

ombudsman VICTORIAN



2022
ANNUAL
REPORT

**Ordered to be published
Victorian government printer
Session 2018-22
P.P. No. 400**

Accessibility

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

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

Letter to the Legislative Council and the Legislative Assembly

To

The Honourable the President of the Legislative Council

and

The Honourable the Speaker of the Legislative Assembly

Dear Presiding Officers,

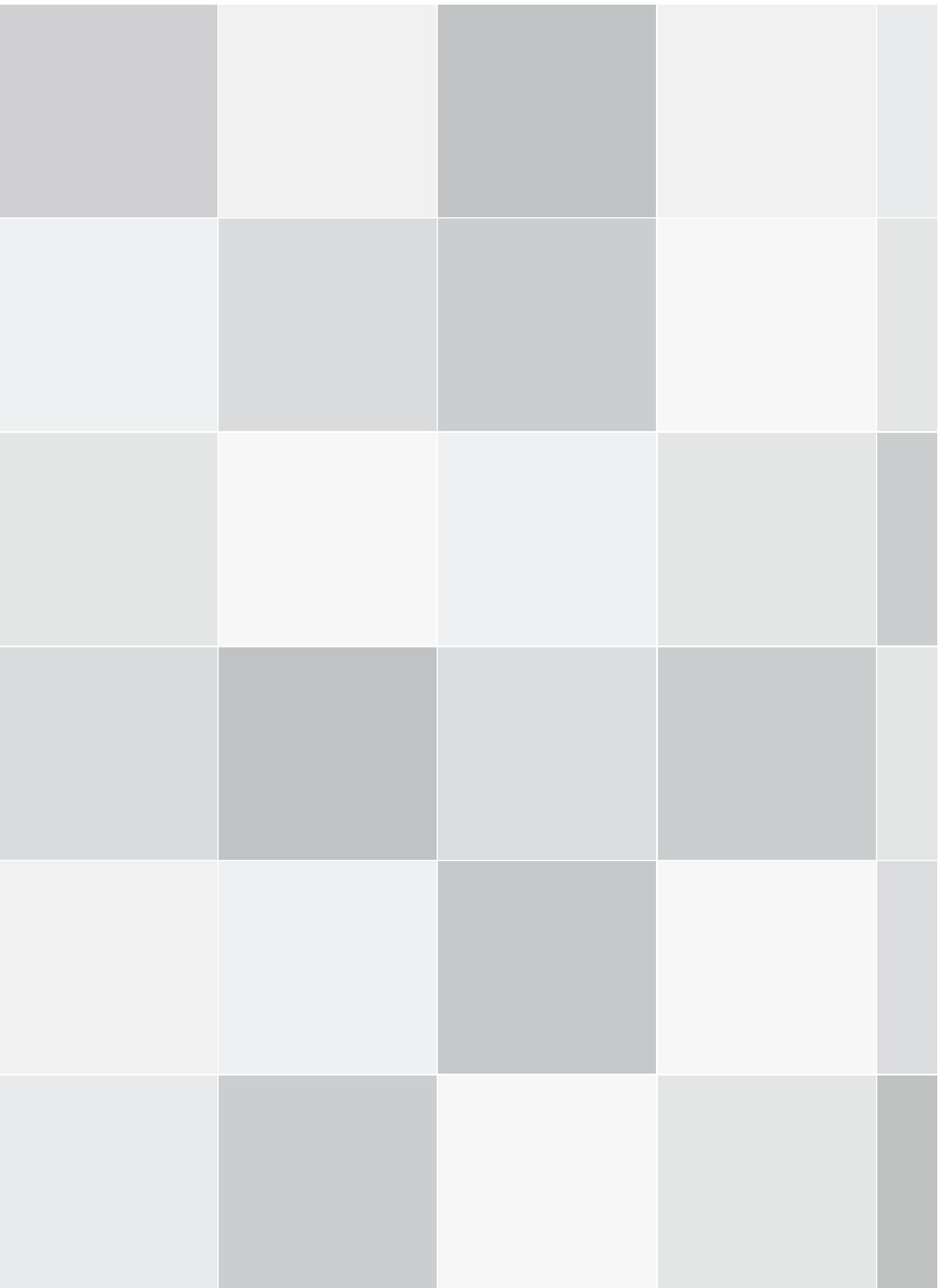
I am pleased to transmit, in accordance with section 25 of the *Ombudsman Act 1973* (Vic), the Annual Report of the Victorian Ombudsman's office for the year ended 30 June 2022.

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

Deborah Glass OBE

Ombudsman

20 October 2022



Contents

Year at a glance 2021-22	4
Ombudsman's message	6
Annual Plan 2021-22 Outcomes	8
About us	12
Our relevance	16
Contact with us	18
COVID-19 Impact	20
Complaints	26
Reviewing complaint handling policies and processes	40
Alternative Dispute Resolution – Conciliation	42
Investigations	46
Public interest disclosures	54
Protecting Human Rights	60
Engagement	64
Public Sector Education	68
Strengthening our capabilities to support our vision	72
Feedback about us	84
Financial Statements	98
Appendices	136

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

Year at a glance 2021-22

"20 years in the consulting room has given me an awareness of the genuine effort and effectiveness of your communication. It was gratifying to be heard."

— Feedback from a complainant

18,889

jurisdictional
complaints received

up 4.6%

944

complaints about
COVID-related public
health measures received

5,260

enquiries



31

completed
investigations



17,111

phone
complaints



Six

reports tabled
in Parliament



6,666

complaints
received via
online web form



93%

Total accepted
recommendations
25 out of 27

2,937

complaints about human rights

+6%



Most complained about portfolio

Corrections

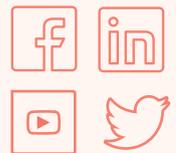
Biggest issue of complaints

Correspondence and communication delays and no response

Social media

+22.5%

up on last year



38

educational workshops



167

Public Interest Complaint allegations finalised through enquiries

up 125%

Environmental impact

15% decrease

in paper usage per FTE

17% increase on efficiency from last year

Net Greenhouse emissions per FTE staff member (tonnes)

Ombudsman's message

People have always been at the heart of Ombudsman work, and in another year defined by events outside our control, it is their stories that continue to resonate.

As bureaucracies deal with crises – and few in the last century would have been larger than that brought on by the COVID-19 pandemic – the challenge to public sector decision-makers is greater than ever. But so too is the risk of mistakes, oversights, or misjudgements which impact individuals. And these are, and have always been, Ombudsman core business.

The woman unable to cross the Victorian border to care for her starving animals; the environment group worried about contaminated spoil; the pensioner struggling with fines on a speeding ticket – our complainants each have a story to tell about fairness of official decisions, many of which also impact their human rights.

As the Ombudsman, and Victoria's human rights investigator, we listen to these stories, and do our best to resolve or investigate their complaints.

We did this last year while our staff continued to work remotely, maintaining and at one point increasing our hours of service. The past year saw another increase in jurisdictional complaints – matters we could deal with – up almost 5% to a record 18,889. Nearly 3,000 of those engaged human rights issues.

Like the previous year, we received many complaints about COVID-19 public health directions brought on by lockdowns and border closures, as well as new requirements for vaccines and masks. While all complaints are assessed, not all are investigated. We recognise that a public health crisis involves a balancing of rights and our decisions not to investigate vaccine mandates certainly caused some dissatisfaction among those who complained to us.



The COVID-19 pandemic undoubtedly led to a change of people's perception of human rights as people reacted to limitations on their freedoms, whether lockdowns or border closures or changes to our everyday lives, such as mask-wearing, to help keep the community safe.

While we did not investigate all such complaints, we did investigate the Department of Health's decision-making under the *Victorian Border Crossing Permit Directions* and tabled a report in Parliament in December 2021. While the situation itself was extraordinary, the investigation underlined a common theme in Ombudsman experience: the importance of good administrative decision-making. Failing to exercise discretion fairly, not giving reasons for decisions, failing to offer a right of review – these can all damage public trust in those who make decisions, and ultimately, in government.

In August 2021 we published our first human rights casebook: a snapshot of the thousands of matters involving people's human rights that we see each year. They illustrate the rights of children and families, kinship carers, injured workers, activists and prisoners, of everyday Victorians. Their stories illustrate the reach of human rights in our society and their impact on decision-making, and the balancing act public agencies sometimes need to carry out to get it right.

Prisons and local councils again topped the list of most complained about agencies, consistent with previous years. But complaints about local councils' complaint handling look to be trending down – possibly, an indication that our many years of work with local councils, including training, reports about good complaint handling, and good practice guides are bearing fruit. Our updated good practice guide was published in the year under review.

We have also begun using the new tools in our toolkit to help resolve complaints and improve public administration. Ombudsman conciliation has begun delivering productive outcomes for complainants and agencies alike, with overwhelmingly positive feedback from both. And we have carried out our first reviews of agency complaint handling, to assist them to do it better, also to positive feedback.

In other firsts, we are now trialling a range of digital channels including Webchat and SMS to improve communication and engagement, and to make the office more accessible than ever.

Public interest complaints referred by IBAC have continued unabated, although the number of formal investigations has gone down as we are now concluding more of these, more efficiently, using our less formal enquiry powers. Maladministration and misconduct are also themes in referrals from Parliament. One major investigation – Operation Watts, our first joint investigation with IBAC – was concluded just after the end of the financial year, and a further investigation was commenced after a referral from the Legislative Council in February 2022.

My finances continue to operate with the Treasurer's commitment to make up any shortfall to allow me to do the job expected of me by Parliament and the public. While I am grateful that my funding is no longer a current issue, I am also aware – together with my fellow integrity agency heads – that more could be done to embed independent budget processes, so this does not become an issue again in future.

In another incredibly busy year, with rising complaint numbers, continuing major investigations, and the development of innovative ways of working and resolving complaints, it is my hardworking and dedicated staff who make it all happen. In the past year, many continued to do so while working remotely and dealing with increasingly challenging behaviour from some complainants. I thank them all, and my equally dedicated leadership team, for ensuring our service to the public is not only maintained but enhanced.

Deborah Glass
Ombudsman

Annual Plan 2021-22 Outcomes

Victorian Ombudsman Annual Plan Achievements 2021-22

Objective 1	
Relevance	
More people access and value our services	
Action	Outcome
Pilot expanded Victorian Ombudsman contact hours to 7am-7pm	An extended hours pilot was conducted over a 4-week period in November/December 2021. Following the analysis of the demand versus resourcing implications, VO will consider expanding its opening hours.
Expand Victorian Ombudsman contact methods to include SMS and webchat	SMS was successfully introduced to support automated complaint progress updates via complainant's mobile device. Webchat was successfully implemented to support warm handovers of on-jurisdictional complaints to the correct entity, whilst also allowing the complainant the ability to lodge their complaint via the messaging platform.
Pilot a partnership with a metro and a regional Community Legal Centre (CLC)	Partnerships with Peninsula and Loddon Campaspe CLCs were successfully piloted with plans to expand the model to several other CLCs. The two CLCs now have a greater level of understanding of the VO's jurisdiction and a complainant referral service has been established
Conduct outreach programs targeting regional communities, vulnerable communities, culturally and linguistically diverse communities and young people	COVID-19 has significantly impacted the full achievement of this goal. Engagement and awareness-raising programs have been held with the Federation of Ethnic Communities' Councils of Australia and the Victorian Multicultural Commission. The realisation of the goal will continue in the coming years as part of VO's business-as-usual work.
Conduct a social justice/human rights focused investigation	<p>A human rights casebook was tabled, illustrating the rights of children and families, kinship carers, injured workers, activists and prisoners: The Ombudsman for Human Rights: A Casebook</p> <p>The Border Permits investigation was tabled, featuring a strong human rights and social justice focus: Investigation into decision-making under the Victorian Border Crossing Permit Directions Victorian Ombudsman</p> <p>A webinar with the Victorian Aboriginal Legal Service on human rights complaints took place on 22 June 2022.</p>
Expand community awareness (especially of young people) of the Victorian Ombudsman's role through increased use of social media channels	The Victorian Ombudsman's TikTok channel was introduced, targeting the 18-25 year old age group and aims at increasing the level of awareness of young people in the role of the Victorian Ombudsman. This is the age group that continues to be underrepresented as complainants. The realisation of the goal will continue in the coming years as part of VO's business as usual work.
Implement the complaint practices and procedures review function and conduct reviews of complaint practices and procedures in at least one department and one public body	A complaint review process, embedded as part of VO's Early Resolution and Assessments team, was developed. A complaint review of the Legal Services Board and Commissioner has been completed. Targeted identification of public organisations suitable for complaints review will continue in the coming year.
Implement the alternative dispute resolution function	The alternative dispute resolution (ADR) function, has been established, inclusive of staff recruitment and policy and process development. Intensive internal training of types of complaints that lend themselves to an ADR consideration has taken place. A targeted public organisations awareness-raising campaign is underway with a successful session with local councils already completed.
Conduct a follow-up community awareness survey	A community awareness survey was completed, pointing to a strong favourable perception of the VO among the Victorian community and further opportunities to continue to clarify jurisdictional powers and limitations through targeted social media channels as well as a better complainant referral process to the VO by public organisations.

Objective 2

Impact

Victorian public organisations deal fairly with people

Action	Outcome
Develop business intelligence capability to assist public organisations learn from their complaints	Investment in staffing capability and systems has resulted in Power BI reports now used daily to inform decision making. Regular report sharing with public organisations was piloted.
Conduct at least one joint investigation or project with IBAC	Conducted joint “Operation Watts” investigation in partnership with IBAC tabled on 20 July 2022.
Increase the number of public education workshops, including at least one Victorian Ombudsman-led initiative with other integrity agencies	A joint webinar with IBAC and VAGO on best practice procurement practices attracted approximately 800 registrations. A joint webinar with IBAC and VPSC, facilitated by IPAA, on public service impartiality attracted over 700 registrations.
Conduct quarterly workshops for public organisations on emerging issues	In addition to the webinars on procurement practice, public sector impartiality, human rights complaints and an ADR information session, a workshop with local councils on best practice complaints handling was held.
Enhance efficiencies in enquiries and investigations by improving Ombudsman liaisons with public organisations	COVID-19 has significantly impacted the full achievement of this goal both in the ability to engage face to face and due to staff turnover within VO and public organisations. Recognising the prevalence of local government complainants in VO work, in person and online sessions with Local Government liaison officers were hosted.
Commence at least two systemic investigations into issues of public concern	Systemic investigations into Social Housing and Environmental Protection Agency were conducted. The investigation into the Environment Protection Authority was tabled on 31 May 2022: Investigation into Environment Protection Authority decisions on West Gate Tunnel Project spoil disposal The Social Housing investigation was tabled on July 2022.

Victorian Ombudsman Annual Plan Achievements 2021-22 (continued)

Objective 3	
Quality	
Victorian Ombudsman staff are recognised for their integrity, values and skills	
Action	Outcome
Implement a capability framework focusing on people and their development, particularly at leadership and management levels	Capacity constraints resulting from COVID-19 focused work has significantly impacted the full achievement of this goal. A capability framework has been developed and the implementation will commence in FY2022-23.
Identify key workforce gaps and address them through targeting recruitment and training	Capacity constraints resulting from COVID-19 focused work has significantly impacted the full achievement of this goal. "The great resignation" has further prevented the realisation of this goal. VO has increased the use of recruitment agencies to assist in addressing key skills shortage with limited success. Leadership program investment was prioritised. This goal will continue to be the focus in FY2022-23.
Develop a Diversity and Inclusion Plan and an Accessibility Action Plan	A Gender Equality Action Plan was developed and endorsed by the Gender Equality Commission. The Accessibility Action Plan was developed and reviewed by Scope Australia: Accessibility Action Plan Victorian Ombudsman An overarching Diversity and Inclusion Plan will be prioritised for FY2022-23.
Embed 6-monthly administrative decision-making and human rights training for staff	Administrative decision-making and human rights training to staff has been created and implemented with a regular training schedule in place
Develop real-time Victorian Ombudsman performance metrics to be displayed on the website	Real time performance reporting of the VO output performance measures is now displayed on the Victorian Ombudsman's website.
Develop Innovate RAP and have it approved by Reconciliation Australia	A second, Innovate Reconciliation Action Plan has had two sets of feedback from Reconciliation Australia and is due to be endorsed in FY2022-23. It will be published following their endorsement.

* A 'warm handover' allows complaints to be transferred directly to another department/agency without requiring the complainant to take further steps

** Under a digital-first approach, VO will reduce its environmental impact by minimising hard-copy printing.

*** Under a smart space utilisation approach, VO will enable desk-sharing (subject to Public Health COVID advice).

Objective 4

Innovation

Sustainable Victorian Ombudsman, lean internally and efficient externally

Action	Outcome
Deliver on process and system efficiencies through case management system automation, including complaint correspondence integration	Ongoing case management system improvements have become part of business-as-usual work. Automation to send direct correspondence is scheduled to be implemented in early FY2022-23. Project management methodology to support investigations has been piloted.
Pilot a 'warm handover'* of premature complaints to a department/agency	Capability constraints by both VO and IT service providers have significantly impacted the full achievement of this goal. While a technology-focused solution continues to be explored, VO staff continue to be 'a bridge' between complainants and responding department/agency.
Develop a website-driven 'warm handover' for non-jurisdictional complaints	Direct linkage from the VO's online complaints form to a non-jurisdictional entity has been successfully piloted, leading to fewer touch-points by VO staff. The aim is to continue to expand this solution to other agencies in FY2022-23.
Deliver on process and system efficiencies through the new finance system implementation	As part of the Victorian Ombudsman's budget independence obligations a new finance system, focused on automation and user self-service was implemented and is fully functional.
Enhance the Victorian Ombudsman's social responsibility through a digital-first approach** and smart space utilisation***	<p>Document digitisation has been completed within the Microsoft 365 environment and SharePoint has been partly implemented. The development of an Information Management Framework to support greater governance and user knowledge has been delayed by staff shortages.</p> <p>Hybrid working initiatives such as desk-sharing and office rostering were piloted and will be further explored through the sustainable hybrid working model in FY2022-23.</p>

About us

Establishment

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

Purpose

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

Our work

Our day-to-day work involves:

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

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

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

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

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

Human rights

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

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

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

Our jurisdiction

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

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

Who we can investigate



About us

Our vision

There are four principles that guide our work:

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

Strategic Framework 2020-24

Our vision

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

Ensure Fairness

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

Enhance integrity and accountability

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

Protect Human Rights

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

Support innovation and improvements

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

Our values

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

Our relevance

“There are times people will not be treated fairly by the government, so I would highly recommend people reach out to the Ombudsman; they are very approachable.”

—Response from a complainant

Postcode breakdown of complaints



5,993

Complainants
that provided
a postcode

↓ 26%



740

Total amount
of postcodes
identified

↓ 16%

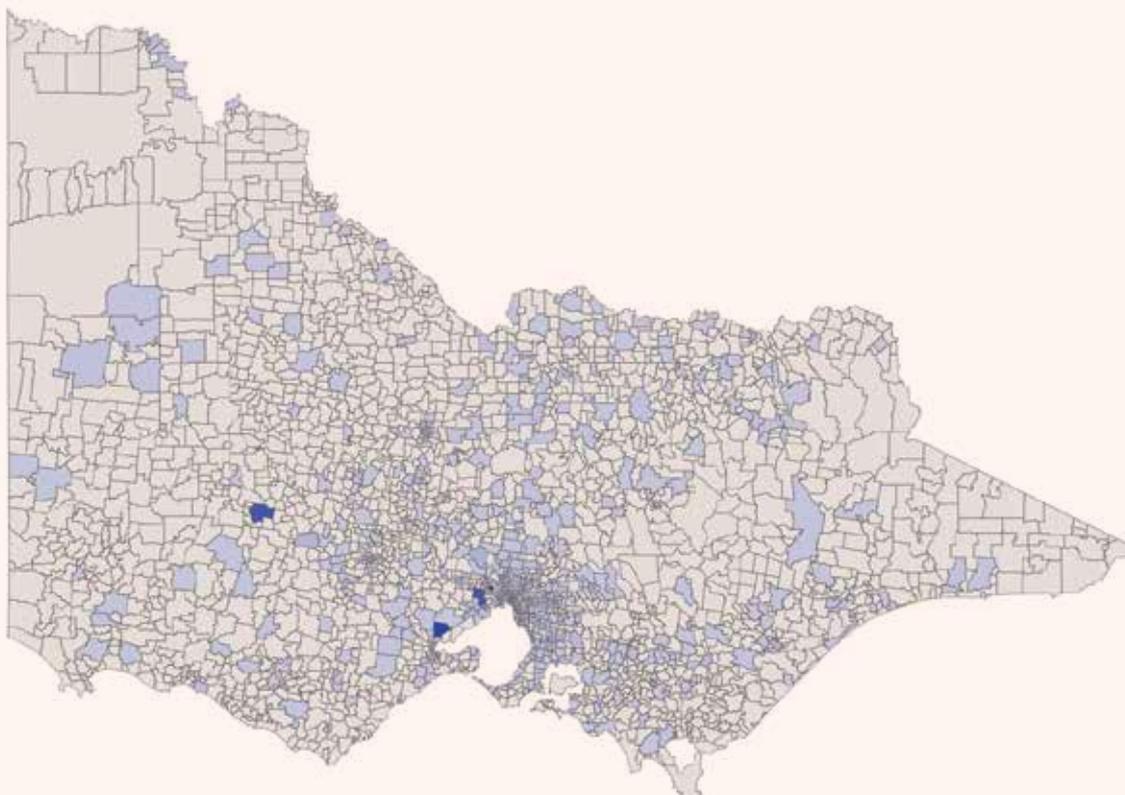


37%

of Victorians
have used VO
services in last
12 months

Postcode data is based on those complaints that provide the data to us. Changes to internal systems to ensure postcode data is captured more accurately were introduced in 2021-22 financial year to support identifying key areas that utilise the office's services.

Complaints received by suburb



Source: Victorian Ombudsman

From Ararat to Healesville, Greenvale to Frankston and Wombat Creek to Albert Park, the Victorian Ombudsman is dedicated to being accessible to all, regardless of geography, including those who live outside Victoria.

We have taken complaints from 37 per cent of postcodes in Victoria in 2022 financial year.

Our broad range of enquiries and investigations during this financial year impacted people state-wide - whether it was a person with disabilities who had their power disconnected because State Trustees had failed to pay the invoices, a prisoner trying to get support from health services to facilitate a methadone withdrawal program, to multiple public housing health and safety issues.

