



# VICTORIAN**ombudsman**



2023  
**ANNUAL  
REPORT**

**Published by order, or under the authority, of the Parliament of Victoria  
October 2023**

## **Accessibility**

If you would like to receive this publication in an alternative format, please call 1800 806 314, using the National Relay Service on 133 677 if required, or email [vocomms@ombudsman.vic.gov.au](mailto:vocomms@ombudsman.vic.gov.au).

**The Victorian Ombudsman pays respect to First Nations custodians of Country throughout Victoria. This respect is extended to their Elders past, present and emerging. We acknowledge their sovereignty was never ceded.**

## Letter to the Legislative Council and the Legislative Assembly

To

**The Honourable the President of the Legislative Council**

and

**The Honourable the Speaker of the Legislative Assembly**

Dear Presiding Officers,

I am pleased to transmit, in accordance with section 25 of the *Ombudsman Act 1973* (Vic), the Annual Report of the Victorian Ombudsman's office for the year ended 30 June 2023.

A handwritten signature in black ink, appearing to read 'Deborah Glass', with a stylized flourish at the end.

Deborah Glass OBE

**Ombudsman**

12 October 2023





# Contents

Year at a glance 2022-23	4
Ombudsman's message	6
Annual Plan 2022-23 Outcomes	8
About us	12
Impact around the state	16
Contact with us	18
Complaints	20
Reviewing complaint handling policies and processes	44
Conciliation	46
Investigations	52
Public interest disclosures	66
Protecting Human Rights	70
Engagement	74
Public Sector Education	80
Strengthening our capabilities to support our vision	82
Feedback about us	98
Financial Statements	112
Appendices	146

Note: Aboriginal and Torres Strait Islander readers are advised that the following report may contain images of people who have died.

# Year at a glance 2022-23

18,403

jurisdictional  
complaints received

down 2.5%

50

total numbers of  
complaints conciliated

5,409

enquiries

up 2.8%



16

completed  
investigations



17,510

phone  
complaints



Nine

reports tabled  
in Parliament

up 33% on last year



5,757

complaints  
received via  
online web form



83.7%

Total accepted  
recommendations  
41 out of 49



2,722

complaints about  
human rights

down 7.3%



Most complained  
about portfolio

Corrections

up 18.7%

Most complained about issue

Correspondence/  
Communications/Records  
- Delay/No Response/  
Withholding of Information

Social media followers

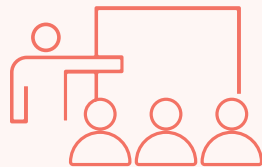
11,525



63

educational  
workshops

up 66%



191

Public Interest Complaint allegations  
finalised through enquiries

up 14.3%

1,667

housing  
complaints received

up 52.5% on last year



424

contacted us  
via webchat

introduced this year



Environmental impact

5 ★★★★★

5 STAR NABERS Energy Rating

Net Greenhouse emissions per  
FTE staff member (tonnes)

1% increase  
on efficiency from last year

# Ombudsman's message

This is the tenth and last Annual Report I present to Parliament; my term as Ombudsman comes to an end in March 2024.

My 2014 report described some of my early observations and plans for the role, including the evolution of the Ombudsman's office in light of the then-new Independent Broad-based Anti-corruption Commission. I commented that the introduction of IBAC allowed me to refocus the work of the office in line with its Swedish origins – the 'defender of the people' – to make it clearer that corruption was IBAC's business and fairness was mine.

Nearly 10 years later the lines are more blurred. Corruption is certainly IBAC's business and fairness is still at the heart of my vision for the office. But the boundaries between the two are not clearcut. The work of my office in investigating 'maladministration' – wrongdoing that does not meet IBAC's high criminal threshold – has been pivotal in exposing multiple examples of nepotism, conflicts of interest, and other forms of misconduct that undermine public trust in government. Examples of these were set out in my recently tabled Misconduct in public organisations: a casebook. In 2014 I could not have contemplated a joint investigation with IBAC – yet Operation Watts, tabled in the year under review, shows how much reform can be achieved when integrity bodies work together.

Dealing with misconduct has not reduced our focus on fairness, which is not only undiminished; we now have better tools to do the job. This year's report describes some of the outcomes achieved with our new conciliation function, a voluntary process for both complainants and agencies which has, so far, successfully resolved well over 90% of conciliated complaints, including complex local council matters. I am pleased so many agencies are now seeing the benefits of conciliation and engaging in the process with a constructive mindset – including a willingness to apologise and rectify longstanding problems.

This report, and the complaint handling casebook tabled this year, also illustrate some of the over 7,000 actions agreed by agencies to resolve complaints without a formal investigation – very often, by simply providing the service sought, or otherwise fixing the problem.

Demand is growing for another new function, reviewing the complaints handling practices of agencies, a welcome development I hope will ultimately reduce future complaints to the Ombudsman. Complaints review can also showcase agencies which do it well – as illustrated by our Complaint handling in a crisis guide.

Human rights remain a theme for the office, still featuring in thousands of complaints despite a slight dip as COVID-related complaints have reduced. The cases in this report illustrate how human rights are relevant for everyone, not only in our prisons.

Disappointingly, not all my work delivers the change needed to improve public administration. Throughout my term, acceptance of Ombudsman recommendations has averaged over 95 per cent. This year it is 83.7 per cent – largely the result of the government not responding to eight recommendations I made in my Investigation into complaint handling in the Victorian social housing sector. These recommendations, developed in close collaboration with the sector, including advocacy groups, would deliver real change at a minimal cost, in an area that has been neglected for too long. Complaints about social housing are rising; and are increasingly coming to us via Community Legal Centres. While I am pleased to see our CLC partnerships bearing fruit, it should not take the repeated nudge of the Ombudsman's elbow to deliver outcomes for some of the most disadvantaged people in our society.

In 2014 I presented an early wish list for reforms, mostly driven by the inefficiencies I first observed in the role. Many of these were delivered in subsequent years and the impact can be seen in these reports.

The ability to deal more efficiently with whistleblower cases without the requirement to formally investigate everything has significantly reduced the number of formal investigations we now carry out, without compromising our ability to examine the matters IBAC sends us. Since 2020 we have had a formal public education and prevention function, which, despite some COVID-related setbacks, delivered 63 workshops to over 1,000 people last year. An early bugbear, that all complaints to the office had to be in writing, was removed in 2016, no doubt contributing to the rise in jurisdictional complaints since 2014.



With some six months remaining as Ombudsman, I will not yet deliver a eulogy on my time in the role, but I must give three rousing cheers for the wonderful staff and managers of my office, many of whom have been with me for much of my journey. And my deepest gratitude to my Deputy, Megan Philpot, and my Chief Operating Officer, Marija Maher, without whose support and wise counsel my journey would have been so much harder. It is a great, but lonely privilege to be a constitutionally independent officer of Parliament; my thanks to all who have walked the road with me.

**Deborah Glass**  
Ombudsman

While these reforms have been welcome, other requirements for legislative change have emerged over the years and some remain unfilled. We still do not have a broad ability to release information in the public interest, our investigations can be hampered by our inability to obtain Cabinet-in-confidence documents, our oversight regime is inefficient and ineffective, and while there have been welcome moves towards budget independence, reform does not go far enough. These will be for my successor to take up as they see fit.

# Annual Plan 2022-23 Outcomes

## Victorian Ombudsman Annual Plan Achievements 2022-23

Objective 1	
Relevance	
More people access and value our services	
Action	Outcome
Mark the VO's 50th anniversary by showcasing the office's impact since 1973 through a report to be tabled in Parliament	VO is in the process of documenting its 50 year history, to be tabled in Parliament in late 2023.
Host the Australasian and Pacific Ombudsman Region (APOR) conference	The conference will take place between 31 Oct - 1 Nov 2023.
Commence at least one human rights investigation through the lens of OPCAT	Healthcare in Prisons investigation has commenced.
Finalise reviews of complaint practices and procedures in at least one public organisation	A targeted review of complaint practices and procedures completed with Yarriambiack Shire Council.
Operationalise at least two metropolitan and two regional CLC partnerships	VO has commenced working relationships with two metro and three regional CLCs, consisting of referrals to VO via a dedicated phone line, and conducting a number of complaint clinics for CLC clients.
Commence the Innovate RAP implementation, focusing on at least two Indigenous partnerships	RAP innovate has been developed and endorsed by Reconciliation Australia.
Reduce the number of non-jurisdictional matters through continued investment in digital contact platforms, such as webchat, social media, online complaint form as well as phone and website redirect services	Ongoing changes are made to the online complaint forms and regular social media and other posts are created, informing the public about the role of VO. Additional enhancements to our Webchat service are currently being explored.
Pilot the case management system complainant portal to allow complainants to see status updates and upload additional information	Feasibility testing has been completed, however VO is dependent on its case management system provider to implement the solution scoped. Ongoing resource challenges by the supplier have meant that the project will be carried into FY23/24 for completion.

## Objective 2

### Impact

Victorian public organisations deal fairly with people

Action	Outcome
Conduct quarterly, VO-led maladministration prevention webinars, including an annual webinar with IBAC and VAGO	A joint webinar with IBAC and VAGO on Integrity matters was held in Nov 2022, attracting 871 registrations. Additional VO-only webinars were held in May and June 2023 on Investigation and Complaints processes as part of the VO's newly introduced Behind the Scenes series with over 520 public servants registering for the event. Finally, the Ombudsman was part of a national complaints handling forum attracting 285 public servants.
Promote VO's alternative dispute resolution function as an effective complaint resolution mechanism	<p>A range of promotion activities has taken place, including:</p> <ul style="list-style-type: none"> <li>• State Government Open Day.</li> <li>• Local Government Councils Open Day.</li> <li>• Federation of Community Legal Centres presentation and on-going engagement.</li> <li>• Ongoing direct engagement with respondent agencies.</li> <li>• Continued social media posts to generate awareness.</li> <li>• Delivered a webinar to State Government agencies.</li> <li>• Delivered a paper on the benefits of Conciliation at the National Investigations Symposium May 2023.</li> <li>• ADR content included in the Informal Resolution Case Book, tabled in Parliament in May 2023.</li> </ul>
Commence targeted and thematic reviews of complaints handling across four public organisations aimed at best practice complaint handling	Good Practice Guide: Complaint handling in a crisis was tabled in February 2023.
Publish an updated Best Practice Complaint Handling guide	VO has commenced a review into its complaints handling guide, which will be tabled next financial year.
Introduce VO's business intelligence capability to public organisations and seek to customise data where possible to assist improvements in public administration	VO has commenced working with IBAC to share business intelligence specifically, data and risk sharing initiatives, aimed at assisting improvements in public administration.
Conduct at least two systemic investigations into issues of public concern	VO has completed one systemic investigation: <i>Worksafe Self-Insurers</i> and commenced another one: <i>Healthcare in Prisons</i> .
Promote awareness of the VO's expanded jurisdiction with publicly funded organisations	<p>VO has conducted a variety of presentations and education sessions including VO's expanded jurisdiction to numerous organisations including, but not limited to:</p> <ul style="list-style-type: none"> <li>• InTouch Legal</li> <li>• Loddon Campaspe CLC</li> <li>• Housing justice CLC</li> <li>• Goulbourn Valley CLC</li> <li>• La Trobe Nursing</li> <li>• Your Community Health</li> <li>• Morwell Neighbourhood House</li> <li>• Consumer Action Law Centre</li> <li>• Tenants Union</li> <li>• Moonee Valley CLC</li> <li>• West Heidelberg CLC</li> <li>• Glenelg Council</li> <li>• Mental Health Legal Service</li> <li>• Local Government Victoria CEO Forum</li> <li>• Victorian Aboriginal Community Controlled Health Organisation Executive</li> <li>• Djirra</li> <li>• Mornington Peninsula Council Local Government Lawyers Group</li> <li>• Correct Care</li> <li>• Fitzroy Legal Service</li> <li>• Housing Registrar and Peak bodies in Community Housing</li> </ul>



### Victorian Ombudsman Annual Plan Achievements 2022-23 (continued)

Objective 3	
Quality	
Victorian Ombudsman staff are recognised for their integrity, values and skills	
Action	Outcome
Implement a capability framework focusing on people and their development, particularly at leadership and management levels	VO has developed a Capability Framework, which will be implemented in the new financial year.
Develop a sustainable hybrid working model	Hybrid working model has been developed and implemented.
Develop an Employee Value Proposition to support engagement, recruitment, and retention	The development of VO's workforce plan was inclusive of an employee value proposition across three pillars of: whole of VO, Complaints Officer role and Investigations Officer role. Implementation of actions will commence in the new financial year.
Develop digital methods to promote service excellence, including from complainant surveys and quality assurance activities	A formal feedback mechanism is being developed inclusive of manager feedback, Quality Assurance results, Key Performance Indicator results, and Internal Review outcomes contributing towards learning and development, managerial focus and Quality Assurance priorities.
Develop a Diversity and Inclusion Plan	A Diversity, Equity and Inclusion Plan has been developed, inclusive of initiatives that are already reviewed and annually implemented such as Gender Equality and Pay Parity. Implementation of other actions under the Diversity, Equity and Inclusion Plan will commence in the new financial year.
Prioritise mental health, wellbeing, and resilience training	<ul style="list-style-type: none"> <li>Regular lunchtime health and wellbeing sessions implemented with EAP provider in addition to ongoing EAP Services and weekly on-location presence of a designated psychologist.</li> <li>A range of health and wellbeing initiatives were also rolled out, including general health checks, skin checks, flu vaccinations, etc.</li> </ul>



## Objective 4

### Innovation

Sustainable Victorian Ombudsman, lean internally and efficient externally

Action	Outcome
In preparation for the IOC performance audit, cement evidence of effectiveness and impact	VO's internal auditors have completed a performance audit to assist VO in preparing for the IOC audit.
Implement a three and five-year financial planning and forward estimates of operating and capital plan budgets, inclusive of a workforce planning tool	VO has implemented: <ul style="list-style-type: none"> <li>• Annual capital plan with short-, medium- and long-term reviews.</li> <li>• Activity Based Costing (ABC) model review and 5-year volume projections to support budget process.</li> <li>• Workforce planning tool to inform the above.</li> </ul>
Pilot a 'warm handover' of premature complaints (putting complainants directly in contact with the relevant department/agency)	A warm handover pilot was undertaken in February and March. While it will not be operationalised more broadly, several opportunities to improve the complainant experience were identified and will be implemented in the new financial year.
Develop and operationalise automated 'warm handover' for non-jurisdictional complaints for the most common areas of complaint	<p>The triaging of the online complaint form and phone calls to the VO now re-directs non-jurisdictional complainants (NJUs) to the correct agency.</p> <p>While this automation will assist with the majority of NJUs, VO will continue to receive and handle matters where the complainant selects that the enquiry is jurisdictional, even when that is not the case.</p>
Deliver on process and system efficiencies through case management system automation, including complaint correspondence integration	The automation of correspondence with respondent departments and agencies has been completed, inclusive of the review and update of correspondence templates.
As part of VO's digital first approach to integrated telephony under Microsoft 365, VO will seek to decommission and recycle physical phones	Physical handsets have been removed from all desks with an environmental recycle vendor being used.
VO will continue to reduce its paper consumption by replacing paper-based forms with workflows and automation within the Microsoft 365 environment	VO has: <ul style="list-style-type: none"> <li>• Implemented Adobe Sign electronic solution for all online forms as a key driver of paper consumption reduction.</li> <li>• Reduced office photocopiers by 50%.</li> </ul>

# About us

## Establishment

Recognising the power imbalance between the individual and the State and the need for government transparency and accountability, the Victorian Parliament established the office of the Victorian Ombudsman on 30 October 1973 under the *Ombudsman Act 1973* (Vic). The Ombudsman is an independent officer of the Parliament under section 94E of the *Constitution Act 1975* (Vic).

## Purpose

Ensure fairness for Victorians in their dealings with the public sector and improve public administration.

## Our work

Our day-to-day work involves:

- taking complaints about the actions and decisions of public organisations, including State Government departments, bodies established by legislation (e.g. WorkSafe, VicRoads), local councils and some private and community service organisations that are publicly funded
- making enquiries and resolving complaints informally where possible, including by conciliation
- investigating when needed and making remedial recommendations for change
- receiving and investigating 'whistleblower' complaints under the *Public Interest Disclosures Act 2012* (Vic)
- examining systemic problems in public administration
- conducting reviews of public organisations' complaint handling
- providing education and training to the Victorian community and public sector and promoting improved public sector administration.

We do not advocate for members of the public or for authorities. We make decisions based on evidence and operate in accordance with the Ombudsman Act.

We can also consider whether administrative action is compatible with a right or whether a decision failed to give proper consideration to a right, set out in Victoria's *Charter of Human Rights and Responsibilities Act 2006* (Vic) ('the Charter of Rights Act').

The *Terrorism (Community Protection) Act 2003* (Vic) requires us to be notified when a preventative detention order or prohibited contact order is made, and if a person is taken into custody. We can receive complaints and make representations to a nominated senior police officer about a person's treatment in connection with their detention.

Most of our work takes place in private in accordance with our legislation, but the Ombudsman can decide to make our work public in certain circumstances.

## Human rights

The Charter of Rights Act sets out 20 rights and freedoms protected in Victoria. It recognises all people are born free and equal in dignity and rights, subject to reasonable limitations applied in accordance with the Act.

Human rights principles have always been central to our work. The introduction of the Act in 2006 amended the Ombudsman Act and empowered us to make explicit what had always been implicit in our work.

By looking at public administration through the lens of human rights, we can investigate and encourage a culture of human rights compliance across the public sector.

## Our jurisdiction

Our jurisdiction under the *Ombudsman Act 1973* (Vic) covers public organisations such as:

- State Government departments or administrative offices
- private or public prisons
- bodies established by legislation, such as the Transport Accident Commission
- local councils
- publicly funded bodies

## Who we can investigate



Source: Victorian Ombudsman

### Our vision

There are four principles that guide our work:

1. ensuring fairness through independent and impartial complaint resolution and encouraging fair and reasonable decision making within the public sector
2. enhancing accountability by independently investigating serious matters and reporting on improper conduct and poor administration
3. supporting continuous innovation and improvement by assisting public organisations to learn from complaints and investigations and by investigating systemic issues and identifying solutions
4. protecting human rights by investigating whether an action or decision is incompatible with human rights and making it easier for disadvantaged people to complain.

## Strategic Framework 2020-24

### Our vision

Ensure fairness for Victorians in their dealings with the public sector and improve public administration

### Ensure Fairness

Ensuring fairness through independent and impartial complaint resolution and encouraging fair and reasonable decision making within the public sector

### Enhance integrity and accountability

Enhancing accountability by independently investigating serious matters and reporting on improper conduct and poor administration

### Protect Human Rights

Protecting human rights by investigating whether an action or decision is incompatible with human rights and making it easier for people to complain

### Support innovation and improvements

Supporting innovation and continuous improvement methods to assist public organisations to learn from complaints and investigations and by investigating systemic issues and identifying solutions

### Our values

- Responsiveness
- Integrity
- Impartiality
- Accountability
- Respect
- Leadership
- Human Rights

# Impact around the state







Source: Victorian Ombudsman

### **Victorian Government Liaison officer open day**

Victorian Ombudsman hosting State Government Liaison officers, sharing the latest developments within our office, particularly our new conciliation process.

# Contact with us

## Jurisdictional complaints

**18,403** 93.50% closed within 30 days **2022-23**

**18,889** 91.40% closed within 30 days **2021-22**

**18,058** 89.38% closed within 30 days **2020-21**

## How people contacted us in 2022-23



**17,510**

Phone Call

↑ 2.30%



**5,757**

Online  
Complaint  
Form

↓ 13.0%



**2,046**

Email

↓ 5.0%



**457**

Letter

↓ 9.0%



**424**

Web Chat\*

\*first year in operation



**28**

Community  
Legal Centre  
(CLC)



The number of jurisdictional complaints dipped marginally in 2022-23 financial year – 18,403 compared to 18,889 in 2021-22. This is in part because of the reduced number of COVID-19 complaints. We continue to increase the number of complaints closed within 30 days, this year reaching 93.5 per cent. This reflects our commitment to respond, wherever possible, in a timely manner.

Phone complaints rose 2.3 per cent while our online complaints were down 13 per cent and email contact down 5 per cent. But this was offset by a rapid uptake of our webchat function, after only three months full in operation, we had 434 contacts via this method. This form of digital engagement is particularly efficient as it can automatically redirect complainants to the correct agency, so our resources are freed up to respond to complaints that fall under our jurisdiction, whilst providing a streamlined re-direction for complainants.

We also received 66 contacts via Community Legal Centres after a concerted campaign to engage with these agencies, resulting in 28 complaints.

# Complaints

## Early Resolution Team

Our Early Resolution Team assesses, prioritises and resolves complaints at the first possible opportunity, preventing small issues from growing into larger ones. Early Resolution complaints officers decide whether there is a role for our office in a complaint. Their focus is determining what practical solutions our involvement might achieve. Some complaints are resolved within hours or days from contact with the relevant organisation. After finding out the facts and circumstances of a complaint, we may work with organisations – often on the phone – with a view to resolving the complaint. Our Early Resolution team will also explore whether a complaint might be resolved by conciliation. Our Early Resolution Team handles about 90 per cent of contacts to our office, closing most within 30 days.

*“I just wanted to say a big thank you for looking into and sorting this situation out for my son. It has been an extremely stressful and expensive experience and we appreciate all you have done.”*

– Feedback from a complainant

## Assessments Team

Our Assessments Team is responsible for managing more complex complaints, and deciding whether a complaint may warrant further enquiries, conciliation or investigation. These are complaints that can't be resolved quickly and can involve analysing lengthy documentation, researching legislation or policy, meeting with an agency to discuss key issues and recommending improvements to policy or process at an agency. Unless they warrant conciliation or investigation, the Assessments Team usually resolves these complaints within 90 days.

The Assessments Team conducted the Glen Eira City Council's approach to contractor work investigation about its handling of a complaint about damage allegedly caused by the Council's contractor. This investigation found that Council's requirement for the person to deal directly with Council's contractor was wrong, and recommended that Council assume responsibility for complaints about contractor work and that Local Government Victoria develop a guideline to inform all Victorian councils on the findings of the investigation.

*“I appreciate your time, openness and the respect you have shown me throughout this process.”*

– Feedback from a complainant

*“Both the COO and myself very much valued the discussion with the VO team, and consider our exchange of information and thoughts at this meeting will support an enhanced collaborative relationship between us.”*

– Response from a respondent

## What people complained about

There are consistent themes to the top 10 issues complained about to our office over the last few years. These include delays in organisations responding to matters and inadequate remedies being offered to resolve complaints.

Top 10 most complained about issues in 2022-23		Variance from last year
<b>2,626</b>	<b>Correspondence/Communications/Records</b> Delay/No Response/Withholding of Information	<b>↑ 3.8%</b>
<b>1,689</b>	<b>Decision making</b> Wrong decision	<b>↓ 26%</b>
<b>1,119</b>	<b>Buildings and Facilities</b> Quality/Condition/Maintenance/Repair	<b>↑ 76.5%</b>
<b>939</b>	<b>Complaint Handling</b> Delay	<b>↓ 32.9%</b>
<b>869</b>	<b>Services</b> Health Services/Access to medical	<b>↑ 12%</b>
<b>749</b>	<b>Decision making</b> Reasons	<b>↑ 18%</b>
<b>657</b>	<b>Complaint Handling</b> Inadequate Remedy	<b>↓ 11%</b>
<b>485</b>	<b>Financial</b> Fees and Charges	<b>↓ 11%</b>
<b>437</b>	<b>Services</b> Case Management	<b>↑ 6.3%</b>
<b>426</b>	<b>Fines/Infringements</b> Unreasonably issued	<b>↑ 5%</b>

## Complaints

### Who people complained about

Top 10 most complained about portfolio or agency in 2022-23		Variance from last year
<b>4,250</b>	Corrections	↑ 18%
<b>3,607</b>	Local Government	↑ 1.4%
<b>1,667</b>	Department of Families, Fairness and Housing	↑ 52.5%
<b>856</b>	Fines Victoria	↑ 6.2%
<b>333</b>	Department of Transport - Roads	↑ 60.9%
<b>294</b>	Registry of Births, Deaths and Marriages	↑ 19%
<b>266</b>	Department of Education	↑ 91.4%
<b>245</b>	State Trustees	↑ 10.4%
<b>205</b>	State Revenue Office	↑ 9.0%
<b>96</b>	Environment Protection Authority (EPA)	↑ 35.2%

## Why people complained

Corrections again topped the list of most complained about portfolio or agency within our jurisdiction with an increase of 18 per cent.

Staff shortages across the corrections sector continue to have an ongoing impact. This seems to be felt more by prisoners in medium security prisons. Complaints spiked in January 2023 due to reduced out of cell hours and the flow on effects from this such as difficulties calling family members. A number of prisoners also went on strike due to the change which affected services such as meal options and laundry. Complaints about healthcare issues have increased with complaints about healthcare providers in each of the prisons up 26.2 per cent in 2022-23 financial year (539 to 680).

Victoria's 79 local councils are the second most complained about, up slightly (1.4 per cent) on last year. The rise appears to be driven by complaints about financial issues. Financial complaints rose by almost 10 per cent in the fourth quarter of 2022-23 to become the second most prominent issue type for local council complaints. Rates hardship cases accounted for 34 per cent of these; the rising cost of living is likely to be a factor here. We also identified an increase in complaints received about compensation claims, including those involving third party claims handlers, (30 per cent of cases with the financial issue type).

The rise of housing complaints are driven in part by an increase in complaints about Community Housing Providers. Jurisdictional complaints about Community Housing Providers increased 383.8 per cent in 2022-23 (179 complaints up from 37 in 2021-22). This is, at least in part, due to the result of our Social Housing Investigation and a renewed understanding of our jurisdiction over Community Housing Providers.

Building and maintenance issues, including complaints about mould and issues with dwellings slated for future development, have also driven the rise in social housing complaints. In the final quarter of 2022-23, the biggest increase in complaint numbers was Housing North Eastern Melbourne Area – up 93 per cent from 46 to 89. This is due to increased work in that area from our Community Legal Centre outreach at West Heidelberg in May 2023 which resulted in 16 complaints.

We had a significant rise in the number of complaints about Department of Transport – Roads, up 61 per cent from 207 in 2021-22 to 333 in 2022-23. This is due to the Department experiencing a significant jump in the number of vehicle damage claims following post-flooding and wild weather road infrastructure issues. We engaged with the Department in early 2023 and were told it was putting additional resources into its claims handling area. As a result, complaints about the the Department Transport – Roads decreased in the March – June quarter of 2023.

*“Complaints are a valuable source of insight into the design of our grant programs, and the quality of the services we deliver.”*

– Business Costs Assistance Program team

### Actions agreed by agencies 2022-23



**3,740**

Facilitate  
communication



**1,522**

Fix the problem



**1,052**

Reasons given



**515**

Further  
investigation



**328**

Apology  
and/or admission  
of error



**124**

Reconsider the  
decision



**124**

Refund/waiver  
or reduction of  
fees/fines



**79**

Payment/  
Ex gratia payment



**75**

Offer training/  
guidance

## How we helped

We were able to resolve over 7,650 issues without a formal investigation.

Most of the complaints to the office were closed within 30 days; ending, at times, long and protracted disputes between complainants and departments.

Through the informal and efficient resolution of complaints, the public experiences the benefits of our intervention and agencies are given opportunities to improve their practices.

In 2023 we have updated our issues and remedy list to better articulate the actions agreed by agencies, eg “Direct action” has been divided into four different remedies “Facilitate communication”, “Fix the problem”, “Reasons given” and “Reconsider the decision”.

The most common remedy for the complaints we dealt with in 2022-23 involved “Facilitating communication” on the part of an authority to respond to an issue. This simple act can make a big difference to an individual, like the man who was eventually able to move into his new home after our enquiries to the Victorian Building Authority about a delay in a surveyor’s compliance certificate. Or the new Mum who could finally travel overseas to her family to introduce her newborn after struggling to have her baby’s birth certificate processed.

*Fixing the problem* was the second most common remedy.

*“We have requested they attend to a leaking pipe which has caused my property to become swampy. We have made numerous complaints, the Council keep stating that it is the water authority’s problem, and the water authority says it is Council. I am asthmatic and now with the swamp area the mosquitoes are breeding rapidly.”*

- Quote from a complainant

# SNAPSHOT: GLEN EIRA CITY COUNCIL'S APPROACH TO CONTRACTOR WORK

---

## THE CASE

The Ombudsman investigated Glen Eira City Council's approach to resolving a complaint from a ratepayer. The ratepayer complained after a plumber advised damage to his property's stormwater pipes likely happened during Council footpath works. The Council treated his concerns as a 'claim', and insisted he deal directly with the footpath contractor or the contractor's insurer. The man was unwilling to deal with a third party.

