



Australian Government



COMMONWEALTH
OMBUDSMAN

2022–23

ANNUAL REPORT



Artwork description

The artwork on the preceding page is a representation of the Office of the Commonwealth Ombudsman by WA-based artist, Kevin Bynder, Aboriginal Artist – Whadjuk Nyungar Badimia Yamatji. He describes the artwork with these words:

The centre of the artwork portrays and represents the colours of the Ombudsman. On the outside of the circle are the semi circles; they represent the Women and Men that work and have worked in the Ombudsman's Office. The coloured circles that surround the Ombudsman are the different sectors such as Overseas Students, VET Student Loans, Defence Force, Private Health Insurance, Postal Industry and Immigration. All these sectors are represented by the Ombudsman and in the artwork, they are all connected to the centre. The blue features between each sector are the waterways and the Derbal Yerrigin (Swan River). These are created by the Waagyl (rainbow serpent). The red circles represent the business and people of our community.

Credits

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Transmittal letter

3 October 2023

The Hon Mark Dreyfus KC MP
Attorney-General for Australia
Parliament House
CANBERRA ACT 2600

Dear Attorney-General

I am pleased to present the Office of the Commonwealth Ombudsman's (the Office) Annual Report for 2022-23.

The report has been prepared for the purposes of s 46 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), which requires that I prepare an annual report for you to table in the Australian Parliament.

The report includes the Office's annual performance statements and audited financial statements as required under s 39(1) and s 43(4) of the PGPA Act. In my opinion, the annual performance statement accurately reflects the Office's performance for the 2022-23 period and complies with s 39(2) of the PGPA Act.

The report reflects the matters dealt with and legislation administered by the Office under the *Ombudsman Act 1976*.

As required under s 10 of the Public Governance, Performance and Accountability Rule 2014, I certify:

- The Office has prepared fraud risk assessments and fraud control plans.
- The Office has in place appropriate fraud prevention, detection, investigation, and reporting mechanisms that meet its specific needs.
- I have taken all reasonable measures to deal with fraud relating to the Office appropriately.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Iain Anderson', written in a cursive style.

Iain Anderson
Commonwealth Ombudsman

Reader's guide

This report provides information on the activities, achievements, and performance of the Office of the Commonwealth Ombudsman (the Office) for the 2022–23 financial year.

Part 1: Review by the Ombudsman

This part provides a review of the previous financial year by the Ombudsman. It contains a summary of significant challenges for the Office, an overview of our performance results, financial results and an outlook for the next reporting period, 2023–24.

Part 2: Overview of the Office

This part provides an overview of our purpose, outcome and programs, and the roles, functions and organisational structure of the Office.

Part 3: Report on performance

This part reports on our annual performance and financial performance, as set out in the Office's [Corporate Plan 2022–23](#) and Portfolio Budget Statements 2022–23 ([March 2022](#) and [October 2022](#)).

Part 4: Public Interest Disclosures

This part comprises our annual report on the operation of the *Public Interest Disclosure Act 2013*.

Part 5: Specific Ombudsman roles and annual reports

In addition to the role of Commonwealth Ombudsman, the Commonwealth Ombudsman also performs 5 other specific statutory Ombudsman functions under the *Ombudsman Act 1976*. The Act requires an annual report for each function. We also report publicly on these functions throughout the year. These reports, combined with the content in this report, constitute the annual reports required.

Part 6: Management and accountability

This part outlines the Office's management, governance and accountability arrangements, including external scrutiny, human resources management, procurement, and asset management.

Part 7: Appendices

This part includes statistics on the number of contacts and complaints received by the Office, financial statements, a report on compliance with the Information Publication Scheme (IPS), entity resource statement, ecologically sustainable development and environmental performance for the Office, and the correction of material errors in the previous annual report.

Part 8: References

This part includes a glossary, a compliance index, and an alphabetical index.

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Highlights from 2022–23



22,684

complaints received



1,000+

assessments tabled in parliament for people who have been in immigration detention for 2 years or more



89%

of recommendations in public reports were accepted by the agency or organisation



\$13m+

Total value of recommendations made to remove VET FEE-HELP debts



100

inspections conducted of agencies' use of covert, intrusive and coercive powers



93%

of agencies and organisations were satisfied with the quality of our work



92%

of our recommendations have been implemented or partially implemented



6

investigation reports published



1,194

reports of abuse received and made 656 recommendations that Defence pay reparations



249

PIDs received
(Note: PID is also known as whistleblower)

Commonwealth Ombudsman

At a glance



OUTCOME

Fair and accountable actions by Australian Government entities and private sector organisations we oversee



PURPOSE

To provide assurance of integrity and fairness and to influence



ENGAGEMENT

Public
Government agencies
Private sector
Parliament



LOOKING AHEAD

Improve services
Deliver critical functions
Optimise our influence



Complaint Handling



Investigations



Education



Inspections



Engagement

PART 1

**REVIEW BY THE
OMBUDSMAN**

Part 1: Review by the Ombudsman

I am pleased to present the annual report for the Office of the Commonwealth Ombudsman (the Office) for the 2022–23 financial year.

I commenced my tenure as the 11th Commonwealth Ombudsman as Australia began to recover from the disruptions caused by the COVID-19 pandemic. In many ways, the pandemic shifted the relationship between the public and government services agencies. It also placed significant demands on the Australian Public Service (APS), and in turn public administration has been put in the spotlight more than ever.

The purpose of the Office has never been more important. That is, to provide assurance that government and private sector entities we oversee act with integrity and treat people fairly while influencing enduring systemic improvement in public administration.

Throughout the year we investigated complaints, reviewed administrative action, conducted statutory compliance inspections, and reported on our activities to the public and parliament.

We published 6 investigation reports, including Volume 2 of *Did They Do What They Said They Would*, which showed us agencies are making improvements because of our recommendations, with 92% of our recommendations having been implemented or partially implemented. We also published investigation reports into Comcare's management of medical examinations and compliance with the *Public Interest Disclosure Act 2013* and we are continuing to monitor the implementation of recommendations. We commenced several



Iain Anderson

new complex investigations, which were still underway at 30 June 2023. All reports are available at ombudsman.gov.au.

Under our *Migration Act 1958* functions, over 1,000 of our assessments were tabled in parliament concerning the appropriateness of the arrangements for people who have been in immigration detention for 2 years or more. Since the Office commenced this function in 2005, there have been 9,329 assessments tabled in parliament.

Overall, we received around the same number of contacts from members of the public as we did last financial year. We received complaints about a wide range of government agencies and a variety of different issues, and the majority of the complaints we received continued to be about Centrelink. Following that, the highest complaint volumes were about the Department of Foreign Affairs and

Trade (DFAT), Department of Home Affairs, National Disability Insurance Agency and Child Support – which sits within Services Australia. For more information see **Appendix 9**.

There was a similar number of complaints made to the Private Health Insurance Ombudsman as last year.

Complaints to my Office as the Postal Industry Ombudsman remained high, as it has been for the past 2 years. This reflects the high volumes of e-commerce and deliveries by Australia Post and other postal providers that emerged during the COVID-19 lockdown periods. In March 2023, we published our investigation report into Australia Post's compensation approach for items sent but apparently not received using its Signature on Delivery service during the COVID-19 pandemic. The report is available at ombudsman.gov.au.

We received a 10% decrease in complaints about the VET FEE-HELP and VET Student Loans programs. While we were only funded to perform this work for 6 months of the year, over the 12 months we nonetheless made 989 recommendations to Department of Employment and Workplace Relations (DEWR) to remove a VET FEE-HELP debt with a total value of \$13,809,682.

In my capacity as Overseas Students Ombudsman, we saw a 28% increase in the number of complaints received from overseas students about private education providers this reporting period. This increase reflects the return of international students to Australia following the easing of border restrictions after the pandemic.

We also received 1,194 reports of serious abuse in the Australian Defence Force (ADF), which is similar to the number of reports received in 2021–22. Reports eligible to be assessed for a potential reparations payment could be submitted until 30 June 2023. In June 2023 we received 558 reports which is the highest number of reports received in any single month since the scheme commenced in 2016.

Our performance around complaint handling decreased during the year, taking longer to assess and respond to complaints. Complaint management is at the core of what we do and people who raise concerns with us expect clear and simple interactions. We've implemented several changes to improve our service delivery, including implementing a new telephone complaint handling system, trialling surge teams and new triage processes to address backlogs, and developing a new knowledge information system (VOLT). We were also impacted by having some un- and under-funded roles, which took resources away from our existing core functions to the detriment of those functions. We will continue to monitor our performance closely, to build internal capability and to adjust our service model to seek to better meet the expectations of those who come to us.

As part of our international engagement role, we engaged with ombudsmen within the IndoPacific region. DFAT funding enabled us to target capacity building and strengthen regional networks in Indonesia. Spanning over 20 years, the partnership between the Office and Ombudsman Republik Indonesia (ORI) is one of the longest-running partnerships between an Australian government agency and Indonesian government agency. In March 2023, I was pleased to meet with ORI Ombudsmen and staff in Jakarta and to exchange learnings, and I look forward to continuing to work with and support ORI in years to come.

Our work overseeing Commonwealth, state and territory law enforcement and integrity agencies' use of certain covert and intrusive powers continued this year. We published 11 reports on our findings during this financial year, providing assurance that law enforcement agencies are using these powers within legislative parameters, often in circumstances where the people subjected to those powers are completely unaware and therefore unable to complain.

We also trialled risk-based oversight for this function, ahead of that model's broader implementation in the 2023–24 financial year. The trial focused on risks to the public with law enforcement and integrity agencies, access to telecommunications data, pursuant to Chapter 4 of the *Telecommunications (Interception and Access) Act 1979* (TIA Act). This included the conduct of deep dive inspections of 22 agencies' access and use of telecommunications data and administration of Journalist Information Warrants.

OPCAT (Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment) is an international treaty designed to strengthen protections for people in situations where they are deprived of their liberty and potentially vulnerable to mistreatment or abuse. Since Australia ratified OPCAT, the Office has taken on 2 specialist roles: the Commonwealth National Preventive Mechanism (NPM) and the NPM Coordinator for Australian NPM bodies.

On 20 January 2023, to coincide with the deadline for OPCAT implementation in Australia, we published our first annual report for the Commonwealth NPM, which covered our activities for 2021–22. We made 18 recommendations to the Department of Home Affairs, including recurring recommendations to reduce the number of people and the length of time spent in immigration detention, to stop using hotels for long-term detention and for decision makers to consistently record reasons for their decision when approving the use of mechanical restraints. We also recommended consideration of alternative arrangements for individuals facing prolonged indefinite detention and reiterated that people in detention must have the same access to medical and welfare services, programs and activities, and fresh air, regardless of where they are held.

As NPM Coordinator we have been actively seeking to bring together the different NPM entities around Australia. Network

members have engaged with international counterparts and subject matter experts for training, contributed to submissions to the UN Subcommittee on Prevention of Torture (SPT), to a UN Special Rapporteur and on the Queensland Government's draft legislation to implement OPCAT, and released several joint statements. We established an online portal for the network to share resources.

As a signatory to OPCAT, Australia agrees to accept visits from the SPT, which operate with unrestricted access to all places of detention. The SPT visited Australia for the first time in October 2022 but formally suspended its visit because the delegation was prevented from visiting several places of detention in NSW and a mental health facility in Queensland – in breach of Australia's OPCAT obligations. It is regrettable the SPT faced these restrictions despite cooperation from our Office and the majority of state and territory governments. We are continuing to encourage our state government colleagues to make arrangements to ensure the SPT can resume its visit. We are also encouraging all remaining state and territory governments to nominate NPMs.

The Royal Commission into the Robodebt Scheme ran during the year, although it reported just after the end of the year. While not compellable by the Commission, I voluntarily appeared before the Commission, as did my predecessors, to assist its inquiry. The report of the Royal Commission highlighted the importance of our role as an oversight body. The Royal Commission found there were things we could have done differently that might have helped bring the Robodebt Scheme to an end. I accept and agree with these findings. The Royal Commission made 5 recommendations that directly impact our Office and 8 recommendations that impact departments we oversee. I have taken stock of the report and reflected on what it means to be independent, robust and

credible. We have made some changes to our processes and procedures, including in investigations currently underway, and we are engaging with the development of the government's response to the Commission's recommendations.

I thank my staff for their support and cooperation over the past year. The appointment of a new Ombudsman can bring many changes for the Office. After 4 months I implemented a new structure for the Office to pursue efficiencies from re-aligning our functions. I have continued to encourage innovation and a focus on serving the community through our actions. Change is never easy, and I commend the way my staff are engaging with these changes. It is through our collective effort that we can best contribute to more transparent, fair and accountable government administration.

A handwritten signature in black ink, appearing to read 'Iain Anderson', with a stylized, cursive style.

Iain Anderson
Commonwealth Ombudsman

PART 2

OVERVIEW OF THE OFFICE

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Part 2: Overview of the Office

Our purpose

The Office of the Commonwealth Ombudsman (the Office) is a non-corporate government entity established under the *Ombudsman Act 1976* (the Ombudsman Act).

The outcome for the Office is to ensure 'fair and accountable administrative action by Australian Government and prescribed private sector entities by investigating complaints, reviewing administrative action, and statutory compliance inspections and reporting'.

We deliver this outcome through our purpose to:

- provide assurance that the Australian Government and prescribed private sector entities that the Office oversees act with integrity and treat people fairly
- influence enduring systemic improvement in public administration in Australia.

In fulfilling our purpose, we strive to maintain the confidence of 3 main groups:

- members of the public who contact us to complain, report or otherwise seek our help
- government agencies and private sector organisations we oversee
- parliament, including both as the Commonwealth Ombudsman and the ACT Ombudsman, which means the Australian Parliament and the ACT Legislative Assembly, respectively.

We fulfil our purpose through complaint handling, conducting investigations, performing visits and inspections, encouraging good public administration practices and administering specialist redress schemes. We also influence improvement in public administration in Indonesia through collaboration with a partner entity.

Ombudsman roles and functions

The Office is responsible for the following main functions.

Oversight of government agencies and prescribed private sector organisations

The Office has jurisdiction over all government entities and their contracted service providers, subject to some specific statutory exclusions, such as the Australian Taxation Office and intelligence agencies.

Our oversight includes considering complaints about the administrative actions of the agencies we oversee, in addition to a range of private sector organisations, including:

- private health insurers
- postal operators that elect to register with the Postal Industry Ombudsman (PIO) Scheme
- some providers of education services.

Oversight of law enforcement and integrity agencies' use of specific covert and intrusive powers

The Office performs oversight functions for various pieces of legislation that grant intrusive, covert and coercive powers to certain law enforcement and integrity agencies. We provide a level of assurance to parliament through our statutory reporting on agencies' compliance with the relevant legislation that those powers are being used within the parameters of the legislation.

This is an important function as a person is often unaware they are subject to the use of these powers and therefore cannot make

a complaint about or question an agency's actions. Due to the nature of the intrusive or coercive powers we oversee, a person subject to these powers has limited rights in relation to their use.

The Office currently oversees 23 law enforcement and integrity agencies across 16 legislative regimes, including the Australian Federal Police's (AFP) handling and investigation of complaints made against its members. We are responsible for overseeing the use of a wide variety of covert and coercive powers, including Chapters 2, 3 and 4 of the *Telecommunication (Interception and Access) Act 1979* (TIA Act), the *Surveillance Devices Act 2004*, and certain federal law enforcement powers in the *Crimes Act 1914*.

In 2022–23, we conducted 100 inspections of the agencies' use of covert, intrusive and coercive powers, and an annual review of the AFP's administration of complaints made against its members under Part V of the *Australian Federal Police Act 1979*. Work was also completed to pilot a risk-based oversight framework, ahead of its broader implementation in 2023–24. Under this initiative the Office's inspections program will be informed by an annual risk assessment of each agency.

The pilot focused on potential risks to the public with law enforcement and integrity agencies' ability to access telecommunication data, pursuant to Chapter 4 of the TIA Act. This included conducting deep dive inspections of 22 agencies' access and use of telecommunication data and administration of Journalist Information Warrants. The findings from the pilot will be reported in the 2022–23 Ombudsman's annual report to the Attorney-General on agencies' use of powers under Chapter 4 of the TIA Act.

More information about our oversight functions can be found at [ombudsman.gov.au](https://www.ombudsman.gov.au).

OPCAT roles

The Office has 2 distinct roles supporting implementation in Australia of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). Each of our roles supports the OPCAT core purpose, which is to prevent torture and other ill treatment in detention environments, and in doing so, improve the treatment and conditions of people deprived of their liberty in such places.

Commonwealth NPM

The Office is appointed as the National Preventive Mechanism (NPM) for places of detention under the control of the Commonwealth (Commonwealth NPM). The core function of the Commonwealth NPM is providing preventive oversight of places of detention which are under the control of the Australian Government, principally through undertaking regular visits to these places. The focus of the Commonwealth NPM for 2022–23 was immigration detention, places of detention run by the AFP, and places of detention run by the Australian Defence Force (ADF).

NPM Coordinator

The Office is also appointed as Australia's NPM Coordinator. The NPM Coordinator supports other NPMs appointed within Australian states and territories to oversee places of detention which are under the control of the respective jurisdictions. As the NPM Coordinator, the Office:

- prepares a consolidated annual report on behalf of the NPMs
- convenes meetings and fosters information sharing between the NPMs
- consults with the Australian Government on, and monitors the progress of, Australia's OPCAT implementation

- coordinates joint communications on behalf of the NPMs
- explores opportunities to learn from international counterparts.

More information about our work as both Commonwealth NPM and NPM Coordinator can be found at ombudsman.gov.au.

Immigration Ombudsman

The Office investigates complaints about the migration and border protection functions of the Department of Home Affairs and the Australian Border Force (ABF). Complaints can include visa and citizenship processing delays, detention issues and customs-related issues. More information about our Immigration Ombudsman functions can be found at ombudsman.gov.au.

Statutory reporting under the Migration Act

The Office performs a role in providing assurance over people held long-term in immigration detention. The *Migration Act 1958* requires us to assess the conditions of people who have been held in immigration detention for longer than 2 years. We continue to provide assessments while they remain in detention, receiving 6-monthly reports on each individual from the Department of Home Affairs. These assessments, including any recommendations the Ombudsman may make, are provided to the Minister responsible for immigration and a de-identified version is tabled in parliament.

More information about our statutory reporting under the Migration Act, and our tabled assessments, can be found at ombudsman.gov.au.

Oversight of the Public Interest Disclosure Scheme

The Office oversees the operation of the Public Interest Disclosure (PID) Scheme, established under the *Public Interest Disclosure Act 2013* (PID Act). The PID scheme

promotes the integrity of the Commonwealth public sector by providing arrangements for public officials to report and investigate wrongdoing and protect whistleblowers.

More information about the PID scheme is provided in **Part 4: Public Interest Disclosure Scheme**.

Defence Force Ombudsman

As the Defence Force Ombudsman (DFO) our role is to investigate actions arising from the service of a member of the ADF. The DFO can investigate complaints from current or former members of the ADF about administrative matters relating to ADF agencies. Since December 2016, the DFO functions include the provision of an independent mechanism to report serious abuse in Defence.

Also, since 15 December 2017, the DFO has been able to recommend that Defence make a reparation payment to a reportee, which has become known as the Defence Abuse Reparation Scheme. The scheme was only open to abuse which occurred before 30 June 2014, and closed to new reports of abuse on 30 June 2023.

More information about the DFO functions is provided in **Part 5: Specific Ombudsman roles and annual reports**.

Postal Industry Ombudsman

As the Postal Industry Ombudsman (PIO) our role is to investigate complaints about Australia Post and private postal operators that elect to register with the PIO scheme. More information about the PIO functions is provided in **Part 5: Specific Ombudsman roles and annual reports**.

Overseas Students Ombudsman

As the Overseas Students Ombudsman (OSO) our role is to investigate complaints from overseas students about private education providers in Australia. The OSO

also gives private registered providers advice and training on best practice for handling complaints from overseas students. More information about the OSO functions is provided in **Part 5: Specific Ombudsman roles and annual reports.**

Private Health Insurance Ombudsman

As the Private Health Insurance Ombudsman (PHIO) our role is to protect the interests of private health insurance consumers. We do this by taking complaints about health insurance matters, providing information and advice, and helping to resolve disputes so consumers are not impacted. More information about the PHIO functions is provided in **Part 5: Specific Ombudsman roles and annual reports.**

VET Student Loans Ombudsman

As the Vocational Education and Training (VET) Student Loans Ombudsman (VSLO) our role is to investigate disputes between students and their VET loan scheme providers. We also deliver best practice complaint handling advice and training to VET loan scheme providers to help improve their ability to manage complaints, which results in better outcomes for students and providers. More information about the VSLO functions is provided in **Part 5: Specific Ombudsman roles and annual reports.**

ACT Ombudsman

The Commonwealth Ombudsman is also the ACT Ombudsman. The ACT Ombudsman's role is delivered by the Office under an agreement with the ACT Government. The Office is accountable to the ACT Legislative Assembly for the performance of these functions.

In addition to being ACT Ombudsman, we are also:

- the Inspector of the ACT Integrity Commission
- the Principal Officer to the ACT Judicial Council
- part of the ACT's multi-body NPM under OPCAT
- the overseer of the operation of the ACT *Freedom of Information Act 2016*
- the overseer of the ACT Reportable Conduct Scheme.

More information is available in the *ACT Ombudsman Annual Report 2022-23* on the ACT Ombudsman website at ombudsman.act.gov.au.

Our outcome and programs

The objectives that contributed to our outcome for 2022–23 were:

Objective 1	Influence Australian and ACT Government entities to improve public administration and complaint handling systems through public reports, recommendations and direct engagement.
Objective 2	Provide an efficient, effective and accessible government complaint handling service.
Objective 3	Undertake oversight and assurance activities relating to the integrity of Australian Government entities, Australian Capital Territory Government entities and prescribed private sector organisations.
Objective 4	Provide effective and impartial industry complaint handling services and provision of consumer information.
Objective 5	Deliver capacity building programs under the Australian Aid arrangements to support ombudsmen and allied integrity bodies to improve governance and accountability.

We assess ourselves against 7 performance criteria, and associated targets, to meet our outcome:

1. We assist the public to resolve issues with agencies and organisations we oversee.
2. We are responsive to the public when they contact our Office.
3. We improve public awareness of our role in influencing public administration and industry practice.
4. We influence improvements in public administration and practices of the agencies and organisations we oversee.
5. We are responsive in our dealings with agencies.
6. We effectively deliver our capacity building programs for ombudsmen and allied integrity bodies under Australia's development program.
7. We maintain the confidence of the parliament.

Read more about our performance in **Part 3: Report on performance**.

Accountable authority

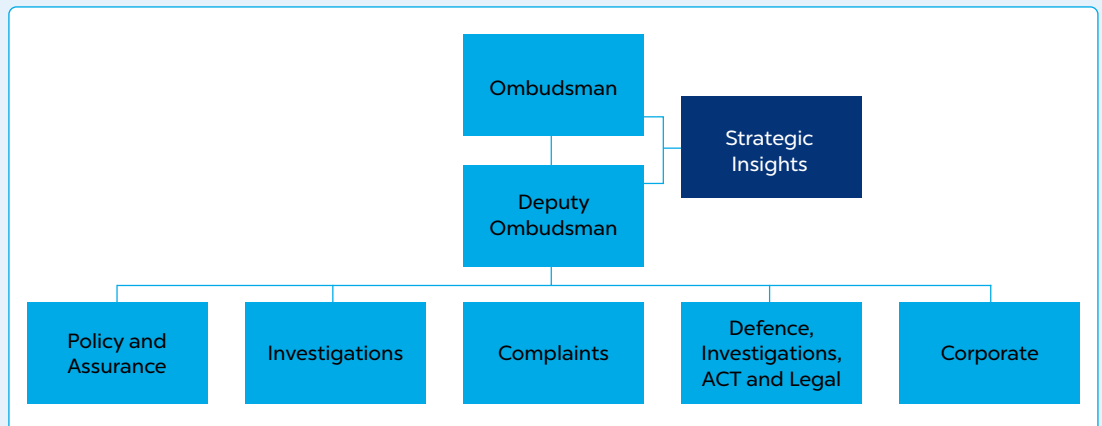
Table 1: Accountable authority during the reporting period (2022-23)

		Period as the accountable authority or member <i>within the reporting period</i>	
Name	Position Title/Position held	Start Date	End Date
Iain Anderson	Commonwealth Ombudsman	1 August 2022	30 June 2023
Penny McKay	Acting Commonwealth Ombudsman	1 July 2022	31 July 2022

Organisational structure

The Commonwealth Ombudsman and Deputy Ombudsman are statutory officers appointed under the Ombudsman Act. Employees are engaged pursuant to the *Public Service Act 1999*. The Executive and Senior Management structure on 30 June 2023 can be seen in Figure 1.

