

**Investigation into the Department of Jobs, Precincts and
Regions' administration of the Business Support Fund**

April 2021

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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

Pursuant to sections 25 and 25AA of the *Ombudsman Act 1973* (Vic), I present to Parliament my *Investigation into the Department of Jobs, Precincts and Regions' administration of the Business Support Fund*.

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

Deborah Glass OBE
Ombudsman

27 April 2021

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Foreword

“ My mental health has suffered due to watching my life’s work deteriorate in front of my eyes ... I feel sad, frustrated, angry and defeated that through no fault of my own, I am being penalised ... ”

From complainant to Ombudsman

At first it was about delays. In April 2020 the trickle began, complaints from small business owners applying for a government grant to keep them afloat, waiting for an answer to their application. Then a stream; by July, a flood. By then, the complaints were not only about delays, but also denial of a grant. There was desperation in people’s voices, they were counting on a grant to pay bills, rent, wages – to survive.

By September, after my staff had sought to resolve over 600 individual complaints with the Department of Jobs, Precincts and Regions, I launched an investigation into the systemic issues.

The COVID-19 lockdowns fell like a hammer blow on small businesses. To the Victorian Government’s credit, it had swiftly announced an economic survival package to provide \$10,000 grants to eligible business owners. It was a tough job for the Department, quickly setting up systems to administer more grants in one year than it had done in the previous 52 years. For many people, it worked: tens of thousands received an economic lifeline.

But for thousands more it didn’t. Applications could only be made online and not everyone is computer literate; small business owners are not all fluent in English; some have disabilities or communication difficulties; the process was complicated, confusing and occasionally contradictory. The Department made mistakes. People made mistakes. Mistakes were, in the fraught circumstances of the pandemic, completely understandable.

But the consequences of people’s mistakes could be devastating. Thousands of applications were rejected because, unbeknown to the applicants, they remained in ‘draft’, awaiting further information, when the deadline expired. Others were not processed because people made a typo in the form, a keystroke error on a number or email address. Updates to the online form after the eligibility criteria were expanded, and while the Fund was still open, led to confusion. Despite the stress and anxiety caused by COVID-19, in an environment where their businesses were being destroyed, people were being penalised for their honest mistakes.

Nor did the processes help where they should. The call centre could not initially handle the volume. It was then expanded – but the outsourced staff were not given access, on privacy grounds, to the database containing the information needed to help business owners struggling to pursue their applications. Well-intentioned – but not fit for purpose.

A good internal review and complaints process should be a priority for any system of public administration, even more so when it is set up in haste. Complaints will quickly identify the pressure points, the things that must be fixed. But when the Fund opened there was no information on the Business Victoria website about how to challenge a decision or lodge a complaint. Eventually people were signposted to the Ombudsman, effectively outsourcing the complaints process to my office.

What went wrong? The Fund was established and scaled at speed. The Department had nine days to implement the program, with no opportunity to test its design or delivery. But its design missed some of the key checks and balances that would have picked up the inevitable flaws. Many complaints could have been resolved without coming to my office had the Department been more reasonable in what, to small business owners, was a highly stressful situation, with some businesses fighting to stay alive.

“ Despite the stress and anxiety caused by COVID-19, in an environment where their businesses were being destroyed, people were being penalised for their honest mistakes ”

Good intentions got lost in translation. The aim of the Fund was laudable, to support a hugely vulnerable cohort affected by lockdown. But administering it inflexibly undermined its very purpose. The people were forgotten in the process. If someone was genuinely eligible for a grant, why should they be refused because they made a simple mistake, or were confused by what was indeed a confusing process?

These principles went to the heart of the Ombudsman's proposed resolution of, by now, over a thousand complaints.

The Business Support Fund was supposed to be a lifeline for businesses, and for many it was – but in other cases all it did was add to their stress, anxiety and uncertainty. When the Government announces such schemes in the future, it needs to ensure the basic fundamentals are in place – the ease to apply; good communication; staff who have the ability to provide fulsome information and the discretion to show compassion and flexibility when it is right to do so; a proper complaints process.

To the Department's credit, it engaged constructively with my office from the outset, resolving large numbers of complaints and improving its processes along the way. Many people received their grants while the investigation was ongoing. A draft of this report resulted in the final acknowledgement that thousands more people should have their applications reconsidered.

Sometimes, it takes the nudge of the Ombudsman's elbow to encourage public servants to do the right thing. In the end, that they do the right thing is what matters.

Deborah Glass
Ombudsman



Fund opened March 2020



Fund closed June 2020



Quickest
grant
rollout
in 52
years

Eligible business
owners can apply
for **\$10,000**

**Fund
set up
in 9 days**



more than

79,500

applications approved



almost

\$795 million

paid to business owners

26%

of applications processed
within the Department's
5 business day timeframe

43% of the time
department returned
applications to
'draft' for review



1,100+
complaints handled
by the Ombudsman

44+ denied grant due to
typographical errors



127+ denied grant
for not providing
JobKeeper details in time



92+ business
owners did
not receive email
reminders about
'draft' status

\$3m

paid out to complainants
during investigation



5 public servants staffed call
centre when the fund opened

550 staff when call centre
was later outsourced



106,000 calls
to the call centre
from March to
November 2020

more than

12,000

business owners
may reapply

up to **\$120m**



may be repaid if all
meet eligibility criteria
and are successful

Glossary

| | |
|-------------------------------------|--|
| ABN | Australian Business Number A unique 11-digit number that identifies an Australian business to the government and community. |
| ANZSIC Code | Australia and New Zealand Standard Industrial Classification code A broad classification that assigns a business entity an industry group based on their primary business activity. 'Business entity' refers to any organisation undertaking productive activities, including companies, non-profit organisations, government departments and enterprises. |
| Application Portal | The online portal on the Business Victoria website through which applications for the various business support funds are created and submitted. |
| ASIC | Australian Securities and Investments Commission |
| ATO | Australian Taxation Office |
| BAS | Business Activity Statement A form lodged with the Australian Taxation Office (ATO) by businesses registered for GST to report and pay their tax obligations. |
| Business Support Fund ('the Fund') | A one-off \$10,000 grant for small businesses in Victoria that employed staff and were subject to closure or were highly impacted by the shutdown restrictions announced by the Victorian Government as a result of COVID-19. |
| Business Support Fund – Expansion | A second round of the Business Support Fund through which a one-off grant was available to businesses impacted by the extended shutdown restrictions announced in Victoria in August 2020. Businesses in regional Victoria except for those in Mitchell Shire were eligible to receive \$5,000. Businesses in metropolitan Melbourne and Mitchell Shire were eligible to receive \$10,000. |
| Business Support Fund – Third Round | A third round of the Business Support Fund through which businesses in specified industry sectors with payrolls of up to \$10 million were eligible to receive a one-off grant of \$10,000, \$15,000 or \$20,000 (depending on the size of their payroll). |
| Business Victoria | A website for business owners to find information, financial support, advice and training, established by the Victorian Government and managed by the Department of Jobs, Precincts and Regions. Applications for the various business support funds were managed through this website. |

| | |
|-----------------------|--|
| Call centre | The call centre operated by the Department of Jobs, Precincts and Regions, which was responsible for responding to enquiries about the various business support funds, as well as general enquiries about business operations in Victoria. |
| Call logs | A case note written by call centre staff to reflect the details of a conversation. The note was not verbatim. |
| Department | Department of Jobs, Precincts and Regions. |
| Grant | A sum of money given by a government or other institution to an individual or organisation for a particular purpose. |
| Guidelines | <i>The Business Support Fund: COVID-19 assistance to small businesses</i> guidelines which defined the eligibility criteria for the Business Support Fund. |
| KPMG review | In July 2020, the Department engaged KPMG to review its complaints and review processes. |
| Online Form | The online form business owners used to apply for a grant from the Business Support Fund, available via the application portal on the Business Victoria website. |
| Return for revision | A term used to describe the Department returning submitted applications to 'draft' status to allow the business owner or their authorised representative to provide additional information. |
| Shutdown restrictions | Restrictions on movement to combat the spread of COVID-19 announced by the Victorian Government in response to the State of Emergency declared in Victoria on 16 March 2020. |
| SRO | State Revenue Office The Victorian Government's revenue management agency, responsible for administering Victorian tax law and collecting revenue. |
| Stream One | The first stream of the Business Support Fund available to businesses in specified industry sectors, active from when the Fund opened on 30 March 2020 until it closed on 1 June 2020. |
| Stream Two | The second stream of the Business Support Fund available to businesses enrolled in the Commonwealth Government's JobKeeper Program, regardless of industry sector, established on 5 May 2020 (the online form was updated on 12 May 2020) and active until the Fund closed on 1 June 2020. |

Introduction

Why we investigated

1. In early 2020, the Victorian Government placed Victoria into lockdown to manage the spread of the COVID-19 virus. The lockdown changed community life and placed significant restrictions on businesses.
2. In March 2020, the Victorian Government announced a \$500 million economic support package to provide grants to small businesses impacted by the restrictions. As a result, the Business Support Fund ('the Fund') was established and provided \$10,000 grants to eligible businesses. It was administered by the Department of Jobs, Precincts and Regions ('the Department').
3. The Department had a tough job to do in quickly setting up systems to administer more grants in one year than it had done in the previous 52 years. The Department told the investigation half of all small businesses in Victoria received a grant.
4. A chronology of events is included at the end of the Introduction section of this report.
5. The shutdown restrictions severely impacted many Victorian businesses. As one business owner told the Ombudsman:

It has impacted my whole life, my living conditions, I have lost all my income due to the COVID-19 and this was going to help me get my life and business back on track. I've lost sleep over this whole situation, I'm struggling to keep my business up and going.
6. Another business owner said:

My mental health has suffered due to watching my life's work deteriorate in front of my eyes and the feeling of helplessness in not being able to stop this from happening. It has had a huge impact on my personal and family relationships. I have a wife with life threatening health issues and a severely disabled child to care for. I have always prided myself as a hardworking, honest family man who has made his own way in life and who has never asked for a handout. Sadly, today is different ... I feel sad, frustrated, angry and defeated that through no fault of my own, I am being penalised for the misinformation provided by [the Department] and the impact this will have on my business, myself and my family. Without this grant, the chances of my business surviving COVID are drastically reduced.
7. In April 2020, pursuant to her remit under the *Ombudsman Act 1973* (Vic), the Ombudsman started receiving complaints about the Department's management of the Fund. Complaints increased exponentially in June and July 2020 and remained in the high hundreds throughout the year.
8. By September 2020, the Ombudsman had received 627 complaints from 468 individuals about the Fund. This rose to 789 complaints from 548 individuals by the end of January 2021.
9. In total, the Ombudsman handled 1,119 cases about the various business support funds by the end of January 2021. This included 957 cases about the first round of the Fund, of which 168 were 'own motion' enquiries made with the Department.

Table 1: Cases the Ombudsman handled about the various business support funds

| Month | Cases |
|----------------|-------|
| April 2020 | 3 |
| May 2020 | 0 |
| June 2020 | 51 |
| July 2020 | 298 |
| August 2020 | 179 |
| September 2020 | 162 |
| October 2020 | 301 |
| November 2020 | 59 |
| December 2020 | 37 |
| January 2021 | 29 |

10. This represents over eight per cent of the Ombudsman's jurisdictional work between April 2020 and January 2021.
11. The Ombudsman also handled 80 cases throughout February and March 2021.
12. The Ombudsman attempted to informally resolve these complaints with the Department. On 10 July 2020, the Ombudsman referred 189 complaints about the Fund back to the Department to give it the opportunity to address them in the first instance. Between 17 July 2020 and 21 August 2020, the Ombudsman referred an additional 171 complaints to the Department.
13. The Department said it would provide outcomes to all these business owners by 31 July 2020; and then requested an extension from the Ombudsman to 21 August 2020. The Department provided outcomes to some but not all of these business owners.

14. The Ombudsman referred an additional 61 complaints back to the Department between 28 August 2020 and 18 September 2020, as well as 57 from business owners who had returned to the Ombudsman as the Department had not resolved their complaint. One business owner told the Ombudsman:

It has had a huge financial impact. I was waiting for this money ... to pay my rent, insurance, bills and wages now this throw [sic] me back anymore [sic]. I also have a son at home with a major heart condition and I can't work either because I have to be with him. I am very stressed about this and I haven't been sleeping at night and really struggling. At home we just rely on my husbands [sic] income our home loan is on hold and we are just making ends me [sic]. So this has had a huge impact in every way possible.

15. In a meeting on 28 August 2020, the Department assured the Ombudsman it would:
 - provide outcomes to business owners within 14 business days
 - provide regular status updates to business owners
 - provide a final outcome letter to business owners whose applications had been reviewed
 - provide written outcomes if the Department was unable to contact business owners over the phone.

16. Despite these assurances, the Ombudsman continued to receive complaints about the Fund after 31 August 2020. The Ombudsman decided to conduct an 'own motion' investigation pursuant to section 16A of the Ombudsman Act, in light of:
 - the volume of complaints
 - the vulnerability of the people affected
 - information indicating potential systemic problems with the Department's processes and practices, which had the potential to cause further difficulties for business owners.
17. On 17 September 2020, the Ombudsman notified the Secretary of the Department and the Minister for the Coordination of Jobs, Precincts and Regions: COVID 19 of her intention to investigate the Department's management of the Fund. The Ombudsman publicly announced the investigation on 21 September 2020.

Jurisdiction

18. The Department is responsible for administering the Fund. Executive Directors at the Department have the financial delegation to approve grant applications to the Fund for eligible business owners.
19. Section 16A of the Ombudsman Act provides that the Ombudsman may conduct an own motion investigation into any administrative action taken by or in an 'authority'.
20. The definition of 'authority' in the Ombudsman Act includes the Department.

Terms of reference

21. The investigation's terms of reference were drawn from key complaint themes, and included examining the Department's:
 - application and assessment process
 - nature and style of communication with business owners
 - internal review and complaints processes.

Informal resolution of individual complaints

22. Throughout the investigation, the Ombudsman continued to resolve complaints informally to provide quick outcomes to business owners. Investigations can be protracted, and the Ombudsman was concerned to facilitate certainty for business owners.
23. Resolving complaints about the Fund during the investigation helped many business owners. As one told the Ombudsman:

Thank you so much I have been so ill about this ... This matter has been very upsetting and [I] can't talk about it without crying, I feel I let my business down did I do something wrong I have been asking myself NO I just am not computer smart enough for the application and ended with two entry's [sic] because the app went down and did the application again.

24. In total, the Ombudsman proposed that the Department reassess 479 applications during the investigation. Of these, 297 applications were subsequently approved, representing almost \$3 million in grants. At the time of writing, the Ombudsman continues to informally resolve complaints about the Fund and subsequent funds with the Department.

How we investigated

25. The investigation involved:

- informally resolving complaints about the Fund with the Department
- making enquiries with the Department and proposing how categories of complaints should be resolved
- reviewing documentation provided by the Department including the Fund's Guidelines, policies and procedures, data, call centre scripts and examples of communications sent to business owners
- reviewing publicly available information about the Fund
- conducting one voluntary interview with a Victorian Public Service (VPS) employee who worked on the Fund's administration
- reviewing guidance about grant administration including:
 - o *Standing Directions 2018* issued by the Minister for Finance under the *Financial Management Act 1994* (Vic)
 - o Department of Treasury and Finance, *Better Grants by Design* (2018)
 - o Department of Finance, *Commonwealth Grant Rules and Guidelines* (2017)
- reviewing the Commonwealth Ombudsman's *Executive Schemes* (2009) report
- liaising with the Victorian Small Business Commissioner and the Victorian Auditor-General's Office.

26. The investigation focussed on the Department's administration of the first Business Support Fund (the Fund) which opened on 30 March 2020 and closed on 1 June 2020.

27. In determining the facts of the investigation, and considering the nature and seriousness of the matters examined, the quality of the evidence and the gravity of the consequences that may result from any adverse opinion, the Ombudsman is guided by the civil standard of proof – the balance of probabilities.

Anonymity

28. Throughout this report, case studies detail the experiences of some business owners who applied to the Fund.

29. For privacy reasons, the names used in case studies are not the real names of the individuals or businesses involved, except with their permission. Names that have been changed are identified with an asterix.

Procedural fairness and privacy

30. This report includes adverse comments about the Department. In accordance with section 25A(2) of the Ombudsman Act, the investigation provided the Department with a reasonable opportunity to respond to an earlier draft version of this report, and has fairly set out its response in this report.

31. In accordance with section 25A(3) of the Ombudsman Act, any other persons or bodies which are or may be identifiable from the information in this report are not the subject of any adverse comment or opinion. They are named or identified in the report as the Ombudsman is satisfied that:

- it is necessary or desirable to do so in the public interest, and
- identifying those persons will not cause unreasonable damage to those persons' reputation, safety or well-being.

Background

32. On 16 March 2020, a State of Emergency was declared in Victoria in response to the COVID-19 pandemic. On 21 March 2020, the Victorian Government announced a \$1.7 billion economic survival and jobs package to 'help Victorian businesses and workers survive the devastating impacts of the coronavirus pandemic'.
33. A key component of the package was a \$500 million Business Support Fund ('the Fund') which the Government said would 'support the hardest hit sectors, including hospitality, tourism, accommodation, arts and entertainment, and retail'.
34. The Fund is a grant scheme administered by the Department, and its Executive Directors have the decision-making power to provide a grant to eligible business owners.

About the Business Support Fund

35. Following the Victorian Government's announcement, applications to the Fund opened on 30 March 2020.
36. Business owners were able to apply for a \$10,000 grant if they met the eligibility criteria contained in *Guidelines: Business Support Fund: COVID-19 assistance to small businesses* ('the Guidelines').
37. The Guidelines were updated twice during the application process – on 15 April 2020 and 23 April 2020 (known as 'Stream One') – and the eligibility criteria were expanded on 5 May 2020 (known as 'Stream Two'). The Guidelines for Stream One and Stream Two are included in Appendix One.

Business Support Fund – Stream One

38. The original Guidelines required a business to:
 - employ staff
 - be subject to closure or highly impacted by shutdown restrictions (according to the Deputy Chief Health Officer's Non-Essential Activity Directions dated 25 March 2020)¹
 - have a turnover of more than \$75,000
 - have a payroll of less than \$650,000
 - hold an Australian Business Number (ABN) and to have held that ABN at 16 March 2020 (when the State of Emergency was declared)
 - have been engaged in carrying out the operation of the business in Victoria on 16 March 2020.
39. On 15 April 2020, the Guidelines were updated to include the definition of 'a business':

Businesses are those entities where a business name is registered with the Australian Securities and Investment Commission (ASIC). In the case of a charity, it is registered with the Australian Charities and Not-for-profits Commission (ACNC); incorporated associations are registered with Consumer Affairs Victoria (CAV); and sole traders are identified by ABN registration. Note that any adverse findings against a business will be taken into consideration.
40. On 23 April 2020, the Guidelines were again updated, to:
 - clarify how the Department would assess an application if a business was subject to closure, or highly impacted by shutdown restrictions
 - include additional information on the annual turnover and payroll requirements.

¹ Deputy Chief Health Officer (Communicable Disease) directions pursuant to *Public Health and Wellbeing Act 2008* (Vic), 25 March 2020.

41. To assess business impact, the Department used the Australia and New Zealand Standard Industrial Classification (ANZSIC) codes. ANZSIC codes are broad industry classifications nominated by a business owner on their ABN registration, reflected on the Australian Business Register (ABR). The ABR contains a search engine for looking up businesses by their ABN.

Business Support Fund – Stream Two

42. On 1 May 2020, the Victorian Government announced the Fund's eligibility criteria would be expanded to include businesses participating in the Commonwealth Government's JobKeeper program, regardless of the sector they operated in.
43. The Premier's press release stated:
- Businesses who applied for Business Support Fund payments but were initially not eligible based on their sector classification will be contacted by the Department of Jobs, Precincts and Regions and do not have to submit a new application.
44. Stream Two went 'live' on 12 May 2020. The Department invited business owners who had already applied for Stream One and been rejected, to apply for Stream Two. These invitations were sent via email.
45. These business owners were required to provide their JobKeeper number via an emailed link, and attest that the business was a JobKeeper program recipient.
46. Applications for both Stream One and Stream Two closed at 11.59pm on 1 June 2020.
47. The Department told the investigation it continued to accept revised applications from some business owners through to 19 June 2020.

Subsequent Business Support Funds

48. After further shutdown restrictions were introduced, the Government announced more economic support for businesses via two additional funds:
- Business Support Fund – Expansion
 - Business Support Fund – Third Round.
49. The Government also announced 13 smaller funds targeted at specific industries. These included funds such as the Licensed Hospitality Venue Fund, the Sole Trader Support Fund and the CBD Small Hospitality Grant.
50. The investigation did not consider these subsequent and smaller targeted funds, although the Ombudsman continues to receive complaints about them. Many business owners applied for support from more than one fund.
51. Up to 31 January 2021, the Ombudsman received:
- 84 complaints about the Business Support Fund – Expansion
 - 45 complaints about the Business Support Fund – Third Round
 - 33 complaints about the smaller targeted funds.
52. The Ombudsman also received 27 complaints about other Business Victoria matters.

Resolving complaints

53. Soon after a meeting between the investigation and the Department, on 8 October 2020, the Assistant Ombudsman wrote to the Department in relation to 365 complaints. The Assistant Ombudsman proposed that the Department reassess applications where a business owner had made a genuine attempt to apply to the Fund and provide outcomes or review its decisions where appropriate.

54. The Department told the investigation it did not accept the proposal to reassess applications that remained in 'draft' when the Fund closed. These were applications the Department had reverted to 'draft' status after asking business owners to provide more information.
55. The Department said it would consider its position regarding applications where JobKeeper information had not been provided.
56. On 17 November 2020, the Department agreed to reassess 184 applications. In the following months, the Department continued to reassess applications and worked with the investigation to resolve these.
57. On 23 November 2020, the Department told the investigation it did not accept the proposal to reassess 56 applications. These related to:
 - applications rejected because business owners had made keystroke errors when applying, and had not subsequently contacted the Department before the Fund closed
 - applications where the Department had evidence it had sent the business owner an invitation to apply for Stream Two and/or a reminder email and they had not responded
 - business owners who had attested they were not participating in JobKeeper.
58. These unresolved complaints were considered as part of the investigation.
59. Figure 1 on page 18 shows key dates and actions taken by the Victorian Government, the Department, and the Ombudsman.

Guidelines on grant administration

60. The Fund is a discretionary grants program – grants are provided to applicants if they meet the eligibility criteria in the Guidelines.
61. There is State and Commonwealth guidance to assist the Department to establish, implement, and administer discretionary grants programs such as the Fund.

Victorian guidance

62. There are two key documents relevant to administering grant payment schemes in Victoria:
 - *Standing Directions 2018* issued by the Minister for Finance under the *Financial Management Act 1994* (Vic) ('*Standing Directions*')
 - Department of Treasury and Finance, *Better Grants by Design* (2018) ('*Better Grants guide*').

Standing Directions

63. Section 4.2.2 of the *Standing Directions* provides that in administering grants, public sector management must ensure:
 - value for money
 - 'effective and efficient' administrative controls are established
 - the Victorian Government's *Investment principles for discretionary grants* (2016) ('*the Investment Principles*') are applied
 - the Victorian Government Sponsorship Policy (2019) is applied.
64. The *Investment Principles* state:
 - grants should not be used without first considering alternative policy mechanisms or existing grant programs

- when small grants are used, they should be administered by the organisation that is able to do so most efficiently
- accountability requirements imposed on grant recipients should be proportionate to risk
- the *Better Grants guide* should be used to provide further guidance when designing and developing new grant programs.

Better Grants guide

65. The *Better Grants guide* provides advice relating to the different stages of a grants program process: establishment, design, implementation and evaluation.
66. It highlights potential risks associated with grant programs, including:
 - pressure to implement programs urgently
 - individuals or organisations being treated inequitably
 - use of grant funds contrary to the relevant terms and conditions
 - awarding grants to ineligible individuals or organisations.