Contact with us

Jurisdictional complaints

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

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

16,318 89.63% closed within 30 days **2019-20**

How people contacted us in 2021-22



17,111

Phone Call

↑ 14%



6,666

Online
Complaint
Form

↑ 14%



2,156

Email

↓ 32%



503

Letter

↓ 22%

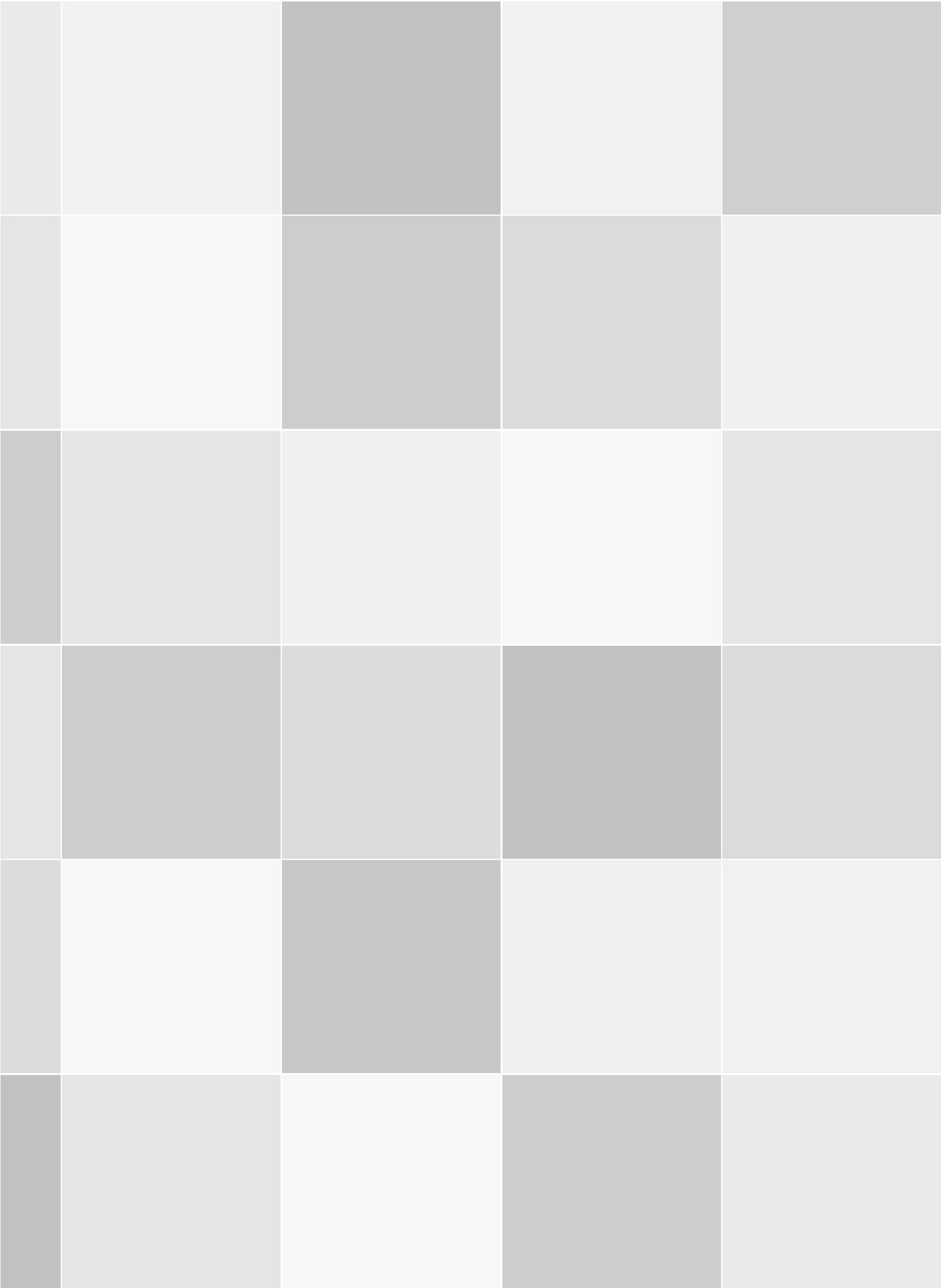
This year, for a second year in a row we have received a record number of jurisdictional complaints – up 4.6 per cent on last year to 18,889 – 91.40% of which were dealt with within 30 days¹.

We also saw more people contacting us via Phone and our Online Complaint Form than in previous years. Greater take-up of these targeted complaints channels can help us respond to complaints more efficiently.

There was a reduced number of email complaints from 3,196 in 2020-21 to 2,156 this financial year; however our online complaints rose by 14 per cent.

Telephone calls were also significantly higher, up 14.2 per cent to 17,111 due in part to workforce planning in our front-end Early Resolution Team. The very recent introduction of webchat resulted in 24 complaints being captured through this new technology. We will continue to look at improvements across a range of digital channels to support the process and improve engagement.

¹ Until 2021, the annual report included a figure for 'total approaches', which included non-jurisdictional complaints redirected via telephone or website. This number is no longer reported as part of complaints. When reported in 2017, a portion of that figure was based on an estimate.



COVID-19 Impact

As COVID-19 continued to present challenges during 2021-22, our office ensured the community remained at the heart of what we do. While our physical office remained closed to the public, our call centre remained open every business day.

Our streamlined online complaints process continued to be an effective way to lodge a complaint.

We operated without any significant impacts to our contactable hours for the entire 2022 financial year and piloted a program of extended hours of service from 7am to 6:30pm.

Like last year, in financial year 2022 we received many complaints about COVID-19 restrictions and public health orders – lockdowns, border closures, restricted freedoms and compulsory mask-wearing. While all complaints are assessed and some were investigated, we do not investigate all complaints to our office.

We did however investigate the Department of Health's decision-making under the *Victorian Border Crossing Permit Directions* and tabled a report of our findings in Parliament in December 2021. At its core, this investigation was about the importance of good administrative decision-making. Failing to exercise discretion fairly, not giving reasons for decisions, failing to offer a right of review – these can all damage public trust in those who make decisions, and ultimately, in government.

Also in December 2021, the *Public Health and Wellbeing Amendment (Pandemic Management) Bill 2021* (Vic) was passed. As a result, responsibility for issuing public health directions in a pandemic moved from the Chief Health Officer, a public official within the Ombudsman's jurisdiction, to the Minister for Health.

Having recommended reforms to our public health laws in 2020, we were pleased the amendments provide:

- greater independence to the detention review process
- increased parliamentary oversight and
- better transparency with requirements that health and human rights advice be published.

Although in most cases we cannot deal with complaints about the decisions of Ministers, such as any decision to issue a 'Pandemic Order', we continued to deal with complaints about the way in which such orders were implemented by departments and agencies.

In financial year 2022 we received 944 complaints about COVID restrictions and public health orders, compared to 274 the year before.

"I welcome recent amendments to legislation which provide greater transparency and accountability during a pandemic, but more is needed. Changes to policy and guidance will help. I also encourage the government to publicly acknowledge the distress caused to so many people when discretion was exercised narrowly, or not at all."

– Deborah Glass, Victorian Ombudsman

SNAPSHOT: INVESTIGATION INTO DECISION-MAKING UNDER THE VICTORIAN BORDER CROSSING PERMIT DIRECTIONS

THE CASE

To manage the ongoing COVID-19 public health crisis, Victoria introduced a traffic light travel system in January 2021, a scheme which required every person wanting to enter the State to get a permit.

On 23 July 2021, the hard border came down with NSW, then the ACT the following month. Thousands were locked out – no one could enter unless they had an exemption or were an ‘excepted person’. But exemptions proved hard to obtain – people were left stranded and found themselves unable to get an exemption to enter Victoria to farewell loved ones at funerals, attend medical appointments, return home to care for animals or on compassionate grounds.

The Ombudsman started receiving complaints when the changes were introduced in July, and by early September, had received more than 80 complaints from affected people. The investigation heard from 315 complainants.

KEY FINDINGS

- Decisions to issue the Border Directions during Victoria’s public health emergency were not unjustified or unreasonable, but the unexpected suspension of red zone permits and the subsequent addition of ‘extreme risk zones’ changed the traffic light system people had been accustomed to, and inadvertently caught many off guard.
- On 20 July, Victorian residents in red zones were given 12 hours to make it across the border, which proved impossible for many.
- Almost 8,000 exemption applications were open in early August 2021, and the team responsible for managing requests was scaled up from 20 staff in early July 2021 to 285 by early September 2021.
- Staff responsible for categorising and prioritising applications were expected to complete 50 per hour: an average of almost one every 30 secs.
- The evidence required for exemptions was extensive and included statutory declarations, proof of residence, proof of ownership of animals, letters from medical professionals, bank/financial statements, and statements of relationship to people who were dying, or funeral notices.
- While acknowledging the challenging circumstances faced by the department, and that not all its decisions were unfair, the Ombudsman found the narrow exercise of discretion under the Border Directions resulted in unjust outcomes.

RECOMMENDATIONS

As a result of the investigation, the Ombudsman recommended the Victorian Government publicly acknowledge that the narrow exercise of discretion resulted in unjust outcomes and consider measures to alleviate this.

Among other things, the Ombudsman also recommended a clarifying amendment to the right to freedom of movement under the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*, and that policies be developed under the *Public Health and Wellbeing Act 2008 (Vic)* to assist decision-makers in the future.

SNAPSHOT: INVESTIGATION INTO DECISION-MAKING UNDER THE VICTORIAN BORDER CROSSING PERMIT DIRECTIONS (CONTINUED)

FINAL WORD

“The effect of a complex and constrained bureaucracy meant some outcomes were downright unjust, even inhumane. If there is a next time – we cannot let this happen again.”

—Deborah Glass, Victorian Ombudsman

OUTCOMES

- The Victorian Government is considering amending the *Charter of Human Rights and Responsibilities Act* to reflect the equivalent provision in the ACT.
- The Department of Health is developing guidance in line with issues identified by the investigation that will apply to any future pandemic orders to which people can apply for exemption.
- The system used to manage exemption applications – and which will be used again if the need arises – was updated to ensure decision-makers must record decisions and to manage applications for internal review.

BY THE NUMBERS

33,252

exemptions
received between
9 Jul & 14 Sep

8%

of applications
were granted

315

complaints to
the Ombudsman

30 SECONDS

time staff had
to categorise
applications

Your stories

Denied border permit leads to loss of flock

Phillipa travelled to Wagga Wagga in NSW in April to support her daughter after she gave birth to premature twins. Phillipa's son-in-law was deployed overseas with the Australian Army at the time and was unable to provide immediate support.

After Phillipa's daughter no longer needed her assistance, she applied for an exemption to return home to Gippsland on 18 August 2021. Initially, Phillipa applied for health, wellbeing, care and compassion reasons as she needed to attend medical appointments and have tests done for a pre-existing condition. In a second application submitted four days later, Phillipa added information about needing to return home to care for her livestock, which her husband was unable to attend to as he was required to leave their farm for work.

Phillipa provided supporting evidence with her application including a letter from the (then) Department of Environment and Primary Industries confirming her Property Identification Code for her livestock, a statutory declaration explaining the circumstances, identity documents and negative COVID-19 test results.

Phillipa then sent several emails to the Department in the days after she applied as she was increasingly concerned for her livestock's wellbeing. One of Phillipa's ewe's had already died and the situation was becoming increasingly urgent.

In an email to the Department on 31 August 2021, Phillipa said:

Our paddock has no grazing feed left so without hand feeding, and an urgent worm treatment, the rest of the flock will quickly succumb to malnourishment and starvation. It is also lambing season so I URGENTLY need to attend to the sick ewe and be there for lambing ewes needing assistance and their feeding for lambs to survive.

I am greatly distressed and heartbroken by the loss of our ewe ... And now I am stressed and concerned at the risk to the rest of the flock and am panicking and in anguish over the pain and suffering I am causing to my animals by not attending to their care and urgent needs ... PLEASE can you help me.

When the Department failed to respond to her emails, Phillipa complained to the Ombudsman:

This seems inhumanely cruel to leave me unable to return home, to leave our animals to suffer and die and not respond with any details ... The pain and anguish this is causing myself, my husband and our animals is beyond bearable, cruel on every level and wrong.

The Department told the Ombudsman it asked Phillipa for additional information but that she did not provide it:

[Phillipa] failed to provide any sufficient evidence to support her travel circumstances and the case was rejected ... if an applicant's circumstances change or they can provide new evidence – they are encouraged to lodge a new application with the Department.

On 9 September 2021, Phillipa told the Ombudsman she had taken the difficult decision to move or destroy her animals, as there was nobody to care for them.

Phillipa said:

I am beyond devastated and have sought medical help and counselling as I am not coping well. I cannot fathom the cruelty of this process and their decision.

Surrendering our animals has broken my heart, my spirit and my faith in our state government and the humanity of the people that make such decisions based on fear and not at all on human rights, compassion or justice.

The Department told the Ombudsman:

While it is understandable that people wish to enter Victoria to care for animals, in most cases, arrangements can be made for others to care adequately for animals. The threshold for exemptions in order to care for animals is therefore quite high, in the face of the significant risk to public health posed by entry into Victoria from high risk zones.

Your stories

Ten negative COVID tests not enough to satisfy border permit

A dash up to Oberon in regional NSW to visit his parents soon turned into an extended stay for Jose, following the passing of his father.

After organising the funeral and ensuring his mother's wellbeing, Jose assumed his application for a border permit to return to Victoria would be granted without much fuss.

"My daughter was going through lockdown in Melbourne on her own," recalls Jose.

"My wife was here in Victoria. We have a large property which one person alone can't manage. She went through that stress and aggravation alone.

"That was written in my submission; it's not like we are sitting in a house that runs itself. It's a full-on farm that we need to manage."

Conscious that his family needed him back in Victoria, Jose applied for an exemption.

"I went through the application process but found it to be a long and difficult process," recalls Jose.

"After I submitted the form, there was no communication, nobody could help."

On numerous occasions Jose's application was rejected with no explanation why he was unsuccessful.

"One person rang me up and said I'd need a negative COVID-19 test," he said.

"My question to them was 'am I going to be travelling and if so, what's the date?'"

"Because a negative COVID-19 test is only valid for 48 hours. They couldn't answer that question.

"I ended up having a COVID-19 test every two days. I ended up being a regular at the testing centre."

After nearly three months locked out of Victoria, the phone call finally came.

"The next day, I packed up and got in the car and just drove like fury to get over that border," he said.

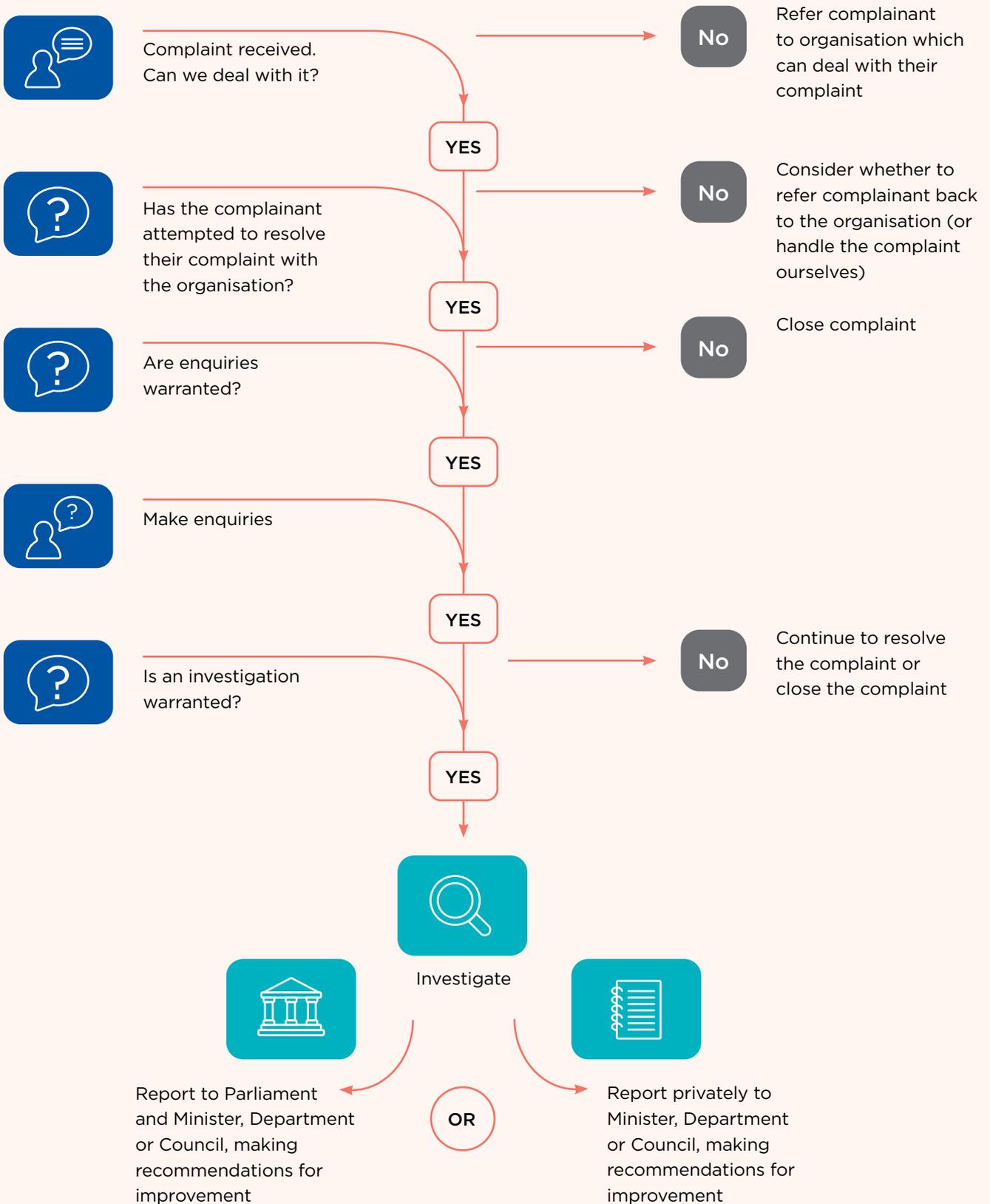
"Now, I want to go back and visit my mum for Christmas. I now don't know if I can do that.

"I'm willing to go up on my own, but my wife and my daughter can't afford to be stuck there at the same time. What do you do?"



Photo: Gerard McLenaughan

Complaints flow chart



Complaints

“Feeling very relieved and thankful to your team as I am sure your involvement has made a really big difference to people such as myself. Words cannot express how grateful I am.”

—email from a complainant.

While the Ombudsman is best known for investigations and public reports, the beating heart of our office is the thousands of complaints we receive from the public each year.

Complaints are our core business and the numbers we receive that we can deal with (in our jurisdiction) continue to grow.

When we receive a complaint, we might make enquiries to try to resolve it informally, without needing to begin an investigation. This usually involves asking for an explanation about an organisation’s actions. We may also ask for a proposed resolution.

We might make proposals if we consider the organisation’s actions have been unfair or unreasonable and when there is a practical outcome that can be achieved.

Early Resolution

Early resolution is an approach to assessing complaints which prioritises identifying and resolving them at the first possible opportunity, preventing small issues from growing into larger ones.

Early resolution complaints officers decide whether there is a role for our office in a complaint. Their focus is determining what practical solutions our involvement might achieve. Some complaints are solved within hours or days of making organisations aware.

We work collaboratively with organisations – often on the phone – and make assessments about the prospects of resolving matters.

Our Early Resolution Team handles about 90 per cent of contacts to our office, closing most within 30 days.

“I just wanted to thank you personally for this outcome. Your help and support was obviously very instrumental ...”

—email from a complainant

Assessments

Our Assessments Team is responsible for managing more complex complaints. These are complaints that can’t be resolved quickly and could involve analysing lengthy documentation, undertaking research of legislation or policy, communicating more deeply with the parties to the complaint or recommending improvements to policy or process at an agency.

Complex complaints often can involve more than one enquiry on a case to fully understand the issues or dealing with a large group of complainants. The Assessments Team also has a role in recommending issues for conciliation or investigation.

In financial year 2022 the Assessments Team recommended the Ombudsman look at issues faced by social housing residents seeking to resolve complaints with housing providers.

The complaint handling and scoping work by the Assessments Team resulted in the Ombudsman’s recently tabled *Investigation into complaint handling in the Victorian social housing sector*.

“I have been so busy lately that I have not taken the time to express my appreciation for having my rate notice from the Council amended to show my pensioner concession applied. You have been working and doing so many things behind the scenes to make this happen. I appreciate all that you did to make this happen.”

—email from a complainant.

What people complained about

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

Top 10 most complained about issues in 2021-22		Variance from last year
2,529	Correspondence/Communications/Records Delay/No Response/Withholding of Information	↑ 2%
2,292	Decision making Wrong decision	↓ 4%
1,401	Complaint Handling Delay	↑ 46%
776	Services Health Services/Access to medical	↑ 15%
741	Complaint Handling Inadequate Remedy	↓ 26%
634	Buildings and Facilities Quality/Condition/Maintenance/Repair	↑ 36%
633	Decision making Reasons	↑ 119%
625	Services Quality	↓ 21%
549	Financial Fees and Charges	↑ 9%
525	Complaint Handling Inadequate Processes	↓ 37%

Complaints

Who people complained about

Top 10 most complained about portfolio or agency in 2021-22

Variance
from last year

3,578	Corrections	↑ 6%
3,555	Local Councils	↑ 3%
2,623	Department of Families, Fairness and Housing	↑ 2%
1,064	Business Victoria	↓ 25%
944	Department of Health (COVID response)	↑ 244%
816	VicRoads - Registration & Licensing	↑ 17%
805	Fines Victoria	↑ 5.8%
272	Victorian WorkCover Authority (WorkSafe)	↑ 42%
222	State Trustees	↑ 6%
207	Department of Transport - Roads	↑ 33%

Analysis

The Ombudsman took more complaints about Corrections - which includes all adult prisons - than any other agency group within our jurisdiction, with an increase of six per cent on the previous year.

Health Services/Access to medical was the most complained about issue within prisons, followed by delays in receiving responses to concerns and requests, and complaints about property, including lost property.

Complaints about Victoria's 79 local councils also rose slightly, up by 3 per cent on the previous year. Common complaints related to decision-making including providing reasons and financial matters such as rates and compensation for damage caused by council works.

The way in which local councils handle complaints was raised most often, including complaints about delays and inadequate remedies. Although complaints about complaint handling appear to have decreased slightly since last year (down from 626 in 2021 financial year to 601 in 2022 financial year).

One explanation for this might be council's greater focus on complaint handling being core business. Following our recommendations to improve the local council's approach to complaints, a requirement was introduced to the Local Government Act for councils to have a complaints policy and process.

To support the sector, we published an updated good practice guide with advice on implementing the new legislative requirements and building a positive culture around complaints. The guide also includes practical tools including templates, real examples and a self-assessment tool for councils.

The most significant change was the substantial increase in complaints about the Department of Health's COVID-19 response, including complaints about public health directions, access to permits and exemptions, testing requirements and lockdowns.

We monitored the response to the public health emergency closely through complaints to our office and considered all complaints on their individual merits.

Compared to FY21, as public health restrictions eased, this year we also saw fewer complaints about the Department of Jobs, Precincts and Regions' administration of the Business Support Fund (Business Victoria).

How we helped

Our data shows we were able to resolve over 5,000 issues without a formal investigation required.

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

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

The most common remedy for the complaints we dealt with in 2022 financial year involved "direct action" on the part of an authority to respond to an issue. Often, this is where we facilitate contact between the parties when a complaint hasn't been responded to within a reasonable time. Direct action can also involve simply fixing the problem or providing proper reasons for a decision.