Figure 1: Executive and senior management structure



Senior leaders

Iain Anderson – Commonwealth Ombudsman



Iain was appointed Commonwealth Ombudsman from 1 August 2022 for a 5-year term. As Commonwealth Ombudsman he is also the ACT, Defence Force, Immigration, Law Enforcement, Private Health Insurance, Overseas Student, VET Student Loan and Postal Industry Ombudsman. Iain is a senior public servant with extensive leadership experience and over 33 years of service. He has developed and implemented change across a wide range of legal and social policy areas, including the Commonwealth civil justice and criminal justice systems, family law, native title, royal commissions, and Australia's territories.

Iain has worked in 6 Australian Government departments and agencies. He holds a Bachelor of Economics and a Bachelor of Laws from the University of Sydney and was admitted to practise as a solicitor in NSW in 1990. Before his appointment as the Commonwealth Ombudsman, Iain was a Deputy Secretary in the Attorney-General's Department, where he acted as Secretary of the Department for an extended period and was also previously the Department's Chief Operating Officer.

Penny McKay – Deputy Ombudsman



Penny was appointed Deputy Commonwealth Ombudsman from 10 August 2020 for a 5-year term. Penny was Acting Commonwealth Ombudsman prior to Iain Anderson's appointment on 1 August 2022.

Penny's 27-year public service career spans Australian Government and state and territory jurisdictions. In the early years of her career, she was a criminal prosecutor in the ACT, Northern Territory and Queensland. She held senior positions with the Commonwealth Director of Public Prosecutions, the ACT Justice and Community Safety Directorate, and was General Counsel at the Australian Commission for Law Enforcement Integrity. Prior to her appointment as Deputy Ombudsman, Penny was responsible for Integrity, Security and Assurance at the Department of Home Affairs.

Penny has extensive experience in areas of criminal law policy, prosecutions, integrity and assurance. She holds a Bachelor of Laws and a Bachelor of Business (Management) and is admitted to practise as a solicitor of the Supreme Court.

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REPORT ON PERFORMANCE

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Part 3: Report on performance

Statement of preparation

I, Iain Anderson, as the accountable authority of the Office of the Commonwealth Ombudsman, present the 2022–23 Annual Performance Statement of the Office, as required under paragraph 39(1)(a) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act). In my opinion, this annual performance statement is based on properly maintained records, accurately reflects the performance of the entity and complies with s 39(2) of the PGPA Act.



Iain Anderson
Commonwealth Ombudsman

2022–23 Performance framework

Our purpose

This Annual Performance Statement outlines the Office of the Commonwealth Ombudsman's (the Office) performance against the 2022–23 Portfolio Budget Statement Outcome: 'Fair and accountable administrative action by Australian Government entities and prescribed private sector organisations, by investigating complaints, reviewing administrative action and statutory compliance inspections and reporting'.

As set out in the Office Portfolio Budget Statements and our 2022–23 Corporate Plan, we achieve this outcome by:

- Providing assurance that the Australian Government entities and prescribed private sector organisations the Office oversees act with integrity and treat people fairly.
- Influencing enduring systemic improvement in public administration in Australia and the region.

In 2022–23, our achievement of our purpose was tracked and measured against 5 overarching objectives:

Objective 1	Influence Australian and ACT Government entities to improve public administration and complaint handling systems through public reports, recommendations and direct engagement.
Objective 2	Provide an efficient, effective and accessible government complaint handling service.
Objective 3	Undertake oversight and assurance activities relating to the integrity of Australian Government entities, Australian Capital Territory Government entities and prescribed private sector organisations.
Objective 4	Provide effective and impartial industry complaint handling services and provision of consumer information.
Objective 5	Deliver capacity building programs under the Australian Aid arrangements to support ombudsmen and allied integrity bodies to improve governance and accountability.

Our performance criteria and results

Our achievement against the 5 objectives is measured across 7 performance criteria which are supported by 13 Key Performance Indicators (KPIs). For some criteria, setting a target (such as a target that 100% of reports will be published within statutory timeframes) is appropriate.

For other measures, our aim is to improve our performance compared to previous years (for example, measuring an increase in the total number of enquiries, complaints and website visits).

A summary of 2022–23 performance against KPI targets follows.

Performance Criteria 1: We assist the public to resolve issues with agencies and organisation we oversee		
KPI	Target	Result
1a Target 65% of people who contacted the Office providing a rating of 'satisfied' (or better) with our services in response to complainant satisfaction surveys.	65%	38%
1b Target 65% of complainant satisfaction survey responses with a rating of 'satisfied' (or better) evaluating our independence.	65%	44%
1c Target 75% user satisfaction with the privatehealth.gov.au website.	75%	81%
Performance Criteria 2: We are responsive to the public when they contact our Office		
KPI	Target	Result
2 Target of service standards met.	90%	24% ¹
Performance Criteria 3: We improve public awareness of our role in influencing public administration and industry practice		
KPI	Target	Result
3 Target increase in the total number of enquiries, complaints and website visits compared to the previous reporting period after accounting for changes due to new jurisdictions.	Increase from last year	Decrease of 4%
Performance Criteria 4: We influence improvements in public administration and practices of the agencies and organisations we oversee		
KPI	Target	Result
4a Target percentage of recommendations in public reports accepted by agencies and organisations.	75%	89%
4b Target percentage of recommendations for Defence abuse reparation payments and number of recommendations for VET Student Loan re-credits accepted.	95%	100%

¹ The result for KPI 2 has been calculated from whole numbers using standard rounding. Each performance measure was rounded to whole numbers, beginning with the 2022-23 report. To allow for a direct comparison, the same method was also applied to the 2020-21 and 2021-22 KPI 2 results reflected in Table 2.

Performance Criteria 5: We are responsive in our dealings with agencies

KPI	Target	Result
5a Target satisfaction of agencies and organisations with quality of our work.	80%	93%
5b Target of satisfied feedback regarding education and other events.	90%	85%

Performance Criteria 6: We effectively deliver our capacity building programs for the ombudsmen and allied integrity bodies under the Australian Aid arrangements

KPI	Target	Result
6 Outputs delivered under Australian Aid arrangements.	80%	100%

Performance Criteria 7: We maintain the confidence of the parliament

KPI	Target	Result
7a Number of reports published.	Count	36
7b Reports delivered within legislative requirements and Office statutory obligations.	100%	100%
7c Parliamentary Committee process – submissions and appearances.	Count	26

2022–23 Key performance results

We are acutely aware of our role as a Commonwealth integrity agency and the unique position we hold to influence the community's trust in the public service. Our performance targets reflect the nature and breadth of our role. They are set out in our Corporate Plan and Portfolio Budget Statements.

In 2022–23, we undertook a review of our existing performance framework. As a result, this is the last year the Office will report against the current performance framework. The new framework is outlined in the 2023–24 Portfolio Budget Statements and Corporate Plan.

Table 2 compares our achievement against our KPIs this year with our achievement against the same KPIs over the past 2 financial years.

Table 2: Comparison of Office performance 2020–2023

KPI	Target	2020–21	2021–22	2022–23
1a	65%	66%	61%	38%
1b	65%	76% (this survey was previously conducted every 2 years; the result from 2019–20 was 76%)	62%	44%
1c	75%	77%	81%	81%
2	90%	78% ²	47%	24%
3	Increase from previous year	Decrease of 9% from 2019–20	Decrease of 4% from 2020–21	Decrease of 4% from 2021–22
4a	75%	89%	83%	89%
4b	95%	100%	99%	100%
5a	80%	100%	(reported every 2 years. 2020–21 result = 100%)	93%
5b	90%	91%	91%	85%
6	80%	73%	86%	100%
7a	Count only	52	35	36
7b	100%	100%	90%	100%
7c	Count only	32	30	26

2 The results for KPI 2 from 2020–21 and 2021–22 vary from the previously reported figures of 72% and 46%, respectively. The result for KPI 2 has been calculated from whole numbers using standard rounding rules. Each performance measure was rounded to whole numbers, beginning with the 2022–23 report. To allow for a direct comparison, the same method was also applied to the KPI 2 results for 2020–21 and 2021–22.

Analysis of our performance

This year, the Office met, exceeded and/or showed improvement in most of our key performance indicators, with 8 of 13 indicators met. Throughout the year, we monitored our performance and actively considered how we could best achieve our targets to maintain the confidence of members of the public who contacted us to complain, report or seek our assistance, the Australian Parliament, as well as government agencies and private sector organisations we oversee.

Many KPIs were met or exceeded, including:

- 100% of reports were delivered within statutory timeframes (KPI 7c, target 100%)
- 100% of outputs were delivered under the Australian Aid arrangements (KPI 6, target 80%)
- 89% of recommendations in public reports were accepted by the agency or organisation (KPI 4a, target 75%).

1a and b – People who contacted the Office providing a rating of ‘satisfied’ (or better) with our services and independence

KPIs 1a and 1b measure complainant satisfaction with our services and perceptions of independence. The survey is conducted by an external service provider.

While in prior years the survey was conducted every 2 years and annually, in 2022–23 the survey was run quarterly.

This provided for increased opportunities to reflect on the results and identify opportunities for continuous improvement in complaint handling service delivery.

Consistent with previous annual reporting against complainant satisfaction, the Office set a benchmark target of 65% satisfaction with both our services, and independence.

In 2022–23, our performance was rated 38% for 1a and 44% for 1b. This is a decrease in performance when compared to the previous year’s outcomes. We accept that we need to improve in a range of areas, particularly the time it takes to make a decision on complaints and our communication with complainants during the complaint process. We say more about this in the commentary below against KPI 2, Service standards.

The Office is committed to improving service delivery and using complainant feedback to identify key areas of focus. During the year, we focused on a range of improvement strategies, including:

- enhanced methods of communication
- systems to reduce wait times for complaint handling
- increased phone contact hours.

This focus will continue in 2023–24. For example, early resolution of complaints is an identified priority in the 2023–24 Corporate Plan.

2 – Service standards

KPI 2 states: *We are responsive to the public when they contact our Office.* While we work to engage effectively with complainants, and appropriately exercise our powers and resources, in 2022–23 we only met our services standards 24% of the time against a target of 90%. Complaint handling is core to our purpose, and we recognise that the public expects a timely and client-focused service.

Over the course of the COVID-19 pandemic and the associated restrictions, we accumulated a backlog of complaints. This meant that, although we were actively resolving complaints, when we did so we had already exceeded the timeframes we aim to achieve for complaints. It also meant that new complaints received during the year were waiting for extended periods to be considered, again leading to us exceeding the timeframes we aim to achieve.

We continued to undertake surges of activity, bringing in additional staff to the complaints process to seek to address the backlogs, but had to divert resources from our core complaint-handling function because we had to also resource some of our other roles that were un- or under-funded.

By reviewing and revising our processes we were able to improve our timeliness and overall performance in some areas of the Office's work, for example doubling the number of assessments we completed each month of reports of abuse suffered by members of Defence.

Other changes we implemented or trialled included:

- implementing a new Interactive Voice Response system for handling telephone complaints, which ensured that complaint handling staff were able to use all functionalities of the system, regardless of where they were working from, and which also provided more detailed data on all aspects of our complaint handling
- appointing a dedicated training officer to develop training and guidance documents to build the capability of new complaint handling staff
- instituting dedicated fortnightly training sessions for front-line complaint handling staff
- establishing an internal knowledge management system to support our complaint handling staff
- developing more detailed complaint reporting for our executive governance forum
- testing potential process improvements, such as in our complaint triaging processes, to identify continuous improvement opportunities
- increasing our telephone service hours to 10am–4pm AEST.

In 2023–24, we will continue to monitor our performance closely and actively implement strategies to improve the complaint handling service.

3 – Increased contact with the Office

KPI 3 measures whether the Office increased the number of enquiries, contact and website traffic from the previous financial year. In 2022–23 the Office recorded a small decrease (4%).

Accessibility of Office services was a strategic focus in 2022–23, with the launch of a new website and enhanced telephony system.

4a and 4b – Recommendations accepted

KPIs 4a and 4b measure the Office's influence over improvements in public administration and the practices of agencies and organisations.

KPI 4a measures the percentage of recommendations in public reports accepted by the agencies and organisations we oversee. In 2022–23, the Office exceeded the 75% target with a result of 89%.

KPI 4b measures the percentage of recommendations for Defence abuse reparation payments and the number of recommendations for VET Student Loan re-credits accepted. The Office achieved a result of 100%.

5a – Satisfaction responses from agencies we oversee regarding the quality of our work

KPI 5a measures the percentage of responses with a rating of satisfied (or better) with the quality of our work as determined by our agency satisfaction survey.

The survey was run by an external provider. The result was 93% against an 80% target. This is a strong result but a decline from the 2020–21 result, which was 100% against an 80% target.

In 2023–24, we will continue to take purposeful action to strengthen the confidence of the public, the entities we oversee, and the parliament, in our independence and credibility through robust investigations and oversight. This includes ongoing engagement with the entities we oversee and includes appropriate exercise of our powers and resources to take a stand when it is necessary.

Enhancing the value and efficiency of our statutory oversight and how we influence enduring systemic improvement in public administration is a priority for the Office in 2023–24.

5b – Satisfied feedback regarding education and other events

KPI 5b measures the percentage of feedback responses demonstrating a rating of satisfied or better from participants in our educational or other events.

Over 2022–23, the Office conducted a range of education or other activities where participants were surveyed to assess their level of satisfaction.

Education or other activities we undertook this year included:

- agency-specific engagement or workshops
- Public Interest Disclosure (PID) handling workshops
- intake training (as part of our international program)
- mediation training (as part of our international program)
- train the trainer (as part of our international program)
- ACT reportable conduct workshops (as a part of our role as ACT Ombudsman, but included against this indicator).

This also included our principal educational activity, the Commonwealth Complaints Handling Forum. Held from 6 to 9 June 2023, this activity saw over 1,100 attendees join us online across 4 sessions to share practical and strategic insights on complaint handling.

In 2022–23, 85% of participants in our education or other events provided a rating of satisfied or better, against a target of 90%. We are exploring how we can improve our engagement and delivery of events, including:

- the training of facilitators
- ensuring that our activities are clearly described so that participants can assess if the activities will suit their needs
- reflecting on the best mode of training (i.e. online and/or face to face).

In progressing these activities, a strategic plan for education and engagement will be developed and will consider lessons learnt in 2022–23.

6 – Outputs delivered under Australian Aid arrangements

KPI 6 measures the Office's delivery of capacity building programs for Ombudsmen and allied integrity bodies under the Australian Aid arrangements.

In 2022–23, the Office achieved 100% against the target of 80%, the best result since this was first measured in 2019–20.

7 – Maintaining the confidence of parliament

The 3 KPIs under Performance Criteria 7 measure how the Office maintains the confidence of parliament through the timely production of reports and parliamentary submissions and appearances.

In 2022–23, all reports were delivered on time in accordance with legislative requirements and statutory obligations.

Future planning, lessons learnt and challenges

We go into 2023–24 with a focus on:

- enhancing our interactions with complainants based on the feedback provided to us through our complainant satisfaction surveys
- the early resolution of complaints and using technology to assist the efficiency of our operations
- increasing outreach and community engagement
- enhancing the value of our statutory oversight and how we influence enduring systemic improvement in public administration.

This focus aligns with areas for improvement in our KPIs.

We will measure and monitor our performance against our revised performance framework to track the performance of the Office in line with our objectives. We will drive a strong performance culture. More information on our new measures is available in our 2023–24 Corporate Plan on our website ombudsman.gov.au.

We will do this through regular monitoring of the full suite of performance measures and targets through our executive governance forums to ensure action can be taken where performance targets are not being met. We will also continue to regularly seek feedback on our complaint handling performance and accessibility to ensure we are meeting community expectations and delivering an effective and efficient complaint handling service.

Financial reporting

In 2022–23, the Office recorded a net cash operating deficit of \$1.321 million, compared to a net cash operating surplus of \$1.125 million in 2021–22 (the net cash operating position excludes depreciation, amortisation and includes principal payments on leases).

In October 2022, the Office budgeted for a break-even position. The loss was due to several causes beyond the Office's control, including targeted savings harvested by government from appropriations (\$0.653 million), legal costs associated with the Robodebt Royal Commission (\$0.268 million) and specific accounting adjustments (\$0.359 million).

The 2022–23 net cash operating deficit was approved by the Minister of Finance on 30 June 2023.

PART 4

PUBLIC INTEREST DISCLOSURE SCHEME

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Part 4: Public Interest Disclosure Scheme

This is our annual report on the operation of the *Public Interest Disclosure Act 2013* (PID Act). This report is required under s 76 of the PID Act.

The Office oversees the operation of the Public Interest Disclosure (PID) Scheme, established under the PID Act. The PID scheme promotes the integrity of the Commonwealth public sector by providing arrangements for public officials to report and investigate wrongdoing and protect whistleblowers.

The Office has 3 primary functions under the PID scheme, to:

- allocate disclosures and investigate complaints
- deliver educational and awareness programs
- report annually on the PID scheme's operation.

The Inspector-General of Intelligence and Security (IGIS) has oversight of the 6 intelligence agencies subject to the PID scheme³ and has the same allocation, investigation and education functions.

This report was prepared with the assistance of 179 agencies covered by the PID Act. The Office acknowledges agency efforts to collect the data required for this report.

The PID Act was amended in 2023 to implement several reforms, including the recommendations from the 2016 *Review of the Public Interest Disclosure Act 2013* by Philip Moss (the Moss Review). Among other things, the amendments include:

- improving protections for disclosers and other persons assisting with the investigation of a PID
- removing personal work-related conduct from the scope of the PID Act
- providing the Office and the IGIS with new powers to oversee the operation of the PID scheme.

The amendments came into effect on 1 July 2023, coinciding with the commencement of the National Anti-Corruption Commission. The amendments will be reflected in our PID report for 2023–24.

Elements of the scheme

The PID scheme is designed to be accessible. The definition of disclosable conduct is broad and intended to encourage public officials to speak out and report wrongdoing. The protections under the PID Act apply to disclosures that:

- are made by a current or former public official
- are made to an authorised recipient
- involve 'disclosable conduct'.

The PID scheme casts a wide net, incorporating the actions of both agency staff and contracted service providers, and covering a broad range of conduct, including compliance with laws and compliance with the Australian Public Service Code of Conduct. Agencies are required to investigate PIDs unless certain circumstances apply,

³ The Australian Security Intelligence Organisation (ASIO), the Australian Signals Directorate (ASD), the Australian Secret Intelligence Service (ASIS), the Australian Geospatial-Intelligence Organisation (AGO), the Defence Intelligence Organisation (DIO) and the Office of National Intelligence (ONI); and the intelligence functions of the Australian Federal Police (AFP) and the Australian Criminal Intelligence Commission (ACIC).

and should complete investigations within 90 days⁴ and provide a report to the discloser. Disclosers can make a complaint to the Office or the IGIS if they are dissatisfied with the way an agency handles their PID.

PIDs at a glance

In 2022–23, we received 249 PIDs compared to 257 in 2021–22 (3% decrease). A further 439 disclosures were assessed as not meeting the requirements of s 26 of the PID Act and considered not to be public interest disclosures, compared to 428 in 2021–22 (2.5% increase).

PIDs at a glance



Total PIDs received

(2022–23)	(2021–22)
249 (-3%)	257

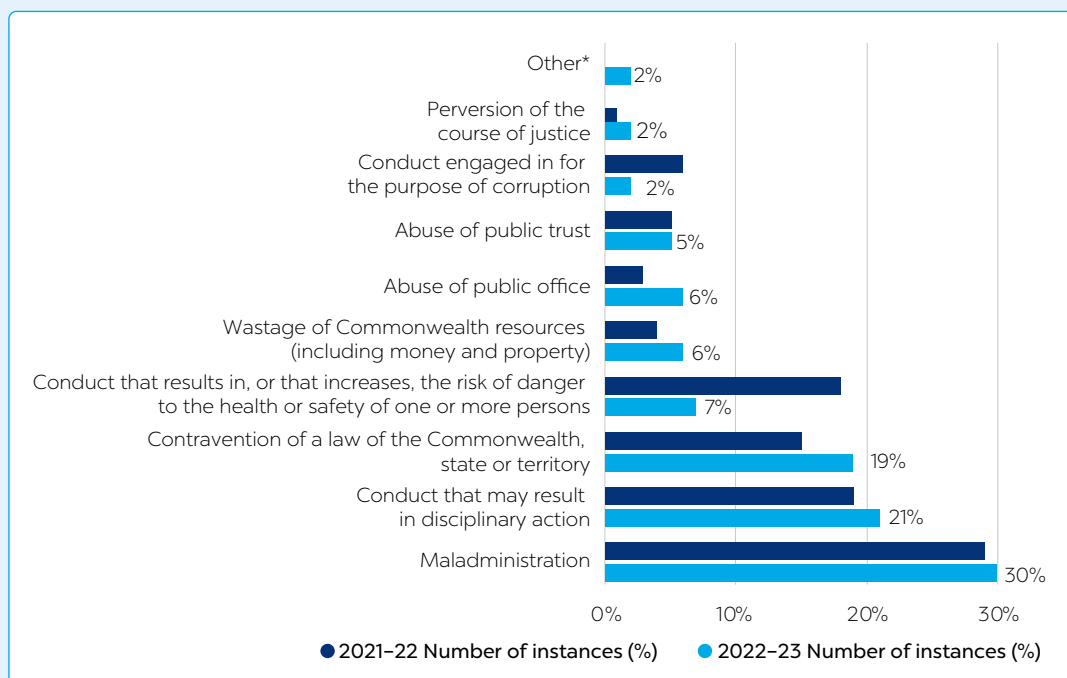


Assessed as not PIDs

(2022–23)	(2021–22)
439 (+2.5%)	428

A single PID may involve multiple allegations of disclosable conduct. Within the 249 PIDs made this year, there were 447 instances of alleged disclosable conduct.⁵ As in previous years, the most common types of alleged disclosable conduct were ‘maladministration’, ‘conduct that may result in disciplinary action’, ‘conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons’ and ‘contravention of a law’.

Figure 2: Allegations of disclosable conduct financial year comparison⁶



*Conduct in a foreign country that contravenes a law; fabrication, falsification, plagiarism or deception in relation to scientific research; or conduct that endangers or risks endangering the environment.

⁴ Unless an extension of time is granted under s 52(3) of the PID Act.