Guidance from the Commonwealth

Commonwealth Grants Rules and Guidelines (2017)

67. The *Commonwealth Grants Rules and Guidelines* outlines a grants policy framework and articulates key principles, including:
 - robust planning and design
 - collaboration and partnership
 - proportionality
 - an outcomes orientation
 - achieving value with relevant money
 - governance and accountability
 - probity and transparency.

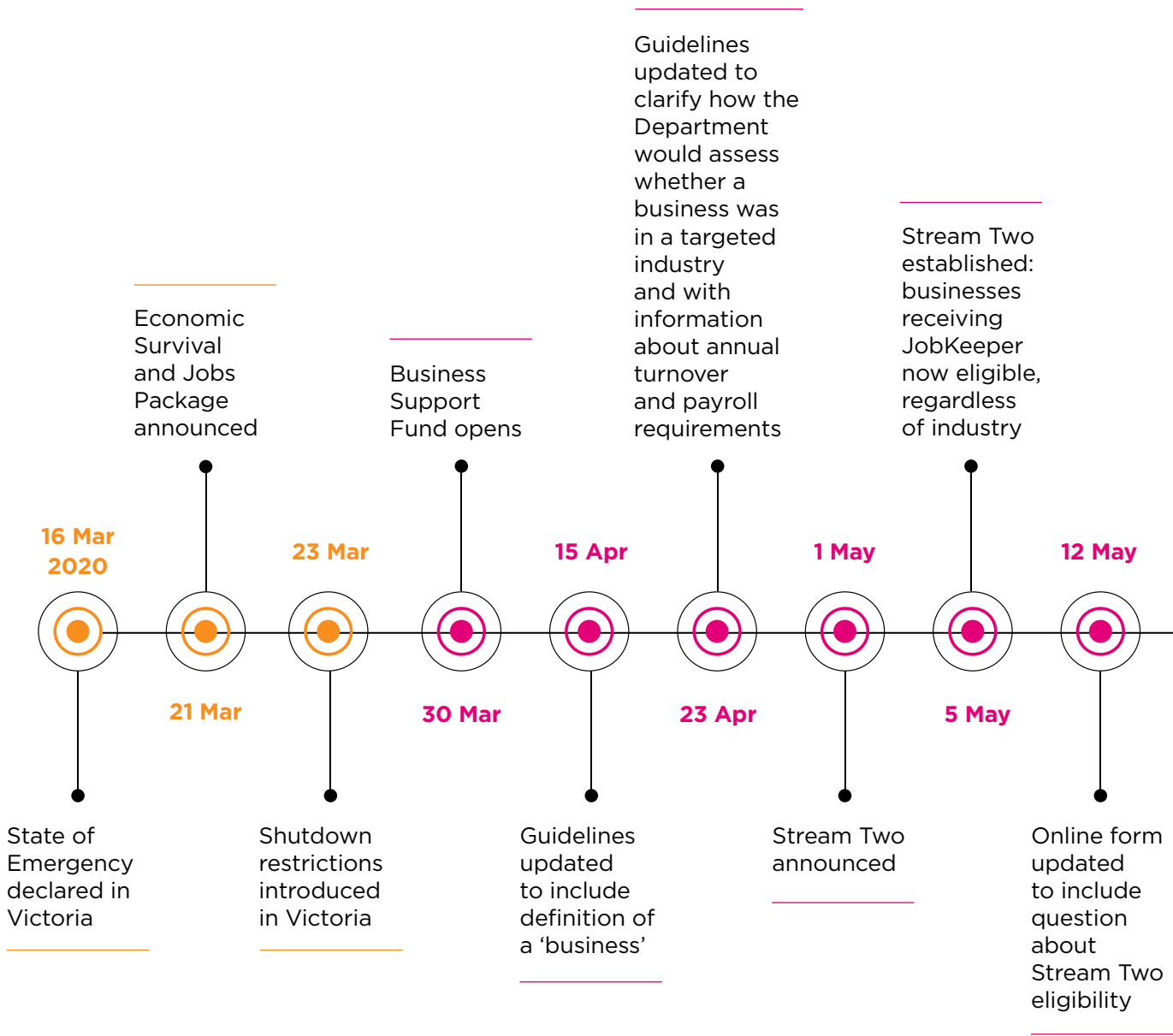
Commonwealth Ombudsman's Executive Schemes (2009) report

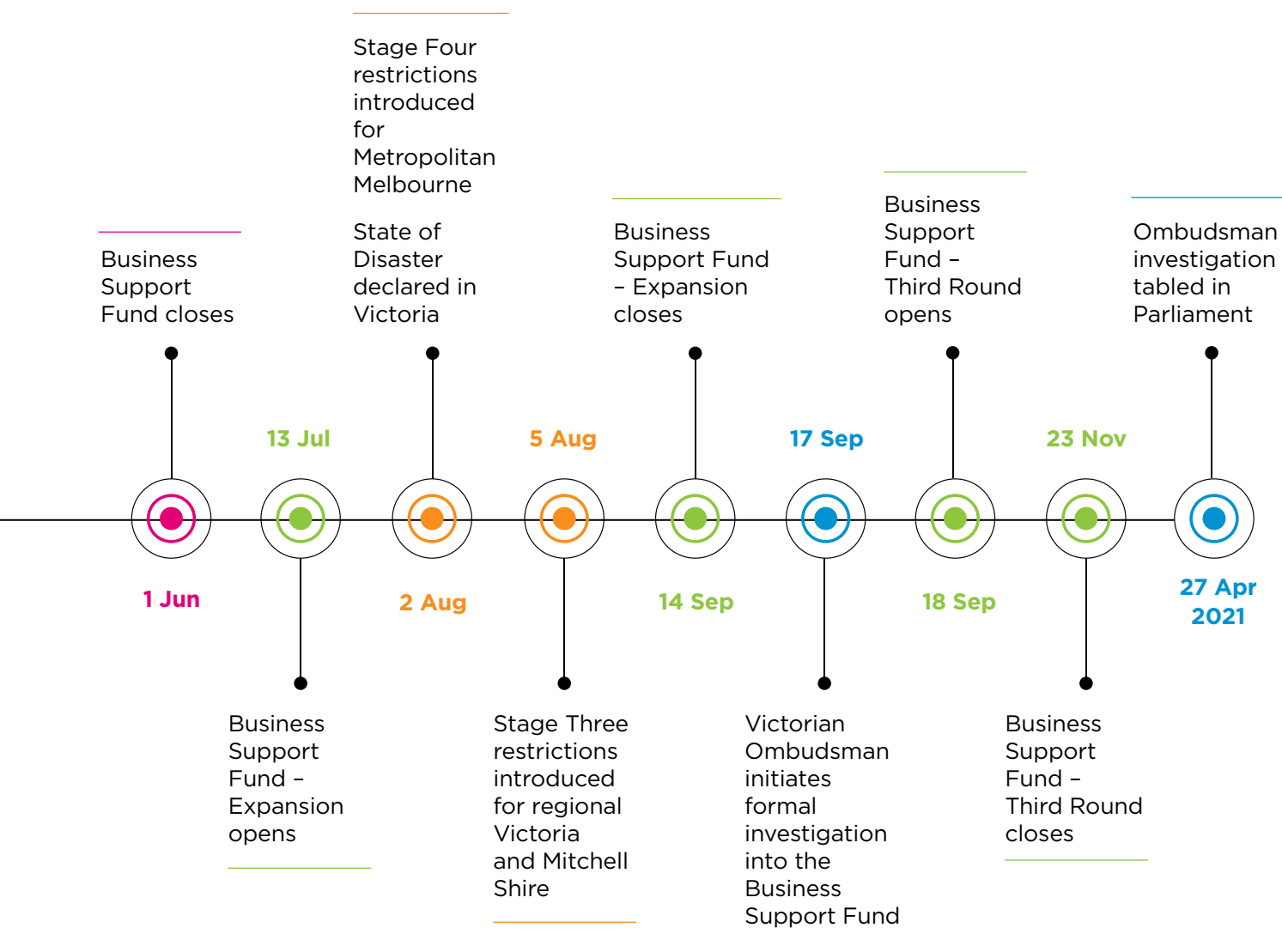
68. The Commonwealth Ombudsman's *Executive Schemes* report examines complaints about various executive schemes over six years. It offers useful guidance about implementing and administering executive schemes.
69. The *Executive Schemes* report highlights some of the advantages and disadvantages of executive schemes, see Table 2.

Table 2: Advantages and disadvantages of Executive schemes

| Advantages | Disadvantages |
|--|---|
| Flexibility – schemes can be quickly established when the need arises, adjusted easily as situations change, and closed when no longer needed. | Restricted review and appeal rights available to people affected by decisions made under executive schemes – cannot seek judicial review by court or merits review by tribunal. |
| Allows governments to respond promptly to emergencies with offers of financial aid and other assistance to those affected. | Possibility of less access to publicly available information about rules that apply to executive schemes – compared to legislation and regulations which are widely available online. |
| | The standard of drafting of rules (such as eligibility criteria) may not be as high, and executive schemes are not subject to same level of parliamentary scrutiny. |

Figure 1: Chronology of key events





The Fund's application and assessment process

Applying for a grant

70. To apply for a grant from the Business Support Fund ('the Fund'), business owners had to complete an online form via the Business Victoria website.
71. Business owners were required to:
- provide information about the business including:
 - o the registered business name
 - o trading name
 - o legal name
 - o Australian Company Number (ACN)² and ABN
 - o registered address and company website
 - o name of trustee
 - o number of employees
 - o bank account details.
 - confirm they met each aspect of the eligibility criteria. Figure 2 on the following page, is an extract of the online form.
 - provide their most recent Business Activity Statement (BAS)
 - select the purpose(s) the grant would be used for, from the following:
 - o meeting business costs, including utilities, salaries and rent
 - o seeking financial, legal or other advice to support business continuity planning
 - o developing the business through marketing and communications activities
 - o support activities related to the operation of the business
 - explain the nature of business operation and how the shutdown restrictions had affected the business
 - declare that the details provided in the application were true, complete and accurate.
72. Business owners received an email confirming submission and were given a unique identification number for their application.
73. The online form was twice updated to accommodate significant changes in the application process:
- **15 April 2020:** the Department added a footnote to the Fund's guidelines to define 'businesses'. The online form was updated with a warning to business owners to ensure the business name entered was the same as the registered business name.
 - **12 May 2020:** a question was added to the online form related to a business' participation in the JobKeeper program.

2 This was an optional field on the online form.

Figure 2: Extract of online form for the Business Support Fund

Section 1: Are you eligible to apply?

| | |
|---|--------|
| <p>1. My business is subject to closure or highly impacted by the shutdown restrictions announced by the Victorian Government as a result of COVID-19. For guidance on highly impacted sectors refer to the Business Support Fund page: https://www.business.vic.gov.au/support-for-your-business/grants-and-assistance/business-support-fund. Please read this guidance together with the Restricted Activity Directions available on the DHHS website at https://www.dhhs.vic.gov.au/sites/default/files/documents/202004/B1%20-%20Restricted%20Activity%20direction%20%28No%20%29%20%28signed%29.pdf</p> | |
| 2. My business employs staff (Generally, to be considered an "employee", staff must be under the control of the business, and have income tax and superannuation paid by the employer.) | Yes/No |
| 3. My business has, or is expected to have, a turnover greater than \$75,000 in 2019/20 (and registered for GST with the ATO). | Yes/No |
| 4. My business has, or is expected to have, payroll of less than \$650,000 in 2019/20. | Yes/No |
| 5. My business has an Australian Business Number (ABN) and have held that ABN on 16 March 2020 (Date of the State of Emergency declaration). | Yes/No |
| 6. At the time of lodgement of this application form, my business is a going concern, and I was still engaged in carrying out the operation of the business in the Australian State of Victoria on 16 March 2020. | Yes/No |

Source: Department of Jobs, Precincts and Regions

Complexities in the application process

74. When the Fund closed on 1 June 2020, over 95,500 applications had been submitted. The Department told the investigation:
- 78,000 grants were paid to eligible businesses within eight weeks of the Fund closing
 - almost \$795 million was paid to business owners from the Fund
 - 99 per cent of applications were processed by 30 June 2020.
75. A significant number of applications were approved and paid without incident. Complexities in the application and assessment process, however, generated complaints to the Ombudsman with potentially eligible business owners not receiving a grant from the Fund.
76. One business owner told the Ombudsman:
- It has been so stressful constantly trying to follow this up ... I am feeling so upset that during such challenging and stressful times, that my case wasn't taken seriously or followed up considering I meet all of the eligibility criteria.
77. The main issues identified in complaints to the Ombudsman were:
- The Department returning submitted applications to 'draft' to allow business owners to provide additional information. The Department refers to this process as 'returned for revision'. Some business owners:
 - o Uploaded the additional information into the online form but did not navigate through to the end of the form to resubmit. As the form remained in 'draft' it is the Department's position that these applications were incomplete and were therefore not considered for a grant.

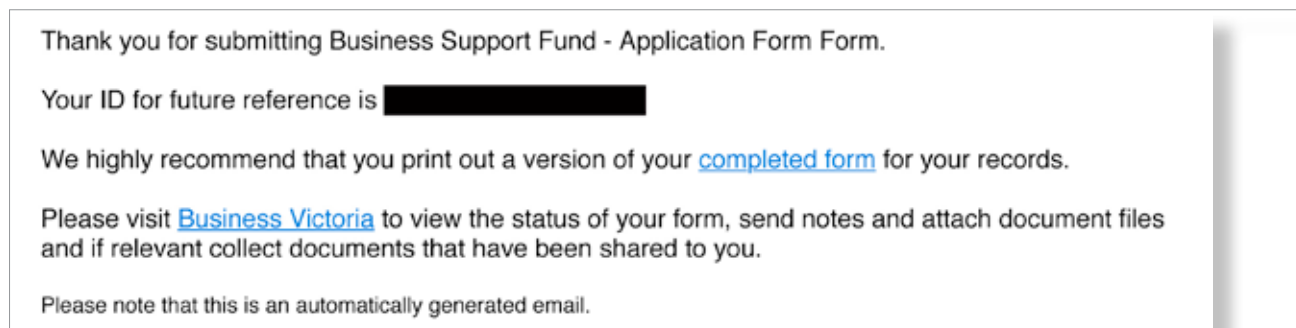
- o Claimed they did not receive email from the Department asking them to provide the additional information.

- Minor typographical errors made when applying which meant emails were not received or business names could not be validated.
- Updates to the online form after the eligibility criteria were expanded led to confusion and meant some business owners did not complete the online form correctly.

Applications returned to 'draft'

78. When a business owner submitted their application, they received a confirmation email, like the one in Figure 3, sent to the email address used to register for the application portal.
79. Some business owners also received a confirmation message in the application portal itself. Figure 4 shows the application portal message.
80. If a business owner did not provide the necessary information when they applied, the Department emailed them requesting further information.
81. The submitted application was then placed back into 'draft' to allow the business owner to add the required information.
82. Figure 5 is an example of an email sent to business owners requesting changes to the BAS.

Figure 3: Email confirming submission



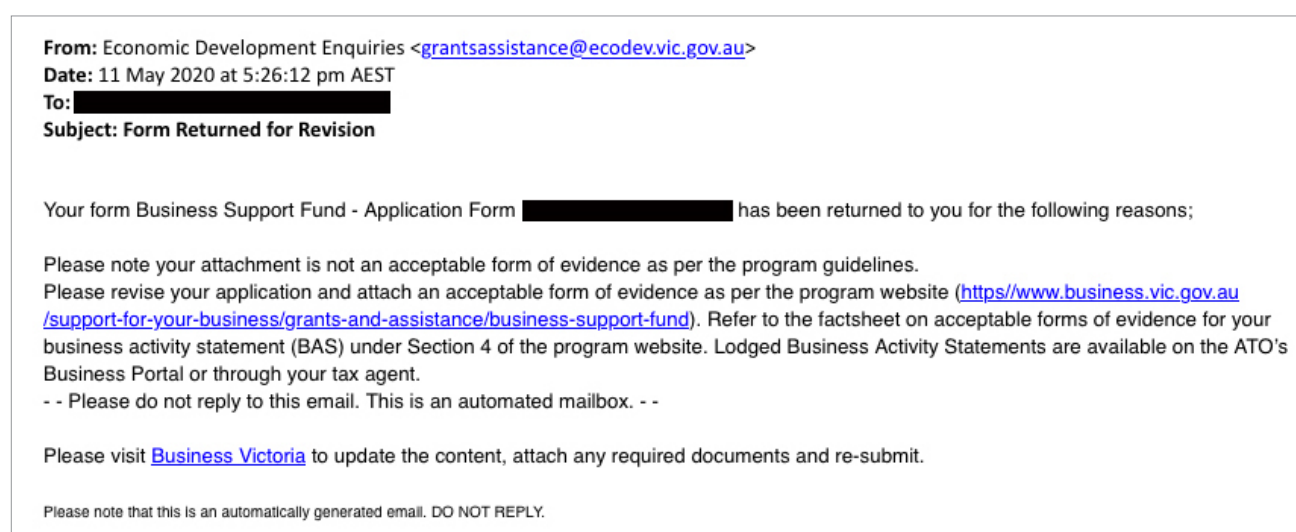
Source: Department of Jobs, Precincts and Regions

Figure 4: Application portal message confirming submission



Source: Complaint to the Ombudsman

Figure 5: Email requesting an updated BAS



Source: Complaint to the Ombudsman

83. Business owners then needed to:
- access their online form
 - upload the required information
 - navigate to the end of the online form and 'submit' their application again.
84. If business owners did not navigate to the end of the online form and press 'submit' again, their application remained in 'draft'. If an application remained in 'draft' after the Fund closed, it was not considered a valid submission and was not assessed.
85. The Department's email did not make it clear that an application had been placed back into 'draft'. The emails advised business owners to 'update the content, attach any required documents and re-submit'. There were no instructions about navigating to the end of the online form to resubmit the entire application.
86. The Department returned one third of all applications to business owners for revision. The Department told the investigation:
- applications were returned for revision 41,178 times, associated with 29,697 unique business owners (some applications were returned to draft multiple times)
 - 18,972 of the 29,697 business owners were ultimately provided with a grant
 - when the Fund closed, 13,393 applications remained in 'draft'
 - 8,990 of those 13,393 applications returned were for revision
 - of the 8,990 applications:
 - o 1,743 were considered duplicates as they were identified as being from business owners who already had a successful application in the system that was being processed.
 - o 1,796 were identified as being from business owners who had duplicate applications in the system, but neither were yet being processed.
87. The Department told the investigation it sent the remaining 5,451 business owners a reminder email before the Fund closed asking them to complete their application and submit it before applications closed.
- Problems encountered by business owners – applications reverting to 'draft'**
88. One hundred and nine business owners complained to the Ombudsman about their applications being returned to 'draft'. Over the course of the investigation, the Department reassessed 26 of these applications.
89. The remaining 83 business owners were denied a grant despite telling the Ombudsman they:
- met all the eligibility criteria
 - successfully submitted an application before it was placed back into 'draft'
 - provided the additional information the Department requested.
90. Complaints showed some business owners had difficulties with the revision process. This primarily related to business owners not realising they needed to resubmit their application after providing the additional information.
91. Observations in complaints to the Ombudsman were similar to those identified by the Department. In July 2020, the Department engaged KPMG to review its complaint handling, and develop a dispute resolution framework for the Fund. The review had two phases:

- developing a framework for resolving 'escalations' (that could not be managed by call centre staff) against key performance indicators and a reporting matrix
- an implementation plan, including the finalisation of 'escalated' disputes.

92. One product of the KPMG review was a 'Customer Journey Map'. It identified that '[t]he application portal can be confusing e.g. the 'save and preview' button may be confused with the subsequent 'save and submit' button'.
93. Department staff observed '[t]he portal does not always clearly show the need to submit additional documentation and only shows the draft nature of the application itself'.
94. A VPS employee who worked on the Fund's administration was interviewed during the investigation. They said while working for the Fund, they observed many cases where business owners had issues with revision requests, particularly where they related to attaching a BAS:

So many people [were] claiming that when they were asked to attach BAS statements, that they believed they'd done it, but there seemed to be an issue where they'd do it, but then their application was left in 'draft' form and therefore never submitted.

...

I kept saying to [management], from the applicant's end, they think it's been submitted, like these people honestly do think it's been submitted. And the argument was that 'Well, it was left in draft form, therefore it was never submitted'. So I can quote here one of the Team Leaders: 'In terms of applications in draft, the principle applied is that we can only reconsider where there has been an error with the application at our end'. That was the response.

95. One business owner told the Ombudsman:

[The Department] claimed I should have resubmitted the application. The email wasn't that clear that the application had to be resubmitted again. Apparently the process is, it is first in 'draft' status then it goes to 'submitted' status where DJPR will assess ... An email saying we now have all the required information please re-submit would have been useful.

96. This business owner expressed his frustration to the Department:

I rang your Department this morning and was very disappointed after speaking to [...] who referred this matter to his Team Leader. This is particularly the case in these trying economic conditions. First I put an application in on 21st April and was further requested to Submit a BAS statement which I promptly did. I was regularly reviewing the Portal and it kept showing a Status of Draft with no updates (Refer attached). I presumed this was a case of slow processing due to the high number of applications and would have expected a message if you required anything additional.

97. Another said:

The process was confusing and the email from [the Department] asked to upload the my [sic] BAS which I did. To simply dis-regard my application because I did not re-submit again after I had already successfully submitted is unfair. And in a time when I am doing everything possible to keep my business afloat until this pandemic finishes I feel my application should be approved. I understand if my application was submitted in the first place then I can accept I missed the cut off. But I did everything possible to try and get this grant.

98. Another business owner expressed their frustration with the Department's communication after their application was returned for revision. They genuinely believed they had submitted it, and even left a note in the application portal after uploading the documents requested. When they contacted the call centre to follow up, they were told their application was 'well progressed', but despite this the Department maintained its decision to reject it because it said it sent them a reminder email. The business owner told the Ombudsman:

I should not be penalized for the failures of a badly designed system that has been poorly administered with an initial denial of a legitimate application without any follow up such as a phone call, email or letter with respect to my application.

I believe I have done everything requested of me with respect to the grant application. I request the person in charge of the small business support fund and the Victoria[n] ombudsman to review my application for the business support fund grant and approve it as I am a genuine business in need and the grant will keep my business running now and into the future.

99. In another complaint to the Ombudsman, Case study 1: Leanne, the Department sent a revision request to a business owner but did not specify a date for them to upload the additional information.
100. In Case study 2: Samiye, a business owner received a revision request and submitted a second application with the requested information rather than resubmitting her original application. The Department rejected the second application because it considered it a duplicate.



Case study 1: Leanne

Leanne owns a hair salon which she had to close because of the shutdown restrictions. Leanne said she was not 'tech-savvy' and wanted to get her accountant to apply on her behalf, but he was too busy at the time, so she decided to apply herself. Leanne applied to the Fund on 22 May 2020.

The Department emailed Leanne three days later saying her application had been returned for revision as only one page of the BAS she had attached was visible. The email, however, did not contain a due date for the resubmission and Leanne did not hear anything further from the Department.

Leanne said she contacted the call centre after the Fund closed to get help uploading the BAS. She said she was told her application was in 'draft' and that she needed to upload her BAS statement by 9 June 2020 for her application to be considered. As this date had passed, her application was not considered. Leanne does not recall the date of this call and the Department has no call logs.

On 2 July 2020, Leanne forwarded the 25 May 2020 email to her accountant. On 3 July 2020, Leanne's accountant contacted the call centre for advice and was also told the documents needed to be uploaded by 9 June 2020 and that the only way to get the case reviewed was to call the Ombudsman. The Ombudsman made enquiries with the Department and it agreed to reassess her application, admitting it did not send her a reminder email about her application remaining in 'draft' prior to the Fund closing.



See Leanne's story online



Case study 2: Samiye

Samiye runs a textile/manufacturing business which was affected by the impact of the shutdown restrictions on her suppliers. Samiye applied to the Fund on 29 May 2020.

The Department put Samiye's application back into 'draft' and contacted her on 1 June 2020 asking for a revised BAS and giving a deadline of 5pm on 9 June 2020.