Complaints

Actions agreed by agencies 2021-22



3,779

Direct action



538

Further investigation



481

Review or change of decision, policy, procedure, practice or legislation



354

Apology and/or admission of error



116

Refund/waiver or reduction of fees/fines



26

Ex gratia payment



61

Implement training



7

Seek legal advice



7

Take disciplinary action

Department of Transport

\$40,000 driveway fix

A road crossover which connected the road to Phillip's driveway was causing damage to vehicles leaving or entering the property. Phillip complained to the Department of Transport about issues with the construction design.

The Department of Transport acknowledged the design fault in the crossover and agreed to fix it. Once the project was completed it cost \$40,000. As months past, Phillip grew frustrated that the works had not been done and eventually complained to the Victorian Ombudsman's office.

The Department of Transport explained that it had created plans for the work to be done as part of a larger package of works in the area, but due to budgetary constraints the package of works was put on hold.

Phillip complained to the Ombudsman for a second time.

After two enquiries from the Victorian Ombudsman's office, the Department agreed to do the repair works to replace the driveway crossover, helping Phillip reach a satisfactory resolution with the Department.

VicRoads

Seeing double: Identical registration plates issued to two vehicles

Tahni was dismayed to learn another vehicle was on the road with the same license plates as those on her car.

VicRoads advised the pregnant Tahni that she would need to attend a customer service centre to obtain new registration plates. This was problematic for Tahni, who was worried about the risks to her unborn child following a complicated pregnancy.

Following enquiries from our office, it was established that an error had been made when entering the registration details for the new vehicle. The two vehicles' registration numbers were almost identical, with one letter being the only difference.

Unfortunately, a misplaced keystroke when registering a new vehicle meant that a registration plate was issued that was already in use in Victoria.

VicRoads fixed the records so that neither party had to attend in person to rectify the situation and also confirmed they could issue the registration plates to Tahni via registered post.

Fines Victoria

Nasty surprise greets pensioner when opening his letterbox

Disabled pensioner Des was issued a speeding ticket fine via his PO Box in town. Des lives in the country, and due to the ongoing postal delays during Covid, Des doesn't drive into town too often to check his PO box.

When Des eventually did unlock his PO box, he was greeted with his speeding ticket and the subsequent late fees all at once.

Fines Victoria advised Des he could apply for a payment plan, however, noted the minimum monthly repayment offered was \$20 per month. Des was advised to submit a request via the Fines Victoria website, along with his request for a fee waiver, explaining why he was seeking to pay an amount lower than the minimum amount.

Des submitted a fee waiver application and accompanying enquiry stating he couldn't afford to pay \$20 per month on his pension and would need to cut back on either food or medication to make the payment plan work.

After three months with no fee decision from Fines Victoria, an enquiry from our office found a resolution.

Fines Victoria removed the late fees and approved a \$5 per month payment plan in consideration of Des' personal circumstances.

Des was very thankful and amazed at how a nudge from the Ombudsman got Fines Victoria to make a decision in his favour.

Emergency Services and State Super (ESSSuper)

Emergency Services and State Super

In early 2021, our office started to notice a spike in complaints about Emergency Services and State Super (ESSSuper). Our data showed a significant increase of complaints between July 2021 and 30 June 2022 compared to last financial year; 35 complaints compared to 2 in the previous financial year.

After reviewing the complaints, it was established that the complaints stemmed from a limited-service period, where ESSSuper were updating its service provider and back of house system including its membership portal.

This resulted in members experiencing delays in processing retirement applications, deceased estate applications and requests for release of funds.

In some instances, we received complaints where members were desperately waiting on money for a house deposit and even access to emergency funds. Members also experienced high call waiting times when attempting to contact ESSSuper via telephone.

One Member told our office:

“Customer’s money is stuck and they cannot roll in/out causing many reports of significant financial distress. This has been a catastrophic failure of ESS to manage a system upgrade, and many customers are still feeling the impacts due to their backlogs...”

“The company is struggling with demand from disgruntled customers and does not answer emails or phone calls have long waits and unable to get through to anyone.”

Our office worked collaboratively with ESSSuper to facilitate contact between the agency and its members. ESSSuper also increased their resources to address the high volume of complaints.

The impact was obvious; all complaints made to our office were informally resolved and members expressed their gratitude for our office’s assistance.

ESSSuper Member:

“The issue would not have been resolved without the VO’s help.”

ESSSuper Member:

“I’m grateful to know ESSSuper has been responding to your ‘nudging’.”

Ambulance Victoria

\$2k ambulance fee despite never stepping inside an ambulance

Groaning in agony, Maeve remained in her car in the hospital parking lot whilst her husband rushed into the Emergency Room looking for assistance.

Concerned Ambulance Victoria paramedics witnessed Maeve distressed and alone so assisted her inside the hospital with the use of an extraction device, administering some pain relief to her in the process.

Sometime later, Maeve was surprised to receive a \$1,894 invoice from Ambulance Victoria for treatment and transport. Ambulance Victoria twice declined to waive the debt.

Ombudsman investigators considered the charge inconsistent with accepted practices and attempted to resolve the matter through conciliation.

Following constructive dialogue with Ambulance Victoria, an apology to the family was offered and the full debt of \$1,894 was waived, much to the relief of Maeve.

Department of Families, Fairness and Housing

A simple call to ensure hot water

Freezing in the winter weather, public housing resident Omar was frustrated with the outage to his hot water system.

He contacted the Department of Families, Fairness and Housing about the issue and was informed by the attending tradesperson two days later that the hot water system would need to be replaced.

Shivering in cold showers for the next five days, Omar finally reached out to our office to assist. We contacted the Department and the very next day a new hot water system was installed.

The Department was able to confirm the hot water system had been ordered, received by the contractor and due to be installed the next day.

Corrections

Prisoner calls for kitchen cleanliness

A prisoner was concerned after witnessing a colony of mice in the prison unit kitchenette at Port Phillip Prison. The kitchenette is used and maintained by the prisoners.

The Ombudsman made enquiries with the prison, and an inspection by prison staff agreed that the area was unacceptably dirty and not being properly maintained.

The prison liaison officer advised that all the cleaning billets would be dismissed on performance grounds and that pest control would be increased from fortnightly to weekly.

The Ombudsman was advised that the issue had been escalated to the Senior Operations Manager to ensure that kitchenette cleanliness was improved in the future.

Corrections

Prisoner seeking a new methadone plan

Arvid is a prisoner at Ravenhall Prison and wants to taper off his methadone treatment.

In an attempt to come off methadone on his own, Arvid had been skipping dosing days to try and reduce the amount of methadone he was on. After two days of skipping his dosage, he was experiencing breathing issues and became sick.

Arvid stated the prison had threatened to take him off methadone permanently if he skipped three days in a row. Arvid was concerned by this because he had previously experienced alarming withdrawal symptoms.

A quick enquiry from our office prompted an immediate response from the prison. The Prison Liaison confirmed the Medical Officer, in consultation with Arvid, had prescribed a new methadone plan.

Arvid is progressing well on his new plan.

Complaints

Breakdown of complaints about local councils

Table 1 (on the following page) shows the number of complaints we received about each Victorian council in financial year 2022.

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

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

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

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

Table 1: Complaints in 2021-22 to the Ombudsman about Victoria's 79 local councils

Councils	Total Closed cases	Advised to contact Council (%)	Assessed - no enquiries (%)	Made enquiries (%)
Alpine Shire Council	13	46%	31%	31%
Ararat Rural City Council	11	55%	36%	9%
Ballarat City Council	51	45%	41%	16%
Banyule City Council	67	40%	51%	10%
Bass Coast Shire Council	29	48%	28%	24%
Baw Baw Shire Council	36	25%	58%	19%
Bayside City Council	54	35%	46%	19%
Benalla Rural City Council	19	42%	47%	16%
Boroondara City Council	72	28%	49%	25%
Brimbank City Council	83	52%	30%	18%
Buloke Shire Council	13	62%	31%	8%
Campaspe Shire Council	22	55%	32%	14%
Cardinia Shire Council	46	41%	41%	17%
Casey City Council	159	37%	35%	31%
Central Goldfields Shire Council	32	28%	38%	34%
Colac-Otway Shire Council	16	44%	56%	6%
Corangamite Shire Council	-	-	-	-
Darebin City Council	104	36%	33%	33%
East Gippsland Shire Council	50	52%	36%	16%
Elected Councillor	-	-	-	-
Frankston City Council	68	47%	41%	15%
Gannawarra Shire Council	-	-	-	-
Glen Eira City Council	76	37%	50%	16%
Glenelg Shire Council	-	-	-	-
Golden Plains Shire Council	25	68%	28%	12%
Greater Bendigo City Council	46	39%	41%	20%
Greater Dandenong City Council	53	57%	38%	8%
Greater Geelong City Council	97	48%	37%	14%
Greater Shepparton City Council	35	49%	40%	11%
Hepburn Shire Council	23	30%	43%	26%
Hindmarsh Shire Council	14	36%	64%	0%
Hobsons Bay City Council	40	43%	45%	18%

Complaints

Table 1: Complaints in 2021-22 to the Ombudsman about Victoria's 79 local councils (continued)

Councils	Total Closed cases	Advised to contact Council (%)	Assessed - no enquiries (%)	Made enquiries (%)
Horsham Rural City Council	29	41%	52%	10%
Hume City Council	155	44%	40%	19%
Indigo Shire Council	21	19%	76%	5%
Kingston City Council	83	45%	42%	14%
Knox City Council	63	48%	40%	13%
Latrobe City Council	56	55%	29%	18%
Local Council	15	27%	60%	13%
Local Government Inspectorate	-	-	-	-
Local Government Victoria	-	-	-	-
Loddon Shire Council	-	-	-	-
Macedon Ranges Shire Council	21	48%	33%	19%
Manningham City Council	69	39%	43%	19%
Mansfield Shire Council	-	-	-	-
Maribyrnong City Council	79	35%	43%	22%
Maroondah City Council	45	47%	44%	9%
Melbourne City Council	92	38%	58%	5%
Melton City Council	78	42%	40%	21%
Mildura Rural City Council	25	16%	72%	20%
Mitchell Shire Council	33	64%	30%	9%
Moira Shire Council	43	49%	28%	26%
Monash City Council	75	44%	44%	13%
Moonee Valley City Council	59	42%	47%	12%
Moorabool Shire Council	37	43%	35%	24%
Moreland City Council	124	40%	45%	20%
Mornington Peninsula Shire Council	95	41%	44%	18%
Mount Alexander Shire Council	13	54%	31%	15%
Moyne Shire Council	-	-	-	-
Municipal Association of Victoria	-	-	-	-
Murrindindi Shire Council	21	43%	38%	19%
Nillumbik Shire Council	35	51%	40%	9%
Northern Grampians Shire Council	-	-	-	-
Port Phillip City Council	78	42%	44%	15%

Councils	Total Closed cases	Advised to contact Council (%)	Assessed - no enquiries (%)	Made enquiries (%)
Pyrenees Shire Council	23	61%	22%	22%
Queenscliffe (Borough of)	-	-	-	-
South Gippsland Shire Council	20	55%	35%	10%
Southern Grampians Shire Council	-	-	-	-
Stonnington City Council	74	45%	42%	14%
Strathbogie Shire Council	11	45%	55%	0%
Surf Coast Shire Council	12	50%	42%	8%
Swan Hill Rural Council	-	-	-	-
Towong Shire Council	-	-	-	-
Wangaratta Rural City Council	21	24%	67%	24%
Warrnambool City Council	-	-	-	-
Wellington Shire Council	23	43%	48%	9%
West Wimmera Shire Council	-	-	-	-
Whitehorse City Council	53	38%	43%	21%
Whittlesea City Council	119	40%	42%	18%
Wodonga City Council	12	33%	58%	8%
Wyndham City Council	67	48%	39%	15%
Yarra City Council	82	40%	45%	16%
Yarra Ranges Shire Council	93	49%	37%	16%
Yarriambiack Shire Council	-	-	-	-

“-“Represents cases received is less than 10

Reviewing complaint handling policies and processes

Legislative reforms effected in 2020 gave the Ombudsman new functions including reviewing complaint handling practices and processes. This function allows the Ombudsman to assist build complaint handling capacity within public organisations and to work with them to improve how they handle complaints from the public.

Complaint handling - Victorian Legal Services Board and Commission

The Ombudsman approached the Victorian Legal Services Board and Commissioner ('VLSB+C') about conducting a complaints review following a series of complaints from one individual and our observation of some broader trends in complaints we had received.

VLSB+C staff and leaders engaged with the review in a positive way, completing a self-assessment and participating in a series of staff consultations. We gained a detailed understanding of how the VLSB+C handles complaints about legal practitioners and complaints about the VLSB+C.

We also came to better appreciate the complexities, legal obligations and unique pressures on the VLSB+C in its management of complaints and its investigation process.

Outcome of review

Our review report was not tabled publicly. It sought to make practical recommendations to help the VLSB+C improve its complaint handling. The recommendations relate to how the VLSB+C communicates with complainants at various stages of its process, and how the VLSB+C could improve internal processes and further embed a culture of continuous improvement.

The VLSB+C CEO and Commissioner Fiona McLeay told us at the end of the review:

We saw the review process a great opportunity to use the specialised expertise of the Ombudsman's team to help us accelerate the improvements we have been making in transforming our organisation into a leading-edge regulator.

Working closely with the Ombudsman and using national and international industry standards, we defined the terms of reference for the review, completed a self-assessment audit and identified opportunities to manage our complaints more efficiently and effectively.

The Ombudsman's review recommendations have provided us with a clear roadmap to help us improve our complaints handling systems. Many of the recommendations covered areas we had identified as needing improvement, but the review helped clarify areas to focus our attention.

We have begun implementing a series of changes to address the recommendations alongside our existing strategic projects.

This collaborative process and the Ombudsman's expertise in best practice complaints handling will accelerate our progress in delivering high quality complaint handling services to Victorian consumers of legal services.

Next for Complaints Review

Through 2022-23 we intend to further develop this function by completing targeted reviews that look at specific aspects of complaint handling as well as a comparative review that looks at practices and processes across a sector or a series of programs.



Alternative Dispute Resolution – Conciliation

The 2020 legislative reforms also provided the Ombudsman with Alternative Dispute Resolution (conciliation) powers to assist resolve complaints.

Conciliation can resolve a complaint at any stage, including as part of early resolution, through the work of our Assessments Team, or as part of a formal investigation.

The conciliation process can be particularly useful where:

- it may be detrimental for the parties to continue to disagree about the issues in dispute
- there is a notable imbalance of power between the parties
- there is an ongoing relationship between the complainant and the organisation, and both parties may benefit from the process.

During conciliation, our conciliators evaluate both parties' positions, while giving advice and suggesting options for resolution. Conciliators can:

- offer a controlled and confidential environment, in which parties agree to rules of respectful engagement
- help the parties 'cut to the chase' to achieve a speedy resolution
- give parties an opportunity to explain what has happened and what they think is a fair outcome to the complaint
- enlighten and allow parties to appreciate each other's viewpoints.

Our conciliation team has undertaken a range of activities to generate awareness of our conciliation function, including engaging with Victorian local councils and delivering an 'open day' for council liaison officers.

Ombudsman conciliation is already delivering productive outcomes for complainants and organisations alike. The feedback from both has been overwhelmingly positive.

Conciliation is fast becoming an integral tool in our complaint resolution toolkit.

'Remained neutral and offered good suggestions to reach an outcome acceptable to both parties.'

—Participant

'Managed the very difficult personalities (predominantly mine) in the room and ensured that we remained focussed on the outcomes.'

—Participant

'We have been part of one already. It was a really great process. Thank you.'

—Council CEO

Local Council

Council fence dispute – conciliation with three complainants

Sophie contacted our office to complain that her fence had been damaged by local council earthworks and landscaping in a reserve adjacent to her house. Her fence had begun to lean at a significant angle and she had expert advice that she would need to install a retaining wall to prevent it from leaning over, which would cost \$5000.

Sophie told us that the council had denied any responsibility for the damage to the fence and refused to contribute to the cost of a retaining wall.

Sophie told us that two of her neighbour's fences had also been impacted and each were going to have to pay for similar retaining walls.

We subsequently received complaints from Sophie's neighbours.

We contacted the Council to discuss the complaint, and suggested that three complaints may be resolved at the same time through conciliation. Council agreed to participate.

During the conciliation council said its engineers inspected the fence and thought the damage had been caused on the resident's side and Sophie and her neighbours were able to express their concerns directly to the council. Their experiences were all very similar.

Ombudsman conciliators pointed to the collective experience of Sophie and her neighbours, and the timing of the fence being damaged coinciding with the timing of the earthworks.

Council suggested that an independent expert could assess the situation and agreed to share 50% of the cost with the residents.

The residents were satisfied by the council's commitment and the complaint was resolved.

Your stories

Community Consultation a Cornerstone of EPA Review

The Moorabool Environment Group formally established itself in 2009; its origins entrenched in concerns around a waste facility site, Maddingley Brown Coal, set up on the edge of a local residential area.

Since then, the group has evolved to consider the environmental concerns of many other issues confronting the local community.

The Environmental Protection Authority's (EPA) consideration of spoil relocation from the West Gate Tunnel established the Maddingley Brown Coal site as a likely option. For the Moorabool Environment Group, the possible disposal of PFAS contaminated spoil in their backyard was of significant concern.

"We initially found out about it on the grapevine - not through any official channels," explained Moorabool Environment Group Vice President Jodie Valpied.

"We first heard rumours about it then heard it through the media, which was disappointing as we are the main environmental group looking after issues in Moorabool shire.

"The important thing about the site is that where they were planning on storing the untested and untreated contaminated spoil was actually an area that had only been used for farming before.

"It hadn't been used for industrial activities and it has a lot of water courses that drain into other areas.

"If any of the PFAS or contaminants were to escape, the flow on effects for where the creek flows into the Werribee River would be significant."

Of particular concern for the Moorabool Environment Group was the threat contaminated spoil could have on the local wildlife population; specifically threatened species.

"Particularly given endangered species like the growling grass frog are in decline across the rest of the state, we are very lucky to have them here. It's a refuge area for them.

"We know that they (the growling grass frog) had been found on areas of Maddingley Brown Coal's site as well and that they were likely to be on the site they were proposing to expand to.

"Any expansion of that site, as they were proposing for the West Gate tunnel spoil, would be putting that population at risk."

Whilst the Maddingley Brown Coal site was ultimately not selected to store the Westgate Tunnel spoil, the experience left the community frustrated with the agency's consultation process.

"This has been very damaging to the community's trust of the EPA, particularly in Bacchus Marsh and other areas affected by this issue," explained Valpied.

Since the Victorian Ombudsman's investigation into the EPA's West Gate Tunnel spoil relocation decision-making process, the EPA have accepted all the Victorian Ombudsman's recommendations.

As part of its commitment to being more responsive to community concerns, the EPA has agreed to review its consultation and human rights protocols.

As a first step, the EPA now publish more timely data on their website and is also developing and implementing a human rights assessment procedure for internal use.

In a commitment to promoting greater transparency, the EPA is also seeking consent to publish the unredacted Environment Management Plans and related Assessment Reports informing its spoil disposal decisions.



Investigations

The Ombudsman can formally investigate public organisations' actions and decisions on a complaint or on her 'own motion' (without a complaint). We usually use our own motion powers when the issue may be systemic or is in the public interest to examine.

We also investigate public interest (or whistleblower) complaints about improper conduct and detrimental action by public officers, which are referred to us by IBAC and 'any matter' referred by the Victorian Parliament.

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

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

Our Investigations Team deals with Public Interest Disclosures (discussed below) and larger investigations including own motion investigations and referrals from Parliament.

In February 2022, the Ombudsman received her fifth referral from Parliament, requiring us to investigate particular matters, including issues relating to the alleged politicisation of the public service.

This year we also continued our commitment to supporting the wellbeing of people engaged with our service, and published our consolidated 'witness welfare' policy. Our policy draws on principles that guide our practice, including keeping people at the centre of our decision-making and being flexible, thoughtful and responsive to individuals' needs and exercising powers responsibly and with restraint.



SNAPSHOT: INVESTIGATION INTO ENVIRONMENT PROTECTION AUTHORITY DECISIONS ON WEST GATE TUNNEL PROJECT SPOIL DISPOSAL

THE CASE

In December 2015, the Victorian Government announced it would oversee the construction of the West Gate Tunnel, an alternative route to the West Gate Bridge linking Melbourne's CBD and the west. Building the new freeway required tunnelling and extensive excavation of soil through Melbourne's western suburbs, including areas of previous heavy industrial use. In June 2019, PFAS – a class of toxic chemicals – was found in tunnel groundwater during environmental testing. The Environment Protection Authority ('EPA') subsequently approved, revoked and then re-approved three Environment Management Plans, allowing sites in Bulla, Bacchus Marsh and Ravenhall to receive the spoil generated by the tunnel works. This was the subject of community protests, court action and complaints to the Ombudsman, which prompted our office to investigate the EPA's decisions.

KEY FINDINGS

- The EPA's decision to approve Environment Management Plans for disposal of contaminated spoil was environmentally sound and did not place local communities at significant risk
- Despite this, the EPA failed to meaningfully engage with local community groups when helping to develop regulations and making decisions about the spoil
- This approach and the EPA's failure to be fully accountable for its decisions greatly increased community concern about risks associated with the spoil, and was unreasonable
- The EPA approved earlier versions of Environment Management Plans based on deficient information
- These errors were partly attributable to the significant pressure on the EPA to 'fix' problems facing the West Gate Tunnel Project after PFAS was discovered along the tunnel route
- There were significant costs and resources involved in developing regulations, approving Environment Management Plans, remaking the decisions and responding to court proceedings lodged by the community
- The EPA also did not give enough consideration to the possible human rights impacts of its decisions.

RECOMMENDATIONS

1. Review the approach to community engagement to deal more directly with community concerns
2. Consider further improvements to the EPA Charter of Consultation
3. Develop and implement a human rights assessment procedure for internal use
4. Seek consent to publish the unredacted Environment Management Plans and related Assessment Reports.

FINAL WORD

“This will, undoubtedly, not be the last ‘lightning rod’ project in which the EPA is involved. It seems some hard lessons have been learned – which should at least benefit future affected communities.”

—Deborah Glass, Victorian Ombudsman

OUTCOMES

The EPA accepted all recommendations and committed to reviewing its consultation and human rights protocols.

BY THE NUMBERS

3 SITES

approved by EPA to receive contaminated spoil

7 µg/L

max acceptable level of PFAS that can be disposed of at sites

0.7 µg/L

highest PFAS level previously detected along tunnel alignment

0.12 µg/L

max leachable level of PFAS reported in spoil disposed at Bulla as at May 2022

SNAPSHOT: GOOD PRACTICE WHEN CONDUCTING PRISON DISCIPLINARY HEARINGS

THE CASE

Across Victoria's 14 prisons, there are about 10,000 prison disciplinary process annually dealing with prisoners who break prison rules. Some of the stories in this report are telling. A suicidal prisoner with mental health conditions was charged – despite apologising a day later – after he resisted a strip-search while being moved to a safe cell. In another case, a prison officer reportedly reneged on a back room offer to a prisoner after telling him he was told he would not be taken off the methadone program if he pleaded guilty. And how hearing officers did not consider prisoners' intellectual disabilities when handing out fines.