After months of back and forth the Council finalised its investigation. It said it found no evidence the contractor caused any damage but did not provide detailed evidence or reasons, or an internal review option. The pipes remain damaged. The case raised broader questions about whether Victorian councils are acting in line with their obligations and the spirit of recently reformed local government laws when it comes to complaint handling, especially in cases where third-party contractors are involved.

## KEY FINDINGS

- Glen Eira City Council's handling of the matter investigated was wrong.
- Victorian councils are adopting widely varying approaches to dealing with complaints about services delivered by contractors.
- Many Victorian councils would benefit from developing and explaining specific procedures and processes for contractor complaints.

## RECOMMENDATIONS

This report made three recommendations:

- Glen Eira City Council provide the ratepayer with a detailed written outcome letter that fully explains its investigation, the evidence considered, and the conclusions reached, and outlines review options.
- The Council amend its complaint handling policy to reflect the spirit and intent of Local Government Act, and take responsibility for managing complaints about contractors and contractor work
- Local Government Victoria create best practice guidance to assist local councils to handle complaints in line with the Local Government Act.

*"[The Council] should be responsible for works undertaken by them whether they engaged a third party or not ..."*

**- Complaint from ratepayer**



## FINAL WORD

*“During our interactions, the Council centred much of its response around liability, when that is not, and has never been, the key point. Whether or not the Council, the contractor, or the complainant is liable to pay for the damage, the Council has a responsibility to deal with the complaint.”*

– Deborah Glass, Victorian Ombudsman

## OUTCOMES

- Development of a council complaints handling guideline has commenced.
- An update from Glen Eira, addressing the recommendations to provide a written outcome letter to the ratepayer and to amend its Complaint Handling Policy, is expected December 2023.

## BY THE NUMBERS

**\$4,125**

quoted cost of repairs to fix alleged stormwater pipe damage

**13**

months elapsed since the ratepayer first complained to Council

**79**

number of local councils in Victoria

**30**

number of council complaint policies with a specific section on contractors

Photograph of temporary pipework at the house



Source: Victorian Ombudsman

### Corrections

#### Prisoner improves ADHD management following Ombudsman enquiries

It had been six weeks since his incarceration and Ofa had yet to access his ADHD medication. Ofa said the prison was working on providing the medication to him and he also recognised that the process could take some time.

At the time, Ofa was working in the metal fabrication area of the Prison, which he claimed was overstaffed. This meant Ofa often had no work to do and the lack of tasks to complete was exacerbating his ADHD.

Ofa submitted a request to work in the painting department, as he is a qualified painter. However, it had been four weeks since he put in the request and, despite following up each day, Ofa was yet to receive an outcome for his request.

Following enquiries from the Ombudsman's office, the Prison confirmed Ofa was successful in his application for a transfer to the painting department where he was able to better manage his ADHD.

### Department of Families, Fairness and Housing

#### That's a lock! Security upgrade brings peace of mind

As a victim of family violence and other violent crime, Farrah was naturally very concerned for her safety. As a public housing resident, Farrah had raised several maintenance requests for her property, including the replacement of locks, which were deemed to be faulty.

Repeated requests to replace these locks went unresolved with the Department of Families, Fairness and Housing (DFFH). Farrah continued to fear for her safety even whilst in her own home.

*"I've been waiting for repairs and fixtures to my property for 6 months now. I call every week and get the same answer. I need my property to be safe."*

**- Farrah**

After Farrah reached out to the Ombudsman, our office made enquiries with DFFH. The Department revealed they had not been made aware of Farrah's personal history. Appreciating the importance of Farrah's emotional distress, DFFH replaced all the locks in the home, affording Farrah a peaceful night's rest.

## Victorian University

### Student denied degree due to unpaid fees

Delighted to have finished her degree at a University in Melbourne, Li was surprised when her fee statement arrived with a figure higher than she was expecting.

The extra fees were for an additional unit of study Li had taken following a misunderstanding about which courses were mandatory for her degree. Li told us the University had advised her which courses to take; however, the University said they could find no record of this advice. Li decided not to pay the outstanding fees while she felt the matter was in dispute.

Due to the unpaid fees, Li was unable to graduate. This caused her stress as her student visa was nearing expiration and she wanted to apply for further study and extend her visa.

Complicating matters, Li's home country had fallen into serious financial crisis, meaning that if she had to draw money from her home country to pay the additional fees, the real cost to her would be almost double the initial amount billed.

Prompted by the Ombudsman, the University confirmed the unit of study Li was charged for was indeed mandatory. As such, there was no doubt Li would need to pay for the course in order to graduate.

Li accepted this when it was explained to her. However, the University had not acknowledged or addressed their delay in responding to Li's initial complaint. A total of seven months had passed since Li made the original complaint.

After further enquiries from the Ombudsman's office, the University decided to reduce Li's outstanding fees by 50 per cent on compassionate grounds and in recognition of the impact of the significant delay.

#### What we can learn

*Authorities should also consider if a decision or action has a financial impact on the complainant. In this case, while the complainant was always required to pay the fees, the delay in explaining the reasons created additional financial issues for her. With our intervention, the University was able to exercise its discretion and offer a reduction to the fees on compassionate grounds.*

### Department of Jobs Precincts and Regions

#### Small business struggling for support

Pavel's business was affected by COVID-19 lockdowns and he applied for a grant through the Licensed Hospitality Venue Fund. It took some time for the (then) Department of Jobs Precincts and Regions to assess his application, partly because of discrepancies in his business registration details. For almost 10 weeks, while Pavel's business was not operating, the Department did not contact him about his application. Ultimately Pavel closed the doors to his business for good.

Pavel's grant application was denied as his business was no longer operating when Business Victoria assessed it. The Department's delay was not the only cause of Pavel's business closure.

Pavel complained to the Ombudsman, telling us he had no choice but to close his business due to the significant financial hardship he was experiencing as a result of COVID-19 restrictions. He argued he would not have had to close his business if his application had been processed in a timely manner and he had received the financial support that the grant was designed to provide.

The Ombudsman made enquiries with the Department which initially said the \$3,500 grant would not have been enough to allow Pavel to keep his business open.

However, the original grant of \$3,500 was not the only funding available. Eligible businesses received subsequent top-up payments amounting to more than \$30,500. We noted that that amount of money would certainly have had a greater impact on Pavel's ability to keep his business afloat.

In response, the Department agreed to approve the original grant plus the top-up payments Pavel's business would have been eligible for, equating to more than \$30,500. While Pavel was not in a position to reopen the business, the grant money helped cover a number of unpaid debts that arose while his business was not operating.

## Department of Justice and Community Safety

### Hold up on Working With Children Check for tour guide

Since retiring from his professional career, Harold has kept his mind and body active with part-time work as a historic tour guide.

As his tours often involve children, a Working with Children Check was required. Harold attempted to renew his certificate online but was having trouble navigating the digital platform.

Complicating the issue further, the Working With Children Check service centre was not taking calls so Harold could not resolve the matter over the phone – as was his preference.

Unable to work without his certificate, Harold complained to the Ombudsman.

*Look I'm stuck, I mean there's something wrong with the system there. I mean, for them to have a help number advertised on their website saying, 'contact us this way', and when you do it says, 'we're not doing anything' and hangs up on you. It's not really good enough.*

**– Harold**

Following our enquiries, the Working With Children Check unit of the Department of Justice and Community Safety quickly contacted Harold by phone, stepped him through the process and helped him lodge his renewal application.

#### What we can learn

*The Ombudsman expects agencies to respond to straightforward complaints within 28 days.*

*Authorities also need to recognise not everyone can make a complaint in writing. Complaint pathways need to be accessible, including for those who have a disability or have cultural or language challenges. In this case a lack of complaint options meant the complainant was unable to seek the help they needed.*

*Having a clear explanation of the complaint handling process, including how a complaint will be dealt with and when the complainant can expect a response, might have alleviated some of the frustration in this case.*

### Business Victoria

#### Travel Voucher application dismissed by Department

When Covid-19 lockdown restrictions ended, Business Victoria launched the Victorian Travel Voucher Scheme which offered people a \$200 reimbursement for travel within Victoria.

The scheme was designed to kick-start travel in Victoria again and was the perfect excuse for Milos to explore Victoria after months of being confined to his home. Milos looked at the criteria of the scheme on Business Victoria's website. He noted the dates that the travel vouchers covered and designed an itinerary for his excursions across the State.

When he returned and lodged his travel receipts with Business Victoria, he was denied a reimbursement. Milos lodged a complaint shortly thereafter. Milos was told he was not eligible for a rebate because he travelled on dates that were not covered by the scheme. Milos referred to the Frequently Asked Questions page of the Business Victoria website, which stated the approved travel dates, only to be told by the Department that these dates were in fact wrong.

Business Victoria had become aware the dates on its website were wrong three days before Milos contacted them and corrected the error. However, they still they denied Milos his reimbursement. Believing this decision to be unfair, Milos contacted the Ombudsman. After we made enquiries, Business Victoria accepted it made an error and reviewed its decision to reimburse Milos.

Business Victoria also agreed to honour the dates initially displayed on their website for applicants who could provide evidence that they travelled during that period.

### Department of Families, Fairness and Housing

#### Fence helps allay fears for public housing resident

In an effort to escape her abusive partner, Ines took her son and relocated to a new home she hoped her ex would never discover.

Ines had reason to fear for her safety; she and her son had Intervention Orders out against her ex partner who was already in prison for a serious crime. However, with her ex-partner's release from prison imminent, Ines' anxiety was growing. Her fear only grew when a friend of her ex-partner discovered her new address.

Ines had been working with family violence services and her psychologist to manage the situation. Requests were subsequently lodged with the housing office for a fence to be installed in her front yard for security purposes.

For months Ines waited for a response from the Department of Families, Fairness & Housing but heard nothing. After receiving a complaint from Ines, the Ombudsman made enquiries with the Department. It was quickly established that the Department was aware of the complaint, had submitted a work order for the installation of a fence, and advised Ines that the fence would be installed within weeks.

## Victorian Building Authority

### Ombudsman provides key to homecoming

After years of planning and patience, the final touches on Reiko's dream home were finally being put into place. Before he could move into his new dwelling, Reiko's surveyor needed a compliance certificate issued from the builder. Until such time as Reiko's surveyor could access a compliance certificate, no occupancy certificate would be issued to Reiko.

Reiko lodged a complaint with the Victorian Building Authority (VBA) about the speed at which his compliance forms were being issued, but was having no luck getting a response back.

Unable to move into his new home, Reiko was frustrated to learn that a staffing issue meant that the Victorian Building Authority had still not assigned somebody to look into his case. After waiting six weeks for a response, a dejected Reiko turned to the Ombudsman for assistance.

*"It has been more than a month since I lodged my complaint, and the VBA is yet to even appoint a contact person to look at it. Who knows how much longer it may be before action is taken."*

– Reiko

Within two days of approaching the Ombudsman's office, Reiko received a response from the Victorian Building Authority and an outcome letter was provided to Reiko the following week. The advice provided by the Victorian Building Authority allowed Reiko to resolve the issue with his builder directly and the compliance certificates were issued shortly after.

## Registry of Births Deaths and Marriages

### Birth certificate delivered after months of waiting

New mother Kalina was enjoying her first months of parenthood and was excited to take her newborn daughter Petra overseas to visit family for the first time.

Kalina knew she couldn't get Petra a passport without first having a birth certificate, so she applied several times without success. English was not Kalina's first language, and she didn't understand why her birth certificate applications were not being processed. Kalina called the Registry of Births Deaths and Marriages and visited in person to try and sort it out.

Kalina then complained to the Ombudsman. Noting what appeared to be a miscommunication between the parties, the Ombudsman's office made enquiries with the Registry to see if the matter could be resolved.

The Registry advised there was an issue with Kalina's payment that may have been caused by technical glitch on their end. To fix the problem, Registry staff called Kalina to apologise and promptly printed and sent Petra's birth certificate free of charge.



## Breakdown of complaints about local councils

Table 1 (on the following pages) shows the number of complaints we received about each Victorian council in 2022-23.

When people make a complaint to us, they may raise more than one issue in relation to their complaint.

In the table, we have provided percentages, per council, for how we dealt with the issues raised with us. We have categorised our actions according to whether we:

- considered the issue to be ‘premature’ as the person had not yet contacted the Council to give them an opportunity to resolve the matter. Such people were advised they could re-contact the Ombudsman if they remained dissatisfied with the Council’s response
- assessed the issue but did not make enquiries with the Council for one of several reasons, including:
  - we assessed the action or decision of the Council was not wrong
  - an error may have occurred, but the Council had dealt with it appropriately
  - the person raising the issue could pursue the matter through a court or tribunal and it was not appropriate for the Ombudsman to exercise her discretion to look into the matter
  - made enquires with the Council to assess and resolve the issue.

In some cases, we may refer an issue to another organisation. These referrals are not included in the following table, which is why some percentages do not add up to 100 percent.



Table 1: Complaints in 2022-23 to the Ombudsman about Victoria's 79 local councils

Councils	Total Closed cases	Advised to contact Council (%)	Assessed - no enquiries (%)	Made enquiries (%)
Alpine Shire Council	24	33%	46%	25%
Ararat Rural City Council	11	45%	55%	0%
Ballarat City Council	54	41%	54%	0%
Banyule City Council	66	45%	42%	12%
Bass Coast Shire Council	52	48%	46%	12%
Baw Baw Shire Council	36	33%	44%	28%
Bayside City Council	74	35%	45%	22%
Benalla Rural City Council	-	-	-	-
Boroondara City Council	75	48%	41%	12%
Brimbank City Council	105	47%	31%	23%
Buloke Shire Council	-	-	-	-
Campaspe Shire Council	20	35%	40%	25%
Cardinia Shire Council	55	44%	36%	22%
Casey City Council	116	41%	41%	18%
Central Goldfields Shire Council	20	55%	15%	30%
Colac-Otway Shire Council	11	45%	45%	9%
Corangamite Shire Council	-	-	-	-
Darebin City Council	79	49%	35%	18%
East Gippsland Shire Council	39	51%	28%	23%
Frankston City Council	60	42%	43%	18%
Gannawarra Shire Council	-	-	-	-
Glen Eira City Council	61	52%	38%	11%
Glenelg Shire Council	21	33%	29%	38%
Golden Plains Shire Council	13	23%	54%	23%
Greater Bendigo City Council	54	41%	37%	24%
Greater Dandenong City Council	65	43%	38%	18%
Greater Geelong City Council	90	36%	40%	24%
Greater Shepparton City Council	27	48%	37%	19%
Hepburn Shire Council	27	37%	37%	30%
Hindmarsh Shire Council	-	-	-	-
Hobsons Bay City Council	52	40%	46%	15%
Horsham Rural City Council	17	35%	47%	18%

## Complaints

### Complaints in 2022-23 to the Ombudsman about Victoria's 79 local councils (continued)

Councils	Total Closed cases	Advised to contact Council (%)	Assessed - no enquiries (%)	Made enquiries (%)
Hume City Council	155	30%	43%	28%
Indigo Shire Council	19	21%	47%	32%
Kingston City Council	59	44%	36%	24%
Knox City Council	50	44%	40%	20%
Latrobe City Council	35	37%	40%	31%
Local Council	22	36%	59%	0%
Local Government Inspectorate	11	18%	64%	18%
Local Government Victoria	-	-	-	-
Loddon Shire Council	-	-	-	-
Macedon Ranges Shire Council	32	44%	41%	16%
Manningham City Council	55	55%	35%	15%
Mansfield Shire Council	-	-	-	-
Maribyrnong City Council	84	38%	36%	27%
Maroondah City Council	35	43%	31%	29%
Melbourne City Council	89	44%	45%	12%
Melton City Council	104	38%	47%	17%
Merri-bek City Council	158	35%	46%	20%
Mildura Rural City Council	18	44%	33%	22%
Mitchell Shire Council	29	52%	34%	14%
Moira Shire Council	30	50%	30%	20%
Monash City Council	80	48%	44%	13%
Moonee Valley City Council	75	41%	47%	13%
Moorabool Shire Council	30	37%	30%	33%
Mornington Peninsula Shire Council	81	41%	35%	26%
Mount Alexander Shire Council	18	33%	44%	22%
Moyne Shire Council	13	38%	23%	38%
Murrindindi Shire Council	12	42%	33%	33%
Nillumbik Shire Council	42	36%	52%	19%
Northern Grampians Shire Council	-	-	-	-
Port Phillip City Council	115	41%	43%	17%
Pyrenees Shire Council	21	48%	33%	24%
Queenscliffe (Borough of)	-	-	-	-

Councils	Total Closed cases	Advised to contact Council (%)	Assessed - no enquiries (%)	Made enquiries (%)
South Gippsland Shire Council	28	39%	36%	25%
Southern Grampians Shire Council	-	-	-	-
Stonnington City Council	59	31%	56%	17%
Strathbogie Shire Council	10	50%	40%	10%
Surf Coast Shire Council	15	27%	60%	20%
Swan Hill Rural Council	-	-	-	-
Towong Shire Council	18	61%	17%	22%
Wangaratta Rural City Council	20	25%	35%	40%
Warrnambool City Council	-	-	-	-
Wellington Shire Council	26	42%	42%	23%
West Wimmera Shire Council	-	-	-	-
Whitehorse City Council	71	41%	44%	18%
Whittlesea City Council	149	41%	40%	20%
Wodonga City Council	16	56%	31%	13%
Wyndham City Council	73	49%	38%	12%
Yarra City Council	117	36%	46%	19%
Yarra Ranges Shire Council	96	53%	28%	22%
Yarriambiack Shire Council	-	-	-	-

- "Represents cases received is less than 10

### Council

#### New homeowners incur levy without notice

Max and Caitlin were looking for a place to enjoy their retirement. They finally settled on their home, that was part of a new estate. They moved in and soon felt very much a part of the community.

Ten months later the couple were contacted by their Council asking them to pay the Community Infrastructure Levy ('CIL'), amounting to \$1,150.

The CIL is typically paid by the developer or builder in a new estate and is a contribution to community facilities. The Council suggested the building surveyor had forgotten to check the CIL was paid before issuing the occupancy permit. The Council said because the CIL 'runs with the land', as current owners, Max and Caitlin were obligated to pay.

Max and Caitlin had several concerns about the process. They were also concerned that the Council failed to include the CIL debt in the Land Information Certificate in the contract of sale. They decided to complain to the Ombudsman.

*We are at a loss as to what to do – this has come completely out of the blue and we feel we need some time to seek advice. We bought this house without any knowledge of covenants. We are both shocked and angry with the real estate agent and conveyancer.*

**– Max & Caitlin**

The Ombudsman made enquiries to see if the matter could be resolved fairly. After productive dialogue, the Council agreed to waive the CIL for Max and Caitlin - and 13 other property owners in the same situation. In total, the Council waived almost \$15,000.

The Council also made changes to their processes to ensure a CIL is paid before occupancy permits are issued, to prevent this happening again.

#### Excerpt from letter from the Council

The Community Infrastructure Levy is a once-off payment made by the land owner/s, which must be paid before a building permit can be issued, as specified under the provisions of the Planning and Environment Act 1987 and the Building Act 1993. Section 24(5) of the Building Act 1993, restricts a building surveyor from issuing a building permit if the CIL has not been paid to Council.

Council recently undertook an audit of [the estate] which has revealed that your property is within the area where the CIL applies and a dwelling has been constructed on the land, with no record of CIL being paid to Council. Information about the Community Infrastructure Levy (CIL) and how it is used can be found on our website along with the CIL Map.

## Council

### Gone with the Wind: Wayward sign damages parked car

On a particularly windy Melbourne day, Naomi was shocked to find her parked car had been damaged by a road sign that had been blown off its pole. The sign had been erected by a contractor on behalf of the local council, so Naomi reached out to her council and submitted an application for compensation.

Gathering all the information required and lodging her forms, Naomi's request for compensation was denied by the Council. It was determined that the Council was not liable because the sign was installed by a contractor, meaning Naomi would have to speak the contractor directly.

Frustrated she had gone through a lengthy process with the Council to make a claim, only to be told that she needed to speak to another organisation entirely, Naomi reached out to the Ombudsman.

The Ombudsman's office made enquiries with the Council who agreed to cover the cost to repair the vehicle (\$1,083) as a show of good faith owing to how the complaint was handled.

## Council

### Finger pointing about a swamp in front yard

After stepping outside to get her mail one day, Billie was shocked to see her lawn looking like a swamp. Billie investigated and found water coming from a drain further up her street.

Billie first called the Council who, after a visit from a local roads inspector, stated it was likely the water company's pipe was leaking. Billie next contacted the water company who insisted the issue lay with the Council.

Over the course of five months, Billie felt trapped in a stalemate, unable to get either party to accept responsibility for the issue. Eventually, Billie complained to the Ombudsman.

*We have requested they attend to a leaking pipe which has caused my property to become swampy. We have made numerous complaints, the Council keep stating that it is the water authority's problem, and the water authority says it is Council. I am asthmatic and now with the swamp area the mosquitoes are breeding rapidly.*

– Billie

Following our enquiries, the Council spoke with the water company, who acknowledged its pipes were the cause of the leak. Within five days, the water company excavated the area and conducted repairs.

#### What we can learn

*We are often approached by people who have been referred back and forth between two authorities who each claim the other is responsible for an issue. Where responsibility is disputed, a more proactive response from authorities could quickly resolve the issue.*

## Council

### Misunderstood sign leads to parking fine

Helene purchased an all-day parking ticket that ran from 9am to 6pm from a local Council. When she returned to her car at the end of the day, Helene found a fine for parking in a 5-minute zone at 3:30pm.

Helene paid the fine, as she was nervous it would escalate, but soon decided she would appeal the decision.

*They fined me when I paid for parking and was doing the right thing.*

**– Helene**

Discussions between Helene and the Council revealed that the parking spot became a 5-minute parking zone from 2:30pm until 4:00pm, due to the nearby school. As such, the Council upheld its decision.

Helene complained to the Ombudsman because she felt the parking sign was confusing and the Council's fine was unfair.

In response to our enquiries, the Council acknowledged the confusing nature of the signage and said it would update it. As a gesture of goodwill, the Council also offered to withdraw Helene's infringement and refund the payment.

Helene appreciated the Council's change of heart and believed the new signage would avoid future confusion for motorists.

#### What we can learn

*While the Council did not make a mistake in the other case example, it acknowledged the sign caused some confusion and resulted in an unfair outcome for the complainant. The remedy offered in the Council case was two-fold, with the Council waiving the complainant's fine and making the parking ticket requirements clearer for the community.*



#### Excerpt from the Council's letter to complainant with picture of new sign

Nevertheless, we acknowledge that there was potential for motorists to be confused by the signage, and we have since modified the restrictions to remove potential confusion, marking the area as '2P All Other Times', with no ticket requirement. We have also ordered updated signage.

## Council

### Council overturns infringement notice for disabled driver

Following a crash that wrote off her car, Nora could not find her disability parking permit.

Unaware that she could apply to the Council to be issued a replacement permit, Nora instead printed and displayed a copy of her original permit on the dashboard of her car.

Soon thereafter, Nora received an infringement from the Council for displaying this unofficial permit, which was upheld at internal review.

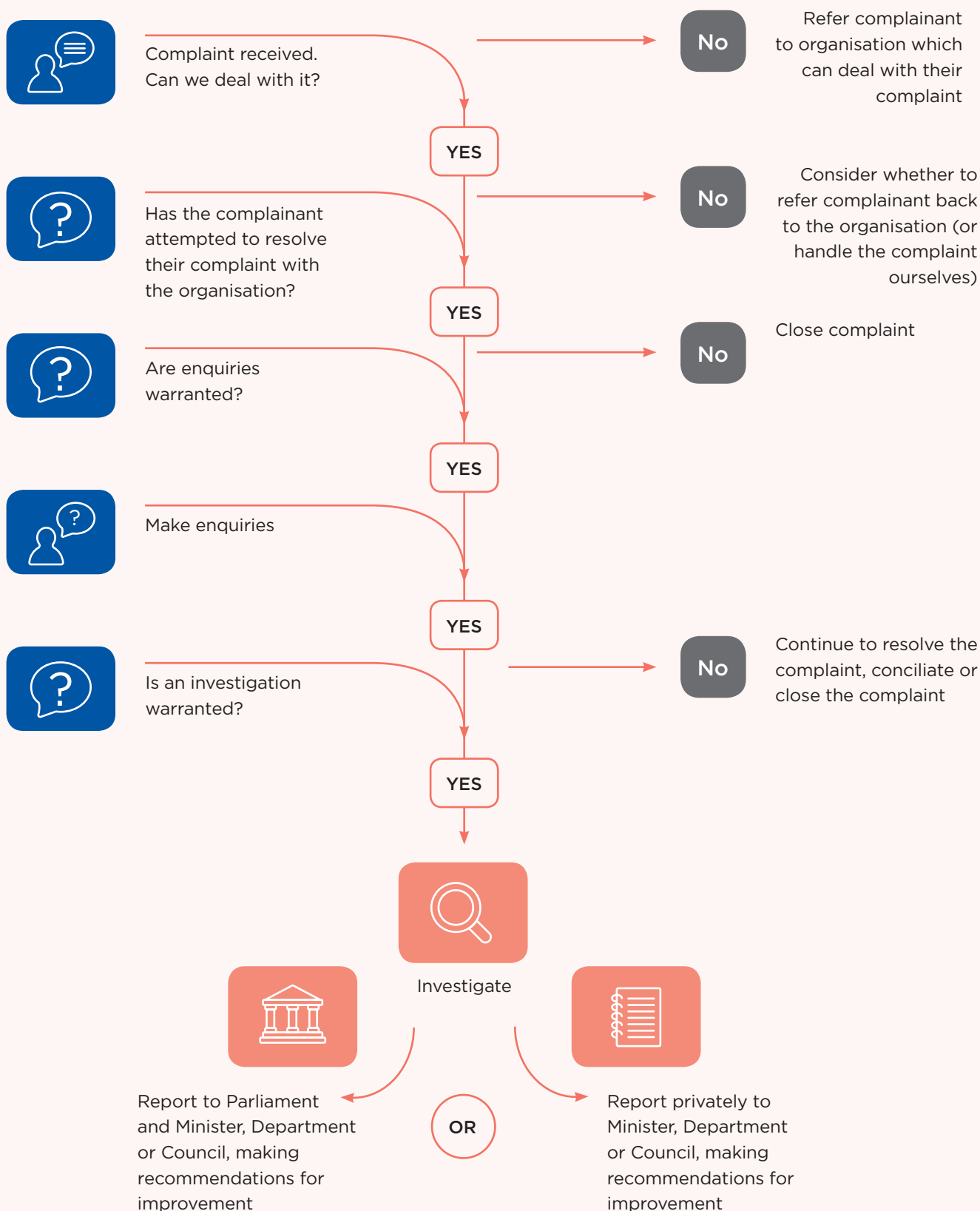
Nora felt this decision was unfair as she had a valid permit, but due to language barriers, she did not realise she was doing the wrong thing.

When Nora complained to the Ombudsman, she said she may not have explained herself very well in the internal review.

Through the Ombudsman's enquiries with the Council, it became clear the information Nora provided to the Ombudsman was greater than the Council originally had access to during the appeal.

Based on this additional information the Council agreed to withdraw Nora's infringement notice and improved its review process for future appeals of this type.

## Complaints flow chart







Source: Victorian Ombudsman

Victorian Ombudsman staff member presenting at monthly meeting.

# Reviewing complaint handling policies and processes

In addition to resolving complaints informally and investigating decisions of public authorities the Ombudsman has the power to review an authority's complaint handling practices and processes.

Reviews allow the Ombudsman to work with authorities to assist improve how they handle complaints from the public.

## Complaint handling in a crisis

Supporting the community during a crisis has become a growing reality for public authorities, councils, businesses, charities and community groups. The COVID-19 pandemic highlighted the challenges in responding quickly and appropriately to an emergency, and addressing complaints from an often-anxious public.

The Victorian Government developed many initiatives in response to the COVID-19 pandemic. The Ombudsman reviewed the complaint handling experiences across four different initiatives during the COVID-19 crisis.

The four programs were financial support for small businesses, grants to boost residential construction, quarantine service and quick rent dispute resolution. Although they represented only a small sample of the pandemic driven initiatives introduced by the Victorian Government, taken together they present a useful snapshot of how agencies can prepare for and respond to any crisis.

Each agency delivering the programs received complaints directly, as did the Victorian Ombudsman about them. The best programs put complaint handling front and centre, and evolved as they went..

Following the review, we developed a *Good Practice Guide: Complaint handling in a crisis*. The Guide also draws on the learnings from our own complaint handling.

The Guide set out 12 lessons from complaint handling during the pandemic that can be applied across many settings, whether a large government department, a local council or a small community group.

Reflecting on complaint handling through the pandemic helps organisations get a faster start when faced with any future crises. We encourage all Victorian public authorities to build these lessons and good complaint handling practices into their future emergency planning.