The Department emailed Samiye again on the same day, reminding her that her application was in 'draft' and that she needed to resubmit it with the requested BAS attached before 9 June 2020.

Samiye was confused about the need to resubmit the same application so she submitted a second application at 4:56pm on 9 June 2020. The Department considered this a new application to which the extended deadline did not apply and rejected it because Samiye submitted it after the original deadline of 1 June 2020.

Samiye complained to the Ombudsman as she believed she had submitted everything required by the deadline.

The Ombudsman made enquiries about Samiye's complaint and the Department agreed to assess her second application, deciding it was wrong to reject it as a new application.

The reminder email

101. Ninety-two business owners told the Ombudsman they did not receive an email reminding them to submit their application or believed they had done everything required to be eligible for the grant after providing additional information.

102. One business owner said:

Notification was not received with regards to my application being changed back to 'draft' status by Business Victoria. My inbox has never been full, my email address on my application was correct. There is nothing from Business Victoria in my junk or SPAM folders. I received no phone calls or text messages.

In an earlier phone conversation with Business Victoria ... the service agent advised they were aware of an internal error that had resulted in submissions being changed back to a 'draft' status without applicants being notified.

As this communication error lies with Business Victoria, the fund surely needs to be reopened to allow this critical payment to be paid to the qualified business's [sic] it promised to support; business' [sic] who submitted their applications in good faith, and in order to survive, prior to the cut-off date of 1 June 2020.

Business Victoria needs to be held accountable for their failings.

103. Figure 6 is a an example of a template reminder email sent to business owners.

Figure 6: Template reminder email sent to business owners whose applications remained in 'draft'

Subject: Update and submit your application before 11.59pm on Monday, 1 June to be assessed for a Business Support Fund grant

Dear

Your application (**BSF application no.**) is awaiting further input from you.

Recently we contacted you regarding your application and asked for specific actions to be undertaken to enable us to assess your eligibility for a \$10,000 Business Support Fund grant.

Our records show that your application has not been updated since that last correspondence and remains in draft. Please complete the requested action and submit your updated application **as soon as possible before the program closes on 1 June 2020.**

Please also note that the Business Support Fund was expanded on 1 May 2020 to include businesses who are participating in the Commonwealth Government's JobKeeper program (except non-employing sole traders) regardless of the sector in which they operate.

All applicants remain subject to the standard eligibility criteria of the grant, which include employing people, having a turnover of more than \$75,000 and having payroll of less than \$650,000. Details about the expanded Business Support Fund program are available on the [Business Victoria website](#).

If you require further assistance, please contact the Business Victoria customer support team at info@business.vic.gov.au or call 13 22 15.

Sincerely,

The Business Victoria team

Source: Department of Jobs, Precincts and Regions

104. The reminder email could have been confusing for business owners:

- It refers to the application not having been updated although the business owner had uploaded new documents/information as requested.
- It asks the business owner to submit the application when they had previously done so, and they had received confirmation.

105. Figure 7 is an email the Department sent to a business owner who made a mistake entering his email address in the online form, meaning he did not receive the reminder email. The Department told him it had no control over this issue.

Figure 7: Email sent to a business owner

On 15 Sep 2020, at 11:08 am, Program Centre (DJPR) <Program.Centre@ecodev.vic.gov.au> wrote:

Hi [REDACTED]

Please find attached the email regarding your Business Support Fund Application, as discussed on our telephone call. Once email notifications leave our system, we are not able to control how they are treated or received by the recipient's email client.

It seems that, in this instance, there was a small typographical error that you made in your original application, which resulted in your not receiving the correspondence. Please see attached screenshots that display this error.

Unfortunately we have no control over this issue that has resulted in you not receiving it.

As the fund is now closed we can not accept any adjustments to applications.

On 10 July 2020, Government announced an expansion of the Business Support Fund providing \$10,000 grants to eligible businesses within metropolitan Melbourne and Mitchell Shire that are affected by the return to Stay at Home restrictions. This program is in addition to the first round of the Business Support Fund, which closed on 1 June 2020. Information about the [Business Support Fund Expansion program](#) can be found on the Business Victoria website.

Regards,

The team at Business Victoria

[Business.vic.gov.au](https://business.vic.gov.au)

Source: Complaint to the Ombudsman

106. The following case study is another example of a business owner whose application was not assessed because it was in 'draft' when the Fund closed. He provided information the Department requested but failed to resubmit his application. He said he found the process confusing.



Case study 3: Dominik*

Dominik owns a sustainable homewares business, which he said was struggling to pay rent and meet business expenses because of the shutdown restrictions. He was doing everything he could to keep his business afloat but was struggling with mounting debt. Dominik applied to the fund on 21 April 2020.

Later the same day, the Department asked Dominik to provide an acceptable BAS proving lodgement with the ATO, which he did as soon as it became available. A few days before the Fund closed, the Department emailed Dominik reminding him to resubmit his application, but Dominik said he did not receive this email.

In June and July 2020, Dominik contacted the call centre to check the status of his application. On each occasion, he was told his application was 'under review'. When Dominik checked the application portal, he noticed his application was in 'draft' so contacted the Department again.

The Department said it had not received his application and asked him to confirm its status was 'submitted'. As the status did not reflect this, Dominik asked the Department to take his case into 'special consideration'. He said:

Thank you for your email. Please note it is still showing draft. However I did called [sic] twice and both staff advised it was still in review. The first time I submitted you asked for BAS which I uploaded. I then followed up and was advised it was still in review.

I assumed draft meant you were still reviewing it. None of the colleagues I spoke to advised it was not submitted. They just kept saying it was in review.

In late July 2020, Dominik said the Department told him his application was rejected because it was in 'draft' when the Fund closed.

The Ombudsman tried to resolve Dominik's complaint with the Department, but was unable to.

Unresolved complaints

107. One hundred and twenty-seven business owners who complained to the Ombudsman were denied a grant because their application remained in 'draft' when the Fund closed, despite their telling the Ombudsman they met the eligibility criteria.
108. On 8 October 2020, the investigation proposed that the Department reconsider these applications and invite business owners to apply for Stream Two, if necessary.
109. The Department did not accept the proposal, stating that it sent reminder emails before the Fund closed to business owners whose applications remained in 'draft'.
110. The Department told the investigation (and business owners) it is not responsible for what happens to emails once they leave its system and cannot be held accountable for issues with business owners' email servers which may send the emails to 'junk' or stop them being delivered.
111. An example of an email sent to a business owner denying responsibility for emails once they leave its system, is below at Figure 8.

Figure 8: Email sent to a business owner

From: "Program Centre (DJPR)" <Program.Centre@ecodev.vic.gov.au>
Date: 26 October 2020 at 3:02:23 pm AEDT
To: [REDACTED]
Subject: Fw: Invitation for your business [REDACTED] to be considered under Stream Two of the Business Support Fund

Hi [REDACTED]

Please find attached below the email regarding your Business Support Fund Application.

Once email notifications leave our system, we are not able to control how they are treated or received by the recipient's email client.

For instance, you would not have received it if you had entered your email address incorrectly, it may have gone to your junk or spam folder, bounced from your system if your inbox was full, or may not have been received if there was an issue with your system on that day. What we can confirm is that the email was definitely sent 28/5, and unfortunately we have no control over those other factors at your end that may have resulted in you not receiving it.

As the fund is now closed we can not accept any adjustments to applications.

Source: Complaint to the Ombudsman

112. The Department told the investigation:

From a fairness perspective, it is important to note that reasonable attempts were made on multiple occasions by the Department to contact all applicants who had applications in draft before the program closed to advise them that their application was still in draft and needed to be submitted prior to the close of the program.

Further, making payments to applicants who did not complete the application process would be inconsistent with the Department's financial accountability obligations.

113. When asked to expand on its financial accountability obligations, the Department said:

[A]pplications need to be submitted by an authorised person who attests that all information provided in the application is accurate and complete. DJPR cannot accurately assess applications where this attestation and the verification by the applicant that information is true and correct has not been made.

In addition, assessing applications that were not submitted within the program's timeframe creates a challenging probity precedent. In such cases any potential applicant could claim eligibility regardless of submitting a full and attested application after the closing of a program and creates an unfair advantage for a small group of applicants.

Minor typographical errors

114. Some business owners reported they accidentally made a typographical error when completing their application, which resulted in their being denied a grant for which they were otherwise eligible.

115. One business said:

In the context of the stress and anxiety brought on by COVID-19 completely destroying our business, it is quite clear that the spelling of our email address [incorrectly] was an innocent mistake. Our email address was written correctly in 2 out of the 3 places where it was required, however, the Department utilised the one section where our email address had a 1 letter-spelling mistake.

...

It is not reasonable or fair, that a 1-letter mistake in an email address should be used as justification to deny a grant payment to which the Department admits we are eligible for.

Errors entering email addresses

116. The Ombudsman received 16 complaints about minor errors when entering email addresses. This meant the business owner did not receive subsequent communication from the Department about their application.

117. This was particularly critical where the Department had sent business owners emails which required action before the Fund closed, including:

- revision requests
- invitations to apply for Stream Two and to provide their JobKeeper details.

118. When the Ombudsman brought this to the Department's attention, the Department maintained its decision to reject these 16 applications despite the business owners' honest mistakes.
119. Late in the investigation, on 10 February 2021, the Department confirmed it will review these complaints and reassess them on a case-by-case basis.
120. One business owner told the Ombudsman they did not receive these emails because of a one letter mistake in their email address, and expressed their frustration at the inconsistent advice received from the Department:
- In the last 6 months we have gone from being told to wait for an answer, to being told we were ineligible, to being told we may have actually been eligible but we didn't respond to emails (which we never received), to complete silence from the business area, to being told that even though we were eligible for the funding – because of a 1-letter mistake in our email address – we had been rejected.
121. In the following case study a business owner accidentally misspelt their email address in the online form. This meant he did not receive subsequent correspondence from the Department and missed the chance to have his application considered under Stream Two.



Case study 4: Kumar*

Kumar owns an electrical company. When he applied to the Fund on 24 April 2020, he made a minor typographical error entering his email address in the online form.

This meant he did not receive subsequent emails from the Department, including an invitation to apply for a grant under Stream Two and the subsequent reminder email.

After not hearing from the Department, Kumar contacted the call centre. When he complained to the Ombudsman later that day, he said:

I just got off the phone with one of the girls from [the call centre] and she pointed me to your direction, I had accidentally made a mistake on the email address so I didn't receive any emails regarding my application. I just wanted to check if I had to alter anything in order to have this processed.

The Department declined Kumar's application under Stream One because his business did not fall within one of the specified industries, but as he was receiving JobKeeper he was eligible to apply under Stream Two.

The Ombudsman made enquiries with the Department about Kumar's case and it agreed to reassess and ultimately approved his application under Stream Two.

122. In the case study below, a business owner incorrectly entered his email address in the online form. Despite contacting the call centre on multiple occasions, this error was not identified until after the Fund had closed and he was denied the grant.



Case study 5: Henry*

Henry and his wife own an early learning centre and applied to the Fund on 1 April 2020. After not hearing from the Department for an extended period, Henry said he contacted the call centre and was told the last few applications were being finalised and that he should receive an outcome within a few weeks.

In July 2020, the Department told Henry his application had been rejected because his business did not fall within one of the sectors originally targeted by Stream One of the Fund.

The Department said it sent two emails in May 2020 inviting Henry to provide his JobKeeper details to have his application assessed under Stream Two, but Henry said he never received these emails and that this information was 'a shock' to him.

After escalating his concerns within the Department, Henry said he was told further investigations revealed his email address was misspelt in his application (@optunset.com.au instead of @optusnet.com.au).

Henry queried why these emails did not 'bounce back', and the Department said it had used a 'no bounce back' email system for the Fund. The investigation confirmed this, and notes the Department has made changes for subsequent grant programs to enable business owners' email addresses to be verified.

After unsuccessfully trying to get the Department to reassess his application, Henry complained to the Ombudsman. The Department ultimately changed its position regarding applications it rejected due to minor typographical errors and overturned this decision. Henry's application was approved.

Errors entering other information in the online form

123. The investigation also reviewed cases where business owners had made minor errors entering business names. This meant the Department was unable to assess ABNs correctly and applications were rejected.
124. Under the business name field on the online form, the Department provided an instruction: '[p]lease ensure the business name listed here matches your ASIC, ACNC or CAV-registered name'. The business name validation process required the details entered on the online form to be an exact match with the relevant regulator's records.
125. In the following case study, a business owner entered their business name as a single word in the online form, instead of their full registered business name which was three words. The Department declined their application as a result.



Case study 6: Adesh*

Adesh's restaurant trade was severely impacted by the shutdown restrictions. He applied to the Fund on the day it opened.

When completing the online form, Adesh entered his business name as one word instead of the full registered business name which was three words (i.e. CurryHut instead of Curry Hut Group).

Despite entering other details for the business correctly, such as the registered address, the Department rejected Adesh's application because the business name he entered was not registered with ASIC and it was unable to validate it.

Adesh said he was surprised his application was rejected and that he had called the Department 'multiple times to resolve the matter but nothing ha[d] been done'.

Adesh did not realise he had not entered the full business name and did not understand why his application had been rejected.

The Ombudsman made enquiries with the Department about Adesh's case and it agreed to reassess, and subsequently approved, his application.

126. In the case study below, a business owner's application was rejected as the ABN he listed was linked to a family trust. The trust had two businesses associated with it and he entered the wrong one.



Case study 7: Thomas*

Thomas runs a small business specialising in graphics and signage which has been operating for over 20 years. He applied to the Fund on 13 May 2020. The Department emailed Thomas on 15 May 2020 telling him his application was ineligible as his business name was not registered with ASIC.

With his accountant, Thomas realised he had entered the incorrect business name in the Business Name field in the online form. Thomas told the Ombudsman his ABN was linked to a family trust which is associated with two businesses. The first business' name was registered with ASIC and the second business had a cancelled business name.

Thomas noticed the correct business name had been listed under the Name of Trustee field and was also in the BAS, but the Department had not picked this up. Thomas's accountant applied again on 20 May 2020 after the errors in the first application had been addressed. Despite acknowledging receipt of this application, the Department did not process it as it was considered a duplicate.

Thomas said he contacted the call centre several times to check on his application. He said he was continually advised his application had been received and that once it had been assessed, someone would contact him.

The Department does not have logs of these calls. The Department did not get back to Thomas until after the program had closed. He said he was told it was too late to make any changes and that his second application could not be considered. He was referred to the Ombudsman and told that the Department had disbanded its escalations team.

Thomas was worried about his business' solvency:

We are desperate for the funds to keep our business afloat. Our accountant has informed us that there have been several of their clients who have applied after the 20 May, which have not received the 10k funds. We cannot understand why we have not received our funds. Can you please help us as we cannot survive without the cash injection.

The Department agreed to reassess and ultimately approved the application, after the Ombudsman made enquiries.

Unresolved complaints

127. Twenty-eight business owners who complained to the Ombudsman were denied a grant because of minor keystroke errors in their application.
128. On 8 October 2020, the investigation proposed the Department reconsider these applications and invite business owners to apply for Stream Two, if necessary. A month later, the Department agreed with the proposal, saying this aligned with processes which had been introduced for subsequent funds.
129. On 2 November 2020, the Department agreed with the proposal, saying this aligned with processes which had been introduced for subsequent funds.
130. However, the Department did not take any action on the proposal until 10 February 2021, and the Ombudsman continued to receive complaints from business owners whose applications were rejected because of minor typographical errors.
131. In between times, the investigation informed these business owners that the Ombudsman was unable to informally resolve their complaints with the Department.
132. Responding to a version of the Ombudsman's draft report, the Department stated:

We acknowledge that applicants who initially made keystroke errors when entering their email addresses did not receive these or subsequent notifications from us. The Department agreed to reassess these applications and has proactively contacted applicants to resolve these issues.

ASIC registration requirements

133. The *Commonwealth Grants Rules and Guidelines* (2017) state:

grant agreements are an opportunity to clearly document the expectations of all parties in relation to the grant ... [b]oth officials and grantees should clearly understand conditions in the grant agreement.

134. While the requirement to be registered with a relevant regulator is not unreasonable, many business owners had already started their applications and were not aware of the update to the Guidelines on 15 April 2020 which added a definition of 'business'.



Explainer

What registrations did a business need to be eligible for a grant from 15 April 2020?

ABN Registration

The Guidelines required small businesses to be registered for an ABN and to have held that ABN on 16 March 2020 (the date a State of Emergency was declared).

ASIC registration, or registration with another regulator

The Guidelines further state:

Businesses are those entities where a business name is registered with the Australian Securities and Investment Commission (ASIC). In the case of a charity, it is registered with the Australian Charities and Not-for-profits Commission (ACNC); incorporated associations are registered with Consumers Affairs Victoria (CAV); and sole traders are identified by ABN registration. Note that any adverse findings against a business will be taken into consideration.

ASIC maintains a business name register pursuant to section 22 of the *Business Name Registration Act 2011* (Cth). It is an offence under section 18 of the Business Name Registration Act for an entity to carry on a business without a registered business name unless one of the exemptions listed in that section applied. This includes situations where the entity is an individual, is a corporation or is registered in another state.

135. The Department told the investigation it was guided by the definition of a business in the *Business Name Registration Act 2011* (Cth). Where a business was not registered correctly it was, in the Department's view, carrying on a business unlawfully and should not be eligible for the Fund.
136. The Department told the investigation 343 business owners applied before 15 April 2020 and were rejected as their businesses did not meet the eligibility criteria.
137. The Ombudsman received 98 complaints from business owners who had been deemed ineligible for the grant because their business name was not registered with ASIC on 16 March 2020.
138. In one complaint, the Department had incorrectly assessed a business owner as ineligible due to not being registered with ASIC, when they were exempt from registration. This is discussed in case study 9.
139. Two categories of complaints related to registration with ASIC:
- Businesses that were not registered with ASIC on 16 March 2020 because:
 - o the business name was never registered
 - o the business name had been cancelled.
 - Businesses that were not registered with ASIC on 16 March 2020 because their registration had lapsed.
140. ASIC told the investigation that if a business name had never been registered or had been cancelled, ASIC would register or re-register that business name from the date the business owner contacted ASIC. However, if a business name registration had lapsed but not yet been cancelled, it would backdate the registration to the previous registration expiry date.
141. The Department advised the investigation it would not approve applications for businesses never registered with ASIC or the relevant regulator. The investigation agreed this approach was not unreasonable.
142. The investigation proposed that business owners who had rectified and backdated a lapsed registration should have their application reassessed.
143. The Department agreed, but said the onus was on the business owner to approach the Department once they had fixed the lapsed registration, before it would reassess the application.

144. In the case study below, a business owner waited over six months to receive the grant after renewing her lapsed registration, having initially been rejected.



Case study 8: Kirra*

Kirra runs a family winery business which suffered because of the impact on restaurant trade in Melbourne, and the delays overseas exports experienced in 2020. The Department rejected Kirra's application on 20 May 2020 because her business name was not registered with ASIC.

Kirra realised her business name had lapsed due to an administrative error – the renewal notice had been sent to an old email address. She promptly contacted ASIC on 21 May 2020 which confirmed it would restore the business name immediately upon payment of the renewal fee, as it had lapsed but had not yet been cancelled.

Kirra reapplied to the Fund on 23 May 2020, including documents showing she had successfully renewed her business name. The Department did not respond to her despite repeated calls in July and August 2020.

On 6 August 2020, Kirra said she was told her second application was unsuccessful due to 'failed eligibility'. She said the call centre agent was unable to explain what that meant or whether the Department had run another risk assessment. Kirra requested a review, but received no response, so complained to the Ombudsman.

As Kirra had asked the Department to review its decision, the Ombudsman determined it was appropriate for the Department to do so first. On 22 September 2020, as the Department had not reviewed its decision, Kirra returned to the Ombudsman.

Once the Ombudsman made enquiries with the Department, it ultimately approved her application on 1 December 2020, six months after the Fund had closed.

Unusual business structures

145. The online form confused some whose businesses were not structured as ordinary trading companies, or which were registered with a regulator other than ASIC. These included businesses that:
- were exempt from the requirement to have a registered business name
 - had a trust as a business name
 - could not demonstrate a clear connection between the business name and their ABN.
146. The Ombudsman received 18 complaints from business owners whose businesses would otherwise have been eligible for the Fund, but which were assessed as unsuccessful because of the way the Department viewed their structure.
147. Problems arose because the details of these business structures did not clearly fit into the fields available on the online form. This made it difficult for the Department to verify information.

148. In the case study below, a business owner was denied a grant because their business name was entered incorrectly on the online form. In their case, a trust was established as their business' main trading entity and was managed by a separate company acting as trustee. This company was registered with ASIC while the trust was not.



Case study 9: Vlado*

Vlado runs a commercial furniture retailer that relies heavily on orders placed by businesses looking to fit out their offices. He said his sales were impacted by businesses closing, remote working and delayed office openings. On 21 May 2020, Vlado's accountant applied to the Fund on his behalf.

The main trading entity for Vlado's business is a trust managed by a separate company acting as corporate trustee. The corporate trustee company is registered with ASIC, and the trust is not. Vlado's accountant mistakenly entered the trust name instead of the trustee company in the online form.

After applying, both Vlado and his accountant contacted the call centre regularly through June and July 2020 to request an update. They said they were told each time that the matter had been escalated and that they would receive a call back, which did not occur.

On 21 July 2020, Vlado was told his application was rejected because his business name was not registered with ASIC. The Department's call log says:

So the trading entity is "office plan trust" and the trustee company is "office plan interior" which is a dormant entity. The trust name is on the application and does not match the registered name with ASIC so might've been the issue.

Vlado emailed the Department repeatedly in September 2020 to explain the issue. In one email he said:

We strongly feel declining the grant on grounds of an entry error is a very hard punishment and somewhat unjust. If we legitimately registered, evidence is supplied, and have satisfied all criteria then why are we ineligible?

We respectfully ask the person who reads this email to please simply look into our escalation case and relays to management to provide us a clear / final answer. We applied in May and have been left in the lurch for 4 months now.

Vlado said he did not receive a response to these emails. When he complained to the Ombudsman, Vlado pointed out that he had successfully applied to the Business Support Fund – Expansion in August 2020 using the name of the trustee company and the ABN of the trust.

The Ombudsman tried to resolve Vlado's case with the Department, but it maintained its decision to deny Vlado's application.

149. Some business owners were not required to have a registered business name and told the investigation the Department had incorrectly assessed them as ineligible.
150. The following case study is an example of a business owner who was initially unsuccessful because of an unusual business structure. This business was not required to have a business name registered with ASIC as it was registered with another regulator.



Case study 10: John

John is the Treasurer of St Matthews Panton Hill with the St Andrews Anglican Church. The shutdown restrictions meant the church could not host public worship or hire its facilities to the public.

The Department rejected John's initial application as the business name was not registered with ASIC. So, on 25 May 2020, John applied again. The Department's initial review shows this second application was cancelled as a duplicate and states that the Department did not email John telling him this.

John said he contacted the call centre on 1 July 2020 after seeing his application remained 'submitted' in the application portal. John said he was told the Department was no longer providing status updates on individual applications as it was 'too time consuming'. That same day, John complained to the Ombudsman.

The Ombudsman found John's church was not registered with ASIC as it is governed by the ACNC. The Ombudsman brought this to the Department's attention and asked it to confirm if an ACNC check was done.

The Department agreed to reassess John's case. On 3 February 2021, almost eight months after he first applied, John's application was approved.

151. In a meeting between the investigation and the Department on 13 January 2021, the Department agreed to reassess applications from businesses with exemptions from ASIC registration, on a case-by-case basis.
152. On 9 February 2021, the Department told the investigation if business owners applied with their trust ABN and a business name and/or ACN registered with ASIC, it would assess their applications when it could confirm the entities were linked. The Department said it would seek further information from business owners in cases referred by the Ombudsman or if the business owner complained by contacting the call centre.
153. The Ombudsman referred 72 cases to the Department where business owners had been rejected because of complexities related to ASIC registration. The Department told the investigation it:
- reassessed seven after further evidence was provided
 - approved 25 applications
 - maintained its decision to reject one application
 - was unable to contact 39 business owners but remains open to reassessing their applications if further information is provided.