This investigation revealed there was a lack of discretion in taking forward minor offences to a formal disciplinary process. There was also insufficient information about the charge, leading to procedural unfairness, and there was also a perception of bias identified in some cases with the same prison officer issuing the charge and then presiding over the hearing, and an overall lack of transparency.

KEY FINDINGS

- Anecdotal evidence suggested undocumented pre-hearing discussions are widespread
- Some system improvements were noted since the 2011 Ombudsman investigation into prison hearings, with many hearings reviewed reflecting good practice
- Prisoners with cognitive impairment had limited access to information and support
- There was no formal requirement for written reasons for decisions
- There was no external adjudication or internal review processes in place
- Greater discretion could be used to divert some prisoners from the hearing process
- Requests by some prisoners to call witnesses were refused.

RECOMMENDATIONS

- Recognising review of decisions is likely to substantially mitigate the risk of unfair outcomes
- Establish and invest in a dedicated team within the Department of Justice and Community Safety to be responsible for conducting prison disciplinary hearings and related internal reviews
- Recognising the benefits in prisons conducting fewer disciplinary hearings
- Record written reasons for disciplinary hearing outcomes and penalties and make these available to prisoners upon request
- Implement measures to improve prisoner understanding and experiences of the disciplinary hearing process and available supports
- Recognising the significant record keeping issues identified in this report.

FINAL WORD

“Ultimately, while we found improvements in some areas since 2011, disciplinary hearings in Victorian prisons are still carried out in the dark with insufficient scrutiny, oversight or transparency.”

—Deborah Glass, Victorian Ombudsman

OUTCOMES

- Corrections Victoria has formed a Hearing Officer’s working group to assist implementing our recommendations
- An audit tool and learning modules have been developed to boost knowledge and consistency. Reporting requirements for hearings have also been strengthened
- Corrections Victoria have further developed alternatives to disciplinary charges for minor offences or prisoners with developmental needs. However, improving the information and support provided to prisoners with cognitive impairments in disciplinary processes still has some way to go.

BY THE NUMBERS

10,000+

hearings per year

14

prisons in Victoria

3/4

of reviewed hearing files had incomplete or inconsistent records

SNAPSHOT: INVESTIGATIONS INTO THE USE OF FORCE AT THE METROPOLITAN REMAND CENTRE AND THE MELBOURNE ASSESSMENT PRISON

THE CASE

In 2019, the Ombudsman began investigating a complaint that a Metropolitan Remand Centre officer ‘choked’ a prisoner in an unmonitored cell. During 2020 and 2021 we investigated six other complaints about use of force at the centre, and a further incident at the Melbourne Assessment Prison. We found unreasonable force was used in four of the eight cases. All showed concerning behaviour and poor decision making by prison officers and suggested systemic problems with the use of force and workplace culture.

KEY FINDINGS

- Some prison officers are escalating situations not defusing them.
- The frequency of incidents occurring in CCTV blind spots is concerning.
- Officers are also failing to use body worn cameras as required. As with the frequency of incidents occurring in CCTV blind spots, this can raise suspicion about officers’ actions and motives.
- Prisoners are often reluctant to report unreasonable use of force incidents, and when they do, they may be considered less credible than officers.
- Some officers lack respect for prisoners. They make threats, use unprofessional language and use violence in retaliation.
- A culture of silence in some parts of the prison system encourages officers to lie to protect each other.

RECOMMENDATIONS

This report made 12 recommendations including:

1. increasing prison officer accountability and compliance around body worn camera use
2. improving CCTV coverage of high-risk locations for incidents, and requiring officers to use monitored areas for sensitive conversations with prisoners
3. reviewing the effectiveness of training in de-escalation techniques
4. ensuring all prisons have recruitment, vetting and probation processes which effectively screen out unsuitable candidates
5. ensuring prisons actively monitor and address officer conduct issues
6. building a culture of transparency by publicly reporting the number of use of force incidents, alleged assaults and proven assaults.

FINAL WORD

“There is no easy fix for these longstanding and sometimes intractable issues, and this report does not purport to solve them. Its purpose is to expose what is too often hidden behind prison walls and to encourage actions in addition to words.”

—Deborah Glass, Victorian Ombudsman

OUTCOMES

The Department has agreed to:

- increase accountability and oversight mechanisms in relation to body worn camera use
- develop an appropriate format for regularly reporting to the Ombudsman and the public about use of force in prisons
- Corrections Victoria is developing a central register to capture data and outcomes in relation to use of force reviews and allegations which will allow for better monitoring and action in relation to use of force issues.

BY THE NUMBERS

139

allegations of unreasonable use of force made to the Ombudsman over past 3 years

37%

of those allegations came from the Metropolitan Remand Centre

1

incident of the eight we investigated was captured on CCTV

1 of 22

officers interviewed who witnessed the incidents gave evidence critical of a fellow officer

Public interest disclosures

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

Protections include:

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

What is a disclosure?

People can make disclosures about:

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

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

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

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

Our role

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

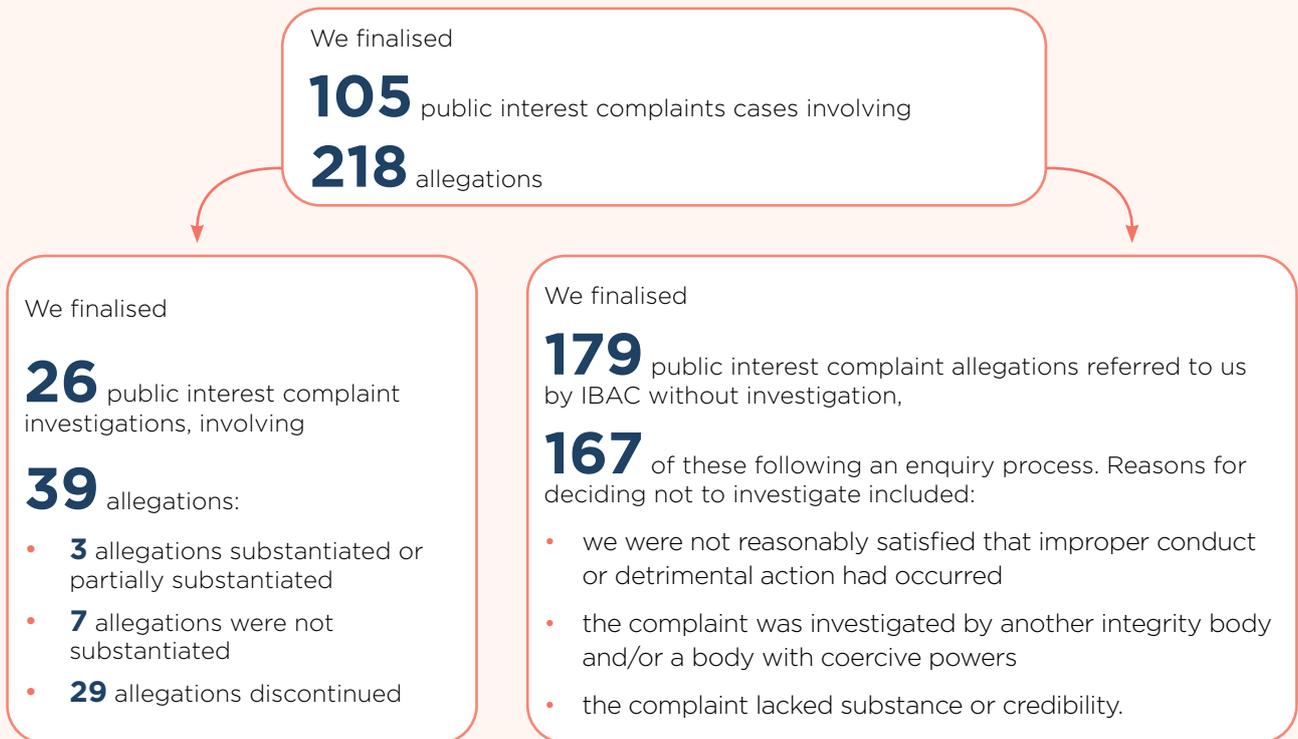
How we deal with public interest disclosures and complaints

The Victorian Ombudsman received 106 public interest complaints from IBAC in 2022 financial year, involving 243 allegations, an increase of more than 16 per cent on the previous year.

Disclosure cases referred to and received from IBAC



Disclosure cases closed



Source: Victorian Ombudsman

Public Interest Complaints allegations

167 2021-22

↑ 125%

74 2020-21

Finalising public interest complaints through enquiries

Continued demand for our services makes determining which matters warrant a formal investigation a key priority in our ability to successfully workforce plan.

In 2020, changes to the Ombudsman Act provided the office with additional powers which allow for enquiries to be made on public interest complaints.

In financial year 2022, the use of these powers has seen an increase of over 125% in the number of public interest complaint allegations able to be resolved via enquiries and without the use of formal investigation powers.

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

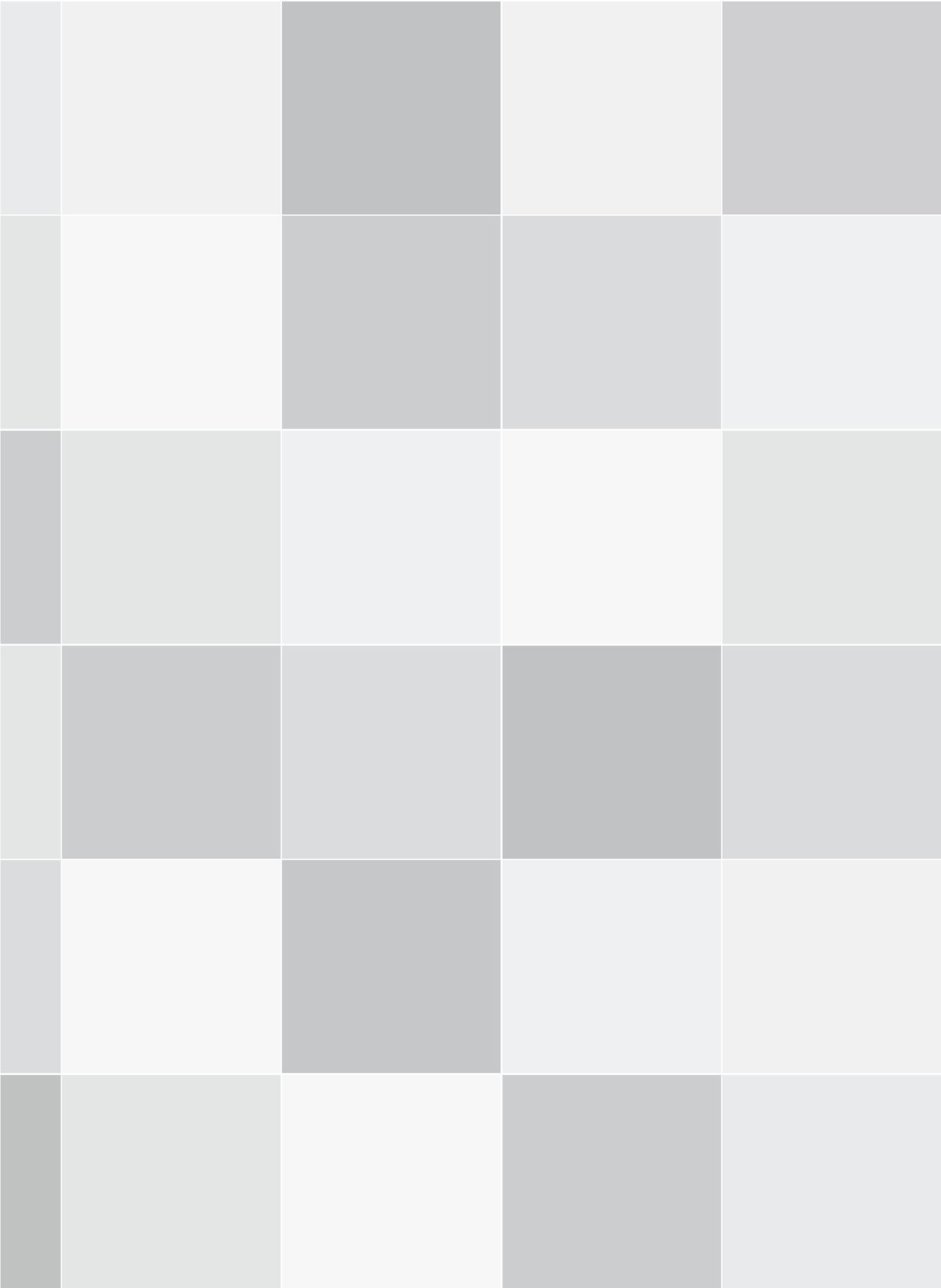
- would not prejudice another investigation or proceeding; and
- to determine if there is evidence to show, or tends to show, that improper conduct has occurred, thereby warranting an investigation.

Enquiries can be complex, often involving issues with confidentiality or anonymity.

Some of the work involved may include:

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

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



SNAPSHOT: INVESTIGATION INTO ALLEGATIONS OF COLLUSION WITH PROPERTY DEVELOPERS AT KINGSTON CITY COUNCIL

THE CASE

It was billed as a new vision for Kingston Council's Patterson Lakes area. A welcoming community hub to be used for boating, as well as a residential, commercial, and entertainment precinct providing greater public access for the community to the riverbank. These plans, first established in 1988, later included restaurants, car parking, offices and residences with heights of two to four storeys, plus access to open space.

A witness told the investigation: "The original vision for the Patterson Lakes Marina was to be something like Port Douglas". But what the community got, was very different. There were several residential buildings along the marina, a 40-lot subdivision, and a six-storey residential development where a car park was shown on the 1999 plans.

The overall impact of concessions and agreements on such matters as height controls, parking spaces and public space was gradual, uncoordinated erosion of an earlier vision. Council's lack of strategic oversight effectively allowed the area to develop in line with the developer's objectives rather than the original plan.

Conflict of interest perceptions increased after the planner dined with developers at up market restaurants.

As a result, the community lost trust in how Kingston City Council handled the development and subsequent amendments.

KEY FINDINGS

- Council approved extra and higher buildings; including 146 more residences than in the original 1994 proposal
- Several examples of planning officer reports with incomplete and incorrect information.
- Insufficient records explaining the Senior Planner's decisions.
- A lack of clear Council protocols on how meetings should be conducted between developers and Council officers
- While evidence did not show the Senior Planner gave the developer favourable treatment in exchange for bribes or kickbacks, he had an annual Christmas lunch with the developer from 2014 to 2018, and failed to properly record meetings or declare the lunches
- The Senior Planner made successive errors of judgement that fell short of the expectations of his role.
- Council provided deficient response to concerns raised by local residents about decisions

FINAL WORD

"Development may always be a contentious issue for councils and their communities, but with transparency and good governance it should not be seen to undermine public trust."

—Deborah Glass, Victorian Ombudsman

OUTCOMES

Council committed to implement measures to:

- Improve the policy framework to deliver best practice projects and guidance
- Develop an engagement framework with Councillors including code of conduct, principles of engagement and working protocols
- Provide clarity of the governance accountabilities across the organisation
- Increase transparency in welcoming and responding to all stakeholder feedback.

BY THE NUMBERS

1988

that year planning started for Patterson Lakes Marina

1,000

the number of residents that live in the marina

25 YEARS

the senior planner was employed at the Council

Protecting Human Rights

Human Rights complaints

2,937 2021-22 ↑ 6%

2,770 2020-21

The Victorian Ombudsman is the state's human rights investigator. This year saw 200 more complaints engage human rights issues than the previous year, taking the figure to 2937.

In August 2021 we published *The Ombudsman for Human Rights: A Casebook*.

The casebook presents a snapshot of the thousands of matters involving people's human rights that we see each year. They illustrate the rights of children and families, kinship carers, injured workers, activists and prisoners, of everyday Victorians.

Their stories illustrate the reach of human rights in our society and their impact on decision-making, and the balancing act public agencies sometimes need to carry out to get it right.

The COVID-19 pandemic has led to a change of people's perception of human rights as we continued to see limitations on our freedoms whether it be lockdowns or border closures and changes to our everyday lives, such as mask-wearing, to help keep the community safe.

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

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

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

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

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

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

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

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

Corrections

Prison restricts access to culturally appropriate food

When Meena was in prison, her two-and-a-half-year-old son Sai lived with her part-time, under a program to reduce the impact of women's imprisonment on young children.

Meena's family is Hindu. When Sai lived at home with his father, he ate traditional Hindu food considered important for his physical and spiritual development.

Meena tried to do the same for Sai when he stayed with her. She prepared traditional meals in the unit kitchen, until the prison's supplier stopped stocking the necessary ingredients.

To fix the problem, Meena offered to pay for the ingredients herself, or arrange for Sai's father to deliver them. The prison refused and instead offered to provide Meena with substitute ingredients, but they weren't appropriate.

'I am not fussed about what food I get, but this is for my son and I cannot let it go... he is not a prisoner'

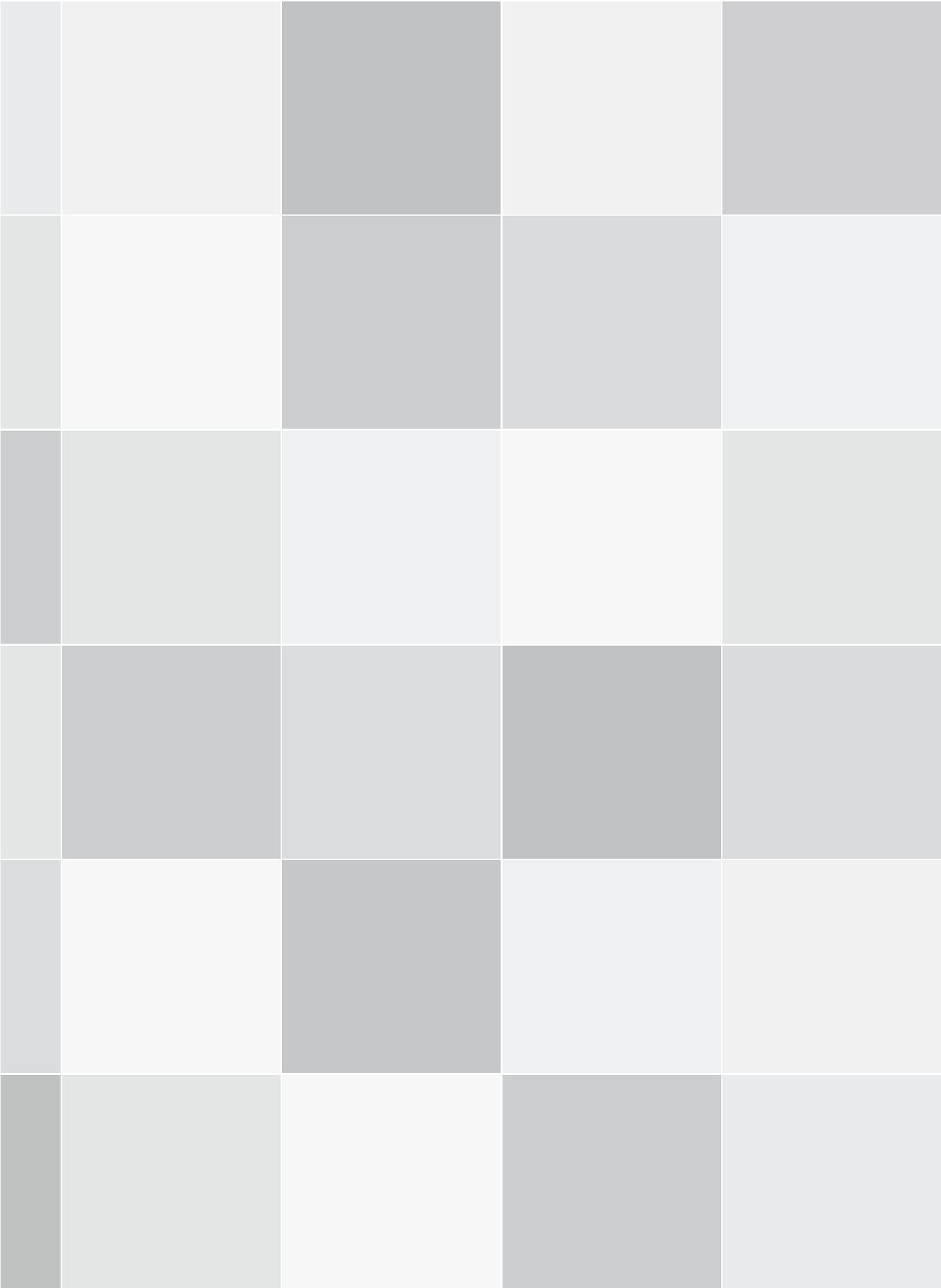
—Meena

While prisons understandably restrict items that can be brought in for security reasons, Sai was entitled to have his cultural rights upheld. Noting the ingredients Meena needed had a long shelf life, did not require refrigeration and could be bought locally in bulk, we asked the prison to consider options.

In response to our enquiries, the prison agreed to place a monthly order at a local supermarket and Meena agreed to pay for the ingredients and delivery. In the end, Sai was able to enjoy traditional food and time with both his parents.

"Thanks for the great work everyone [at the VO] does - you make life easier on the inside"

—Feedback from a prisoner



Engagement



13,314

Increase in social media followers

↑ 62%



263,229

Visitors to our the website

↑ 33%



46,882

People made contact with us

↓ 9.2%



40%

Click open rate on our newsletters

Having merged with the Education & Prevention team this calendar year, the focus of the Engagement team was to build relationships with a focused group of stakeholders, principally - Community Legal Centres, peak bodies working with the Indigenous Community, Housing and Culturally and Linguistically Diverse (CALD) communities.

To that end, this year the Ombudsman had a stall at the Federation of Ethnic Community Councils Australia (FECCA) conference resulting in exchanges with approximately 70 delegates about VO services and jurisdiction, and further training and presentations from VO with 10 services.

Interactions with community federation groups such as Ethnic Council of Shepparton, Assyrian Women's Advocacy Network, VMC, SisterWorks, the Asylum Seeker Resource Network, the VMC Regional Advisory Committee and the Afghan Women's Association, has led to bookings of presentations to these key organisations.

During Law Week, the Engagement team had a presence at three key events:

- Geelong Town Hall - at which the Ombudsman delivered a presentation to council staff and the public, after which investigation officers assisted with a complaints clinic.
- Victorian Multicultural Commission (VMC) police oversight presentation, co-presented with IBAC
- Melbourne Central at which the Engagement Officer was supported by investigation officers to conduct a complaints clinic

The combination of these events led to approximately two hundred interactions with members of the public.

Developed for those who may be unaware as to the functions and services of the Ombudsman's office, a presentation has been created to help members of the public and public servants understand the role of the Ombudsman's office and its jurisdiction. Between them, the Ombudsman and the Engagement Officer delivered a total of 14 such presentations over the course of the year. The re-emergence of COVID-19 safe protocols impacted attendance resulting in approximately 150 participants across these events.