*“Complaints are a valuable source of insight into the design of our grant programs, and the quality of the services we deliver.”*

– Business Costs Assistance Program team

*“It is not about resolving complaints quickly; it is about preventing them in the first place. Think about how to set up the program to minimise the number of complaints.”*

– Business Costs Assistance Program team

*“It was a highly emotive environment which led to some difficult conversations. Some ... [unsuccessful applicants] ... were highly upset and, in some instances, inconsolable.”*

– State Revenue Office team

*“We gave the Victorian Ombudsman a heads-up when some of our services had to be modified or paused to staff the new scheme, in case they got complaints.”*

– Residential Tenancies Dispute Resolution Service team

*“It's not just applicants experiencing hardship. Staff members do too.”*

– Business Costs Assistance Program team





## Next for Complaints review

Through 2023-24 we will continue to embed this function across the complaints team by completing targeted reviews that look at specific aspects of complaint handling. We are currently undertaking a complaint review with Benalla Rural City Council and are in discussions with several government agencies to undertake a review of their complaint handling practices.

# Conciliation

## Introduction

The Ombudsman's more recent powers to resolve complaints using conciliation allow our trained conciliators to get parties together to find solutions, in a supported and structured setting. Conciliations are held in private and conducted with agreed, respectful rules of engagement. Our complaints officers are trained to detect where conciliation may be a sound option to resolve a complaint. Participation is voluntary for all parties.

We can conciliate a complaint at any stage of an enquiry or investigation process.

Conciliation may be the best option if the complaint involves:

- an ongoing relationship between the authority and the complainant
- a breakdown in communication between parties
- a complex or long running dispute
- a problem that will be fixed by both parties taking responsibility
- multiple complaints about the same issues
- the opportunity to 'humanise' the bureaucracy and improve decision making
- acknowledgement of a poor experience
- an initial lack of shared understanding
- parties with a resolution mindset.

We ask authorities and complainants to prepare for conciliation by thinking about the steps that might resolve the complaint. It is important to bring an open mind and be prepared to listen.

We can conciliate via phone, video conferencing or face to face. We encourage face to face conciliations because of their humanising effect. To facilitate face to face conciliations our conciliators often travel to where parties are located.

During conciliation our conciliators help the parties to discuss the complaint. They evaluate everyone's position and suggest options to resolve the complaint. Under the guidance of our conciliators, conciliation can:

- give parties an opportunity to explain what has happened and what they think is a fair outcome
- enlighten and allow parties to appreciate each other's viewpoints
- empower authorities and complainants and lead to more meaningful and more sustainable outcomes
- achieve a speedy resolution for a simple or complex complaint.

If parties are not able to achieve mutually agreed outcomes that resolve the dispute, our conciliators ultimately decide whether a conciliation has resolved the complaint.

At the conclusion of every conciliation, we ask participants for feedback about their experience. Over 88 per cent of survey respondents have told us that they think the conciliation was conducted fairly. Participants have told that:

*"... the whole session was fantastic, skilfully facilitated, very respectful, worthwhile."*

*"It was run very smoothly and was easy to follow. Everyone given a chance to speak."*

*"It was a well-run conciliation which provided all parties a fair opportunity to express their view while keeping people on track. The [conciliator] had a very good demeanour."*

*"... guided the discussion, represented each party's response fairly."*

## Events and presentations about conciliation

Our Conciliators were out and about during the year speaking with organisations and members of the public about our conciliation function. These have included presentations to:

- Local Government Victoria Joint State and Local Government Monthly Forum for local government CEOs
- Federation of Community Legal Centres
- Victorian Association for Dispute Resolution (VADR)
- Victorian Government Agencies and local government councils – Open Day at the Victorian Ombudsman
- National Investigation Symposium, Sydney.

## Remedies achieved by conciliation



**36**

Apology  
and/or admission  
of error



**19**

Review or change  
policy, procedure,  
or legislation



**11**

Refund/waiver  
or reduction of  
fees/fines



**98.18%**

conciliated  
complaints  
that have been  
resolved by  
conciliation



**6**

Payment/  
Ex gratia payment



**\$62,700**

Ex gratia payments  
amount

The following case studies highlight the humanising effect that conciliation can have for the parties to a complaint. They highlight the power of bringing complainants and authorities together to generate a better understanding of each other's perspective to ultimately develop a clear and shared path forward.

To protect the privacy of the conciliation process, in the main, the following case studies do not identify the parties. Where we do identify the parties, we have sought and received the parties' permission.

### Remembrance Parks Cemetery Trust

#### Conciliation with cemetery

During the three decades since her passing, Bethany's grave had been carefully adorned with personal mementos by her son Samuel. The items included a trophy and ribbons of Bethany's football team. Samuel and his family visited Bethany's grave whenever they had the chance; it was a special place that helped Samuel keep the memory of his mother.

On one visit, Samuel discovered the personal mementoes by his mother's grave had been removed – without any warning or reasons. He was shocked and saddened. Samuel asked for answers from the Remembrance Parks Cemetery Trust responsible for maintaining the site, but became frustrated when they didn't respond to him.

When Samuel complained to the Ombudsman, we contacted the Trust to learn what had happened. The Trust responded that it was deeply sorry for its actions. The Trust had commenced an internal investigation into how the situation had occurred and detailed the steps being taken to ensure it did not happen again.

Encouraged by the Ombudsman, Samuel and the Trust agreed to participate in an Ombudsman-led conciliation. During the conciliation, Samuel told the Trust its actions had caused him deep distress. And that the lack of answers from the Trust had also been incredibly difficult.

The Trust apologised to Samuel for his experience and acknowledged the distress it had caused. The Trust thanked Samuel for his courage coming forward to talk about his experience. The Trust acknowledged its failures in answering him and explained that its staff had been overwhelmed at the time. The Trust detailed the comprehensive steps it was taking to ensure Samuel's experience would never be repeated.

The Trust asked Samuel whether a representative of his family would participate in its community engagement about the problem and Samuel agreed. After hearing the Trust's apology and its commitment to improve communication and engage with the community about what had happened, Samuel felt acknowledged and said the Trust's response had resolved his concerns.

Samuel told us that conciliation was what he needed, as his concerns had been acknowledged by the Trust, it had apologised to him and had taken ownership of the problem.

## Conciliation with local councils

Conciliation works well in complaints about local councils because the parties have an ongoing relationship and issues are often long running. Resolving complaints with councils in a lasting way sometimes requires both parties to commit to taking action well into the future.

### Council

#### Drainage problems

We helped Reginald resolve an issue with a dam overflowing onto his rural property. The overflow was caused three years earlier when his Council conducted works, which changed the flow of water in the area. The Council had tried to rectify the issue a number of times, but it had not resolved things for Reginald.

During the conciliation between Reginald and the Council, the Council committed to:

- carrying out additional rectification work
- inspecting the whole length of the road alongside Reginald's property, clean out all drains and assess whether additional open drains could be dug
- providing regular updates to Reginald
- developing a policy that guides storm water reuse by residents
- considering a claim for compensation.

*I am very thankful that my complaint was listened to with sensitivity and understanding.*

– Reginald

### Council

#### Noise complaints

We brought Milan and his local Council together over a noise complaint arising from Milan's neighbour's heat pump. The Council had been out a few times over a twelve-month period and given a warning to the neighbour. Milan completed a noise diary as requested by the Council, but he believed the neighbour should have been fined.

During the conciliation the Council committed to:

- attending Milan's house, including at night to assess the noise from his neighbour's heater
- requesting Milan's neighbour turn on the heating unit if it is not on when they attend to ensure the assessment can be carried out
- issuing infringements and consider prosecution if both of the above occur and the noise is assessed as 'unreasonable' and being used during 'prohibited times'
- engaging with Milan's neighbour about installing noise cancelling material.

*I don't believe my complaint could have been handled any better.*

– Milan

### Council

#### Rates hardship

Lin was a victim of family violence including financial abuse, and we assisted Lin and her Council negotiate a hardship arrangement for unpaid rates. Lin had a significant debt with her Council for unpaid rates due to her experience of financial abuse. Lin had sought an appropriate hardship arrangement but felt she would never be in a position to pay the debt to the Council. Lin was also worried that her Council would take legal action against her.

During the conciliation with the Council, the Council committed to:

- waiving \$1,500 of the total outstanding rates and charges due to exceptional and severe financial circumstances
- keeping the current repayment arrangement in place unless there is significant change in circumstances
- not pursuing legal action in relation to Lin's property provided she continued to engage with Council regarding any outstanding rates or charges.

The conciliators remained neutral and offered good suggestions to reach an outcome acceptable to both parties.





Source: Victorian Ombudsman

### National Investigations Symposium

Victorian Ombudsman staff at the National Investigation Symposium in Sydney discussing conciliations during the early resolution and investigation phases.

# Investigations

The Ombudsman can formally investigate public organisations' actions and decisions on a complaint or on her 'own motion' (without a complaint).

Own motion investigations usually examine issues that are systemic. We also investigate public interest (or whistleblower) complaints about improper conduct and detrimental action by public officers, which are referred to us by IBAC; and 'any matter' referred by the Victorian Parliament.

During an investigation, the Ombudsman has the powers of a Royal Commission, including the power to:

- compel a person to attend an interview on oath or affirmation
- compel a person to produce documents
- inspect a public organisation's premises
- take statutory declarations.

In February 2022, the Ombudsman received her fifth referral from Parliament, requiring us to investigate particular matters, including issues relating to the alleged politicisation of the public service. This investigation has been ongoing during 2022-23.

Our investigations are conducted with a project management focus. Our policies and procedures are regularly updated to reflect good practice and to ensure we are keeping people at the centre of our decision-making. Given our significant powers, we take care to ensure our processes support the welfare of people we engage with. Being flexible, thoughtful and responsive to individual needs and exercising our coercive powers responsibly and with restraint are underpinning principles in our operations.

Increasingly, we are considering new ways to manage our investigations efficiently with a focus on outcomes and meaningful recommendations that serve the public interest. With conciliation now available as a core means of complaints resolution in our office, we are working to incorporate that process to address issues in some investigations where appropriate.

## Tabled reports 2022-23

- Investigation into complaint handling in the Victorian social housing sector | **July 2022**
- Operation Watts, a joint investigation into allegations of serious corrupt conduct involving Victorian public officers, including Members of Parliament | **July 2022**
- Investigation of a matter referred from the Legislative Council on 9 February 2022 Part 1 | **July 2022**
- Investigation into a former youth worker's unauthorised access to private information about children | **September 2022**
- Ombudsman's recommendations – fourth report | **September 2022**
- Good Practice Guide: Complaint handling in a crisis | **February 2023**
- Glen Eira City Council's approach to contractor work | **April 2023**
- Complaint handling casebook: Resolving issues informally | **May 2023**
- WorkSafe 3: Investigation into Victorian self-insurers' claims management and WorkSafe oversight | **June 2023**





Source: Victorian Ombudsman

## Operation Watts

Hon Robert Redlich AM, KC and Deborah Glass OBE at the media conference for the release of the Watts Report.

# SNAPSHOT: OPERATION WATTS

## INVESTIGATION INTO ALLEGATIONS OF MISUSE OF ELECTORATE OFFICE AND MINISTERIAL OFFICE STAFF AND RESOURCES FOR BRANCH STACKING AND OTHER PARTY-RELATED ACTIVITIES

---

### THE CASE

The Independent Broad-based Anti-corruption Commission (IBAC) and the Victorian Ombudsman conducted the first ever joint investigation into allegations of serious corrupt conduct involving Victorian public officers, including Members of Parliament (MPs) in a report titled Operation Watts which was tabled in July 2022.

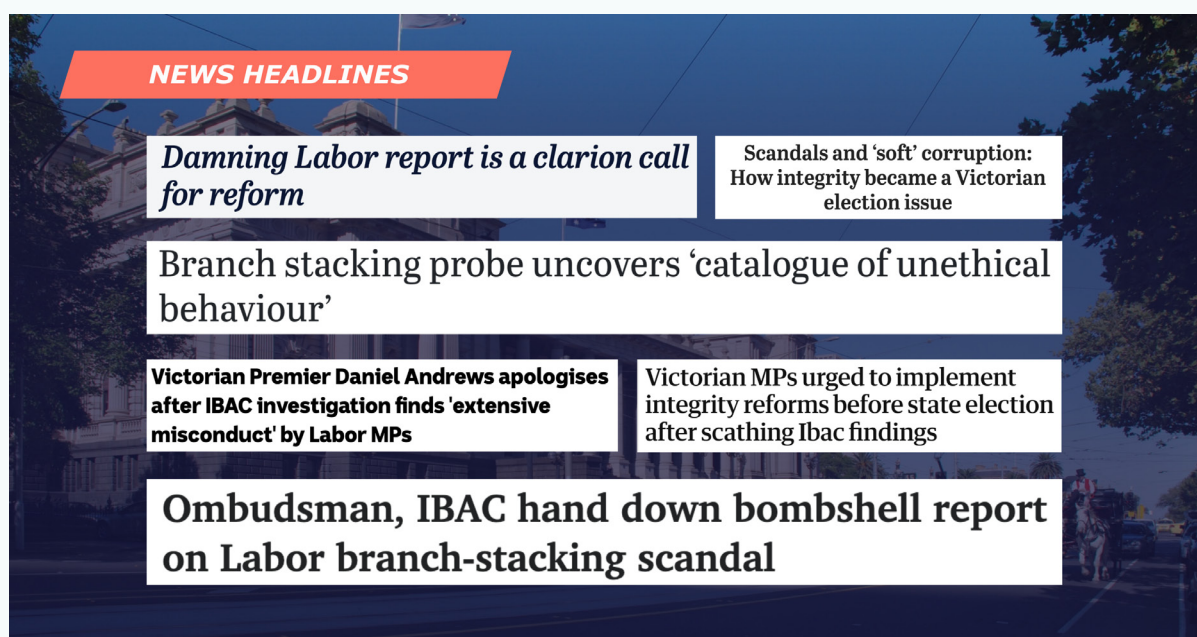
The investigation examined a range of matters including allegations of misuse of electorate offices, ministerial office staff and resources for branch stacking and other party-related activities.

The report illustrated a catalogue of unethical and inappropriate behaviour ranging from the hiring of unqualified people into publicly funded roles, using those roles to support factional work, nepotism, forging signatures, bullying and attempts to interfere with the government grants process.

IBAC and the Ombudsman found that despite some improvements made by the current government in 2019, the systems of parliamentary accountability in Victoria were weak and fell behind those in other Australian jurisdictions.

A key recommendation arising from the report was the establishment of a Parliamentary Ethics Committee and a Parliamentary Integrity Commissioner. Further recommendations covered reforms to the Department of Parliamentary Services and electorate officers' employment arrangements, improving accountability arrangements for MPs and Ministers, including updates to the Ministerial Staff Code of Conduct, and improving grant management frameworks for State and local government funders of community organisations.

The government accepted all 21 recommendations on the day the report was released. We continue to monitor their implementation.



Source: Victorian Ombudsman

## KEY FINDINGS

The report describes the investigation's key findings which relate to:

- the misuse of staff for factional work
- work relating to branch stacking
- publicly funded jobs given to factional allies and operatives
- grants to community organisations.

## RECOMMENDATIONS

The report made 21 recommendations:

1. Establishing a Parliamentary Ethics Committee
2. Establishing a Parliamentary Integrity Commissioner
3. Role of the Privileges Committees
4. Role of the Parliamentary Integrity Adviser (PIA)
5. Commitment to establish a Parliamentary Ethics Committee and Parliamentary Integrity Commissioner
6. Role of Parliamentary Ethics Committee and Parliamentary Integrity Commissioner
7. Broader prohibition on party-specific activities for Electorate Officers
8. New offence for MPs who allow staff to undertake party-specific activities
9. Review and publication of Electorate Officer Code of Conduct (EO Code)
10. Prohibition on employment of family members as electorate officers
11. Role of Department of Parliamentary Services
12. Recruitment processes for Electorate Officers
13. Supervision of EOs
14. Review of Department of Parliamentary Services audit program
15. Alternative mechanism for making public interest disclosures
16. Updating Ministerial Code of Conduct (Ministerial Code)
17. Clarification of scope of MP Code of Conduct
18. New offence for ministers who allow staff to undertake party-specific activities
19. Review and publication of Ministerial Staff Code of Conduct (Ministerial Staff Code)
20. Conflict of interest controls for ministers and ministerial staff
21. Management of grants.

*"It was unpleasant and I didn't want to do it [factional work], but I had to do it in order to keep my job."*

**– Ministerial Adviser G when discussing the inappropriate requirement to do factional work as part of their duty**

# SNAPSHOT: INVESTIGATION INTO COMPLAINT HANDLING IN THE VICTORIAN SOCIAL HOUSING SECTOR

---

## THE CASE

Social housing plays a vital role for Victorians unable to afford private rents. About 150,000 people live in either public housing provided by the government or community housing run by other registered organisations. The Ombudsman launched an investigation into social housing complaint handling after repeatedly hearing from renters and advocates that current complaint processes can be unfair and ineffective. The investigation found social housing complaint and appeal options are complex and differ depending whether the renter is in public or community housing. A new Social Housing Ombudsman is proposed to improve renter satisfaction and confidence.

## KEY FINDINGS

- Existing complaint and appeal processes can be confusing for renters.
- Community housing renters have fewer complaint options than those in public housing.
- Unresolved complaints, maintenance problems and difficult neighbours are common issues raised by social housing renters.
- Some renters are reluctant to complain, and others are unaware of their rights.
- There is widespread uncertainty about the Housing Registrar's complaints role.
- Social housing complaint handlers need more resources, support and training.
- A new Social Housing Ombudsman could handle all unresolved complaints.

## RECOMMENDATIONS

The report made 17 recommendations including:

- bringing social housing complaint processes in line with best practice
- changing laws to treat public and community housing renters equally
- strengthening laws and policies relating to anti-social neighbours
- hiring more complaint handlers and improving training
- boosting advocacy services for community housing renters
- creating a dedicated Social Housing Ombudsman to act as the single external point for handling unresolved complaints.

*"I have asked [my Housing Services Officer] to help act as a mediator so the neighbours and I can reach an agreement. She said she would talk with another department and get back to me, but I never heard back from her, in spite of multiple attempts to contact her by email and phone."*

*"It's bureaucratic government red tape stuff and nothing's changing."*

*"It is more unnerving the way the manager is handling the situation than it is actually dealing with the invasive neighbour."*

**– Public housing renters**



## FINAL WORD

*"While the resolution of individual complaints may not solve the underlying problems, complaints are free feedback, which can lead to systemic improvements. Investing in good complaint handling would reap huge rewards, for renters, social housing providers and the Government alike."*

– Deborah Glass, Victorian Ombudsman

## OUTCOMES

- Recommendations to DFFH and the Housing Registrar sought to bring social housing complaint processes in line with best practice. Both agencies have commenced work on implementing these recommendations.
- Recommendations to the Victorian Government included the funding of advocacy services, amendments to the *Charter of Human Rights and Responsibilities Act 2006* (Vic) and the *Freedom of Information Act 1982* (Vic) and importantly, to create a dedicated Social Housing Ombudsman. The Ombudsman is yet to receive a formal response from the Minister for Housing.

## BY THE NUMBERS

**85,969**

social housing dwellings in Victoria (June 2021)

**2,416**

public housing complaints to the Ombudsman 2019-21

**150**

community housing complaints to the Ombudsman 2019-21

**3%**

of all Victorian housing is public or community housing

*"I am not going to lodge any more complaints with [the Department]. I am not wasting any more of my time. My mum does not have the luxury of time."*

*"You know what the really sad thing is, we all need housing. We're all kind of vulnerable. And when you're a tenant, you need the shower fixed or something pretty basic ... it is so bureaucratic and so inefficient they can't solve anything."*

*"The complaint process is convoluted, unhelpful and non-responsive."*

– Social housing renters

Since this report was tabled we have had an increase in public sector housing complaints to the office – up 52.5 per cent in 2022-23. This was in part a result of our outreach clinics with CLC's, taking the office out into the community (see Engagement section).

### Department of Families, Fairness and Housing

#### Hanna's story

Hannah lives in public housing with her three children. She contacted the Ombudsman in 2021. Hannah said she had raised multiple unresolved maintenance issues with the Department, including urgent repairs. She said she had no electricity in the laundry or kitchen which left her unable to use her oven, so she cooked in the living room with an electric frying pan. Child Protection became involved because her children were not attending school, partly because Hannah was unable to wash their clothing or dishes.

Hannah said she filled in a formal complaint form and handed it into her local housing office, but said the Department never contacted her. When the Ombudsman made enquiries with the Department it said it had no record of Hannah's formal complaint.

In June 2021, Hannah's daughter sustained a significant electric shock at home. She was concussed and had grazes requiring hospital admission. Hannah felt the property was not safe to inhabit which affected her mental health and wellbeing. Hannah admitted herself into a mental health recovery centre and her children went to live with their grandparents. Because of the issues with her property, Hannah said she applied for a priority transfer and was waiting to be moved. Her Child Protection case worker submitted a support letter for priority housing.

The Department told the Ombudsman it was unaware of the extent of the maintenance issues until Child Protection informed it Hannah's daughter had been electrocuted. The Ombudsman made further enquiries and found a full electrical check was not carried out by the contractors. The Department advised it was unaware that only a partial check had been completed. Hannah was eventually relocated to a safer home. The Department agreed with the Ombudsman and apologised to Hannah and linked her to support services. It also agreed with the Ombudsman's recommendation to waive Hannah's unpaid rent for the property.

If the Department's central complaint system had worked as intended in this case, it is likely the Housing area would have known about Hannah's electricity issues from the Child Protection area.

### Housing Registrar

#### Emma's story

Emma complained to the Housing Registrar after receiving a notice to vacate the community housing property she had lived in for 26 years because it was uninhabitable. She first complained to her community housing organisation. Still dissatisfied, she was told she could complain to the Housing Registrar.

Because ending a tenancy is a matter referable to VCAT, the Housing Registrar said the complaint was outside the scope it could consider under section 96 of the Housing Act. However, it reviewed the complaint for non-compliance with the Performance Standards and other systemic issues.

When the Housing Registrar made enquiries, the registered agency provided evidence the house did not meet minimum habitable standards. The Housing Registrar agreed the agency was required to end the tenancy and relocate the renter to meet commitments under the Performance Standards.

Emma complained to the Ombudsman because although she spoke to the Housing Registrar over the phone, she did not receive an outcome in writing. The Housing Registrar has since updated its policy and now trains staff to provide written responses to all complaint outcomes.







# SNAPSHOT: INVESTIGATION INTO A FORMER YOUTH WORKER'S UNAUTHORISED ACCESS TO PRIVATE INFORMATION ABOUT CHILDREN

---

## THE CASE

In February 2021, a former youth worker, Alexander Jones, was convicted of sexually assaulting a child we refer to as 'Zack'. The media reported that Jones had improperly accessed sensitive information about Zack and other children. It was also reported that the now former Department of Health and Human Services misled Victoria's Information Commissioner about the actions it took in response to the data breach. We investigated these allegations and looked into how Jones was granted a Working with Children clearance given he was the subject of child protection concerns in other state.

## KEY FINDINGS

- Jones's gained access to confidential information about vulnerable children through his role at Melbourne City Mission.
- Jones deceived Melbourne City Mission about his employment history and qualifications and was never qualified to work with vulnerable young people.
- Jones's access to confidential information should have been revoked when he changed jobs in July 2017. His account was accidentally left active until October 2018.
- The Department of Health and Human Services managed some aspects of the data breach poorly and incorrectly informed Zack's mother that Jones had accessed information about Zack and her family.
- Working with Children Check Victoria was unable to deny Jones a Working with Children clearance, or revoke it quickly, due to limitations in its legislation.

## RECOMMENDATIONS

This report made four recommendations including amending the *Worker Screening Act 2020* (Vic) to allow Working with Children Check Victoria to:

- obtain and consider all relevant information about a person's risk to children
- reassess a person's clearance on its own initiative
- refuse applications and suspend or revoke a person's clearance where a person poses an unjustifiable risk to the safety of children.

## FINAL WORD

*“The sexual assault of a child by a former youth worker, a person once placed in a position of trust, is inherently shocking ... Some painful lessons have been learnt. For the safety of our children, more needs to be done.”*

– Deborah Glass, Victorian Ombudsman

*“I would definitely like to see it investigated properly ... I still have no idea what happened ... I’m hoping for closure – I know it’s not going to take back what happened.”*

– Mother of ‘Zack’

## OUTCOMES

- DFFH is in the process of incorporating a data breach response plan into its processes and has commenced work on identifying opportunities to improve information security.
- Melbourne City Mission reports that it has updated its procedures, run internal Child Safe Standards awareness campaigns, and has expanded the responsibilities of its Child Safe Committee – among other activities. The Ombudsman is yet to receive a formal response from the Minister for Housing.
- While formal acceptance of the recommendation by the Victorian Government is yet to be received, DJCS have advised that amendments to the *Workers Screening Act 2020* (Vic) are under consideration.

## BY THE NUMBERS

**48**

people were identified as having their privacy breached by Jones after he left Melbourne City Mission

**11**

of these 48 people were not contacted about the breach until 2021

**27**

further affected people were identified during the Ombudsman’s investigation

**18 MONTHS**

between the first Victorian child protection concerns about Jones and his Working with Children clearance being revoked

# SNAPSHOT: WORKSAFE 3: INVESTIGATION INTO VICTORIAN SELF-INSURERS' CLAIMS MANAGEMENT AND WORKSAFE OVERSIGHT

---

## THE CASE

Victoria's workers compensation scheme enables eligible workers who are injured at work to claim compensation and receive support to recover and return to work. The scheme is administered by WorkSafe and for most Victorian workers this process is managed by WorkSafe's agents. However, about 120,000 people work for self-insurers – private companies that manage this process themselves. Self-insurers are overseen and regulated by WorkSafe.

The Ombudsman has published two previous WorkSafe reports that identified serious issues and led to significant reforms. However, those reports did not look at self-insurers. Despite improvements in the claims management practices of WorkSafe's agents, we continued to receive complaints about self-insurers making unreasonable claims decisions.

## KEY FINDINGS

- The performance of self-insurers is patchy and unequal. Workers have different claims experiences depending on who their employer is.
- Self-insurers' claims management processes and WorkSafe's oversight of self-insurers do not always produce fair or equitable outcomes for workers.
- WorkSafe has robust powers, expertise and performance-monitoring systems, but has not acted swiftly or sufficiently to address issues with self-insurers who do the wrong thing.
- WorkSafe has fewer levers for dealing with self-insurers than for agents. In particular, it has no power to direct a self-insurer to overturn a decision. However, it seems unwilling to use the levers it has.

## RECOMMENDATIONS

This report made four recommendations:

- empowering WorkSafe to independently review and overturn self-insurers' decisions that do not have a reasonable prospect of success at court
- reviewing self-insurers' claims management practices to ensure they align with legislative requirements and the conduct expected of public authorities
- making better informed decisions about the approval and reapproval of self-insurers, including the term of the approval
- publishing information about self-insurers' performance.

*"We will build [your recommendations] into our Workers Compensation policies to ensure that we manage claims to the best standard we can."*

**– Food Investment**

*"We appreciate receiving the Ombudsman's findings and will maintain ongoing review of our practices to ensure our injured employees (and former employees) continue to receive procedural fairness together with fair and equitable treatment."*

**– Viva Energy**

## FINAL WORD

*"It is in everyone's interests to promote sustainable and timely decision-making on what are not merely numbers, files or claims, but people's lives and livelihoods. Until all workers in Victoria with the right to claim compensation have the same rights when they disagree with a decision, the system will not be truly fair."*

– Deborah Glass, Victorian Ombudsman

## OUTCOMES

- The recommendations made to WorkSafe are to improve the experience and outcomes for injured workers and to promote better transparency and accountability of self-insurers. WorkSafe committed to implementing these recommendations. An update on its progress is expected Q4 2023.
- The Minister, who broadly supported the recommendation to review the *Workplace Injury Rehabilitation and Compensation Act 2013* (Vic), is expected to provide an update by 31 December 2023.

## BY THE NUMBERS

**34**

companies are approved as self-insurers in Victoria

**6%**

of new claims lodged each year are with self-insurers

**13%**

of claim decisions disputed at the Workplace Injury Commission are about self-insurers

**10%**

how much less satisfied self-insurer workers are with their claims management than other workers





Source: Victorian Ombudsman

## Workers compensation self-insurer

### Worker who sought early treatment later ruled 'out of time' for \$400 medical expenses claim

A worker employed in a role involving manual labour for a self-insurer reported an upper limb injury after opening a heavy door.

The self-insurer, which had various subsidiaries, managed the injury via its early intervention program. About 10 months after the injury the worker, who had left the workplace, discovered payments for about \$400 of medical expenses had not been made and lodged a formal claim.