154. Responding to a version of the Ombudsman's draft report, the Department stated:

[I]n assessing BSF applications for businesses operating under a trust structure, it is the Department's policy to accept applicants who applied with their trust ABN and provided a business name and/or ACN that were registered with ASIC prior to, or on 16 March 2020. After identifying in-program that some applicants inadvertently applied using the incorrect business name (such as a trustee name), we implemented a remediation path and have endeavoured to work directly with impacted applicants to resolve this issue.

Throughout the investigation your Office has escalated 72 cases linked to this assessment process for our further review. The Department has contacted each one of these cases to request further evidence to assess their application. Of those, seven have provided further evidence and been reassessed – 25 received a successful outcome and one remained unsuccessful.

The remaining 39 have been contacted several times, with their complaints fully investigated and found ineligible based on the evidence provided. Should any additional evidence be provided to establish a link between the two company structures, the Department will reassess their applications accordingly.

Update to online form during application process

155. On 1 May 2020, the Victorian Government announced the Fund's eligibility criteria would be expanded to include businesses participating in the Commonwealth Government's JobKeeper program, regardless of the sector they operated in.
156. On 12 May 2020, a question was added to the online form regarding a business' participation in the JobKeeper program.
157. As applications to the Fund opened on 30 March 2020, the online form was updated during an already 'live' application process, with some business owners already part way through filling out the form.
158. As part of the update, the Department added a section to the online form under the heading 'Stream Two – Application'. An extract is following at Figure 9.
159. The Department told the investigation it emailed 22,405 business owners on 12 May 2020 who were ineligible under Stream One as they operated in a sector that was not initially targeted to apply for Stream Two.
160. Attached to this email was a JobKeeper Enrolment Declaration form which business owners were required to complete and submit via a link in the email to be considered for a grant under Stream Two. An example is following at Figure 10.
161. The Department said it also sent a reminder email on 20 May 2020 to over 8,000 business owners who had not responded to the 12 May 2020 email.

Figure 9: Extract of section added to the online form on 12 May 2020

Stream 2 - Application

In the event that your business is found to be in an industry sector that is not eligible for support under Stream 1, you may request to be considered under Stream 2. If you wish to be considered under Stream 2, select yes to Q7 and you will be prompted to provide your Jobkeeper Enrolment Receipt Number (ATO Receipt ID number). Note that only 1 grant is available per application.

Source: Department of Jobs, Precincts and Regions

Figure 10: Example of email sent to a business owner inviting them to apply for Stream Two

To: [REDACTED]
From: "Program Centre" program.centre@ecodev.vic.gov.au
Subject: Your business [REDACTED] may be eligible for a grant under Stream Two of the Business Support Fund
Body:

Dear [REDACTED]

Recently we wrote to inform you that your application for a \$10,000 grant had been found to be ineligible due to your Australian Business Number (ABN) Registration indicating an industry classification which does not meet the Business Support Fund's eligibility requirements.

On 1 May 2020, the Victorian Government announced (<https://www.premier.vic.gov.au/supporting-more-victorian-businesses-doing-it-tough/>) that the Business Support Fund will be expanded to include businesses who are participating in the Commonwealth Government's JobKeeper (<https://www.ato.gov.au/general/gen/JobKeeper-payment>) program (except non-employing sole traders) regardless of the sector they operate in.

We are now inviting previously ineligible applicants who are enrolled in the JobKeeper program to provide additional information that will enable us to assess their eligibility for this new stream of the Business Support Fund.

The updated program guidelines (https://www.business.vic.gov.au/_data/assets/word_doc/0011/1900568/Business-Support-Fund-guidelines.docx) provides details on the eligibility criteria for the new JobKeeper stream (Stream Two). Please read these carefully.

If you believe your business meets the eligibility criteria, please submit a completed JobKeeper Enrolment Declaration (<https://businessvic.secure.force.com/PublicForm?id=bsf2020jk>) form as soon as possible.

Ensure that your ABN, business name and BSF Reference number below are confirmed in your submitted declaration.

ABN: [REDACTED]
Business name: [REDACTED]
BSF Reference number: [REDACTED]

Please also note that this invitation is solely for the business identified by the ABN stated in this email.

Applicants will be notified of the outcome of their application within five business days of receiving your completed JobKeeper Enrolment Declaration form.

If you require further assistance, please contact the Business Victoria customer support team at info@business.vic.gov.au (<mailto:info@business.vic.gov.au>) or call 13 22 15.

Sincerely,
The Business Victoria team

Source: Complaint to the Ombudsman

162. Despite the reminder email, complaints to the Ombudsman showed some business owners were unaware:
- the online form had been updated, or
 - the eligibility criteria had been expanded.
163. This meant they did not provide their JobKeeper information and/or did not select the option in the online form for their application to be considered under Stream Two.
164. This related to business owners who:
- started their application prior to but submitted it after 12 May 2020
 - submitted their application prior to but received a revision request after 12 May 2020.
165. These business owners did not receive the 12 May 2020 email, or the 20 May 2020 reminder email.
166. They may have been ineligible for Stream One but eligible for Stream Two; but because of the confusion caused by the update to the online form and because they did not receive an email inviting them to apply, they did not have the opportunity to apply for Stream Two.
167. One business owner told the Ombudsman:
- I am really disappointed as the point of the ... [Fund] was to help businesses but instead we missed out on the money due to their wrong advice. If I had reapplied like I wanted to – we would have been fine. I trusted their advice and in doing so – missed the grant.
168. If business owners had started their application before the online form was updated, the Department considered it the business owners' responsibility to check the form for any updates and to complete the Stream Two section if applicable, before they pressed 'submit'. There was no warning at the end of the online form about the update.
169. The investigation reviewed an internal departmental email sent on 14 August 2020 about the update to a range of staff working for the Fund.
170. The email said '[a]nyone applying/ resubmitting on 12 May and onwards were required to input their JK [JobKeeper] details by themselves in Q 7'. The email further stated these people were never sent an email about the introduction of Stream Two because:
- [I]t was perceived that ... [they] were in the application form and should have seen the introduction of Q7 – on the consumer law principle Let the Buyer Beware. These people would have not got a reminder either as they have finalised their application through either submitting or resubmitting.
171. The application portal did not include a warning to business owners to check their 'junk' inboxes for emails from the Department.
172. At interview, a VPS employee who worked on the Fund's administration, said they observed a common problem with applications submitted shortly after the expanded eligibility criteria was announced:
- [W]hat I was finding in the calls was people had no idea that this [the update to the form] had happened ... anyone who had already started the application wasn't advised, because it was just assumed that because the system updated, it was up to people to literally discover that themselves.
173. The Department told the investigation it conducted a broad marketing campaign about the introduction of Stream Two, including in the media, on social media and with relevant industry associations.

174. In the case study below, a business owner started their application in late April 2020 but submitted it on 13 May 2020 – one day after the online form was updated. They were unaware it had been updated with the additional section, so did not provide their JobKeeper details.



Case study 11: Christopher*

Christopher owns a dental clinic and started an application on 29 April 2020. He submitted it on 13 May 2020, one day after the Department updated its online form.

Because he did not submit his application by 12 May 2020 when the form was updated, Christopher was not invited to provide his JobKeeper details and have his application assessed under Stream Two. As he was reportedly part way through filling out the online form when it was updated, he was unaware the additional section had been added. The Department did not assess Christopher's application under Stream Two.

On 12 June 2020, the Department told Christopher his application was ineligible because his ABN showed his business was not in an industry targeted under Stream One.

Christopher said when he contacted the Department on 15 June 2020, he was told his application was started before Stream Two was open, so he was only assessed under Stream One. Christopher said he was told about the Department's email invitation for Stream Two and that his case would be escalated.

Christopher said he contacted the call centre on 23 June 2020 and was told his application was still being processed but that he should receive a call in the next two days with an update.

Christopher said he did not receive this call, so followed up again and was told the team processing applications to the Fund had closed and that there was no one he could speak to. Christopher said he was told his only option was to contact the Ombudsman, which he did that same day.

Christopher said he missed a call from the Department on 4 August 2020. According to his notes, Christopher said he tried to call back on 5 August 2020 and waited on hold for over an hour. He said he tried calling again on 6 August 2020 but was on hold for 75 minutes. Christopher said the Department then called him on 10 August 2020 and again told him his case was being escalated.

After the Ombudsman made enquiries about Christopher's case, it agreed to reassess and ultimately approved his application. Christopher received the grant on 15 January 2021.

175. In another case, an accountant applied to the Fund on behalf of a client shortly before the Department updated the online form. She tried to follow up to provide her client's JobKeeper details and ensure the application was assessed under Stream Two.



Case study 12: Sally*

Sally is an accountant who applied on her client's behalf; a business owner who operates an earthmoving business. Sally applied to the Fund on 12 May 2020, the same day the online form was updated. Sally said when she completed the online form, there was no option to provide her client's JobKeeper details or request that the application be assessed under Stream Two.

Sally said when she contacted the call centre, she was told she did not need to reapply, and that she would receive an email requesting the JobKeeper information. Sally said she did not receive this email and the Department rejected the application on 11 June 2020. Sally said she contacted the call centre again on 14 June 2020 and was told 'there was nothing [they] could do but they would escalate it'. When she did not hear back from the Department, Sally called again on 7 July 2020 and was told the team dealing with escalations 'no longer existed'.

After the Ombudsman made enquiries about Sally's case, the Department reassessed it, but maintained its decision to reject the application as it said it emailed Sally inviting her to apply for Stream Two.

Resolving complaints

176. On 8 October 2020, trying to informally resolve these complaints with the Department, the investigation proposed that the Department obtain the JobKeeper information and reassess these applications.
177. An Executive Director at the Department said the Department would:
- work to identify the number of applicants whose application form was in draft the date when the second stream (JobKeeper stream) of the BSF1 [Business Support Fund 1] went live, that were subsequently assessed as 'industry-ineligible' but did not apply for the JobKeeper stream.
178. The Department subsequently confirmed it would invite all these business owners to provide their JobKeeper information and have their application assessed under Stream Two. The Department subsequently contacted 41 business owners for their JobKeeper information and reassessed their applications.

JobKeeper information provided in the wrong format

179. One hundred and twenty-seven business owners who complained to the Ombudsman had their applications rejected because they did not provide their JobKeeper details before the Fund closed and were therefore not considered for Stream Two.
180. Complaints to the Ombudsman highlighted cases where applications were declined because a business owner did not provide their JobKeeper information in the format specified by the Department. This included cases where business owners:
- responded to the email inviting them to apply under Stream Two instead of clicking the embedded link
 - added their JobKeeper information to the application portal without completing the required declaration.
181. As one business owner said:
- Due to Covid I was not able to work as a domestic electrician, only able to do emergency work ... I am on job keeper and to be told I did not get the \$10000 grant because the wrong form (which was the only one available at the time) was filled in seems very wrong.
182. In the following case study, a business owner provided their JobKeeper details by responding to the email inviting them to apply to Stream Two. The Department rejected their application as they had not provided the details via the link in the email.



Case study 13: Nik*

Nik owns an optical retail store. His Stream One application was unsuccessful but on 12 May 2020, the Department emailed Nik inviting him to apply for Stream Two. The same day, Nik provided his JobKeeper details via an email attachment.

The Department emailed Nik on 18 May 2020 instructing him to submit his JobKeeper details through the link emailed to him previously.

Nik said he struggled with the link and could not figure out how to update his application through the application portal. As he did not supply his JobKeeper details in the correct format, Nik's application was not assessed under Stream Two.

Nik told the Ombudsman he contacted the call centre multiple times but was unable to get the assistance he needed. The Department does not have logs of these calls.

Once the Ombudsman made enquiries about Nik's case, the Department agreed to reassess and subsequently approved his application.

183. In the next case study, an accountant applying on behalf of a business owner mistakenly selected 'no' to the question asking if they would like to be assessed under Stream Two. They realised the error on the same day they applied and added a note in the application portal with the business owner's JobKeeper details. Despite this, the Department did not assess the application under Stream Two.



Case study 14: Fatima*

Fatima is an accountant and applied to the Fund on 12 May 2020 on behalf of a client who owns an automotive repair business. Fatima accidentally selected 'no' for the application to be considered under Stream Two and did not provide her client's JobKeeper details.

Fatima realised this error shortly after applying, so added a note in the application portal and provided her client's JobKeeper information.

Despite this, the Department rejected Fatima's application as her client's business did not fall within one of the sectors originally targeted by Stream One of the Fund.

After unsuccessfully trying to resolve the matter with the Department, Fatima complained to the Ombudsman. After the Ombudsman made enquiries about Fatima's case the Department agreed to reassess and approved her application.

Resolved complaints

184. On 8 October 2020, trying to informally resolve these complaints with the Department, the investigation proposed that the Department obtain business owners' JobKeeper information and reassess these applications.
185. The Department agreed with the proposal. In total, the Department reassessed 36 applications where business owners had provided their JobKeeper details but not in the format requested.

The Department's communication with business owners

186. Many business owners raised concerns about difficulties communicating with the Department, including:

- trouble getting information about the status or progress of their applications
- delayed responses or receiving no response at all
- incorrect, conflicting, or generic information provided by the Department's call centre.

187. It was evident that communication problems exacerbated the stress, anxiety and frustration many business owners were already experiencing.

188. One business owner said:

I found that during our application the communication from [the Department] was very poor and totally frustrating. Our business has been severely effected [sic] by the state government's covid restrictions and is now hanging by a thread. Numerous times we followed up on our application prior to the cut off date, but each time we were told that it was be [sic] reviewed and at no time was it made aware that our application was incorrect or rejected.

Principles of good customer service and communication

189. The investigation considered the principles of good customer service drawn from the Ombudsman's Service Delivery Charter, and its application to the Department's administration of the Fund.

190. Key principles of the Charter include:

- **Communication:** keeping people informed, including acknowledging receipt of correspondence, keeping a person updated while a matter is looked into, advising them of key timeframes, and providing an outcome once a matter is finalised.
- **Transparency:** providing reasons for decisions.
- **Accessibility:** ensuring all members of the community can access the organisation and providing different means by which people can make contact.

191. Good customer service promotes community trust and confidence in the public sector.

192. The Victorian Government's Better Grants by Design (2018) (*'Better Grants guide'*) and the Commonwealth Ombudsman's *Executive Schemes* (2009) report illustrate some important considerations about communication when designing grant schemes.

193. The *Better Grants guide* suggests agencies:

- clearly define the roles and responsibilities of everyone involved in the program to 'ensure robust governance and accountability frameworks are in place'
- consider whether staff require training and are aware of relevant departmental procedures and available support
- make sure information is accessible to applicants from all backgrounds and that contact details for further information are included.

194. The *Executive Schemes* report highlights the importance of agencies following principles of good administration, particularly in relation to:

- decision-making processes
- record keeping by decision-makers
- ensuring staffing resources are adequate, including ensuring investigators and decision-makers have proper skills and access to training
- giving applicants adequate information when they are notified of decisions
- ensuring internal review processes add value to the decision-making process and act as an effective check.

The Department's call centre

195. Before the Fund opened, the Department's call centre was staffed by five Victorian public service employees, based out of the Department of Premier and Cabinet.

196. After the Fund was announced, the call centre was unable to manage the volume of contact from business owners, so in March 2020, the Department engaged external contractors to operate the call centre. The outsourced call centre expanded from 15 staff in the beginning to 550 staff at its peak.

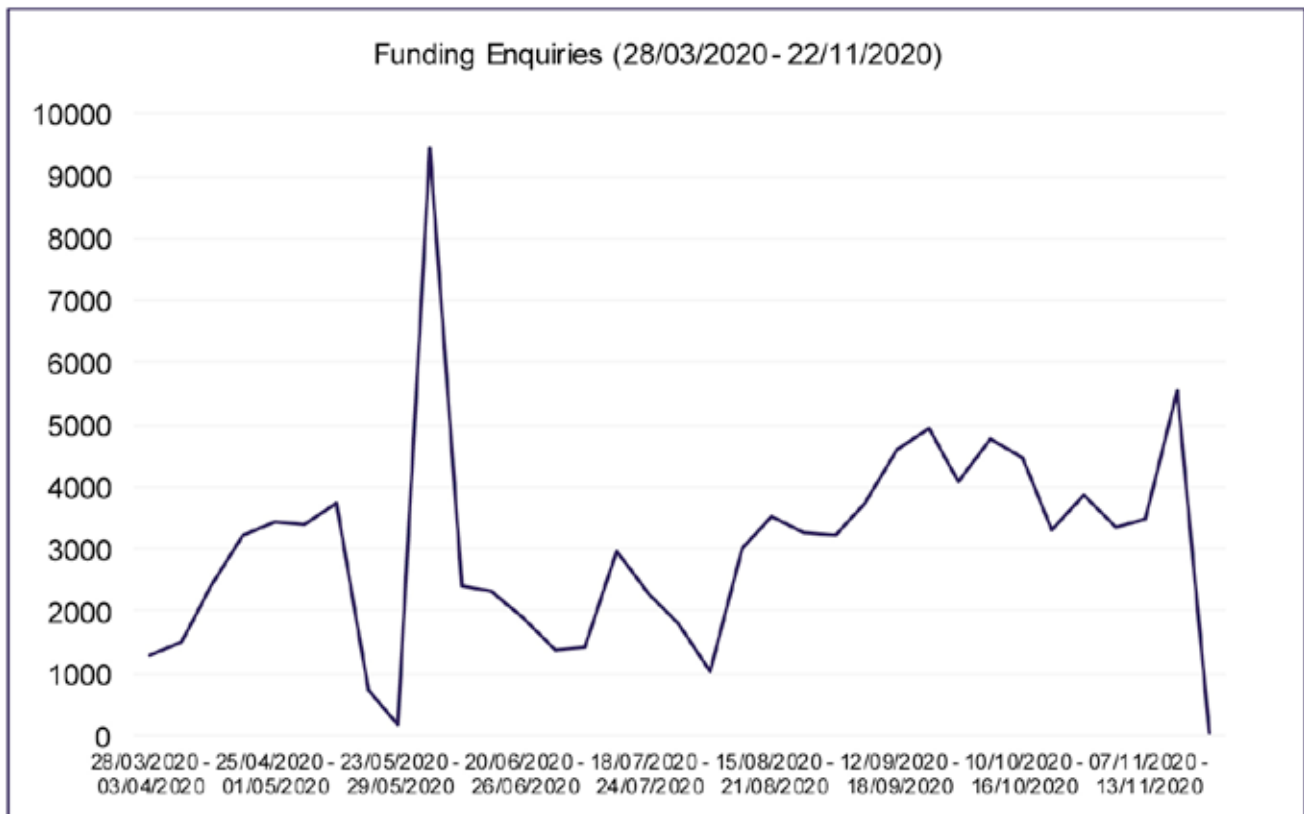
197. The Department told the investigation its call centre was not established to respond to enquiries solely about the economic support packages. Call centre staff simply responded to enquiries about the various business support funds as well as general enquiries about operating restrictions for businesses in Victoria.

198. Between 28 March 2020 and 22 November 2020, the call centre received 106,123 calls about the various funds, with calls peaking in June.

199. The Fund closed on 1 June 2020. Between 1 June 2020 and 3 July 2020, the call centre received 17,443 calls; 9,472 of these were received in the first six days of June 2020.

200. Figure 11, provided by the Department, shows funding enquiries to the call centre between 28 March 2020 and 22 November 2020.

Figure 11: Enquiries to the call centre between 28 March – 22 November 2020



Source: Department of Jobs, Precincts and Regions

Contacting the call centre

201. Business owners were able to contact the call centre by calling 13 22 15 or emailing info@business.vic.gov.au. This was the central email inbox for the call centre, but the Department also contacted business owners from several other email addresses. Many business owners responded to these other email addresses directly.

202. The use of multiple email addresses was highlighted as a communication issue in the KPMG review:

The department does not have a centralised communication channel and methodology to ensure communications are coming from the same place.

203. The KPMG review also identified problems with the call centre staff's inability to respond to business owners' enquiries consistently and accurately, as they did not have the capacity or knowledge to do so.

204. The KPMG review identified:

- frontline staff are stretched and do not have time to reply to all customers quickly and consistently
- the department is unable to consistently communicate updates to customers due to both a lack of capacity (people), system (technology) and capability (complaints handling skills)
- staff sometimes provide incorrect guidance over issues due to their limited knowledge over the entire process, despite their best efforts.

The call centre's inability to access the application portal

205. Call centre staff were given general information about the Fund and answers to Frequently Asked Questions to respond to business owners' enquiries. They were not, however, given access to the application portal and were unable to provide tailored advice to business owners about their applications.

206. In the KPMG review, a call centre staff member reportedly observed:

It is difficult to find out more information on a case-by-case basis for each customer to provide them with more detail and insight into their application outcome ...

Although call centre staff may want to help and escalate issues on behalf of the customer, their impact is often limited.

207. The Department told the investigation call centre staff were not given access to the application portal because it houses sensitive personal and commercial information, and that it is the Department's policy that 'external' staff are not given access. This information is housed on the GEMS database, the Department's information management system.

208. The Department said the call centre staff (as external contractors), while bound by the *Information Privacy Principles*, were not bound by the *Code of Conduct for Victorian Public Sector Employees* which requires personal information to be handled according to relevant legislation and public sector policies.

209. The investigation notes the Victorian Government's *Supplier Code of Conduct* (2019) (*'the Supplier Code'*) provides standards for suppliers doing business with the government. The *Supplier Code* defines a supplier to mean 'any entity that supplies goods or services, including construction works and services, to the State'.

210. The *Supplier Code* describes the minimum expectations of suppliers in the areas of: integrity, ethics and conduct; conflict of interest, gifts, benefits and hospitality; corporate governance; labour and human rights; health and safety; and environmental management.

211. In relation to professional conduct, the *Supplier Code* states:

Suppliers are expected to conduct themselves in a manner that is fair, professional and that will not bring the State into disrepute.

212. In relation to confidentiality:

Suppliers must not improperly use any private, confidential or commercially sensitive information in its possession relating to or in connection with its dealings with the State.

213. The Victorian Public Sector Commission's ('VPSC') *Guidance for Managers Engaging Contractors and Consultants* explains different employment arrangements and why it is important for the *Code of Conduct for Victorian Public Sector Employees* to apply to anyone working in government:

Contractors engaged in or by the department (including contractors engaged through an employment agency) are performing a public sector function when they:

- supervise public sector employees;
- undertake work that is of a similar nature to the work undertaken by public sector employees at a premise or location generally regarded as a public sector workplace; or
- use or have access to public sector resources or information that are not normally accessible or available to the public.

214. The contractor staff working in the call centre were performing a public function. The work was of a similar nature to that undertaken by Department staff who were working alongside them in the call centre. As noted in the VPSC's *Guidance for Managers Engaging Contractors and Consultants*:

Certain contractors are required to comply with the code because they are performing a public sector function. It doesn't matter to the public whether the government service is being provided by an employee or a contractor. They expect the same high standards of integrity.

215. The investigation suggests that call centre staff were bound by the *Code of Conduct for Victorian Public Sector Employees* by implication, or as a minimum, were bound by the *Supplier Code*. The *Information Privacy Principles* deal with wrongful use of personal information. The call centre should have been granted access to the application portal.

216. The investigation asked the Department whether it had considered engaging current Victorian public service employees who are expressly bound by the *Code of Conduct for Victorian Public Sector Employees*, writing this into the contract with the external contractors, or otherwise providing appropriate training. The Department responded:

The Department did not include compliance with the VPS Code of Conduct into the contract for the outsourced call centre due to the risk posed with granting access.

Access to GEMS provides access to highly confidential and commercially sensitive information stored within the GEMS database such as:

- Business (commercial-in-confidence and client engagement) agreements
- Natural persons grants
- Skilled migration applications
- Applicant personal banking details
- All of which can be easily amended.

The risk associated with external agents, contracted at speed to support our urgent response to a rapidly developing and complex situation was significant.

217. The following case study is an example of two business owners who were unable to obtain relevant information from the call centre, which in turn negatively impacted the outcome of their application.