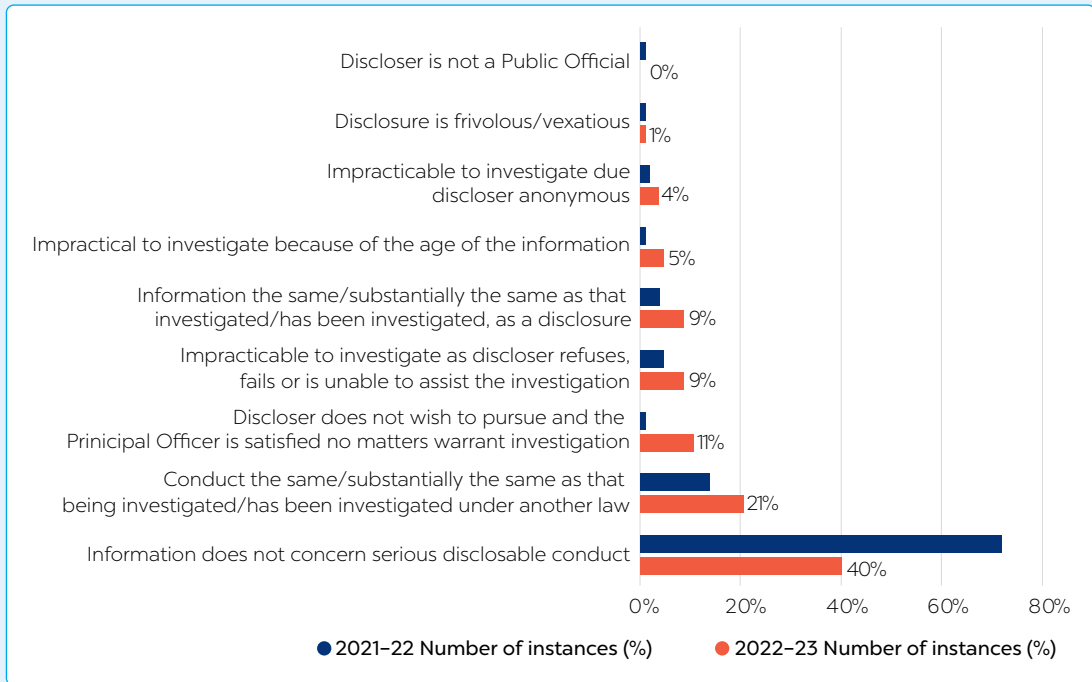
⁵ This reflects allegations of disclosable conduct prior to an investigation being undertaken. An investigating officer may identify further instances of possible disclosable conduct during an investigation.

⁶ Percentages in Figures 2, 3, 4, 5 rounded to nearest percentage point.

There are many reasons why agencies may decline to investigate a PID or decline to investigate further. This year agencies declined to investigate (in full or part) 66 PIDs compared with 339 in 2021-22. The significant decrease from the previous financial year reflects that in 2021-22, one agency exercised

discretion not to investigate 230 allegations contained in a single PID. The most common reasons agencies declined to investigate were that the PID did not concern serious disclosable conduct, or that the allegations had been or were being investigated under another law.

Figure 3: Declined to investigate decision financial year comparison (s 48)

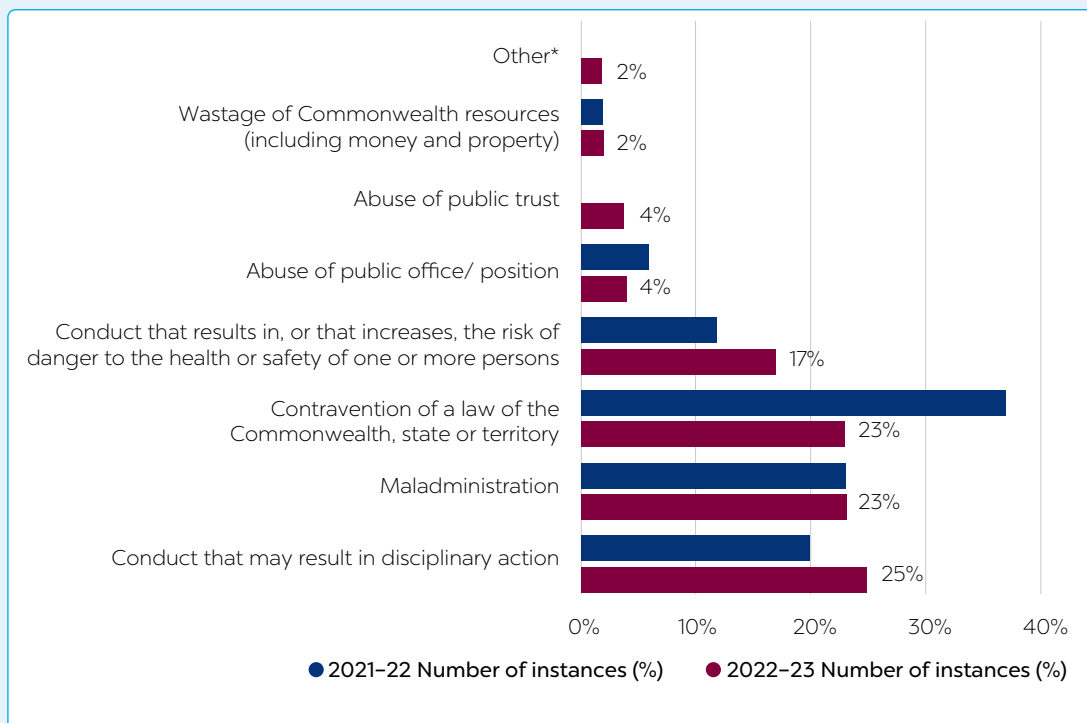


Investigation outcomes

This year, agencies finalised 169 PID investigations. Of these, 34 investigations resulted in one or more findings of disclosable conduct (20.1% of finalised investigations), compared to 39 in 2021-22 (22.2% of finalised investigations). Investigations also resulted in 131 recommendations, compared to 130 in 2021-22.

The Office reminds agencies in its guidance that even if a PID investigation does not result in a finding of disclosable conduct, it may still provide an opportunity to mitigate potential risks of wrongdoing or improve agency practice and procedure. This year, 32 agencies completed PID investigations that resulted in one or more recommendations to improve agency practice or procedure. Of these agencies, 15 recommended improvements despite not making findings of disclosable conduct.

Figure 4: Findings of disclosable conduct financial year comparison



*Conduct engaged in for the purpose of corruption; fabrication, falsification, plagiarism or deception in relation to scientific research; perversion of the course of justice; abuse of public trust; and conduct that endangers or risks endangering the environment.

Agencies reported a range of actions taken in response to investigations, including:

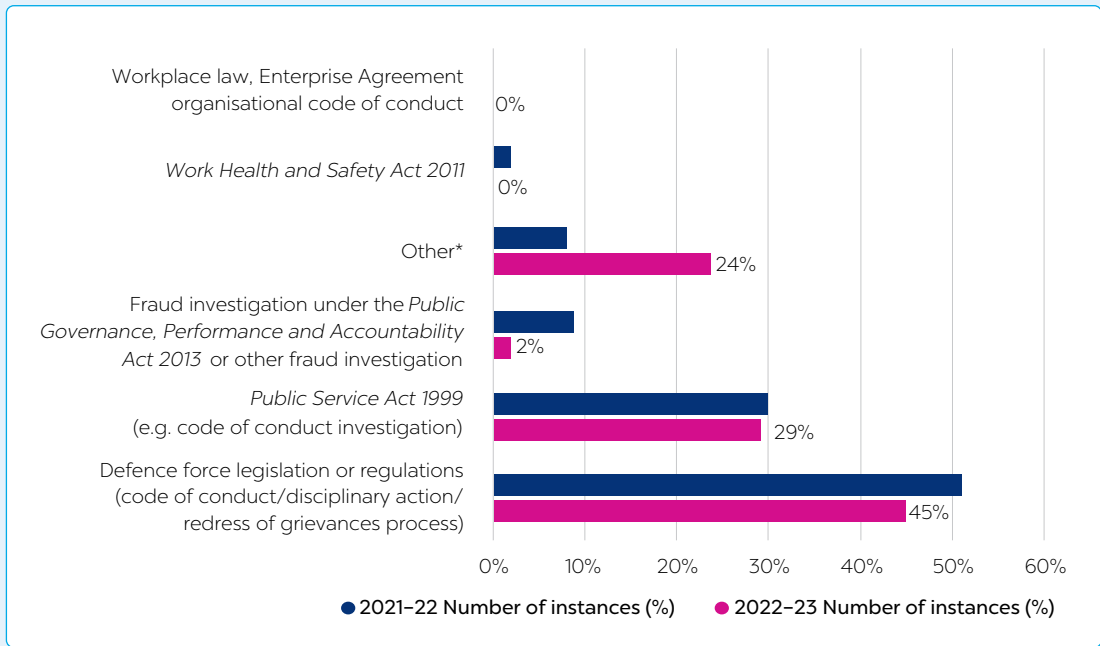
- develop training and guidance material
- staff training / refresher training
- review of policy and procedures
- review of recruitment processes
- monitoring of compliance
- administrative action
- referral of matters for external investigation or assessment.

This year, agencies contacted the police on 2 occasions where there were reasonable grounds to suspect that a disclosure included evidence of an offence. This figure is

comparable with the previous year (3 referrals in 2021-22).

Where agencies consider that a different investigation (or reinvestigation) should be conducted, the PID Act enables agencies to recommend a PID is investigated under another law. Common areas for referral include the *Public Service Act 1999* (for investigation of code of conduct matters), Defence Force legislation and the *Public Governance Performance and Accountability Act 2013* (for fraud matters). This year, agencies made 45 recommendations for referral, compared to 46 in 2021-22. Most were referred for investigation under Defence Force legislation or the *Public Service Act 1999*.

Figure 5: Referrals to other investigative mechanisms financial year comparison



* *Parliamentary Service Act 1999; Inspector-General of Intelligence and Security Act 1986; Australian Federal Police Act 1979.*

See **Appendix 8** for full details of the number of PIDs received, the kinds of disclosable conduct alleged, the number of disclosure investigations and the actions taken in response to recommendations.

Who is using the PID scheme?

The proportion of PIDs made by current or former public officials remained consistent with recent years, at 84%.⁷ Eight per cent of disclosures were made by contracted service providers and another 8% were made by persons deemed to be public officials by the agency receiving the disclosure.

Awareness raising and training

Agencies reported providing a variety of PID-related information and training to employees during the year, including annual information sessions, the Ombudsman’s PID e-Learning module, digital signage and video messaging. Agencies also reported providing information about the PID scheme on their internal intranet and external website. Around 40% of agencies reported providing formal training to their employees yearly, while 33% of agencies provide training about the PID scheme on request.

Many agencies reported providing PID information to contracted service providers through formal training and other means, such as during the procurement and contracting process, via access to the agency’s intranet, or by informally distributing information.

⁷ In 2021-22, the Office reported the proportion of PIDs made by current or former public officials remained broadly consistent with recent years at 81%.

Authorised officers

A public official may only make a disclosure to an authorised officer⁸, their supervisor or the agency’s principal officer. As with previous years, most disclosures were made to authorised officers (83%). The proportion of disclosures made to supervisors remained stable at 7%, while the proportion of disclosures made directly to principal officers decreased from 12% in 2021-22 to 8% this year.

To maximise accessibility, we encourage agencies to appoint authorised officers at a range of levels. Nonetheless, the substantive level of most authorised officers remains high with 47% at senior executive level and 41% at executive level.

This year, 9 agencies reported not having any authorised officers other than their principal officer, which is a decrease from 11 agencies in 2021-22. The average number of authorised officers for agencies with greater than 10,000 employees was 10, which remains stable from the previous year.

The Office recommends that principal officers ensure their agency has enough authorised officers so all public officials who work with the agency have ready access. We will continue to encourage agencies to maintain adequate numbers of authorised officers relative to agency size and consider the seniority of those appointments to maintain the scheme’s accessibility. Table 3 shows the number of authorised officers compared to the number of employees. The ratio has remained consistent across the last 3 years.

Table 3: Average number of authorised officers in an agency, by agency size

Employee numbers	2022-23	2021-22	2020-21
< 50	2	2	2
50-250	2	3	2
251-1,000	4	4	5
1,001-10,000	7	7	8
Over 10,000	10	10	9

Timeliness

The PID Act imposes a 90-day timeframe on investigations, but agencies may apply to the Office or the IGIS for an extension where there are reasonable grounds. If an investigation is not completed in time and an extension is not granted, the discloser may, in limited circumstances, disclose the information externally.

Timeliness



Requests for extension of time

(2022-23) (2021-22)
186/177✓ **169/167✓**



Investigations completed



- 49% Within 90 days
- 30% 91-180 days
- 21% More than 180 days

⁸ A person appointed by an agency’s principal officer to receive disclosures. Principal officers must ensure there are enough authorised officers, so they are readily accessible to public officials in their agency.

Reprisal

Disclosers who believe they have been subject to reprisal are encouraged to raise the issue with the agency. Agencies are expected to investigate claims of reprisal and, if appropriate, refer the matter to the police or another oversight agency. Disclosers may also contact the Office if they are dissatisfied with the way the agency handles their reprisal claim.

In 2022–23, Commonwealth agencies reported 24 claims of reprisal, a decrease from the 52 of the previous year. The most common types of conduct alleged were bullying, disadvantage to employment, and unreasonable management action. Agencies reported that, on investigation, none of the claims were substantiated.

The Office received 11 enquiries or complaints about reprisal concerns, including about agencies' actions to investigate or manage reprisal concerns. Disclosers variously elected to make a disclosure regarding the reprisal action, make a complaint to the Office, or await the outcome of the agency's investigation report. The Office encourages agencies to model best practice when managing the risk of and investigating concerns about reprisal.

Complaints

The Ombudsman and the IGIS can consider complaints about agencies' handling of PIDs to assess whether their actions are reasonable and comply with the PID Act and their own PID procedures.

In 2022–23, the Ombudsman received 39 complaints about agencies' handling of PIDs, a decrease on the 50 complaints received in the previous year. Common complaint themes were:

- dissatisfaction with the findings or recommendations of an investigation, or the agency's consideration of evidence or selection of witnesses
- decisions to investigate the allegations under another law⁹
- delays completing an investigation
- decisions not to investigate because the conduct is not serious or because the matter is already being, or has already been, investigated
- decisions not to allocate disclosures for investigation because they do not satisfy the requirements for a public interest disclosure¹⁰
- the agency's handling of reprisal allegations
- the agency's communication with disclosers.

The Office investigated or is investigating 7 of the 39 complaints it received in 2022–23 about agencies' handling of PIDs. During the year, we finalised 51 complaints and made formal comments or suggestions about improving agency processes on 5 occasions.¹¹

⁹ In accordance with s 47(3) of the PID Act.

¹⁰ In accordance with s 26 of the PID Act.

¹¹ The complaints finalised along with comments and suggestions made during the financial year may include complaints received prior to 2022–23.

Case study

Agency took no action when discloser did not respond to request for further information

A discloser complained to us about the lack of response to a disclosure they made by email to the head of the agency (who was an authorised officer) more than a year earlier. The discloser also alleged that they had been subjected to reprisals for making the disclosure.

We investigated the complaint. The agency indicated that it had not undertaken a reprisal risk assessment in respect of the discloser. The agency also explained that the agency head considered the disclosure to be 'on hold' until the discloser provided the further information that had been requested of them.

The agency stated it was open to advice from our Office about how to progress the matter. We suggested the agency assess the disclosure in accordance with the PID Act and given the passage of time, consider asking the discloser if they still wished to provide further information. We also suggested the agency apologise to the discloser for leaving their disclosure unacted and conduct a reprisal risk assessment if the disclosure was allocated for handling.

We suggested the agency update its procedures to indicate that assessment of disclosures should proceed even when additional documentation from the discloser is not received within a reasonable time after follow-up.

The agency accepted all of our suggestions.

Ombudsman investigations

Disclosures may be made directly to us where the discloser has reasonable grounds to believe the Ombudsman should investigate.

The Office considers that, in most instances, the agency to which the disclosure relates is best placed to investigate a disclosure. However, the Office may consider investigating a matter if satisfied the agency is unable to properly investigate or respond to the disclosure, such as where there is a conflict of interest that cannot be satisfactorily resolved or mitigated.

This year, the Office assessed 30 disclosures about other Commonwealth agencies. Of the 30 disclosures, we assessed 9 as PIDs.

In 2022-23, the Office allocated 8 disclosures to the relevant agencies for investigation and investigated one disclosure. The Office also accepted the allocation of one disclosure from another agency.

This year, the Office completed one public interest disclosure investigation. The investigation was finalised with 4 findings of disclosable conduct: 3 findings of disclosable conduct relating to the contravention of a law of the Commonwealth and one finding relating to conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons.

IGIS investigations and complaints

Reporting on disclosures made to the IGIS

In 2022–23, the IGIS received 6 disclosures that met the criteria under s 26 of the PID Act. All disclosures related to intelligence agencies within IGIS jurisdiction. The 6 disclosures covered 12 instances of suspected disclosable conduct.

Two disclosures were allocated to the IGIS and are being investigated in accordance with the PID Act; the remaining 4 disclosures were allocated to intelligence agencies within IGIS jurisdiction for investigation.

The IGIS assessed one matter as not being an internal disclosure within IGIS jurisdiction and information was provided to the discloser about how to make a disclosure to the appropriate agency.

A disclosure allocated to the IGIS in 2021–22 was finalised, with no finding of disclosable conduct.

Reporting on disclosures made to intelligence agencies

The IGIS also reports on the handling of disclosures made to the intelligence agencies within its jurisdiction.¹² In 2022–23, the intelligence agencies received and investigated a total of 9 disclosures, which met the criteria under s 26 of the PID Act; 4 of these were allocated to agencies by the Inspector-General.

The 9 disclosures covered 13 instances of suspected disclosable conduct. Five matters were investigated either by an external or internal investigator and no disclosable conduct was found; one investigation resulted in a recommendation that the matter be referred for an investigation under another law

of the Commonwealth under s 47(3) of the Act. One matter was closed under s 48(1)(d) of the Act and 3 investigations are ongoing.

In 2022–23, there were 2 instances where an authorised officer or a principal officer deemed the disclosure of information not to be an internal disclosure.

Consistent with s 63 of the Act, the IGIS provided assistance and advice to officials within the intelligence agencies about the operation of the PID scheme. This included an IGIS-convened information session for officers from the intelligence agencies.

Ombudsman education and awareness

In 2022–23, the Office presented to PID agencies at the PID Community of Practice convened by the Department of Defence about findings from complaint handling work and participated in discussions about reforms to the PID Act. The Office also collaborated with the Attorney-General's Department and IGIS to prepare educational and guidance materials for agencies in anticipation of the reforms commencing 1 July 2023.

In 2022–23, the Office received and responded to 192 enquiries from agencies and disclosers compared to 174 enquiries in 2021–22. There were also 8,092 visits to the PID section of our website compared to 10,979 from the previous year.

¹² ASIO, ASD, ASIS, AGO, DIO and ONI; and the intelligence functions of the AFP and ACIC.

PART 5

SPECIFIC OMBUDSMAN ROLES AND ANNUAL REPORTS

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Part 5: Specific Ombudsman roles and annual reports

In addition to the role of Commonwealth Ombudsman, the *Ombudsman Act 1976* (Ombudsman Act) establishes 5 other specific statutory Ombudsman roles to be performed by the Commonwealth Ombudsman. As Table 3 shows, the Ombudsman Act also requires an annual report for each of these roles. We report publicly on each of the functions throughout the year, and these reports – combined with the information below – constitute the annual report required.

Table 3: Annual reporting requirements under the Ombudsman Act

Title	Requirement
Defence Force Ombudsman	s 19FA(1) of the Ombudsman Act
Postal Industry Ombudsman	s 19X(1) of the Ombudsman Act
Overseas Students Ombudsman	s 19ZS(1) of the Ombudsman Act
Private Health Insurance Ombudsman	s 20ZG(1) of the Ombudsman Act
VET Student Loans Ombudsman	s 20ZX(1) of the Ombudsman Act

Defence Force Ombudsman

The Commonwealth Ombudsman has a specific role as the Defence Force Ombudsman (DFO). Since 1 December 2016, the DFO functions have included receiving and taking appropriate action to respond to reports of serious abuse in the Australian Defence Force (ADF). As the DFO, we also receive and investigate complaints about administrative action taken by Defence agencies, including the 3 services (Royal Australian Navy, Australian Army and Royal Australian Air Force), the Department of Defence and Defence Housing Australia (DHA). We also receive and investigate complaints about the Department of Veterans' Affairs (DVA).

DFO at a glance



Total complaints received (inc. DVA)

(2022-23)	(2021-22)
288 (-2%)	295



Total complaints finalised (inc. DVA)

(2022-23)	(2021-22)
291 (+32%)	220



Complaints received about DVA

(2022-23)	(2021-22)
135 (-14%)	157



Complaints finalised about DVA

(2022-23)	(2021-22)
154 (+50%)	103

Most common issues of complaints received 2022-23



- 10% Service delivery
- 10% Disability compensation
- 6.5% Pay and conditions
- 6.5% Other
- 6% Health care and medical services



Number of investigations of the complaints received during financial year

(2022-23)	(2021-22)
9 (-59%)	22



Number of investigations finalised

(2022-23)	(2021-22)
23 (+64%)	14

Top 5 issues in investigations finalised in 2022-23



- 21% Health care and medical
- 14% Service delivery
- 14% Disability pension
- 10% Unacceptable behaviour
- 7% Disability compensation

Investigation outcomes

One of the outcomes we can provide at the end of an investigation is a better explanation. A better explanation is where we are able to provide assurance to the complainant that an agency acted within its powers, followed good administrative practices and made a decision that gave appropriate consideration to all the relevant information.

During an investigation we are sometimes able to highlight to an agency where its decision may not have been robustly made, or where information was not properly considered against agency policies and procedures. In such circumstances, agencies may decide to reconsider their decision or provide remedies without the need for formal comments from our Office made under s12(4) of the Ombudsman Act.

Of the 13 investigations into Defence agencies concluded in 2022-23, we provided 9 better explanations. The Department of Defence undertook to reconsider 3 of its decisions without the need for formal comments, one of which resulted in an apology being made by the department. Our Office also issued formal comments under s12(4) of the Ombudsman Act in one case, which resulted in a written apology being made to the complainant.

During 2022-23, our Office concluded 15 investigations into DVA. Of these, we provided a better explanation for 8 matters. In the other 7 matters, DVA agreed to provide remedies without the need for formal comments under s12(4) of the Act. These remedies included:

- payments being granted for claims
- decisions expedited in delayed claims
- apologies.



Case study

Cash* complained to our Office after becoming aware that Defence's records appeared to incorrectly record them as having received a Formal Warning in 2015 for an incident of Unacceptable Behaviour. Cash advised us that they were only a witness to the incident and they believed the incorrect record had unfairly affected their chances of promotion.

Cash initially lodged a complaint with Defence using the Redress of Grievance process. However, Defence declined to consider Cash's complaint. Defence noted that Cash's Commanding Officer had arranged for their records to be corrected to remove the erroneous Formal Warning and, as such, it considered further investigation was not warranted. However, Cash remained concerned about whether the Formal Warning had impacted their chances of promotion, given the length of time it had been reflected on their record.

We decided to investigate to clarify whether Defence had considered the potential impact of the Formal Warning on Cash's record. In response to our queries, Defence acknowledged the Redress of Grievance response it provided to Cash did not fully address the issues they raised. Defence offered to re-open Cash's complaint to assess their concerns about the impact on their career and, if founded, identify any further action that should be taken. Cash agreed to this proposal, following which Defence arranged for the matter to be assigned to a specialist staff member who would then contact Cash to resolve the matter directly.

**This case study has been de-identified to protect the privacy of the complainant.*

Defence Abuse Reporting Scheme

At a glance



Reports of abuse received

(2022-23)	(2021-22)
1,194 (-2%)	1,220



Recommendations for reparation

(2022-23)	(2021-22)
656 (+56%)	420

Since 1 December 2016, the DFO has had the specific function of taking appropriate action to respond to reports of contemporary and historical abuse in the ADF. In performing this function, the DFO provides an independent and confidential mechanism for members of the ADF to report abuse. It operates in addition to internal mechanisms within

Defence¹³ and provides an additional reporting pathway.

Under this function, we receive, assess and respond to reports of serious abuse which occurred between 2 (or more) ADF members in connection with their employment in Defence. We can assist reporters of abuse by facilitating a referral to counselling and participation in our Restorative Engagement Program.

Since 15 December 2017, we have also been able to recommend that Defence make a reparation payment to a reportee under regulation 14(1)(a)(iiia) of the Ombudsman Regulations 2017 (the Regulations) in cases involving the most serious form of abuse or unlawful interference accompanied by an element of indecency. This has become known as the Defence Abuse Reparation Scheme. The scheme is only open to abuse

¹³ The Australian Defence Force and the Department of Defence make up the Australian Defence Organisation which is referred to as 'Defence'.