The claim was rejected because the employer did not accept:

- the worker was injured as claimed, or at work
- the worker's employment was a significant contributing factor to a pre-existing injury
- the medical services claimed were for a compensable injury
- the worker had lodged a claim for weekly payments as soon as practicable
- the worker was an employee when they lodged their claim.

The worker sought a review, arguing at the time of injury, a manager had advised lodging a claim was unnecessary as the employer would cover medical expenses. The self-insurer provided evidence the worker had been advised they could lodge a claim.

Internal emails showed the worker did report the incident and seek treatment at the time. The self-insurer's internal reviewer noted while it could be argued the worker had not lodged the claim as soon as practicable, they should try to resolve the claim at conciliation.

A WorkSafe Quality Decision Audit identified that 'relevant and available information was not considered prior to making a decision' and 'the evidence does not support the decision'. WorkSafe noted the self-insurer 'maintained its rejection on a technicality'.

The self-insurer disagreed with WorkSafe's findings, stating the claim was not within time limits. It ultimately paid the medical expenses, stating this was to ensure the worker was 'not disadvantaged'.

Nevertheless, the self-insurer did not overturn their rejection of the claim.

This means that liability was not accepted and if the worker encounters longer-term issues, the employer will not be obliged to pay. The self-insurer stated 'it remains open to the worker to seek to appeal the decision via WIC'.

# Public interest disclosures

Victoria's public interest disclosure scheme encourages people to report improper conduct or detrimental action in the Victorian public sector and ensures those people are protected.

Protections include:

- keeping the identity of the person who made the disclosure confidential
- protecting them, and those who cooperate with any subsequent investigation, from reprisals including bullying, harassment or legal action.

## What is a disclosure?

People can make disclosures about:

- public organisations or public officers
- another person whose conduct adversely affects the honest performance of a public organisation's or public officer's official functions, or who intends to adversely affect their effective performance to obtain a benefit. For example, a person who tries to bribe a public officer.

A disclosure can be about conduct that has already taken place, is occurring now, or may happen in the future.

Most allegations we received in 2022-23 related to the conduct of public officers, such as:

- nepotistic recruitment
- misuse of confidential information
- manipulation of procurement processes to benefit a public servant or their personal connections
- allegations of excessive use of force to restrain prisoners
- misuse of financial delegations such as credit cards, or invoicing processes
- use of public resources for personal benefit.
- failure to declare conflicts of interest when making decisions that could actually or be perceived to benefit the decision maker
- in employment with promotions of friends, awarding contracts, favouring one party over another in regulatory enforcement, or failing to avoid the perception of this
- allegations of falsifying records
- allegations of making staff accept improper tenders

## Our role

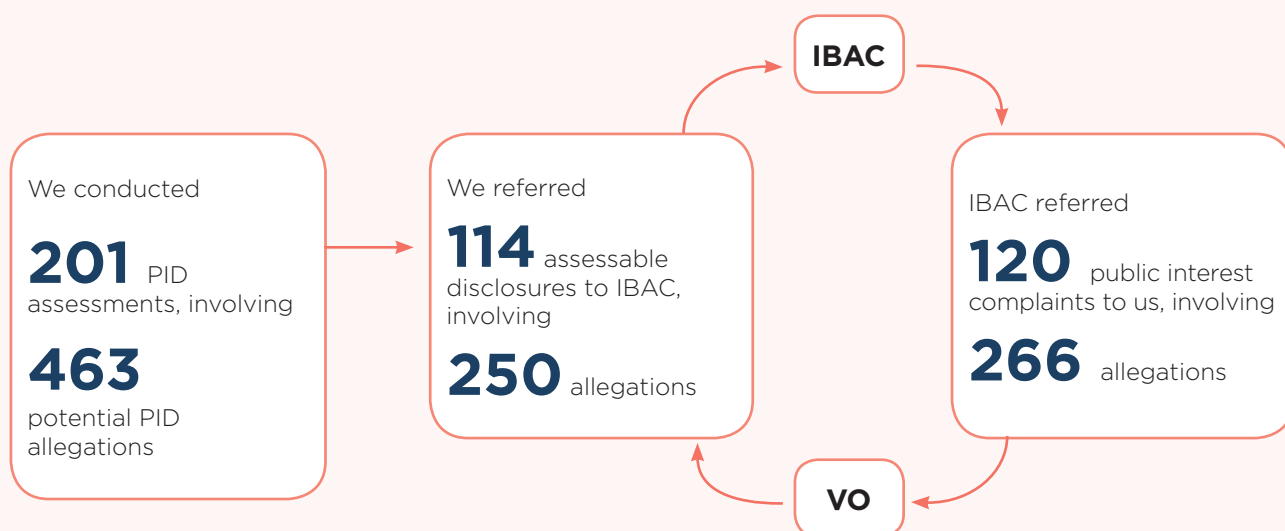
We have a role in assessing, enquiring into, and investigating public interest disclosures and complaints. We must refer disclosures to the Independent Broad-based Anti-corruption Commission if we decide they may be a public interest disclosure. IBAC then assesses the disclosure and determines if it is 'a public interest complaint'. IBAC often refers those complaints back to us, and we decide if they warrant investigation.



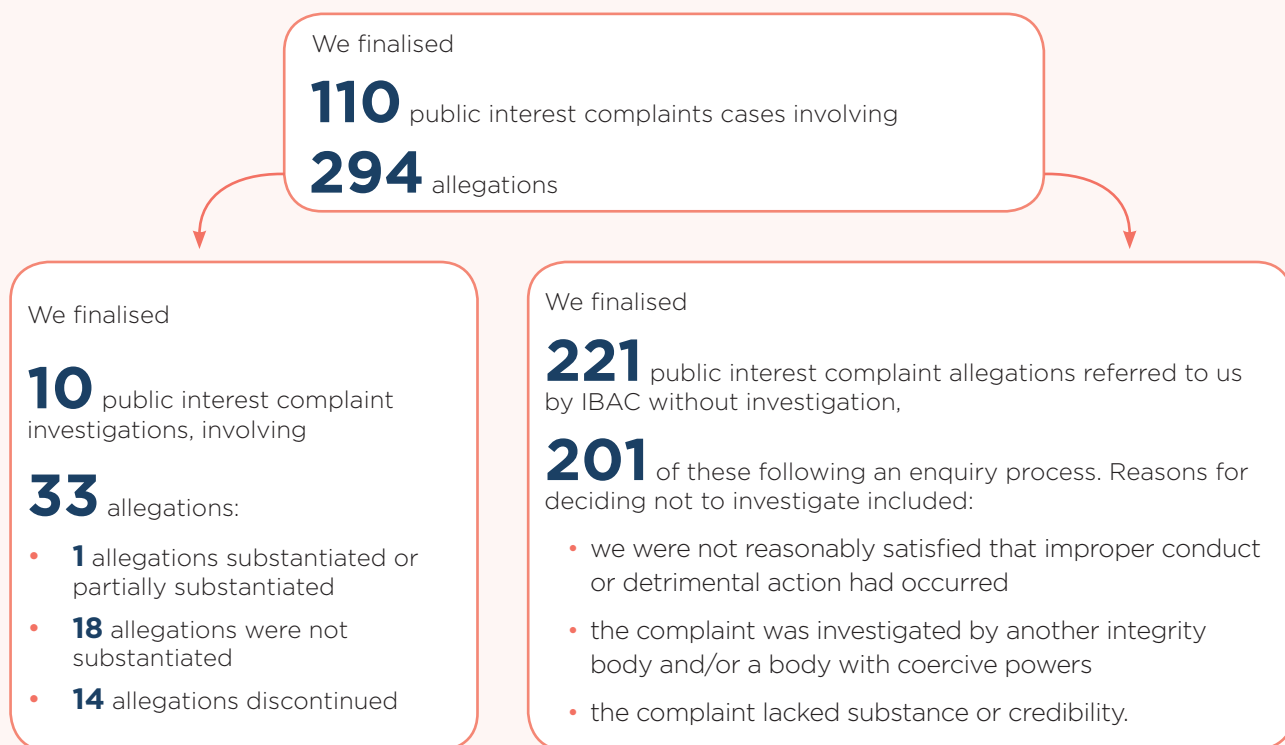
## How we deal with public interest disclosures and complaints

The Victorian Ombudsman received 120 public interest complaints from IBAC in 2022-23 financial year, involving 266 allegations, an increase of 13.2 per cent on the previous year.

### Disclosure cases referred to and received from IBAC



### Disclosure cases closed



Source: Victorian Ombudsman

### Public Interest Complaints allegations

**191** 2022-23 **↑14.3%**

**167** 2021-22

### Finalising public interest complaints through enquiries

During 2022-23 we completed 16 investigations and commenced another 25 investigations. Victorian Ombudsman investigations vary in complexity and can involve the examination of large volumes of documentation and evidence from people including witnesses and subjects.

In 2022-23, we continued to capitalise on the 2020 changes to the Ombudsman Act which provided the office with additional enquiry powers in our public interest complaints work.

The use of these powers has seen a steady increase in the number of public interest complaint allegations able to be resolved via enquiries and without the use of formal investigation powers.

The purpose of enquiries is to ensure an investigation by us:

- would not prejudice another investigation or proceeding; and
- to determine if there is evidence to show, or tends to show, that improper conduct has occurred, thereby warranting an investigation.

Enquiries can be complex and often involve issues with confidentiality or anonymity.

Some of the work may include:

- meeting with disclosers, witnesses and agencies
- reviewing employment, procurement or other contract documents
- conducting criminal record checks
- reviewing policies and procedures
- conducting site inspections
- securing and reviewing CCTV footage or other sensitive information.

Sometimes, our enquiries show an investigation is not warranted, but that examination of other issues is needed to improve public administration.



Source: Victorian Ombudsman

## National Investigations Symposium

Victorian Ombudsman staff at the National Investigation Symposium in Sydney presenting *Reimagining the Ombudsman's approach to complaints – quick resolution, investigations and the Victorian Ombudsman's conciliation journey*.

# Protecting Human Rights

## Human Rights complaints

**2,722** 2022-23 ↓ 7.3%

**2,937** 2021-22

The Victorian Ombudsman is the state's human rights investigator. This year saw a slight reduction in human rights complaints – down 7.3 per cent to 2,722 due mostly to a reduced number of complaints relating to COVID-19.

Human rights remain a common theme in many of our investigations this year. We took action in hundreds of cases **prompting reversals of decisions, improved policies and other actions upholding people's rights.** Most of these complaints alleging breaches of human rights were resolved without formal investigations being required.

It is more important than ever that the public understands how their rights may - or may not - be breached.

Complaints we resolved include a woman suffering the indignity of being strip searched while menstruating without the opportunity to change her sanitary product, leading to an apology and an improvement in policy and training of prison staff. Or assisting the parent of a struggling student seeking to move to a school outside their dedicated school zone after being bullied, when their request was delayed by the department. These are just a snapshot of the thousands of human rights complaints we helped resolve.

*You know what the really sad thing is, we all need housing. We're all kind of vulnerable. And when you're a tenant, you need the shower fixed or something pretty basic ... it is so bureaucratic and so inefficient they can't solve anything.*

– Social housing renters

*Housing is more than just shelter; it is essential to the inherent dignity and well-being of the person.*

– Social Housing Regulation Review, Interim Report

## The 20 rights in the *Charter of Human Rights and Responsibilities Act 2006* (Vic)

- Right to recognition and equality before the law
- Right to life
- Right to protection from torture and cruel, inhuman or degrading treatment
- Right to freedom from forced work
- Right to freedom of movement
- Right to privacy and reputation
- Right to freedom of thought, conscience, religion and belief
- Right to freedom of expression
- Right to peaceful assembly and freedom of association
- Right to protection of families and children
- Right to take part in public life
- Right to enjoy your culture, practice your religion, and speak your language
- Right not to have your property taken away, unless the law says it can be taken
- Right to liberty and security of person
- Right to humane treatment when deprived of liberty
- Rights of children in the criminal process
- Right to a fair hearing
- Rights in criminal proceedings
- Right not to be tried or punished more than once for the same crime
- Right not to be found guilty of a crime if the behaviour was not against the law when it happened

## When we deal with any complaint made to us, we decide if:

- human rights considerations are relevant
- the public organisation has limited a person's enjoyment of their human rights
- the limitation is unreasonable in the circumstances.

## Human rights might be relevant in many complaints, including those about:

- child protection
- participating in public life
- access to services and supports
- the treatment of people in prison, youth justice or a health service
- speaking different languages and practising particular religions or cultural activities.



### Corrections

#### Dignity denied in prison search

When in prison, Emma was required to undergo a strip search and urine test while she was menstruating. The experience left Emma feeling embarrassed and she contacted the Ombudsman to complain.

Emma told us she felt embarrassed because the strip search was conducted without her having the opportunity to first clean herself and change her sanitary product. Emma was also concerned her urine test result may have been affected by the presence of menstrual blood.

*I tried to say something at the time, but the officers said this was the procedure and I would have to do it this way.*

– Emma

After meeting with the General Manager of the prison, Ombudsman officers confirmed that while Emma's urine sample would not have been affected by menstruation, the prison needed to improve its policy and training to remind of the need for people's dignity in this situation and responsibilities under the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

The prison has since engaged with Corrections Victoria to develop new policy and training. The prison was also asked to apologise to Emma for the way the test was conducted, which it did.

### Department of Education

#### New school for student experiencing bullying

Ambrose was finding school difficult. Struggling academically, things got no easier when he started to be bullied by other boys in his year.

The school and department staff tried to support Ambrose's re-engagement at school, however this was unsuccessful. Estelle lodged an enrolment appeal with the department under exceptional circumstances (compassionate grounds) and requested that they allow her son to be enrolled in a school outside of their dedicated zone.

The department advised Estelle it may take 4-6 weeks to get an outcome to their appeal. Department staff and Ambrose's designated neighbourhood school were identifying an appropriate neighbouring school able to enrol Ambrose under compassionate grounds, but Estelle was unhappy with the level of communication from the department and felt that the matter was not getting resolved.

After the 6 weeks had passed, Estelle contacted the Ombudsman for assistance in resolving her complaint. After enquiries from the Ombudsman, the department confirmed that Ambrose had been granted permission to enrol in a neighbouring school outside of his zone for 2023.

A relieved Estelle was very happy with the outcome, knowing her son is being supported with his education in his new school.

## Department of Families, Fairness and Housing

### Housing notice to vacate reversed

A victim of family violence, single mother Melinda was grateful to finally be offered public housing. Despite her suffering literacy issues, a social worker was able to help Melinda complete the necessary forms for a concession rental rebate.

Whilst Melinda was rebuilding her life, she received a notice to vacate her property from the Department of Families, Fairness and Housing (DFFH). The notice related to a rental rebate application that was not received by the Department as well as rental arrears.

Melinda was confused as she regularly paid rent to the Department via direct debit automatically deducted from her Centrelink payments. Melinda advised the Department that she wanted to pay the full outstanding rental amount so she would not be evicted but the person she was corresponding with from the Department would not accept this, forcing Melinda to contact the Ombudsman.

In its response to our enquiries, the Department confirmed it sent the complainant a notice to vacate the property on 20 July 2022 due to rental arrears. Melinda acknowledged she had experienced issues receiving her mail at the property, and also explained she found it hard to comprehend letters and forms from the Department, which sometimes forced her to use apps to help her decipher the correspondence.

After dialogue with the Department of Families, Fairness and Housing, they quickly processed the Melinda's outstanding rebate application, which reduced the rental arrears.

The Department also withdrew the notice to vacate and negotiated a new agreement with the Melinda. It acknowledged that Melinda should have been contacted by telephone or a home visit before her rebate was cancelled.

The Department advised it has added a communication alert to the Melinda's tenancy file informing staff of her literacy issues. Further, housing staff told Melinda she can make office-based face-to-face appointments with her housing officer and housing staff can help her to complete documents if needed.

# Engagement



**11,525**

Social media  
followers



**266,904**

Visitors to  
website



**26,679**

Communication  
emails sent



**47%**

Click open  
rate

In 2022-23 we continue to focus on building relationships with a focused group of stake holders, principally Community Legal Centres (CLCs), Peak bodies working with the Indigenous Community, Housing and Culturally & Linguistically Diverse (CALD) communities.

This entailed a lengthy process of building relationships. Leveraging on interpersonal currency came after a period of gaining trust with those who work at the CLCs and members of the community they serve. 'Grass roots' strategies such as letter box drops and unannounced visits to CLCs paid off, resulting in interactions with members of the community, who would not typically engage with our office.

By attending outreach clinics, we secured partnerships with two metro CLCs - West Heidelberg and Inner Melbourne Community Legal and three regional CLCs who work under the auspices of Arc Justice: two of which operate in Bendigo (Loddon Campaspe CLC and Housing Justice), one in Shepparton (Goulburn Valley CLC).

The complaints lodged at outreach clinics reflected those uncovered by our Investigation into *Complaint Handling in the Victorian Social Housing Sector* and continue to be a mainstay of CLC referrals. Our investigation highlighted that some renters are often reluctant to complain, fearing reprisal, while others are unaware of their right to dispute official action or inaction.

We delivered 24 presentations, offering information about the functions, services and jurisdiction of the Ombudsman's office.

Our presence in Regional Victoria was further enhanced with our roadshow to Warrnambool in October 2022. It was the first such event to take place since COVID-19 and coincided with the Warrnambool Show. We held meetings with local government, tertiary education institutions, CLCs, community services, including:

- Representatives of Moyne Shire, Corangamite Shire, Glenelg Shire and Southern Grampians Shire Councils
- Victorian Aboriginal Legal Service
- Lawyer, Djirra
- Disability Human Rights Advocate, South West Advocacy
- Salvation Army
- Brophy Family Services
- Local MP and staff
- Homelessness Services, Salvation Army

Earlier in 2023, the Ombudsman had a stall at Midsumma Carnival and attended the Pride March. It was an opportunity to engage with the LGBTQI+ community and other stakeholders present. It resulted in hundreds of interactions.

Law Week in May saw the Ombudsman attending a panel discussion at the State Library. Titled *Emergencies & Disasters! What is the role of legal and public sector agencies?* it was a live and live-streamed event with a combined audience of approximately 250 people.



The Engagement team also visited Morwell to deliver presentations to three school groups from the region. The audience, made up of VCE students undertaking Legal Studies totalled approximately 100 students and teachers, all of whom were enthusiastic participants as they helped to unpack a youth justice case. A presentation was also given at Morwell Neighbourhood House about housing related issues. As part of Law Week, outreach clinics were held in West Heidelberg and Avondale Heights.

A joint webinar with IBAC and VAGO on integrity matters was held in November 2022 attracting 871 registrations. Ombudsman webinars were held in May and June 2023 on investigations and complaints processes as part of the 'Behind the Scenes...' series with over 520 public servants registering for the events. To close the year's engagement activities, the Ombudsman was part of a national complaints handling forum attracting 285 public servants.



Using the wall as a metaphor for blocks in the complaints process, with students in Morwell during our school's presentation in Law Week.



Victorian Ombudsman staff conducting a complaint clinic with residents of West Heidelberg.

### Reconciliation Action Plan

Our office continues to seek to build trust and form respectful and mutually beneficial relationships with Aboriginal and Torres Strait Islander peoples. Our second Reconciliation Action Plan, Innovate RAP, was endorsed by Reconciliation Australia. The plan builds on strong foundations from the first RAP and feedback from the RAP Working Group as we continue to educate and engage our staff and others on reconciliation.

VO continued our First Nations cultural awareness & safety training and expanded our Indigenous annual calendar of events. This included engaging a provider to develop and deliver a suite of cultural awareness training courses at introductory and advanced levels as well as to host panels of Indigenous leaders to assist staff in developing greater level of awareness and understanding of both historical and contemporary issues affecting Aboriginal and Torres Strait Islander people.

[Scan the QR code to access our Reconciliation Action Plan](#)



### Gender Equality Action Plan

The office continued to focus on its Gender Equality actions in 2023 to support progress in line with the Gender Equality Act 2020.

One of the key initiatives in 2022-23 was achieving pay parity with the average mean remuneration being the same between women and men across the organisation. Further information can be found in our recently published Diversity, Equity and Inclusion strategy that showcases the work that has been achieved and is underway to support equality within the Victorian Ombudsman.

[Scan the QR code to access our Gender Equality Action Plan](#)



## Diversity Equity and Inclusion

Diversity, equity and inclusion (DEI) underpin the Ombudsman's role in promoting good governance, accountability, fairness and integrity in the public sector for the benefit of all Victorians.

DEI provides a pathway for a culture that helps our people feel a strong sense of belonging and contributes to the performance and innovation of the Ombudsman's work. Diversity ensures that our office is representative of the communities we serve and brings a range of perspectives and experiences to our work. Equity ensures that our office addresses any structural barriers and inequalities that may exist in the public sector and takes a proactive approach to promoting fairness and justice. Inclusion ensures the Ombudsman's office creates a welcoming and supportive environment for all staff and stakeholders, regardless of their background or identity. This includes promoting a culture of respect, valuing diversity of background and different thinking approaches and actively engaging with stakeholders to ensure their voices are heard and their needs are met.

Some of the actions taken throughout 2022-23 to progress Diversity, Equity and Inclusion include:

- A process is in place to periodically review to maintain pay parity. (On 30 June 2021, the same analysis cited in our Gender Equality Action Plan, showed the gender pay gap for women was 7.5 per cent less than men).

- **Gender segregation is decreasing:** From June 2021 to March 2023 the percentage of women at senior leadership level (positions that lead and manage a business unit) rose from 45.85 per cent to 56 per cent. The percentage of women at the Officer/ Frontline staff decreased from 76 per cent to 68 per cent.
- **Gender balance in advancement and promotion:** Opportunities to progress and upskill in various roles across the organisation are gender balanced with 54 per cent being provided to women and 46 per cent to men during 2022-23, compared with 85 per cent provided to women and 15 per cent to men in 2021-22.
- Our booth at the 2023 Midsumma Festival promoting the role of the Ombudsman.
- Our recognition of key days on the diversity and inclusion calendar with events and initiatives to raise awareness amongst our team.

Scan the QR code to access our Diversity Equity and Inclusion Plan





## Engagement







1. Engagement & Education team visiting Deakin University for an education workshop
2. Education team member presenting to State Government liaison officers
3. Victorian Ombudsman stand at the Midsumma Festival 2023

4. Staff presenting to State Government liaison officers

5. Victorian Law week flyer, May 2023

6. Ombudsman complaint handling webinar, June 2023

7. Integrity Matters webinar, November 2022

VO

**BEHIND  
THE SCENES**

## Ombudsman complaint handling

WEBINAR



**Victorian Ombudsman Deborah Glass joins a panel of senior Ombudsman complaint handlers to explore VO's approach to complex complaint management.**

This is a free event.

THURSDAY, 1 JUNE

12-1PM, ONLINE WEBINAR

LIMITED SPACES

6

# Integrity Matters



Join Victorian Auditor-General, Andrew Greaves; Victorian Ombudsman, Deborah Glass (OBE); and The Honourable Robert Redlich AM, KC, for this important lunchtime conversation.

Tuesday 22 November

12-1pm

Online webinar

7

# Public Sector Education



**63**

Total Workshops

↑ 66%



**46**

Online

↑ 44%



**17**

In person

↑ 183%



**85**

Number of  
Organisations

↑ 57.4%



**1,000**

Number of  
participants

↑ 92%



**96%**

Satisfaction  
Rating

↑ 0.9%

During 2022-23, we experienced a significant increase in the number of workshops delivered. Growth in uptake was seen across the three workshops on offer:

- Good Complaint Handling
- Conflict of Interest risks: lessons from the Victorian Ombudsman
- Dealing with Complex Behaviour

We delivered 63 workshops, 25 more than the previous year, an increase of 66 per cent to over one thousand public servants.

A variety of agencies engaged our services, with participants from more than 30 public organisations having attended one or more programs.

In person training was the standard choice of delivery mode for in-house workshops, with just a handful of clients opting for online delivery. Shorter open registration workshops remain online, whilst the longer form Dealing with Complex Behaviour workshop was offered both online and in person for the first time since COVID-19. There was strong uptake for both delivery modes.

Satisfaction rates were consistently maintained at 96 per cent, a 0.9 per cent increase on last year's results.

## Education workshops – What participants said:

### Dealing with Complex Behaviour

*The presentation was amazing, the facilitator was next level engaging had everyone collaborating and engaged – one of the best workshops I have attended. Thank you for your time!*

*It is rare that a full day workshop is so relevant and engaging. I found the content to be informative and the presenter was an excellent presenter. Absolutely the best version of this sort of training I have had.*

### Conflict of Interest:

*Considering the reasons why people might not disclose conflicts and the very practical consideration of how to effectively apply Conflict of Interest Policy in the real world. Seeing other people's perspectives on what a conflict and grading conflicts is – that perceptions differ. And applying the strategies to the hypothetical scenarios.*

*I loved that this was an interactive workshop, got to understand the practices and challenges of other industries. How same things can be perceived in different ways and how to consider the scenario from all aspects.*

### Good Complaint Handling:

*The principles and guides behind the process to confirm our processes and some good tips to enhance our process and use in support of current work underway to get staff buy in. Such as the 9 principles in responding to complaints, the top issues of complaints for 2021-22, record keeping principles, principles of a fair process etc.*

*I found the case studies at the end really useful for applying the skills and tips raised throughout the workshop. It's one thing to talk about best practice, but another entirely to think about how that can be applied in a real-life example.*

# Strengthening our capabilities to support our vision

## Digital first approach

During 2022-23 to better support our regulatory work we have continued to evolve and refine our vision for 'digital first' and our approach to achieving this. Through the use of innovative technologies and utilising our existing suite of systems we have been able to improve efficiency in operations and enhance our security posture for the information that we hold.

Some examples include:

- Improvements to workflows and process through the use of automation and web forms to streamline reporting and compliance.
- Implementation of web chat to enhance our services to complainants to better direct jurisdictional and non-jurisdictional enquiries.
- Improvements to data validation on our case management system to improve data quality.
- Implementing cyber security initiatives to further enhance our security.
- Extending our data warehouse to capture a greater number of sources to improve the completeness of our reporting.

Future progress will see a focus on continuing to develop our security models to meet the evolving nature of cyber security threats, while at the same time improve our ability to gather and share information across our organisation and with other agencies. We will continue to look for ways to improve efficiency and productivity through better use of information and data analytics for informed decision making and trend analysis.

## Data Collection

The Victorian Ombudsman's work generates a broad set of data on complaints about the actions or decisions made by State Government departments and public organisations. The data collection and validation processes in place at the Victorian Ombudsman supports a robust foundation for collecting, analysing, and presenting data in our reports.

Our annual report uses data from cases at the end of each period for comparison purposes. Updates and adjustments to case data are not used to re-baseline reporting once published.

Reviews of data quality, workflows and formulas used for calculations are conducted to ensure that the data we share is an accurate representation of our efforts. A glossary of key terms and definitions is provided in Appendix 2.



## Organisational Structure



## Strengthening our capabilities to support our vision

### Our people

We employ 128 staff with a diverse range of qualifications experience and backgrounds. Our people diverse qualifications range from law and criminal justice to social sciences, media and communications, human rights and business.

Table 2: Staff profile by gender, age and classification 2022-23

FY2022-23	All Employees		Ongoing			Fixed Term	
	Headcount	FTE	Full Time - Headcount	Part Time - Headcount	FTE	Ongoing	FTE
<b>Gender</b>							
Female	79	74.4	55	11	62	13	12.4
Male	38	37	28	4	31.2	5	5.8
Self-Described	1	1	1		1		
<b>Total</b>	<b>118</b>	<b>112</b>	<b>90</b>	<b>14</b>	<b>99</b>	<b>21</b>	<b>20</b>
<b>Age</b>							
Under 25	1	1.0	1		1		
25-34	29	27	25		23.8	4	3.4
35-44	42	40.0	33	5	36.2	4	3.8
45-54	26	24.6	13	6	17.6	7	7
55-64	16	15.4	10	3	12.6	3	3
Over 65	4	4.0	2	1	3	1	1
<b>Total</b>	<b>118</b>	<b>122</b>	<b>84</b>	<b>15</b>	<b>94</b>	<b>19</b>	<b>18</b>
<b>Classification</b>							
VPS 2							
VPS 3	4	3.3	2		2	2	1.3
VPS 4	49	46.0	37	7	42	5	5
VPS 5	37	35.3	26	6	29.3	6	6
VPS 6	19	18.8	18		18	1	0.8
STS	2	1.6		2	1.6		
Executive	6	6.0	1		1	5	5
Independent officer of Parliament	1	1.0				1	1
<b>Total</b>	<b>118</b>	<b>112</b>	<b>84</b>	<b>15</b>	<b>94</b>	<b>19</b>	<b>18</b>

\* Employees have been correctly classified in workforce data collections. Excludes staff on leave without pay, volunteers, contractors and consultants. Employees reported as 'seconded' are included in the fixed term counts.