Case study 15: Galen* and Anita*

Galen and Anita own a small gym that had to close because of the shutdown restrictions. They applied to the Fund on 27 April 2020.

On 12 May 2020, the Department told Galen and Anita they were ineligible for Stream One and invited them to apply for Stream Two instead. Galen and Anita told the Ombudsman they did not receive this email.

When Anita contacted the call centre, the staff could not tell Anita her business was ineligible for Stream One, invite her to apply for Stream Two or determine whether she received the email as they could not access the application portal.

In June 2020, Anita said she made three more failed attempts to get more information from the Department. Then, on 15 July 2020 the Department told them they were ineligible for Stream One; and although they would have been eligible for Stream Two, the Fund was closed and it was too late to apply.

Anita complained to the Department:

We didn't know how to apply for Stream 2 and we were not informed at any time even though we were in constant communication [the Department].

A few days after, the Department responded saying Stream One and Stream Two were closed and the outcome was final.

Galen and Anita then complained to the Ombudsman, saying:

[The Department] failed to keep us informed and took [an] excessively long period of time to advise us, which has resulted in our company not been [sic] able to access the grant that its [sic] entitled to and in urgent need of.

The Ombudsman tried to resolve Galen and Anita's case, along with other similar cases, by proposing the Department obtain the JobKeeper information and reassess the application. The Department did not agree with the proposal.

218. In the following case study, a business owner contacted the Department several times but received no assistance or return calls.



Case study 16: Julian*

Julian owns an AFL sporting goods business which was severely impacted by the shutdown of AFL games in Victoria. Julian said sales to football leagues, football clubs and schools had been 'decimated'. In late May, the Department emailed Julian inviting him to apply for Stream Two, but he told the Ombudsman he did not receive the email and was unaware he needed to act.

After the Fund closed, the Department emailed Julian again telling him his application was rejected and to obtain a new ABN if his current one did not reflect his primary business activity. This confused Julian, and he said he contacted the call centre in June 2020 and was told his business was eligible for Stream Two because it was receiving JobKeeper, but that the Fund had closed.

Julian told the Ombudsman:

This is totally against the phone call ... when I spoke to [a call centre agent on 15 June 2020] he clearly stated there had been problems with the applications process and a lot of calls had been received from businesses who had been declined and he also stated that we should have received an email from [the Department] which we did not and that many other businesses had not received the same email either.

Julian said he contacted the call centre on seven other occasions and that he was promised a call back on three of these occasions which he did not receive.

During one of the calls, Julian said he was told the Department could no longer discuss any matters about the Fund because it had received too many complaints, and he was referred to the Ombudsman. Julian asked the Department to escalate his case.

Julian said nobody could clarify his confusion about needing a new ABN:

To be clear, if [the Department] returned my initial call or subsequent calls this issue could have been easily resolved. As far as I am concerned no attempt by [the Department] has been made to resolve my complaint.

The Ombudsman tried to resolve Julian's complaint with the Department. Despite the communication issues, the Department maintained its decision to decline his application because his business industry classification made him ineligible for Stream One, and no JobKeeper details were provided for Stream Two.

The call centre's record keeping

219. The Department began recording calls to the call centre from 10 July 2020. Prior to this, call centre staff kept a log of each call. Call logs are a short summary of the discussion and information provided to business owners.
220. Below is an example of a call log from two calls Galen* and Anita* made to the call centre. Their case study is detailed above.
221. The call logs were all very brief. Most were only a few sentences and did not consistently include details of what information was given to business owners by call centre staff.
222. The investigation often found it difficult to reconcile the information provided by complainants with the information in the call logs. In circumstances where business owners alleged they were, or were not, told important information about their applications to the Fund, the investigation could not verify what was actually said from the call logs.
223. The fact the Department did not record incoming calls to the call centre until after 10 July 2020 did not breach any legislation. Recording calls, however, is a 'best practice' approach.

224. The *Commonwealth Grants Rules and Guidelines* state:

Record keeping is ... a key component of good grants governance and accountability. Good record keeping by officials will assist in meeting accountability obligations, demonstrate compliance with the CGRGs and the resource management framework, and show that due process has been followed in actions and decisions.

225. It is concerning that the Department did not initially record calls or retain more detailed records of phone calls. The Public Records Office of Victoria's Standards relating to operational management – *Operational Management Standard PROS 19/04* (2019) – state that record keeping requirements must be addressed when systems are being developed. The Standards apply to contractors delivering services on behalf of a public office as well as Victorian public service employees.
226. There were also a significant number of business owners who alleged they contacted the call centre at times, or at a frequency that was not reflected in the relevant call logs. The investigation is not in a position to determine whether calls were made and not logged.

Figure 12: Example call logs

Called 11 June [REDACTED]
Statue enquiry Application ID: [REDACTED] Applicant name: [REDACTED] Contact
Number: [REDACTED] Email: [REDACTED] ABN: [REDACTED] Date of
submission: Applied in April Comments: is yet to hear anything has called multiple times

Called 23 Jun [REDACTED]
Hello Team, The client is annoyed and frustrated since she hasn't received any call back after escalating
for the third time. The client badly wants to know the current status of the application since she applied
8 weeks ago. [REDACTED]

Source: Department of Jobs, Precincts and Regions

Confusion about where the Department was sending correspondence

227. When applying to the Fund, business owners were required to enter their email address twice:

- first, when setting up a profile for the application portal
- second, in the personal details section of the online form.

228. Some accountants and authorised representatives applying on behalf of business owners entered their own email address in the profile for the application portal and the business owners' email address in the online form.

229. The Department confirmed:

- before an application was submitted (while it was saved and in 'draft'), emails were sent to the address provided in the profile for the application portal
- after an application was submitted, emails were sent to the address provided in the online form.

230. This process caused problems for some business owners who were anticipating correspondence to one email address while it was being sent to a different email address, or who had correctly entered an email in one field and incorrectly in another.

231. The Department told the investigation it used a 'no bounce back' system when sending emails to business owners. It said this was because emails were auto generated from its Salesforce system and that there was no simple way for it to identify when emails bounced back. This meant that if a business owner accidentally made a mistake entering their email address, they would not receive the email and the Department was unable to verify whether the email had been sent and received.

232. In another case, a business owner made an error entering his email address when creating his profile for the application portal. The business owner, Abdullah* entered his email address as 'abdullah@financepp.com.au' rather than 'abdullah@financeppp.com.au'. As a result, he did not receive an email from the Department advising him to upload a BAS in a different format. The Department's 'no bounce back' system meant it was unaware the email had not been delivered. When the business owner realised his error, the Fund had closed.

233. Responding to a version of the Ombudsman's draft report, the Department stated:

In subsequent programs, a cross-verification of email address was implemented to mitigate applicant error. This ensures applicants confirm their email address before submission. We have also introduced a notification system for emails returned from a recipient's intended address ('bounce-backs') which enables follow up of applicants who did not receive email updates.

Accessibility issues

234. The *Victorian Government's Accessibility Guidelines for Accessible Communications* (2019) provides standards for making information easy to read and understand. These guidelines are particularly targeted at making government communications accessible for people with disabilities, but state that the Government should also consider the communication needs of people:

- recovering from accidents or illness
- with chronic health issues
- who are elderly
- for whom English is a second language or who have low literacy.

235. Business owners were required to apply to the Fund through the application portal. Many may not have been familiar with government grant processes and found the online process difficult. This was more keenly felt by those not adept at using computers, or those with a disability or other communication difficulties. Some business owners had family members or friends help them with the process, or paid accountants or other representatives to apply on their behalf.

236. One business owner said:

I feel I was denied the \$10K grant because of a failing in the Business Victoria website and its lack of user friendliness especially to those of us who are ESL clients.

...

It has caused me severe mental and financial stress. I am not well fluent in English and have to rely on assistance with these business tasks as I can assure you their Business Victoria website has no facility for any second languages.

237. When interviewed by the investigation, a VPS employee who worked on the Fund's administration said they observed accessibility issues with the application process:

I had several older applicants who just really were quite confused about the process, about what they were being asked to do or attach and how, which then led to these situations with forms being left in draft form ... I have to say even for me, someone who is quite educated ... that even I found some of [it] so, so confusing. So I can only imagine that for many of these individuals, who are probably already highly stressed in a crisis situation, that you know, some of it was very hard to [navigate].

238. The Department told the investigation that if people had trouble accessing or filling out the application, they could contact the call centre and someone would walk them through the process.

239. The Department said it translated information about the Fund into Vietnamese, Traditional Chinese, Simplified Chinese, Hindi and Punjabi. It also said it included contact details on program pages for business owners who did not speak English or who had speech or hearing impairments. These were available on the Business Victoria home page when the Fund closed but were not available when the Fund first opened.

240. The Department also ran a social media campaign in several community languages and engaged with stakeholders to promote the Fund to culturally and linguistically diverse business owners.

241. Despite this, the KPMG review identified:

- 'Customers with special needs and language barriers could have found it difficult to complete the form as it could not be converted into other languages'
- 'Consideration for customers with special needs, language barriers and limited digital literacy was not reflected in the design of the application portal.'
- 'Consideration for applicants with special needs or applicants who had limited English capability had not been applied to the portal.'

242. The following two case studies demonstrate the unique issues faced by some business owners completing the online form.



Case study 17: Alfonze*

Alfonze is a walnut farmer in regional Victoria. Part of his revenue comes from people visiting the farm, and the Easter period usually generates a significant portion of this revenue. As a result of the shutdown restrictions, Alfonze's sales suffered a considerable downturn.

Alfonze is not adept at using computers and found the application process difficult, so he asked his sister for help. Alfonze was frustrated that his application could only be submitted online and told the Ombudsman:

The whole thing should not have been 100 percent on the ... internet ... as I said to you rural finance handled the bushfire one, I was able to ring them and get them to send me a paper application form and things and I was able to do it myself.

On 23 June 2020, the Department told Alfonze his application was rejected as his industry ABN code did not match an eligible industry and that if it did not properly reflect his business industry he had until 25 June 2020 to change it. Alfonze said he called the ATO on 24 June 2020 and was told when he had originally applied, his ABN business description was 'walnut growing, retail and direct sales'.

The 'walnut growing' was the only part reflected in the industry classification: agriculture. This code could be changed to reflect the retail aspects of his business.

Alfonze told the Ombudsman the ATO said it could change the code to reflect the retail aspects of his business and that it would be updated overnight. In June and again in July 2020, Alfonze contacted the call centre to enquire about the status of his application. On each occasion he was told his application had not yet been updated, but that when it was, and if he was eligible, he would automatically receive the grant.

Alfonze said the Department emailed him on 30 August 2020 saying he was ineligible because his business was not in an acceptable industry.

The Ombudsman made enquires with the Department, but it maintained its decision to reject Alfonze's application as he was not a JobKeeper recipient and the ANZSIC codes registered were not eligible.



Case study 18: Katherine*

Katherine runs a farm stay bed-and-breakfast which, she says, suffered an 80 per cent drop in revenue due to the shutdown restrictions.

Katherine applied to the Fund on 24 April 2020. After requesting, and receiving, a revised BAS, the Department emailed Katherine saying her application was rejected for Stream One because her business was not operating in a targeted industry and inviting her to apply for Stream Two. In May 2020, Katherine emailed her JobKeeper information to the Department. On the same day, the Department contacted her asking her to submit the information by the embedded link in a previous email.

Katherine misunderstood these instructions and proceeded to upload her documents to the application portal and the Department had to contact her again with the relevant link. Katherine said she contacted the call centre twice to check she had done everything correctly. As the call centre could not access the application portal, she was unable to get the confirmation she needed.

In August 2020, The Department told Katherine she was not eligible for Stream Two:

[T]o be assessed under Stream Two, we required your JobKeeper details in section one of your application form or submitted separately through your JobKeeper Enrolment Declaration form.

Without either of these we were unable to assess your eligibility under Stream Two.

Katherine responded on the same day saying she had submitted her JobKeeper details on the application portal and that she did not understand why she was rejected for Stream Two.

Katherine told the Department:

I am a PTSD survivor of Black Saturday and find form filling out a major trigger.

I have had to see my GP for help after this experience with Business Victoria, I am only telling you this because our business turnover has been massively impacted. I believe because of this clerical error I am suffering.

I am feeling extremely fragile and I don't know what to do.

The Ombudsman made enquiries with the Department to try and resolve Katherine's complaint.

It agreed to reassess Katherine's application using the JobKeeper details she uploaded to the application portal and has since approved Katherine's application



See Katherine's story online

243. Responding to a version of the Ombudsman's draft report, the Department reiterated it had taken steps to ensure information about the Fund was accessible:

The Department has made improvements to ensure greater accessibility and that clearer more direct language is used. Business Victoria also provides content compliant with W3C Web Content Accessibility Guidelines.

BSF information (such as eligibility criteria and how to apply) was provided in seven languages and published on the Business Victoria website as PDFs. Incorporating feedback from stakeholders, for subsequent rounds (i.e. Business Support Fund Extension and Business Support Fund Round Three) we also provided this information in HTML pages to improve discoverability and access. There were more than 2,000 downloads for BSF products and more than 35,000 downloads across all three rounds.

Paid social media campaigns were also translated into seven languages and directed traffic to translated content on the Business Victoria website. Translation services were set up with the Translating and Interpreting Service for business owners requiring these services.

In addition, contact details were also supplied on program pages directing users to assistance for those who have hearing or speech impairments or non-English speaking business owners. When enquiries were received from vision impaired business applicants, the Department called applicants personally and sought permission to use their details to fill in the application form on their behalf.

Delayed responses or no response at all

244. The Department's original Fund guidelines said it would 'endeavour to notify all applicants on the outcome of their submitted applications within five business days'.

245. The Department told the investigation that only 26 per cent of applications were finalised within five business days. It said it did not guarantee a five-business day processing period '[g]iven the speed with which this program was designed and delivered, and that the program was larger and more complex than any previous grants program'.

246. The Department said the average time taken to process applications was approximately 12.5 business days and:

[the Department] sought to maximise the number of people getting paid within the average timeframe, while simultaneously maintaining a case management approach for applicants with incomplete or incorrect applications.

247. Ninety-one per cent of applications were processed within 30 days, but there were significant delays for other business owners. At 15 February 2021, the Department was still processing 38 applications.

248. The KPMG review noted:

When there are expected delays to response times, customers are not informed adequately leading to a lack of transparency and further frustration.

249. The review also identified:

The inability to advise customers of a timeframe they can expect to hear back or for the department to reach an outcome is a primary cause of heightened emotions and frustration for customers.

250. Some business owners who contacted the Ombudsman were frustrated that they had contacted the call centre and either received a very delayed response or no response at all.

Incorrect, conflicting or generic information provided by the call centre

251. As call centre staff could not access the application portal, they were unable to provide specific advice to business owners. Sometimes, this meant inaccurate or conflicting information was provided.

252. One business owner said:

I would request that all correspondence is directed to me from members of the [escalation team] rather than the frontline customer service team as too much confusion and repetition has resulted from calls to the Business Victoria line. We are at the end of our tether with this process and increasingly concerned that other small, family run businesses are being put in this awful position.

253. A VPS employee who worked on the Fund's administration told the investigation they came across 'several instances' where 'it sounded like the call centre had given people the wrong information':

I just thought that was interesting because anecdotally. I heard that in those early stages of the first round of support, that the call centre didn't actually have access to GEMS [the Department's database] ... it is just something I've heard anecdotally, but when people phoned up, they were only receiving generic information, not information related exactly to their application. And it would seem to me that in many of those cases, people were given the wrong information, just from the examples that they gave ...

254. In the following case study, a business owner contacted the call centre multiple times as he was unable to get information about his application's status after applying and subsequently uploading further documents.



Case study 19: Raphael*

Raphael owns a retail and commercial leasing business which experienced a significant reduction in revenue because of the shutdown restrictions. He applied to the Fund on 17 May 2020 and received an email the same day confirming his application had been submitted.

The following day, the Department emailed Raphael saying his application had been returned to 'draft' because he needed to attach a BAS which proved lodgement with the ATO. After amending the information attached to his application, he received a further confirmation email that his application had been submitted.

On 19 May 2020, the Department again emailed Raphael saying his application had been returned to 'draft' because he needed to upload an acceptable BAS. He responded the same day saying he had already uploaded his BAS and did not understand what else was required.

Raphael then sent four follow up emails:

- on 29 May 2020, asking whether his application was being processed
- on 20 June 2020, asking when the grant would be paid
- on 29 June 2020, seeking an update and noting his application was submitted before the cut-off date
- on 8 July 2020, saying that without the grant, he may have to close his business after 14 successful years of operation.

The Department emailed Raphael on 9 July 2020 saying there was a delay processing some applications. It said if his application was 'submitted' and he had not received a rejection email, that it was awaiting processing.

After further emails exchanged, the Department told Raphael on 10 August 2020 that it had checked the system and his application had not been received and could not be processed. Raphael responded on the same date, stating:

I have a successful submission screen shot which I have provided to your office more than 6 times.

In addition I have already emailed and even discussed this with 3 of your colleagues, my last 2 calls I was advised it was sitting for review & outcome [and] to keep an eye out for an email

I tried calling your office last Friday but after more than 2 hours on hold I gave up.

Raphael complained to the Ombudsman on 13 September 2020; and after the Ombudsman made enquiries, the Department agreed to reassess his application and approved the grant two months later.

Information provided to ineligible applicants

255. The Victorian Government's *Accessibility Guidelines for Government Communications* includes guidelines for preparing plain English versions of publications. They state that '[p]lain English refers to written communication that is easy to understand, free of jargon and well structured'.
256. Outcome emails to business owners were written in language that could come across as complex and confusing, bearing in mind the diversity of the intended audience. Some business owners were reportedly confused about the Department's decision and found it difficult to understand why they were ineligible. When they contacted the call centre for advice, they were unable to get specific information about their application, compounding their problem.
257. The following is an example of the wording in an approved outcome letter sent to business owners:



Extract from approved outcome letter

Unfortunately, and after careful consideration, your application has been found to be ineligible as your Australian Business Number (ABN) Registration indicates that your industry classification does not meet the Business Support Fund's eligibility requirements.

The Fund is designed to support small businesses that have been subject to closure or highly impacted by restrictions.

If your ABN's industry classification does not reflect your current primary business activity, please update your ABN details on the Australian Business Register.

This update will be recorded in our system and your application will then be reconsidered alongside your application form and supporting documentation.

You will not need to make a new application to the Fund.

Source: Department of Jobs, Precincts and Regions

258. In the following case study, a South Melbourne market business owner applied for Stream One of the Fund and was deemed ineligible. When he was told he could update his ABN details and reapply by a certain date, he contacted the call centre because he was confused.

259. As call centre staff were unable to access his unique information in the application portal, he was incorrectly told on two occasions that the rejection was a mistake. He was eventually told he needed to update his ABN details, but by the time he got that advice it was too late. In a subsequent email, the Department said one of the answers he had given in his application meant he was not considered for Stream Two.

260. Responding to a version of the Ombudsman's draft report, the Department stated:

In reference to your point that outcome emails to business owners were written in complex and potentially confusing language, we have consulted with key stakeholders to make sure our language is better targeted to the intended program audience. This has included consulting with industry bodies, the Victorian Multicultural Commission and relevant business bodies, local chambers of commerce, local councils and other organisations that also work with English and non-English speaking business communities.



Case study 20: Bilal*

Bilal owns and operates a cosmetic retail market business. When the shutdown came into force, Bilal was forced to let his only employee go and temporarily close. He applied to the Fund on 13 May 2020. On 12 June 2020, the Department emailed Bilal telling him his application had been rejected and directed him to update his ABN details by 18 June 2020 if the industry classification did not reflect his business' primary activity.

Bilal has suffered from Parkinson's Disease since 2013 and has impaired literacy as a result. He said the rejection email confused him, so he contacted the call centre for assistance. Bilal said the call centre told him to 'ignore' the rejection email because it was wrong and that he was asked for details about his business' JobKeeper registration so his application could be considered under Stream Two.

Bilal provided his JobKeeper details and, later, took steps to update his ANZSIC code to reflect his current business operations. Throughout June 2020, Bilal said he contacted the call centre repeatedly and was given conflicting information, both about his application's status and whether the rejection email was sent to him in error.

Ultimately, Bilal was told his application was unsuccessful and would not be reviewed. Despite the Ombudsman's attempts to resolve Bilal's case, the Department maintained its decision to reject his application.

Review process for ineligible applicants

Best practice complaint handling

261. The *Public Administration Act 2004* (Vic) articulates public sector values, including that public officials should demonstrate responsiveness by:
- providing high quality services to the Victorian community, and
 - identifying and promoting best practice.
262. The Victorian Ombudsman promotes best practice complaints handling. The *Complaints: Good Practice Guide for Public Sector Agencies* (2016) report ('the Ombudsman's Complaints Guide') states that a core guiding principle of good complaint handling is enabling complaints by having clear and accessible information about complaints processes. Without an accessible complaint system, an agency risks public dissatisfaction and diminished confidence in its performance.
263. A good complaint handling policy should cover:
- how, where and to whom complaints can be made
 - how the complaint will be handled, and the steps involved
 - the mechanisms for review if the complainant is dissatisfied with the outcome
 - key performance indicators, such as response times
 - external bodies that may provide assistance or review matters if the complainant remains dissatisfied.
264. Regarding executive schemes specifically, the Commonwealth Ombudsman's *Executive Schemes* report emphasises that '[o]f particular concern are the restricted review and appeal rights that are available to people who are affected by decisions made under executive schemes'.
265. The *Executive Schemes* report outlines eight best practice principles for agencies to consider. The principles include ensuring comprehensive, accurate and up to date information is available for applicants.
266. It states the following information should be made available:
- ministerial and policy guidelines as well as simple, accurate material in easily accessible formats
 - clear information about application closing dates
 - information about any updates to program guidelines as requirements change or ambiguities are discovered
 - the process for reviewing decisions.
267. In relation to complaint handling and reviewing decisions, the principles state that agencies must ensure:
- a complaint handling mechanism is established when the scheme is set up
 - there is a process for proper internal review by an independent officer
 - review officers routinely contact applicants, explain the review process to them if necessary and seek additional information from them as required
 - applicants are informed of the reasons for their review decision.

The Department's complaint handling policies and procedures

Initial stages of the Fund

268. The Fund was established and scaled at speed. The Department had nine days from when the Premier announced the Fund to create and implement the program. There was no opportunity to pilot or test the program design or delivery.
269. The speed of implementation meant it was critical that the Department have an effective complaints and internal review process to help it understand business owners' experiences applying to the Fund and make improvements if necessary.
270. When the Fund opened, the Fund guidelines and the Business Victoria website did not provide any information about a complaints or review process. The Department told the investigation its internal complaints handling process and procedure applied at this time.
271. Business Victoria is an online resource managed by the Department, not a standalone entity. Business owners applied to the Fund through the Business Victoria website and all outgoing communication to applicants was authored by the 'Business Victoria Team'. Because of this, it was not clear to business owners that the Department was the Fund administrator or that they could complain directly to the Department.

272. The Department's *Discretionary Financial Benefits Compliance Framework* (2019) also applied for this period. The Framework outlines the Department's legislative obligations under the *Financial Management Act 1994* (Vic) and the requirements of the *Standing Directions and Instructions* (2018) released by the Assistant Treasurer.

273. The Department's Framework states:

3.4.9 Grant Complaint Management Procedure

The Department is committed to ensure that its grant processes work effectively and fairly for all parties. The Department has developed this Grant Complaint Management Procedure to ensure that grant applicants who may have concerns with a grant process managed by the Department can seek to have their concerns addressed.

274. Throughout the investigation, the Ombudsman asked the Department for a copy of its Grant Complaint Management Procedure on several occasions, but it did not provide it. It was not until February 2021, that the Department published a complaints procedure on the Business Victoria website.
275. The Department told the investigation its *External Complaint Policy* and its *Complaint Management Procedure (Group Business Managers)* applied when the Fund opened.