The Ombudsman was a panellist on two webinars during the 2021-2022 year. The first of which was a joint event between IBAC, VAGO and the VO with the IBAC commissioner, The Honourable Robert Redlich AM KC and the Victorian Auditor General, Andrew Greaves. The webinar focused on the risks and pitfalls associated with procurement processes. 'Don't become the headline' was attended by almost 800 people from across the Victorian public sector.

Further to the Ombudsman's commitment to actioning reconciliation, a webinar was panelled by the Ombudsman and Andreea Lachs at the Victorian Aboriginal Legal Service, to discuss how to deal with human rights complaints. The webinar addressed matters pertaining to human rights through a complaint handling lens and sought to promote fairness in consideration of human rights complaints. Approximately 100 people from across the public sector attended.

Reconciliation Action Plan

Our office continues to seek to build trust and form respectful and mutually beneficial relationships with Aboriginal and Torres Strait Islander peoples. We are currently finalising our second Reconciliation Action Plan with Reconciliation Australia and anticipate endorsement in FY2022-23. The plan will build on strong foundations from the first RAP and feedback from the RAP Working Group as we continue to educate and engage our staff and others on reconciliation.

In financial year 2022 new First Nations digital artwork images were purchased for external Ombudsman publications and usage in presentations. The Ombudsman remains a supporter of The Torch initiative. In the Ombudsman's fortnightly staff newsletter, staff share their own personal reconciliation journey stories. We further increased our community engagement with First Nations groups and related support services agencies. Elders were invited to speak at staff sessions related to our community engagement work, and in alignment to NAIDOC Week and NRW activities. Managers and their teams undertook Koorie Heritage Trust walks, to increase their understanding of the traditional owners & lands on which we work. First Nations vendors were engaged for catering purposes and for providing educational sessions to staff on the use of native ingredients in cooking. We also continued our First Nations cultural awareness & safety training for a fifth year and expanded our Indigenous annual calendar of events.

Gender Equality Action Plan

The Commission for Gender Equality in the Public Sector was established after the Gender Equality Bill 2019 (Vic) passed in February 2020. The Gender Equality Act 2020 requires defined entities with more than 50 employees to complete 5 key tasks to meet their obligations under the Act:

1. Promote gender equality
2. Conduct gender impact assessments
3. Undertake a workplace gender audit
4. Create a Gender Equality Action Plan
5. Report on progress

In 2021-22 financial year the Ombudsman undertook the necessary activities to meet its obligations under the Act. The workplace audit results along with the gender equality action plan underwent several months of quality assurance checks by the Commission for Gender Equality to ensure we met the initial obligations under the Act.

The Ombudsman's submission has been assessed by the Commission and complies with the necessary requirements set out in the Act, the results of which are published on the Commission's website.

Scan the QR code to access our Gender Equality Action Plan





The Victorian Environment Protection Authority should have engaged more with communities when making its decisions on West Gate Tunnel Project, the Victorian Ombudsman has revealed in today's report tabled in parliament.

Following concerns from local communities near three sites in Bulla, Bacchus Marsh and Ravenhall approved by the EPA for the dumping of PFAS-affected spoil from the West Gate Tunnel Project, the Ombudsman announced an investigation in August 2021.

The investigation examined the adequacy of the EPA's decision-making process for approving relocation of spoil from the West Gate Tunnel Project, following the discovery of PFAS in groundwater samples along the tunnel route in June 2019.

"This failure to provide appropriate information and opportunities for communities to participate when making its approval decisions for sites to receive the spoil for the Project was unreasonable," the Ombudsman stated.

[Read the full media release here](#)



THE REPORT



REPORT SNAPSHOT



Principal of Bacchus Marsh Grammar, Mr Andrew Neal, discusses the cost to his community generated from the EPA's handling of the West Gate Tunnel spoil relocation.





Public Sector Education

Public Sector Education



38

Total Workshops

↑ 65%



32

Online

↑ 60%



6

In person

↑ 100%



54

Number of
Organisations

↑ 8%



95.1%

Satisfaction
Rating

↑ 4.5%

Whilst still impacted by COVID-19, our Public Sector Education team experienced a significant increase in the number of workshops delivered, specifically:

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

In the FY 21/22, the Education and Prevention team ran 38 workshops, 15 more than last year, constituting an increase of 40 per cent on the previous year.

A variety of agencies engaged our services, with participants from 54 agencies or councils having attended the Education programs. Many were attending the Education workshops for the first time, including from interstate.

This year also saw a cautious return to in person training. Six of the workshops were delivered in person, with the remaining 32 delivered online.

Standards were not just maintained but surpassed previous years. Satisfaction rates saw a 9 per cent increase on last year's results and were consistent at 95.1 per cent.

In April 2022, the Ombudsman merged two important and symbiotic functions, that of Engagement and Education. This partnership has resulted in the two teams acting in concert to promote the services and functions of the VO, in addition to the delivery of education programs. Multiple opportunities have arisen enabling the cross promotion of these teams' functions, along with collaborative events.

Education workshops - What participants said:

Dealing with Complex Behaviour

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

Conflict of Interest:

Content was not complicated by technical terms...straightforward language thought provoking content...How something that seems so insignificant can have such a big impact. The entire course was well put together and presented.

Good Compliant Handling:

Well-designed session with excellent resources / links. Encouraged staff participation well. I cannot peg it down to one section, I felt it really engaging and each section led directly into the next. I found it all very useful and informative and very engaging.

Key Learnings Tip Sheet

How to roll out a successful grant, permit, licence or care package and eligibility requirements program

System design

- Test your application system, allowing for people with limited computer or language skills.
- Develop your system to accommodate applicants unfamiliar with government, grants or licencing processes.
- Be clear about what actions are needed and warn applicants of consequences of not taking specific actions, like not providing documentation within a timeframe.

Assessing applications

- Make allowances for human error, particularly when people are experiencing stress.
- Apply discretion and show flexibility where a person is experiencing an underlying disadvantage.
- Accept information in different formats as the focus is getting the required information.
- Ensure contact staff have an overview of the entire process and have appropriate access to enough information to deal meaningfully with applicants.
- Be consistent in your assessment of applications and ensure all staff understand eligibility criteria sufficiently.

Complaints

- Establish and implement an effective complaints and review process.
- Advertise your complaints and review procedure clearly where people will easily find it including website and email.

Communicating with applicants

- Communicate clearly and avoid jargon.
- Communicate via multiple channels, including email and SMS, in case one is wrong or there are delivery problems and allow for bounce back emails.
- Write outcome emails in plain English and provide reasons for the decision, identify the decision maker, provide contact details and information about review options.



In the real world

The Victorian Government announced a support package for eligible businesses affected by COVID-19 lockdowns offering \$10,000 grants in March last year. The Department of Jobs, Precincts and Regions set-up the Business Support Fund within nine days. Cracks soon started to appear, and the Victorian Ombudsman was inundated with complaints, prompting it to start an investigation into what went wrong. The Ombudsman received more than 1,100 complaints about the grant.

Business owners were refused because they made a simple mistake such as, typos on their application, providing information through the wrong link or were confused by the process. Many of these denials were because, unbeknown to the business owners, applications remained in draft awaiting further information when the deadline expired. As a result of the Ombudsman's investigation, up to 12,000 eligible businesses may be able to reapply for the grant.

Final word

"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." – Deborah Glass, Victorian Ombudsman.

A key learning tip sheet produced for the Business Support Fund investigation report

Key Learnings Tip Sheet

How to prevent employees and contractors misusing procurement processes for personal gain

Know the requirements

- Managers overseeing procurement processes must have strong knowledge of both internal and sector requirements
- All staff involved in procurement activities must have a strong knowledge of expectations and requirements
- Recognise risks in using complex labour hire arrangements to engage contractors
- Contractors should receive the same induction as employees, including about their conflict of interest obligations
- Ensure all parties know the potential consequences of failing to comply with procedures.

Active oversight

- Ensure procurement requirements are followed and processes have occurred, like tender evaluation panels
- When procuring specialised or technical professional services, consider using panels of pre-evaluated providers to minimise risk
- Ensure due diligence and reference checks are conducted for tenderers
- Check for associations between staff managing procurement processes and tenderers or suppliers, for example conduct company register and employment relationship checks.

Ethical culture

- Ensure employees know how to raise concerns about improper conduct
- Explain to staff how reports of misconduct will be handled, including how confidentiality will be managed in the process
- Talk about the importance of procurement procedures
- Emphasise how checks and balances will be applied.



In the real world

A Victorian council IT worker misused his position to weave a web of deceit to attain \$1.6 million in Council work for his IT company due to lax oversight allowing him to manipulate processes. As a senior officer at Melton City Council, Mr M oversaw procurement processes for IT contracts. During his two years at the busy council he was able to dupe the council and recommend his own company MK Datanet as the successful tenderer for a significant IT contract.

He never disclosed any conflicts of interests and his company won the tender despite not meeting all mandatory requirements. He even assisted in preparing the tender submission that he later evaluated.

In other procurement processes, he used two other IT companies he controlled to provide additional unfavourable quotes, to give the appearance that proper procurement processes were followed. A lack of proper oversight, transparency and strict internal controls around procurement allowed his improper conduct to flourish.

Final word

"The inevitable conclusion of this investigation is that the subject knowingly misused his position at the Council to obtain a significant private benefit of about \$1.6 million." – Deborah Glass, Victorian Ombudsman.

A key learning tip sheet aimed at improving procurement processes

Strengthening our capabilities to support our vision

Digital first approach

We have continued to build on our “digital first” approach during FY 2021-22 to better support our regulatory work. A number of material developments in the last year have allowed the Victorian Ombudsman to better utilise technology and the value of our information to drive improvement and efficiency in our operations. Some examples include:

- Digitisation of our entire hardcopy archives in a searchable format to enable greater access to precedent and information gathering capabilities
- Implementation of SMS messaging to better inform and update complainants on case progression
- Adoption of collaboration platforms to improve efficiencies in generation of parliamentary reporting
- Review and improvements to workflows within systems and implementation of managing records in place as part of our compliance by design initiatives
- Re-platforming our data warehouse to Azure to enable access to improved analytical tools and enable growth in our capabilities to provide insights
- Building our data catalogue through centralised system capture and meta data standards.
- Execution of multiple data initiatives leveraging tools supporting automation of data processes.

As we progress, recurring information management and sharing, data collections and data sharing will be a feature of the Victorian Ombudsman’s Digital First approach. When completed these initiatives will maximise the availability and use of information and data across the organisation, minimising duplication and the need for ad hoc collection, and better focus our legislative attention.

Recurrent initiatives in development include:

- Enhancement of data sharing initiatives between the Victorian Ombudsman and jurisdictional departments to help identify continuous improvement initiatives
- Collection of complaints data from jurisdictional departments within the Victorian Ombudsman’s jurisdiction from various sources.
- Re-platforming our document repositories to enable greater, secure access for staff
- Mobility and work from anywhere initiatives to assist with staff attraction and retention
- Development of complainant portal to complainants to provide information and gain updates more easily in their submitted cases

Data Collection

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

Our annual report uses ‘reference’ data when comparing periods. Reference data is fixed to the end of the reporting period and is not updated when any adjustments are made to cases.

Quality reviews of data sources, along with analysis of workflows and formulas used to count and track key metrics have been implemented to ensure the data we share is transparent and provides an accurate overview of our work. A glossary of key terms and definition is provided in Appendix 2 on page 136.

Organisational Structure



Strengthening our capabilities to support our vision

Our people

We employ 119 staff with a diverse range of qualifications experience and backgrounds. Our people diverse qualifications range from law and criminal justice to social sciences, media and communications, human rights and business.

Table 2: Staff profile by gender, age and classification 2021-22

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

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

Table 3: Staff profile by gender, age and classification 2020-21

FY2020-21	All Employees		Ongoing			Fixed Term	
	Headcount	FTE	Full Time - Headcount	Part Time - Headcount	FTE	Ongoing	FTE
Gender							
Male	37	35.40	22	3	24.20	12	11.20
Female	81	76.20	55	13	63.60	13	12.60
Self-described							
Total	118	111.60	77	16	87.80	25	23.80
Age							
Under 25	1	1.00	1		1.00		
25-34	34	32.60	29		28.20	5	4.40
35-44	39	35.50	23	10	29.90	6	5.60
45-54	32	30.70	18	6	22.70	8	8.00
55-64	10	9.80	5		5.00	5	4.80
Over 65	2	2.00	1		1.00	1	1.00
Total	118	111.60	77	16	87.80	25	23.80
Classification							
VPS 3	5	4.20	2		2.00	3	2.20
VPS 4	46	43.80	36	7	41.00	3	2.80
VPS 5	43	40.60	29	6	32.60	8	8.00
VPS 6	17	16.40	10	2	11.60	5	4.80
STS	1	0.60		1	0.60		
Executive	5	5.00				5	5.00
Independent officer of Parliament	1	1.00				1	1.00
Total	118	111.60	77	16	87.80	25	23.80

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

Strengthening our capabilities to support our vision

Salary

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

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

Income band (salary)	Executives	STS	PS	SMA	SRA	Other
< \$160,000						
\$160,000 - \$179,999						
\$180,000 - \$199,999	2					
\$200,000 - \$219,999	3					
\$220,000 - \$239,999						
\$240,000 - \$259,999						
\$260,000 - \$279,999						
\$280,000 - \$299,999						
\$300,000 - \$319,999	1					
\$320,000 - \$339,999	1					
\$340,000 - \$359,999						
\$360,000 - \$379,999						
\$380,000 - \$399,999						
\$400,000 - \$419,999						
\$420,000 - \$439,999						
\$440,000 - \$459,999						
\$460,000 - \$479,999						
\$480,000 - \$499,999						
Total	7	0	0	0	0	0

People Matter 2021-2022 survey

The results from the 2021-22 survey are consistent with previous year's results.

With over 95% of employees participating in this year's survey, it has enabled us to review some of the positives from the year and look towards focusing on those areas that require us to continually improve.

94%

I achieve something important through my work

Comparator 89%

90%

Positively related to have meaningful work

Comparator 88%

89%

Positively related to job enrichment

Comparator 85%

Some of the key improvements from the previous year's results include:

- Greater prioritisation of learning and development opportunities. This was one of the most improved segments in this year's survey increasing in satisfaction by 3%
- Role clarity was another area of improvement, this year we saw a 5% increase in satisfaction, this is a key area to continue to improve in 2022-23 to attract and retain employees
- Staff continue to see the importance of their work and how it contributes to the office with satisfaction up to 94%

To support continuous improvement the key areas highlighted from the survey for the VO to focus on in the year ahead include:

- Flexible working arrangements 17% of staff highlighted a need for improvement
- Workload & Time Pressures 56% staff said this was an area that needs focus

Like most organisations the impact of COVID-19 and a competitive job market has seen the ever-increasing challenge around recruiting and retaining staff.

The Victorian Ombudsman is committed to identifying and implementing key actions as set out in its FY2022-23 Annual Plan including sustainable hybrid work arrangements to support employee retention and satisfaction and make the office an employer of choice.

Strengthening our capabilities to support our vision

Employment and conduct principles

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

Public sector employment principles

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

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

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

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

Workforce inclusion

We are committed to providing a working environment where equality, diversity and inclusion are valued.

Our workforce inclusion practices have resulted in us employing 70 per cent female, 31 per cent male in an ongoing or fixed term employment capacity this year.

Ways we celebrate diversity:

- Recognising days of cultural significance
- Supporting LGBTQIA+ events
- Celebrating awareness days or weeks
- Cultural Safety and Awareness workshops
- Accessibility Action Plan
- Reconciliation Action Plan
- Gender equality action plan

Workforce inclusion policy

The Victorian Ombudsman continues to work towards creating an inclusive working environment where equal opportunity and diversity are valued, and that reflects the communities we serve.

Consistent with the *Gender Equality Act 2020*, The target set by the Victorian Government of at least 50 per cent women on the executives' gender profile by 2021 has been met and surpassed by the Victorian Ombudsman.

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

The following table outlines the Department's actual progress against this target in 2021-22.

Table 5: Victorian Ombudsman's actual progress against this target in 2021-22

Workforce inclusion policy initiative	Target	Actual progress in 2021-22	Actual progress in 2020-21
Gender profile at executive levels ^(a)	Executive Officers: 50 per cent women; 50 per cent men by 2021	Executive Officers: 87 per cent women; 13 per cent men	Executive Officers: 67 per cent women; 33 per cent men

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

Executive Data

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

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

The following tables disclose the SES of the office of the Victorian Ombudsman for 30 June 2022:

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

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

Class	All		Women		Men		Self-described	
	No.	Var.	No.	Var.	No.	Var.	No.	Var.
SES3	0	0	0	0	0	0	n	n
SES2	2	0	2	0	0	0	n	n
SES1	5	2	4	1	1	(1)	n	n
Total	7	2	6	1	1	(1)	n	n

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

Table 7: Reconciliation of executive numbers

		2022	2021
	Executives (financial statement Note 8.3)	7	5
Less	Accountable Officer (Secretary) Separations	(1)	(0)
	Total executive numbers at 30 June	7	5

Strengthening our capabilities to support our vision

Occupational Health and Safety

Under section 25 of the *Occupational Health and Safety Act 2004* (Vic), employees must take reasonable care for their own and others' health and safety and cooperate with their employer in the workplace.

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

- reimbursement initiative for prescription glasses
- influenza vaccination program
- paid leave for Covid-19 testing and vaccinations and boosters
- ergonomic assessments
- First Aid Officer training
- Fire Warden training
- 2020 R U OK day
- accredited Mental Health First Aid Officer training for all Leaders and Managers
- Mental Health First Aid Peer Support Officers
- Mental Health and Wellbeing employee workshops
- Mental Health Week
- Employee Assistance Program providing access to a 24/7 confidential counselling service via external professionals
- Weekly Employee Assistance Program onsite counselling service.

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

Table 8: Occupational Health and Safety (OHS)

Measure	Key Performance Indicator	2019-20	2020-21	2021-22
Incidents*	No. of reported incidents	8	8	2
	Rate per 100 FTE	1	1	1.57
	No. of incidents requiring first aid and/or further medical treatment	1	1	1
Claims	No. of standard claims **	1	0	1
	Rate per 100 FTE	1.035	0	0.78
	No. of lost time claims	1	0	1
	Rate per 100 FTE	1.035	0	0.78
	No. of claims exceeding 13 weeks	1	0	0
	Rate per 100 FTE	1.035	0	0
Fatalities	Fatality claims	0	0	0
Claim costs	Average cost per standard claim	\$735	\$0	\$0
Return to work	Percentage of claims with RTW plan <30 days	0	0	0
Management commitment	Evidence of OHS policy statement, OHS objectives, regular reporting to senior management of OHS, and OHS plans	In progress	Completed	Completed
	Evidence of OH&S criteria(s) in purchasing guidelines (including goods, services and personnel)	Completed	Completed	Completed
Consultation and participation	Evidence of agreed structure of designated workgroups, (DWGs), health and safety representatives (HSRs), and issue resolution procedures (IRPs)	Completed	Completed	Completed
	Compliance with agreed structure of DWGs, HSRs and IRPs	Completed	Completed	Completed
Risk management	Percentage of internal audits/inspections conducted as planned	100%	75%	75%
	No. of Improvement Notices issued across the organisation by WorkSafe Inspector	0	0	0
	Percentage of issues resolved arising from: <ul style="list-style-type: none"> • internal audits and inspections • HSR Provisional Improvement Notices (PINs) • WorkSafe Notices 	100% N/A N/A	100% 100% 100%	100% 100% 100%
Training	Percentage of staff that have received OHS training: <ul style="list-style-type: none"> • induction • management training • contractors, temps, and visitors 	100% 100% 100%	100% 100% 100%	100% 100% 100%
	Percentage of HSRs trained: <ul style="list-style-type: none"> • on acceptance of role • re-training (refresher) • on reporting of incidents and injuries 	100% 100% 100%	100% 100% 100%	100% 100% 100%

Note: * Incidents includes injuries and near misses.

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

Strengthening our capabilities to support our vision

Our Performance

Table 9: Output statement 2021-22

Performance measures	Unit of measure	2021-22 actual	2021-22 target	Performance Variation (%)	Result (a)
Quantity					
Number of jurisdictional cases opened	number	18,889	14000	34.92	✓
The number of jurisdictional cases opened is contingent on approaches to the office by members of the public. This can lead to a variance between the target and the outcome.					
Jurisdictional cases selected for enquiry/investigation	per cent	27.7	20	38.5	✓
Where possible the Victorian Ombudsman has introduced 'batching' as a method to efficiently deal with enquiries into a number of complaints about a systemic issue.					
Education and training participants	number	532	642	17.1	■
The ongoing impact of COVID-19 has impacted the Victorian Ombudsman's ability to hold face to face training. Uptake of our online virtual course delivery has been positive					
Quality					
Jurisdictional cases that lead to an agreed improvement	per cent	67.8	35	93.8	✓
Jurisdictional cases that lead to an agreed improvement is contingent on case issues having a remedy. This can lead to a variance between the target and the outcome.					
Public sector education program satisfaction rate	per cent	95.1	85	11.9	✓
Collectively both virtual and face to face training programs have delivered consistent and positive satisfaction rates across FY20/21 period.					
Complaint service satisfaction	per cent	56	60	6	■
Complaint service satisfaction results are consistent with FY2020-21 results. The Victorian Ombudsman continues to receive a significant amount of non-Jurisdictional complaints which affects service satisfaction results. Several initiatives are currently underway to support this measure.					
Timeliness					
Complaints closed within 30 days	per cent	94.8	85	11.5	✓
The Victorian Ombudsman has been conducting workforce planning initiatives and system enhancements in prioritising resourcing to its early resolutions team to ensure timely closure of complaints.					
Investigations closed within 12 mths	per cent	75	80	6.25	■
The VO has implemented project management principles and system upgrades to support timely completion of its investigations.					
Cost					
Total cost output	\$ million	\$19.400	\$20.200	4	✓
This excludes:					
<ul style="list-style-type: none"> • Parliamentary Referral expense reimbursement • Special Appropriation • ATNAB funding 					

Note: ✓ Performance target achieved or exceeded.
 ■ Performance target not achieved - exceeds 5 per cent variance.

Tabled Reports

The Ombudsman tabled 6 reports in Parliament in 2021-22, with the addition of 1 publication that was not tabled that reviewed complaint practices and processes.

Table 10: Reports tabled in Parliament 2020-21

Title	Date tabled
Investigation into good practice when conducting prison disciplinary hearings	July 2021
The Ombudsman for Human Rights: A Casebook	August 2021
Investigation into allegations of collusion with property developers at Kingston City Council	October 2021
Investigation into decision-making under the Victorian Border Crossing Permit Directions	December 2021
Investigation into Environment Protection Authority decisions on West Gate Tunnel Project spoil disposal	May 2022
Investigation into the use of force at the Metropolitan Remand Centre and the Melbourne Assessment Prison	June 2022

Table 11: Victorian Ombudsman additional publications not tabled in Parliament 2021-22

Title	Date
Councils and complaints – A good practice guide 2nd edition	July 2021

Feedback about us

Satisfaction survey

The Victoria Ombudsman commissioned EY Sweeney to conduct quarterly complainant satisfaction surveys. The purpose of these surveys is to improve services provided, our quality of communication with the complainants and evaluate the impact of resolutions and impact made.