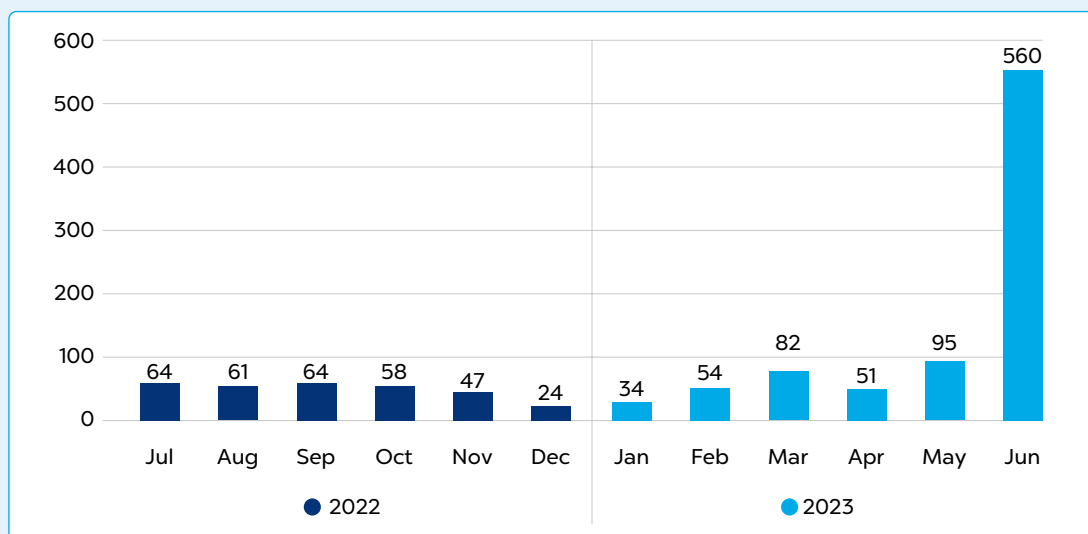
which occurred before 30 June 2014. This 'cut-off' date was a decision of the Australian Government to acknowledge the implementation of reforms within Defence to address systemic abuse.

Up until 30 June 2022, the Office was able to make recommendations to Defence for reparation payments for abuse which occurred prior to 30 June 2014. This date was extended to 30 June 2023 for those who provided written notice of intention to make a report on or before 30 June 2022 and whose report was received by the Office on or before 30 June 2023.

While the reparation element of the scheme closed to new reports of abuse on 30 June 2023, the DFO role in administering the scheme continues. All eligible reports received on or before 30 June 2023 are being assessed for a possible reparation payment. All reports of abuse received after 30 June 2023 are assessed to consider suitability for the Restorative Engagement Program or other appropriate action.

There was a significant increase in new reports received in June 2023, due to the ending of the scheme on 30 June 2023.

Figure 6: Reports of abuse received in 2022–23



Our delivery of this function is based on the application of trauma-informed principles and may include:

- assessing each report of abuse to determine whether abuse is reasonably likely to have occurred and constitutes sexual abuse, serious physical abuse, or serious bullying or harassment
- facilitating counselling for reportees
- the ability to recommend to Defence that it make reparation payments to acknowledge the most serious forms of abuse and abuse involving unlawful interference

accompanied by some element of indecency

- delivery of our Restorative Engagement Program to former and serving members of the ADF who experienced serious abuse.

Reports of abuse are assessed under the Regulations. If a report is not accepted or the reportee does not agree with the reparation payment decision, they can request a review of the decision.

During 2022–23, having now over 5 years' experience administering the scheme, we commenced implementing several key

process and decision-making changes aimed at streamlining processes to provide reportees with more timely outcomes, as well as redeploying staff to support the administrative work required to assess reports. These changes resulted in us doubling the rate at which reports of abuse are assessed by the DFO.

Defence Abuse Reparation Scheme payments

Under the scheme, the DFO may recommend Defence make a reparation payment of:

- up to \$45,000 to acknowledge the most serious forms of abuse, or
- up to \$20,000 to acknowledge other abuse involving unlawful interference, accompanied by some element of indecency.

If the DFO recommends one of these payments, an additional payment of \$5,000 may also be recommended where the DFO is satisfied that Defence did not respond appropriately to the report of abuse. Not all reports of abuse made to the DFO meet the parameters set out in the framework for a payment.


Since the start of the scheme, the DFO has sent 2,203 reparation payment recommendations to Defence. As at 30 June 2023, Defence had considered and accepted 1,815 recommendations, totalling \$75,415,000, and 388 recommendations were awaiting Defence consideration.

Restorative Engagement Program

The Restorative Engagement Program was created to support a person who has made a report of abuse (reportee) to tell their story to a senior representative from Defence. This occurs in a private and facilitated meeting called a restorative engagement conference. The conference provides an opportunity

for a reportee be listened to, validated and acknowledged by a senior representative of Defence.

Since the reporting scheme commenced, the DFO has facilitated 235 conferences.

Restorative Engagement Program		
	Restorative Engagement Conferences	
	(2022-23)	(2021-22)
	47 (+104%)	23

Reportees are eligible for the process and can request to participate if their report of abuse has been assessed and found to be within DFO jurisdiction. Feedback from reportees demonstrates they are motivated to participate in a conference for a variety of reasons, including:

- receiving an apology
- contributing to preventing future abuse in Defence
- contributing to cultural change
- progressing their healing journey in some way
- having their story of abuse meaningfully acknowledged by Defence
- reconnecting with Defence.

The participation of senior representatives of Defence assists in building insights into abuse and its impacts on individuals and Defence. The hope is that the insights achieved through participation will go on to inform Defence's understanding of the effects of abuse and inform changes to their own leadership. This in turn would help bring about cultural and systemic change.

To deliver a facilitated process Australia-wide, the Restorative Engagement Program has contracts with 50 organisations or individuals to supply specialist services. These facilitators bring a wealth of skills and experience in restorative practices and working with survivors of abuse to ensure the restorative

engagement conference is a safe and positive experience for all participants.

During 2022-23, the Restorative Engagement Program renewed its panel of highly skilled facilitators. The DFO, in collaboration with the Queensland University of Technology, developed training on the specifics of the program and the nuances of restorative practices in a Defence context. This training began being rolled out in May 2023.

In the last 12 months, feedback from reportees, support people and Defence representatives about participation in the Restorative Engagement Program has continued to be overwhelmingly positive. From the feedback received, the majority of reportees strongly agreed that the Defence representative had meaningfully acknowledged their story of abuse, expressed strong disapproval for what happened, and held Defence accountable for what they had experienced through an apology.

Written feedback from participating Defence representatives also told us that participating in the restorative conference helps them to better understand and respond to individuals reporting abuse in the future. Most said the experience affirmed their resolve to implement cultural change to eliminate abuse and positively impact their role as a senior officer in Defence.

Postal Industry Ombudsman

The Postal Industry Ombudsman (PIO) receives complaints about postal and similar services provided by Australia Post (a mandatory member) and private postal operators that voluntarily register with the scheme.

During COVID-19, the PIO experienced an increase in complaints, and this has remained steady even as the impacts of the pandemic have resolved. This is likely a consequence of the significant growth in consumer use of parcel delivery services in recent years and may reflect a permanent change in consumer demand.

More information on PIO complaints and issues during 2022-23 is available on the Industry Updates page at ombudsman.gov.au.

PIO complaints overview



Total complaints received

(2022-23)	(2021-22)
4,345 (-3%)	4,481



Complaints received about Australia Post

(2022-23)	(2021-22)
4,223 (-2%)	4,319



Complaints received about StarTrack

(2022-23)	(2021-22)
122 (-20%)	152

Three most common complaint issues



Method of delivery

(2022-23)	(2021-22)
26%	36%



Delay

(2022-23)	(2021-22)
23%	32%



Loss

(2022-23)	(2021-22)
20%	24%



Case study

Namita* sent a parcel overseas with Extra Cover, which is optional protection sold by Australia Post for items of more than \$100 value. The tracking information showed the parcel was delivered to the destination country but had been held by the destination country's customs authority for several months.

Namita contacted Australia Post and asked what options were available. Australia Post said it would seek to have the parcel returned and if the parcel could not be returned, it would pay the value of the item to the complainant because they had purchased Extra Cover.

Australia Post traced the parcel and confirmed it had been seized by the overseas customs authority. Australia Post advised the customer that because the parcel was seized by an overseas customs authority and had not been lost or damaged, it considered that compensation was not payable.

Namita contacted our Office as the PIO to lodge a complaint and we investigated the matter. In response to our enquiries, Australia Post advised the overseas customs authority had held the parcel for 5 months but then destroyed it because the applicable customs duties were not paid. Australia Post explained it is the sender's responsibility to check whether duties apply when sending items overseas.

Upon review, Australia Post agreed that it should have advised Namita to contact the overseas customs authority. It acknowledged that Namita likely did not contact the overseas customs authority because of Australia Post's advice that its staff would take steps to assist.

On this basis, Australia Post agreed to provide full compensation of \$3,200 covering both the value of the item and the cost of postage.

**This case study has been de-identified to protect the privacy of the complainant.*

Overseas Students Ombudsman

The Overseas Students Ombudsman (OSO) receives complaints from prospective, current and former international students about private education providers.

The OSO has 3 main functions:

- Assess and investigate complaints about actions taken by private registered education providers in connection with student visa holders.
- Give private registered providers advice and training about best practice complaint handling for international student complaints.
- Report on trends and systemic issues arising from our complaint investigations.

We publish quarterly updates about complaints we handle as the OSO, which provide detailed data and analysis of common issues. These updates are published on our Industry Updates page at ombudsman.gov.au.

OSO complaints overview



Total complaints received

(2022-23)	(2021-22)
961 (+28%)	750



Number of investigations commenced

(2022-23)	(2021-22)
125 (-25%)	167



Number of investigations finalised

(2022-23)	(2021-22)
161 (+1%)	160

The increase in complaints we received in 2022–23 reflects the reopening of borders in late-2021 and the subsequent return of international students to Australia. However, complaints to the OSO have not returned to pre-COVID-19 levels, noting that in 2018–19 (the last full financial year before the pandemic prompted international students

to depart Australia), we received 1,324 complaints.

During 2022–23, the Office made one request under section 9 of the Ombudsman Act to an education provider to require the provision of information and/or the production of documents to assist its investigation of a complaint about the education provider.

Case study

Edward* was studying a bachelor-level course and wanted to study a trade at the same time. He enrolled in a trade course with a private education provider and paid over \$6,000 in tuition fees and application fees. The trade course provider was aware that Edward was enrolled in another course.

Edward attended orientation with the trade provider and tried to arrange a suitable timetable to fit into his schedule but was unable to do so. Edward emailed the provider to advise he wished to withdraw and request a refund. He sent several follow-up emails, but the provider did not respond.

Edward contacted the Office as the OSO to complain. The Office investigated the complaint and assessed the terms of the provider's written agreement with Edward. The written agreement did not comply with elements of the Education Services for Overseas Students (ESOS) legislative framework, and included terms that appeared potentially unreasonable, as it only permitted refunds in very limited circumstances.

The Office was also concerned that the education provider accepted Edward as a concurrent student, knowing that Edward was studying full-time with another provider, without:

- giving an indication of available study times
- counselling Edward about his obligation to meet course requirements for both courses while on a student visa
- providing Edward the opportunity to withdraw without penalty if the study timetables did not permit him to attend both courses.

In our view, international students wanting to enrol in concurrent studies should not bear all the risks of not being able to proceed. Education providers that accept these students into a second course should be aware of the challenges of successfully engaging in concurrent study and accept some of the associated financial risk.

As a result of our investigation, the provider agreed to pay Edward a refund calculated in line with legislative requirements and update its written agreement template to ensure compliance with the ESOS framework. The provider also agreed to amend its process for accepting students in concurrent study to ensure students have a better understanding of the challenges and are allocated a fairer distribution of risk.

**This case study has been de-identified to protect the privacy of the complainant.*

Inquiries and reports







With a view to informing improvement across education providers in how they develop and administer written agreements with international students, in November 2022, the Office published an issues paper, *Improving fairness in written agreements between international students and Australian education providers*. The paper gives guidance to Australian education providers about crafting written agreement terms which are fair, reasonable and transparent. The paper is available at ombudsman.gov.au.

Private Health Insurance Ombudsman

The Private Health Insurance Ombudsman (PHIO) protects the interests of consumers in relation to private health insurance and to resolve complaints about private health insurance matters across the health system. We report and provide advice to government and industry about these issues.

As the PHIO, we publish quarterly updates about our work, which provide detailed data and analysis of complaint issues and guidance material for industry stakeholders. These updates are available on the Industry Updates page at ombudsman.gov.au.

PHIO complaints overview

	Total complaints received	
	(2022-23) 3,139 (+16%)	(2021-22) 2,704
	Total complaints finalised	
	(2022-23) 3,081 (+14%)	(2021-22) 2,711
	Complaints finalised as referrals	
	(2022-23) 85%	(2021-22) 88%
	Complaints with assisted referrals	
	(2022-23) 85%	(2021-22) 85%
	Total finalised that were investigated	
	(2022-23) 8%	(2021-22) 6%
	Complaints classified as requiring 'no further action'	
	(2022-23) 7%	(2021-22) 5%



Case study

Geraldine* purchased a year of Overseas Student Health Cover (OSHC) from Allianz, underwritten by Peoplecare, ahead of her studies in Australia from March 2020 to March 2021. However, her flight to Australia was cancelled due to COVID-19 travel restrictions and she was unable to enter Australia for the entirety of her OSHC cover period.

After travel restrictions were lifted in 2022, Geraldine arrived in Australia and contacted Allianz to request a refund of her unused policy. Allianz asked her to complete a refund form and provide supporting documentation. Geraldine provided the form and documentation to Allianz on the same day but did not receive a response or acknowledgement from Allianz. She followed up with Allianz by email on 3 occasions but did not receive a response.

Geraldine subsequently lodged a complaint with the Office as the PHIO. We referred the complaint directly to Allianz for further resolution. Under the Office's assisted referral process, the insurer should contact the person within 3 working days to give them an update on the case and respond to us when this is completed.

Following our referral, Allianz contacted Geraldine and provided her with a refund of \$529 for her unused policy.

**This case study has been de-identified to protect the identity of the complainant.*

VET Student Loans Ombudsman

As the VET Student Loans Ombudsman (VSLO), the Office receives complaints from students about Vocational Education and Training (VET) providers authorised to receive funding under Australian Government loan schemes.

We publish quarterly updates for the VSLO function, which provide detailed data and analysis of complaints and issues handled by our Office. These updates are published on the Industry Updates page at ombudsman.gov.au.

VET Student Loans



Total complaints received

(2022-23)	(2021-22)
200 (+11%)	180



Total complaints finalised

(2022-23)	(2021-22)
232 (+56%)	149



Two most commonly complained about issues:

- Loan amount
- Unknown loan/debt



Total finalised that were investigated

(2022-23)	(2021-22)
10%	1%



Complaints finalised by referring complainant to education provider

(2022-23)	(2021-22)
62%	56%

VET Student Loans Code of Practice

During 2022–23, we continued to promote the Office’s voluntary *VET Student Loans Code of Practice*. The code was developed for VET Student Loans approved course providers and is designed to address common issues we identify through complaints about VET Student Loans.

Since its publication on 30 June 2021, 84 education providers have registered as signatories to the code. The code of practice and a list of the signatories is published on our website at ombudsman.gov.au.

VET FEE-HELP Student Redress Measures









In 2022–23, we continued to assess complaints about the VET FEE-HELP program under the VET FEE-HELP Student Redress Measures, which commenced in January 2019.

Under the measures, as the VSLO, our Office can recommend that VET FEE-HELP debts associated with incomplete units of study be re-credited where it is reasonably likely the provider engaged in inappropriate conduct towards the student.

The Office assesses complaints and makes a recommendation to the Secretary of the Department of Employment and Workplace Relations (DEWR), who decides to either re-credit or not re-credit the debt, in full or in part. The Office also analyses complaints data and works with DEWR to identify groups of students who are reasonably likely to have been subjected to inappropriate conduct by a provider so those students’ debts can be considered for re-credit through Secretary Initiated Actions (SIA) without the need for a complaint being lodged with us.

In October 2022, the government announced the extension of the measures from 31 December 2022 to 31 December 2023. Although the measures were extended and

our work on them continued for the whole year, we were only funded for the first 6 months of the year and that funding was not extended when the measures were extended. In order to continue to work on the measures for the full year, we were required to take resources from other areas of the Office’s work.

VET FEE-HELP	
	Total complaints received
	(2022–23) (2021–22) 2,520 (-12%) 2,850
	Total complaints finalised
	(2022–23) (2021–22) 1,674 (-39%) 2,756
	Recommendations made to DEWR to remove a VET FEE-HELP debt
	(2022–23) 989
	Number of units of study in recommendations made to DEWR to remove a VET FEE-HELP debt
	(2022–23) 3,366
	Value of units of study in recommendations made to DEWR to remove VET FEE-HELP debt
	(2022–23) \$13,809,682
	Value of tuition fees in total value of units of study in recommendations
	(2022–23) \$11,515,869
	Value of loan fees in total value of units of study in recommendations
	(2022–23) \$2,293,813
	Number of SIA where we prepared supporting evidence
	(2022–23) 1

VET FEE-HELP



Number of our complainants who had at least one unit of study re-credited as a result of a SIA

(2022-23)

828



Top 4 complaint issues (in finalised complaints)

- Loan amount
- Lack of/misleading/inaccurate enrolment information
- Unknown loan/debt
- Pre-census date withdrawal



Together, the top 4 complaint issues account for 74% of the total complaint issues in finalised complaints in 2022-23



Number of VET FEE-HELP complaints open as at 30 June 2023

(2022-23)

2,377

Stakeholder engagement and outreach activities

In 2022-23, we regularly engaged with DEWR and the Australian Skills Quality Authority (ASQA) on issues raised in complaints about VET FEE-HELP and VET Student Loans.

We also engaged regularly with DEWR, the Australian Taxation Office (ATO) and the Department of Education in relation to the transfer (in August 2022 and June 2023) of some historical student loan records to the ATO, to help ensure people affected by the late transfer of these debts were appropriately advised of their complaint options. The Office remains mindful of the effects that inappropriate VET FEE-HELP debts have on disadvantaged Australians, including First Nations people, and those who may be unaware they have a student debt.

During 2022-23, we used social media to promote the extension of the measures (to 31 December 2023), and attended the National Financial Counselling Australia Conference in May 2023 to promote the measures to financial counsellors. We also conducted 3 online information sessions for members of Financial Counselling Australia (FCA) to highlight the role of the VSLO and what it can do with complaints about VET FEE-HELP and VET Student Loans.



Case study

Binita* discovered she had a VET FEE-HELP debt when she was completing her tax return. She contacted the VSLO to lodge a complaint. Binita told the Office that several years ago, she had enquired about studying courses with private education Provider-A, which was delivering the training on behalf of Provider-B.

Provider-A asked for Binita's driver licence, passport and tax file number. However, Binita did not complete an enrolment form, and did not apply for VET FEE-HELP loan assistance. Binita said she attended only a few classes, which she was led to believe were a 'trial'. She then decided the course was not suitable for her and stopped attending. She was surprised to discover she had a student debt some years later.

The Office contacted Provider-B to request information to assist in our assessment of the complaint because the debt was with Provider-B. We asked for a copy of Binita's enrolment documents and any records of her engagement in studies. Provider-B did not have signed enrolment forms for Binita and the VET-FEE HELP application form held on file for Binita had an email address which was not hers.

The available evidence suggested to the Office that Binita did not receive VET FEE-HELP notices and other correspondence, which would have alerted her to the fact that she was accruing a VET FEE-HELP debt. We were also of the view that Provider-A misled Binita about enrolling in the course.

The Office advised Provider-B that, in our view, it was reasonably likely that Provider-A engaged in inappropriate conduct. Provider-B accepted the Office's view and agreed to directly re-credit Binita's VET FEE-HELP debt.

**This case study has been de-identified to protect privacy.*

PART 6

MANAGEMENT AND ACCOUNTABILITY

Corporate governance64

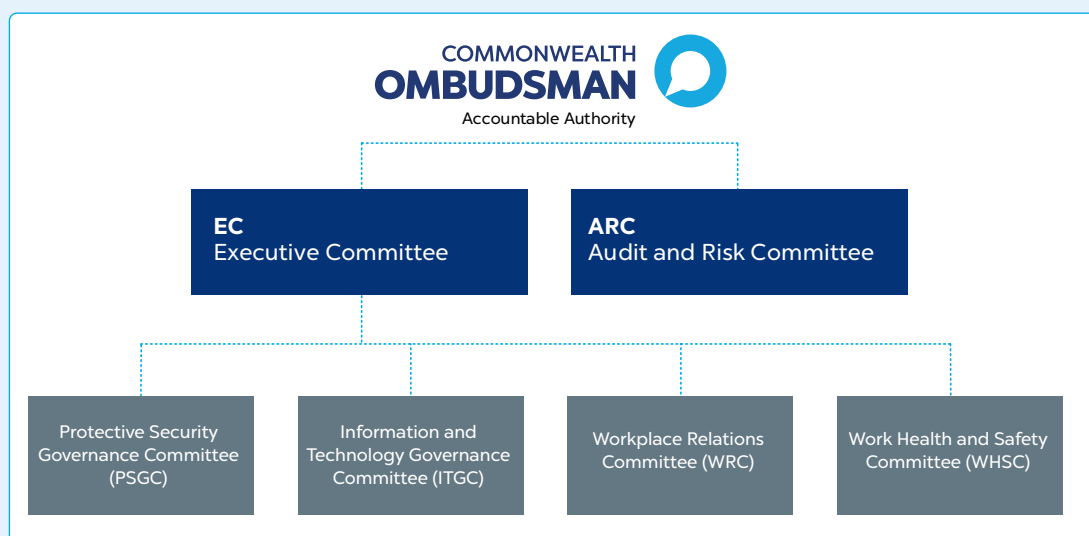
Part 6: Management and accountability

Corporate governance

As required by the Commonwealth Performance Framework, the Office of the Commonwealth Ombudsman (the Office) developed and publicly released its 2022–23 Corporate Plan in August 2022. The plan framed the Office's strategic vision, objectives, deliverables, and performance criteria for the next 4 years.

The Office has 2 key corporate governance structures and 4 management committees to ensure it is implementing the principles and objectives of corporate governance. Figure 7 depicts the Office's governance structures and management committees.

Figure 7: Committee structure



Executive Committee

In February 2023, the Senior Leadership Group (SLG) and the Strategic Policy Board (SPB) were merged and replaced with the Executive Committee (EC).

The EC is the Office's overarching leadership and management committee. It meets monthly to consider the strategic and operational priorities, enterprise risk, corporate governance, performance, resource allocation, and issues external and internal to the operations of the Office. Membership of the Committee is comprised of the Ombudsman (Chair), Deputy Ombudsman, Senior Assistant Ombudsmen (SAO), the Chief Operating Officer (COO), Director Strategic Insights, and 2 Executive Level 1 and 2 Executive Level 2 staff (on a 6-month rotation).

Audit and Risk Committee

The Office has an Audit and Risk Committee (ARC) that complies with s 45 of the *Public Governance, Performance and Accountability Act 2013* (the PGPA Act) and PGPA Rule s 17 (Audit Committees for Australian Government Entities).

The role of the committee is to provide independent assurance to the Ombudsman on the Office's financial and performance reporting responsibilities, risk oversight and management, and systems of internal control. A copy of the ARC Charter is available at ombudsman.gov.au.

The ARC held 5 ordinary meetings during the year, in addition to a standalone meeting to discuss financial statements. Table 4 outlines the committee membership, their qualifications and skills/experience, period of membership, meetings attended, and their annual remuneration.

