and accountability. I have previously referred to the desirability of mandatory minimum complaint handling standards for public sector agencies. Introduction of these standards could be accompanied by external review and reporting of performance against these standards which would create a powerful incentive for public sector agencies to focus on the continuous improvement of their complaint handling processes.

Benchmarking

The draft report recommends that government ombudsmen be subject to performance benchmarking. I support this recommendation. It is appropriate that government ombudsmen be accountable for their performance and the use of performance benchmarking should be part of that accountability.

I understand that this subject has been discussed by government ombudsmen in Australia frequently over many years. The major impediment to real progress has been the varying nature of the jurisdiction of each of the state and commonwealth ombudsmen.

To make progress and overcome this impediment the Commission could identify the need to undertake work at a national level to better define the desirable core features and standards of statutory ombudsmen. This could provide the basis upon which meaningful benchmarking tools can then be developed.

Careful consideration would be required to ensure the framework for enabling a benchmarking system did not impinge on the independence of statutory Ombudsman. The experience of Australia's Auditors-General may be informative in this regard.

The Australasian Council of Auditors-General (ACAG) was established in 1993 and provides consultative arrangements for the structured sharing of pertinent information and intelligence between Auditors-General. The objectives of the Australasian Council of Auditors-General include:

Providing opportunities for Audit Offices to improve their own effectiveness and efficiency by such means as may be agreed from time to time including a professional quality assurance peer review program, benchmarking surveys, targeted reviews of particular functions and operations⁹

⁹ Downloaded from <http://www.acag.org.au/about.htm> on 16 May 2014.

A similar body representing all state, territory and Commonwealth Ombudsman offices would be ideally situated to develop a suitable approach to benchmarking. While statutory Ombudsman offices liaise at a variety of levels there is no formal structure or dedicated secretariat at present which could support the development of benchmarking standards.

Previous ad-hoc arrangements do provide a basis of cooperation upon which the Ombudsman community could build. For instance in 2011 this office and the NSW Ombudsman undertook reciprocal peer reviews where senior staff reviewed each other's complaint handling processes.

The Commission could consider recommending the provision of seed funding to assist the statutory Ombudsman community to establish a similar body to the Australasian Council of Auditors-General. This could then provide the infrastructure required to acquire the body of evidence needed to underpin the development of a rigorous approach to benchmarking.

Deborah Glass
Ombudsman