Overall satisfaction with the service provided by the Victorian Ombudsman has remained largely consistent across 2021-2022 with previous years. 63% of complainants this year had not previously lodged a complaint with the Victorian Ombudsman highlighting our relevance and outreach to the community.

Negative Quotes

“The process was fine, except they told us to go back to the people we were complaining about. That doesn’t make sense! That’s why we’re coming to the Ombudsman because we’ve complained to them and got nowhere!”

“The Australian government are supposed to support all Australian people ... but they’re not supporting me.”

“It was a total loss of confidence. I don’t have a high regard for them, it’s not working the way it should.”

“I was hopefully but not overly confident. From my experience with other Ombudsman offices, they will liaise but lack the power to do anything.”

“I don’t know how many cases there are? To them you’re just a number and it might not look that serious compared to some others [complaints] they see.”

Positive Quotes

“I’m not a computer or digital savvy person, but the form was really easy to fill out and I could easily attach all my evidence.”

“I’m really happy that there’s an organisation like that, that when you’re really frustrated you can tell them [referring agency] and it makes them do something about it.”

“I’m really proud of myself that I was able to get the issue resolved, and they [the Ombudsman] helped me to do that”

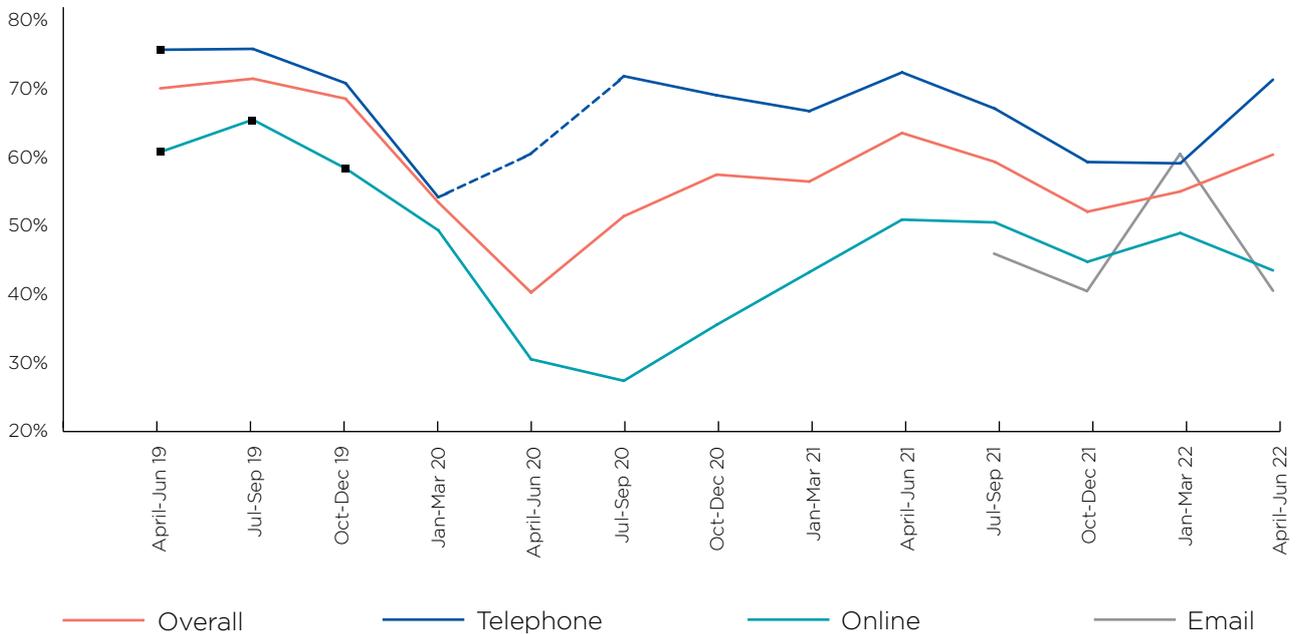
“She was really nice and kind. She really listened to me when I explained things. Really nice. Didn’t have to wait too long to speak to someone.”

“I felt some sort of relief... Like a sense of hope that someone was finally going to help me!”

“They [who the complaint was made against] contacted me within 2 days of me talking to the [Victorian] Ombudsman and they said “you got the Victorian Ombudsman involved!?!” Without still really knowing’ what they did, I said “good! I should have contacted them sooner!”

Complaint Survey snapshot 2021-22

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



Notes
 ■ Sample size less than n<30, significance testing not applied;
 - - - Data suppressed due to small base size upon call centre closure dotted line indicates break in trend.
 * Insufficient sample for email lodgements prior to 2021-2022. Other channels not shown due to insufficient sample.

Awareness and complaint lodgement

Awareness of the Victorian Ombudsman's role



44%

Were extremely aware or very aware of the Victorian Ombudsman's role before making the complaint

First complaint



63%

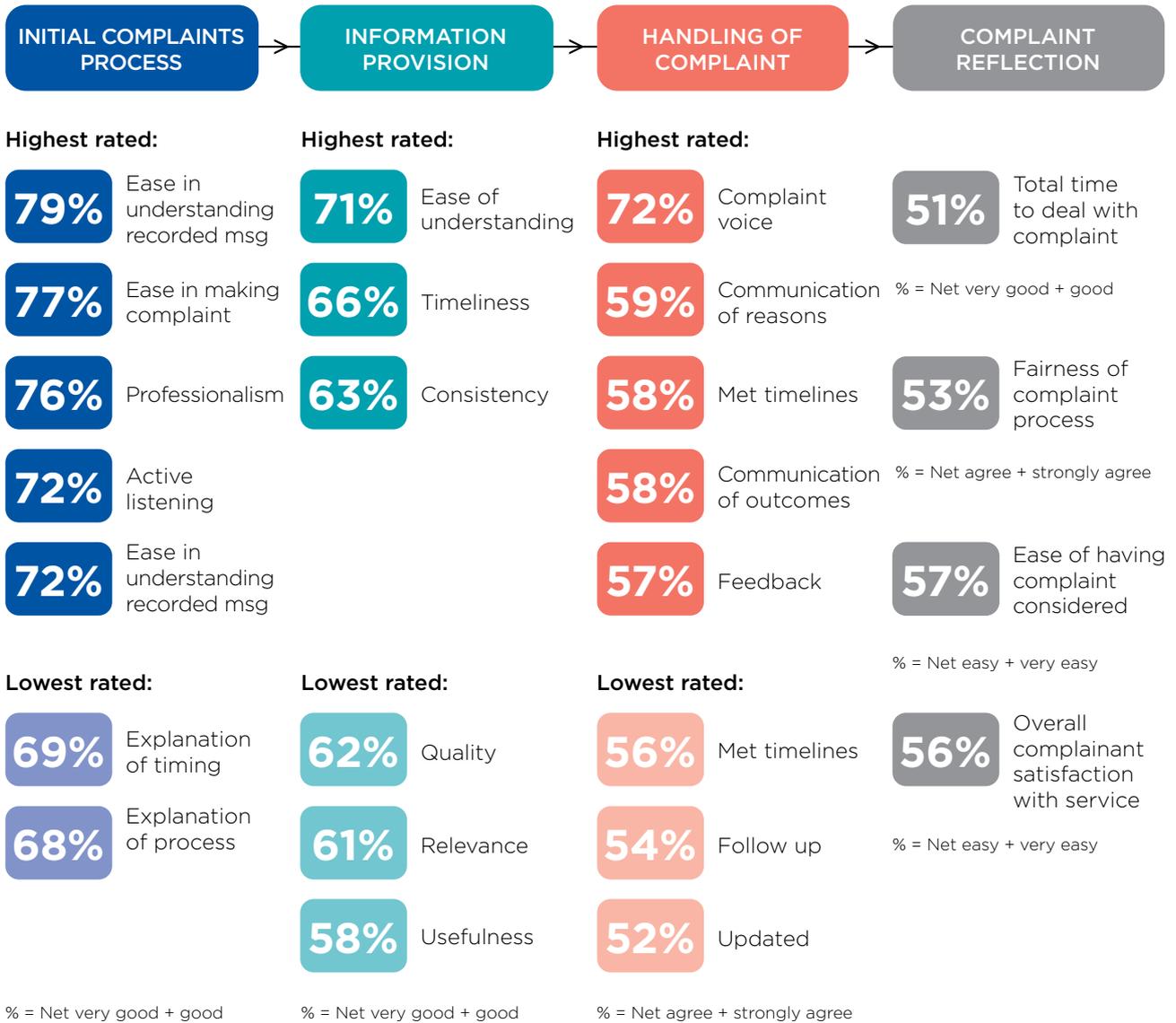
of complainants in 2021-2022 had not lodged a complaint before with the Victorian Ombudsman

"I could tell after the first contact I received that they treated it as their job to address this complaint and follow a specific process. The communication given gave me confidence that I could expect a result to be forced soon."

"Their intervention met all expectations despite the outcome not being on my favour."

Feedback about us

Detailed complainant ratings



Relationship of the VO service to complaint outcome

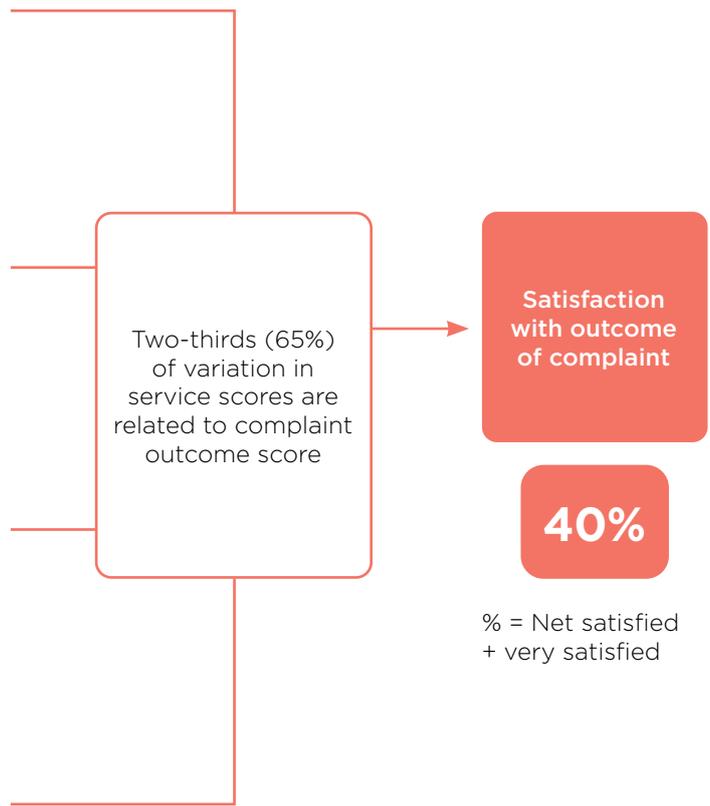


53% Fairness of complaint process
% = Net agree + strongly agree

56% Fairness of complaint process
% = Net satisfied + very satisfied

51% Fairness of complaint process
% = Net very good + good

57% Ease of having complaint considered
% = Net easy + very easy



Complaints we received

When people complain to us about the merits of our decisions or our service delivery, we will consider their request and may undertake a review. If complaints allege corrupt conduct or staff misconduct, we must notify IBAC or the Victorian Inspectorate respectively and they deal with the complaint independently of us.

We received 187 requests for review in 2021-22, which mirrors the 187 requests received in 2020-2021. We conducted a total of 78 reviews in 2021-2022 compared with 131 in 2020-2021, in which a senior officer not previously involved in the matter reviews how we had handled a matter.

Of the 48 reviews into the merits of our decisions:

- In 34, we decided the original decision was satisfactory.
- In 14, we reconsidered the complaint or took further action.

Of the 30 complaints about our service delivery:

- In 27, we determined our service delivery was satisfactory.
- In 3, we determined that service delivery was unsatisfactory and attempted to resolve the concerns raised through providing an explanation, apologising, or agreeing to take further action.

Of the requests for review about the merits of our decision (152), 77 were declined; this is a significant increase on the number declined in 2020-21 (26). In 2021-22 we made changes to our processes to more critically consider requests for review. This led to an increase in requests being declined because the person requesting the review had not articulated why they believed their complaint was not handled appropriately.

In a further 33 requests for review about the merits of our decision, we decided to reconsider the complaint without conducting an internal review. This arose chiefly when the person making the request for review provided additional information about their complaint that was not previously provided, or we immediately recognised an opportunity to rectify an error they had identified.

Requests from the Victorian Inspectorate

In 2021-22, the Victorian Inspectorate asked us for information about 25 matters, compared with 22 matters in 2020-21. These included allegations that our staff:

- did not investigate complaints, had not properly investigated them, or improperly dismissed them
- did not provide procedural fairness
- had not provided an outcome in a timely manner.

This financial year, we responded to a request for comment on a proposed Inspectorate Guidance Note, and have had regular meetings with Inspectorate senior staff. In all cases, we provided the information the Inspectorate requested.

Freedom of information

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

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

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

In 2021-22 we received 32 FOI requests. Due to the operation of section 29A of the Ombudsman Act, the FOI Act did not apply to 27 of the FOI requests. One FOI request was processed and access to the documents sought was granted in full. Four FOI requests were processed but there were no documents. Three requests for consultation under section 33 of the FOI Act were received and processed.

Categories of documents held

We hold a number of categories of documents:

- investigation reports tabled in Parliament and published on our website
- internal administrative and operational documents
- internal policy and procedural documents
- documents about developing or implementing policy and legislation
- human resources documents
- financial records
- documents obtained or created in the course of conducting investigations or making enquiries, including complaints, correspondence, file notes and reports
- documents relating to our functions under the Public Interest Disclosures Act
- background material, records of conversation, analysis and advice
- fact sheets, brochures and promotional material.

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

Publicly available information

The following information is available on our website:

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

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

enquiries@ombudsman.vic.gov.au

(03) 9613 6222

1800 806 314 (for regional callers)

Feedback about us

Making an FOI request

If you are considering making an FOI request to the Victorian Ombudsman, contact us for a discussion first.

We do not want you to pay an up-front fee for:

- documents that are already publicly available
- documents that you will not receive due to our confidentiality provisions.

Contact us for a discussion at:

FOI Officer

Victorian Ombudsman

legal@ombudsman.vic.gov.au

(03) 9613 6222

1800 806 314 (regional callers)

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

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

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

Fees

An application fee of \$30.58 is required unless an authorised officer, satisfied that the payment of the fee would cause hardship, waives or reduces that fee.

Reviews

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

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

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

For those FOI applications to which section 29A of the Ombudsman Act applies, there is no avenue of appeal to the Information Commissioner for a review of the decision. An applicant may seek a review by the Victorian Civil and Administrative Tribunal under its review jurisdiction (see Part 3 of the Victorian Civil and Administrative Tribunal Act 1989 (Vic)).

Complaints

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

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

For those FOI applications to which section 29A of the Ombudsman Act applies, there is no avenue of complaint to the Information Commissioner.

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

ovic.vic.gov.au/freedom-of-information/forthe-public/apply-for-a-review/

Further information about the FOI Act is available online at:

www.ovic.vic.gov.au

Corporate governance

The Ombudsman is the:

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

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

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

In FY 2021-2022, the Ombudsman was supported by one internal committee – the Executive Committee – and one external committee – the Audit and Risk Management Committee.

Each committee:

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

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

Table 12: Internal Committee

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

Audit and Risk Management Committee

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

- Independently review and assess the effectiveness of VO's systems and controls for financial management, performance and sustainability, including risk management
- Oversee the internal audit function.
- Review annual financial statements.
- Review information in the report of operations on financial management, performance and sustainability before it is released to Parliament.
- Review and monitor compliance with the FMA (including the Standing Directions).
- Maintain effective communication with external auditors.
- Consider recommendations made by internal and external auditors and review implementation of any actions to resolve issues raised.
- Oversee the effective operation of the risk management framework.

Table 13: Audit and Risk Management Committee membership

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

Victorian Ombudsman Financial Management Compliance Attestation Statement

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

Signed:



Victorian Ombudsman
Date: 14 September 2022

Strategically focussed

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

Framework:

- Analyse
- Plan
- allocate resources
- implement and monitor
- evaluate
- report.

Key outputs from the corporate planning framework are:

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

Transparent and accountable

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

We also ensure we are accountable by:

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

Committed to compliant practices

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

Ethical culture

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

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

- modelling ethical conduct
- expressly canvassing ethical issues as they arise
- recognising and reinforcing ethical conduct by staff
- intervening and addressing unethical conduct.
- Ethical decision making is also supported by:
 - the *Code of Conduct for Victorian Public Sector Employees of Special Bodies* issued by the Victorian Public Sector Commission
 - internal policies and procedures, such as our Conflict-of-Interest Policy, Grievance Resolution Policy and our Gifts, Benefits and Hospitality Policy.

Compliance with the Building Act 1993

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

National Competition Policy

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

Feedback about us

Local Jobs First Act 2003

Local Jobs First aims to:

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

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

The Local Jobs First Act requires public bodies to report on their compliance. In 2020-21, the Victorian Ombudsman had no procurements or projects to which the policy applied.

Procurement Related Complaints

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

The Victorian Ombudsman has a procurement complaints management system, setting out the process for addressing complaints by suppliers. The Victorian Ombudsman's Chief Procurement Officer (Chief Financial Officer) is responsible for the complaint's management process. In 2021-22, the Victorian Ombudsman received no complaints from suppliers related to a procurement activity.

Statutory disclosures

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

Accountable officer's declaration

In accordance with the *Financial Management Act 1994* (Vic), I am pleased to present the Report of Operations for the Victorian Ombudsman's office for the year ended 30 June 2022



Deborah Glass
Ombudsman

20 October 2022

Financial Information

Table 14: Five year financial summary

Five-year financial summary	2022 ^(a)	2021 ^(b)	2020	2019	2018
Total income from transactions ^(c)	20,681,144	20,675,043	19,313,014	18,724,330	15,823,834
Total expenses from transactions	20,804,345	19,959,766	18,851,676	18,750,436	15,663,219
Net result from transactions ^(d)	(123,202)	715,277	461,338	(26,106)	160,615
Other economic flows included in net result	-	11,161	77,100	(79,385)	(687)
Net result for the period	(123,202)	726,438	538,438	(105,491)	159,928
Net cash flow from operating activities	1,077,935	(709,475)	606,679	40,667	385,579
Total assets	18,676,055	19,426,638	11,276,436	9,444,405	8,884,351
Total liabilities	13,163,449	13,790,830	6,387,047	5,983,806	5,318,261

Notes:

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

(b) 2021 restated

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

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

Current financial year review

The Victorian Government considers the net result from transactions to be the appropriate measure of financial management. This measure excludes the effects of gains and losses associated with the disposal of assets and the impact of the revaluation of leave liabilities due to changes in discount rates and market assumptions. Such gains and losses are outside the control of the Victorian Ombudsman. In 2021-22, the Victorian Ombudsman achieved a net result from transactions of a deficit \$0.12 million. This result is due to the timing of grants received by the Victorian Ombudsman. The growth in income and expenses from transactions in 2021-22 is mainly reflective of the growth of Victorian Ombudsman's operating budget and associated expenditure compared to 2020-21.

Financial position – balance sheet

The Victorian Ombudsman's net asset base as at 30 June 2022 is \$5.5 million, which is a \$0.12 million decrease from the previous year. There were no other significant changes or factors that affected the current year's performance.

Cash flows

The net cash inflows from operating activities \$1.07 million for the year. Compared to last year there is an increase in the operating cashflow with main driver being timing differences relating to the receipting of appropriation revenue from Government and payments.

Feedback about us

Significant changes in financial position

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

Capital projects

The Office completed the implementation of Budgeting and Planning Software in December 2021 and capitalised as intangible asset in 2021-22.

Disclosure of grants and transfer payments

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

Subsequent events

There are no subsequent events to report

Advertising Expenditure

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

Consultancies

Nil to report for 2021-22.

Other information available on request

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

These items include:

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

ICT expenditure

Our ICT expenditure comprises:

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

This year, we had a total operational ICT expenditure of \$2.677 million.

Office based environmental impact

The use of electrical power, paper and office vehicles over the five years since 2017-18 is outlined below.

Electricity use

In 2021-22 electricity use was 4 per cent higher than in 2020-21. Greenhouse gas emissions per FTE staff member was lower than the last two years.

Waste

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

Paper use

Paper use in 2021-22 per FTE staff member decreased by 15 per cent from 2020-21.