Table 4: Audit and risk committee members

Member name and role	Qualifications, knowledge, skills or experience (include formal and informal as relevant)	Period of membership during the year	Number of meetings attended	Total annual remuneration (GST inc.)
Will Laurie Chair and external independent member	Formal finance and economics qualifications. Substantial experience in corporate and professional management at Price Waterhouse, Boyce Chartered Accountants and birdsnest.com. Twenty years' experience on Australian Government and ACT audit and risk committees.	1 July 2022 to 30 June 2023	6	\$27,000
Alfred Bongji External independent member	Formal accounting, economics and mediator qualifications. Graduate of the Australian Institute of Company Directors. Thirty-six years' experience in the Australian Public Service (APS), including 13 years as a senior executive. More than 10 years' experience in Australian Government governance, fraud, audit and risk committees.	1 July 2022 to 30 June 2023	6	\$24,900
Joanna Stone External independent member ¹⁴	Formal finance qualifications. Substantial public and private sector management experience. Experience across several audit committees as member and chair.	1 July 2022 to 29 November 2022	4	\$0
Bronwyn Notzon-Glenn External independent member	Formal legal qualifications and admitted to legal practice. Experience in the Australian Parliament and several years' experience as a Senior Executive Officer in the APS.	24 February 2023 to 30 June 2023	2	\$0

Management committees

Management committees assist the Commonwealth Ombudsman with governance and decision-making.

Work Health and Safety Committee

The Office's Work Health and Safety Committee (WHSC) includes elected staff representatives from each of our offices and is chaired by the Chief Operating Officer (COO). The WHSC meets on a quarterly basis.

It has a strategic role in reviewing work health and safety matters and procedures to ensure we meet the terms of the *Work Health and Safety Act 2011* (the WHS Act). The WHSC also provides guidance and support on Office-wide initiatives aimed at improving the health, safety and wellbeing of employees.

Workplace Relations Committee

The COO chairs the Workplace Relations Committee (WRC). It is comprised of staff, management and union representatives.

¹⁴ Officials of Australian Government are not reimbursed in this role.

The WRC is the forum for regular exchange of information on Office employment and workplace relations matters, including the implementation and operation of our enterprise agreement.

Information and Technology Governance Committee

The Information and Technology Governance Committee (ITGC) is chaired by the Deputy Ombudsman. It oversees the management of the Office's information and technology resources and assets. The ITGC provides strategic oversight of the development and implementation of information and technology policy, processes and systems across the Office.

The ITGC manages the Office's compliance with legislation, standards, and requirements of the National Archives of Australia. It also oversees and monitors the Office's progress against the Digital Continuity 2020 policy and targets to implement the Australian Government's digital transformation and e-Government initiatives.

Protective Security Governance Committee

The Protective Security Governance Committee (PSGC) meets as required to support the Commonwealth Ombudsman to implement the intent of, and monitor the Office's performance and compliance with, mandatory and supporting requirements of the Protective Security Policy Framework. No meetings of the PSGC were held in 2022–23.

Corporate governance practices

Risk management

The EC regularly reviews strategic and operational risks as part of the business planning process. The Office also participates in the annual Comcover Risk Management Benchmarking Survey, which independently

assesses the Office's risk management maturity.

The ARC provides additional oversight of our risk management through independent practical guidance and support to the Ombudsman regarding risk management strategies and review of the Office's Risk Management Policy and Framework.

Business resilience management

The Office uses an integrated business resilience governance model to provide streamlined control processes for managing the various events that may impact its ability to perform critical functions, ensure staff safety and maintain technology systems.

The Office documents this approach in the Business Resilience Policy and Framework and operational Enterprise Response Plan. The EC is responsible for overseeing and reviewing these documents.

Accessibility

In developing and maintaining the Office's [ombudsman.gov.au](https://www.ombudsman.gov.au) website, we use the World Wide Web Consortium (W3C) Web Content Accessibility Guidelines (WCAG) 2.1, level AAA as the benchmark.

Management of the website includes authoring tools to check for accessibility issues and compliance reporting, and graphic design which uses high colour contrast and a simple presentation of content to assist readability.

Ethical standards

The Office promotes high ethical standards and behaviours by our staff. Our intranet contains information about:

- APS Values and Code of Conduct
- workplace discrimination, bullying and harassment
- conflict of interest
- acceptance of gifts and hospitality

- procedures for determining breaches of the Code of Conduct
- procedures for facilitating and dealing with public interest disclosures relating to the Office.

Our Employee Performance Development Agreements contain the following mandatory behaviour statement:

In undertaking my duties, I will act in accordance with the APS Values, Employment Principles and APS Code of Conduct.

The Induction Handbook for new starters provides information on the APS Values, Employment Principles and APS Code of Conduct, including information on the Australian Public Service Commission's Ethics Advisory Service. Our mandatory training modules include training on the APS Values and Principles, the Public Interest Disclosure Scheme, and Integrity in the APS.

Fraud control

The Office's fraud control strategies comply with the Commonwealth Fraud Control Framework 2017 and the legislative requirements as defined in the PGPA Act.

The Fraud and Corruption Control Plan and the Accountable Authority Instructions provide the foundations of the Office's fraud control framework. The Fraud and Corruption Control Plan identifies the Office's fraud risks and details the measures in place to prevent, detect and respond to fraud and corruption against the Office.

All fraud allegations are reported to the Commonwealth Ombudsman and the ARC. Fraud investigations are outsourced as required.

Fraud and corruption resources and references are available to all staff on the Office intranet and through the e-learning hub.

External scrutiny

The below outlines information on the most significant developments in external scrutiny of the Office during the year, and our actions in response. This reporting period we did not receive any reports on our operations or release any capability reviews.

Court and tribunal litigation

Gregory Keane and Commonwealth

Ombudsman – AAT 2023/0706: The applicant applied to the Administrative Appeals Tribunal (AAT) for review of the Ombudsman's decision and handling of his alleged request to report and claim under the Defence Abuse Reparation Scheme. On 5 April 2023, the application for review was dismissed pursuant to s 42A(4) of the *Administrative Appeals Tribunal Act 1975* (Cth), as the Tribunal had no jurisdiction to review the application. The AAT found that there was no provision in the Ombudsman Act or Regulations that allowed the Tribunal to review any decision or action of the Ombudsman.

Office of the Australian Information Commissioner

During the reporting period, the Office of the Australian Information Commissioner (OAIC) advised the Office of 23 matters where the applicant sought a review of our decision concerning requests received under the *Freedom of Information Act 1982* (FOI Act). The details of this advice are set out in Table 5.

Table 5: Applications to the OAIC for reviews of FOI decisions made by the Ombudsman

	Number	Year of application	Outcome	Relevant section of FOI Act
Matters finalised by the OAIC in 2022–23	5	2023	Discretion not to review – desirable that AAT review	s 54W
		2022	Discretion not to review – desirable that AAT review	s 54W
		2022	Discretion not to review – applicant failed to comply	S 54W
		2022	Discretion not to review – applicant failed to comply	S 54W
		2021	Discretion not to review – lacking in substance	S 54W
New applications for review 2022–23			23	
Matters still under consideration as at 30 June 2023	16	2023	Awaiting decision	
	9	2022	Awaiting decision	
	2	2020–21	Awaiting decision	

The Office is subject to the *Privacy Act 1988* (Privacy Act). Table 6 sets out complaints made to the OAIC (in its capacity as the Privacy Commissioner) in 2022–23 relating to breaches of privacy by the Office and the finalisation of these and other complaints made in previous years.

Table 6: Complaints to the OAIC about breaches of privacy involving the Ombudsman

	Number	Details
Privacy Complaints received by OAIC in 2022–23	2	Complaints relating to the unauthorised disclosure of personal information
Complaints from previous years finalised by the OAIC in 2022–23	0	
Complaints still under consideration as at 30 June 2023	2	Complaints relating to the unauthorised disclosure of personal information

Management of human resources

Our people are our greatest asset and investment in their capability ensures the Office continues to deliver high quality work.

People

During 2022–23, the Office consulted on and launched a new home-based work

policy responding to staff feedback in the 2021 APS Employee Census and the Office's experience of remote work since the beginning of COVID-19. The policy provides staff with the ability to access home-based work arrangements for up to 50% of working hours per fortnight. As at 30 June 2023, approximately 76% of staff had an agreement in place to work up to 50% of working hours at home.

The Office also continued to ensure that staff have the capabilities required to contribute effectively to the Office's objectives. Under its 2021-23 Learning and Development Strategy, the Office provided access to a range of training opportunities targeting leadership skills, development, as well as individual and team resilience and wellbeing.

Work Health and Safety

The Office is committed to maintaining a safe and healthy workplace for all our staff, contractors and visitors. We acknowledge our employer responsibilities under the WHS Act, the *Safety, Rehabilitation and Compensation Act 1988*, and relevant anti-discrimination legislation.

During 2022-23, the Office commenced a review of its WHS Policy, which resulted in a new more concise policy statement as endorsed by the Office's WHSC. The policy will be released for broader staff consultation following executive endorsement.

Other health and safety initiatives undertaken in 2022-23 included:

- a review of roles to ensure that health and safety initiatives were fit for purpose
- promotion of activities (e.g. webinars) related to the pillars of the Wellbeing Strategy: physical, social, mental and financial.

During the reporting period, there were no notifiable incidents.

Employment arrangements

The Office's enterprise agreement 2017-20 came into effect on 31 August 2017. Subsequently, a determination made under subs 24(1) of the *Public Service Act 1999* (Public Service Act) applies to non-Senior Executive Staff (SES) covered by the enterprise agreement. The determination took effect on 1 September 2020 and will continue to operate until it is replaced by a new enterprise agreement or another determination.

At 30 June 2023, a total of 268 staff were covered under the current agreement. The agreement does not make provision for performance pay. Salary advancement within each of the non-SES classifications is linked to performance. Fifteen staff had an Individual Flexibility Arrangement in place under the provisions contained in the agreement.

Conditions are provided for SES under s 24(1) of the Public Service Act. Determinations under s 24(1) of the Public Service Act provide SES annual salary advancement based on performance and do not make provision for performance pay.

The Office does not have any staff employed under Australian Workplace Agreements or common law contracts.

The Office offers non-salary benefits to our staff under the agreement and other individual industrial instruments. These benefits incorporate various types of leave, such as annual, personal, and long service leave, as well as flexible working arrangements, access to salary packaging, lifestyle reimbursement, and eyewear reimbursement for screen-based work.

Diversity and inclusion

The Office values a diverse workforce and strives to foster an inclusive workplace which is supported by our Diversity and Inclusion Strategy. We value and respect the diversity of our staff, stakeholders and partners.

Office actions in 2022-23 centred around the themes of recruitment, cultural competence, and retention and engagement of diverse groups. Recruitment initiatives included affirmative measures rounds and Indigenous graduate recruitment. Cultural competence and diversity training was mandated for all existing and new staff through e-learning and face-to-face training. Retention and engagement were encouraged through diversity staff networks led by Office champions, and the celebration of important cultural events, such as NAIDOC Week.

Workforce profile

At 30 June 2023, there were 275 staff (262.5 full-time equivalent) employed in the Office. These figures exclude the Ombudsman and Deputy Ombudsman, who are both statutory office holders.

Women made up 64.7% of the Office's workforce. Part-time staff represented 20.1%. Staff who identified as Indigenous made up 3.7% of our workforce, and 5.5% of staff identified as living with a disability.

See **Appendix 4** for a breakdown of the Office's workforce, including:

- remuneration for senior executives
- number of ongoing and non-going employees (current and previous)
- number of APS ongoing and non-ongoing employees (current and previous)
- APS full-time and part-time employees (current and previous)
- APS employment type by location (current and previous)
- APS Indigenous employment (current and previous)
- APS employment arrangements (current and previous).

Disability reporting

The Commonwealth Disability Strategy was overtaken by the National Disability Strategy 2010–2020 and subsequently by the National Disability Strategy 2021–31. The strategy sets out a 10-year national policy framework to improve the lives of people with disability, promote participation, and create a more inclusive society. Regular reporting will track if the strategy is improving the lives of people with disability. The first of the progress reports under the current strategy will be available late in 2023. Reports under the previous strategy can be found on the Department of Social Services website at [dss.gov.au](https://www.dss.gov.au).

Purchasing

The Office is committed to achieving the best value for money in procurement activities and manages this using procurement practices that are consistent with the Commonwealth Procurement Rules. This includes the use of the Commonwealth Contracting Suite to prepare approaches to market and to formalise contracts. The procurement practices are supported by the Accountable Authority Instructions, and internal policies and guidelines.

To improve efficiency in procurement, the Office accesses established procurement panels where possible. The Office supports small business participation in the Australian Government procurement market. Small and Medium Enterprises (SME) and Small Enterprise participation statistics are available on the Department of Finance website at [finance.gov.au](https://www.finance.gov.au). The Office's procurement methods do not discriminate against SMEs.

Our policies and processes include a requirement to visit the Supply Nation website at [supplynation.org.au](https://www.supplynation.org.au) first to check whether any First Nations businesses can provide the goods or services required. We seek to enter into engagements with First Nations businesses where possible, ensuring our procurement arrangements adhere to the value-for-money and best fit principles.

All procurements more than \$10,000 are published on the AusTender website at [tenders.gov.au](https://www.tenders.gov.au) as soon as practicable.

Consultancy contracts

The Office is a non-corporate Australian Government entity and engages consultancy services in circumstances when expertise is not available internally or when independent advice is required. Consultancy services include software implementation services, professional services, training package development and leasehold improvement design services.

The Office does not administer any grant programs.

During 2022–23, 24 new reportable consultancy contracts were entered into involving total actual expenditure of

\$0.547 million. In addition, 6 ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$0.215 million (see Table 7).

Table 7: Total reportable consultancy contract expenditure in 2022–23

Organisations receiving a share of reportable consultancy contract expenditure 2022–23	Expenditure \$ (GST exclusive)	Proportion of 2022–23 total spend (%)
Chartertech	226,340	30
EY Sweeney	101,364	13
CRE8IVE Australasia Pty Ltd	69,120	9
Queensland University of Technology	59,868	8
IA Group Pty Ltd	57,470	8
TOTAL	514,162	68

Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable consultancy contracts is available on the AusTender website at tenders.gov.au.

During 2022–23, 93 new reportable non-consultancy contracts were entered into

involving total actual expenditure of \$2.834 million. In addition, 86 ongoing reportable non-consultancy contracts were entered into during the previous reporting period, involving total actual expenditure of \$6.620 million (see Table 8).

Table 8: Total reportable non-consultancy contract expenditure in 2022–23

Organisations receiving a share of reportable non-consultancy contract expenditure 2022–23	Expenditure \$ (GST exclusive)	Proportion of 2022–23 total spend (%)
Childers Nominees Pty Ltd	1,294,278	14
Hays Personnel Services Australia	1,250,871	13
Randstad Pty Ltd	679,952	7
GPT Property Management Pty Ltd	422,051	4
Hudson Global Resources Pty Ltd	405,038	4
TOTAL	4,052,190	43

Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the value of reportable non-consultancy contracts is available on the AusTender website at tenders.gov.au.

Advertising campaigns

During 2022–23, the Office did not conduct advertising campaigns.

Exempt contracts

The Office did not procure any contracts amounting to more than \$10,000 that were exempt from reporting on AusTender website at tenders.gov.au.

Compliance reporting

There were no significant issues reported to the responsible Minister under paragraph 19(1)(e) of the PGPA Act that relate to non-compliance with the public governance, performance and accountability legislative framework by the Office.

An internal compliance process is undertaken throughout the year and the results considered by the EC and the ARC.

Asset management

The assets managed by our Office include information and communication technology (ICT) assets, equipment, property leasehold fit-out, and intangible assets, such as software. Except for the property assets, all of these assets are handled in-house. The 5-year capital replacement and capital investment plans predict our future requirements.

PART 7

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Appendix 1: All public contacts

Table 9: All public contacts 2022–23 as at 30 June 2023

Public contacts	Received	Finalised
Commonwealth complaints		
Agriculture, Fisheries and Forestry	25	12
Attorney-General's	354	331
Climate Change, Energy, the Environment and Water	13	14
Defence	273	276
Agriculture, Water and the Environment	0	6
Infrastructure, Transport, Regional Development and Communications	0	3
Education	58	128
Employment and Workplace Relations	391	207
Finance	108	121
Foreign Affairs and Trade	1,141	1,361
Health and Aged Care	205	210
Home Affairs	946	1,149
Industry, Science and Resources	12	16
Infrastructure, Transport, Regional Development, Communications and the Arts	80	87
Parliamentary Departments (not a portfolio)	1	1
Prime Minister and Cabinet	38	44
Social Services	6,844	7,581
Treasury	448	437
Veterans' Affairs (part of the Defence Portfolio)	135	155
Subtotal	11,072	12,139
Industry complaints		
Overseas Student Ombudsman	961	969
Private Health Insurance Ombudsman	3,139	3,081
Postal Industry Ombudsman	4,345	4,086
VET Student Loans Ombudsman	2,720	1,906
Subtotal	11,165	10,042

Public contacts	Received	Finalised
Program specific matters		
ACT Freedom of Information (FOI) Access Application	2	1
ACT Reportable Conduct Notifications	202	179
Defence Force Ombudsman (DFO) Report	1,170	849
DFO Reparation Payment	819	737
DFO Report out of jurisdiction	22	110
FOI Deemed Decision	13	16
FOI Extension Request	17	18
FOI Review Request	55	41
FOI Request (Commonwealth)	134	125
Public Interest Disclosure (PID) Complaint	39	51
PID Extension	186	187
Subtotal	2,659	2,314
Enquiries		
Private Health Insurance Ombudsman enquiries	1,621	1,620
Out of jurisdiction	5,184	5,285
ACT FOI Enquiry	38	39
ACT General Enquiry	3	3
ACT Inspector Enquiry	0	0
ACT Reportable Conduct	164	155
DFO Enquiry	639	713
Ombudsman General Enquiry	166	168
Ombudsman Service Delivery	156	153
PID Enquiry	198	197
Subtotal	8,169	8,333
ACT Ombudsman complaints	447	487
TOTAL complaints	22,684	24,982
TOTAL public contacts	33,512	33,315

Appendix 2: Financial statements



INDEPENDENT AUDITOR'S REPORT

To the Attorney-General

Opinion

In my opinion, the financial statements of the Office of the Commonwealth Ombudsman (the Entity) for the year ended 30 June 2023:

- (a) comply with Australian Accounting Standards – Simplified Disclosures and the *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015*; and
- (b) present fairly the financial position of the Entity as at 30 June 2023 and its financial performance and cash flows for the year then ended.

The financial statements of the Entity, which I have audited, comprise the following as at 30 June 2023 and for the year then ended:

- Statement by the Accountable Authority and Chief Financial Officer;
- Statement of Comprehensive Income;
- Statement of Financial Position;
- Statement of Changes in Equity;
- Cash Flow Statement; and
- Notes to and forming part of the financial statements, comprising a summary of significant accounting policies and other explanatory information.

Basis for opinion

I conducted my audit in accordance with the Australian National Audit Office Auditing Standards, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Entity in accordance with the relevant ethical requirements for financial statement audits conducted by the Auditor-General and his delegates. These include the relevant independence requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants (including Independence Standards)* (the Code) to the extent that they are not in conflict with the *Auditor-General Act 1997*. I have also fulfilled my other responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Accountable Authority's responsibility for the financial statements

As the Accountable Authority of the Entity, the Commonwealth Ombudsman is responsible under the *Public Governance, Performance and Accountability Act 2013* (the Act) for the preparation and fair presentation of annual financial statements that comply with Australian Accounting Standards – Simplified Disclosures and the rules made under the Act. The Commonwealth Ombudsman is also responsible for such internal control as the Commonwealth Ombudsman determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Commonwealth Ombudsman is responsible for assessing the ability of the Entity to continue as a going concern, taking into account whether the Entity's operations will cease as a result of an administrative restructure or for any other reason. The Commonwealth Ombudsman is also responsible for disclosing, as applicable, matters related to going concern and using the going concern basis of accounting, unless the assessment indicates that it is not appropriate.

Auditor's responsibilities for the audit of the financial statements

My objective is to obtain reasonable assurance about whether the financial statements as a whole are 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 National Audit Office 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 the financial statements.

As part of an audit in accordance with the Australian National Audit Office 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 statements, 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 Entity's internal control;
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Accountable Authority;
- conclude on the appropriateness of the Accountable Authority'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 Entity'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 statements 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 Entity to cease to continue as a going concern; and
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Accountable Authority 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.

Australian National Audit Office



Jeffrey Hobson

Audit Principal

Delegate of the Auditor-General

Canberra

28 September 2023

STATEMENT BY THE ACCOUNTABLE AUTHORITY AND CHIEF FINANCIAL OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2023 comply with subsection 42(2) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), and are based on properly maintained financial records as per subsection 41(2) of the PGPA Act.


In our opinion, at the date of this statement, there are reasonable grounds to believe that the Office of the Commonwealth Ombudsman will be able to pay its debts as and when they fall due.



Iain Anderson

Commonwealth Ombudsman

27 September 2023



Joanne Wilson

Chief Financial Officer

27 September 2023

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OFFICE OF THE COMMONWEALTH OMBUDSMAN

Statement of Comprehensive Income

for the period ended 30 June 2023

	Notes	2023 \$'000	2022 \$'000	Original Budget \$'000
NET COST OF SERVICES				
Expenses				
Employee benefits	1.1A	32,029	26,360	28,742
Suppliers	1.1B	10,207	14,186	12,651
Depreciation and amortisation	2.2A	4,371	4,477	4,583
Write-down and impairment of assets	1.1C	131	49	-
Finance costs	1.1D	115	67	103
Total expenses		46,853	45,139	46,079
Own-Source Income				
Own-source revenue				
Revenue from contracts with customers	1.2A	4,247	3,247	4,653
Other revenue	1.2B	169	129	54
Total own-source revenue		4,416	3,376	4,707
Gains				
Gains from sale of assets		-	31	-
Total gains		-	31	-
Total own-source income		4,416	3,407	4,707
Net cost of services				
Revenue from government	1.2C	39,450	40,902	39,450
Deficit from continuing operations		(2,987)	(830)	(1,922)
OTHER COMPREHENSIVE INCOME				
Items not subject to subsequent reclassification to net cost of services				
Changes in asset revaluation reserve		(78)	174	-
Total Comprehensive loss		(3,065)	(656)	(1,922)

The above statement should be read in conjunction with the accompanying notes.

Budget Variances Commentary

Explanations are provided where the variance to original budget is greater than 10 per cent and \$0.5 million.

Employee Expenses: The variance of \$3.287 million (11 per cent) is primarily due to higher than budgeted actual Average Staffing Level (ASL) of 281 compared to budgeted 228 due to conversion of labour hire staff to APS employment shifting expenditure from suppliers to employee expenses.

Suppliers: The variance of \$2.444 million (19 per cent) relates to reduced expenditure on labour hire (\$4.141m), offset by higher operating expenditure on essential travel for inspections to places of detention and law enforcement (\$0.364m), property operating expenses reflecting new leasing arrangements (\$0.313m), consultants for short-term projects (\$0.496m) and legal costs associated with the Robodebt Royal Commission (\$0.265m)

OFFICE OF THE COMMONWEALTH OMBUDSMAN

Statement of Financial Position

as at 30 June 2023

	Notes	2023 \$'000	2022 \$'000	Original Budget \$'000
ASSETS				
Financial assets				
Cash and cash equivalents	2.1A	236	246	246
Trade and other receivables	2.1B	12,017	14,078	12,660
Total financial assets		12,253	14,324	12,906
Non-financial assets¹				
Leasehold improvements	2.2A	7,850	7,884	7,869
Plant and equipment	2.2A	633	888	763
Computer software	2.2A	482	634	259
Prepayments		714	772	772
Total non-financial assets		9,679	10,178	9,663
Total assets		21,932	24,502	22,569
LIABILITIES				
Payables				
Suppliers	2.3A	1,729	1,593	1,395
Other payables	2.3B	765	1,463	1,463
Total payables		2,494	3,056	2,858
Interest bearing liabilities				
Leases	2.4A	6,537	5,819	5,641
Total interest bearing liabilities		6,537	5,819	5,641
Provisions				
Employee provisions	4.1A	5,931	6,179	5,957
Other provisions	2.5A	-	247	-
Total provisions		5,931	6,426	5,957
Total liabilities		14,962	15,301	14,456
Net assets		6,970	9,201	8,113
EQUITY				
Contributed equity		14,355	13,521	14,355
Reserves		1,410	1,488	1,488
Accumulated deficit		(8,795)	(5,808)	(7,730)
Total equity		6,970	9,201	8,113

The above statement should be read in conjunction with the accompanying notes.