276. The Department's External Complaint Policy adopts principles from the *Ombudsman's Complaints Guide* including:

- **Fairness** – '[c]omplaints will be able to be made through an easily accessible form on the department's internet site'
- **Transparency and access** – '[i]nformation regarding the right to complain, how to make a complaint and how the complaint will be handled is available on the departmental website'
- **Responsiveness** – '[c]omplaints will be handled in a timely manner. An indication of the timeframe for resolving the complaint will be provided during acknowledgment – a standard of 28 days will apply from date of receipt of the complaint by the department'.

277. The *External Complaint Policy and Complaint Management Procedure (Group Business Managers)* are internal Departmental documents and were not available on the Business Victoria website or the Department's website.

278. These were the only policies and procedures related to complaints or escalation requests about the Fund that were operational between 30 March 2020 and 4 April 2020.

Mid-way through the Fund

279. When the Fund opened, the Business Victoria call centre was staffed by five Department employees. The call centre was quickly overwhelmed. The Department decided to outsource its call centre and staff numbers increased to 15 on 17 April 2020.

Revision requests

280. On 4 April 2020, the Department established an 'escalation' process to respond to business owners' enquiries related to 'revision requests'. A revision request is where the Department returned a submitted application to 'draft' and requested additional information from the business owner (discussed in chapter two of this report).

281. The escalation process involved referring enquiries from business owners to Team Leaders and senior staff where appropriate.

282. The revision request processes reviewed by the investigation did not include timelines for responses to escalated requests.

Review of rejected applications

283. On 21 April 2020, a separate review process for business owners whose applications had been rejected was established.

284. This process included review by an Executive Officer, the ultimate decision maker for all reviewed decisions about eligibility.

285. On 27 April 2020, the Department developed an Eligibility Review and Customer Engagement Plan ('the Plan') which outlined discrete grounds for review after an application had been rejected, including:

- confirming payroll tax
- submitting the incorrect registered business name
- submitting the incorrect ABN and industry alignment code
- confirming annual turnover.

286. The Plan and the grounds for review were not publicly available. The Plan did not include timelines for responses to reviews.

287. The Plan's 'grants enquiry/escalation process' listed the Ombudsman, Ministers' offices and the call centre as places where complaints about the Fund were to be 'initially assessed' before being escalated.

288. From April 2020, the Department effectively outsourced its complaints handling function to the Ombudsman. Since then, the Ombudsman has managed 1,119 cases about the various funds representing more than eight per cent of jurisdictional work between 1 April 2020 and 31 January 2021.

After the Fund closed

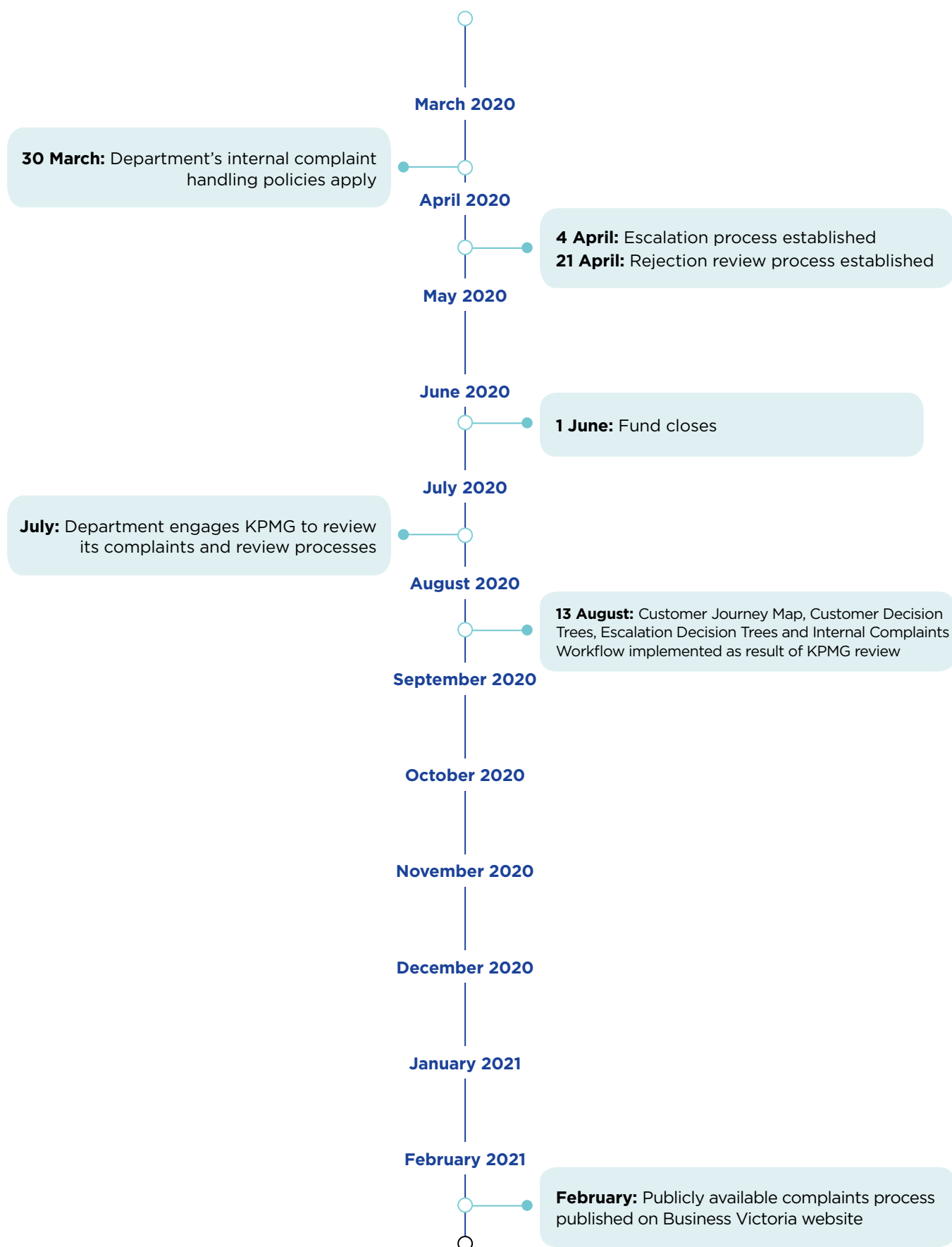
289. In July 2020, after the Fund closed, and during its review for the Department, KPMG developed a 'Customer Journey Map', 'Customer Decision Trees' and 'Escalation Decision Trees' as well as an internal complaints workflow. These procedures became operational on 13 August 2020.

290. The Department provided review outcomes to business owners via different channels depending on where they lodged their complaint. If business owners contacted:

- the call centre, once their complaint had been escalated and a final decision made, the Department emailed the outcome
- the Ombudsman, and the Ombudsman made enquiries with the Department, the Department provided its outcome via phone
- their local Member of Parliament, and the complaint was escalated to the Department, the Department emailed the outcome.

291. Further information about the changes made to the complaints and review processes after the Fund closed is discussed at paragraph 314.

Figure 13: The Department's complaints processes



Source: Department of Jobs, Precincts and Regions

Understanding the outcome

Reasons for decisions

292. The Hon Justice Kirby has commented on the importance of providing reasons for decisions³:

They encourage good administration generally by ensuring that a decision is properly considered by the repository power... They promote real consideration of the issues and discourage the decision maker from merely going through the motions.

293. The *Ombudsman's Complaints Guide* states:

[p]roviding clear reasons for decisions displays fairness, transparency and accountability. It helps the complainant understand why you made your decision [and] whether or not you upheld their complaint.

294. It says that good outcome letters:

- briefly describe the complaint and identify the issues
- use plain English and avoid bureaucratic language, acronyms and jargon
- explain the steps taken to investigate or resolve the complaint
- set out any relevant laws or policies in simple language
- clearly identify the outcome and, if you have substantiated the complaint, the remedies you are offering
- provide reasons for the decision

- give the name and telephone number of an officer the complainant can contact to discuss the outcome
- advise the complainant of the Victorian Ombudsman and any other relevant review rights
- are translated into a language other than English where appropriate.

295. The Department told the investigation that when business owners sought reviews, all final decisions about their eligibility were made by the Executive Director, Capture Teams after the escalations team had investigated.

³ *Re Minister for Immigration and Multicultural and Indigenous Affairs; Ex parte Palme* [2003] HCA 56 [105].

296. The Department's template outcome email below does not provide reasons for the decision, identify the decision-maker or provide contact details to obtain additional information.



Template review outcome letter

Thank you for your recent request for a review on the outcome of your Business Support Fund application.

Unfortunately, after careful consideration of the additional information you have provided, your application remains ineligible for a grant.

The Business Support Fund is one of many measures we are delivering for businesses as part of the Victorian Government's \$1.7 billion Economic Survival Package. Other initiatives to support business and employees include:

The Payroll Tax Refund and Waiver provides a full payroll tax refund and waiver for the 2019-20 financial year and the deferral of payroll tax for the first three months of the 2020-21 financial year.

The Commercial Tenancies Relief Scheme which has been introduced to alleviate the financial hardship faced by tenants and landlords as a result of coronavirus.

The Working for Victoria initiative to help workers who have lost their job find new opportunities.

You may also be eligible for the Commonwealth Government's JobKeeper Payment, which provides a fortnightly payment of \$1,500 per eligible employee until 27 September 2020.

The Business Victoria support and financial assistance finder helps businesses find a range of available assistance based on their circumstances. Additionally, information on personal support services can be found on the Victorian Government's Economic Survival Package fact sheet.

Sincerely,
The team at Business Victoria
Business.vic.gov.au

Source: Department of Jobs, Precincts and Regions

Business owners' experiences lodging complaints

297. When the Fund opened there was no publicly available information on the Business Victoria website about how to challenge a decision or lodge a complaint. This left some business owners frustrated.
298. In a meeting on 28 October 2020, the Department assured the investigation information about the complaints and escalation processes would be made publicly available to help business owners understand how to complain. This information was not, however, published on the Business Victoria website throughout the course of the investigation.

299. Without a publicly accessible complaints and review process, business owners struggled to have their concerns heard. The following case study is an example of a business owner who attempted to seek a review over the course of many months.



Case study 21: Sam*

Sam and her husband own a plumbing business and applied to the fund on 6 May 2020. Sam's application was deemed ineligible because her business did not fall within one of the specified industries targeted under Stream One. Sam's business was enrolled in the Commonwealth JobKeeper program when it began and was therefore eligible for Stream Two.

On 28 May 2020, Sam emailed the Department saying she had been regularly checking the application portal and it continued to show her application was 'submitted'. She said she was told there should be no issues with her application if it stayed 'submitted' and that the Department would contact her if any additional information was required. There was no reference to the email reminders and invitation to apply for Stream Two in the Department's response.

Sam called or emailed the Department for an update on 4 June, 6, 15 and 17 July 2020. She was told her application was being processed and she would be contacted shortly. On 17 July 2020, the Department told Sam her application had been rejected.

Sam asked the Department what her review options were. The Department told Sam she needed to provide her JobKeeper details to be assessed under Stream Two, but that the Fund had closed and the outcome of her Stream Two application was final.

Sam was confused because she knew of other plumbing businesses that had received the grant. She emailed the Department on 21 July 2020:

At no stage did anyone contact us requiring any further information, which we could have and still can provide. We emailed and called to see if there was any other information that you required. To which we were advised that is any further information was required someone would be in touch with us. No one contacted us in 2 & 1/2 months to ask for further information.

We were always registered for jobkeeper and this seems like an excuse for rejection.

The Department agreed to review Sam's application on 22 July 2020. Sam emailed the Department to check what was happening on 5, 10 and 18 August 2020, but received no response.

After Sam complained to the Ombudsman, the Ombudsman asked the Department to contact Sam by 18 September 2020 to provide an outcome, but it did not.

Despite the Ombudsman's intervention, the Department upheld its decision to decline Sam's application, reiterating previous advice that her business industry classification made her ineligible for Stream One and that she did not provide JobKeeper details for Stream Two.

300. The following case study is an example of a business owner who tried and failed on multiple occasions to get information from the Department about his application and the review process. He eventually asked for his application to be escalated and investigated as he believed he had not been given a fair opportunity to apply for Stream Two of the Fund. The Department did not respond to his requests for a review until the Ombudsman intervened.



Case study 22: Stefan*

Stefan owns a business specialising in chocolate products. He said he applied to the Fund on 2 May 2020 after his revenue dropped more than 50 per cent due to the shutdown restrictions. On 4 May 2020, the Department asked Stefan to provide a BAS in an acceptable format, which he uploaded to the application portal the following day.

Stefan said he contacted the call centre a week later to check whether he had provided all the required documents and was told he had, but that he still needed to formally resubmit his application via the application portal. Stefan said he did this while he was on the phone to the call centre and received confirmation his application was now complete.

Stefan said he checked the application portal on 22 May 2020 and saw his application's status was 'submitted'. Stefan said he contacted the call centre three times between 29 May 2020 and 13 July 2020 to request an update and was told he would receive a call back on the first two occasions, but he did not. On 13 July 2020, Stefan left a note in the application portal as he was unable to get assistance from the call centre. On 16 July 2020, Stefan said the Department called to tell him his application was rejected because his business did not fall within one of the industries targeted under Stream One.

Stefan said he called the Department again the next day and was told his application was only assessed under Stream One and that he should have received an email about Stream Two.

Stefan responded that his business met the eligibility criteria for Stream Two and that he had applied for the grant on time.

On 20 July 2020, the Department emailed Stefan saying to be assessed under Stream Two, he would have had to complete a separate application before the Fund closed on 1 June 2020. Stefan said, however, that the Department had told him to wait for the outcome of his Stream One application and that he did not need to submit a separate application for Stream Two. Stefan asked for his case be to be escalated:

The fund was still open for 10 days from when my application status was formally "submitted". That's 10 days [the Department] had (from 22 May until 1 June) to contact me and tell me I had been rejected for stream one, but I could submit further information to be eligible for stream two.

On 23 July 2020, the Department replied:

Thank you for your email and feedback. No applications for the Business Support Fund will be accepted after 11.59pm pm [sic] 1 June 2020

Stefan complained to the Ombudsman on 5 August 2020 as he believed the Department had mishandled his application by failing to contact him about Stream Two and ignoring his requests for a review.

After the Ombudsman made enquiries, the Department agreed to reassess and ultimately approved his application.

301. In the case study below, a business owner was unaware she had to resubmit her application after uploading further information requested by the Department. The Department said it would not review her case as the Fund had closed.



Case study 23: Sarah

Sarah owns an interior design business which suffered from the shutdown restrictions as she was 'unable to attend office buildings or residential homes to look for future work'. As a result, her business 'ground to a halt'.

The Department returned Sarah's application for revision and asked her to upload a BAS. She uploaded it to the application portal as instructed but was unaware she needed to press 'save and resubmit'. The Department emailed Sarah reminding her to update her application by 1 June 2020, but as she believed she had already done this she did not take further action.

When Sarah logged back into the application portal in July 2020, she saw that her application remained in 'draft', so she left a note:

Lodged the Business Support Fund Application Form...on 22/05/2020 and was then requested to attach an acceptable BAS which I did on 26/05/2020... When I go in now it says the application form status is - draft. Does this mean the form has been submitted or not. I did everything that was requested. Please advise.

The Department contacted Sarah saying her application had not been submitted and could not be processed.

Sarah's tax agent then requested a review on her behalf. This request included testimony from Sarah detailing a stressful situation she was dealing with at the time of her application.

From April to June 2020, she had been dealing with several issues relating to a sharp decline in her father's cognitive ability, which included acting as his guardian in a property dispute, relocating him to respite, and arranging his financial affairs. Sarah's father has since been diagnosed with dementia. The Department rejected this request.

Sarah then complained to the Ombudsman on 29 July 2020, seeking:

for [the Department] to reconsider the application not being processed due to the fact that all the correct information was lodged by the due date and it was a simple error of not realising that the application form had to be saved and resubmitted again [and for] special consideration [to] be provided for the business and family pressure I was under during this time.

The Ombudsman tried to resolve Sarah's case with the Department, noting that the documents it had requested were in the application portal. The Department, however, maintained its position to reject her application because it had not been 'submitted' before the Fund closed.

The escalation team's disbandment and re-establishment

302. From 26 June 2020, less than one month after the Fund closed, when business owners seeking review or wishing to lodge a complaint contacted the call centre, they were informed the Fund and escalations team had closed.

303. Business owners asking for someone else to direct their complaint to were told that 'no further applications or requests for a review will be accepted'. This left many business owners unsure about how to proceed.

304. Figure 14 shows an email sent to a business owner on 29 June 2020.

Figure 14: Email to a business owner on 29 June 2020 advising the escalations team no longer existed



Source: Complaint to the Ombudsman

305. In the case study below, a business owner made a mistake in her online form. She followed up with the Department and it said it would look into it. But it then emailed her almost a month later saying the escalations team was closed and that it could not escalate applications for review or status updates.

306. The call centre received approximately 3,200 status update requests in June and July 2020. Without an escalation team, it was difficult for the call centre to respond to these requests.



Case study 24: Shujiao*

Shujiao owns a beauty and personal care business and applied to the Fund on 17 April 2020. Shujiao accidentally selected 'no' to the question asking whether her business was operating on 16 March 2020 when the State of Emergency was declared in Victoria, when it in fact was.

Shujiao emailed the Department after her accountant told her she should have received the grant. The Department said it would check her application but did not. After Shujiao sent a follow up email, the Department said the Program Centre following up on escalated applications was 'now closed', so it could 'no longer escalate applications for a review or status update'. Shujiao responded on the same day:

I spoke with someone on the phone who told me that ... [my application] had been processed but I filled out a question wrong on the form and I needed to fix it. How do I do that?

The Department told Shujiao it was not possible to change her application because the Fund closed a month prior and that she would have to await an outcome. The Department said she could contact the Ombudsman.

Shujiao complained to the Ombudsman:

I just need them to adjust my form so that I can get my funding approved.

My account[ant] says I am definitely eligible so it's not a question of that, it's just that they never returned my emails and phone calls.

After the Ombudsman made enquiries the Department agreed to reassess the case. The Department ultimately approved Shujiao's application on 9 November 2020.

Referral to the Ombudsman

307. After the escalations team was disbanded, the Department referred business owners via its automated telephone system and in writing to the Ombudsman to make complaints about grant decisions. See Figure 15 below.

308. Some business owners also received this advice when they called the call centre. One accountant who had applied on his client's behalf told the Ombudsman:

The chap I spoke with, said you [sic] only option was to contact the ombudsman, to see if they can re-activate the claim.

309. The Department emailed another business owner telling them:

If the outcome comes back positive, we will be happy for you. However if it comes back negative, you may need to escalate it with the Ombudsman since it is the only channel of escalation at the moment.

310. One business owner said the Department's automated telephone system directed them to the Ombudsman to make a complaint.

Figure 15: Email from the Department referring a business owner to the Ombudsman

From: info@business.vic.gov.au <info@business.vic.gov.au>

Sent: Wednesday, July 1, 2020 8:55:31 AM

To: [REDACTED]

Subject: RE: Re: Re: Business Support Fund

Dear [REDACTED]

Thank you for your email.

As of 5pm on the 26th of June, the Program Centre following up on escalated applications is now closed. If you have an application still submitted with us, it will continue processing however we can no longer escalate applications for a review or status update.

Through the Business Support Fund, the Victorian Government has helped tens of thousands of Victorian businesses receive economic support.

Due to the large number of applications there have been delays in the assessment and processing of some applications. We are unable to provide status updates for individual applications. If you have not heard about the status of your application, it is because the assessment and processing is still being finalised.

We will ensure every application submitted before the closure of the Fund on 1st of June will be responded to with an outcome. We thank you for your patience during this time.

If you have any further inquiries in the meantime, please do not hesitate to contact us on 13 22 15.

Kind Regards,

[REDACTED]

Business Victoria Team

business.vic.gov.au

Source: Complaint to the Ombudsman

311. In the case study below, a business owner was unable to get relevant information about their application from the call centre and were advised the only course of action was to contact the Ombudsman.



Case study 25: Jagmeet*

Jagmeet owns a small gym which was forced to close because of the shutdown restrictions. Jagmeet applied to the Fund on 5 May 2020.

The Department returned Jagmeet's application to 'draft' and asked him to attach an acceptable BAS. He uploaded another BAS on 22 May 2020 but mistakenly did not 'resubmit' his application and it was rejected because it remained in 'draft' when the Fund closed.

Jagmeet's accountant tried to resolve the matter with the Department but was told on 1 July 2020:

As of 5pm on the 26th of June, the Program Centre following up on escalated applications is now closed. If you have an application still submitted with us, it will continue processing however we can no longer escalate applications for a review or status update.

In a further email on the same day, the Department said 'the only course of action' was to contact the Ombudsman:

Thank you for your email. Since the status was in Draft then the Program Centre (the assessment team) would not be able to access and process the application.

The reasoning for it may have been issues with the BAS document. I have reviewed your application and have found no issues regarding the details, however I cannot see the BAS document.

Unfortunately since the Program Centre has closed their escalations department, we officially cannot progress [the] application further due to the application not being submitted.

I am very sorry for the final decision though, I do not have the power to approve the application. The only course of action from here, is to send this to the Victoria[n] Ombudsman to be reviewed.

Jagmeet's accountant complained to the Ombudsman on 3 July 2020 saying Jagmeet 'ha[d] not received any notification of why the application was not approved'.

The Ombudsman tried to resolve Jagmeet's complaint with the Department, but it upheld its decision as he had not 'resubmitted' his application after it was placed back into 'draft'. The Department showed the investigation an email it sent Jagmeet on 28 May 2020 reminding him to resubmit his application before the program closed. Jagmeet told the investigation he did not receive this email.

312. The investigation met with the Department on 6 July 2020 to discuss concerns about referring complaints to the Ombudsman before it had first attempted to resolve them. In response, the Department agreed to:

- reinstate the escalations team and bolster staff numbers to respond to the ongoing complaints from business owners
- remove the message on the automated phone system telling business owners the escalations team was closed and referring them to the Ombudsman.

313. After the KPMG review, this was affirmed in an internal 'Complaints Management Workflow'.

Reviews completed after the Fund closed

314. An internal audit of the Fund finalised in September 2020 established that, despite it being a binary process, there were limited grounds for review and appeal.

315. The KPMG review recognised that 'the current volume of complaints lodged is difficult to manage'.

316. The review recognised the lack of a clear complaints process may have led to inconsistent decisions being made about some business owners' eligibility:

Currently, complaints are managed by different teams and decisions may have been made at the discretion of the individual assessor to the best of their knowledge and ability. This can lead to inconsistencies as one customer may be granted funds and another in a similar situation to be rejected.

317. Following the review, the Department implemented a 'Customer Journey Map', 'Customer Decision Trees' and 'Escalation Decision Trees' to help it better respond to business owners.

318. The Customer Journey Map identified a number of problems business owners faced throughout the application and revision process. These included:

- Whether an exception was made for business owners was:
 - up to the discretion and goodwill of frontline staff who have very little influence over the program and whether exceptions are granted eligibility despite their best intentions.
- 'The department does not have a detailed framework to help inform customers of their possible next steps and options.'
- Business owners were at times treated differently depending on whether they contacted the Ombudsman or a Minister's office, rather than the call centre.
- Not all staff had adequate escalation or complaints management skills and experience, and information for the escalation log was collected in an inconsistent way.
- There were inadequate processes to help business owners who had a genuine issue, not of their own fault, that caused them to miss the application deadline.
- Staff did not have the right tools or skills to handle tougher situations presented by business owners.
- Close out communications were rigid, not personalised and lacked transparency.
- Close out communications should include additional detail to describe the deliberation process that has led to the closure of the complaint.

