

Australia Post

INVESTIGATION OF A COMPLAINT ABOUT A POSTAL DELIVERY OFFICER

December 2007

*This is an abridged version of report 17/2007.
The full report has not been made publicly available
to preserve the privacy of the complainant.*

Report by the Commonwealth and Postal Industry Ombudsman,
Prof. John McMillan, under the *Ombudsman Act 1976*

REPORT NO. **17|2007**

Reports by the Ombudsman

Under the *Ombudsman Act 1976* (Cth), the Commonwealth Ombudsman investigates the administrative actions of Australian Government agencies and officers. An investigation can be conducted as a result of a complaint or on the initiative (or own motion) of the Ombudsman.

The *Ombudsman Act 1976* confers five other roles on the Commonwealth Ombudsman—the role of Defence Force Ombudsman, to investigate action arising from the service of a member of the Australian Defence Force; the role of Immigration Ombudsman, to investigate action taken in relation to immigration (including immigration detention); the role of Postal Industry Ombudsman, to investigate complaints against private postal operators; the role of Taxation Ombudsman, to investigate action taken by the Australian Taxation Office; and the role of Law Enforcement Ombudsman, to investigate conduct and practices of the Australian Federal Police (AFP) and its members. There are special procedures applying to complaints about AFP officers contained in the *Australian Federal Police Act 1979*. Complaints about the conduct of AFP officers prior to 2007 are dealt with under the *Complaints (Australian Federal Police) Act 1981* (Cth).

Most complaints to the Ombudsman are resolved without the need for a formal finding or report. The Ombudsman can, however, culminate an investigation by preparing a report that contains the opinions and recommendations of the Ombudsman. A report can be prepared if the Ombudsman is of the opinion that the administrative action under investigation was unlawful, unreasonable, unjust, oppressive, improperly discriminatory, or otherwise wrong or unsupported by the facts; was not properly explained by an agency; or was based on a law that was unreasonable, unjust, oppressive or improperly discriminatory.

A report by the Ombudsman is forwarded to the agency concerned and the responsible minister. If the recommendations in the report are not accepted, the Ombudsman can choose to furnish the report to the Prime Minister or Parliament.

These reports are not always made publicly available. The Ombudsman is subject to statutory secrecy provisions, and for reasons of privacy, confidentiality or privilege it may be inappropriate to publish all or part of a report. Nevertheless, to the extent possible, reports by the Ombudsman are published in full or in an abridged version. Copies or summaries of the reports are usually made available on the Ombudsman website at www.ombudsman.gov.au. Commencing in 2004, the reports prepared by the Ombudsman (in each of the roles mentioned above) are sequenced into a single annual series of reports.

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Mr H complained to the Commonwealth and Postal Industry Ombudsman that his confidentiality had been breached by Australia Post. He had earlier complained to Australia Post about two matters. One was a relatively routine and minor incident involving the delivery of his mail. The other complaint was that the local Postal Delivery Officer (PDO) had been observed drinking alcohol on her round.

In investigating these complaints, Australia Post officers contacted the local police station to enquire about Mr H's character. The PDO was also shown a record of the complaint which identified Mr H. He subsequently alleged that the PDO visited his residence and place of work, and acted in a harassing and threatening manner.

Investigation of Mr H's complaint by Ombudsman staff showed that Australia Post did not have a comprehensive single record of Mr H's contacts with it nor of the actions that its staff took in response to them. This impaired the investigation of Mr H's complaint to Australia Post that his confidentiality had been breached. In investigating that complaint, Australia Post's Chief Privacy Officer had to rely on incomplete and inaccurate information about Australia Post's actions given to him by another staff member.

It appears that Australia Post did not have guidelines available to staff about how to handle difficult or sensitive complaints. Its existing guidelines do not differentiate between complaints about missing mail items and complaints, such as this case, about staff misconduct.

The Ombudsman's report concluded that Australia Post's complaint-management systems are not in accordance with best practice in that there is no single, accessible record of how a complaint is handled. The report also concluded that the lack of guidelines on handling complaints of a serious or difficult nature is not in accordance with best practice, and led to the deficiencies that were identified in the investigation of Mr H's complaint.

One deficiency was that Mr H's identity had been disclosed to the PDO. In the Ombudsman's view, Australia Post should have been aware of the potential consequences of revealing Mr H's identity to the PDO. Had Australia Post been aware, and acted accordingly, the subsequent allegations made about threatening behaviour by the PDO might never have arisen.

Another deficiency, in the Ombudsman's view, was that it was unnecessary and inappropriate in this case for the local police to have been contacted concerning Mr H's character. This constituted an unwarranted breach of privacy.

The Ombudsman was also critical of the reason recorded by an Australia Post officer for dismissing Mr H's complaint about the PDO. The reason given was disparaging of Mr H's character. It is vital in complaint investigation that the focus be kept on assessing the complaint, not the complainant.

The Ombudsman's report recommends that Australia Post should:

- review its complaint-handling systems with a view to providing clearer guidelines on assessment and management of complaints, and establishing a centralised complaint-management system accessible to all complaint handling officers
- ensure that guidelines are available to staff on maintaining the confidentiality of complainants.