

POLICY

Own motion enquiries and investigations

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Responsible officer	Deputy Ombudsman

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POLICY STATEMENT

The Ombudsman fosters improvement to public administration by initiating enquiries and investigations even when a complaint or referral has not been received. This 'own motion' action may be taken when:

- complaint data or information available suggests a systemic problem in public administration
- a matter is deemed to require attention, or
- the Ombudsman considers action is otherwise appropriate in the public interest.

The Ombudsman takes a coordinated approach to monitoring and analysing information and data relating to the performance of Victorian public organisations.

CONDUCTING OWN MOTION ENQUIRIES AND INVESTIGATIONS

1. VO is able to examine, by own motion, an administrative action taken by or in an authority, which includes Victorian state government departments, local councils, administrative offices, public organisations and specified entities, which we consider merits attention.
2. We can take own motion action in addition to, or in place of, action taken as a result of receiving a complaint or referral.
3. Our own motion powers allow us to:
 - conduct enquiries (Ombudsman Act, section 13A. See our policy on 'Enquiries') in order to establish whether an investigation should be conducted, or the matter can be resolved informally
 - conduct an investigation (Ombudsman Act, section 16A. See our policy on 'Investigations') in order to determine whether an error has been made, as set out at section 23(1) of the Ombudsman Act.
4. We are also able to report on the outcome of conducting enquiries or an investigation through the use of our own motion powers.
5. We are more likely to use our own motion powers when:
 - there may be a systemic problem at an authority
 - the administrative action affects a vulnerable person or community who may have limited capacity to complain themselves
 - it is otherwise in the public interest to scrutinise the authority's actions.

6. We cannot conduct an own motion enquiry or investigation where we would ordinarily be required to refuse to deal with the matter if it was the subject of a complaint (Ombudsman Act, section 16A).
7. We may table the investigation report in Parliament once concluded, so that our findings are made publicly available.

ROLES AND RESPONSIBILITIES

Role	Responsibility
Deputy Ombudsman	<i>Owner</i> – Accountable for maintaining policy drafting, reviews and authorisation from the Executive.
Legal	<i>Legal compliance</i> – Responsible for ensuring compatibility with the <i>Charter of Human Rights and Responsibilities 2006</i> and compliance with other legislation under which VO operates.
Operational Governance Committee	<i>Authorisation</i> – Authorises policies and significant amendments.
All staff, contractors and third parties	<i>Implementation</i> – Responsible for acting in compliance with the policy, standards, procedures and associated documents.

DOCUMENT MANAGEMENT

Compliance

VO maintains a compliance management system. Compliance to this policy, including use of information and systems, is subject to regular monitoring and reporting to the Operational Governance Committee. For further details on compliance checks please refer to the compliance management system.

Document approval

This document was approved by the Governance Committee on 17 December 2015.

Document review

This document is due for review upon major changes or three years from the date of the last review.

APPENDIX A: Related documents

Title	Location
<i>Ombudsman Act 1973</i>	Available at http://www.legislation.vic.gov.au/