Subsequent business support funds

319. After the Fund closed, the Department implemented a number of changes to the way it communicated with business owners and responded to complaints about the Business Support Fund – Expansion, the Business Support Fund – Third Round, and the smaller targeted funds.
320. Business owners have raised similar issues about these subsequent funds with the Ombudsman. Between 13 July 2020 (when the Business Support Fund – Expansion opened) and 31 January 2021, the Ombudsman received:
- 84 complaints about the Business Support Fund – Expansion
 - 45 complaints about the Business Support Fund – Third Round
 - 33 complaints about the smaller, targeted funds.
321. The primary issues concerned:
- emails being sent to ‘junk’
 - unconventional business structures that resulted in eligible businesses being rejected because of a misunderstanding about which entity was applying and alignment with WorkSafe registration and JobKeeper eligibility.
 - minor typographical errors
 - incorrect funds being paid out
 - delay.
322. There remains a concerning delay responding to many business owners which is heightening distress and affecting their capacity to operate their businesses. Most business owners who have contacted the Ombudsman have been waiting several months for the Department to make a decision about their application.
323. One business owner who complained to the Ombudsman had her application rejected as she had not seen an email from the Department telling her to check her ANZSIC code. This email had gone to her ‘junk’ inbox, and the Department decided to reassess her application on this basis. This approach is inconsistent with the Department’s approach in other cases the investigation reviewed.
324. WorkSafe registration was introduced as an eligibility requirement for the subsequent funds, and many business owners have had to rectify issues with their registration. The Department has worked with business owners to enable them to fix these issues, but complications have arisen where business structures are more complex. The Ombudsman is continuing to monitor these complaints.
325. Responding to a version of the Ombudsman’s draft report, the Department told the investigation:
- To provide greater clarity for applicants about the status of their applications, the Department has adopted an alternate remediation process for similar future programs such as Business Support Fund Extension and Business Support Fund Round Three. For example, instead of returning application forms for revision in draft form, applicants who included incorrect or incomplete information that were assessed as ineligible were invited to re-apply.
326. The Ombudsman continues to engage closely with the Department, and some of the issues the Ombudsman has highlighted have helped guide the Department to better respond to complaints about the subsequent funds and enabled many to be informally resolved.

The Department's response to the Ombudsman's draft report

327. On 17 March 2021, the Secretary responded to the Ombudsman's draft report. Relevant extracts are set out below.

328. The Department said its priority was to ensure all business owners were treated fairly, and the Secretary committed to reassess applications that were left in 'draft' when the Fund closed:

We thank you for highlighting the key issue of how the Department managed BSF applications that were still in draft at the close of the program, and therefore were not assessed. As a result of your investigation and engagement with your Office, and recognising the extraordinary situation faced by Victorian businesses at that time, it has become clear that we could have adopted an alternative approach. Consistent with your recommendation, we commit to reassess these applications, to ensure all cases have been fully considered.

329. The Department highlighted the speed with which the Fund was established, and lessons learned and implemented:

The speed of initiating and delivering the BSF required rapid evolution of the Department's internal infrastructure. Prior to COVID-19, the Department processed around 10,000 grant applications a year through a case-managed model. Urgently adapting to deliver a significantly larger-scale, state-wide business grants program required changes at pace.

Given the unprecedented environment in which the program was implemented, in program adjustments were inevitable. Reflecting the Department's rapidly evolving experience, lessons were swiftly implemented as we strengthened processes and provided greater clarity and support to applicants.

The Department has reconsidered all applications that:

- were assessed as ineligible for Stream One, but did not receive an invitation to apply for Stream Two;
- provided JobKeeper details in the wrong format;
- did not receive a reminder email that their application was in draft and needed to be submitted before the close date;
- made minor keystroke error in the application form, including their email address;
- received a revision request for an application submitted before 12 May 2020. The revision request was actioned after 12 May 2020 and the applicant was unaware the online form had been updated to include Stream 2;
- contacted the hotline and attempted to remedy their application before the program closed; and
- can now demonstrate that their ASIC registration covered the period outlined in the program guidelines.

The Department also notes the unprecedented circumstances that applied to the design and delivery of BSF as a discretionary grants program. Accordingly, any approaches taken for the treatment of BSF applications are unique to this program.

330. The Department also highlighted that business owners who complained to the Ombudsman represented a small percentage of those who applied to the Fund. By the Department's calculation, complaints to the Ombudsman represented 0.5 per cent of applications received under the first round of the Business Support Fund. It stated:

While the Department's existing processes applied to these complaints, we recognised the need to have specific avenues for feedback in relation to our COVID-19 programs. During this time, we strengthened our customer experience team to case manage complex complaints and provide an arms-length review of application assessments against eligibility criteria. In doing so, we have employed specialised staff to work directly with applicants experiencing distress or extreme pressure.

As the Department identified issues as part of our complaints process and worked with your Office to rectify these issues the number of businesses making complaints fell significantly. Subsequent BSF rounds did not experience this volume of complaints to your Office, falling from 0.5 percent of applications to 0.05 percent.

Conclusions

331. The Victorian Government's shutdown restrictions severely impacted small business owners, many of whom were unable to survive or adapt to changed working conditions. The Government's 'Economic Survival Package' provided welcome support.
332. The Business Support Fund, in its first and subsequent iterations, aimed to provide critical and fast financial support to thousands. The Department told the investigation half of all small businesses in Victoria received a financial grant.
333. The Department had a tough job to do in quickly setting up systems to administer more grants in one year than it had done in the previous 52 years.
334. While acknowledging that most applications to the Fund were processed without issue, the complaints the Ombudsman received suggest circumstances where service and procedural fairness obligations were most seriously tested. The numbers of complaints the investigation reviewed were small in the context of total applications, but were sufficient to establish a number of systemic issues with the Department's administration of the Fund.
335. The time constraints, complexity of the application process and the inflexibility of the Department's initial decision-making confused and frustrated many business owners. Its processes fundamentally failed to recognise that many of those applying for grants were facing severe stresses, may not have computer or language skills, or were otherwise more than usually vulnerable to human error in the application process.

336. The Department's call centre was not fit for purpose, and the way it handled complaints and reviews was lacking. It failed to establish an adequate complaints and review process in the early stages of the Fund. The processes the Department did eventually establish were opaque, and it effectively outsourced its complaints function to the Ombudsman.
337. While the challenges of administering the Fund were undoubtedly considerable, its purpose of supporting small business in a crisis required a degree of flexibility and discretion that was simply missing, and which in many cases coming to the Ombudsman, exacerbated people's distress.

Application and assessment process

338. Complexities with the application and assessment process generated complaints to the Ombudsman with several thousand potentially eligible business owners not receiving the \$10,000 grant from the Fund. The Ombudsman received complaints where business owners:
- did not receive a request to revise their application
 - had made a minor keystroke error on their application form
 - disputed the Department's assessment of their eligibility
 - had provided JobKeeper details in the wrong format
 - had not received an invitation to apply for Stream Two of the Fund.
339. On 2 November 2020, after lengthy negotiation with the Ombudsman's office, the Department agreed to reassess these applications.

Applications in 'draft'

340. Complexities in the application process also stemmed from the Department's decision to place many applications back into 'draft' in the application portal. The Department did this when it needed more information from business owners (the 'returned for revision' process). Applications were not assessed until the business owner provided the additional information then navigated to the end of the online form and resubmitted their application.

341. Of 13,393 applications left in 'draft' when the Fund closed, 8,990 had been 'returned for revision'. The Department said it sent 5,451 of these business owners a reminder email about completing their application.

342. Some business owners told the Ombudsman they never received this reminder email. Others said they found it in their junk or spam folder after the Department told them it had sent this email.

343. Those 5,451 business owners were potentially eligible for the grant, but their applications were not assessed because they did not resubmit them after the Department had returned them for revision.

344. Given the significant consequences to business owners of not taking specific action to resubmit their applications, the Department should have taken some steps to warn them of those consequences, including suggesting they check their junk or spam folders (not an uncommon business practice).

345. Throughout the investigation, the Department said it would not reassess applications it had returned for revision where the business owner had not navigated to the end of the online form and clicked 'submit' again after providing additional information.

346. The Department posited that allowing business owners to resubmit applications in 'draft' would jeopardise the integrity of its grants program and set a precedent across all Government programs. It said it was inconsistent with its financial accountability obligations.

347. Since the Fund closed on 1 June 2020 and during the investigation, the Department changed its practices to improve its application processes, and now:

- no longer places applications back into 'draft'. The Department assesses an application on the information before it. If further information is required, the Department declines the application and provides the business owner with an opportunity to reapply
- maintains a 'case management' approach to actively assist business owners to apply for government grants
- communicates with business owners via SMS as well as email.

Minor typographical errors

348. Throughout the investigation, the Department refused to reassess applications it had rejected because business owners had made minor typographical errors when applying, or entering an email address or a business name incorrectly, for example.

349. The Department failed to take a common sense approach to these applications, refusing to reassess them even after the Ombudsman highlighted the harshness of its decisions. The way the Department dealt with these applications was inflexible and would have amplified business owners' stress. It was also inconsistent. For example, Kumar* (Case study 4) was afforded the opportunity to have his application reconsidered, but Henry* (Case study 5) initially was not.

350. Despite agreeing in November 2020 with the Ombudsman's proposal that it invite these business owners to reapply, the Department did not take any action until the final stages of the investigation. The Ombudsman continued to raise individual complaints about applications being rejected because of minor typographical errors, up to February 2021.

ASIC registration requirements

351. The investigation highlighted that many business owners seek the advice and support of accountants to set up their business and ensure it is operating within the confines of the law.

352. It appears some business owners are not familiar with the complex business structures created for them, such as in Vlado's* case (Case study 9), or the ASIC registration requirements. Some business owners were unaware their ASIC registration had lapsed until their application was rejected. After seeking advice, many of these business owners reapplied to ASIC and had their registration backdated.

353. During the investigation, the Department agreed to reassess applications where ASIC registration had lapsed but was subsequently rectified and backdated. The Department said the onus was on the business owner to approach the Department once they had fixed the lapsed registration, before it would reassess the application.

354. The Department's approach to reassessing these applications was, surprisingly, not advertised on the Business Victoria website. Nor was it communicated to business owners whose applications were rejected on this basis. To ensure a consistent approach and to also assist applicants, the Department could and should have done so.

Stream Two of the Fund

355. The Department's decision to expand the eligibility criteria to include all businesses which were registered for JobKeeper and to update the online form while the Fund was open was confusing. This resulted in many business owners who were eligible for a grant not realising they could apply for Stream Two of the Fund.

356. It is logical that business owners who had applied for Stream One and were ineligible, but who were eligible for Stream Two of the Fund, would attempt to reapply if they had the information about how to do so.

357. The Department put the onus on business owners who had started their application before the online form was updated, to know about the new eligibility criteria.

358. Pleasingly, during the investigation, the Department agreed that this approach was unfair and agreed to invite these business owners to apply for Stream Two, subsequently contacting 41 business owners for their JobKeeper information and reassessing their applications.
359. But the Department's approach to inviting business owners whose Stream One applications were rejected to apply for Stream Two, was inflexible. Refusing to accept applications from business owners who had provided JobKeeper information but not in the format requested by the Department, was wrong.
360. The Department initially rejected these applications. Following negotiations with the Ombudsman, it subsequently agreed to reassess them. The Department has reassessed 36 such applications from business owners.

Communication

The outsourced call centre

361. The Department outsourced its call centre – the central point of contact for business owners – and did not provide call centre staff access to the Department's information management system, on the grounds that it contained sensitive information and those staff were not bound by the *Code of Conduct for Victorian Public Sector Employees*.
362. This created significant problems for business owners trying to obtain information and assistance, and effectively resulted in a call centre that was not fit for purpose. Without access to the unique information about applications and their progress, staff could not give business owners appropriate advice or alert them to issues with their applications, including remedial action they needed to take.
363. Compliance with the *Code of Conduct for Victorian Public Sector Employees* was not expressly referred to in the call centre contract, but the Victorian Government's *Supplier Code of Conduct* provides standards for suppliers doing business with government. These standards adequately cover confidentiality by stating that suppliers must not improperly use any private, confidential or commercially sensitive information obtained during its dealings with the State.
364. Call centre staff should have been in a position to give advice about the details or status of an application or to refer the matter for direct follow up by a Department employee.

Communication and call recording

365. Before an application had been successfully submitted, the Department emailed business owners using the address provided in the profile for the application portal. After the application had been submitted, it emailed using the address provided in the online form. This process caused problems for some business owners who were anticipating correspondence to one email address while it was being sent to a different email address, or who had correctly entered an email in one field and incorrectly in another, or whose accountants had entered their own address in one field and their client's in another.
366. The Department did not use a 'bounce back' email service. It said this was because emails were auto generated from its Salesforce system and that there was no simple way for it to identify when emails bounced back. But this meant the Department was unable to follow up with business owners who made minor typographical errors in their application, and resulted in many business owners complaining to the Ombudsman.

367. The Department did not record calls to its call centre until 10 July 2020, following a meeting with the Ombudsman when this issue was raised. The Department relied on notes taken by call centre staff which often lacked detail. As calls were not recorded until after the Fund closed, the investigation was unable to verify evidence about call contact from business owners or the Department.

Information provided to ineligible applicants

368. Many business owners were not familiar with Government or grants processes, and found it difficult to understand why they were ineligible and the reasons their applications were rejected.

369. Outcome emails to business owners were written in language that could have come across as complex and confusing. The Department's template outcome email to business owners did not provide reasons for the decision, identify the decision-maker or provide contact details to obtain additional information.

Complaint handling

370. A core principle in delivering services is to have a sound complaint handling operation. To start with, agencies should enable complaints by having clear and accessible information about complaints processes. Without this, an agency risks public dissatisfaction and diminished confidence in its performance. It also prevents the agency understanding where improvements can be made in its service delivery.

371. The Commonwealth Ombudsman's *Executive Schemes* report emphasises that '[o]f particular concern are the restricted review and appeal rights that are available to people who are affected by decisions made under executive schemes'.

372. This report outlines the need to ensure comprehensive, accurate and up to date information is readily available for applicants.

373. The Department's complaints procedure was inadequate and not accessible. Despite repeated requests by the investigation, the complaints procedure was not placed on the Business Victoria website for all to see and understand until February 2021, almost one year after the Fund opened.

374. For some time, the Ombudsman was, in effect, used by the Department to triage complaints about the Fund. The Ombudsman cannot be a substitute for an authority's own complaint handling processes.

Opinion

375. In light of the investigation's conclusions and pursuant to section 23(1)(g) of the Ombudsman Act, the following actions taken by the Department were wrong:

1. Refusing to reassess applications which the Department had returned for revision and placed back into 'draft' where the business owner did not complete the application before the Fund closed.
2. Refusing to accept JobKeeper information from business owners unless they provided it via the link in the email from the Department until 2 November 2020.
3. Refusing to reassess applications to the Fund where business owners had made minor typographical errors entering email addresses or other information.
4. Failing to communicate to business owners, personally or by notice on its website, a willingness to reassess applications that were rejected due to a lapsed ASIC registration.
5. Failing to provide call centre staff with appropriate access to sufficient information to deal meaningfully with business owners.
6. Failing to establish an effective complaint handling procedure from the outset under the *Discretionary Financial Benefits Compliance Framework*.

376. In light of Opinion 6, and pursuant to section 23(1)(b) of the Ombudsman Act, the following action of the Department was unjust:

7. Failing to provide business owners with sufficient reasons for its decisions.

Recommendations

The investigation notes that the Department rectified some of the issues the Ombudsman highlighted during the investigation. The Ombudsman makes the following recommendations to the Department:

Recommendation 1 – Inviting business owners to reapply

Invite business owners from the following classes to reapply to the Business Support Fund – First Round:

- a. those whose applications were returned for revision and placed back into 'draft', who did not complete the application before the Fund closed
- b. those who were assessed as ineligible for Stream One of the Fund based on their ANZSIC class, who did not apply for Stream Two and who were enrolled in JobKeeper
- c. those who made typographical errors when applying which affected the outcome of their application
- d. those who provided JobKeeper information but not via the link in the email from the Department.

The Department should advertise its willingness to reconsider applications from these business owners on the Business Victoria website.

The Department's response:

The Department will invite business owners to reapply for the Fund and reassess applications that were returned for revision and placed back in 'draft', but did not resubmit the application before the Fund closed.

The Department will continue to reconsider applications that were assessed as ineligible for Stream One based on their ANZSIC class and did not apply under Stream Two.

If applicants were assessed as ineligible for Stream One based on the Program's other eligibility criteria, they will remain ineligible

for Stream Two on those same criteria and therefore will not be invited to have their application reassessed.

All applicants that applied for Stream One and were ineligible solely due to their ANZSIC class, will be sent an invitation to have their application reassessed under Stream Two if they can provide evidence of JobKeeper participation for their business.

Recommendation 2 – Dealing with complex business structures

Communicate with business owners whose applications were rejected because they were not registered with ASIC, inviting them to reapply if they:

- a. subsequently had their ASIC registration backdated
- b. applied with business entity details with which the Department could not establish ASIC registration and who can now provide evidence of registration or exemption from a requirement to be registered.

The Department should advertise its willingness to reconsider applications from these business owners on the Business Victoria website.

The Department's response:

The Department will continue to reconsider applications that can demonstrate that their ASIC registration covers the period outlined in the program guidelines, or that the applicant is exempt from ASIC registration.

Recommendation 3 – Redesigning the framework

Work with the Department of Treasury and Finance to update its *Better Grants by Design* framework to include guidance on administering time critical grants.

The Department's response:

The Department will work with the Department of Treasury and Finance to enhance guidance in this area.

Recommendation 4 – Communicating with applicants

Develop service delivery principles for grant program administration which includes:

- a. timelines for acknowledging applications and communicating outcomes
- b. information about how to complain
- c. processes for seeking a review of the outcome.

The Department's response:

The Department will develop Business Victoria service delivery principles and ensure relevant information (such as a timeline) is incorporated into the guidelines of future grant programs. These principles will also include details of the complaints process as outlined in Recommendation 5 below.

Standardised timelines present challenges as the grant programs delivered by Business Victoria differ substantially in their format and delivery. It is important to ensure an outcome to this recommendation that can be applied across the suite of programs.

Recommendation 5 – Complaint processes

Update the complaint handling process now published on the Business Victoria website to include detail about internal and external review avenues, including the Victorian Ombudsman.

The Department's response:

The Department has published a complaint handling process for Business Victoria's COVID-19 programs. This process can be found on the Business Victoria website at: <https://www.business.vic.gov.au/contact-us/complaints>.

The department will review and update the process to provide additional information outlined in this recommendation, including how to seek review through the Victorian Ombudsman.

Recommendation 6 – Information management

Provide external contractors in its call centre with information that will allow them to provide detail about an application's status and other relevant details to ensure responsive service to businesses.

The Department's response:

Due to privacy responsibilities and the commercial in confidence nature of GEMS data, the Department determines that it is inappropriate to provide external contractors with full access to this platform.

The Department is actively reviewing options to provide external contractors (such as the service centre) with non-sensitive data on grant applicants and grant applications contained in GEMS.

Appendix 1 – Guidelines

Business Support Fund (as at 30 March 2020)

GUIDELINES

Business Support Fund

COVID-19 assistance to small businesses

Program summary

The Victorian Government has announced a \$500 million package, the Business Support Fund (the Fund), to support small businesses that employ staff and are subject to closure or highly impacted by the shutdown restrictions announced by the Victorian Government as a result of the coronavirus (COVID-19).

Small businesses are eligible if they meet all these criteria:

- Employ staff
- Have been subject to closure or is highly impacted by shutdown restrictions announced by the Victorian Government to-date. For more information on affected sectors refer to the Non-Essential Activity Directions issued by the Deputy Chief Health Officer.
- Have a turnover of more than \$75,000
- Have payroll of less than \$650,000

Further eligibility criteria are outlined below in these guidelines.

Businesses will be required to attest to their eligibility and provide supporting documentation (including BAS statements) through the application process. Applicants will be subject to audit by the Victorian Government or its representatives.

Eligible businesses will be provided with a grant to support them to manage in these unprecedented circumstances.

Please read these guidelines before completing the application form.

Completed application forms are to be submitted to the Department of Jobs, Precincts and Regions.

1. Eligibility criteria

1.1 Businesses are eligible to apply for a grant through the Fund provided they meet the following criteria:

- Have been subject to closure or highly impacted by shutdown restrictions announced by the Victorian Government; and
- Employ people; and

- Have a turnover of more than \$75,000¹; and
- Have a payroll of less than \$650,000²; and
- Hold an Australian Business Number (ABN) and have held that ABN at 16 March 2020 (date of the State of Emergency declaration); and
- Have been engaged in carrying out the operation of the business in the Australian State of Victoria on 16 March 2020.

- 1.2 While owners of businesses that do not employ people (non-employing businesses) are not eligible for funding through this program, they can seek support through the Commonwealth Government's Job Seeker Payment Program.
- 1.3 Funding will be allocated through a grant process, through which businesses are invited to apply for a grant of \$10,000.
- 1.4 Applicants are required to submit an application online via the Business Victoria website (business.vic.gov.au). All questions in the application need to be completed to ensure timely assessment and grant payment.
- 1.5 Applicants are required to provide a copy of their most recent Business Activity Statement (BAS). Other supporting materials can also be provided.
- 1.6 If you require further information to participate in the program please refer to business.vic.gov.au or contact the Business Victoria Hotline at 13 22 15.

2. Available funding

- 2.1 The grant amount is \$10,000 per business.

3. How the funding may be used


- 3.1 Grants are provided to support eligible businesses that have been impacted by the shutdown restrictions enacted by Government, due to COVID-19. Grant funds could be used for example on:
 - Meeting business costs, including utilities, salaries, rent
 - Seeking financial, legal or other advice to support business continuity planning
 - Developing the business through marketing and communications activities
 - Other supporting activities related to the operation of the business.

4. Evidence of eligibility and compliance

- 4.1 Applicants must certify in writing that they meet the eligibility criteria.
- 4.2 Applicants will be subject to audit by the Victorian Government or its representatives and will be required to produce evidence (such as payroll reports to demonstrate

¹ \$75,000 in annual turnover is the threshold for submission of a Business Activity Statement (BAS).

² Victorian businesses do not have to pay payroll tax if their total annual payroll tax receipt is under \$650,000. Note that Victorian Government is providing full payroll refunds for the 2019-20 financial year to small and medium businesses with a payroll of less than \$3 million. If your company is part of a group of companies that is registered for payroll tax and will receive the payroll tax refund [announced as part of Government's \$1.7 billion Economic Survival Package], your company is ineligible for this funding program.



impact) at the request of the Victorian Government for a period of four years after the grant has been approved.

- 4.3 If any information in applications is found to be false or misleading, or grants are not applied for the purposes of the businesses in accordance with the terms of funding as set out in these guidelines and attached application, the grant will be repayable on demand.

5. Other information about this program

- 5.1 The Department of Jobs, Precincts and Regions reserves the right to amend these guidelines and application terms as required.
- 5.2 Further information may be found at business.vic.gov.au or through the Business Victoria Hotline at 13 22 15.
- 5.3 Applications will be accepted until 1 June 2020.
- 5.4 The Department of Jobs, Precincts and Regions will endeavour to notify all applicants on the outcome of their submitted application within five business days.

Business Support Fund – Stream Two (as at 12 May 2020)

GUIDELINES

Business Support Fund COVID-19 assistance to small businesses

Program summary

The Victorian Government has announced a \$500 million package, the Business Support Fund (the Fund), to support small businesses that employ staff and have been highly impacted by COVID-19 restrictions.

The Business Support Fund operates through two Streams:

- **Stream One** targets small businesses that meet the standard eligibility criteria (refer to Section 1 below) and operate in industry sectors that have been subject to closure or highly impacted by COVID-19 shutdown restrictions announced by the Victorian Government.
- **Stream Two** provides support to small businesses in any other sectors that meet the standard eligibility criteria and are enrolled as eligible participants registered to receive support through the Commonwealth Government's JobKeeper Payment scheme.

Businesses will be required to attest to their eligibility and provide supporting documentation (including a Business Activity Statement) through the application process. Applicants will be subject to audit by the Victorian Government or its representatives.

Eligible businesses will be provided with a grant to support them to manage in these unprecedented circumstances.

These guidelines provide the basis for program eligibility - please read this document before completing the application form.

Completed application forms are to be submitted to the Department of Jobs, Precincts and Regions.

1. Expanded Eligibility Criteria

1.1 To be eligible for a grant, businesses¹ must meet the following eligibility criteria:

- Employ people; and

¹ Businesses are those entities where a business name is registered with the Australian Securities and Investment Commission (ASIC). In the case of a charity it is registered with the Australian Charities and Not-for-profits Commission (ACNC); incorporated associations are registered with Consumers Affairs Victoria (CAV); and sole traders are identified by ABN registration. Note that any adverse findings against a business will be taken into consideration.