1. Right-of-use assets are included in Leasehold improvements.

Budget Variances Commentary

Explanations are provided where the variance to original budget is greater than 10 per cent and \$0.5 million.

Trade and other receivables: The variance of \$0.643m (5%) is due to the reduction in appropriation receivable due to delayed capital expenditure and the additional drawdowns to match higher than budgeted expenses.

Other payables: Changes due to movements in the other payables balance are not included in the budget due to their unpredictable nature.

Leases: The variance of \$0.896m (16%) is primarily due the uptake of additional right-of-use leases.

OFFICE OF THE COMMONWEALTH OMBUDSMAN

Statement of Changes in Equity

for the period ended 30 June 2023

Notes	2023 \$'000	2022 \$'000	Original Budget \$'000
CONTRIBUTED EQUITY			
Opening balance			
Balance carried forward from previous period	13,521	12,665	13,521
Transactions with owners			
Contributions by owners			
Departmental capital budget	834	856	834
Total transactions with owners	834	856	834
Closing balance as at 30 June	14,355	13,521	14,355
RETAINED EARNINGS			
Opening balance			
Balance carried forward from previous period	(5,808)	(4,978)	(5,808)
Comprehensive income			
Deficit for the period	(2,987)	(830)	(1,922)
Closing balance as at 30 June	(8,795)	(5,808)	(7,730)
ASSET REVALUATION RESERVE			
Opening balance			
Balance carried forward from previous period	1,488	1,314	1,488
Comprehensive income			
Other comprehensive income	(78)	174	-
Closing balance as at 30 June	1,410	1,488	1,488
TOTAL EQUITY			
Opening balance			
Balance carried forward from previous period	9,201	9,001	9,201
Comprehensive income			
Deficit for the period	(2,987)	(830)	(1,922)
Other comprehensive income - changes in asset revaluation reserve	(78)	174	-
Total comprehensive income	(3,065)	(656)	(1,922)
Transactions with owners			
Contributions by owners			
Departmental capital budget	834	856	834
Total transactions with owners	834	856	834
Closing balance as at 30 June	6,970	9,201	8,113

The above statement should be read in conjunction with the accompanying notes.

Accounting Policy

Equity Injections

Amounts appropriated which are designated as 'equity injections' for a year (less any formal reductions) and Departmental Capital Budgets (DCBs) are recognised directly in contributed equity in that year.

OFFICE OF THE COMMONWEALTH OMBUDSMAN

Cash Flow Statement

for the period ended 30 June 2023

Notes	2023 \$'000	2022 \$'000	Original Budget \$'000
OPERATING ACTIVITIES			
Cash received			
Appropriations	47,043	45,435	40,868
Rendering of services	4,169	3,388	4,653
GST received	1,362	1,681	-
Other	1,396	868	-
Total cash received	53,970	51,372	45,521
Cash used			
Employees	33,677	27,447	28,964
Suppliers	10,552	15,085	12,796
Interest payments on lease liabilities	115	67	103
GST paid	1,249	1,703	-
Section 74 receipts transferred to OPA	5,546	4,225	-
Total cash used	51,139	48,527	41,863
Net cash from operating activities	2,831	2,845	3,658
INVESTING ACTIVITIES			
Cash received			
Proceeds from sales of property, plant and equipment	-	52	-
Total cash received	-	52	-
Cash used			
Purchase of Leasehold improvements	479	650	1,539
Purchase of property, plant and equipment	112	258	167
Purchase of Intangibles	194	32	125
Payment of makegood	263	-	-
Total cash used	1,048	940	1,831
Net cash used by investing activities	(1,048)	(888)	(1,831)
FINANCING ACTIVITIES			
Cash received			
Contributed equity	834	726	834
Total cash received	834	726	834
Cash used			
Principal payments of lease liabilities	2,627	2,696	2,661
Total cash used	2,627	2,696	2,661
Net cash used by financing activities	(1,793)	(1,970)	(1,827)
Net increase/(decrease) in cash held	(10)	(13)	-
Cash and cash equivalents at the beginning of the reporting period	246	259	246
Cash and cash equivalents at the end of the reporting period 2.1A	236	246	246

The above statement should be read in conjunction with the accompanying notes.

Budget Variances Commentary

Appropriations: The variance of \$6.175m (15%) is primarily due to section 74 receipts generated from providing services to the ACT Government and Commonwealth agencies transferred to OPA (Cash used).

Overview

The Office of Commonwealth Ombudsman (the Office) is an Australian non-corporate government entity established under the *Ombudsman Act 1976* (the Ombudsman Act). The Office has staff in multiple locations around Australia with the principal place of business in Canberra.

The Office was established to ensure fair and accountable administrative actions by Australian Government entities and prescribed private sector organisations by investigating complaints, reviewing administrative action, and statutory compliance inspections and reporting. The continued existence of the Office in its present form and with its present programs is dependent on the Government policy and on continuing funding by Parliament for the Office's administration and programs.

The Basis of Preparation

The financial statements have been prepared in accordance with:

- Public Governance, Performance and Accountability (Financial Reporting) Rule 2015* (FRR); and
- Australian Accounting Standards and Interpretations – including simplified disclosures for Tier 2 Entities under AASB 1060 issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

The financial statements have been prepared on an accrual basis and in accordance with the historical cost convention, except for certain assets and liabilities at fair value. Except where stated, no allowance is made for the effect of changing prices on the results or the financial position. The financial statements are presented in Australian dollars rounded to the nearest thousand dollars unless otherwise specified.

New Accounting Standards

Adoption of New Australian Accounting Standard Requirements

Two amending standards (AASB 2021-2 and AASB 2021-6) were adopted earlier than the application date as stated in the standard. These amending standards have been adopted for the 2022-23 reporting period.

The following amending standards were issued prior to the signing of the statement by the accountable authority and chief financial officer, were applicable to the current reporting period and had a material effect on the Office's financial statements:

Standard/ Interpretation	Nature of change in accounting policy, transitional provisions, and adjustment to financial statements
AASB 2021-2 <i>Amendments to Australian Accounting Standards – Disclosure of Accounting Policies and Definition of Accounting Estimates</i> (AASB 2021-2) and	AASB 2021-2 amends AASB 7, AASB 101, AASB 108, AASB 134 and AASB Practice Statement 2. The amending standard requires the disclosure of material, rather than significant, accounting policies, and clarifies what is considered a change in accounting policy compared to a change in accounting estimate.
AASB 2021-6 <i>Amendments to Australian Accounting Standards - Disclosure of Accounting Policies: Tier 2 and Other Australian Accounting Standards</i> (AASB 2021-6)	AASB 2021-6 amends the Tier 2 reporting requirements set out in AASB 1049, AASB 1054 and AASB 1060 to reflect the changes made by AASB 2021-2. The details of the changes in accounting policies and adjustments are disclosed below and in the relevant notes to the financial statements. This amending standard is not expected to have a material impact on the entity's financial statements for the current reporting period or future reporting periods.

Taxation

The Office is exempt from all forms of taxation except Fringe Benefits Tax (FBT) and the Goods and Services Tax (GST).

Events After the Reporting Period

There have been no events after 30 June 2023 which will affect the financial position of the Office materially at the reporting date.

Contingent Liabilities and Contingent Assets

The Office has no contingent assets or liabilities to report at 30 June 2023 (2022:nil).

Accounting judgments and estimates

In the process of applying the accounting policies listed in the notes to the financial statements, the Office has made the following judgments that have the most significant impact on the amounts recorded in the financial statements:

- Provision for long service leave is an estimate based on the shorthand model provided by the Department of Finance for entities with less than or equal to 1,000 full-time equivalent employees. The present value depends on several factors that are determined using several assumptions (including discount rates and future salary increases).
- In determining the lease term, management uses its judgment to determine whether an option would be reasonably certain to be exercised. Extension options are only included in the lease term if the lease is reasonably certain to be extended (or not terminated).

No other accounting assumptions or estimates have been identified that have a significant risk of causing a material adjustment to carrying amounts of assets and liabilities within the next accounting period.

Financial Performance

This section analyses the financial performance of the Office of Commonwealth Ombudsman for the year ended 2023.

1.1 Expenses

	2023 \$'000	2022 \$'000
1.1A: Employee benefits		
Wages and salaries	24,404	20,158
Superannuation		
Defined contribution plans	3,525	2,378
Defined benefit plans	994	1,337
Leave and other entitlements	3,116	2,110
Separation and redundancies	(10)	377
Total employee benefits	32,029	26,360

Accounting Policy

Accounting policies for employee related expenses are contained in the people and relationships (section 4).

1.1B: Suppliers

Goods and services supplied or rendered

Contractors	3,078	8,570
IT goods and services	2,035	2,046
Employee related	1,221	1,147
Property operating expenses	836	700
Consultants	701	206
Travel	611	238
Legal fees	400	151
Other	325	246
Internal Audit Fees	119	291
Printing, stationery, and postage	105	86
Insurance	71	87
Financial management	66	33
Membership fees	27	79
Total goods and services supplied or rendered	9,595	13,880

Other suppliers

Workers compensation expenses	376	306
Short term lease payments	236	-

Total other suppliers

612	306
-----	-----

Total suppliers

10,207	14,186
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Accounting Policy

Short-term leases and leases of low-value assets

The Office has elected not to recognise right-of-use assets and lease liabilities for short-term leases of assets that have a lease term of 12 months or less and leases of low-value assets (less than \$10,000 per asset). The Office recognises the lease payments associated with these leases as an expense on a straight-line basis over the lease term.

1.1C: Write-down and impairment of assets

Write down of property, plant and equipment	19	49
Impairment of right-of-use assets	112	-
Total write-down and impairment of assets	131	49

1.1D: Finance costs

Interest on lease liabilities ¹	115	67
Total finance costs	115	67

Accounting Policy

All borrowing costs are expensed as incurred.

1. The above lease disclosures should be read in conjunction with the accompanying notes 1.1B, 2.2A and 2.4A.

1.2 Own-Source Revenue and Gains

	2023 \$'000	2022 \$'000
Own-Source Revenue		
1.2A: Revenue from contracts with customers		
Rendering of services	4,247	3,247
Total revenue from contracts with customers	4,247	3,247
Type of customer:		
Australian Government entities (related parties)	321	412
ACT Government	3,926	2,835
	4,247	3,247

Accounting Policy

Revenue from the sale of goods is recognised when control has been transferred to the buyer.

The Office will classify a service-based agreement as within the scope of AASB 15 and recognise revenue in relation to services rendered from that agreement when all the following conditions are satisfied:

- The Office has an agreement that has been approved by all parties to the agreement;
- The obligations of each party under the agreement can be identified;
- A pattern of transfer of services can be identified;
- The agreement has commercial substance;
- It is highly probable that Office will collect payment.

Service revenue is generated from providing services to State and Territory Governments or Commonwealth agencies. The agreements with customers can involve multiple services. Where an agreement with a customer has multiple services, the services all relate to a specific performance obligation, and as such the services are bundled for the purpose of revenue recognition. Revenue is recognised on a per unit basis and is not considered variable revenue. The transaction price is the total amount of consideration to which the Office expects to be entitled in exchange for transferring the promised services to a customer. The transaction price is based on a service unit price for recovering costs and is initially determined applying judgement. The unit price is reviewed at the end of the revenue period to adjust revenues recognised for the actual unit cost. This process can result in the recognition of a customer contract liability or receivable.

The benefits to the customers under the agreements are provided and consumed simultaneously. The likelihood of re-performance of any aspects of the services are low and, as such, the Office recognises the services revenue over time with proportionate recognition over the period of the agreement. The services are typically charged in arrears and as such, liabilities are not raised in relation to those obligations.

Receivables for goods and services, which have 30-day terms, are recognised at the nominal amounts due less any impairment allowance account. Collectability of debts is reviewed at end of the reporting period. Allowances are made when collectability of the debt is no longer probable.

1.2 Own-Source Revenue and Gains (Continued)

	2023	2022
	\$'000	\$'000
1.2B: Other revenue		
Resources received free of charge		
Remuneration of auditors	54	54
Other	115	75
Total other revenue	169	129

Accounting Policy**Resources Received Free of Charge**

Resources received free of charge are recognised as revenue when, and only when, a fair value can be reliably determined and the services would have been purchased if they had not been donated. Use of those resources is recognised as an expense. Resources received free of charge are recorded as either revenue or gains depending on their nature.

1.2C: Revenue from government

Appropriations

Departmental appropriations	39,450	40,902
Total revenue from Government	39,450	40,902

Accounting Policy**Revenue from Government**

Amounts appropriated for departmental appropriations for the year (adjusted for any formal additions and reductions) are recognised as Revenue from Government when the Office gains control of the appropriation. Appropriations receivable are recognised at their nominal amounts.

Financial Position

This section analyses the Office of the Commonwealth Ombudsman's assets used to conduct its operations and the operating liabilities incurred as a result.
Employee related information is disclosed in the People and Relationships section.

2.1 Financial Assets

	2023 \$'000	2022 \$'000
2.1A: Cash and cash equivalents		
Cash on hand	236	246
Total cash and cash equivalents	236	246
Accounting Policy Cash is recognised at its nominal amount.		
2.1B: Trade and other receivables		
Goods and services receivables		
Goods and services	477	383
Total goods and services receivables	477	383
Appropriations receivables		
Appropriation receivable	11,440	13,486
Total appropriations receivables	11,440	13,486
Other receivables		
GST receivable from the Australian Taxation Office	100	209
Total other receivables	100	209
Total trade and other receivables (gross)	12,017	14,078

Credit terms for goods and services were within 30 days (2022: 30 days).

Accounting Policy

Financial Assets

Trade receivables and other receivables that are held for the purpose of collecting the contractual cash flows where the cash flows are solely payment of principal and interest, that are not provided at below-market interest rates, are subsequently measured at amortised cost using the effective interest rate method adjusted for any loss allowance.

Financial assets are assessed for impairment at the end of each reporting period based on expected credit losses, using the general approach which measures the loss allowance based on an amount equal to lifetime expected credit losses where risk has significantly increased, or an amount equal to 12-month expected credit losses if risk has not increased.

The simplified approach for trade, contract and lease receivables is used. This approach always measures the loss allowance as the amount equal to the lifetime expected credit losses.

A write-off constitutes a derecognition event where the write-off directly reduces the gross carrying amount of the financial asset.

2.2 Non-Financial Assets

2.2A: Reconciliation of the Opening and Closing Balances of Property, Plant and Equipment and Intangibles

	Leasehold improvements	Plant and equipment	Computer software	Total
	\$'000	\$'000	\$'000	\$'000
As at 1 July 2022				
Gross book value	15,979	1,484	3,220	20,683
Accumulated depreciation, amortisation and impairment	(8,095)	(596)	(2,586)	(11,277)
Total as at 1 July 2022	7,884	888	634	9,406
Additions				
Purchases	457	111	194	761
Right-of-use assets	3,378	-	-	3,378
Revaluations and impairments recognised in other comprehensive income	1	(79)	-	(78)
Revaluations and impairments recognised in other comprehensive income for right-of-use assets	(112)	-	-	(112)
Depreciation and amortisation	(981)	(281)	(337)	(1,599)
Depreciation on right-of-use assets	(2,772)	-	-	(2,772)
Disposals				
Disposals - Gross book value	(197)	(290)	(697)	(1,209)
Disposals - Accumulated depreciation	192	284	688	1,164
Disposals - ROU Asset - Gross book value	(2,016)	-	-	(2,016)
Disposals - ROU Asset - Accumulated depreciation	2,016	-	-	2,016
Total as at 30 June 2023	7,850	633	482	8,965
Total as at 30 June 2023 represented by				
Gross book value	16,801	633	2,717	20,151
Accumulated depreciation, amortisation, and impairment	(8,951)	-	(2,235)	(11,186)
Total as at 30 June 2023	7,850	633	482	8,965
Carrying amount of right-of-use assets	5,995	-	-	5,995

None of the above listed assets are expected to be sold or disposed of within the next 12 months.

Revaluations of non-financial assets and intangible assets

All revaluations were conducted in accordance with the revaluation policy. An independent valuer was appointed to conduct a full revaluation of all assets at 30 June 2023.

Contractual commitments for the acquisition of property, plant, equipment, and intangible assets

As at the reporting date, the Office had no ongoing significant contractual commitments for the acquisition of property, plant, equipment and intangible assets.

Accounting Policy

Assets are recorded at cost on acquisition except as stated below. The cost of acquisition includes the fair value of assets transferred in exchange and liabilities undertaken. Financial assets are initially measured at their fair value plus transaction costs where appropriate. Assets acquired at no cost, or for nominal consideration, are initially recognised as assets and income at their fair value at the date of acquisition, unless acquired because of restructuring of administrative arrangements. In the latter case, assets are initially recognised as contributions by owners at the amounts at which they were recognised in the transferor's accounts immediately prior to the restructuring.

Asset Recognition Threshold

Purchases of property, plant and equipment are recognised initially at cost in the statement of financial position, except for purchases costing less than \$5,000, which are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

The initial cost of an asset includes an estimate of the cost of dismantling and removing the item and restoring the site on which it is located. This is particularly relevant to 'make good' provisions in property leases taken up by the Office where there exists an obligation to restore the property to its original condition. These costs are included in the value of the Office's leasehold improvements with a corresponding provision for the 'make good' recognised.

Lease Right of Use (ROU) Assets

Leased ROU assets are capitalised at the commencement date of the lease and comprise of the initial lease liability amount, initial direct costs incurred when entering into the lease less any lease incentives received. These assets are accounted for by Commonwealth lessees as separate asset classes to corresponding assets owned outright, but included in the same column as where the corresponding underlying assets would be presented if they were owned.

An impairment review is undertaken for any right of use lease asset that shows indicators of impairment and an impairment loss is recognised against any right of use lease asset that is impaired. Lease ROU assets continue to be measured at cost after initial recognition in Commonwealth agency, GGS and Whole of Government financial statements.

Revaluations

Following initial recognition at cost, property, plant, and equipment (excluding ROU assets) are carried at fair value (or an amount not materially different from fair value) less subsequent accumulated depreciation and accumulated impairment losses. Valuations are conducted with sufficient frequency to ensure that the carrying amounts of assets did not differ materially from the assets' fair values as at the reporting date. The regularity of independent valuations depended upon the volatility of movements in market values for the relevant assets.

Revaluation adjustments are made on a class basis. Any revaluation increment is credited to equity under the heading of asset revaluation reserve except to the extent that it reversed a previous revaluation decrement of the same asset class that was previously recognised in the surplus/deficit. Revaluation decrements for a class of assets are recognised directly in the surplus/deficit except to the extent that they reversed a previous revaluation increment for that class.

Any accumulated depreciation as at the revaluation date is eliminated against the gross carrying amount of the asset and the asset restated to the revalued amount.

Depreciation

Depreciable property, plant and equipment assets are written-off to their estimated residual values over their estimated useful lives to the Office using, in all cases, the straight-line method of depreciation. Depreciation rates (useful lives), residual values and methods are reviewed at each reporting date and necessary adjustments are recognised in the current, or current and future reporting periods, as appropriate.

Depreciation rates applying to each class of depreciable asset are based on the lease terms for Leasehold improvements (2022: lease terms) and 3 to 25 years for Plant and equipment (2022: 3 to 25 years).

As at 30 June 2023 the useful life of asset class plant and equipment was assessed as part of the stocktake.

The depreciation rates for ROU assets are based on the commencement date to the earlier of the end of the useful life of the ROU asset or the end of the lease term.

Impairment

All assets were assessed for impairment at 30 June 2023. Where indications of impairment exist, the asset's recoverable amount is estimated and an impairment adjustment made if the asset's recoverable amount is less than its carrying amount.

The recoverable amount of an asset is the higher of its fair value less costs of disposal and its value in use. Value in use is the present value of the future cash flows expected to be derived from the asset. Where the future economic benefit of an asset is not primarily dependent on the asset's ability to generate future cash flows, and the asset would be replaced if the Office were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

Derecognition

An item of property, plant and equipment is derecognised upon disposal or when no further future economic benefits are expected from its use or disposal.

Intangibles

The Office's intangibles comprise internally developed software for internal use. These assets are carried at cost less accumulated amortisation and accumulated impairment losses. Software is amortised on a straight-line basis over its anticipated useful life. The useful lives of the entity's software are 1 to 15 years (2022: 1 to 15 years).

	2023 \$'000	2022 \$'000
2.3A: Suppliers		
Trade creditors and accruals	1,729	1,593
Total suppliers	1,729	1,593
2.3B: Other payables		
Salaries and wages	657	562
Superannuation	108	94
Separations and redundancies	-	347
Unearned income	-	460
Total other payables	765	1,463

2.4 Interest Bearing Liabilities

2.4A: Leases

Lease liabilities	6,537	5,819
Total leases	6,537	5,819
Maturity analysis - contractual undiscounted cash flows		
Within 1 year	2,750	2,569
Between 1 to 5 years	3,380	3,313
More than 5 years	791	-
Total leases	6,921	5,882

Total cash outflow for leases for the year ended 30 June 2023 was \$2.742m (2022: \$2.763m)

The Office in its capacity as lessee has two leases located in Canberra for its main office. Lease 1 is a 15 year lease and Lease 2 is a nine year lease. Both have fixed annual rent review escalation clauses and are due to expire in 2024.

The above lease disclosures should be read in conjunction with the accompanying notes 1.1B, 1.1D, and 2.2.

Accounting Policy

For all new contracts entered into, the Office considers whether the 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'.

Once it has been determined that a contract is, or contains a lease, 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 department's incremental borrowing rate.

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 to the lease. When the lease liability is remeasured, the corresponding adjustment is reflected in the right-of-use asset or profit and loss depending on the nature of the reassessment or modification.

2.5 Other Provisions

2.5A: Other provisions

	Provision for restoration \$'000
As at 1 July 2022	247
Unwinding of provision	(247)
Total as at 30 June 2023	-

3.1 Appropriations

3.1A: Annual appropriations ('recoverable GST exclusive')

Annual Appropriations for 2023

	Annual Appropriation ¹ \$'000	Adjustment to appropriation ² \$'000	Total appropriation \$'000	Appropriation applied in 2023 (current and prior years) \$'000	Variance ³ \$'000
Departmental					
Ordinary annual services	40,103	5,547	45,650	46,954	(1,304)
Capital Budget ⁴	834	-	834	610	224
Other services					
Equity Injections	-	-	-	314	(314)
Total departmental	40,937	5,547	46,484	47,878	(1,394)

1. An amount of \$0.653m has been withheld (Section 51 of the PGPA Act) as part of the October 2022-23 Budget measure *Savings from External Labour, and Savings from Advertising, Travel and Legal Expenses*.

2. Adjustments to appropriations includes adjustments to prior year annual appropriations including Advance to the Finance Minister (AFM), PGPA Act section 74 receipts and PGPA Act section 75 transfers.

3. The variance in ordinary annual services represents the application of current and prior year's appropriation and own-source revenue. The variance in capital budget of \$0.224m is the result of delays in planned expenditure on capital projects and is held for forward year spending. The variance in equity injections of \$0.314m is a result of a delay in spending the 2020-21 equity injection, which was completed in the 2022-23 year. The variances reflect drawdowns of prior year's appropriation and timing differences between expenses and cash flows.

4. Departmental Capital Budgets are appropriated through Appropriation Supply Acts (No.1,3,5). They form part of ordinary annual services and are not separately identified in the Appropriation Acts.
Annual Appropriations for 2022

	Annual Appropriation \$'000	Adjustment to appropriation ¹ \$'000	Total appropriation \$'000	Appropriation applied in 2022 \$'000	Variance ² \$'000
Departmental					
Ordinary annual services ¹	40,902	4,225	45,127	45,435	(308)
Capital Budget ³	856	-	856	173	683
Other services					
Equity Injections	-	-	-	554	(554)
Total departmental	41,758	4,225	45,983	46,162	(179)

1. Adjustments to appropriations includes adjustments to prior year annual appropriations including Advance to the Finance Minister (AFM), PGPA Act section 74 receipts and PGPA Act section 75 transfers.