Table 3: Staff profile by gender, age and classification 2021-22

FY2021-22	All Employees		Ongoing			Fixed Term	
	Headcount	FTE	Full Time - Headcount	Part Time - Headcount	FTE	Ongoing	FTE
<b>Gender</b>							
Female	84	79.01	51	10	57.21	22	20.8
Male	34	32.2	22	3	24.2	8	7
Self-Described	1	1	1		1		
<b>Total</b>	<b>119</b>	<b>112.21</b>	<b>74</b>	<b>13</b>	<b>82.41</b>	<b>30</b>	<b>27.8</b>
<b>Age</b>							
Under 25	3	2.4	1		1	2	1.4
25-34	31	30.1	21	1	21.7	9	8.4
35-44	42	38.3	27	7	31.3	8	7
45-54	26	24.81	14	4	16.81	7	7
55-64	14	13.6	10	1	10.6	3	3
Over 65	3	3	1		1	1	1
<b>Total</b>	<b>119</b>	<b>112.21</b>	<b>74</b>	<b>13</b>	<b>82.41</b>	<b>30</b>	<b>27.8</b>
<b>Classification</b>							
VPS 2	1	0.4				1	0.4
VPS 3	6	4.4	2		2	4	2.4
VPS 4	50	47.51	32	8	37.51	10	10
VPS 5	35	33.5	26	3	27.5	6	6
VPS 6	18	17.8	13	1	13.8	3	3
STS	2	1.6		1	0.6		
Executive	6	6	1		1	5	5
Independent officer of Parliament	1	1				1	1
<b>Total</b>	<b>119</b>	<b>112.21</b>	<b>74</b>	<b>13</b>	<b>82.41</b>	<b>30</b>	<b>27.8</b>

\*Employees have been correctly classified in workforce data collections. Excludes staff on leave without pay, volunteers, contractors and consultants. Employees reported as 'seconded' are included in the fixed term counts.

## Strengthening our capabilities to support our vision

### Salary

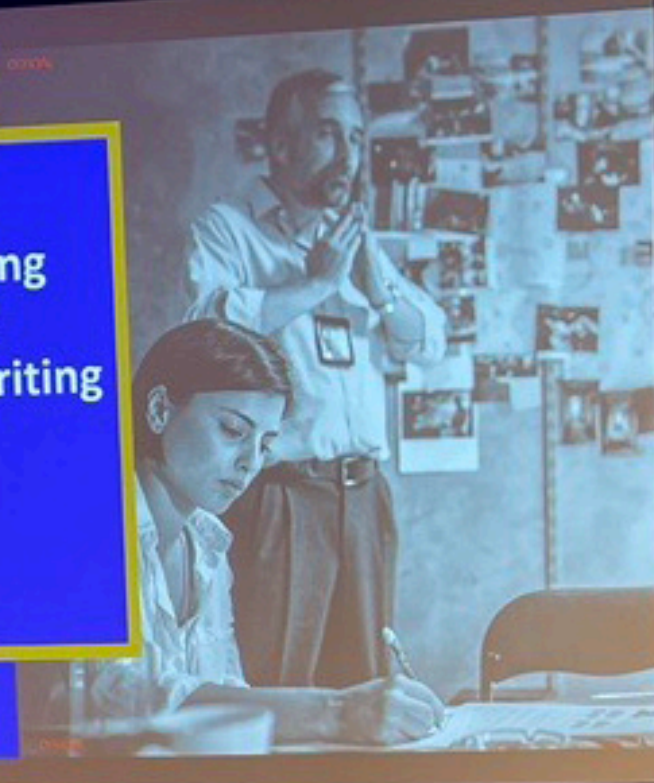
The following table discloses the annualised total salary for senior employees of the Victorian Ombudsman, categorised by classification. The salary amount is reported as the full-time annualised salary.

Table 4: Annualised total salary, by \$20,000 bands, for executives and other senior non-executive staff

Income band (salary)	Executives	STS	PS	SMA	SRA	Other
< \$160,000						
\$160,000 – \$179,999						
\$180,000 – \$199,999	2					
\$200,000 – \$219,999	1			1		
\$220,000 – \$239,999	1					
\$240,000 – \$259,999						
\$260,000 – \$279,999						
\$280,000 – \$299,999						
\$300,000 – \$319,999						
\$320,000 – \$339,999	1					
\$340,000 – \$359,999	1					
\$360,000 – \$379,999						
\$380,000 – \$399,999						
\$400,000 – \$419,999						
\$420,000 – \$439,999						
\$440,000 – \$459,999						
\$460,000 – \$479,999						
\$480,000 – \$499,999						
<b>Total</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

# Strategies for meeting the challenges of investigative report writing

23 May 2023



Source: Victorian Ombudsman

## National Investigations Symposium

Victorian Ombudsman staff at the National Investigation Symposium in Sydney discussing investigative report writing.

## Strengthening our capabilities to support our vision

### People Matter 2022-2023 survey

The findings of the 2022-23 survey exhibit consistency and improvements compared to the previous year's outcomes. The participation rate of 89 per cent among employees in this year's survey has provided the Victorian Ombudsman with valuable insights to acknowledge the positives of the year while directing our attention towards continuous improvements in specific areas.

During 2022-23, a significant emphasis was placed on continuing to build trust and demonstrating the office's proactive approach in translating staff feedback from the previous year's survey into meaningful actions. Notably, the initiatives identified from the 2021-22 survey have steered the office's focus, leading to the prioritisation of essential programs such as Diversity and Inclusion, Capability development, Mental health and wellbeing. These key areas have been thoughtfully selected, fortified by feedback derived from the survey responses and follow up focus groups that were conducted with staff in late 2022.

**58%**  
Agree

**The VO has made improvements based on the survey results from last year**  
Comparator Average 48%

**71%**

**Believe the VO will make improvements based on the results of this year's survey**  
Comparator Average 56%

Flexible working became a focus for the office post COVID-19 with an emphasis on striking a balance across diverse business segments whilst ensuring the uninterrupted provision of services. The Victorian Ombudsman consulted across the organisation to gain insights into the varying needs of staff and the organisation, which led to the design of a hybrid working model that was introduced in 2023. The purpose of the hybrid working model is to create a more agile, responsive, and adaptable workplace that can meet the evolving needs of its employees and the community we serve, while fostering a culture of collaboration, innovation, and inclusivity.

**89%** **↑1%**

**My manager supports working flexibly**  
Comparator 90%

**87%** **↑11%**

**I am confident that if I requested a flexible work arrangement, it would be given due consideration**  
Comparator 81%

Meaningful work continues to deliver positive outcomes for the organisation with our people seeing their contribution as valuable to the office and the community.

**95%** **↑1%**

**I achieve something important through my work**

Comparator 89%

**97%** **↑3%**

**I can make a worthwhile contribution at work**

Comparator 92%

## Emotional effects of work

In 2022-23, we observed a noteworthy decrease of 12 per cent in the office's high stress indicator, down to 29 per cent. Although the survey feedback from our staff indicates improved emotional well-being compared to previous years, it remains imperative to maintain a heightened level of focus on this aspect. Our priority is to ensure that we provide our employees with the necessary support and guidance, fostering an environment where they feel secure and at ease within the workplace.

Notably, our office, particularly our frontline staff, continue to grapple with demanding situations, challenging complainant behaviour and increasingly complex complaints that have a tangible impact on their overall well-being. As part of our ongoing efforts, we are actively exploring a range of strategies to align with the proposed Occupational Health and Safety Amendment (Psychological Health) Regulations 2021. These regulations are designed to minimise psychological hazards and injuries within the workplace.

This initiative encompasses multiple aspects, including the exploration of methodologies to effectively capture and report psychological hazards. Furthermore, the office has undertaken a comprehensive risk assessment, identifying and implementing suitable controls to address these hazards.

## Emotional effects of work

**63%** **↑16%**

**Enthusiatic**

Comparator 51%  
Public Sector 48%

**62%** **↑20%**

**Happy**

Comparator 54%  
Public Sector 52%

**29%** **↓12%**

**High stress**

Comparator 23% | Public Sector 25%



Victorian Ombudsman staff







## Strengthening our capabilities to support our vision

### Employment and conduct principles

Our staff comply with the public sector values established under the *Public Administration Act 2004* (Vic). The values prescribe the behaviours expected of public officials: responsiveness, integrity, impartiality, accountability, respect, leadership and promoting human rights.

### Public sector employment principles

We are committed to applying merit and equity principles when appointing staff. Our selection processes ensure applicants are assessed and evaluated fairly and equitably, based on key selection criteria and other accountabilities, without discrimination.

We embrace the public sector employment principles established under section 8 of the Public Administration Act. We ensure:

1. employees are treated fairly
2. employment decisions are based on merit
3. equal employment opportunity is provided
4. human rights as set out in the *Charter of Human Rights and Responsibilities Act 2006* (Vic) are upheld
5. employees have a reasonable avenue of redress against unfair or unreasonable treatment
6. a career in public service is fostered.

Consistent with the Victorian Public Sector Commission's employment standards, we educate our employees on how to avoid conflicts of interest and manage conflicts where they cannot be avoided, and how to respond to offers of gifts and hospitality.

### Workforce inclusion

The Victorian Ombudsman continues to work towards creating an inclusive working environment where equal opportunity and diversity are valued, and that reflects the communities we serve. Consistent with the *Gender Equality Act 2020*, The target set by the Victorian Government of at least 50 per cent women on the executives' gender profile by 2021 has been met and surpassed by the Victorian Ombudsman.

Our workforce inclusion practices have resulted in us employing 70 per cent female, 30 per cent male in an ongoing or fixed term employment capacity this year.

Ways we celebrate diversity:

- Recognising days of cultural significance
- Supporting LGBTQIA+ events
- Celebrating awareness days or weeks
- Cultural Safety and Awareness workshops
- Accessibility Action Plan
- Reconciliation Action Plan
- Gender Equality Action Plan
- Diversity, Equity and Inclusion Strategy

The Victorian Ombudsman values staff with non-binary gender identities. We acknowledge that due to historic and current barriers to disclosure of non-binary gender identities, staff may not choose to disclose this information. As a result, targets or quotas are not currently a useful way to promote opportunities for gender diverse staff at all levels.

The following table outlines the Victorian Ombudsman's progress against Gender Equality Action Plan at the executive level in 2022-23.

Table 5: Victorian Ombudsman's actual progress against this target in 2022-23

Workforce inclusion policy initiative	Target	Actual progress in 2022-23	Actual progress in 2021-22
Gender profile at executive levels <sup>(a)</sup>	Executive Officers: 50 per cent women; 50 per cent men by 2021	Executive Officers: 83 per cent women; 17 per cent men	Executive Officers: 87 per cent women; 13 per cent men

Note: (a) The self-described category is nil for this entity.

## Executive Data

For the Victorian Ombudsman, a member of the Senior Executive Service (SES) is defined as a person employed as an executive under Part 3 of the *Public Administration Act 2004* (PAA). For a public body, an executive is defined as a person employed as an executive under Part 3 of the PAA or a person to whom the Victorian Government's Public Entity Executive Remuneration Policy applies. All figures reflect employment levels at the last full pay period in June of the current and corresponding previous reporting year.

The definition of SES does not include a statutory office holder or an Accountable Officer.

The following tables disclose the SES of the office of the Victorian Ombudsman for 30 June 2023:

- Table 6 discloses the total numbers of SES for the Victorian Ombudsman, broken down by gender
- Table 7 provides a reconciliation of executive numbers presented between the report of operations and Note 9.9 Remuneration of executives in the financial statements

Table 6: Total number of SES for the Victorian Ombudsman, broken down into gender

	All		Women		Men		Self-described	
Class	No.	Var.	No.	Var.	No.	Var.	No.	Var.
SES3	0	0	0	0	0	0	n	n
SES2	2	0	2	0	0	0	n	n
SES1	4	(1)	3	1	1	0	n	n
<b>Total</b>	<b>6</b>	<b>1</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>n</b>	<b>n</b>

The number of executives in the report of operations is based on the number of executive positions that are occupied at the end of the financial year. Note 8.3 in the financial statements lists the actual number of SES and the total remuneration paid to SES over the course of the reporting period. The financial statements note does not include the Accountable Officer, nor does it distinguish between executive levels or disclose separations. Separations are executives who have left the Department during the relevant reporting period. To assist readers, these two disclosures are reconciled below

Table 7: Reconciliation of executive numbers

		2023	2022
	Executives (financial statement Note 8.3)	8	7
	Accountable Officer (Secretary)	0	0
Less	Separations	(2)	(1)
	<b>Total executive numbers at 30 June</b>	<b>6</b>	<b>6</b>



### Occupational Health and Safety

Under section 21 of the *Occupational Health and Safety Act 2004* (Vic), an employer has an obligation to provide a safe workplace for employees, and under section 25 of the Act, employees must also take reasonable care for their own and others' health and safety and cooperate with their employer in the workplace.

As part of our ongoing commitment to the health, safety and well-being of our employees and others, our workplace activities and resources included:

- reimbursement initiative for prescription glasses
- influenza vaccination program
- paid leave for Covid-19 testing and vaccinations
- ergonomic assessments
- First Aid Officer training
- Fire Warden training
- 2022 R U OK day
- Mental Health First Aid Peer Support Officers
- Mental Health and Wellbeing employee workshops
- Mental Health Week
- Employee Assistance Program providing access to a 24/7 confidential counselling service via external professionals.
- Weekly Employee Assistance Program onsite counselling service.

Our Occupational Health and Safety Committee, which includes our Health and Safety Representatives, continues to make recommendations to our Executive about all matters to do with the health, safety and well-being of employees.

Table 8: Occupational Health and Safety (OHS)

Measure	Key Performance Indicator	2020-21	2021-22	2022-23
Incidents*	No. of reported incidents	8	2	13
	Rate per 100 FTE	1	1.57	7.69
	No. of incidents requiring first aid and/or further medical treatment	1	1	5
Claims	No. of standard claims **	0	1	1
	Rate per 100 FTE	0	0.78	0.78
	No. of lost time claims	0	1	1
	Rate per 100 FTE	0	0.78	0.78
	No. of claims exceeding 13 weeks	0	0	1
	Rate per 100 FTE	0	0	0.78
Fatalities	Fatality claims	0	0	0
Claim costs	Average cost per standard claim	\$0	\$0	\$3,000
Return to work	Percentage of claims with RTW plan <30 days	0	0	0
Management commitment	Evidence of OHS policy statement, OHS objectives, regular reporting to senior management of OHS, and OHS plans	Completed	Completed	Completed
	Evidence of OH&S criteria(s) in purchasing guidelines (including goods, services and personnel)	Completed	Completed	Completed
Consultation and participation	Evidence of agreed structure of designated workgroups, (DWGs), health and safety representatives (HSRs), and issue resolution procedures (IRPs)	Completed	Completed	Completed
	Compliance with agreed structure of DWGs, HSRs and IRPs	Completed	Completed	Completed
Risk management	Percentage of internal audits/inspections conducted as planned	75%	75%	75%
	No. of Improvement Notices issued across the organisation by WorkSafe Inspector	0	0	0
	Percentage of issues resolved arising from:			
		• internal audits and inspections	100%	100%
		• HSR Provisional Improvement Notices (PINs)	100%	100%
Training	Percentage of staff that have received OHS training:	• contractors, temps, and visitors	100%	100%
		• induction	100%	100%
		• management training	100%	100%
	Percentage of HSRs trained:	• on acceptance of role	100%	100%
		• re-training (refresher)	100%	100%
		• on reporting of incidents and injuries	100%	100%

Note: \* Incidents includes injuries and near misses.

\*\* Standard claims are those that have exceeded the employer excess (for medical and like expenses) threshold and/or liability for 10 working days of time lost.



## Strengthening our capabilities to support our vision

### Our Performance

Table 9: Output statement 2022-23

Performance measures	Unit of measure	2022-23 actual	2022-23 target	Performance Variation (%)	Result (a)
<b>Quantity</b>					
<b>Number of jurisdictional cases opened</b>	<b>number</b>	<b>18,405</b>	<b>14,000</b>	<b>31</b>	<b>✓</b>
The 2022-23 outcome is higher than the 22-23 target because this output is contingent on approaches to the office by members of the public, which is an external factor beyond the control of the Victorian Ombudsman. This leads to a variance between the target and the outcome.					
<b>Jurisdictional cases selected for enquiry/investigation</b>	<b>per cent</b>	<b>29</b>	<b>20</b>	<b>45</b>	<b>✓</b>
The 2022-23 outcome is higher than the 2022-23 target because where possible the Victorian Ombudsman has introduced 'batching' as a method, to efficiently deal with enquiries into a number of complaints about a systemic issue. The performance measure target has been reviewed and adjusted for 2023-24. The target has been increased in line with actual performance. This target is subject to the number of jurisdictional approaches to the office and is reliant on the level of complexity of cases which could impact the final target.					
<b>Education and training participants</b>	<b>number</b>	<b>1,000</b>	<b>490</b>	<b>104</b>	<b>✓</b>
The 2022-23 outcome is higher than the 22-23 target because there has been a more stable operating environment with a reduced impact of COVID-19. This has led to an increase in education programs due to participants' preparedness to attend face to face or online training. The performance measure target has been reviewed and adjusted for 2023-24. The target has been increased to reflect the education and prevention functions of the organisation more accurately. However, the Victorian Ombudsman is cognisant of budgetary constraints across the Victorian Public Sector which may impact future departmental training participant numbers.					
<b>Quality</b>					
<b>Jurisdictional cases that lead to an agreed improvement</b>	<b>per cent</b>	<b>80</b>	<b>35</b>	<b>128</b>	<b>✓</b>
The 2022-23 outcome is higher than the 2022-23 target. The performance measure target has been reviewed and adjusted for 2023-24. The target has been increased based on the last three years actual average. This target is subject to the number of jurisdictional approaches to the office and jurisdictional cases enquiry/investigation selected. It is also reliant on the level of complexity of cases which could impact the final target.					
<b>Public sector education program satisfaction rate</b>	<b>per cent</b>	<b>96</b>	<b>85</b>	<b>11</b>	<b>✓</b>
The 2022-23 outcome is higher than the 2022-23 target. The performance measure target has been reviewed and adjusted for 2023-24. The target has been increased to better align with previous years outputs. This measure is reliant on face to face and virtual engagement. Hybrid working arrangements may impact overall satisfaction.					
<b>Complaint service satisfaction</b>	<b>per cent</b>	<b>54</b>	<b>60</b>	<b>11</b>	<b>■</b>
The 2022-23 expected outcome is lower than the 2022-23 target due to the fact that individuals lodging complaints online seem to express less satisfaction compared to those who use the phone channel, resulting in an overall satisfaction rating below the target. The Victorian Ombudsman is committed to continually improving its online complaint procedures to better meet the needs and expectations of online complainants.					
<b>Timeliness</b>					
<b>Complaints closed within 30 days</b>	<b>per cent</b>	<b>96</b>	<b>85</b>	<b>11.5</b>	<b>✓</b>
The 2022-23 outcome is higher than the 2022-23 target because the Victorian Ombudsman has been prioritising resourcing to its early resolutions team to ensure timely closure of complaints. The performance measure target has been reviewed and adjusted for 2023-24. The target has been increased in line with actual performance. This target is subject to the number of jurisdictional approaches to the office and is reliant on the level of complexity of cases which could impact the final target.					
<b>Investigations closed within 12 mths</b>	<b>per cent</b>	<b>75</b>	<b>80</b>	<b>5</b>	<b>■</b>
The 2022-23 expected outcome is lower than the 2022-23 target. Project management principles continue to be developed supporting the complexity and capacity of the investigations we conduct.					

Cost					
<b>Total cost output</b>	<b>\$ million</b>	<b>\$21.200</b>	<b>\$21.330</b>	<b>0.6</b>	<b>✓</b>

This excludes:

- Parliamentary Referral expense reimbursement
- Special Appropriation
- ATNAB (Addition to net asset base) funding

Note: ✓ Performance target achieved or exceeded.

■ Performance target not achieved – exceeds 5 per cent variance.

## Tabled Reports

The Ombudsman tabled 9 reports in Parliament in 2022-23.

Table 10: Reports tabled in Parliament 2022-23

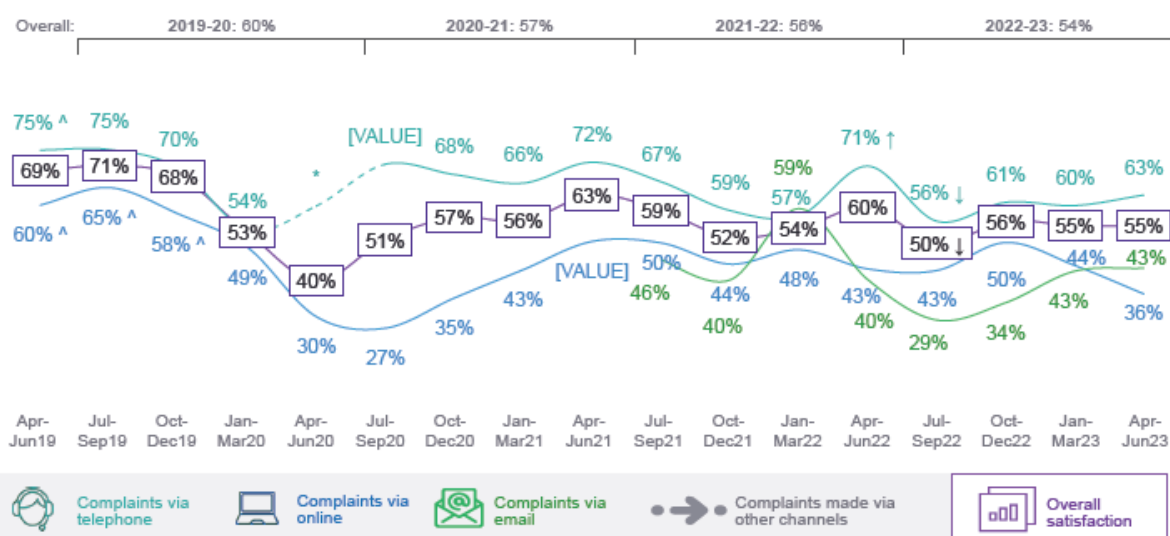
Title	Date tabled
Investigation into complaint handling in the Victorian social housing sector	July 2022
Operation Watts, a joint investigation into allegations of serious corrupt conduct involving Victorian public officers, including Members of Parliament	July 2022
Investigation of a matter referred from the Legislative Council on 9 February 2022 Part 1	July 2022
Investigation into a former youth worker's unauthorised access to private information about children	September 2022
Ombudsman's recommendations – fourth report	September 2022
Good Practice Guide: Complaint handling in a crisis	February 2023
Glen Eira City Council's approach to contractor work	April 2023
Complaint handling casebook: Resolving issues informally	May 2023
WorkSafe 3: Investigation into Victorian self-insurers' claims management and WorkSafe oversight	June 2023

# Feedback about us

## Complainant survey snapshot: FY23

The Victorian Ombudsman commissioned EY Sweeney to conduct quarterly complainant satisfaction surveys. The purpose of these surveys is to improve services provided, our quality of communication with the complainants and evaluate the impact of resolutions and impact made. Overall satisfaction with the service provided by the Victorian Ombudsman remains largely consistent across 2022-2023 with previous years. 62% of general community complainants this year had not previously lodged a complaint with the Victorian Ombudsman highlighting our relevance and outreach to the community.

### % 'very satisfied' or 'satisfied' with the service provided by the Victorian Ombudsman...



Notes: ^ Sample size less than n<30, significance testing not applied; \* data suppressed due to small base size upon call centre closure dotted line indicates break in trend. ~ Insufficient sample for email lodgements prior to 2021-2022. Other channels not shown due to insufficient sample. Differences by quarter: a significantly higher finding between quarters is indicated by ↑ and a significantly lower finding is indicated by ↓. Sample in 2019-20 and 2020-21 consists of only complainants in the General Community. Sample in 2021-22 includes 2% of complaints in prisons and 98% in the General Community. The proportion of prisoner complainants increased to 10% in 2022-23 and General Community declined to 2022-23.

“ I was fortunate to have an extremely competent advocate who was both understand and showed empathy about my circumstances. ”

“ When I spoke to her it was like she was understanding and I could talk to her. It was good customer service. ”

### Awareness and complaint lodgement

#### First complaint



**62%** of General Community complainants in 2022-2023 had not lodged a complaint before with the Victorian Ombudsman This compares to **43%** of Prisoner complainants who had not lodged before

#### Awareness of the Victorian Ombudsman's role before making the complaint



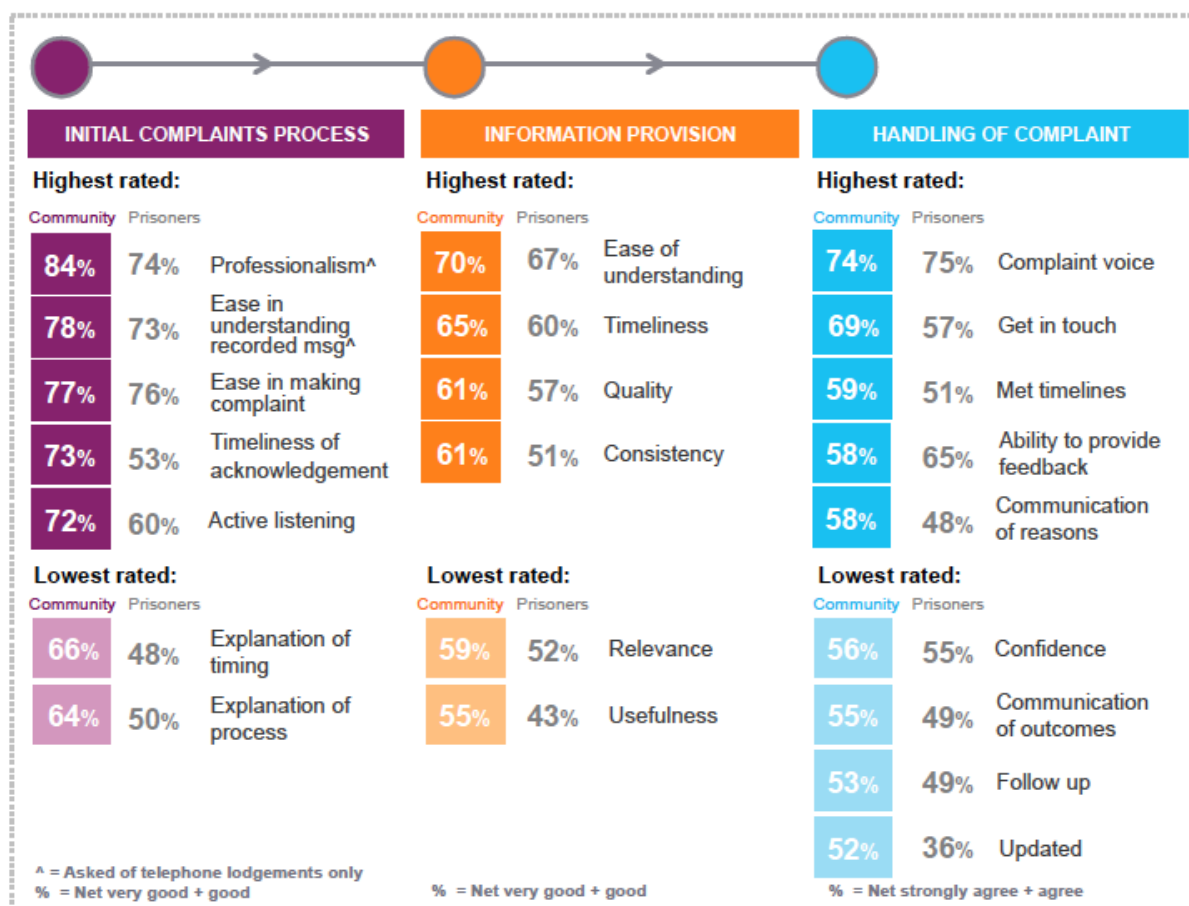
**44%** General Community complainants

**36%** Prisoner complainants

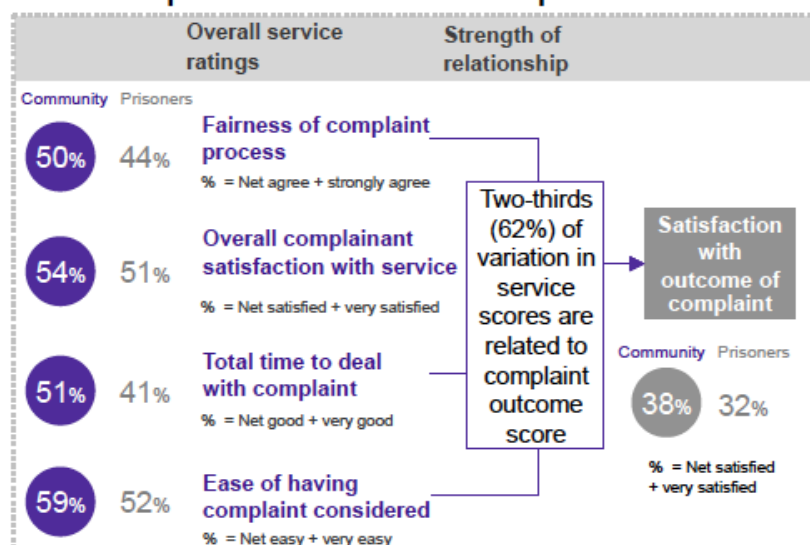
% extremely aware or very aware

# Complainant survey snapshot: FY23

## Detailed complainant ratings (Community and Prisoner complainants)



## Relationship of the VO service to complaint outcome



“It's the first time I have had cause to use such a facility. While I was not satisfied with the outcome that was not because the process was slow or hard to navigate.”