Transportation

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

Table 15: 2021-2022 ICT Expenditure

All Operational ICT Expenditure	ICT Expenditure related to projects to create or enhance ICT Capabilities		
Business As Usual (BAU) ICT Expenditure	Non-Business As Usual (Non-BAU) ICT expenditure	Operational expenditure	Capital expenditure
(Total)	(Total = Operational expenditure and capital expenditure)		
\$2,677,598	\$75,928	\$75,928	

Table 16: Electricity usage since 2017-18

	2017-18	2018-19	2019-20	2020-21	2021-22
Total electricity used in the office (gigajoules)	447	469	502	547	569
Electricity used per FTE staff member (megajoules)	5,062	4,408	5,151	5,364	5,692
Electricity used per m2 office space (megajoules)	216	227	231	251	261
Net Greenhouse emissions (tonnes)	134	151	156	164	136
Net Greenhouse emissions per FTE staff member (tonnes)	1.52	1.42	1.60	1.61	1.33

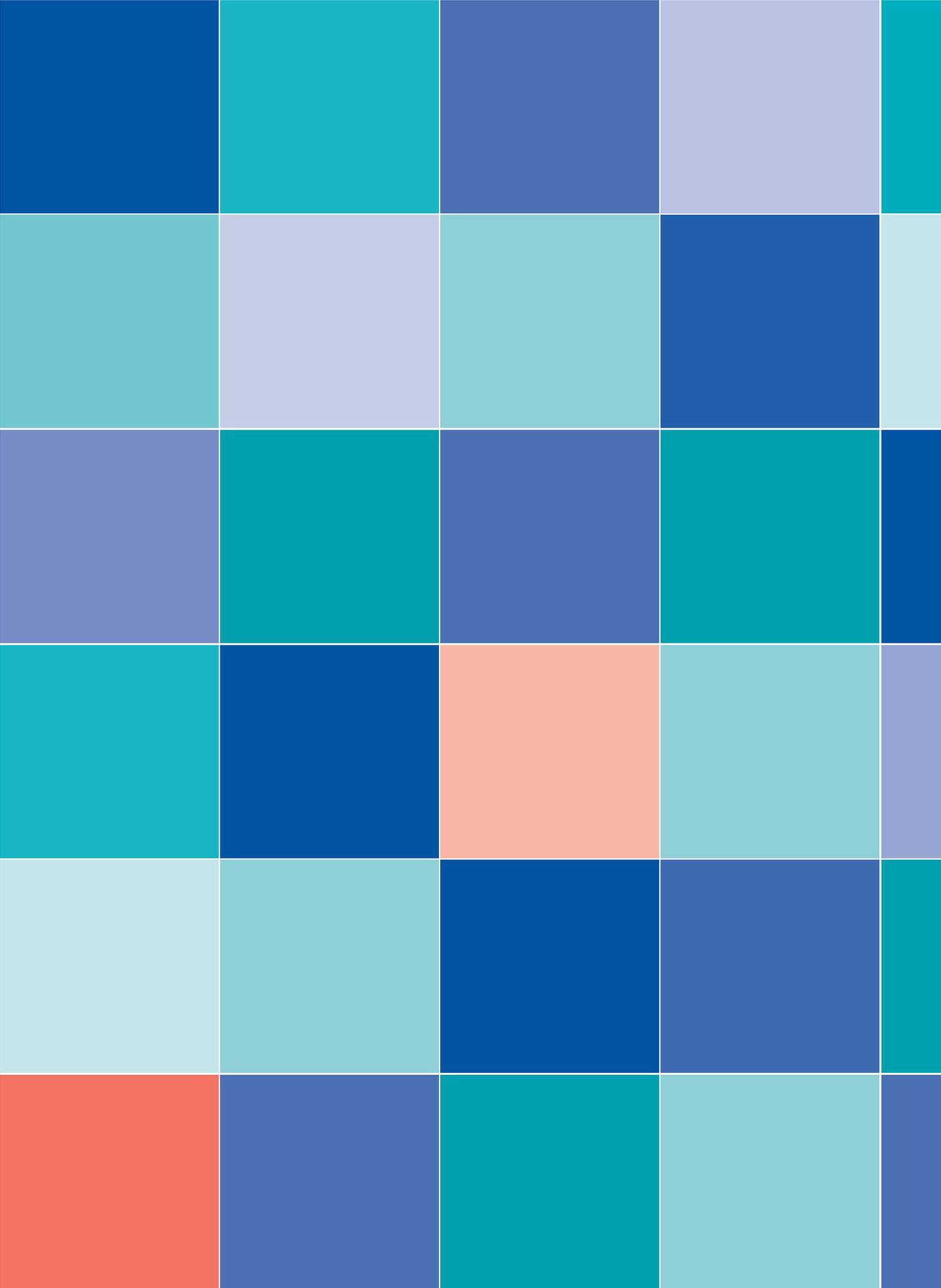
Table 17: Paper usage since 2017-18

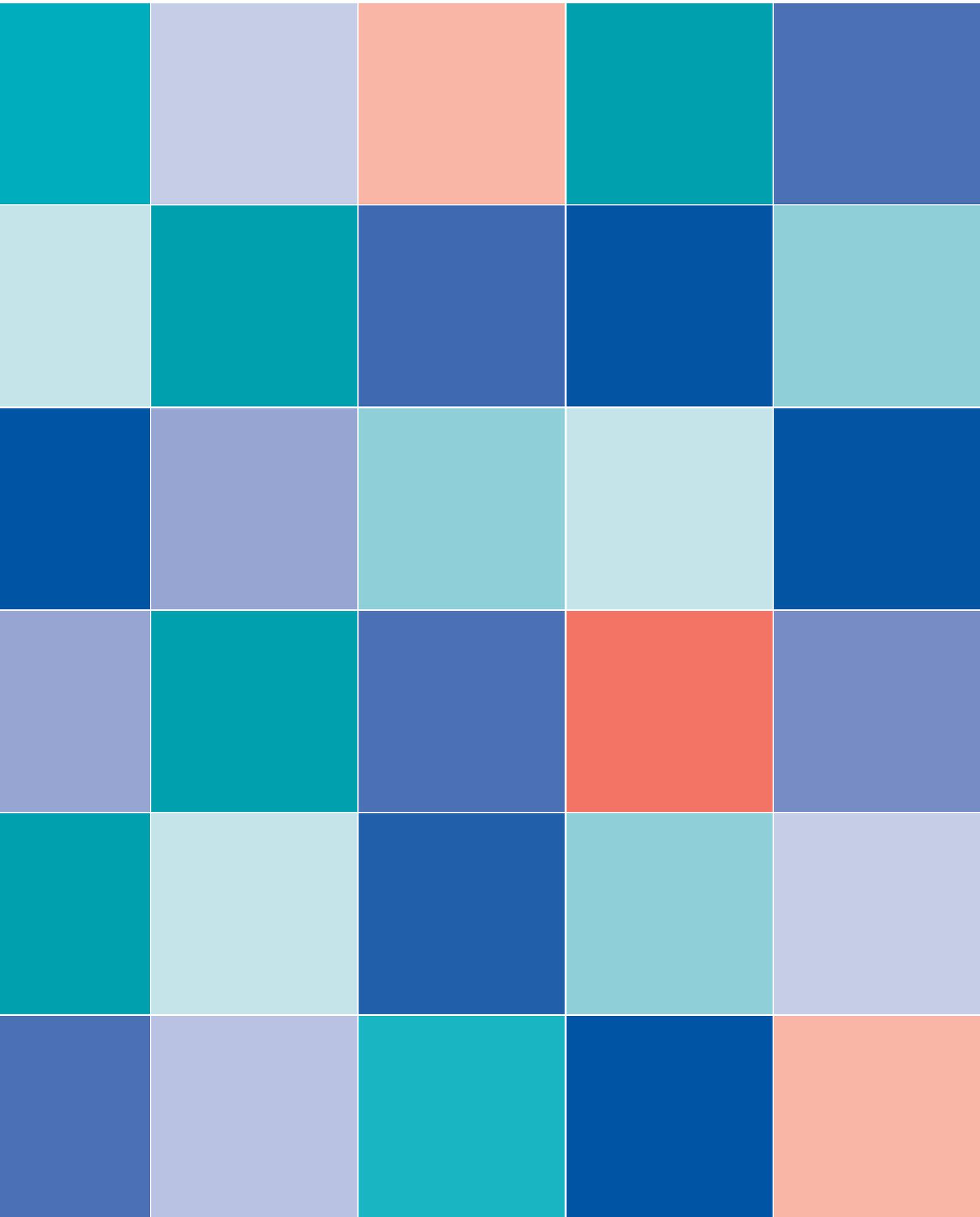
	2017-18	2018-19	2019-20	2020-21	2021-22
Total Paper used in officer (reams)	727	543	350	79	66
Paper Used per FTE member (reams)	8.23	5.10	3.59	0.77	0.66

Table 18: Vehicle usage since 2017-18

	2017-18	2018-19	2019-20	2020-21	2021-22
Passenger vehicle trips					
Total kilometres driven	11,503	14,910	4,104	4,194	467
Kilometres driven per FTE staff member	130	140	42	41	5
Greenhouse gas emissions associated with vehicles					
Total tonnes CO2-e emitted	1.53	1.92	0.55	0.73	0.08
Tonnes CO2-e emitted per FTE staff member	0.02	0.02	0.01	0.01	0.00

Financial Statements







Independent Auditor's Report

To the Victorian Ombudsman

Opinion	<p>I have audited the financial report of the Victorian Ombudsman (the Ombudsman) which comprises the:</p> <ul style="list-style-type: none"> • balance sheet as at 30 June 2022 • comprehensive operating statement for the year then ended • statement of changes in equity for the year then ended • cash flow statement for the year then ended • notes to the financial statements, including significant accounting policies • Ombudsman's and Chief Financial Officer's declaration. <p>In my opinion the financial report presents fairly, in all material respects, the financial position of the Ombudsman as at 30 June 2022 and its financial performance and cash flows for the year then ended in accordance with the financial reporting requirements of the Financial Management Act 1994 and applicable Australian Accounting Standards.</p>
Basis for opinion	<p>I have conducted my audit in accordance with the <i>Audit Act 1994</i> which incorporates the Australian Auditing Standards. I further describe my responsibilities under that Act and those standards in the <i>Auditor's Responsibilities for the Audit of the Financial Report</i> section of my report.</p> <p>My independence is established by the <i>Constitution Act 1975</i>. My staff and I are independent of the Ombudsman in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 <i>Code of Ethics for Professional Accountants</i> (the Code) that are relevant to my audit of the financial report in Victoria. My staff and I have also fulfilled our other ethical responsibilities in accordance with the Code.</p> <p>I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.</p>
Ombudsman's responsibilities for the financial report	<p>The Ombudsman is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards and the Financial Management Act 1994, and for such internal control as the Ombudsman determines is necessary to enable the preparation and fair presentation of a financial report that is free from material misstatement, whether due to fraud or error.</p> <p>In preparing the financial report, the Ombudsman is responsible for assessing the Ombudsman's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless it is inappropriate to do so.</p>

Auditor's responsibilities for the audit of the financial report

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

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

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

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

MELBOURNE
16 September 2022



Andrew Greaves
Auditor-General

OFFICE OF THE OMBUDSMAN

Financial Statements

For the Year Ended 30 June 2022

OFFICE OF THE OMBUDSMAN

Contents	Page
Financial Statements	
Comprehensive operating statement	3
Balance sheet.....	4
Cash flow statement	5
Statement of changes in equity	6
Notes to the financial statements	
1. About this report	7
2. Funding delivery of our services.....	9
3. The cost of delivering services	11
4. Key assets available to support output delivery	15
5. Other assets and liabilities	19
6. Financing our operations	21
7. Risks, contingencies, and valuation judgements.....	25
8. Other disclosures.....	28
Accountable Officer's and Chief Financial Officer's Declaration	33

OFFICE OF THE OMBUDSMAN

Comprehensive operating statement For the financial year ended 30 June 2022

	Notes	2022 \$	2021 Restated \$
Continuing operations			
<i>Revenue and income from transactions</i>			
Output appropriations	2.1	20,057,903	20,159,420
Special appropriation	2.1	623,241	515,623
Total revenue and income from transactions		20,681,144	20,675,043
<i>Expenses from transactions</i>			
Employee expenses	3.3.1	14,876,711	13,708,070
Depreciation	4.3	1,701,218	1,515,642
Capital asset charge	3.4	-	287,065
Interest expense	6.2.2	305,147	247,575
Other operating expenses	3.5	3,921,269	4,201,413
Total expenses from transactions		20,804,345	19,959,766
Net result from transactions		(123,202)	715,277
<i>Other economic flows in net results</i>			
Net gain/(loss) from disposal of physical assets		-	-
Net gain/(loss) arising from revaluation of leave liabilities		-	-
Total other economic flows included in net results		-	-
Net result from continuing operations		(123,202)	715,277
<i>Items that will not be reclassified to net result</i>			
Changes in non-financial assets revaluation surplus		-	11,161
Total other economic flows - other comprehensive income		-	11,161
Comprehensive result		(123,202)	726,438

The accompanying notes form part of these financial statements

**2021 was restated refer to note 3.1*

OFFICE OF THE OMBUDSMAN

Balance sheet As at 30 June 2022

		2022	2021 Restated
	Notes	\$	\$*
Assets			
Financial assets			
Receivables	5.1	7,485,198	6,892,750
Total financial assets		7,485,198	6,892,750
Non-financial assets			
Property, plant and equipment	4.1	10,168,256	11,317,535
Intangible assets	4.2	759,715	959,620
Other non-financial assets	5.3	262,888	256,734
Total non-financial assets		11,190,858	12,533,889
Total assets		18,676,055	19,426,638
Liabilities			
Payables	5.2	468,216	572,634
Other provisions	5.4	463,232	413,600
Borrowings	6.2	9,815,892	10,541,794
Employee related provisions	3.3.2	2,402,608	2,262,802
Other liabilities	5.5	13,500	-
Total liabilities		13,163,449	13,790,830
Net assets		5,512,607	5,635,808
Accumulated surplus/(deficit)		(187,297)	(64,095)
Contributed capital		5,699,904	5,699,904
Net worth		5,512,607	5,635,808

The accompanying notes form part of these financial statements

*2021 was restated refer to note 3.1

OFFICIAL

Cash flow statement
For the financial year ended 30 June 2022

	Notes	2022 \$	2021 \$
Cash flows from operating activities			
Receipts			
Receipts from Victorian Government		20,279,053	21,928,821
Total receipts		20,279,053	21,928,821
Payments			
Payments to suppliers and employees		(18,895,971)	(22,103,655)
Capital asset charge payments		-	(287,065)
Interest and other financing costs	6.2.2	(305,147)	(247,575)
Total payments		(19,201,118)	(22,638,295)
Net cash flows from/(used in) operating activities		1,077,935	(709,474)
Cash flows from investing activities			
Payments for property, plant and equipment		(352,034)	807,646
Proceeds from disposal of property, plant and equipment		-	-
Payments for intangible assets		-	(8,000)
Net cash flows from/(used in) investing activities		(352,034)	799,646
Cash flows from financing activities			
Owner contribution by Victorian Government		-	374,324
Repayment of lease		(725,901)	(464,495)
Net cash flows from/(used in) financial activities		(725,901)	(90,171)
Net increase in cash and cash equivalents		-	-
Cash and cash equivalents at the beginning of the financial year		-	-
Cash and cash equivalents at end of the financial year		-	-

OFFICE OF THE OMBUDSMAN

Statement of changes in equity For the financial year ended 30 June 2022

	Contributed capital \$	Accumulated deficit \$	Total \$
Balance at 1 July 2020	5,679,923	(790,534)	4,889,389
Net result for the year	19,981	1,926,667	1,946,648
De-recognition of Lease incentive - restated		(1,200,228)	(1,200,228)
Balance at 30 June 2021^(a)	5,699,904	(64,095)	5,635,808
Net result for the year	-	(123,202)	(123,202)
Balance at 30 June 2022	5,699,904	(187,297)	5,512,607

Notes

(a) Restatement of accumulated surplus for 2021 pertaining to Right of Use adjustment. Refer to Note 3.1.

Notes to financial statements 30 June 2022

1. About this report

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

The principal address is:

Level 2, 570 Bourke Street
Melbourne Victoria 3000

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

Basis of preparation

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

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

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

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

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

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

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

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

Compliance information

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

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

2. Funding delivery of our services

Introduction

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

Structure

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

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

	Notes	2022 \$	2021 \$
Output appropriations	2.2, 2.3	20,057,903	20,159,420
Special appropriations	2.2, 2.3	623,241	515,623
Total revenue from transactions ^(a)		20,681,144	20,675,043

Notes:

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

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

2.2. Appropriations

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

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

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

2.3. Summary of compliance with annual Parliamentary and special appropriations

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

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

	Appropriations Act			Financial Management Act				Total Parliamentary authority	Appropriations applied	Variance ^(a)
	Annual appropriation	Advance from Treasurer	Section 3(2)	Section 29	Section 30	Section 32	Section 35			
2022										
Controlled										
Provision for outputs	18,834,741	1,046,412	-	176,750	-	-	-	20,057,903	20,057,903	-
Addition to net assets	-	-	-	-	-	-	-	-	-	-
Administered										
Payments made on behalf of the State	-	-	-	-	-	-	-	-	-	-
2022 total	18,834,741	1,046,412	-	176,750	-	-	-	20,057,903	20,057,903	0
2021										
Controlled										
Provision for outputs	19,090,147	995,823	-	73,450	-	-	-	20,159,420	20,159,419	-
Addition to net assets	300,000	-	-	-	216,853	-	-	516,853	374,323	142,531
Administered										
Payments made on behalf of the State	-	-	-	-	-	-	-	-	-	-
2021 total	19,390,147	995,823	-	73,450	216,853	-	-	20,676,273	20,533,742	142,531

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

Authority	Purpose	Appropriations applied	
		2022 \$	2021 \$
Ombudsman Act 1973-Section 5	Payment of Ombudsman's salary and employee related entitlements	623,241	515,623
		623,241	515,623

Payments in 2022 under special appropriations include 1.5% salary increase (remuneration of \$540,000-\$549,999, as per Note 8.2), an additional payrun and further cumulated accrual for annual leave to reflect the leave entitlements for the Ombudsman.

3. The cost of delivering services

Introduction

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

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

Structure

- 3.1 Correction of a Prior period error
- 3.2 Expenses incurred in the delivery of services
- 3.3 Employee benefits
- 3.4 Capital asset charge
- 3.5 Other operating expenses

3.1. Correction of a Prior period error

Restatement of Right of Use Asset and Right of Use Liability

The Office has identified a prior period error. This has been explained below and the error has been corrected by restating the 2021 previously reported affected financial statements, as shown in the tables below.

During the 2021 financial year, the Office did not correctly account for its lease incentive when calculating the Right of Use Asset and Right of Use Liability. On the Balance Sheet, this error had the effect of understatement of assets by \$1,253,309 and understatement of liability by \$2,453,538. On the Operating Statement, this error had the effect of recognising lease incentive as Other Economic Flows \$1,200,228. These have been since been adjusted.

Impact of the restatement on operating statement

	2022	2021 (restated)	Right of Use adjustment	2021 (as previously reported)
	\$	\$	\$	\$
Continuing operations				
Revenue and income from transactions				
Output appropriations	20,057,903	20,159,420	-	20,159,420
Special appropriation	623,241	515,623	-	515,623
Total revenue and income from transactions	20,681,144	20,675,043	-	20,675,043
Expenses from transactions				
Employee expenses	14,876,711	13,708,070	-	13,708,070
Depreciation	1,701,218	1,515,642	-	1,515,642
Capital asset charge	-	287,065	-	287,065
Interest expense	305,147	247,575	-	247,575
Other operating expenses	3,921,269	4,201,413	-	4,201,413
Total expenses from transactions	20,804,345	19,959,766	-	19,959,766
Net result from transactions	(123,202)	715,277	-	715,277
Other economic flows in net results				
Total other economic flows included in net results			-	-
Net result from continuing operations	(123,202)	715,277	-	715,277
Items that will not be reclassified to net result				
Changes in non-financial assets revaluation surplus		11,161	(1,200,228)	1,211,389
Total other economic flows - other comprehensive income		11,161	(1,200,228)	1,211,389
Comprehensive result	(123,202)	726,438	(1,200,228)	1,926,666

Impact of restatement on the balance sheet

	2022	2021 (restated)	Right of Use adjustment	2021 (as previously reported)
	\$	\$	\$	\$
Assets				
Receivables	7,485,198	6,892,750	282,000	6,610,750
Total financial assets	7,485,198	6,892,750	282,000	6,610,750
Property, plant and equipment	10,168,256	11,317,535	971,310	10,346,225
Intangible assets	759,715	959,620		959,620
Other non-financial assets	262,888	256,734		256,734
Total non-financial assets	11,190,858	12,533,889	971,310	11,562,579
Total assets	18,676,055	19,426,638	1,253,309	18,173,329
Liabilities				
Payables	468,216	572,634	-	572,634
Other provisions	463,232	413,600	-	413,600
Borrowings	9,815,892	10,541,794	2,453,538	8,088,256
Employee related provisions	2,402,608	2,262,802	-	2,262,802
Deferred Income	13,500	-	-	-
Total liabilities	13,163,449	13,790,830	2,453,538	11,337,292
Net assets	5,512,607	5,635,808	(1,200,228)	6,836,037
Accumulated surplus/(deficit)	(187,297)	(64,095)	(1,200,228)	1,136,133
Contributed capital	5,699,904	5,699,904	-	5,699,904
Net worth	5,512,607	5,635,808	(1,200,228)	6,836,037

See Note 3 for details. The above Balance Sheet should be read in conjunction with the accompanying notes. There was no impact on the cash flow statement

3.2. Expenses incurred in the delivery of services

	Notes	2022 \$	2021 \$
Employee benefit expenses	3.3	14,876,711	13,708,070
Capital asset charge	3.4	-	287,065
Other operating expenses	3.5	3,921,269	4,201,413
Total expenses incurred in delivery of services		18,797,980	18,196,549

3.3. Employee benefits

3.3.1. Employee benefits in the comprehensive operating statement

	2022 \$	2021 \$
Defined contribution superannuation expense	1,239,444	1,031,693
Defined benefit superannuation expense	-	-
Salaries and wages, annual leave and long service leave	13,637,267	12,676,377
Total employee expenses	14,876,711	13,708,070

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

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

3.3.2. Employee benefits in the balance sheet

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

	2022 \$	2021 \$
Current provisions:		
Annual leave	1,169,017	1,086,376
Long service leave	1,059,196	1,078,234
Total current provisions	2,228,213	2,164,610
Non current provisions:		
Long service leave	174,395	98,193
Total non current provisions	174,395	98,193
Total provisions for employee benefits	2,402,608	2,262,802

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

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

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

Employment on-costs such as payroll tax, workers compensation and superannuation are included as a component of the provision for employee benefits.

	2022 \$	2021 \$
Defined contribution superannuation expense	1,239,444	1,031,693
Payroll tax	764,636	619,594
Work cover	95,789	83,916
Salaries and wages, annual leave and long service leave	12,776,842	11,972,867
Total employee expenses	14,876,711	13,708,070

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

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

3.4. Capital asset charge

	2022 \$	2021 \$
Capital asset charge	-	287,065

A capital asset charge (CAC) was a charge levied on the budgeted written-down value of controlled non-current physical assets in a department's balance sheet. In previous years, CAC had been used to demonstrate the opportunity cost of utilising government assets.

It should be noted that the capital asset charge policy was discontinued in 2021-22 and also reflected in the 2021-22 Budget. While the inclusion of CAC was previously reflected in output cost, it did not reflect a net distribution of funds from the department because the department was funded from the budget for its CAC expense, and often always the department then immediately paid the same amount back into the Consolidated Fund.

3.5. Other operating expenses

	2022 \$	2021 \$
Supplies and services		
Purchase of services	1,858,425	2,705,189
Information technology	652,687	697,450
Supplies and services	884,557	621,502
Occupancy costs	525,600	177,272
Total other operating expenses	3,921,269	4,201,413

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

4. Key assets available to support output delivery

Introduction

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

Structure

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

4.1. Total Property, plant and equipment

	Gross carrying amount		Accumulated depreciation		Net carrying amount	
	2022	2021	2022	2021	2022	2021
	\$	\$	\$	\$	\$	\$
Leasehold improvements	4,811,250	4,815,290	(2,849,595)	(2,392,854)	1,961,655	2,422,436
Right of Use Buildings ^(a)	10,102,709	10,102,709	(2,490,397)	(1,660,264)	7,612,312	8,442,444
Office furniture and equipment at fair value	1,187,433	831,360	(611,939)	(402,509)	575,495	428,851
Lease Motor vehicles	26,906	26,906	(12,805)	(7,847)	14,101	19,059
Cultural assets at fair value	5,000	5,000	(308)	(254)	4,692	4,746
Net carrying amount	16,133,298	15,781,265	(5,965,043)	(4,463,729)	10,168,256	11,317,535

	2022	2021	Right of Use	2021
	\$	(restated)	adjustment	(as previously reported)
	\$	\$		
Rights of Use Buildings ^(a)	10,102,709	10,102,709	1,162,325	8,940,384
Less: Accumulated Depreciation	(2,490,397)	(1,660,264)	(191,014)	(1,469,250)
Net carrying amount	7,612,312	8,442,444	971,310	7,471,134

Notes:

(a) Right of Use buildings 2021 comparative was restated due to adjustment made to Right of Use asset and Right of Use liability detailed in section 3.1 (\$10,102,709 restated as at \$8,940,384)

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

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

	Leasehold improvements \$	Rights of use Assets ^(a) \$	Office furniture and equipment at fair value \$	Lease Motor vehicles \$	Cultural assets at fair value \$
Opening balance – 1 July 2021	2,422,436	8,442,444	428,851	19,058	4,746
Adjustment to Provision	49,632		-	-	-
Additions	-	-	302,402	-	-
Disposals/ Retirement	-	-	-	-	-
Transfers between classes	(53,672)	-	53,672	-	-
Depreciation	(456,740)	(830,132)	(209,430)	(4,957)	(54)
Closing balance – 30 June 2022	1,961,655	7,612,312	575,495	14,101	4,692
Opening balance – 1 July 2020	2,878,840	-	213,410	24,015	4,796
Transfer from SSP	-	11,841,694	-	-	-
Adjustment to include lease incentive	-	(1,738,985)	-	-	-
Additions	53,672	-	318,593	-	-
Disposals/ Retirement	-	-	-	-	-
Transfers between classes	-	-	-	-	-
Depreciation	(510,076)	(1,660,264)	(103,152)	(4,957)	(50)
Closing balance – 30 June 2021	2,422,436	8,442,444	428,851	19,058	4,746

Notes:

(a) Restated see Note 4.1.