2. The variance in ordinary annual services represents the application of current and prior year's appropriation and own-source revenue. The variance in capital budget of \$0.683m is the result of delays in planned expenditure on capital projects and is held for forward year spending. The variance in equity injections is a result of a delay in spending the 2020-21 equity injection, which partially occurred in the 2021-22 year. The variances reflect drawdowns of prior year's appropriation and timing differences between expenses and cash flows.

3. Departmental and Administered Capital Budgets are appropriated through Appropriation Acts (No.1,3,5). They form part of ordinary annual services and are not separately identified in the Appropriation Acts.

3.1B: Unspent annual appropriations ('recoverable GST exclusive')

	2023	2022
	\$'000	\$'000
Departmental		
Cash and cash equivalents		
Supply Act (No. 1) 2020-21 - Departmental Capital Budget	-	238
Appropriation Act (No. 1) 2020-21 - Departmental Capital Budget	-	341
Appropriation Act (No. 2) 2020-21 - Equity Injection ¹	40	354
Appropriation Act (No. 1) 2021-22	-	11,697
Appropriation Act (No. 1) 2021-22 - Departmental Capital Budget	826	856
Supply Act (No. 3) 2022-23 - Operating	10,393	-
Supply Act (No. 3) 2022-23 - Departmental Capital Budget	486	-
Supply Act (No. 1) 2022-23 - Departmental Capital Budget	348	-
Cash at Bank	236	246
Total appropriations receivable	12,329	13,732
Total Departmental	12,329	13,732

1. Appropriation Act (No 2) 2020-21 - Equity Injection will be repealed on 1 July 2023.

3.2 Net Cash Appropriation Arrangements

Total comprehensive loss - as per the Statement of Comprehensive Income	(3,065)	(656)
Plus: depreciation/amortisation of assets funded through appropriations (departmental capital budget funding and/or equity injections) ¹	1,599	1,730
Plus: depreciation of right-of-use assets ²	2,772	2,747
Less: lease principal repayments ²	(2,627)	(2,696)
Net Cash Operating (Deficit)/Surplus	(1,321)	1,125

1. From 2010-11, the Government introduced net cash appropriation arrangements where revenue appropriations for depreciation/amortisation expenses of non-corporate Commonwealth entities and selected corporate Commonwealth entities were replaced with a separate capital budget provided through equity appropriation injections. Capital budgets are to be appropriated in the period when cash payment for capital expenditure is required.

2. The inclusion of depreciation/amortisation expenses related to right-of-use leased assets and the lease liability principal repayment amount reflects the impact of AASB 16 Leases, which does not directly reflect a change in appropriation arrangements.

People and relationships

This section describes a range of employment and post employment benefits provided to our people and our relationships with other key people.

4.1 Employee Provisions

	2023 \$'000	2022 \$'000
4.1A: Employee provisions		
Leave	5,931	6,179
Total employee provisions	5,931	6,179

Accounting policy

Liabilities for short-term employee benefits and termination benefits expected within twelve months of the end of reporting period are measured at their nominal amounts.

Other long-term employee benefits are measured as net total of the present value of the defined benefit obligation at the end of the reporting period minus the fair value at the end of the reporting period of plan assets (if any) out of which the obligations are to be settled directly.

Leave

The liability for employee benefits includes provision for annual leave and long service leave.

The leave liabilities are calculated on the basis of employees' remuneration at the estimated salary rates that will be applied at the time the leave is taken, including the entity's employer superannuation contribution rates to the extent that the leave is likely to be taken during service rather than paid out on termination.

The liability for long service leave has been determined by reference to the estimated future cash flows to be made in respect to all employees as at 30 June 2023. The estimate of the present value of the liability takes into account attrition rates and pay increases through promotion and inflation.

Separation and Redundancy

Provision is made for separation and redundancy benefit payments. The Office recognises a provision for termination when it has developed a detailed formal plan for the terminations and has informed those employees affected that it will carry out the terminations.

Termination Benefits

For separations and redundancies, the nature of the benefit is mainly redundancy payments, the amount of its obligation is nil as at 30 June 2023 (2022: \$0.347m) and the extent of funding is nil as at 30 June 2023 (2022: \$0.377m).

Superannuation

The Office's staff are members of the Commonwealth Superannuation Scheme (CSS), the Public Sector Superannuation Scheme (PSS), or the PSS accumulation plan (PSSap), or other superannuation funds held outside the Australian Government.

The CSS and PSS are defined benefit schemes for the Australian Government. The PSSap is a defined contribution scheme.

The liability for defined benefits is recognised in the financial statements of the Australian Government and is settled by the Australian Government in due course. This liability is reported in the Department of Finance's administered schedules and notes.

The Office makes employer contributions to the employees' defined benefit superannuation scheme at rates determined by an actuary to be sufficient to meet the current cost to the Government. The entity accounts for the contributions as if they were contributions to defined contribution plans.

The liability for superannuation recognised as at 30 June represents outstanding contributions (refer note 2.3B).

4.2 Key Management Personnel Remuneration

Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the entity, directly or indirectly, including any director (whether executive or otherwise) of that entity. The Office has determined the key management personnel to be the Ombudsman, the Deputy Ombudsman, the Chief Operating Officer and the five Senior Assistant Ombudsmen. Key management personnel remuneration is reported in the table below.

	2023 \$'000	2022 \$'000
Short-term employee benefits	2,097	2,164
Post-employment benefits	312	299
Other long-term employee benefits	58	50
Total key management personnel remuneration expenses¹	2,467	2,513

The total number of key management personnel included in the above table is 16 (2022: 10 individuals), this includes substantive key management personnel and extended acting arrangements.

The above key management personnel remuneration excludes the remuneration and other benefits of the Portfolio Minister. The Portfolio Minister's remuneration and other benefits are set by the Remuneration Tribunal and are not paid by the Office.

1. During the 2022-23 financial year the Office identified an administrative error leading to an overpayment totalling \$56,960 to multiple key management personnel's over the last 5 financial years. The amount is not material and will be recovered. The overpayment is a recoverable payment to which section 16A of the *Remuneration Tribunal Act 1973* is applicable.

4.3 Related Party Disclosures

Related party relationships:

The Office is an Australian Government controlled entity. Related parties to this entity are Key Management Personnel including the Portfolio Minister and Executive, and other Australian Government entities.

Transactions with related parties:

Given the breadth of Government activities, related parties may transact with the government sector in the same capacity as ordinary citizens. Such transactions include the payment or refund of taxes, receipt of a Medicare rebate or higher education loans. These transactions have not been separately disclosed in this note.

Giving consideration to relationships with related entities, and transactions entered into during the reporting period by the entity, it has been determined that there are no related party transactions to be separately disclosed (2022: nil).

Managing Uncertainties

This section describes how The Office manages financial risks within its operating environment.

5.1 Managing Uncertainties

	2023 \$'000	2022 \$'000
5.1A: Categories of financial instruments		
Financial assets at amortised cost		
Cash and Cash Equivalents	236	246
Trade and Other Receivables	477	383
Total financial assets at amortised cost	713	629
Total financial assets	713	629
Financial liabilities measured at amortised cost		
Supplier Payables	1,729	1,593
Total financial liabilities measured at amortised cost	1,729	1,593
Total financial liabilities	1,729	1,593

Accounting Policy

Financial assets

In accordance with AASB 9 *Financial Instruments*, the Office classifies its financial assets measured at amortised cost.

The classification depends on both the Office's business model for managing the financial assets and contractual cash flow characteristics at the time of initial recognition. Financial assets are recognised when the Office becomes a party to the contract and, consequently, has a legal right to receive or a legal obligation to pay cash and derecognised when the contractual rights to the cash flows from the financial asset expire or are transferred upon trade date.

Financial Assets at Amortised Cost

Financial assets included in this category need to meet two criteria:

1. the financial asset is held to collect the contractual cash flows; and
2. the cash flows are solely payments of principal and interest (SPPI) on the principal outstanding amount.

Amortised cost is determined using the effective interest method.

Effective Interest Method

Income is recognised on an effective interest rate basis for financial assets that are recognised at amortised cost.

Impairment of Financial Assets

Financial assets are assessed for impairment at the end of each reporting period based on Expected Credit Losses, using the general approach which measures the loss allowance based on an amount equal to *lifetime expected credit losses* where risk has significantly increased, or an amount equal to *12-month expected credit losses* if risk has not increased.

The simplified approach for trade, contract and lease receivables is used. This approach always measures the loss allowance as the amount equal to the lifetime expected credit losses.

A write-off constitutes a derecognition event where the write-off directly reduces the gross carrying amount of the financial asset.

Financial liabilities

Financial liabilities are classified as either financial liabilities 'at fair value through profit or loss' or other financial liabilities. Financial liabilities are recognised and derecognised upon 'trade date'.

Financial Liabilities at Amortised Cost

Financial liabilities, including borrowings, are initially measured at fair value, net of transaction costs. These liabilities are subsequently measured at amortised cost using the effective interest method, with interest expense recognised on an effective interest basis.

Supplier and other payables are recognised at amortised cost. Liabilities are recognised to the extent that the goods or services have been received (and irrespective of having been invoiced).

5.2 Fair value Measurement

5.2A Fair Value Measurement

The Office's Leasehold improvements are their revalued amounts at 30 June 2023. The Office engaged an independent valuer to perform a valuation of these assets. These assets have been measured at Level 3 measurement in the fair value hierarchy.

The Office's Plant and Equipment was revalued at 30 June 2023. The Office engaged an independent valuer to undertake a comprehensive revaluation of the assets. These assets have been measured at Level 2 measurement in the fair value hierarchy.

	Fair value measurements at the end of the reporting period	
	2023 \$'000	2022 \$'000
Non-financial assets		
Leasehold improvements	1,855	2,381
Plant and Equipment	633	888
Total non-financial assets	2,488	3,269

Other information

6.1 Current/non-current distinction for assets and liabilities

6.1A: Current/non-current distinction for assets and liabilities

	2023 \$'000	2022 \$'000
Assets expected to be recovered in:		
No more than 12 months		
Cash and cash equivalents	236	246
Trade and other receivables	12,017	14,078
Prepayments	714	772
Total no more than 12 months	12,967	15,096
More than 12 months		
Leasehold improvements	7,850	7,884
Plant and equipment	633	888
Computer software	482	634
Total more than 12 months	8,965	9,406
Total assets	21,932	24,502
Liabilities expected to be settled in:		
No more than 12 months		
Suppliers	1,729	1,593
Other payables	765	1,463
Leases	2,631	2,528
Employee provisions	2,555	2,725
Total no more than 12 months	7,680	8,309
More than 12 months		
Leases	3,906	3,290
Employee provisions	3,376	3,454
Other provisions	-	247
Total more than 12 months	7,282	6,992
Total liabilities	14,962	15,301

Appendix 3: Information Publication Scheme

The Information Publication Scheme (IPS) applies to Australian Government agencies that are subject to the *Freedom of Information Act 1982*. The IPS requires an agency to publish a broad range of information on their website.

The Office of the Commonwealth Ombudsman's website makes available its IPS plan, describing how it complies with these requirements and giving access to information published under the IPS.

More information is available on the IPS page at ombudsman.gov.au.

Appendix 4: Management of human resources

Table 10: Term of senior executives (engaged for a period of 3 months or more, continuous)

Name	Position title	Term
Iain Anderson	Commonwealth Ombudsman	Appointed 1 August 2022
Penny McKay	Acting Ombudsman	Part year – to 31 July 2022
Penny McKay	Deputy Ombudsman	Part year – from 1 August 2022
Louise Macleod	Acting Deputy Ombudsman	Part year – to 31 July 2022
Lisa Collett	Chief Operating Officer	Full year
Emma Cotterill	Senior Assistant Ombudsman	Full year
David Fintan	Senior Assistant Ombudsman	Full year
Rebecca Vonthethoff	Senior Assistant Ombudsman	Part year – to 9 March 2023
Julia Galluccio	Senior Assistant Ombudsman	Part year – from 13 March 2023
Julia Taylor	Senior Assistant Ombudsman	Part year – to 31 July 2022
Carmen Miragaya	Acting Senior Assistant Ombudsman	26 August 2022 to 7 December 2022
Katrina Dwyer	Acting Senior Assistant Ombudsman	Part year – to 18 Nov 2022
Joanne Mulder	Senior Assistant Ombudsman	Part year – from 14 November 2022

Remuneration policy and practices

The Ombudsman and Deputy Ombudsman's remuneration is set by the Remuneration Tribunal under s 7 of the *Remuneration Tribunal Act 1973*.

Remuneration for senior executive employees of the Office is established through individual determinations made under s 24(1) of the *Public Service Act 1999* (Public Service Act). The Ombudsman determines salary rates for the Office's Senior Executive Staff (SES) in accordance with the Office's SES Remuneration Policy and with regard to SES remuneration levels across the Australian Public Service (APS) – as set out in the annual APS Remuneration Report, market forces and any applicable Australian Government policy/advice.

The Office's enterprise agreement (EA) and Public Service (s 24(1) Office of the Commonwealth Ombudsman Authority Non-SES Employees) Determination 2022/01 provide remuneration and conditions for all non-SES staff. The EA also allows individual flexibility arrangements for remuneration, superannuation, working hours, leave, allowance and overtime rates.

Table 11: Information about remuneration for key management personnel

Name	Position title	Short-term benefits			Post-employment benefits		Other long-term benefits			Termination benefits	Total remuneration
		Base salary	Bonuses	Other benefits and allowances	Superannuation contributions	Long service leave	Other long-term benefits				
Iain Anderson	Commonwealth Ombudsman	410,492	0	2,645	69,426	11,966	0	0	0	494,530	
Penelope McKay	Deputy Ombudsman	299,651	0	2,899	46,365	9,330	0	0	0	358,246	
Louise MacLeod	Acting Deputy Ombudsman	25,581	0	3,136	1,970	510	0	0	0	31,198	
Rebecca Vonthehoff	Senior Assistant Ombudsman / Acting Deputy Ombudsman	140,183	0	20,780	22,141	4,271	0	0	0	187,374	
Lisa Collett	Chief Operating Officer	197,161	0	27,589	34,013	4,979	0	0	0	263,742	
Emma Cotterill	Senior Assistant Ombudsman	193,705	0	27,887	37,618	4,890	0	0	0	264,100	
David Fintan	Senior Assistant Ombudsman	248,420	0	25,327	38,692	7,838	0	0	0	320,278	
Julia Galluccio	Senior Assistant Ombudsman	76,820	0	866	14,174	2,170	0	0	0	94,030	
Joanne Mulder	Senior Assistant Ombudsman	144,734	0	1,811	11,527	4,457	0	0	0	162,529	
Julia Taylor	Senior Assistant Ombudsman	16,740	0	3,136	1,914	487	0	0	0	22,277	
Katrina Dwyer	Acting Senior Assistant Ombudsman	75,195	0	818	9,050	2,223	0	0	0	87,286	

Name	Position title	Short-term benefits			Post-employment benefits		Other long-term benefits			Termination benefits	Total remuneration
		Base salary	Bonuses	Other benefits and allowances	Superannuation contributions	Long service leave	Other long-term benefits				
Frances Jensen	Acting Senior Assistant Ombudsman	19,559	0	421	3,147	566	0	0	0	23,693	
David McGregor	Acting Senior Assistant Ombudsman	23,417	0	561	3,881	586	0	0	0	28,445	
Carmen Miragaya	Acting Senior Assistant Ombudsman	51,245	0	887	9,764	1,644	0	0	0	63,541	
Susan Penn-Turrall	Acting Senior Assistant Ombudsman	23,374	0	1,570	3,002	676	0	0	0	28,622	
Hannah Walsh	Acting Senior Assistant Ombudsman	29,757	0	445	5,801	965	0	0	0	36,968	
Total		1,976,035	0	120,778	312,487	57,558	0	0	0	2,466,858	

Table 12: All ongoing employees current reporting period (2022-23)

	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
NSW	4	1	28	15	2	17	-	-	-	-	-	-	-	-	-	20
Qld	8	-	8	16	4	20	-	-	-	-	-	-	-	-	-	28
SA	16	1	17	9	7	33	-	-	-	-	-	-	-	-	-	33
Tas	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vic	8	3	11	15	6	21	-	-	-	-	-	-	-	-	-	32
WA	5	-	5	3	1	4	-	-	-	-	-	-	-	-	-	9
ACT	26	2	28	49	17	66	-	-	-	-	-	-	-	-	-	94
NT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
External Territories	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Overseas	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	67	7	74	106	36	142	-	-	-	-	-	-	-	-	-	216

Table 13: All non-ongoing employees current reporting period (2022–23)

	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
NSW	3	1	4	1	1	2	-	-	-	-	-	-	-	-	-	6
Qld	2	-	2	3	1	4	-	-	-	-	-	-	-	-	-	6
SA	5	-	5	3	2	5	-	-	-	-	-	-	-	-	-	10
Tas	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Vic	2	-	2	3	-	3	-	-	-	-	-	-	-	-	-	5
WA	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
ACT	8	1	9	15	6	21	-	-	-	-	-	-	-	-	-	30
NT	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
External Territories	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Overseas	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	20	2	22	25	10	35	-	-	-	-	-	-	-	-	-	57

Table 14: All ongoing employees previous reporting period (2021–22)

	Male			Female			Indeterminate			Total
	Full time	Part time	Total Male	Full time	Part time	Total Female	Full time	Part time	Total Indeterminate	
NSW	3	0	3	9	2	11	0	0	0	14
Qld	14	1	15	21	4	25	0	0	0	40
SA	11	0	11	16	5	21	0	0	0	32
Tas	0	0	0	0	0	0	0	0	0	0
Vic	8	2	10	15	6	21	0	0	0	31
WA	2	1	3	3	1	4	0	0	0	7
ACT	31	3	34	60	18	78	0	0	0	112
NT	0	0	0	0	0	0	0	0	0	0
External Territories	0	0	0	0	0	0	0	0	0	0
Overseas	0	0	0	0	0	0	0	0	0	0
Total	69	7	76	124	36	160	0	0	0	236

Table 15: All non-ongoing employees previous reporting period (2021–22)

	Male			Female			Indeterminate			Total
	Full time	Part time	Total Male	Full time	Part time	Total Female	Full time	Part time	Total Indeterminate	
NSW	0	0	0	0	0	0	0	0	0	0
Qld	0	0	0	3	0	3	0	0	0	3
SA	3	0	3	4	0	4	0	0	0	7
Tas	0	0	0	0	0	0	0	0	0	0
Vic	0	0	0	0	0	0	0	0	0	0
WA	0	0	0	0	0	0	0	0	0	0
ACT	5	2	7	14	6	20	0	0	0	27
NT	0	0	0	0	0	0	0	0	0	0
External Territories	0	0	0	0	0	0	0	0	0	0
Overseas	0	0	0	0	0	0	0	0	0	0
Total	8	2	10	21	6	27	0	0	0	37

Table 16: Australian Public Service Act ongoing employees current reporting period (2022–23)

	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
SES 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SES 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SES 1	1	-	1	4	-	4	-	-	-	-	-	-	-	-	-	5
EL 2	5	-	5	16	2	18	-	-	-	-	-	-	-	-	-	23
EL 1	17	4	21	25	10	35	-	-	-	-	-	-	-	-	-	56
APS 6	16	2	18	34	16	50	-	-	-	-	-	-	-	-	-	68
APS 5	15	-	15	18	5	23	-	-	-	-	-	-	-	-	-	38
APS 4	12	1	13	9	3	12	-	-	-	-	-	-	-	-	-	25
APS 3	1	-	1	-	-	-	-	-	-	-	-	-	-	-	-	1
APS 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
APS 1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	67	7	74	106	36	142	-	-	-	-	-	-	-	-	-	216

Table 17: Australian Public Service Act non-ongoing employees current reporting period (2022-23)

	Man/Male			Woman/Female			Non-binary			Prefers not to answer			Uses a different term			Total
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
SES 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SES 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
SES 1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
EL 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
EL 1	4	-	4	2	-	2	-	-	-	-	-	-	-	-	-	6
APS 6	2	-	2	3	3	6	-	-	-	-	-	-	-	-	-	8
APS 5	4	-	4	8	2	10	-	-	-	-	-	-	-	-	-	14
APS 4	10	2	12	12	5	17	-	-	-	-	-	-	-	-	-	29
APS 3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
APS 2	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
APS 1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total	20	2	22	25	10	35	-	-	-	-	-	-	-	-	-	57

Table 18: Australian Public Service Act ongoing employees previous reporting period (2021–22)

	Male			Female			Indeterminate				
	Full time	Part time	Total Male	Full time	Part time	Total Female	Full time	Part time	Indeterminate	Total	Total
SES 3	0	0	0	0	0	0	0	0		0	0
SES 2	0	0	0	0	0	0	0	0		0	0
SES 1	1	0	1	5	0	5	0	0		0	6
EL 2	5	0	5	19	3	22	0	0		0	27
EL 1	14	3	17	31	13	44	0	0		0	61
APS 6	19	3	22	37	9	46	0	0		0	68
APS 5	13	1	14	14	6	20	0	0		0	34
APS 4	17	0	17	18	5	23	0	0		0	40
APS 3	0	0	0	0	0	0	0	0		0	0
APS 2	0	0	0	0	0	0	0	0		0	0
APS 1	0	0	0	0	0	0	0	0		0	0
Other	0	0	0	0	0	0	0	0		0	0
Total	69	7	76	124	36	160	0	0		0	236

Table 19: Australian Public Service Act non-ongoing employees previous reporting period (2021–22)

	Male			Female			Indeterminate				
	Full time	Part time	Total Male	Full time	Part time	Total Female	Full time	Part time	Indeterminate	Total	Total
SES 3	0	0	0	0	0	0	0	0		0	0
SES 2	0	0	0	0	0	0	0	0		0	0
SES 1	0	0	0	0	0	0	0	0		0	0
EL 2	0	0	0	0	0	0	0	0		0	0
EL 1	0	0	0	2	1	3	0	0		0	3
APS 6	0	0	0	1	0	1	0	0		0	1
APS 5	6	0	6	7	1	8	0	0		0	14
APS 4	2	2	4	11	4	15	0	0		0	19
APS 3	0	0	0	0	0	0	0	0		0	0
APS 2	0	0	0	0	0	0	0	0		0	0
APS 1	0	0	0	0	0	0	0	0		0	0
Other	0	0	0	0	0	0	0	0		0	0
Total	8	2	10	21	6	27	0	0		0	37

Table 20: Australian Public Service Act employees by full time and part time status current reporting period (2022–23)

	Ongoing			Non-Ongoing			Total
	Full time	Part time	Total Ongoing	Full time	Part time	Total Non-Ongoing	
SES 3	-	-	-	-	-	-	-
SES 2	-	-	-	-	-	-	-
SES 1	5	-	5	-	-	-	5
EL 2	21	2	23	-	-	-	23
EL 1	42	14	56	6	-	6	62
APS 6	50	18	68	5	3	8	76
APS 5	33	5	38	12	2	14	52
APS 4	21	4	25	22	7	29	54
APS 3	1	-	1	-	-	-	-
APS 2	-	-	-	-	-	-	-
APS 1	-	-	-	-	-	-	-
Other	-	-	-	-	-	-	-
Total	173	43	216	45	12	57	273

Table 21: Australian Public Service Act employees by full time and part time status previous reporting period (2021–22)

	Ongoing			Non-Ongoing			Total
	Full time	Part time	Total Ongoing	Full time	Part time	Total Non-Ongoing	
SES 3	0	0	0	0	0	0	0
SES 2	0	0	0	0	0	0	0
SES 1	6	0	6	0	0	0	6
EL 2	24	3	27	0	0	0	27
EL 1	45	16	61	2	1	3	64
APS 6	56	12	68	1	0	1	69
APS 5	27	7	34	13	1	14	48
APS 4	35	5	40	13	6	19	59
APS 3	0	0	0	0	0	0	0
APS 2	0	0	0	0	0	0	0
APS 1	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
Total	193	43	236	29	8	37	273

Table 22: PGPA rule section 17AG(4)(b)(V) Australian Public Service Act employment type by location current reporting period (2022–23)

	Ongoing	Non-Ongoing	Total
NSW	20	6	26
Qld	28	6	34
SA	33	10	43
Tas	-	-	-
Vic	32	5	37
WA	9	-	9
ACT	94	30	124
NT	-	-	-
External Territories	-	-	-
Overseas	-	-	-
Total	216	57	273

Table 23: Australian Public Service Act employment type by location previous reporting period (2021–22)

	Ongoing	Non-Ongoing	Total
NSW	14	0	14
Qld	40	3	43
SA	32	7	39
Tas	0	0	0
Vic	31	0	31
WA	7	0	7
ACT	112	27	139
NT	0	0	0
External Territories	0	0	0
Overseas	14	0	14
Total	40	3	43

Table 24: Australian Public Service Act Indigenous employment current reporting period (2022–23)

	Total
Ongoing	8
Non-Ongoing	2
Total	10

Table 25: Australian Public Service Act Indigenous employment previous reporting period (2021–22)

	Total
Ongoing	6
Non-Ongoing	0
Total	6

Table 26: Australian Public Service Act employment arrangements current reporting period (2022–23)

	SES	Non-SES	Total
Office of the Commonwealth Ombudsman Enterprise Agreement 2017–20	-	253	253
Determinations under s 24(1)	5	-	5
Individual Flexibility Arrangements	-	15	15
Total	5	268	273

Table 27: Australian Public Service Act employment by salary range by classification level (minimum/maximum) current reporting period (2022–23)

	Minimum Salary	Maximum Salary
SES 3	-	-
SES 2	-	-
SES 1	\$168,515	\$198,315
EL 2	\$127,176	\$144,148
EL 1	\$109,871	\$117,945
APS 6	\$85,204	\$97,971
APS 5	\$78,883	\$83,648
APS 4	\$70,727	\$76,791
APS 3	\$63,459	\$68,492
APS 2	\$55,714	\$61,782
APS 1	\$49,228	\$54,412
Other	-	-
Minimum/Maximum range	\$49,228	\$198,315

Please note that salary scales are not inclusive of additional remuneration that may arise from individual flexibility arrangements.