### Complaints we received

When people complain to us about the merits of our decisions or our service delivery, we will consider their request and may undertake a review.

If complaints allege corrupt conduct or staff misconduct, we must notify IBAC or the Victorian Inspectorate respectively and they deal with the complaint independently of us.

We received 125 requests for review in 2022-23, which is significantly fewer than the 187 requests received in 2021-22. We conducted a total of 43 reviews in 2022-23 compared with 78 in 2021-22, in which a senior officer not previously involved in the matter reviews how we had handled a matter.

Of the 16 reviews into the merits of our decisions:

- In 15, we decided the original decision was satisfactory.
- In 1, we reconsidered the complaint or took further action.

Of the 27 complaints about our service delivery:

- In 18, we determined our service delivery was satisfactory.
- In 9, we determined that service delivery was unsatisfactory and attempted to resolve the concerns raised through providing an explanation, apologising, or agreeing to take further action.

Of the requests for review about the merits of our decision (95), 79 were declined; this is a similar number to those declined in 2021-22 (77), but reflects a larger proportion of the total number of requests received.

In 2022-23 we made changes to our processes around the receipt of requests for review of the merits of a decision. Requests for review are initially considered by the original complaint handler in conjunction with their manager thus providing an opportunity for the concerns raised in the request for review to be considered and potentially addressed prior to, and sometimes instead of, the request having to be formally considered. In particular, this first step provides an opportunity to consider additional information not previously provided by the person making the request for review.

Initial requests for review of the merits of a decision being directed to the original complaint handler has significantly reduced the number of requests that are formally received and assessed for suitability for review. This is because the complaint handler had been able to respond to concerns raised by the review requester.

As a result of these process changes, the number of requests for review being formally received and assessed has decreased; reflecting the success of original complaint handlers in dealing with concerns raised after making their decision on a complaint.

Many requests proceed to formal assessment. The significant number of requests that are assessed as being not suitable for internal review are more often than not declined on the basis that the person seeking review has expressed their disagreement or dissatisfaction with the decision but has not identified an error in how their complaint was managed.

### Requests from the Victorian Inspectorate

In 2022-23, the Victorian Inspectorate asked us for information about 44 matters, compared with 25 matters in 2021-22. These complaints were primarily allegations that our staff did not provide procedural fairness in the following ways:

- by not providing the complainant with an opportunity to provide additional information or raise additional issues relevant to their complaint
- by not keeping the complainant informed about the progress of the complaint
- by favouring the respondent agency's version of events over the complainant's (bias)

Implicit in the complaints were related issues about our staff not investigating complaints, not investigating them properly or improperly dismissing complaints. Although none of these complaints about our office resulted in investigations by the Inspectorate, some feedback was received and incorporated into changes of policy and procedure and staff training. The Ombudsman was not made aware of any complaints made to the Inspectorate about the use of coercive powers.

This financial year the Inspectorate introduced a process of providing the Ombudsman with a monthly report commenting on the Ombudsman's compliance with mandatory notifications on the use of coercive powers. Each report contained a range of issues identified by the Inspectorate during its review of notifications as needing attention by the Ombudsman. These reports have involved considerable work by our staff in providing a timely written response.

## Freedom of information

The *Freedom of Information Act 1982* (Vic) ('FOI Act') creates a right for the public to access certain documents held by public sector agencies, including the Victorian Ombudsman.

Section 29A of the Ombudsman Act provides a limited exemption from the FOI Act and means the FOI Act does not apply to documents in the possession of the Ombudsman or any other person or body that disclose information about:

- a complaint, a referred complaint, a referred matter or a matter referred to the Ombudsman by Parliament under section 16 of the Ombudsman Act
- an enquiry or investigation under the Ombudsman Act
- a recommendation made by the Ombudsman under the Ombudsman Act
- a report or draft report made under the Ombudsman Act.

In 2022–23 we received 34 FOI requests. Due to the operation of section 29A of the Ombudsman Act, the FOI Act did not apply to 17 of the FOI requests. 10 FOI requests were processed and access to the documents sought was granted in full to seven requests, in part to one request and access denied in full to two requests. Two requests for consultation under section 33 of the FOI Act were received and processed.

## Categories of documents held

We hold a number of categories of documents:

- investigation reports tabled in Parliament and published on our website
- internal administrative and operational documents
- internal policy and procedural documents
- documents about developing or implementing policy and legislation
- human resources documents
- financial records
- documents obtained or created in the course of conducting investigations or making enquiries, including complaints, correspondence, file notes and reports
- documents relating to our functions under the

Public Interest Disclosures Act

- background material, records of conversation, analysis and advice
- fact sheets, brochures and promotional material.

Certain documents are destroyed or transferred to the Public Record Office Victoria in accordance with the *Public Records Act 1973* (Vic).

## Publicly available information

The following information is available on our website:

- statements about the Ombudsman's role, responsibilities, scope, governing law and reporting to Parliament
- information about the Public Interest Disclosures Act
- reports that have been tabled in Parliament
- our Service Delivery Charter and Code of Conduct
- good practice guides on handling complaints, managing complex complainant behaviours and managing complaints involving human rights
- our policies on Public Interest Disclosures, Human Rights, and Gifts, Benefits and Hospitality, Complaints, Enquiries, Investigations, Referrals and Notifications, information requests, Complaints about and oversight of the Ombudsman
- answers to common questions
- information about public sector workshops and education programmes
- media releases.
- Internal service delivery report supporting the Victorian Ombudsman's Budget paper 3 measures
- complaints about our procurement process
- Procurement Activity Plan

This material can also be requested by emailing or calling us:

[enquiries@ombudsman.vic.gov.au](mailto:enquiries@ombudsman.vic.gov.au)

(03) 9613 6222

1800 806 314 (for regional callers)



### Making an FOI request

An FOI request can be made to the Victorian Ombudsman directly or you can complete an online form at <https://online.foi.vic.gov.au/foi/request.doj>. If you are applying to us directly, your FOI request should clearly describe the document/s sought, specify that the application is a request made under the FOI Act and should not form part of a letter or email on another subject. The applicant should provide the following information:

- name
- address
- phone number
- details of document(s) requested
- form of access required; for example, copy of documents, inspection of file or other.

If seeking to have the application fee waived or reduced due to hardship, the applicant should include this request in the application.

### Fees

An application fee of \$31.80 is required unless an authorised officer, satisfied that the payment of the fee would cause hardship, waives or reduces that fee.

### Reviews

Applicants may seek an external review of a decision made about:

- requests for access to documents or amendment of records
- the cost levied for allowing access to documents.

Depending on the decision made in the first instance, the Information Commissioner or the Victorian Civil and Administrative Tribunal can conduct the review. The letter to the applicant advising our FOI decision will include information on the appropriate avenue of review, if any. Applicants are advised to consult Part VI of the FOI Act for more information about appeal rights.

For those FOI applications to which section 29A of the Ombudsman Act applies, there is a limited avenue of appeal to the Information Commissioner for a review of the decision that section 29A of the Ombudsman Act applies to the request.

An applicant may seek a review by the Victorian Civil and Administrative Tribunal under its review jurisdiction (see Part 3 of the *Victorian Civil and Administrative Tribunal Act 1989* (Vic)).

### Complaints

A person may complain to the Information Commissioner about certain matters relating to an FOI request, including about:

- an agency's decision that a requested document does not exist or cannot be located
- a delay by the agency in processing an FOI request
- any other action taken or failed to be taken by an agency in performing its functions and obligations under the FOI Act.

For those FOI applications to which section 29A of the Ombudsman Act applies, there is an avenue of complaint to the Information Commissioner.

For more information on seeking a review or complaining to the Information Commissioner, visit:

[ovic.vic.gov.au/freedom-of-information/for-the-public/apply-for-a-review/](https://ovic.vic.gov.au/freedom-of-information/for-the-public/apply-for-a-review/)

Further information about the FOI Act is available online at:

[www.ovic.vic.gov.au](https://www.ovic.vic.gov.au)

## Corporate governance

The Ombudsman is the:

- 'Accountable Officer' pursuant to section 42 of the *Financial Management Act 1994* (Vic).
- 'Responsible Body' under the Standing Directions of the Minister for Finance.
- 'Public Service Body Head' pursuant to sub-section 16(1)(h) of the *Public Administration Act 2004* and section 3 of the *Privacy and Data Protection Act 2014* (Vic).
- 'Officer in Charge' pursuant to section 13 of the *Public Records Act 1973* (Vic).

The Ombudsman Act bestows all the powers and functions conferred on the Office of the Ombudsman on the Ombudsman personally.

Employees or executive staff exercise only the powers and functions that the Ombudsman delegates to them via delegation instrument.

In 2022-23, the Ombudsman was supported by one internal committee – the Executive Committee – and one external committee – the Audit and Risk Management Committee.

Each committee:

- has terms of reference approved by the Ombudsman stating:
  - the purpose and membership
  - meeting frequency\*
  - record keeping obligations
  - reporting obligations.
- may co-opt expertise from across the office as required
- receives appropriate secretariat support.

\*Which may be that the committee meets as frequently as it sees fit.

Table 11: Internal Committee

Executive Committee	Function
<b>Membership</b> Ombudsman Deputy Ombudsman Chief Operating Officer	The Committee oversees the office's strategic focus, good governance, strategies and plans that commit significant resources and monitor overall performance. It regularly reviews the status of the office's budget, compliance obligations, strategic risks, business continuity planning and information management governance.

### Audit and Risk Management Committee

The main responsibilities of the Audit and Risk Management Committee are to:

- Independently review and assess the effectiveness of VO's systems and controls for financial management, performance and sustainability, including risk management.
- Review and report independently to the Ombudsman on the annual financial statement and report of operations published by the office.
- Review and monitor compliance with the Financial Management Act including remedial actions.
- Oversee and review the effectiveness of the internal audit function including the approval of the internal audit charter, strategic internal audit plan and the annual audit work program.
- Maintain effective communication with external auditors.
- Consider recommendations made by internal and external auditors and review the implementation of actions to resolve issues raised.

Table 12: Audit and Risk Management Committee membership

Audit and Risk Management Committee membership		
Independent member and Chairperson	Adam Awty	Chief Executive Officer of the Law Institute of Victoria.
Independent member	Andrew Dell	Global Chief Information Security Officer, QBE Insurance Group Pty Ltd
Independent member	Patricia Christie	Several board and committee positions. Former CEO and acting Principal Register, Family Court of Australia
Independent member	Damien Manuel	Adjunct Professor and Director, Deakin University Centre for Cyber Security and Innovation
Independent member	Judith McDonald	Managing Director at Watnanda Consulting Pty Ltd
Victorian Ombudsman representative	Megan Philpot	Deputy Ombudsman, Victorian Ombudsman
Victorian Ombudsman representative	Dr Marija Maher	Chief Operating Officer, Victorian Ombudsman

### Victorian Ombudsman Financial Management Compliance Attestation Statement

I, Deborah Glass, in my capacity as the Responsible Body, certify that the Victorian Ombudsman has no Material Compliance Deficiency with respect to the applicable Standing Directions under the *Financial Management Act 1994* and Instructions.

Signed:



Victorian Ombudsman  
Date: 13 September 2023

## Strategically focussed

Our corporate planning framework is based on the six core elements of the Victorian Government's Strategic Management Framework:

- Analyse
- Plan
- Allocate resources
- Implement and monitor
- Evaluate
- Report.

Key outputs from the corporate planning framework are:

- a multi-year strategic plan
- an annual plan
- regular reporting on progress against objectives.

## Transparent and accountable

We make our priorities known publicly through our annual plan. Performance targets are set and published in the output statement included in our annual report. The Integrity and Oversight Committee of Parliament reviews our annual plan and can hold public hearings where the Ombudsman gives evidence.

We also ensure we are accountable by:

- tabling reports in Parliament
- having internal review and complaint processes
- establishing performance criteria for every member of staff
- having a service charter
- assessing our recommendations to public organisations against our own practices
- having a rigorous internal strategy and annual audit plan.

## Committed to compliant practices

We are committed to complying with all relevant obligations, internal and external. We use quality assurance and internal audit programs to monitor compliance.

## Ethical culture

Good governance practices are only effective when supported by an ethical culture, where the values of the office are lived and its institutional practices are respected. This is particularly critical for us, as an integrity agency. An ethical culture not only supports good governance but also our position as a leading public sector oversight organisation.

Our leaders are accountable for upholding and developing an ethical culture by:

- modelling ethical conduct
- expressly canvassing ethical issues as they arise
- recognising and reinforcing ethical conduct by staff
- intervening and addressing unethical conduct.

Ethical decision making is also supported by:

- the *Code of Conduct for Victorian Public Sector Employees of Special Bodies* issued by the Victorian Public Sector Commission
- internal policies and procedures, such as our Conflict-of-Interest Policy, Grievance Resolution Policy and our Gifts, Benefits and Hospitality Policy.

## Compliance with the Building Act 1993

We do not own or control any Government buildings, so are exempt from notifying our compliance with the building and maintenance provisions of the Building Act 1993 (Vic).

## National Competition Policy

The National Competition Policy requires that (among other things) where Government services compete with the private sector, any advantage arising solely from Government ownership be removed if the advantage is not in the public interest. We do not provide services in competition with the private sector.

### Local Jobs First Act 2003

Local Jobs First aims to:

- promote employment and business growth by expanding market opportunities to local industry
- provide contractors with increased access to, and raised awareness of, local industry capability
- expose local industry to world's best practice in the workplace innovation, e-commerce and use of new technologies and materials
- develop local industry international competitiveness and flexibility in responding to changing global markets by giving local industry a fair opportunity to compete against foreign suppliers.

Departments and public sector bodies are required to apply the Local Jobs First policy in all projects valued at \$3 million or more in Metropolitan Melbourne or for state-wide projects, or \$1 million or more for projects in regional Victoria.

The Local Jobs First Act requires public bodies to report on their compliance. In 2022-23, the Victorian Ombudsman had no procurements or projects to which the policy applied.

### Procurement Related Complaints

A procurement related complaint is defined as an issue or concern expressed by a supplier in relation to the process and probity applied by an organisation when carrying out a procurement activity.

The Victorian Ombudsman has a procurement complaints management system, setting out the process for addressing complaints by suppliers. The Victorian Ombudsman's Chief Procurement Officer (Chief Financial Officer) is responsible for the complaint's management process. In 2022-23, the Victorian Ombudsman received no complaints from suppliers related to a procurement activity.

### Statutory disclosures

Under Standing Direction 5.2 Annual Reporting and the *Financial Management Act 1994* (Vic), we are required to disclose certain information. There is a disclosure index at Appendix 1.

### Accountable officer's declaration

In accordance with the *Financial Management Act 1994* (Vic), I am pleased to present the Report of Operations for the Victorian Ombudsman's office for the year ended 30 June 2023



Deborah Glass  
Ombudsman

13 September 2023



## Financial Information

Table 13: Five year financial summary

Five-year financial summary	2023 <sup>(a)</sup>	2022	2021 <sup>(b)</sup>	2020	2019
Total income from transactions <sup>(c)</sup>	23,316,259	20,681,144	20,675,043	19,313,014	18,724,330
Total expenses from transactions	23,316,259	20,804,345	19,959,766	18,851,676	18,750,436
Net result from transactions <sup>(d)</sup>	-	(123,202)	715,277	461,338	(26,106)
Other economic flows included in net result	-	-	11,161	77,100	(79,385)
Net result for the period	-	(123,202)	726,438	538,438	(105,491)
Net cash flow from operating activities	1,077,645	1,077,935	(709,475)	606,679	40,667
Total assets	18,573,281	18,676,055	19,426,638	11,276,436	9,444,405
Total liabilities	13,060,674	13,163,449	13,790,830	6,387,047	5,983,806

Notes:

(a) This table presents data from the current reporting year with comparative data from the past four reporting years.

(b) 2021 restated

(c) Income from government includes both output and special appropriations.

(d) The 'net result from transactions' is identical to the 'net operating balance' for the general government sector.

### Current financial year review

The Victorian Government considers the net result from transactions to be the appropriate measure of financial management. This measure excludes the effects of gains and losses associated with the disposal of assets and the impact of the revaluation of leave liabilities due to changes in discount rates and market assumptions. Such gains and losses are outside the control of the Victorian Ombudsman. In 2022-23, the Office achieved a nil net result from transactions. The growth in income and expenses from transactions in 2022-23 is mainly due to work carried out relating to the parliamentary referral by the Office and its associated expenditure compared to 2021-22.

### Financial position – balance sheet

The Victorian Ombudsman's net asset base as at 30 June 2023 is \$5.5 million, staying the same as 2021-22. There were no other significant changes or factors that affected the current year's performance.

### Cash flows

The net cash inflows from operating activities \$1.07 million for the year. The main driver being timing differences relating to the receipting of appropriation revenue from Government and payments.

## Feedback about us

### Significant changes in financial position

There were no significant matters which changed VO's financial position during the reporting period.

### Capital projects

The implementation of VO's CCTV security cameras which are located around the office. This was capitalised as a tangible asset in 2022-23.

### Disclosure of grants and transfer payments

The Victorian Ombudsman has not provided any grants or transfer payments to companies or organisations.

### Subsequent events

There are no subsequent events to report.

### Advertising Expenditure

The Victorian Ombudsman did not conduct any activities that triggered the disclosure threshold of \$100,000 or greater on government advertising expenditure. We make a nil report statement against this requirement.

### Consultancies

Nil to report for 2022-23.

### Other information available on request

In compliance with the requirements of the Standing Directions under the *Financial Management Act 1994* (Vic), details of items listed below have been retained by the Ombudsman's office and are available on request, subject to the provisions of the Freedom of Information Act.

These items include:

- a statement that declarations of pecuniary interests have been duly completed by all relevant Ombudsman officers including the Ombudsman
- details of all consultancies and contractors.

### ICT expenditure

Our ICT expenditure comprises:

- non-business as usual expenditure: extending or enhancing our current capabilities
- business as usual expenditure: all remaining ICT expenditure, which primarily relates to operating and maintaining our current capability.

This year, we had a total operational ICT expenditure of \$2.969 million.

### Office based environmental impact

The use of electrical power, paper, and office vehicles over the three years since 2020-21 is outlined below.

#### Electricity use

In 2022-23 electricity use was 2 per cent higher than in 2021-22. Greenhouse gas emissions per FTE staff member was less than a 1 per cent change from 2021-22.

#### Waste

This year we continued to use recycling bins throughout the office for recyclable materials including paper, cardboard, and plastics. Printer consumable wastes are separately collected. Recycling, general waste and food waste are collected separately.

#### Paper use

Paper use in 2022-23 per FTE staff member was 1.25 reams which is an increase from 0.66 reams per FTE staff member in 2021-22.

#### Transportation

Where possible, we encourage our staff to use public transport for official business instead of office cars. The office has one hybrid electric/petrol vehicle available for staff.

### Nil report statement

Office's Emergency procurement was not activated, resulting in nil spending for emergency procurements.

Table 14: 2022-23 ICT Expenditure

All Operational ICT Expenditure	ICT Expenditure related to projects to create or enhance ICT Capabilities		
Business As Usual (BAU) ICT Expenditure	Non-Business As Usual (Non-BAU) ICT expenditure	Operational expenditure	Capital expenditure
(Total)	(Total = Operational expenditure and capital expenditure)		
\$2,969,181	\$473,484	\$254,147	\$219,337

Table 15: Electricity usage since 2018-19

	2018-19	2019-20	2020-21	2021-22	2022-23
Total electricity used in the office (gigajoules)	469	502	547	569	579
Electricity used per FTE staff member (megajoules)	4,408	5,151	5,364	5,692	4,825
Electricity used per m <sup>2</sup> office space (megajoules)	227	231	251	261	266

Table 16: Paper usage since 2018-19

	2018-19	2019-20	2020-21	2021-22	2022-23
Total Paper used in officer (reams)	543	350	79	66	150
Paper Used per FTE member (reams)	5.10	3.59	0.77	0.66	1.25

Table 17: Vehicle usage since 2018-19

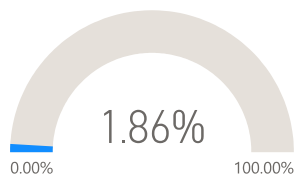
	2018-19	2019-20	2020-21	2021-22	2022-23
<b>Passenger vehicle trips</b>					
Total kilometres driven	14,910	4,104	4,194	467	7,432
Kilometres driven per FTE staff member	140	42	41	5	71.94
<b>Greenhouse gas emissions associated with vehicles</b>					
Total tonnes CO <sub>2</sub> -e emitted	1.92	0.55	0.73	0.08	2.74
Tonnes CO <sub>2</sub> -e emitted per FTE staff member	0.02	0.01	0.01	0.00	0.02

### Social Procurement

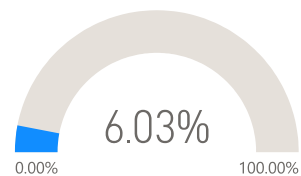
Social procurement is when organisations use their buying power to generate social value above and beyond the value of the goods or services being procured. Victorian Ombudsman's Social Procurement strategy is developed as required by VGPB to enable social procurement discussions and part of our overall procurement strategy. Our social procurement covers both direct and indirect approaches to social procurement. VO has a small procurement spend but our intent is to enable and engage suppliers through conversations.

Below shows our supplier spend in 2022-23 (GST inclusive) for supplies which meet the Social Procurement Framework.

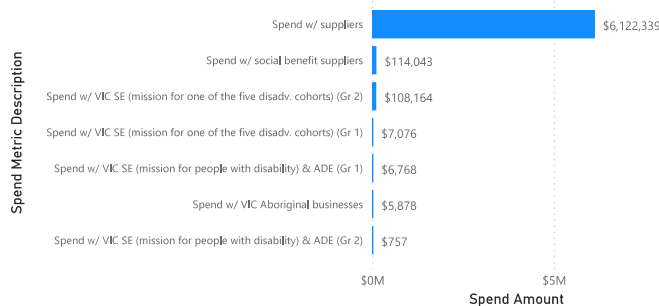
Social Benefit Supplier Spend as a Proportion of Total Supplier Spend



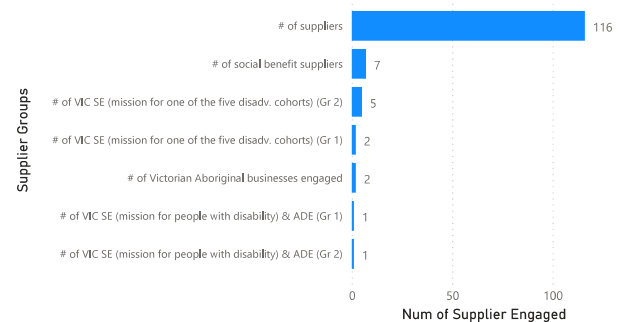
Social Benefit Suppliers as a Proportion of Total Suppliers



Total Expenditure by Spend Metric Description



Total Number of Suppliers by Supplier Group



## Greenhouse gas emissions

The Victorian Ombudsman reports its greenhouse gas emissions broken down into emissions ‘scopes’ consistent with national and international reporting standards. Scope 1 emissions are from sources that the office owns or controls, such as burning fossil fuels in its vehicles. Scope 2 emissions are indirect emissions from the Office’s use of electricity from the grid, which still uses coal and gas-fired power generation. Scope 3 emissions are indirect emissions from sources the Office does not control but does influence. The Office reports only scope 3 emissions from corporate air travel.

The Victorian Ombudsman is aiming to reduce its greenhouse gas emissions through energy and environmental initiatives.

Table 18: Greenhouse gas emissions since 2020-21

	2020-21	2021-22	2022-23
Total Scope 1 greenhouse gas emissions vehicles (Tonnes CO2-e)	0.73	0.08	2.74
Total Scope 2 greenhouse gas emissions building (Tonnes CO2-e)	0.54	0.63	0.80
Total Scope 3 greenhouse gas emissions from commercial air travel (Tonnes CO2-e)	-	5.90	8.40

Table 19: NABERS Energy Rating 2023-24

Name of Building	Building type	Rating scheme	Rating
Level 2, 570 Bourke St	General Office Building	NABERS - Energy	5



# Financial Statements



## Independent Auditor's Report

### To the Victorian Ombudsman

<b>Opinion</b>	<p>I have audited the financial report of the Victorian Ombudsman (the Ombudsman) which comprises the:</p> <ul style="list-style-type: none"><li>• balance sheet as at 30 June 2023</li><li>• comprehensive operating statement for the year then ended</li><li>• statement of changes in equity for the year then ended</li><li>• cash flow statement for the year then ended</li><li>• notes to the financial statements, including significant accounting policies</li><li>• Ombudsman and Chief Financial Officer's Declaration.</li></ul> <p>In my opinion the financial report presents fairly, in all material respects, the financial position of the Ombudsman as at 30 June 2023 and its financial performance and cash flows for the year then ended in accordance with the financial reporting requirements of Part 7 of the <i>Financial Management Act 1994</i> and applicable Australian Accounting Standards.</p>
<b>Basis for Opinion</b>	<p>I have conducted my audit in accordance with the <i>Audit Act 1994</i> which incorporates the Australian Auditing Standards. I further describe my responsibilities under that Act and those standards in the <i>Auditor's Responsibilities for the Audit of the Financial Report</i> section of my report.</p> <p>My independence is established by the <i>Constitution Act 1975</i>. My staff and I are independent of the Ombudsman in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 <i>Code of Ethics for Professional Accountants</i> (the Code) that are relevant to my audit of the financial report in Victoria. My staff and I have also fulfilled our other ethical responsibilities in accordance with the Code.</p> <p>I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.</p>
<b>Ombudsman's responsibilities for the financial report</b>	<p>The Ombudsman is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards and the <i>Financial Management Act 1994</i>, and for such internal control as the Ombudsman determines is necessary to enable the preparation and fair presentation of a financial report that is free from material misstatement, whether due to fraud or error.</p> <p>In preparing the financial report, the Ombudsman is responsible for assessing the Ombudsman's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless it is inappropriate to do so.</p>

---

**Auditor's  
responsibilities  
for the audit  
of the financial  
report**

As required by the *Audit Act 1994*, my responsibility is to express an opinion on the financial report based on the audit. My objectives for the audit are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Ombudsman's internal control
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Ombudsman
- conclude on the appropriateness of the Ombudsman's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Ombudsman's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the ombudsman to cease to continue as a going concern.
- evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Ombudsman regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

---

MELBOURNE  
26 September 2023



Roberta Skliros  
*as delegate for the Auditor-General of Victoria*

**OFFICE OF THE OMBUDSMAN**

**Financial Statements**

**For the Year Ended 30 June 2023**

## OFFICE OF THE OMBUDSMAN

Contents	Page
<b>Financial Statements</b>	
Comprehensive operating statement.....	3
Balance sheet.....	4
Cash flow statement .....	5
Statement of changes in equity .....	6
<b>Notes to the financial statements</b>	
1. About this report.....	7
2. Funding delivery of our services .....	9
3. The cost of delivering services .....	12
4. Key assets available to support output delivery.....	14
5. Other assets and liabilities .....	18
6. Financing our operations .....	20
7. Risks, contingencies, and valuation judgements .....	24
8. Other disclosures .....	27
Ombudsman's and Chief Financial Officer's Declaration.....	32

## OFFICE OF THE OMBUDSMAN

### Comprehensive operating statement For the financial year ended 30 June 2023

	Notes	2023 \$	2022 \$
<b>Continuing operations</b>			
<b>Revenue and income from transactions</b>			
Output appropriations	2.1	22,768,160	20,057,903
Special appropriation	2.1	548,099	623,241
<b>Total revenue and income from transactions</b>		<b>23,316,259</b>	<b>20,681,144</b>
<b>Expenses from transactions</b>			
Employee expenses	3.2.1	16,865,937	14,876,711
Depreciation	4.3	1,750,566	1,701,218
Interest expense	6.2.2	284,144	305,147
Other operating expenses	3.3	4,415,613	3,921,269
<b>Total expenses from transactions</b>		<b>23,316,259</b>	<b>20,804,345</b>
<b>Net result from transactions</b>		<b>-</b>	<b>(123,202)</b>
<b>Other economic flows included in net results</b>			
Net gain/(loss) from disposal of physical assets		-	-
Net gain/(loss) arising from revaluation of leave liabilities		-	-
<b>Total other economic flows included in net results</b>		<b>-</b>	<b>-</b>
<b>Net result</b>		<b>-</b>	<b>(123,202)</b>
<b>Items that will not be reclassified to net result</b>			
Changes in non-financial assets revaluation surplus		-	-
<b>Total other economic flows - other comprehensive income</b>		<b>-</b>	<b>-</b>
<b>Comprehensive result</b>		<b>-</b>	<b>(123,202)</b>

The accompanying notes form part of these financial statements.