(b) The Office's lease for 570 Bourke Street, Melbourne has been re-recognised as a Right of Use Asset and Right of Use Liability (refer to Note 6.2 Leases).

Property, plant and equipment other than right of use assets

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

The cost of leasehold improvements is capitalised as an asset and depreciated over the remaining term of the lease or the estimated useful life of the improvements, whichever is the shorter.

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

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

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

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

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

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

Right-of-use asset – Subsequent measurement

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

Impairment of property, plant and equipment

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

4.2. Intangible assets

	Gross carrying amount		Accumulated depreciation		Net carrying amount	
	2022	2021	2022	2021	2022	2021
	\$	\$	\$	\$	\$	\$
Intangible assets - Work in progress	-	8,000	-	-	-	8,000
Capitalised software	1,147,471	1,139,471	(387,756)	(187,852)	759,716	951,620
Net carrying amount	1,147,471	1,147,471	(387,756)	(187,852)	759,716	959,620

Reconciliation of movements in carrying amount:

	2022	2021
	\$	\$
Carrying account at start of year	959,620	1,114,401
Additions -work in progress	-	8,000
Amortisation expense	(199,904)	(162,782)
Carrying amount at the end of year	759,716	959,620

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

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

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

Subsequent measurement: Intangible assets with finite useful lives are amortised as an 'expense from transactions' on a straight-line basis over their useful lives. Purchased intangible assets have useful lives of between 3 and 7 years.

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

4.3. Depreciation and amortisation

Charge for the period

	2022 \$	2021 \$
Leasehold improvements	456,740	510,077
Right of use Buildings ^(a)	830,132	830,132
Office furniture and equipment	209,430	103,152
Leased motor vehicles	4,957	4,957
Cultural assets at fair value	54	50
Capitalised software	199,904	162,782
Total depreciation and amortisation	1,701,218	1,611,149

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

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

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

Typical estimated useful lives for the different asset classes for current and prior years are included in the table below:

Asset	Useful life
Leasehold buildings	2 to 60
Plant, equipment and vehicles (including leased assets)	3 to 10
Cultural assets (with finite useful lives)	100
Leased motor vehicles	2 to 3
Capitalised software	3 to 5

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

Right-of-use assets are generally depreciated over the shorter of the asset's useful life and the lease term. Where the Office obtains ownership of the underlying leased asset or if the cost of the right-of-use asset reflects that the entity will exercise a purchase option, the entity depreciates the right-of-use asset over its useful life.

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

5. Other assets and liabilities

Introduction

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

Structure

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

5.1. Receivables

	2022 \$	2021 \$
Contractual		
Receivables	-	7,499
Statutory		
Amount owing from Victorian Government ^(a)	7,341,631	6,130,935
GST recoverable	143,566	754,316
Total receivables	7,485,198	6,892,750
<i>Represented by</i>		
Current receivables	7,485,198	6,892,750
Non current receivables	-	-
(b) restatement of 2021 receivables due to Right of Use adjustment, see note 3.1		

Notes:

- (a) Amounts owing from Victorian Government represent funding for all commitments incurred by the Office, which are drawn from the Consolidated fund (Government's primary financial account) as the commitments fall due.

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

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

Statutory receivables do not arise from contracts and are recognised and measured similarly to contractual receivables (except for impairment) but are not classified as financial instruments. These are considered to have low credit risk, taking into account the counterparty's credit rating, risk of default and capacity to meet contractual cash flow obligations in the near term.

Non-contractual receivables arising from statutory requirements are not financial instruments. However, they are nevertheless recognised and measured in accordance with AASB 9 requirements as if those receivables are financial instruments statutory receivables. As the result, the loss allowance recognised for these financial assets during the period was limited to 12 months of expected losses. No loss allowance has been recognised.

5.2. Payables

	2022 \$	2021 \$
Contractual		
Supplies and services	374,313	456,333
Amounts payable to government and agencies	93,903	49,862
Other payables - Creditors and accruals	-	66,439
Total payables	468,216	572,634
<i>Represented by:</i>		
Current payables	468,216	572,634

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

5.3. Prepayments

	2022 \$	2021 \$
Prepayment	262,888	256,734
Total Prepayments	262,888	256,734

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

5.4. Other provisions

	2022 \$	2021 \$
Make good provision	463,232	413,600
Total Provision	463,232	413,600

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

5.4.1. Reconciliation of movements in make-good provision

	2022 \$	2021 \$
Opening balance	413,600	413,600
Additional provision	49,632	-
Closing balance	463,232	413,600

5.5. Other liabilities

	2022 \$	2021 \$
Deferred income	13,500	-
Total Other liabilities	13,500	-

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

6. Financing our operations

Introduction

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

Structure

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

6.1. Borrowings

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

6.2. Leases

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

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

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

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

	2022 \$	2021 (restated) \$
Secured		
Current lease liabilities	1,078,077	1,030,484
Non-Current lease liabilities	8,737,816	9,511,310
Total borrowings	9,815,892	10,541,794

Note:

(a) Restatement of lease liabilities for 2021 pertaining to Right of Use adjustment. Refer to Note 3.1.

Leases are recognised as assets and liabilities of the Office at amounts equal to the fair value of the lease property or, if lower, at the present value of the minimum lease payments, each determined at the inception of the lease. The leased asset is depreciated over the shorter of the estimated useful life of the asset or the term of the lease.

Minimum lease payments are apportioned between reduction of the lease liability and periodic finance charges which are calculated using the interest rate implicit in the lease and charged directly to the comprehensive operating statement.

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

The Office leases motor vehicles.

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

6.2.1. Right-of-use Assets

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

6.2.2. Amounts recognised in the comprehensive operating statement

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

	2022 \$	2021 \$
Interest on leases liabilities	305,147	247,575
Total interest expense	305,147	247,575

6.2.3. Amounts recognised in the statement of cashflows

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

	2022 \$	2021 \$
Total cash outflow for leases	725,901	464,495
Total interest expense	725,901	464,495

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

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

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

Separation of lease and non-lease components

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

Recognition and measurement of leases as a lessee

Lease Liability – initial measurement

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

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

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

Lease Liability – subsequent measurement

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

Short-term leases and leases of low-value assets

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

Presentation of right-of-use assets and lease liabilities

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

6.3. Commitments for expenditure

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

	2022 \$	2021 \$
Operating commitments		
Commitments contracted for at the end of the reporting period but not recognised as liabilities, are payable as follows:		
Within one year	1,167,589	805,941
Later than one year but not later than five years	1,625,399	1,709,268
Total commitments (inclusive of GST)	2,792,987	2,515,209
Less GST recoverable	253,908	251,521
Total commitments (exclusive of GST)	2,539,080	2,263,688
Capital commitments		
Commitments for capital projects payable as follows:		
Within one year	-	31,045
Total commitments (inclusive of GST)	-	31,045
Less GST recoverable	-	3,105
Total commitments (exclusive of GST)	-	27,941

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

	2022 \$	2021 \$
Net result for the period	(123,202)	715,277
Non-cash movements		
Depreciation	1,701,218	1,515,642
(Gain)/loss on disposal of non-current assets		-
Movements in assets and liabilities		
(Increase)/decrease in receivables	(592,448)	288,439
(Increase)/decrease in prepayments	(6,153)	(114,939)
Increase/(decrease) in payables	(104,418)	(3,188,179)
Increase/(decrease) in provisions	189,438	122,628
Increase/(decrease) in other liabilities	13,500	(48,333)
Net cash flows from operating activities	1,077,935	(709,465)

7. Risks, contingencies, and valuation judgements

Introduction

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

Structure

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

7.1. Financial instruments specific disclosures

Introduction

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

Categories of financial assets and financial liabilities

Financial assets measured at amortised cost

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

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

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

Financial liabilities measured at amortised cost

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

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

Derecognition of financial assets

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

Derecognition of financial liabilities

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

Offsetting financial instruments

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

7.1.1. Categorisation of financial instruments

		Carrying amount	
		2022 \$	2021 \$
Financial liabilities			
Payables	5.2 Financial liabilities at amortised cost	470,526	550,459
Borrowings	6.1 Financial liabilities at amortised cost	9,815,892	10,541,794
Total financial liabilities		10,286,419	11,092,253

7.1.2. Financial risk management objectives and policies

As a whole, the Office's financial risk management program seeks to manage the risks arising from volatility in financial instruments. The Office's main financial risks include credit risk, liquidity risk and market risk. The Office manages these financial risks in accordance with its financial risk management policy.

Credit risk

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

Liquidity risk

Liquidity risk arises when the Office is unable to meet its financial obligations as they fall due. The Office operates under the Victorian Government's fair payments policy of settling financial obligations within 10 days and in the event of a dispute, making payments within 10 days from the date of resolution. The Office's exposure to liquidity risk is deemed insignificant based on a current assessment of risk. Maximum exposure to liquidity risk is the carrying amounts of financial liabilities. The Office manages its liquidity risk by maintaining an adequate level of uncommitted funds that can be used at short notice to meet its short-term obligations.

Market risk

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

7.2. Contingent assets and contingent liabilities

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

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

Contingent assets

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

These are classified as either quantifiable, where the potential economic benefit is known, or non-quantifiable. There were no contingent assets based on the above definitions relating to the Office at 30 June 2022 (30 June 2021: Nil).

Contingent liabilities

Contingent liabilities are:

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

Contingent liabilities are also classified as either quantifiable or non-quantifiable. There were \$33,000 for contingent liabilities based on the above definitions relating to the Office at 30 June 2022 (30 June 2021: \$80,000).

8. Other disclosures

Introduction

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

Structure

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

8.1. Subsequent events

There have been no subsequent events that have been identified by the Office as at 30 June 2022.

8.2. Responsible persons

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

Responsible Minister:

The Hon. Jaclyn Symes MLC, Attorney-General 1 July 2021 to 30 June 2022

Accountable Officer:

Deborah Glass OBE, Ombudsman 1 July 2021 to 30 June 2022

Remuneration

The total remuneration package of the person holding the office of Ombudsman, in connection with the management of the Office during the reporting period, was in the range: \$540,000 – \$549,999 (\$530,000 – \$539,999 in 2020-21).

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

8.3. Remuneration of executives

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

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

Post-employment benefits: include employer contributions for members of both defined benefit and defined contribution superannuation plans.

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

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

	2022 \$	2021 \$
Remuneration of executive officers		
Short-term employee benefits	1,501,132	1,285,707
Post-employment benefits	140,230	96,656
Other long-term benefits	17,796	38,352
Termination benefits	62,100	-
Total remuneration	1,721,258	1,420,715
Total number of executives	7	5
Total annualised employee equivalents^(a)	6.3	5.0

Note:

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

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

8.4. Related parties

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

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

Significant transactions with government-related entities

The Office received direct appropriation funding from the Department of Treasury and Finance of \$20.058 million (2020: \$20.159 million).

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

	2022 \$	2021 \$
Remuneration of KMP's		
Short-term employee benefits	1,243,718	1,125,439
Post-employment benefits	71,024	61,182
Other long-term benefits	34,978	35,151
Total remuneration	1,349,720	1,221,772

Transactions with KMPs and other related parties

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

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

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

8.5. Remuneration of auditors

	2022 \$	2021 \$
Audit fees paid or payable to the Victorian Auditor-General's Office		
Audit of the annual financial statements	20,900	17,300
Total remuneration of auditors	20,900	17,300

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

8.6. Administered items

In addition to the specific operations of the Office which are included in the balance sheet, comprehensive operating statement and cash flow statement, the Office administers or manages activities on behalf of the State. The transactions relating to these activities are reported as administered in this note. Administered transactions reflect the operations of the Commuter Club. During the year ended 30 June 2022, net administered assets amounted to \$0.00 (2021 - \$0).

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

Certain new and revised accounting standards have been issued but are not effective for the 21021-22 reporting period. These accounting standards have not been applied to this Financial Statements. The Office is reviewing its existing policies and assessing the potential implications of these accounting standards which includes:

- AASB 2020-6 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current – Deferral of Effective Date

This standard amends AASB 101 Presentation of Financial Statements to defer requirements for the presentation of liabilities in the statement of financial position as current or non-current that were added to AASB 101 in AASB 2020-1 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current.

The amendments will now apply to annual reporting periods beginning on or after 1 January 2023 instead of 1 January 2022, with earlier application permitted.

The Office is in the process of analysing the impacts of this Standard. However, it is not anticipated to have a material impact.

- AASB 2021-3 Amendments to Australian Accounting Standards – COVID-19-Related Rent Concessions beyond 30 June 2021

This standard amends AASB 16 to extend by one year the application period of the practical expedient added to AASB 16 by AASB 2020-4 Amendments to Australian Accounting Standards – COVID-19-Related Rent Concessions.

The practical expedient permits lessees not to assess whether rent concessions that occur as a direct consequence of the COVID-19 pandemic and meet specified conditions are lease modifications and, instead, to account for those rent concessions as if they were not lease modifications.

This standard extends the practical expedient to rent concessions that reduce only lease payments originally due on or before 30 June 2022, provided the other conditions for applying the practical expedient are met. This standard applies to annual periods beginning on or after 1 April 2021. Earlier application is permitted, including in financial statements not authorised for issue at the date this Standard was issued.

The Office is in the process of analysing the impacts of this Standard. However, it is not anticipated to have a material impact.

Several other amending standards and AASB interpretations have been issued that apply to future reporting periods but are considered to have limited impact on the Office's reporting.

- AASB 1060 General Purpose Financial Statements – Simplified Disclosures for For-Profit and Not-for-Profit Tier 2 Entities (Appendix C).
- AASB 2020-3 Amendments to Australian Accounting Standards – Annual Improvements 2018-2020 and Other Amendments.
- AASB 2020-7 Amendments to Australian Accounting Standards – Covid-19-Rent Related Concessions: Tier 2 Disclosures.

- AASB 2020-8 Amendments to Australian Accounting Standards - Interest Rate Benchmark Reform – Phase 2.
- AASB 2020-9 Amendments to Australian Accounting Standards – Tier 2 Disclosures: Interest Rate Benchmark Reform (Phase 2) and Other Amendments.
- AASB 2021-1 Amendments to Australian Accounting Standards – Transition to Tier 2: Simplified Disclosures for Not-for-Profit Entities.
- AASB 2021-2 Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definitions of Accounting Estimates.

Ombudsman and Chief Financial Officer's Declaration

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

We further state that, in our opinion, the information set out in the comprehensive operating statement, balance sheet, statement of changes in equity, cash flow statement and accompanying notes, presents fairly the financial transactions during the year ended 30 June 2022 and financial position of the Office of the Ombudsman at 30 June 2022.

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

We authorise the attached financial statements for issue on 14 September 2022.

Sheetal Kapoor.

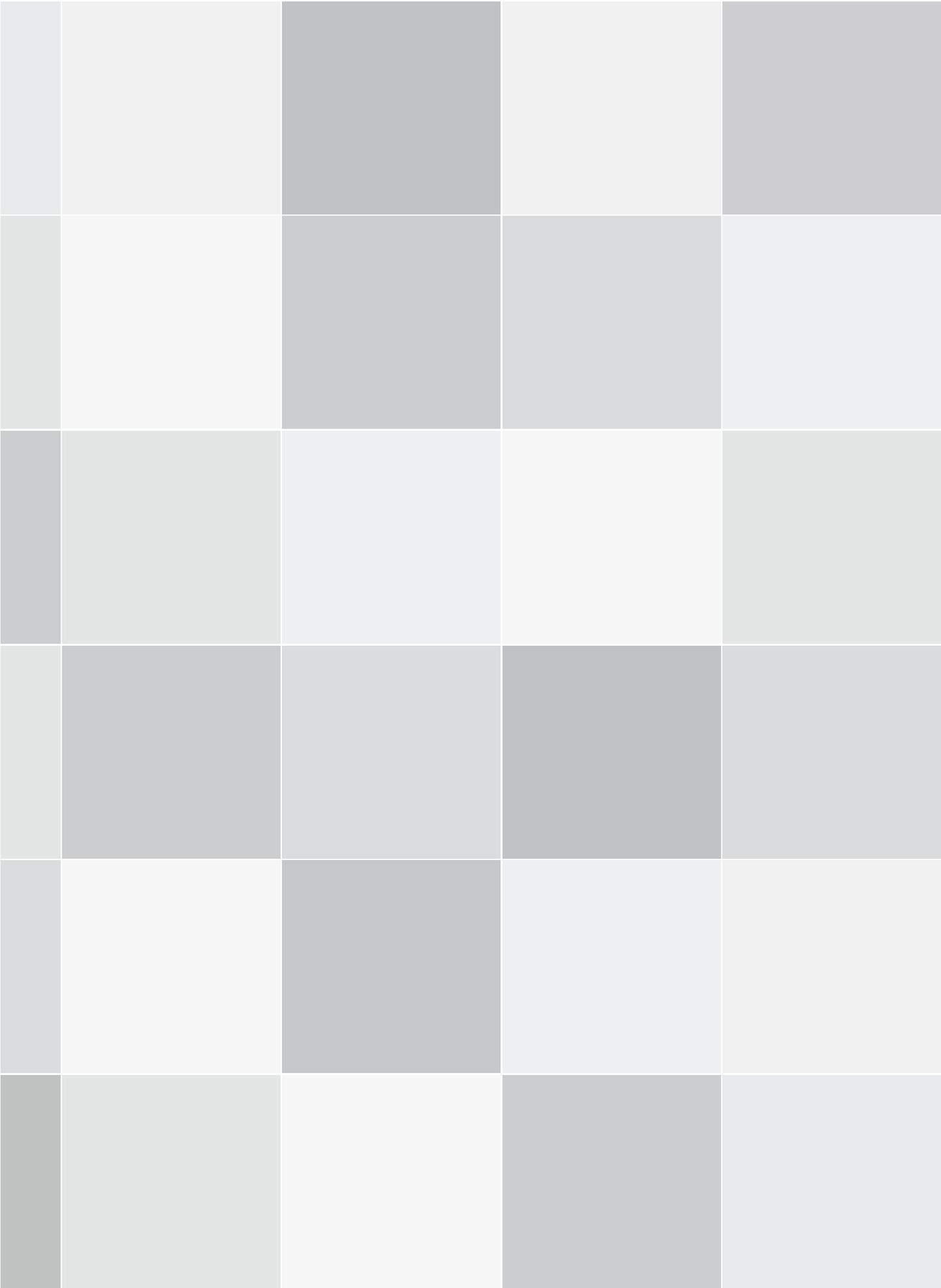
Deborah Glass

Sheetal Kapoor
Chief Financial Officer

Deborah Glass OBE
Ombudsman

Melbourne
14 September 2022

Melbourne
14 September 2022



Appendix 1: Disclosure Index

Disclosure index		
Legislation	Requirement	Page Ref
Ministerial Directions & Financial Reporting Directions		
Report of operations		
Charter and purpose		
FRD 22H	Manner of establishment and the relevant Ministers	12
FRD 22H	Purpose, functions, powers and duties	12-15
FRD 8D	Departmental objectives, indicators and outputs	81-82
FRD 22H	Key initiatives and projects	8-11
FRD 22H	Nature and range of services provided	12-72
Management and structure		
FRD 22H	Organisational structure	74
Financial and other information		
FRD 8D	Performance against output performance measures	81
FRD 8D	Budget portfolio outcomes	101-104
FRD 10A	Disclosure index	136
FRD 12B	Disclosure of major contracts	N/A
FRD 15E	Executive officer disclosures	114-116
FRD 22H	Employment and conduct principles	76-77
FRD 22H	Occupational health and safety policy	79-80
FRD 22H	Summary of the financial results for the year	95
FRD 22H	Significant changes in financial position during the year	N/A
FRD 22H	Significant changes or factors affecting performance	95-96
FRD 22H	Subsequent events	N/A
FRD 22H	Application and operation of <i>Freedom of Information Act 1982</i> (Vic)	88-90
FRD 22H	Compliance with building and maintenance provisions of <i>Building Act 1993</i> (Vic)	93
FRD 22H	Statement on National Competition Policy	93
FRD 22H	Application and operation of the <i>Public Interest Disclosures Act 2012</i> (Vic)	54-56
FRD 22H	Application and operation of the <i>Carers Recognition Act 2012</i> (Vic)	N/A
FRD 22H	Details of consultancies over \$10,000	96
FRD 22H	Details of consultancies under \$10,000	96
FRD 22H	Disclosure of government advertising expenditure	96
FRD 22H	Disclosure of ICT expenditure	96-97
FRD 22H	Statement of availability of other information	96

Disclosure index		
FRD 24C	Reporting of office-based environmental data by government entities	97
FRD 25D	Local Jobs First Act disclosures	94
FRD 29C	Workforce Data disclosures	75-78
SD 5.2	Specific requirements under Standing Direction 5.2	81-119
Compliance attestation and declaration		
SD 5.1.4	Attestation for compliance with Ministerial Standing Direction	92
SD 5.2.3	Declaration in report of operations	94
Financial statements		
Declaration		
SD 5.2.2	Declaration in financial statements	116
Other requirements under Standing Directions 5.2		
SD 5.2.1(a)	Compliance with Australian accounting standards and other authoritative pronouncements	105-106
SD 5.2.1(a)	Compliance with Ministerial Directions	92-93
Other disclosures as required by FRDs in notes to the financial statements (a)		
FRD 9B	Departmental Disclosure of Administered Assets and Liabilities by Activity	N/A
FRD 11A	Disclosure of Ex gratia Expenses	NIL
FRD 13	Disclosure of Parliamentary Appropriations	107-108
FRD 21C	Disclosures of Responsible Persons and Executive Officers in the Financial Report	114-116
FRD 103H	Non-Financial Physical Assets	108-113
FRD 110A	Cash Flow Statements	103
FRD 112D	Defined Benefit Superannuation Obligations	114-115

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

Appendix 2: Business glossary

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

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