- Have a turnover of more than \$75,000²; and
- Have a payroll of less than \$650,000³; and
- Hold an Australian Business Number (ABN) and have held that ABN at 16 March 2020 (date of the State of Emergency declaration); and
- Have been engaged in carrying out the operation of the business in the Australian State of Victoria on 16 March 2020; and
- Operate in an industry sector that has been subject to closure or highly impacted by shutdown restrictions announced by the Victorian Government⁴; **OR**
- Be enrolled as eligible participants in the Commonwealth Government's JobKeeper Payment scheme⁵.

2. Other application information

- 2.1 While owners of businesses that do not employ people (non-employing businesses) are not eligible for funding through this program, they may seek support through the Commonwealth Government's JobKeeper Payment scheme.
- 2.2 Funding will be allocated through a grant process, through which businesses are invited to apply for a grant of \$10,000.
- 2.3 Applicants are required to submit an application online via the Business Victoria website (business.vic.gov.au). All questions in the application need to be completed to ensure timely assessment and grant payment.
- 2.4 Applicants are required to provide a copy of their most recent Business Activity Statement (BAS)⁶.
- 2.5 Applicants to Stream 2 will be required to supply the business' JobKeeper Payment scheme registration number⁷.

² Generally \$75,000 in annual turnover is the threshold for quarterly submission of a Business Activity Statement (BAS) and is evidence that your business is registered for GST. Note for not-for-profit businesses, alternative evidence of turnover can be provided. For further information go to the Australian Tax Office website [link](#).

³ Victorian businesses do not have to pay payroll tax if their total annual payroll is under \$650,000. Note that Victorian Government is providing full payroll refunds for the 2019-20 financial year to small and medium businesses with a payroll of less than \$3 million.

If your company is part of a group of companies that is registered for payroll tax and will receive the payroll tax refund [announced as part of Government's \$1.7 billion Economic Survival Package], your company is ineligible for this funding program.

⁴ These reflect the Restricted Activity Directions of the Deputy Chief Health Officer [link](#) and additional business types identified in the Premier's media release of 21 March. Further information is available on the Business Support Fund [web page](#). Your industry Australian Business Number (ABN) Registration includes your self-nominated industry classification and this will be used to determine your eligibility for this criterion. For information on how to update your ABN, go to the Australian Business Register website [link](#).

⁵ The JobKeeper Payment scheme (JobKeeper) is a Commonwealth Government program to support businesses significantly affected by the coronavirus to help keep more Australians in work [[Link JobKeeper](#)]. JobKeeper supports small businesses that have had (or are expected to have) their turnover reduced by 30 per cent or more. To demonstrate that your business is enrolled as an eligible participant in JobKeeper you must supply your JobKeeper registration receipt.

⁶ See footnote 2.

⁷ See footnote 5.



3. Available funding

- 3.1 The grant amount is \$10,000 per business.
- 3.2 A business as defined by its ABN can only receive one grant under the Fund, for either Stream 1 or Stream 2.

4. How the funding may be used

- 4.1 Grants are provided to support eligible businesses that have been impacted by the shutdown restrictions enacted by Government, due to COVID-19. Grant funds could be used for example on:
 - Meeting business costs, including utilities, salaries, rent
 - Seeking financial, legal or other advice to support business continuity planning
 - Developing the business through marketing and communications activities
 - Other supporting activities related to the operation of the business.

5. Evidence of eligibility and compliance

- 5.1 Applicants must certify that they meet the eligibility criteria.
- 5.2 Applicants will be subject to audit by the Victorian Government or its representatives and will be required to produce evidence (such as payroll reports to demonstrate impact) at the request of the Victorian Government for a period of four years after the grant has been approved.
- 5.3 If any information in the application is found to be false or misleading, or grants are not applied for the purposes of the business in accordance with the terms of funding as set out in these guidelines and attached application, the grant will be repayable on demand.

6. Other information about this program

- 6.1 The Department of Jobs, Precincts and Regions reserves the right to amend these guidelines and application terms as required.
- 6.2 Further information may be found at business.vic.gov.au or through the Business Victoria Hotline at 13 22 15.
- 6.3 Applications will be accepted until 1 June 2020.
- 6.4 The Department of Jobs, Precincts and Regions will endeavour to notify all applicants on the outcome of their submitted application within five business days.

Business Support Fund – Expansion (as at 13 July 2020)

GUIDELINES

Business Support Fund - Expansion

Program Summary

On 7 July 2020, the Victorian Government announced that the 31 metropolitan Melbourne Local Government Areas (LGAs) and Mitchell Shire will return to Stage 3 'Stay at Home' restrictions for a period of six weeks to help slow the spread of coronavirus (COVID-19).

From 11.59pm on Wednesday 5 August 2020, the return to Stage 3 restrictions will extend to apply throughout regional Victoria. From 6pm on 2 August 2020, metropolitan Melbourne will be subject to Stage 4 restrictions for an initial period to 13 September 2020.

Impacted employing businesses in regional Victoria will be supported during the period through access to a one-off, \$5,000 grant under the **Business Support Fund - Expansion**. Businesses located in metropolitan Melbourne or Mitchell Shire that have been impacted by extended restrictions since early July 2020 will be eligible to receive a \$10,000 grant.

1 Standard Eligibility Criteria

- 1.1 To be eligible for the Fund, businesses must:
- a) Operate a business located within Victoria; and
 - b) Be a participant in the Commonwealth Government's JobKeeper Payment scheme¹; and
 - c) Employ people² and be registered with WorkSafe³ on 30 June 2020; and
 - d) Have an annual payroll of less than \$3 million in 2019-20 on an ungrouped basis⁴; and
 - e) Be registered for Goods and Services Tax (GST) on 30 June 2020⁵; and
 - f) Hold an Australian Business Number (ABN) and have held that ABN at 30 June 2020; and
 - g) Be registered with the responsible Federal or State regulator⁶.
- 1.2 Owners of businesses that do not employ people (non-employing businesses) are not eligible for funding through this Fund.

2 Other application information

- 2.1 Funding will be allocated through a grant process, through which businesses are invited to apply for a grant.

¹ Further information on the JobKeeper Payment scheme is available from the [Australian Tax Office](#).


² Sole traders and partnerships must employ persons other than themselves to be eligible.

³ The applicant is able to provide a 'WorkCover' employer number'.

⁴ Where a business is in a payroll group, the payroll eligibility criteria applies to each business in the payroll group. That is, any member of a group with an annual payroll of up to \$3 million in 2019-20 can apply.

⁵ Non-for-profit entities with annual revenue between \$75,000 and \$150,000 that are not registered for GST and are registered with the Australian Charities and Not-for-Profit Commission are eligible to apply.

⁶ Where required by relevant and applicable legislation. Responsible regulators are the Australian Securities and Investment Commission (ASIC); the ACNC for charities and not-for-profits; and Consumer Affairs Victoria (CAV) for incorporated associations.

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- 2.2 The total grant will be \$5,000 for businesses in regional Victoria, with the exception of Mitchell Shire (Stage 3 restrictions).
 - 2.3 The total grant will be \$10,000 for businesses in metropolitan Melbourne (Stage 4 restrictions) and Mitchell Shire (Stage 3 restrictions).
 - 2.4 As part of the assessment process, evidence provided by applicants will be subject to a crosscheck with other government agencies such as the State Revenue Office and Worksafe.
 - 2.5 Any of the following circumstances may be taken into consideration in any decision whether to award a grant:
 - Any adverse findings by a regulator regarding a business;
 - A business is placed under external administration;
 - There is a petition to wind up or deregister a company or business; and
 - The business is or becomes deregistered or unregistered (including cancellation or lapse in registration).
 - 2.6 Applicants must ensure that their Australian Business Register (ABN) registration information is up-to-date and current as at the time of application.
 - 2.7 Businesses that have received assistance through the initial Business Support Fund, payroll tax rebate/waiver, or other COVID-19 programs can apply for assistance under the Business Support Fund expansion.
 - 2.8 Applicants are required to submit an application online via the Business Victoria website (business.vic.gov.au). All questions in the application need to be completed to ensure timely assessment and grant payment.

3 Available funding

- 3.1 The grant amount is \$5,000 per business in regional Victoria, with the exception of Mitchell Shire.
- 3.2 Businesses in the 31 metropolitan Melbourne LGAs or Mitchell Shire will be eligible to receive a total grant amount of \$10,000 to reflect the sustained period of Stage 3 and Stage 4 'Stay at Home' restrictions. Businesses from metropolitan Melbourne or Mitchell Shire that have applied for or have received an initial \$5,000 grant will be eligible for an additional \$5,000 grant without submitting a new application.
- 3.3 The Program will be open for applications until 11.59 pm on 14 September 2020.
- 3.4 A business as defined by its ABN can only receive one grant under this Fund, with the exception of businesses that are invited to participate in the CBD Small Hospitality stream of the program as outlined in Appendix 1.



4 How the funding may be used

4.1 Grant funds may be used to assist the business, for example on:

- Meeting business costs, including utilities, salaries or rent;
- Seeking financial, legal or other advice to support business continuity planning;
- Developing the business through marketing and communications activities; or
- Any other supporting activities related to the operation of the business.

5 Evidence of eligibility and compliance

5.1 Applicants must certify that they meet the eligibility criteria.

5.2 Applicants must provide evidence of the location of their business operations through the most recent:

- Utility bill (gas, electricity, telecommunications, water); or
- Lease agreement; or
- Council Rate Notice.

5.3 Applicants must provide evidence of participation in the Commonwealth Government's JobKeeper Payment scheme⁷.

5.4 Applicants are subject to a risk assessment which verifies business details provided with the Australian Securities and Investment Commission, Australian Charities and Not-for-profits Commissioner, Consumer Affairs Victoria and/or other applicable regulator.

5.5 Applicants will be subject to audit by the Victorian Government or its representatives and will be required to produce evidence (such as payroll reports to demonstrate impact) at the request of the Victorian Government for a period of four years after the grant has been approved.

5.6 If any information in the application is found to be false or misleading, or grants are not applied for the purposes of the business in accordance with the terms of funding as set out in these guidelines and attached application, the grant will be repayable on demand.

⁷ The evidence required will be the most recent JobKeeper Business Monthly Declaration Receipt ID or Enrolment ID generated from the ATO business portal.
An early childhood service provider will be eligible if it was a participant in the JobKeeper Payment scheme on or before 20 July 2020.



6 Other information about this Fund

- 6.1 The Department of Jobs, Precincts and Regions reserves the right to amend these guidelines and application terms at any time as it deems appropriate.
- 6.2 Further information may be found at business.vic.gov.au or through the Business Victoria Hotline at 13 22 15.
- 6.3 The Department of Jobs, Precincts and Regions will endeavour to notify all applicants on the outcome of their submitted application within 10 business days.

Business Support Fund – Third Round (as at 18 September 2020)

GUIDELINES

Business Support Fund 3

Coronavirus (COVID-19) assistance to businesses

Program Summary

On 13 September 2020, the Victorian Government announced a new support package to help businesses survive the impacts of continued coronavirus (COVID-19) shutdown restrictions and to keep Victorians in jobs. This announcement includes \$822 million for *Business Support Fund 3*, the third round of the Business Support Fund program.

Through *Business Support Fund 3*, around 75,000 businesses in specific industry sectors with payrolls of up to \$10 million will receive grants of \$10,000, \$15,000 or \$20,000 (with the grant amount determined by the business' payroll size).

Business Support Fund 3 specifically targets businesses in industry sectors that have been Restricted, Heavily restricted or Closed as a result of continued restrictions outlined in [Victoria's roadmap for reopening](#).

1 Standard Eligibility Criteria

1.1 To be eligible for the Fund, businesses must:

- a) Operate a business located within Victoria¹; and
- b) Be registered as operating in an industry sector that has an industry restriction level of Restricted, Heavily restricted or Closed and is not easing industry restriction levels between the First Step and Second Step of *Victoria's roadmap for reopening*² (a business's industry sector is defined by the industry classification (ANZSIC) linked to their ABN³); and
- c) Be an 'eligible participant' in the Commonwealth Government's JobKeeper Payment scheme⁴; and
- d) Be an employing business⁵ and be registered with WorkSafe Victoria⁶; and

¹ Business location is determined using workplace addresses registered with WorkSafe Victoria.


² *Victoria's roadmap for reopening – How we work in Metropolitan Melbourne* (the Metro Roadmap) as announced on 6 September 2020. As Regional Victoria's roadmap for reopening begins at the Second Step, the easing criteria does not apply. Businesses in regional Victoria need to be registered as operating in an industry sector that has an industry restriction level of Restricted, Heavily restricted or Closed as per the Metro Roadmap.

³ Your industry Australian Business Number (ABN) Registration includes your self-nominated ANZSIC industry classification and this will be used to determine your eligibility for this criterion. Applicants are encouraged to check that these details are up to date and reflect their current business activity prior to submitting their application. For information on how to update your ABN, go to the [Australian Business Register website](#).

⁴ To be considered a participant in the JobKeeper Payment scheme, a business must have received a JobKeeper payment from the ATO. Further information on the JobKeeper Payment scheme is available from the [Australian Tax Office](#).

⁵ Employing businesses are defined as those businesses required to be registered for WorkCover insurance or equivalent – see also footnote 1 above. Sole traders, individuals in partnerships and individual trustees of trusts must employ persons other than themselves to be eligible.

⁶ Businesses operating within Victoria that hold an equivalent worker's compensation policy in another Australian jurisdiction in accordance with Victorian WorkCover legislation are eligible. Evidence of the valid interstate insurance policy and operation located within Victoria is required.

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- e) Have an annual payroll of up to \$10 million in 2019-20 on an ungrouped basis⁷; and
 - f) Be registered for Goods and Services Tax (GST) on 13 September 2020⁸; and
 - g) Hold an Australian Business Number (ABN) and have held that ABN at 13 September 2020; and
 - h) Be registered with the responsible Federal or State regulator.⁹

2 Demonstration of eligibility

- 2.1 Applicants must certify that they meet the eligibility criteria and intend to remain trading at the end of restrictions.
- 2.2 **Industry sector:** To be eligible, an Applicant's primary business activity must be in an eligible industry sector or sub sector and this must be reflected in the applicant's Australian Business Number (ABN) registration information. Applicants should review their details at [Australian Business Register website](#) and update these details if needed prior to submitting an application. This includes ensuring that their industry classification (ANZSIC class code) linked to their ABN registration correctly captures their primary business type.
- 2.3 **JobKeeper ID:** Applicants must provide evidence of participation in the Commonwealth Government's JobKeeper Payment scheme in the form of either a JobKeeper Business Monthly Declaration Receipt ID number or JobKeeper Enrolment Receipt ID generated from the ATO business portal.
- 2.4 **WorkSafe Number:** Applicants must demonstrate they are located in Victoria and employ people by providing their WorkCover Employer Number or WorkSafe Application Reference Number.¹⁰

3 Available funding


- 3.1 The total grant will be: \$10,000, \$15,000 or \$20,000 depending on the size of the business' payroll for 2019/20:
 - \$10,000 if its annual payroll is less than \$650,000;
 - \$15,000 if its annual payroll is between \$650,000 and less than \$3 million; or
 - \$20,000 if its annual payroll is between \$3 million and up to \$10 million.

⁷ Where a business is in a payroll group, the payroll eligibility criteria applies to each business in the payroll group. That is, any member of a group with an annual payroll of up to \$10 million in 2019-20 can apply.

⁸ Non-for-profit entities with annual 2019/20 turnover between \$75,000 and \$150,000 that are not registered for GST and are registered with the Australian Charities and Not-for-Profit Commission are eligible to apply. Businesses with annual 2019-2020 turnover of \$75,000 or more that are not required by relevant taxation legislation to be registered for GST are eligible to apply.

⁹ Where required by relevant and applicable legislation. Responsible regulators are the Australian Securities and Investment Commission (ASIC); the ACNC for charities and not-for-profits; and Consumer Affairs Victoria (CAV) for incorporated associations.

¹⁰ Applicants that operate a business in Victoria but hold an equivalent interstate worker's compensation policy – see footnote 6 above – must provide documented evidence of a current valid interstate insurance policy.

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- 3.2 A business as defined by its ABN can only receive one grant under Business Support Fund 3.

4 How the funding may be used

- 4.1 Grant funds may be used to assist the business, for example on:


- Meeting business costs, including utilities, salaries or rent;
- Seeking financial, legal or other advice to support business continuity planning;
- Developing the business through marketing and communications activities; or
- Any other supporting activities related to the operation of the business.

5 Assessment Process

- 5.1 Funding will be allocated through a grant process, through which businesses are invited to apply for a grant.
- 5.2 As part of the assessment process, evidence provided by applicants will be subject to a crosscheck with other government agencies such as the State Revenue Office and Worksafe.
- 5.3 Any of the following circumstances may be taken into consideration in any decision whether to award a grant:
- Any adverse findings by a regulator regarding a business;
 - A business is placed under external administration;
 - There is a petition to wind up or deregister a company or business; and
 - The business is or becomes deregistered or unregistered (including cancellation or lapse in registration).
- 5.4 Businesses that have received assistance through the initial Business Support Fund, the Business Support Fund expansion, payroll tax rebate/waiver, or other coronavirus (COVID-19) programs can apply for assistance under *Business Support Fund 3*.
- 5.5 Businesses that apply for support under the Business Support Fund 3 and the Licenced Hospitality Venue Fund (LHVF) may be entitled to a grant no higher than the maximum amount for which the business is eligible under either LHVF or this Program.
- 5.6 Each application will be carefully considered and assessed against the eligibility criteria. If an unsuccessful applicant considers that their application has been incorrectly assessed, they will have the opportunity to lodge a complaint with Business Victoria. If after that consideration an applicant still believes their application has been incorrectly assessed, there will be an opportunity for arms-length review of their application.

6 Compliance and Audit

- 6.1 Applicants are subject to a risk assessment which verifies business details provided with the Australian Business Register, Australian Securities and Investment



Commission, Australian Charities and Not-for-profits Commissioner, Consumer Affairs Victoria and/or other applicable regulator.

- 6.2 Applicants will be subject to audit by the Victorian Government or its representatives and will be required to produce evidence (such as payroll reports to demonstrate impact) at the request of the Victorian Government for a period of four years after the grant has been approved.
- 6.3 If any information in the application is found to be false or misleading, or grants are not applied for the purposes of the business in accordance with the terms of funding as set out in these guidelines and attached application, the grant will be repayable on demand.

7 Other information about this Fund

- 7.1 The Department of Jobs, Precincts and Regions reserves the right to amend these guidelines and application terms at any time as it deems appropriate.
- 7.2 The Department of Jobs, Precincts and Regions will endeavour to notify all applicants of the outcome of their submitted application within 5 business days.

8 Closing date and how to apply

- 8.1 The Program will be open for applications until the date the Business Support Fund 3 is exhausted or 11.59pm on 23 November 2020, whichever is earlier.
- 8.2 Applicants are required to submit an application online via the Business Victoria website (business.vic.gov.au). All questions in the application need to be completed to ensure timely assessment and grant payment.
- 8.3 Further information may be found at business.vic.gov.au or through the Business Victoria Hotline at 13 22 15.

Victorian Ombudsman's Parliamentary Reports tabled since April 2014

2021

Outsourcing of parking fine internal reviews – a follow-up report
March 2021

Investigation of protected disclosure complaints regarding the former Principal of a Victorian public school
February 2021

2020

Investigation into the detention and treatment of public housing residents arising from a COVID-19 'hard lockdown' in July 2020
December 2020

Investigation into complaints about assaults of five children living in Child Protection residential care units.
October 2020

Investigation into corporate credit card misuse at Warrnambool City Council
October 2020

Investigation into review of parking fines by the City of Melbourne.
September 2020

Investigation into the planning and delivery of the Western Highway duplication project
July 2020

Ombudsman's recommendations – third report
June 2020

Investigations into allegations of nepotism in government schools
May 2020

Investigation of alleged improper conduct by Executive Officers at Ballarat City Council
May 2020

Investigation into three councils' outsourcing of parking fine internal reviews
February 2020

2019

Investigation of matters referred from the Legislative Assembly on 8 August 2018

December 2019

WorkSafe 2: Follow-up investigation into the management of complex workers compensation claims

December 2019

Investigation into improper conduct by a Council employee at the Mildura Cemetery Trust

November 2019

Revisiting councils and complaints

October 2019

OPCAT in Victoria: A thematic investigation of practices related to solitary confinement of children and young people

September 2019

Investigation into Wellington Shire Council's handling of Ninety Mile Beach subdivisions

August 2019

Investigation into State Trustees

June 2019

Investigation of a complaint about Ambulance Victoria

May 2019

Fines Victoria complaints

April 2019

VicRoads complaints

February 2019

2018

Investigation into the imprisonment of a woman found unfit to stand trial

October 2018

Investigation into allegations of improper conduct by officers at Goulburn Murray Water

October 2018

Investigation of three protected disclosure complaints regarding Bendigo South East College

September 2018

Investigation of allegations referred by Parliament's Legal and Social Issues Committee, arising from its inquiry into youth justice centres in Victoria

September 2018

Complaints to the Ombudsman: resolving them early

July 2018

Ombudsman's recommendations – second report

July 2018

Investigation into child sex offender Robert Whitehead's involvement with Puffing Billy and other railway bodies

June 2018

Investigation into the administration of the Fairness Fund for taxi and hire car licence holders

June 2018

Investigation into Maribyrnong City Council's internal review practices for disability parking infringements

April 2018

Investigation into Wodonga City Council's overcharging of a waste management levy

April 2018

Investigation of a matter referred from the Legislative Council on 25 November 2015

March 2018

Victorian Ombudsman's Parliamentary Reports tabled since April 2014

2017

Investigation into the financial support provided to kinship carers

December 2017

Implementing OPCAT in Victoria: report and inspection of the Dame Phyllis Frost Centre

November 2017

Investigation into the management of maintenance claims against public housing tenants

October 2017

Investigation into the management and protection of disability group home residents by the Department of Health and Human Services and Autism Plus

September 2017

Enquiry into the provision of alcohol and drug rehabilitation services following contact with the criminal justice system

September 2017

Investigation into Victorian government school expulsions

August 2017

Report into allegations of conflict of interest of an officer at the Metropolitan Fire and Emergency Services Board

June 2017

Apologies

April 2017

Investigation into allegations of improper conduct by officers at the Mount Buller and Mount Stirling Resort Management Board

March 2017

Report on youth justice facilities at the Grevillea unit of Barwon Prison, Malmsbury and Parkville

February 2017

Investigation into the Registry of Births, Deaths and Marriages' handling of a complaint

January 2017

2016

Investigation into the transparency of local government decision making

December 2016

Ombudsman enquiries: Resolving complaints informally

October 2016

Investigation into the management of complex workers compensation claims and WorkSafe oversight

September 2016

Report on recommendations

June 2016

Investigation into Casey City Council's Special Charge Scheme for Market Lane

June 2016

Investigation into the misuse of council resources

June 2016

Investigation into public transport fare evasion enforcement

May 2016

2015

Reporting and investigation of allegations of abuse in the disability sector: Phase 2 – incident reporting

December 2015

Investigation of a protected disclosure complaint regarding allegations of improper conduct by councillors associated with political donations

November 2015

Investigation into the rehabilitation and reintegration of prisoners in Victoria

September 2015

Conflict of interest by an Executive Officer in the Department of Education and Training

September 2015

Reporting and investigation of allegations of abuse in the disability sector: Phase 1 – the effectiveness of statutory oversight

June 2015

Investigation into allegations of improper conduct by officers of VicRoads

June 2015

Investigation into Department of Health oversight of Mentone Gardens, a Supported Residential Service

April 2015

Councils and complaints – A report on current practice and issues

February 2015

Investigation into an incident of alleged excessive force used by authorised officers

February 2015

2014

Investigation following concerns raised by Community Visitors about a mental health facility

October 2014

Investigation into allegations of improper conduct in the Office of Living Victoria

August 2014

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