## OFFICE OF THE OMBUDSMAN

### Balance sheet As at 30 June 2023

		2023	2022
	Notes	\$	\$
<b>Assets</b>			
<b>Financial assets</b>			
Receivables	5.1	8,731,230	7,485,198
<b>Total financial assets</b>		<b>8,731,230</b>	<b>7,485,198</b>
<b>Non-financial assets</b>			
Property, plant and equipment	4.1	8,787,944	10,168,256
Intangible assets	4.2	681,278	759,715
Prepayments	5.3	372,829	262,888
<b>Total non-financial assets</b>		<b>9,842,051</b>	<b>11,190,858</b>
<b>Total assets</b>		<b>18,573,281</b>	<b>18,676,055</b>
<b>Liabilities</b>			
Payables	5.2	708,182	468,216
Other provisions	5.4	499,422	463,232
Borrowings	6.2	9,030,064	9,815,892
Employee related provisions	3.2.2	2,779,006	2,402,608
Other liabilities	5.5	44,000	13,500
<b>Total liabilities</b>		<b>13,060,674</b>	<b>13,163,449</b>
<b>Net assets</b>		<b>5,512,607</b>	<b>5,512,607</b>
Accumulated surplus/(deficit)		(187,297)	(187,297)
Contributed capital		5,699,904	5,699,904
<b>Net worth</b>		<b>5,512,607</b>	<b>5,512,607</b>

The accompanying notes form part of these financial statement.

## OFFICE OF THE OMBUDSMAN

### Cash flow statement For the financial year ended 30 June 2023

		2023	2022
	Notes	\$	\$
<b>Cash flows from operating activities</b>			
<b>Receipts</b>			
Receipts from Victorian Government		21,917,135	19,667,716
Goods and services tax from the Australian Taxation Office (ATO)		528,927	611,337
<b>Total receipts</b>		<b>22,446,062</b>	<b>20,279,053</b>
<b>Payments</b>			
Payments to suppliers and employees		(21,120,463)	(18,895,971)
Interest and other financing costs	6.2.2	(284,144)	(305,147)
<b>Total payments</b>		<b>(21,404,607)</b>	<b>(19,201,118)</b>
<b>Net cash flows from/(used in) operating activities</b>	6.4	<b>1,041,455</b>	<b>1,077,935</b>
<b>Cash flows from investing activities</b>			
Payments for property, plant and equipment	4.1	(141,847)	(352,034)
Proceeds from disposal of property, plant and equipment		-	-
Payments for intangible assets	4.2	(113,780)	-
<b>Net cash flows from/(used in) investing activities</b>		<b>(255,627)</b>	<b>(352,034)</b>
<b>Cash flows from financing activities</b>			
Repayment of lease		(785,828)	(725,901)
<b>Net cash flows from/(used in) financial activities</b>		<b>(785,828)</b>	<b>(725,901)</b>
<b>Net increase in cash and cash equivalents</b>		<b>-</b>	<b>-</b>
Cash and cash equivalents at the beginning of the financial year		-	-
<b>Cash and cash equivalents at end of the financial year</b>		<b>-</b>	<b>-</b>

The accompanying notes form part of these financial statements.

## OFFICE OF THE OMBUDSMAN

### Statement of changes in equity For the financial year ended 30 June 2023

	Contributed capital \$	Accumulated deficit \$	Total \$
Balance at 1 July 2021	5,699,904	(64,095)	5,635,809
Net result for the year	-	(123,202)	(123,202)
<b>Balance at 30 June 2022</b>	<b>5,699,904</b>	<b>(187,297)</b>	<b>5,512,607</b>
<b>Balance at 1 July 2022</b>	<b>5,699,904</b>	<b>(187,297)</b>	<b>5,512,607</b>
Net result for the year	-	-	0
<b>Balance at 30 June 2023</b>	<b>5,699,904</b>	<b>(187,297)</b>	<b>5,512,607</b>

*The accompanying notes form part of these financial statements.*

## Notes to financial statements 30 June 2023

### 1. About this report

The Office of the Ombudsman (the Office) is a government agency of the State of Victoria, established under the *Ombudsman Act 1973*.

The principal address is:

Level 2, 570 Bourke Street  
Melbourne Victoria 3000

A description of the nature of the principal services of the Office is included in the “Report of Operations” of the Annual Report which does not form part of these financial statements.

### Basis of preparation

These financial statements are prepared in Australian dollars and the historical cost convention is used unless a different measurement basis is specifically disclosed in the note associated with the item measured on a different basis.

The accrual basis of accounting has been applied in the preparation of these financial statements whereby assets, liabilities, equity, income, and expenses are recognised in the reporting period to which they relate, regardless of when cash is received or paid.

Consistent with the requirements of AASB 1004 *Contributions*, contributions by owners (that is, contributed capital and its repayment) are treated as equity transactions and, therefore, do not form part of the income and expenses of the Office.

Additions to net assets which have been designated as contributions by owners are recognised as contributed capital. Other transfers that are in the nature of contributions to or distributions by owners have also been designated as contributions by owners.

Transfers of net assets arising from administrative restructurings are treated as distributions to or contributions by owners. Transfers of net liabilities arising from administrative restructurings are treated as distributions to owners.

Judgements, estimates, and assumptions are required to be made about financial information being presented. The significant judgements made in the preparation of these financial statements are disclosed in the notes where amounts affected by those judgements are disclosed. Estimates and associated assumptions are based on professional judgements derived from historical experience and various other factors that are believed to be reasonable under the circumstances. Actual results may differ from these estimates.

Revisions to accounting estimates are recognised in the period in which the estimate is revised and in future periods that are affected by the revision. Judgements and assumptions made by management in applying Australian Accounting Standards (AASs) that have significant effects on the financial statements and estimates are disclosed in the notes to which they relate.

These financial statements cover the Office of the Ombudsman as an individual reporting entity and include all the controlled activities of the Office.

### Compliance information

These general-purpose financial statements have been prepared on a going concern basis in accordance with the *Financial Management Act 1994* and applicable Australian Accounting Standards (AASs) which include Interpretations, issued by the Australian Accounting Standards Board (AASB). In particular, they are presented in a manner consistent with the requirements of AASB 1049 *Whole of Government and General Government Sector Financial Reporting*.

Where appropriate, those AASs paragraphs applicable to not-for-profit entities have been applied. Accounting policies selected and applied in these financial statements ensure that the resulting financial information satisfies the concepts of relevance and reliability, thereby ensuring that the substance of the underlying transactions or other events is reported.

## 2. Funding delivery of our services

### Introduction

The Office is funded by accrual based Parliamentary appropriations for the provision of outputs. These appropriations are received directly by the Office.

### Structure

- 2.1 Summary of revenue and income that funds the delivery of our services
- 2.2 Appropriations
- 2.3 Summary of compliance with annual Parliamentary and special appropriations

### 2.1. Summary of revenue and income that funds the delivery of our services

	Notes	2023 \$	2022 \$
Output appropriations	2.2, 2.3	22,768,160	20,057,903
Special appropriations	2.2, 2.3	548,099	623,241
<b>Total revenue from transactions <sup>(a)</sup></b>		<b>23,316,259</b>	<b>20,681,144</b>

Notes:

(a) The total revenue and income from transactions includes the Offices Annual and Special appropriations, and other supplementary funding such as Treasurer's Advance, fee for service revenue collected and retained through a Section 29 arrangement. All these funds have been received directly as appropriations from Department of Treasury and Finance (DTF).

Revenue that funds delivery of the Office's services is accounted for consistently with the requirements of the relevant accounting standards disclosed in the following notes.

### 2.2. Appropriations

Once annual Parliamentary appropriations are applied by the Treasurer, they become controlled by the Office and are recognised as income when applied for the purposes defined under the relevant Appropriations Act.

**Output appropriations:** Income from the outputs the Office provided to the Government is recognised when those outputs have been delivered and the relevant minister has certified delivery of those outputs in accordance with specified performance criteria.

**Special appropriations:** Under Ombudsman Act 1973 Section 5, income pertaining to the Ombudsman (salary and related entitlements) is recognised when the amount appropriated for that purpose is due and payable by the Office.



## 2.3 Summary of compliance with annual Parliamentary and special appropriations

The following table discloses the details of the various annual Parliamentary appropriations received by the Office for the year.

In accordance with accrual output-based management procedures, 'provision of outputs' and 'additions to net assets' are disclosed as 'controlled' activities of the Office. Administered transactions are those that are undertaken on behalf of the State over which the Office has no control or discretion.

	Appropriations Act		Financial Management Act		Total Parliamentary authority	Appropriations applied	Variance <sup>(a)</sup>
	Annual appropriation	Advance from Treasurer	Section 29	Section 35			
<b>Controlled</b>							
Provision for outputs	20,176,902	2,240,894	350,364	-	22,768,160	22,768,160	-
Addition to net assets		-			-		-
<b>Administered</b>							
Payments made on behalf of the State	-	-	-	-	-	-	-
<b>2023 total</b>	<b>20,176,902</b>	<b>2,240,894</b>	<b>350,364</b>	<b>-</b>	<b>22,768,160</b>	<b>22,768,160</b>	<b>-</b>
<b>2022</b>							
<b>Controlled</b>							
Provision for outputs	18,834,741	1,046,412	176,750		20,057,903	20,057,903	-
Addition to net assets					-		
<b>Administered</b>							
Payments made on behalf of the State							
<b>2022 total</b>	<b>18,834,741</b>	<b>1,046,412</b>	<b>176,750</b>	<b>-</b>	<b>20,057,903</b>	<b>20,057,903</b>	<b>-</b>

Notes

(a) There is a no variance to report.

### Section 29

The Office is permitted under section 29 of the *Financial Management Act 1994* (FMA) to have certain income annotated to the annual appropriation. The Office applied to the Treasurer to retain revenue generated from its Education and Prevention Program, table above includes FMA section 29 annotated income agreement approved by the Treasurer.

### Advance from Treasurer

\$1,428,882 relates to the Parliamentary Referral expenditure pertaining to the referral from the Legislative Council of the Parliament of Victoria, pursuant to section 16 of the *Ombudsman Act 1973*, relating to the alleged politicisation of the Victorian Public Service and \$812,012 relates to the Budget supplementation.

The following table discloses the details of compliance with special appropriations:

Authority	Purpose	Appropriations applied	
		2023 \$	2022 \$
Ombudsman Act 1973- Section 5	Payment of Ombudsman's salary and employee related entitlements	548,099	623,241
		<b>548,099</b>	<b>623,241</b>

Payments in 2023 include 1.5% salary increase (renumeration of \$545,000-\$555,000, as per Note 8.2), 2022 Payments included an additional pay run.

## 3. The cost of delivering services

### Introduction

This section provides an account of the expenses incurred by the Office in delivering services and outputs.

The funds that enable the provision of the services were disclosed in Note 2.

### Structure

- 3.1 Expenses incurred in delivery of services.
- 3.2 Employee benefits
- 3.3 Other operating expenses

### 3.1 Expenses incurred in delivery of services

	Notes	2023 \$	2022 \$
Employee benefit expenses	3.2.1	16,865,937	14,876,711
Other operating expenses	3.3	4,415,613	3,921,269
<b>Total expenses incurred in delivery of services</b>		<b>21,281,549</b>	<b>18,797,980</b>

### 3.2 Employee benefits

#### 3.2.1 Employee benefits in the comprehensive operating statement

	2023 \$	2022 \$
Defined contribution superannuation expense	1,443,405	1,239,444
Salaries and wages, annual leave and long service leave	15,422,532	13,637,267
<b>Total employee expenses</b>	<b>16,865,937</b>	<b>14,876,711</b>

Employee expenses include all costs related to employment including wages and salaries, fringe benefits tax, leave entitlements, termination payments and Workcover premiums.

	2023 \$	2022 \$
Defined contribution superannuation expense	1,443,405	1,239,444
Payroll tax	765,419	764,636
Mental health wellbeing surcharge levy	142,196	-
Work cover	69,664	95,789
Salaries and wages, annual leave and long service leave	14,445,253	12,776,842
<b>Total employee expenses</b>	<b>16,865,937</b>	<b>14,876,711</b>

The amount recognised in the comprehensive operating statement in relation to superannuation is employer contributions for members of defined contribution superannuation plans that are paid or payable during the reporting period. The Office does not contribute to any defined benefit funds.

### 3.2.2 Employee benefits in the balance sheet

Provision is made for benefits accruing to employees in respect of annual leave and long service leave for services rendered up to the reporting date and recorded as an expense during the period the services are delivered. (AASB119 *Employee Benefits*)

	2023 \$	2022 \$
<b>Current provisions:</b>		
<b>Annual leave</b>		
Unconditional and expected to settle within 12 months	1,110,175	1,017,212
<b>Long service leave</b>		
Unconditional and expected to settle within 12 months	1,071,471	929,088
<b>Provision for on-costs</b>		
Unconditional and expected to settle within 12 months	345,653	281,913
<b>Total current provisions for employee benefits</b>	<b>2,527,299</b>	<b>2,228,213</b>
<b>Non current provisions:</b>		
Employee benefits	222,414	155,352
On-costs	29,293	19,043
<b>Total non current provisions for employee benefits</b>	<b>251,707</b>	<b>174,395</b>
<b>Total provisions for employee benefits</b>	<b>2,779,006</b>	<b>2,402,608</b>

**Current provisions:** The annual leave liability is classified as a current liability and measured at the undiscounted amount expected to be paid, as the Office does not have an unconditional right to defer settlement of the liability for at least 12 months after the end of the reporting period as per AASB 119 *Employee Benefits*.

Unconditional long service leave (LSL) is disclosed as a current liability even where the Office does not expect to settle the liability within 12 months because it will not have the unconditional right to defer the settlement of the entitlement should an employee take leave within 12 months as per AASB 101 *Presentation of Financial Statements*.

No provision has been made for sick leave as all sick leave is non-vesting and it is not considered probable that the average sick leave taken in the future will be greater than the benefits accrued in the future. As sick leave is non-vesting, an expense is recognised in the Comprehensive Operating Statement as it is taken.

Employment on-costs such as payroll tax, workers compensation and superannuation are disclosed separately as a component of the provision for employee benefits when employment to which they relate has occurred.

**Non-current provisions:** Conditional LSL is disclosed as a non-current liability. There is a conditional right to defer the settlement of the entitlement until the employee has completed the requisite years of service. This non-current LSL is measured at present value.

Any gain or loss following revaluation of the present value of non-current LSL liability is recognised as a transaction, except to the extent that a gain or loss arises due to changes in bond interest rates for which it is then recognised as an 'other economic flow' in the net result.

## 3.3 Other operating expenses

	2023 \$	2022 \$
<b>Supplies and services</b>		
Purchase of services	2,253,094	1,858,425
Information technology	820,694	652,687
Supplies and services	847,190	884,557
Occupancy costs	494,635	525,600
<b>Total other operating expenses</b>	<b>4,415,613</b>	<b>3,921,269</b>

Other operating expenses represent the day-to-day running costs incurred in delivering services of the Office. They are recognised as an expense in the period in which they are incurred.

## 4 Key assets available to support output delivery

### Introduction

The Office controls property, plant and equipment in fulfilling its objectives and conducting its activities. These assets represent the key resources that the Office uses for the delivery of those activities.

### Structure

- 4.1 Property, plant and equipment
- 4.2 Intangible assets
- 4.3 Depreciation and amortisation

### 4.1 Total Property, plant and equipment

	Gross carrying amount		Accumulated depreciation		Net carrying amount	
	2023 \$	2022 \$	2023 \$	2022 \$	2023 \$	2022 \$
Leasehold improvements	4,847,440	4,811,250	(3,268,340)	(2,849,595)	1,579,100	1,961,655
Right of Use Buildings <sup>(a)</sup>	10,102,709	10,102,709	(3,320,529)	(2,490,397)	6,782,180	7,612,312
Office furniture and equipment at fair value	1,322,878	1,187,433	(912,785)	(611,939)	410,093	575,495
Lease Motor vehicles	26,906	26,906	(18,175)	(12,805)	8,732	14,101
Cultural assets at fair value	8,200	5,000	(361)	(308)	7,839	4,692
<b>Net carrying amount</b>	<b>16,308,133</b>	<b>16,133,298</b>	<b>(7,520,190)</b>	<b>(5,965,043)</b>	<b>8,787,944</b>	<b>10,168,255</b>

	2023 \$	2022 \$
Rights of Use Buildings	10,102,709	10,102,709
Less: Accumulated Depreciation	(3,320,529)	(2,490,397)
<b>Net carrying amount</b>	<b>6,782,180</b>	<b>7,612,312</b>

The following tables are subsets of buildings, and plant and equipment by right-of-use assets.

## Reconciliation of movements in carrying amount of property, plant and equipment

	<i>Leasehold improvements</i> \$	<i>Rights of use Building</i> \$	<i>Office furniture and equipment at fair value</i> \$	<i>Lease Motor vehicles</i> \$	<i>Cultural assets at fair value</i> \$	<i>Total</i>
<b>Opening balance – 1 July 2022</b>	<b>1,961,655</b>	<b>7,612,312</b>	<b>575,495</b>	<b>14,101</b>	<b>4,692</b>	<b>10,168,256</b>
Adjustment to Provision	36,190	-	-	-	-	36,190
Additions	-	-	138,647	-	3,200	141,847
Disposals/ Retirement	-	-	-	-	-	0
Transfers between classes	-	-	-	-	-	-
Depreciation	(418,745)	(830,132)	(304,048)	(5,370)	(53)	(1,558,348)
<b>Closing balance – 30 June 2023</b>	<b>1,579,100</b>	<b>6,782,180</b>	<b>410,095</b>	<b>8,732</b>	<b>7,839</b>	<b>8,787,945</b>
<b>Opening balance – 1 July 2021</b>	<b>2,422,436</b>	<b>8,442,445</b>	<b>428,851</b>	<b>19,058</b>	<b>4,746</b>	<b>11,317,536</b>
Transfer from SSP	-	-	-	-	-	-
Adjustment to include lease incentive	49,632	-	-	-	-	49,632
Additions	-	-	302,402	-	-	302,402
Disposals/ Retirement	-	-	-	-	-	-
Transfers between classes	(53,672)	-	53,672	-	-	-
Depreciation	(456,740)	(830,133)	(209,430)	(4,957)	(54)	(1,501,314)
<b>Closing balance – 30 June 2022</b>	<b>1,961,655</b>	<b>7,612,312</b>	<b>575,495</b>	<b>14,101</b>	<b>4,692</b>	<b>10,168,256</b>

### Property, plant and equipment other than right of use assets

**Initial recognition:** Items of property, plant and equipment are recognised initially at cost. Where an asset is acquired for no or nominal consideration, the cost is its fair value at the date of acquisition.

The cost of a leasehold improvement is capitalised and depreciated over the shorter of the remaining term of the lease or their estimated useful lives.

The cost of the office furniture and equipment is the purchase price and any other additional cost incurred in bring the asset to the place and condition it is available for use.

The cost of the leased motor vehicle is measured at amounts equal to the fair value of the leased asset or, if lower, the present value of the minimum lease payments, each determined at the inception of the lease.

**Subsequent measurement:** Property, plant and equipment is subsequently measured at fair value less accumulated depreciation and impairment. Fair value is determined with regard to the asset's highest and best use (considering legal or physical restrictions imposed on the asset, public announcements or commitments made in relation to the intended use of the asset).

### Right-of-use asset acquired by lessees – Initial recognition

The Office recognises a right-of-use asset and a lease liability at the lease commencement date. The right-of-use asset is initially measured at cost which comprises the initial amount of the lease liability adjusted for:

- any lease payments made at or before the commencement date less any lease incentive received; plus
- any initial direct costs incurred; and
- an estimate of costs to dismantle and remove the underlying asset or to restore the underlying asset or the site on which it is located.

### Right-of-use asset – Subsequent measurement

The Office depreciates the right-of-use assets on a straight-line basis from the lease commencement date to the earlier of the end of the useful life of the right-of-use asset or the end of the lease term. The right-of-use assets are also subject to fair value revaluation.

## Impairment of property, plant and equipment

The recoverable amount of primarily non-cash-generating assets of the Office, which are typically specialised in nature and held for continuing use of their service capacity, is expected to be materially the same as fair value determined under AASB 13 *Fair Value Measurement*, with the consequence that AASB 136 does not apply to such assets that are regularly revalued.

## 4.2 Intangible assets

	Gross carrying amount		Accumulated depreciation		Net carrying amount	
	2023	2022	2023	2022	2023	2022
	\$	\$	\$	\$	\$	\$
Intangible assets - Work in progress	113,780	-	-	-	113,780	-
Capitalised software	1,147,471	1,147,471	(579,973)	(387,756)	567,498	759,716
<b>Net carrying amount</b>	<b>1,261,251</b>	<b>1,147,471</b>	<b>(579,973)</b>	<b>(387,756)</b>	<b>681,278</b>	<b>759,716</b>

Reconciliation of movements in carrying amount:

	2023	2022
	\$	\$
Carrying amount at start of year	759,716	959,620
Additions -work in progress	113,780	-
Amortisation expense	(192,217)	(199,904)
<b>Carrying amount at the end of year</b>	<b>681,278</b>	<b>759,716</b>

Intangible assets represent identifiable non-monetary assets without physical substance.

**Initial recognition:** Purchased intangible assets are measured at cost less accumulated amortisation and impairment. Costs incurred subsequent to initial acquisition are capitalised when it is expected that additional future economic benefits will flow to the Office.

Amortisation begins when the asset is available for use, that is, when it is in the location and condition necessary for it to be capable of operating in the manner intended by management.

**Subsequent measurement:** Intangible assets with finite useful lives are amortised as an 'expense from transactions' on a straight-line basis over their useful lives. Purchased intangible assets have useful lives of between three to seven years.

**Impairment:** Intangible assets with finite useful lives are tested for impairment whenever an indication of impairment is identified.

## 4.3 Depreciation and amortisation

Charge for the period

	2023	2022
	\$	\$
Leasehold improvements	418,745	456,740
Right of use Buildings <sup>(a)</sup>	830,132	830,132
Office furniture and equipment	304,048	209,430
Leased motor vehicles	5,370	4,957
Cultural assets at fair value	54	54
Capitalised software	192,217	199,904
<b>Total depreciation and amortisation</b>	<b>1,750,566</b>	<b>1,701,218</b>



(a) Right of use buildings relates to the Office's accommodation lease.

All buildings, plant and equipment and other non-financial physical assets that have finite useful lives, are depreciated.

Depreciation is generally calculated on a straight-line basis, at rates that allocate the asset's value, less any estimated residual value, over its estimated useful life.

Typical estimated useful lives for the different asset classes for current year is included in the table below:

Asset	Useful life
Right of use Buildings <sup>(a)</sup>	2 to 10 <sup>(b)</sup>
Plant, equipment and vehicles (including leased assets)	3 to 10
Cultural assets (with finite useful lives)	100
Leased motor vehicles	2 to 3
Capitalised software	3 to 7

(a) Right of use buildings relates to the Office's accommodation lease.

(b) Office has depreciated over the shorter of the asset's useful life and the lease term, useful life was stated at 2-60 years in previous years.

The estimated useful lives, residual values and depreciation method are reviewed at the end of each annual reporting period, and adjustments made where appropriate.

Where the Office obtains ownership of the underlying leased asset or if the cost of the right-of-use asset reflects that the Office will exercise a purchase option, the Office depreciates the right-of-use asset over its useful life.

Leasehold improvements are depreciated over the shorter of the lease term and their useful lives.

## 5 Other assets and liabilities

### Introduction

This section sets out those assets and liabilities that arise from the Office's operations.

### Structure

- 5.1 Receivables
- 5.2 Payables
- 5.3 Prepayments
- 5.4 Other provisions
- 5.5 Other liabilities

### 5.1 Receivables

	2023 \$	2022 \$
<b>Contractual</b>		
Receivables	285	-
<b>Statutory</b>		
Amount owing from Victorian Government	8,569,567	7,341,631
GST recoverable	161,377	143,566
<b>Total receivables</b>	<b>8,731,230</b>	<b>7,485,198</b>
<i>Represented by</i>		
Current receivables	8,731,230	7,485,198
Non current receivables	-	-

**Contractual receivables** are classified as financial instruments and measured at amortised cost. They are initially recognised at fair value plus any directly attributable transaction costs. Subsequent to initial recognition they are measured at amortised cost using the effective interest method, less any impairment.

There are no financial assets that have had their terms renegotiated so as to prevent them from being past due or impaired, and they are stated at the carrying amounts as indicated.

**Statutory receivables** do not arise from contracts and are recognised and measured similarly to contractual receivables (except for impairment) but are not classified as financial instruments. The Office applies AASB 9 *Financial Instruments* for initial measurement of the statutory receivables and, as a result, statutory receivables are initially recognised at fair value plus any directly attributable transaction cost. Amounts recognised from the Victorian Government represent funding for all commitments incurred and are drawn from the Consolidated Fund as the commitments fall due.

## 5.2 Payables

	2023 \$	2022 \$
<b>Contractual</b>		
Supplies and services	416,680	374,313
Amounts payable to government and agencies	291,502	93,903
<b>Total payables</b>	<b>708,182</b>	<b>468,216</b>
<i>Represented by:</i>		
Current payables	708,182	468,216

Payables represent liabilities for goods and services provided to the Office that are unpaid at the end of the financial year. Payables are initially measured at fair value, being the cost of the goods and services, and then subsequently measured at amortised cost.

## 5.3 Prepayments

	2023 \$	2022 \$
Prepayment	372,829	262,888
<b>Total Prepayments</b>	<b>372,829</b>	<b>262,888</b>

Prepayments represent payments in advance of receipt of goods or services or payment for expenditure relating to future periods.

## 5.4 Other provisions

	2023 \$	2022 \$
Make good provision	499,422	463,232
<b>Total Provision</b>	<b>499,422</b>	<b>463,232</b>

The make-good provision is recognised in accordance with the agreement over the leased premises. The Office is required to remove any leasehold improvements from the leased premises and restore the premises to its original condition at the end of the lease term.

### 5.4.1 Reconciliation of movements in make-good provision

	2023 \$	2022 \$
<b>Opening balance</b>	463,232	463,232
Additional provision	36,190	-
<b>Closing balance</b>	<b>499,422</b>	<b>463,232</b>

## 5.5 Other liabilities

	2023 \$	2022 \$
Deferred income	44,000	13,500
<b>Total Other liabilities</b>	<b>44,000</b>	<b>13,500</b>

Deferred income refers to income received for education program in advance of receipt of services.

## 6 Financing our operations

### Introduction

This section provides information on the sources of finance utilised by the Office during its operations, along with interest expenses (the cost of borrowings) and other information related to financing activities of the Office. This section also includes disclosures on commitments for expenditure.

### Structure

- 6.1 Borrowings
- 6.2 Leases
- 6.3 Commitments for expenditure
- 6.4 Reconciliation of net result for the period to cash flow from operating activities

### 6.1 Borrowings

Borrowings refer to interest bearing liabilities mainly raised, lease liabilities.

### 6.2 Leases

For any new contracts entered into, the Office considers whether a contract is, or contains a lease. A lease is defined as 'a contract, or part of a contract, that conveys the right to use an asset (the underlying asset) for a period of time in exchange for consideration'. To apply this definition the Office assesses whether the contract meets three key evaluations:

- whether the contract contains an identified asset, which is either explicitly identified in the contract or implicitly specified by being identified at the time the asset is made available to the Office and for which the supplier does not have substantive substitution rights;
- whether the Office has the right to obtain substantially all of the economic benefits from use of the identified asset throughout the period of use, considering its rights within the defined scope of the contract and the Office has the right to direct the use of the identified asset throughout the period of use; and
- whether the Office has the right to take decisions in respect of 'how and for what purpose' the asset is used throughout the period of use.

This policy is applied to contracts entered into, or changed, on or after 1 July 2019

Information about leases for which the Office is a lessee is presented below.

	2023 \$	2022 \$
<b>Secured</b>		
Current lease liabilities	1,112,315	1,078,077
Non-Current lease liabilities	7,917,749	8,737,816
<b>Total borrowings</b>	<b>9,030,064</b>	<b>9,815,893</b>

Leases are secured borrowings as the right to the leased assets will revert to the lessor in the event of a default. There were no defaults and breaches of any lease conditions during the current or previous financial years.

The Office leases right-of-use buildings and motor vehicles.

Right-of-use building's lease contracts are typically made for a fixed period of 1-10 years with an option to renew the lease after that date.

Motor vehicles lease agreement are of low value and short term, Office has elected not to recognise right-of-use asset and lease liability for these.

### 6.2.1 Right-of-use Assets

Right-of-use assets are presented in note 4.1.

### 6.2.2 Amounts recognised in the comprehensive operating statement

The following amounts are recognised in the comprehensive operating statement relating to leases:

	2023 \$	2022 \$
Interest on leases liabilities	284,144	305,147
<b>Total interest expense</b>	<b>284,144</b>	<b>305,147</b>

### 6.2.3 Amounts recognised in the statement of cashflows

The following amounts are recognised in the statement of cashflows relating to leases:

	2023 \$	2022 \$
Interest cost	284,144	305,147
Other financing cost	501,684	420,754
<b>Total amount recognised in the statement of cash flows</b>	<b>785,828</b>	<b>725,901</b>

'Interest expense' includes costs incurred in connection with interest component of lease repayments and the increase in financial liabilities and other provisions due to the unwinding of discounts to reflect the passage of time.

Interest expense is recognised in the period in which it is incurred.

The Office recognises borrowing costs immediately as an expense, even where they are directly attributable to the acquisition, construction or production of a qualifying asset.

### Separation of lease and non-lease components

At inception or on reassessment of a contract that contains a lease component, the lessee is required to separate out and account separately for non-lease components within a lease contract and exclude these amounts when determining the lease liability and right-of-use asset amount.

### Recognition and measurement of leases as a lessee

#### Lease Liability – initial measurement

The lease liability is initially measured at the present value of the lease payments unpaid at the commencement date, discounted using the interest rate implicit in the lease if that rate is readily determinable or the Office's incremental borrowing rate.

Lease payments included in the measurement of the lease liability comprise the following:

- fixed payments (including in-substance fixed payments) less any lease incentive receivable.
- variable payments based on an index or rate, initially measured using the index or rate as at the commencement date.
- amounts expected to be payable under a residual value guarantee.
- payments arising from purchase and termination options reasonably certain to be exercised.

## Lease Liability – subsequent measurement

Subsequent to initial measurement, the liability will be reduced for payments made and increased for interest. It is remeasured to reflect any reassessment or modification, or if there are changes in-substance fixed payments. When the lease liability is remeasured, the corresponding adjustment is reflected in the right-of-use asset, or profit and loss if the right-of-use asset is already reduced to zero.

## Short-term leases and leases of low-value assets

The Office has elected to account for short-term leases and leases of low-value assets using the practical expedients. Instead of recognising a right-of-use asset and lease liability, the payments in relation to these are recognised as an expense in profit or loss when the expenditure is incurred.

## Presentation of right-of-use assets and lease liabilities

The Office presents right-of-use assets as 'property plant equipment' unless they meet the definition of investment property, in which case they are disclosed as 'investment property' in the balance sheet. Lease liabilities are presented as 'borrowings' in the balance sheet.

## 6.3 Commitments for expenditure

Commitments for future expenditure include operating and capital commitments arising from contracts. These commitments are recorded below at their nominal value and inclusive of GST. Where it is considered appropriate and provides additional relevant information to users, the net present values of significant individual projects are stated. These future expenditures cease to be disclosed as commitments once the related liabilities are recognised in the balance sheet.

	2023 \$	2022 \$
<b>Operating commitments</b>		
Commitments contracted for at the end of the reporting period but not recognised as liabilities, are payable as follows:		
Within one year	1,243,348	1,167,589
Later than one year but not later than five years	1,381,404	1,625,399
<b>Total commitments (inclusive of GST)</b>	<b>2,624,752</b>	<b>2,792,987</b>
Less GST recoverable	262,475	253,908
<b>Total commitments (exclusive of GST)</b>	<b>2,362,277</b>	<b>2,539,080</b>
<b>Capital commitments</b>		
Commitments for capital projects payable as follows:		
Within one year	78,850	-
Later than one year but not later than five years	45,520	-
<b>Total commitments (inclusive of GST)</b>	<b>124,370</b>	<b>-</b>
Less GST recoverable	12,437	-
<b>Total commitments (exclusive of GST)</b>	<b>111,933</b>	<b>-</b>



#### 6.4 Reconciliation of net result for the period to cash flow from operating activities

	2023 \$	2022 \$
<b>Net result for the period</b>	-	(123,202)
<b>Non-cash movements</b>		
Depreciation	1,750,566	1,701,218
(Gain)/loss on disposal of non-current assets	-	-
<b>Movements in assets and liabilities</b>		
(Increase)/decrease in receivables	(1,246,032)	(592,448)
(Increase)/decrease in prepayments	(109,942)	(6,153)
Increase/(decrease) in payables	239,966	(104,418)
Increase/(decrease) in provisions	412,588	189,438
Increase/(decrease) in other liabilities	30,500	13,500
<b>Net cash flows from operating activities</b>	<b>1,077,645</b>	<b>1,077,935</b>

## 7 Risks, contingencies, and valuation judgements

### Introduction

The Office is exposed to risk from its activities and outside factors. In addition, it is often necessary to make judgements and estimates associated with recognition and measurement of items in the financial statements. This section sets out financial instrument specific information, (including exposures to financial risks) as well as those items that are contingent in nature or require a higher level of judgement to be applied.

### Structure

- 7.1 Financial instruments specific disclosures
- 7.2 Contingent assets and contingent liabilities

### 7.1 Financial instruments specific disclosures

#### Introduction

Financial instruments arise out of contractual agreements between entities that give rise to a financial asset of one entity and a financial liability or equity instrument of another entity. Due to the nature of the Office's activities, certain financial assets and financial liabilities arise under statute rather than a contract. Such financial assets and financial liabilities do not meet the definition of financial instruments in AASB 132 *Financial Instruments: Presentation*. For example, statutory receivables do not meet the definition of financial instruments as they do not arise under contract. The Office's statutory receivables are disclosed in note 5.1.

#### Categories of financial assets and financial liabilities

##### *Financial assets measured at amortised cost*

Financial assets are measured at amortised costs. These assets are initially recognised at fair value plus any directly attributable transaction costs and subsequently measured at amortised cost using the effective interest method less any impairment. Financial assets at amortised cost include the Office's trade receivables, but not statutory receivables.

Financial assets are measured at amortised costs if both of the following criteria are met, and the assets are not designated as fair value through net result:

- the assets are held by the Office to collect the contractual cash flows.
- the assets' contractual terms give rise to cash flows that are solely payments of principal and interests.

##### *Financial liabilities measured at amortised cost*

Financial liabilities are initially recognised on the date they are originated. They are initially measured at fair value plus any directly attributable transaction costs. Subsequent to initial measurement, these financial instruments are measured at amortised cost using the effective interest method.

Financial liabilities measured at amortised cost include all of the Office's contractual payables and lease liabilities (borrowings).

#### Derecognition of financial assets

A financial asset (or, where applicable, a part of a financial asset or part of a group of similar financial assets) is derecognised when the rights to receive cash flows from the asset have expired.

### Derecognition of financial liabilities

A financial liability is derecognised when the obligation under the liability is discharged, cancelled or expires.

### Offsetting financial instruments

Financial instrument assets and liabilities are offset and the net amount presented in the balance sheet when, and only when, the Office has a legal right to offset the amounts and intend either to settle on a net basis or to realise the asset and settle the liability simultaneously.

#### 7.1.1 Categorisation of financial instruments

		Carrying amount	
		2023	2022
		\$	\$
<b>Financial assets</b>			
Receivables		285	-
<b>Total financial assets</b>		<b>285</b>	
<b>Financial liabilities</b>			
Payables	5.2 Financial liabilities at amortised cost	708,182	468,216
Borrowings	6.1 Financial liabilities at amortised cost	9,030,064	9,815,892
<b>Total financial liabilities</b>		<b>9,738,246</b>	<b>10,284,109</b>

#### 7.1.2 Financial risk management objectives and policies

As a whole, the Office's financial risk management program seeks to manage the risks arising from volatility in financial performance. The Office's main financial risks include credit risk, liquidity risk and market risk. The Office uses different methods to measure and manage the financial risks to which it is exposed.

##### Credit risk

Credit risk arises from the financial assets of the Office, which comprise trade and other receivables. The Office's exposure to credit risk arises from the potential default of counterparties on their contractual obligations resulting in financial loss to the Office. Credit risk is measured at fair value and is monitored on a regular basis. Credit risk associated with the Office's financial assets is minimal because the main debtor is the Victorian Government.

##### Liquidity risk

Liquidity risk arises when the Office is unable to meet its financial obligations as they fall due. The Office operates under the Victorian Government's fair payments policy of settling financial obligations within 30 days and in the event of a dispute, making payments within 30 days from the date of resolution. The Office's exposure to liquidity risk is deemed insignificant based on a current assessment of risk. Maximum exposure to liquidity risk is the carrying amounts of financial liabilities. The Office manages its liquidity risk by maintaining an adequate level of uncommitted funds that can be used at short notice to meet its short-term obligations.

##### Market risk

The Office has no exposure to interest rate, foreign currency or other price risks. Interest rates on the Office's lease liabilities are fixed.

### 7.2 **Contingent assets and contingent liabilities**

Contingent assets and contingent liabilities are not recognised in the balance sheet but are disclosed and, if quantifiable, are measured at nominal value.

Contingent assets and liabilities are presented inclusive of GST receivable or payable, respectively.

#### **Contingent assets**

Contingent assets are possible assets that arise from past events, whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the entity.

These are classified as either quantifiable, where the potential economic benefit is known, or non-quantifiable.

There were no contingent assets based on the above definitions relating to the Office at 30 June 2023 (30 June 2022: Nil).

#### **Contingent liabilities**

Contingent liabilities are:

- possible obligations that arise from past events, whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the entity; or
- present obligations that arise from past events but are not recognised because:
  - it is not probable that an outflow of resources embodying economic benefits will be required to settle the obligations; or
  - the amount of the obligations cannot be measured with sufficient reliability.

Contingent liabilities are also classified as either quantifiable or non-quantifiable. There were no for contingent liabilities based on the above definitions relating to the Office at 30 June 2023 (30 June 2022: \$33,000).

## 8 Other disclosures

### Introduction

This section includes additional material disclosures required by accounting standards or otherwise, for the understanding of this financial report.

### Structure

- 8.1 Subsequent events
- 8.2 Responsible persons
- 8.3 Remuneration of executives
- 8.4 Related parties
- 8.5 Remuneration of auditors
- 8.6 Administered items
- 8.7 Australian Accounting Standards issued that are not yet effective which are applicable to the Office

### 8.1 Subsequent events

There have been no subsequent events that have been identified by the Office as at 30 June 2023.

### 8.2 Responsible persons

In accordance with the Ministerial Directions issued by the Assistant Treasurer under the *Financial Management Act 1994* (FMA), the following disclosures are made regarding responsible persons for the reporting period.

Responsible Minister:

The Hon. Jaclyn Symes MLC, Attorney-General 1 July 2022 to 30 June 2023

Accountable Officer:

Deborah Glass OBE, Ombudsman 1 July 2022 to 30 June 2023

#### Remuneration

The total remuneration package of the person holding the office of Ombudsman, in connection with the management of the Office during the reporting period, was in the range: \$545,000 – \$555,000 (\$540,000 – \$549,999 in 2021-22).

Amounts relating to Ministers are reported in the Annual Financial Report of the State of Victoria

### 8.3 Remuneration of executives

The number of executive officers, other than Ministers and Accountable Officers, and their total remuneration during the reporting period are shown in the table below. Total annualised employee equivalents provide a measure of full time equivalent executive officers over the reporting period. Remuneration comprises employee benefits in all forms of consideration paid, payable or provided by the entity, or on behalf of the entity, in exchange for services rendered, and is disclosed in the following categories.

**Short-term employee benefits:** include amounts such as wages, salaries, annual leave or sick leave that are usually paid or payable on a regular basis, as well as non-monetary benefits such as allowances and free or subsidised goods or services.

**Post-employment benefits:** include employer contributions to defined contribution superannuation plans.

**Other long-term benefits:** include long service leave, other long-service benefits or deferred compensation.

**Termination benefits:** include termination of employment payments, such as severance packages.

	2023 \$	2022 \$
Remuneration of executive officers		
Short-term employee benefits	1,594,561	1,501,132
Post-employment benefits	154,544	140,230
Other long-term benefits	39,039	17,796
Termination benefits	118,417	62,100
<b>Total remuneration</b>	<b>1,906,561</b>	<b>1,721,258</b>
<b>Total number of executives</b>	<b>8</b>	<b>7</b>
<b>Total annualised employee equivalents <sup>a</sup></b>	<b>7.0</b>	<b>6.3</b>

*Note:*

(a) Annualised employee equivalent is based on paid working hours of 38 ordinary hours per week over the 52 weeks for the reporting period.

(b) The total number of executive officers includes persons who meet the definition of Key Management Personnel (KMP) of the entity under AASB 124 Related Party Disclosures and are also reported within the related parties note disclosure.

## 8.4 Related parties

The Office is a wholly owned and controlled entity of the State of Victoria. Related parties of the Office include:

- all key management personnel and their close family members.
- all cabinet Ministers and their close family members.
- all departments and public sector entities that are controlled and consolidated into the whole of State consolidated financial statements.

### Significant transactions with government-related entities

The Office received direct appropriation funding from the Department of Treasury and Finance of \$22.768 million (2022: \$20.058 million).

**Key management personnel (KMP)** of the Office included the Portfolio Minister being The Hon Jaclyn Symes MLC, Attorney-General and the Executive Team of the Office being the Ombudsman, Deborah Glass OBE, Deputy Ombudsman, Megan Philpot, and Chief Operating Officer, Dr Marija Maher. The compensation detailed below excludes the salaries and benefits of the Portfolio Minister receives. The Minister's remuneration and allowances are set by the *Parliamentary Salaries and Superannuation Act 1968* and are reported in the financial report of State of Victoria.



	2023 \$	2022 \$
Remuneration of KMP's		
Short-term employee benefits	1,171,189	1,243,718
Post-employment benefits	75,617	71,024
Other long-term benefits	33,892	34,978
<b>Total remuneration</b>	<b>1,280,698</b>	<b>1,349,720</b>
<b>Total number of KMPs</b>	<b>3</b>	<b>3</b>

### Transactions with KMPs and other related parties

Given the breadth and depth of State government activities, related parties transact with the Victorian public sector in a manner consistent with other members of the public. Further employment of processes within the Victorian public sector occurs on terms and conditions consistent with the *Public Administration Act 2004* and Codes of Conduct and Standards issued by the Victorian Public Sector Commission.

Procurement processes occur on terms and conditions consistent with the Victorian Government Procurement Board requirements.

Outside of normal citizen type transactions with the Office, there were no related party transactions that involved KMPs and their close family members. No provision has been required, nor any expense recognised, for impairment of receivables from related parties.

### 8.5 Remuneration of auditors

	2023 \$	2022 \$
Audit fees paid or payable to the Victorian Auditor-General's Office		
Audit of the annual financial statements	29,000	20,900
<b>Total remuneration of auditors</b>	<b>29,000</b>	<b>20,900</b>

No other direct services were provided by the Victorian Auditor-General's Office.

### 8.6 Administered items

In addition to the specific operations of the Office which are included in the balance sheet, comprehensive operating statement and cash flow statement, the Office administers or manages activities on behalf of the State. There was no activity to report relating to these transactions as at 30 June 2023 (30 June 2022: Nil).

### **8.7 Australian Accounting Standards issued that are not yet effective which are applicable to the Office**

Certain new and revised accounting standards have been issued but are not effective for the 2022-23 reporting period. These accounting standards have not been applied to the Financial Statements.

AASB 2022-10 Amendments to Australian Accounting Standards – Fair Value Measurement of Non-Financial Assets of Not-for-Profit Public Sector Entities.

AASB 2022-10 amends AASB 13 Fair Value Measurement by adding authoritative implementation guidance and illustrative examples for fair value measurements of non-financial assets of not-for-profit public sector entities not held primarily for their ability to generate net cash inflows.

Among other things, the Standard:

- specifies that an entity needs to consider whether an asset's highest and best use differs from its current use only when it is held for sale or held for distributions to owners under AASB 5 Non-current Assets Held for Sale and Discontinued Operations or if it is highly probable that it will be used for an alternative purpose.
- clarifies that an asset's use is 'financially feasible' if market participants would be willing to invest in the asset's service capacity, considering both the capacity to provide needed goods or services and the resulting costs of those goods and services.
- specifies that if both market selling price and some market participant data required to fair value the asset are not observable, an entity needs to start with its own assumptions and adjust them to the extent that reasonably available information indicates that other market participants would use different data and
- provides guidance on the application of the cost approach to fair value, including the nature of costs to be included in a reference asset and identification of economic obsolescence.

This Standard applies prospectively to annual periods beginning on or after 1 January 2024, with earlier application permitted.

AASB 17 Insurance Contracts, AASB 2022-8 Amendments to Australian Accounting Standards – Insurance Contracts: Consequential Amendments and AASB 2022-9 Amendments to Australian Accounting Standards – Insurance Contracts in the Public Sector

AASB 17 replaces AASB 4 Insurance Contracts, AASB 1023 General Insurance Contracts and AASB 1038 Life Insurance Contracts for not-for-profit public sector entities for annual reporting periods beginning on or after 1 July 2026.

AASB 2022-9 amends AASB 17 to make public sector-related modifications (for example, it specifies the pre-requisites, indicators and other considerations in identifying arrangements that fall within the scope of AASB 17 in a public sector context). This Standard applies for annual reporting periods beginning on or after 1 July 2026.

AASB 2022-8 makes consequential amendments to other Australian Accounting Standards so that public sector entities are permitted to continue to apply AASB 4 and AASB 1023 to annual periods before 1 July 2026. This Standard applies for annual reporting periods beginning on or after 1 January 2023.

AASB 2020-1 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-Current and AASB 2022-6 Amendments to Australian Accounting Standards – Non-current Liabilities with Covenants

AASB 2020-1 amended AASB 101 Presentation of Financial Statements to clarify requirements for the presentation of liabilities in the statement of financial position as current or non-current and was applicable to annual reporting periods beginning on or after 1 January 2022.

AASB 2020-6 subsequently amended AASB 2020-1, deferring the mandatory effective date of AASB 2020-1 from 1 January 2022 to 1 January 2023. AASB 2022-6 was applicable for annual reporting periods beginning on or after 1 January 2022.

AASB 2022-6 amends and clarifies the requirements contained in AASB 2020-1. Among other things, it:

- clarifies that only those covenants that an entity must comply with at or before the reporting date affect a liability's classification as current or non-current; and
- requires additional disclosures for non-current liabilities that are subject to an entity complying with covenants within twelve months after the reporting date.

AASB 2022-6 applies to annual reporting periods beginning on or after 1 January 2023.

The Office is currently in the process of assessing the potential impact of these standards and amendments.

- A number of other standards and amendments have also been issued that apply to future reporting periods, however they are not expected to have any significant impact on the financial statements in the period of initial application.


### Ombudsman and Chief Financial Officer's Declaration

The attached financial statements for the Office of the Ombudsman have been prepared in accordance with Direction 5.2 of the Standing Directions of the Assistant Treasurer under the *Financial Management Act 1994*, applicable Financial Reporting Directions Australian Accounting Standards including interpretations, and other mandatory professional reporting requirements.

We further state that, in our opinion, the information set out in the comprehensive operating statement, balance sheet, statement of changes in equity, cash flow statement and accompanying notes, presents fairly the financial transactions during the year ended 30 June 2023 and financial position of the Office of the Ombudsman at 30 June 2023.

At the time of signing, we are not aware of any circumstance which would render any particulars included in the financial statements to be misleading or inaccurate.

We authorise the attached financial statements for issue on 13 September 2023.



**Sheetal Kapoor**  
Chief Financial Officer

**Melbourne**  
13 September 2023



**Deborah Glass OBE**  
Ombudsman

**Melbourne**  
13 September 2023



# Appendix 1: Disclosure Index

Disclosure index		
Legislation	Requirement	Page Ref
Ministerial Directions & Financial Reporting Directions		
Report of operations		
<b>Charter and purpose</b>		
FRD 22	Manner of establishment and the relevant Ministers	12
FRD 22	Purpose, functions, powers and duties	12-15
FRD 8	Departmental objectives, indicators and outputs	96-97
FRD 22	Key initiatives and projects	8-11
FRD 22	Nature and range of services provided	12-82
<b>Management and structure</b>		
FRD 22	Organisational structure	83
<b>Financial and other information</b>		
FRD 8	Performance against output performance measures	96
FRD 8	Budget portfolio outcomes	122
FRD 10	Disclosure index	146
FRD 12	Disclosure of major contracts	N/A
FRD 15	Executive officer disclosures	93
FRD 22	Employment and conduct principles	38
FRD 22	Occupational health and safety policy	34
FRD 22	Summary of the financial results for the year	116
FRD 22	Significant changes in financial position during the year	N/A
FRD 22	Significant changes or factors affecting performance	107
FRD 22	Subsequent events	N/A
FRD 22	Application and operation of <i>Freedom of Information Act 1982</i> (Vic)	102
FRD 22	Compliance with building and maintenance provisions of <i>Building Act 1993</i> (Vic)	105
FRD 22	Statement on National Competition Policy	105
FRD 22	Application and operation of the <i>Public Interest Disclosures Act 2012</i> (Vic)	101
FRD 22	Application and operation of the <i>Carers Recognition Act 2012</i> (Vic)	N/A
FRD 22	Details of consultancies over \$10,000	108
FRD 22	Details of consultancies under \$10,000	108
FRD 22	Disclosure of government advertising expenditure	108
FRD 22	Disclosure of ICT expenditure	108



Disclosure index		
FRD 22	Statement of availability of other information	101
FRD 22	Disclosure of emergency procurement	108
FRD 24	Environmental reporting	108
FRD 29	Local Jobs First Act disclosures	106
FRD 29	Workforce Data disclosures	84
SD 5.2	Specific requirements under Standing Direction 5.2	104
Compliance attestation and declaration		
SD 5.4.1	Attestation for compliance with Ministerial Standing Direction	104
SD 5.2.3	Declaration in report of operations	107
Financial statements		
Declaration		
SD 5.2.2	Declaration in financial statements	104
Other requirements under Standing Directions 5.2		
SD 5.2.1(a)	Compliance with Australian accounting standards and other authoritative pronouncements	144
SD 5.2.1(a)	Compliance with Ministerial Directions	104
Other disclosures as required by FRDs in notes to the financial statements (a)		
FRD 9	Departmental Disclosure of Administered Assets and Liabilities by Activity	N/A
FRD 11	Disclosure of Ex gratia Expenses	NIL
FRD 13	Disclosure of Parliamentary Appropriations	123
FRD 21	Disclosures of Responsible Persons and Executive Officers in the Financial Report	139
FRD 103	Non-Financial Physical Assets	126
FRD 110	Cash Flow Statements	118
FRD 112	Defined Benefit Superannuation Obligations	124
FRD 114	Financial Instruments – general government entities and public non-financial corporations	136

Note: (a): References to FRDs have been removed from the Disclosure Index if the specific FRDs do not contain requirements that are of the nature of disclosure.

# Appendix 2: Business glossary

Business glossary	
Business term	Definition
Cases Received	<b>Cases Received</b> means the number of cases VO has recorded in our case management system in a given FY period. (Includes Jurisdictional plus non-Jurisdictional cases)
Website Redirects	<b>Website redirects</b> means the number of matters we automatically redirect from our website to the correct organisation, because we can't deal with them. (These are not recorded in the VO case management system).
Matters redirected by phone	<b>Matters redirected</b> by phone means the number of matters we automatically redirect from our phone system to the correct organisation, because we can't deal with them. (These are not recorded in the VO case management system).
Totals Approaches (Contacts)	<b>Total Approaches</b> means the number of initial contacts (cases plus redirected matters) made to VO in a given FY period.
Matters redirected via phone or website Total	Matters redirected via phone or website means the number of website redirects and matters redirected by phone.
Jurisdictional cases received	<b>Jurisdictional cases received</b> means the number of cases opened we could deal with, including complaints, public interest complaints, assessable disclosures and own motions.
Investigations finalised	An <b>Investigation</b> is a formal investigation notified to an authority under section 17 of the Ombudsman Act, in which the Ombudsman is able to exercise coercive powers.
Recommendations accepted %	A <b>Recommendation</b> is a formal suggestion by the Ombudsman to remedy an issue identified in an investigation.
Recommendations accepted #	
Enquiries Made	Enquiries made means any action taken by VO (e.g. seeking information from an authority, research, inspecting records) to decide whether the issue may be informally resolved or whether it should be investigated.
Assessable Disclosures notified to IBAC (S21 Assessable Disclosure)	An <b>assessable disclosure</b> is a whistleblower complaint to VO about public organisations/officers that might involve improper or corrupt conduct, which VO refers to IBAC under the <i>Public Interest Disclosures Act 2012</i> (Vic).
Public interest complaints finalised by VO	A <b>public interest complaint</b> is a whistleblower complaint about a public organisation/officer which IBAC has referred to VO to deal with. Public interest complaints receive specific legal protections.
# Potential PID allegations assessed	Number of allegations assessed by VO for possible referral as an assessable disclosure to IBAC under the <i>Public Interest Disclosures Act 2012</i> (Vic). Each assessable disclosure may contain multiple allegations.
# PIC Investigations Finalised	Number of investigations into public interest complaints VO finalised.
# PIC Allegations that were substantiated or partially substantiated	Number of public interest complaint allegations substantiated or partly substantiated by VO.
# PIC Allegations that were not substantiated	Number of public interest complaint allegations not substantiated by VO.

Business glossary	
(PIC) Public Interest Complaints Received	Number of public interest complaints IBAC referred to VO to deal with. VO is required to investigate public interest complaints referred by IBAC, with some exceptions.
# <b>ALL</b> Investigations commenced	An <b>Investigation</b> is a formal investigation notified to an authority under section 17 of the Ombudsman Act, in which the Ombudsman is able to exercise coercive powers.
# 16E Corrupt conduct notifications	Number of notifications VO made to IBAC under section 16E of the <i>Ombudsman Act 1973</i> (Vic). If the Ombudsman suspects at any time that a case involves corrupt conduct, the Ombudsman must notify IBAC.
# Jurisdictional complex cases	Refers to cases that require significantly more effort and resources than other cases of the same category.
# Allegations notified to IBAC under S21	Number of allegations in the assessable disclosures VO notified to IBAC under section 21 of the <i>Public Interest Disclosures Act 2012</i> (Vic).
# PIC allegations received	Number of allegations in the public interest complaints VO received from IBAC under section 73 of the <i>IBAC Act 2011</i> (Vic).
# PIC allegations declined to investigate " <b>Enquiries Made</b> "	Number of public interest complaint allegations VO declined to investigate after making enquiries (closed cases).
"# PIC allegations declined to investigate " <b>No Enquiries Made</b> "	Number of public interest complaint allegations VO declined to investigate without making enquiries (closed cases).
# PIC cases suspended	Number of public interest complaint cases suspended. It may be appropriate for VO to suspend action on a public interest complaint for reasons such as another agency is investigating or has completed an investigation into the matter.
% Jurisdictional complaints completed within 30 days	<b>Jurisdictional complaints</b> that have been completed within a set time period in this case 30 calendar days.
Jurisdictional cases finalised	<b>Jurisdictional cases finalised</b> means the number of cases we could deal with that were finalised, including complaints, public interest complaints, assessable disclosures and own motions.
# NJU cases received	<b>NJU</b> means non-Jurisdictional cases the Ombudsman could not deal with. People with NJU cases are redirected to the correct organisation.
# Information requests received	<b>Information Requests</b> are not complaints, but instances where people contact the Ombudsman for information about the office. Information requests are not requests made under the <i>Freedom of Information Act 1982</i> (Vic).
# PIC Investigations commenced	Number of investigations into public interest complaints VO commenced.
# PIC Allegations/Issues Investigated	Number of public interest complaint allegations VO investigated and finalised.
Allegations Discontinued	Number of public interest complaint allegations VO discontinued investigating in accordance with section 17 of the <i>Ombudsman Act 1973</i> (Vic).
Non-PIC investigation cases	The number of (non-PIC) investigation cases we closed.
Non-PIC investigation issues	The number of (non-PIC) issues VO investigated in the cases we closed.

Victorian Ombudsman  
Level 2, 570 Bourke Street  
Melbourne VIC 3000

Phone 1800 806 314  
Email [complaints@ombudsman.vic.gov.au](mailto:complaints@ombudsman.vic.gov.au)  
Web [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)