Table 28: Australian Public Service Act employment performance pay by classification level current reporting period (2022–23)

	Number of employees receiving performance pay	Aggregated (sum total) of all payments made	Average of all payments made	Minimum payment made to employees	Maximum payment made to employees
SES 3	0	0	0	0	0
SES 2	0	0	0	0	0
SES 1	0	0	0	0	0
EL 2	0	0	0	0	0
EL 1	0	0	0	0	0
APS 6	0	0	0	0	0
APS 5	0	0	0	0	0
APS 4	0	0	0	0	0
APS 3	0	0	0	0	0
APS 2	0	0	0	0	0
APS 1	0	0	0	0	0
Other	0	0	0	0	0
Total	0	0	0	0	0

Appendix 5: Entity Resource Statement

Table 29: Entity resources statement 2022-23

	Actual available appropriation for 2022-23 \$'000 (a)	Payments made 2022-23 \$'000 (b)	Balance remaining 2022-23 \$'000 (a) - (b)
Departmental			
Annual appropriations - ordinary annual services ¹	59,554	47,878	11,676
Annual appropriations - other services - non-operating	0	0	0
Total departmental annual appropriations	0	0	0
Departmental special appropriations	0	0	0
Total special appropriations	0	0	0
Special accounts	0	0	0
Total special accounts	0	0	0
less departmental appropriations drawn from annual/special appropriations and credited to special accounts	0	0	0
Total departmental resourcing	59,554	47,878	11,676
Total resourcing and payments for the Office of the Commonwealth Ombudsman	59,554	47,878	11,676

1. Departmental Appropriation combines 'Ordinary annual services' (Appropriation Act No. 1), 'Ordinary annual services' (Appropriation Act No. 2) and 'Revenue from independent sources (S74)'.

Table 30: Resource summary: Expenses for outcome 1

Outcome 1: Fair and accountable administrative action by Australian Government entities and prescribed private sector organisations, by investigating complaints, reviewing administrative action and statutory compliance inspections and reporting.

	Budget ¹ 2022–23 \$'000	Actual expenses 2022–23 \$'000	Variance 2022–23 \$'000
Program 1.1: Office of the Commonwealth Ombudsman			
Departmental expenses			
Departmental appropriation	40,103	43,435	(3,332)
s 74 External Revenue	3,833	4,247	(414)
Special appropriations	0	0	0
Special accounts	0	0	0
Expenses not requiring appropriation in the Budget year ¹	3,813	1,798	2,015
Total for program 1.1	47,749	49,480	(1,731)
Total for outcome 1	47,749	49,480	(1,731)
Average Staffing Level (number)	228	281	(-53)

1. Expenses not requiring appropriation in the Budget are made up of depreciation expenses, amortisation expenses, make good expenses and audit fees.

Appendix 6: Ecologically sustainable development and environmental performance

Section 516A of the *Environment Protection and Biodiversity Act 1999* sets out the principles and framework for the Office to report on environmental matters. We also have an environmental management policy to help us manage activities in a sustainable manner. Our environmental impact is mainly through office-based energy consumption, paper resources, and waste management.

APS Net Zero 2030 emissions reporting

APS Net Zero 2030 is the Australian Government's policy for the Australian Public Service (APS) to reduce its greenhouse gas emissions to net zero by 2030, and transparently report on its emissions. As part of this, non-corporate and corporate Commonwealth entities are required to report on their operational greenhouse gas emissions.

The Greenhouse Gas Emissions Inventory presents greenhouse gas emissions over the 2022–23 period. Results are presented on the basis of carbon dioxide equivalent (CO₂-e) emissions. Greenhouse gas emissions reporting has been developed with methodology that is consistent with the whole of Australian Government approach as part of the APS Net Zero 2030 policy. Not all data sources were available at the time of the report and adjustments to baseline data may be required in future reports.

Table 31: Greenhouse Gas Emissions Inventory – location-based method 2022–23

Emission source	Scope 1 kg CO ₂ -e	Scope 2 kg CO ₂ -e	Scope 3 kg CO ₂ -e	Total kg CO ₂ -e
Electricity (location based approach)	N/A	171,753	17,286	189,039
Natural gas	-	N/A	-	-
Fleet vehicles	-	N/A	-	-
Domestic flights	N/A	N/A	93,373	93,373
Other energy	-	N/A	-	-
Total kg CO₂-e	-	171,753	110,659	282,412

Energy consumption

In 2022–23, the Office continued to manage its energy consumption. All new leasehold improvements have included smart lighting and the installation of LED globes to continue to provide efficient energy consumption.

Paper resources

The Office ensures we engage in digital recordkeeping and e-business practices to reduce paper use. Our paper supplies are either carbon neutral or manufactured from at least 50% recycled products. Other materials such as files, folders and unused stationery are recycled to reduce procurement activity for new stationery.

Waste management

We actively manage the waste we produce through several mechanisms:

- Recycling bins are provided in all offices to encourage recycling of waste, such as paper and cardboard packaging.
- All print toner cartridges are recycled.
- 'Follow me' printing is available in all offices. 'Follow me' printing allows users to print to a shared print queue, roam, and release their print job from any enabled output device. This ensures printing is confidential to the user and reduces printed waste from documents left uncollected at the printer. For example, all staff must release their print job at the physical printer, otherwise their individual print job is lost after one hour.
- Recycling bins are provided in kitchen breakout areas for plastic bottles and cans.

Appendix 7: Correction of material errors in previous annual report

The following errors were made in the 2021–22 annual report:

- Pages 13, 16, 137 and 152 refer to the National Preventative Mechanism instead of the National Preventive Mechanism.
- The 2021–22 report Appendix table: incorrectly stated the Commonwealth Scientific and Industrial Research Organisation assessed 2 disclosures as meeting the criteria under s 26 of the *Public Interest Disclosure Act 2013* (PID Act), when the number of disclosures assessed as a PID for the financial year was one.
- The 2021–22 report performance measure 3 on page 29 noted that the Office achieved 'Contacts 38,099 and Website visits 1,848,934'; this should be reported as a '4% decrease when measured against the previous year.

Appendix 8: Public Interest Disclosure

Table 32 and Table 33 detail the number of disclosures agencies assessed as meeting the criteria under s 26 of the *Public Interest Disclosure Act 2013* (PID Act); alleged kinds of disclosable conduct to which the disclosures relate; number of disclosure investigations completed during the financial year resulting in a report of the investigation under s 51 of the PID Act, and examples of actions taken during the financial year in response to recommendations relating to disclosure investigations.¹⁵

Table 32: Agency operation of the PID Act during the financial year

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ¹⁶) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ¹⁷
Administrative Appeals Tribunal	2	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (2) • Maladministration (1) • Conduct that may result in disciplinary action (1) 	4	<p>Review exit interviews to identify possible patterns</p> <p>Provide feedback</p>
Aged Care Quality and Safety Commission	1	<ul style="list-style-type: none"> • Maladministration (1) • Abuse of public trust (1) 	1	<p>Review PID process and procedures</p> <p>Executive leadership group PID refresher training</p>
Airservices Australia	1	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (1) • Conduct that may result in disciplinary action (1) 	Nil	Nil

15 The Office has made some changes to the report on the operation of the PID Act. This includes not aggregating agency data. This has resulted in some principal officers not providing information that is likely to enable the identification of a person who has made a PID or another person, or the inclusion would result in the document being a document that is exempt for the purpose of the PID Act (in accordance with s 76(4) of the PID Act). Where it is reported that an agency has 'Nil' content, this reflects the agency had no PID matters relevant to the column to report in the financial year. Where a principal officer has exercised discretion under s 76(4) not to provide information, this is represented by a dash.

16 Investigations finalised with a report of the investigation under s 51 of the PID Act.

17 Actions taken during the financial year in response to report recommendations relate to a PID investigation finalised in 2022-23. The investigations may have commenced in a previous financial year.

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ¹⁶) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ¹⁷
Australian Broadcasting Corporation	2	<ul style="list-style-type: none"> • Maladministration (2) 	1	Nil
Australian Competition and Consumer Commission	Nil	Nil	1	-
Australian Criminal Intelligence Commission	2	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (1) • Maladministration (1) • Abuse of office (2) • Conduct that may result in disciplinary action (1) 	Nil	Nil
Australian Electoral Commission	1	<ul style="list-style-type: none"> • Conduct that may result in disciplinary action (1) 	Nil	Nil
Australian Federal Police	1	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (1) • Conduct in a foreign country that contravenes a law (1) • Maladministration (1) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1) • Conduct that may result in disciplinary action (1) 	Nil	Nil

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ¹⁶) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ¹⁷
Australian Financial Security Authority	1	<ul style="list-style-type: none"> Conduct that may result in disciplinary action (1) 	Nil	Nil
Australian Government Department of Education	2	<ul style="list-style-type: none"> Contravention of a law of the Commonwealth, state or territory (5) Abuse of public trust (4) Wastage of public money (2) Conduct that may result in disciplinary action (1) 	2	-
Australian Institute of Aboriginal and Torres Strait Islander Studies	-	-	-	-
Australian Institute of Family Studies	Nil	Nil	1	-
Australian Institute of Health and Welfare	Nil	Nil	-	-
Australian Intelligence Agencies (Consolidated) ¹⁸	9	-	5	-

18 Aggregated disclosures received by Australian Geospatial-Intelligence Organisation, Australian Signals Directorate, Defence Intelligence Organisation, Australian Secret Intelligence Service, Australian Security Intelligence Organisation, Office of National Intelligence, and the Australian Federal Police and Australian Criminal Intelligence Commission in relation to their intelligence functions.

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ¹⁶) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ¹⁷
Australian Maritime Safety Authority	1	<ul style="list-style-type: none"> • Corruption (1) • Maladministration (1) • Conduct that endangers, or risks endangering, the environment (1) • Abuse of office (1) • Conduct that may result in disciplinary action (1) 	1	Nil
Australian Nuclear Science and Technology Organisation	1	<ul style="list-style-type: none"> • Maladministration (1) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1) • Conduct that may result in disciplinary action (1) 	1	Nil
Australian Pesticides and Veterinary Medicines Authority	2	<ul style="list-style-type: none"> • Maladministration (2) 	1	-
Australian Postal Corporation	14	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (7) • Perverting the course of justice (2) • Maladministration (8) • Conduct that may result in disciplinary action (4) 	10	<p>Principal contractor audits</p> <p>Quality assurance audits on processes</p> <p>Disciplinary action</p>

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ¹⁶) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ¹⁷
Australian Rail Track Corporation	5	<ul style="list-style-type: none"> • Maladministration (1) • Abuse of public trust (5) • Wastage of public money (1) • Abuse of office (3) • Conduct that may result in disciplinary action (5) 	2	Undertake additional training and refresher training
Australian Securities and Investments Commission	Nil	Nil	2	Monitoring and management actions implemented
Australian Taxation Office	6	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (1) • Maladministration (4) • Abuse of office (1) 	11	Nil
Australian Transaction Reporting and Analysis Centre	2	<ul style="list-style-type: none"> • Conduct that may result in disciplinary action (2) 	2	-
Australian Transport Safety Bureau	-	-	Nil	Nil
Bureau of Meteorology	1	<ul style="list-style-type: none"> • Perverting the course of justice (1) • Maladministration (1) • Conduct that may result in disciplinary action (1) 	Nil	Nil

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ¹⁶) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ¹⁷
Clean Energy Regulator	3	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (3) • Maladministration (1) • Abuse of public trust (1) • Wastage of public money (1) • Abuse of office (2) • Conduct that may result in disciplinary action (2) 	1	Nil
Comcare	3	<ul style="list-style-type: none"> • Corruption (1) • Maladministration (3) • Abuse of public trust (1) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (2) 	3	Nil

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ¹⁶) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ¹⁷
Commonwealth Ombudsman – Office ¹⁹	9	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (2) • Perverting the course of justice (1) • Corruption (1) • Maladministration (8) • Abuse of public trust (3) • Abuse of office (4) • Conduct that may result in disciplinary action (5) 	1	<p>Compulsory PID training for all staff</p> <p>Annual refresher PID training for all staff</p> <p>Review of agency policies and procedures</p> <p>Regular communication to staff about expectations their behaviour aligns with the APS Code of Conduct</p> <p>Regular training for senior managers and executives to ensure they are aware of, and supported to comply with, duties and obligations under the <i>Work Health and Safety Act 2011</i></p>
Commonwealth Scientific and Industrial Research Organisation	4	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (1) • Maladministration (3) • Wastage of public money (2) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (2) 	1	<p>Develop training and guidance material</p> <p>Referral to investigate under another Commonwealth law or process</p>

¹⁹ Like the Inspector-General of Intelligence and Security, the Office of the Commonwealth Ombudsman can receive disclosures about itself and about other agencies. Of the PIDs the Office assessed in 2022–23, all related to other Commonwealth agencies.

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ⁶⁵) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ¹⁷
Department of Agriculture, Fisheries and Forestry	4	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (1) • Perverting the course of justice (2) • Maladministration (1) 	1	Nil
Department of Defence	96	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (26) • Corruption (2) • Maladministration (48) • Abuse of public trust (3) • Wastage of public money (5) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (7) • Abuse of office (3) • Conduct that may result in disciplinary action (21) 	69	<p>Referral to investigate under another Commonwealth law or process</p> <p>Administrative action</p>
Department of Employment and Workplace Relations	-	-	-	Nil
Department of Foreign Affairs and Trade	2	<ul style="list-style-type: none"> • Wastage of public money (1) • Conduct that may result in disciplinary action (1) 	Nil	Nil

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ¹⁶) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ¹⁷
Department of Health and Aged Care	4	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (4) • Maladministration (2) • Wastage of public money (2) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1) • Conduct that may result in disciplinary action (1) 	4	-
Department of Home Affairs	3	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (2) • Perverting the course of justice (1) • Maladministration (1) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1) • Abuse of office (1) • Conduct that may result in disciplinary action (2) 	4	<p>Review processes and procedures, including standard operating procedures and guidance material</p> <p>Establish an escalation and issue resolution procedure</p> <p>Review training and refresher training to be held periodically</p>

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ¹⁶) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ¹⁷
Department of Industry, Science and Resources (including IP Australia and Geoscience Australia)	5	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (2) • Corruption (1) • Maladministration (6) • Fabrication, falsification, plagiarism or deception in relation to scientific research (1) • Wastage of public money (1) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1) • Abuse of office (3) • Conduct that may result in disciplinary action (4) 	4	<p>Consider another type of investigation</p> <p>Consider further support that can be provided about the Review of Action process</p> <p>Consider appropriate assurance measures</p>
Department of Infrastructure, Transport, Regional Development, Communications and the Arts	1	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (3) • Conduct that may result in disciplinary action (1) 	1	Nil
Department of Social Services	3	<ul style="list-style-type: none"> • Maladministration (2) • Abuse of office (3) • Conduct that may result in disciplinary action (2) 	2	-
Department of the Prime Minister and Cabinet	2	<ul style="list-style-type: none"> • Conduct that may result in disciplinary action (2) 	2	-

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ¹⁶) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ¹⁷
Department of Veterans' Affairs	7	<ul style="list-style-type: none"> • Maladministration (3) • Conduct that may result in disciplinary action (7) 	7	Referral to investigate under another Commonwealth law or process
Indigenous Land & Sea Corporation	2	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (1) • Corruption (1) • Maladministration (1) • Wastage of public money (1) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (2) • Conduct that may result in disciplinary action (5) 	1	Review of processes and procedures

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ¹⁶) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ¹⁷
National Disability Insurance Agency	12	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (10) • Perverting the course of justice (1) • Maladministration (11) • Abuse of public trust (3) • Wastage of public money (4) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (5) • Abuse of office (1) • Conduct that may result in disciplinary action (8) 	4	Review of policies and procedures
National Indigenous Australians Agency	2	<ul style="list-style-type: none"> • Maladministration (2) 	Nil	Nil
National Museum of Australia	1	-	Nil	Nil
National Offshore Petroleum Safety and Environmental Management Authority	1	<ul style="list-style-type: none"> • Maladministration (1) • Conduct that may result in disciplinary action (1) 	1	Code of conduct investigation undertaken

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ¹⁶) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ¹⁷
NBN Co Limited	5	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (4) • Maladministration (3) • Wastage of public money (2) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1) • Conduct that may result in disciplinary action (1) 	4	<p>Training and awareness on recruitment practices</p> <p>Review of company engagement survey</p> <p>Review of practices regarding flexible work arrangements</p>
NDIS Quality and Safeguards Commission	1	<ul style="list-style-type: none"> • Maladministration (1) • Abuse of public trust (1) • Abuse of office (1) • Conduct that may result in disciplinary action (1) 	1	<p>Commenced review of procurement functions</p> <p>Commenced review of conflict of interest policies and procedures</p>
Northern Australia Infrastructure Facility	-	-	-	Nil
Office of the Commonwealth Director of Public Prosecutions	1	<ul style="list-style-type: none"> • Conduct that may result in disciplinary action (1) 	Nil	Nil

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ¹⁶) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ¹⁷
Office of the Inspector-General of Intelligence and Security ²⁰	6	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (1) • Maladministration (3) • Wastage of public money (3) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (2) • Conduct that may result in disciplinary action (3) 	1	–
Reserve Bank of Australia	2	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (2) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (2) • Conduct that may result in disciplinary action (2) 	3	<p>Review of alternative arrangements for delivery of feedback</p> <p>Staff coaching and training</p>
Services Australia	7	<ul style="list-style-type: none"> • Corruption (1) • Maladministration (6) • Abuse of public trust (1) • Wastage of public money (3) • Abuse of office (1) • Conduct that may result in disciplinary action (2) 	3	<p>System enhancements</p> <p>Review of appropriate control plans, accountability mechanisms, and policies to facilitate the transparency of accountability</p>

²⁰ Like the Office of the Commonwealth Ombudsman, the Office of the Inspector-General of Intelligence and Security can receive disclosures both about itself and other agencies – in its case, Australian intelligence agencies.

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ¹⁶) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ¹⁷
The Australian Institute for Teaching and School Leadership	1	-	1	Develop a 'user guide' on conflict of interest and fraud policies Provide advice to staff regarding obligations around gift policy, conflict of interest, PID and stakeholder management
The Treasury	2	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (1) • Maladministration (1) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (2) • Abuse of office (1) 	Nil	Nil
Tiwi Land Council	-	-	Nil	-

Table 33: Agencies that reported not receiving PIDs or conducting PID investigations²¹

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ²²) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ²³
AAF Company (Army Amenities Fund)	Nil	Nil	Nil	Nil
Aboriginal Hostels Limited	Nil	Nil	Nil	Nil
Anindilyakwa Land Council	Nil	Nil	Nil	Nil
Army and Airforce Canteen Service (Frontline Defence Services)	Nil	Nil	Nil	Nil
Asbestos Safety and Eradication Agency	Nil	Nil	Nil	Nil
ASC Pty Ltd	Nil	Nil	Nil	Nil
Attorney-General's Department	Nil	Nil	Nil	Nil
Australia Council for the Arts	Nil	Nil	Nil	Nil
Australian Building and Construction Commission ²⁴	Nil	Nil	Nil	Nil
Australian Bureau of Statistics	Nil	Nil	Nil	Nil
Australian Centre for International Agricultural Research	Nil	Nil	Nil	Nil
Australian Commission for Law Enforcement Integrity	Nil	Nil	Nil	Nil
Australian Commission on Safety and Quality in Health Care	Nil	Nil	Nil	Nil
Australian Communications and Media Authority	Nil	Nil	Nil	Nil
Australian Curriculum, Assessment and Reporting Authority	Nil	Nil	Nil	Nil

21 These agencies may have been allocated a PID that was made to the Ombudsman.

22 Investigations finalised with a report of the investigation under s 51 of the PID Act.

23 Actions taken during the financial year in response to report recommendations relate to a PID investigation finalised in 2022–23, investigations may have commenced in a previous financial year.

24 As the Australian Building and Construction Commission was abolished in January 2023 the responses provided relate to the reporting period 1 July 2022 to 6 December 2022.

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ²²) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ²³
Australian Digital Health Agency	Nil	Nil	Nil	Nil
Australian Film, Television and Radio School	Nil	Nil	Nil	Nil
Australian Fisheries Management Authority	Nil	Nil	Nil	Nil
Australian Human Rights Commission	Nil	Nil	Nil	Nil
Australian Institute of Marine Science	Nil	Nil	Nil	Nil
Australian Law Reform Commission	Nil	Nil	Nil	Nil
Australian Military Forces Relief Trust Fund	Nil	Nil	Nil	Nil
Australian National Audit Office	Nil	Nil	Nil	Nil
Australian National Maritime Museum	Nil	Nil	Nil	Nil
Australian Naval Infrastructure Pty Ltd	Nil	Nil	Nil	Nil
Australian Organ and Tissue Donation and Transplantation Authority	Nil	Nil	Nil	Nil
Australian Prudential Regulation Authority	Nil	Nil	Nil	Nil
Australian Public Service Commission	Nil	Nil	Nil	Nil
Australian Radiation Protection and Nuclear Safety Agency	Nil	Nil	Nil	Nil
Australian Reinsurance Pool Corporation	Nil	Nil	Nil	Nil
Australian Renewable Energy Agency	Nil	Nil	Nil	Nil
Australian Research Council	Nil	Nil	Nil	Nil

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ²²) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ²³
Australian Skills Quality Authority ²⁵	Nil	Nil	Nil	Nil
Australian Sports Commission (Australian Institute of Sport)	Nil	Nil	Nil	Nil
Australian Sports Foundation Limited	Nil	Nil	Nil	Nil
Australian Strategic Policy Institute Ltd	Nil	Nil	Nil	Nil
Australian Trade and Investment Commission	Nil	Nil	Nil	Nil
Australian War Memorial	Nil	Nil	Nil	Nil
Bundanon Trust	Nil	Nil	Nil	Nil
Cancer Australia	Nil	Nil	Nil	Nil
Central Land Council	Nil	Nil	Nil	Nil
Civil Aviation Safety Authority	Nil	Nil	Nil	Nil
Clean Energy Finance Corporation	Nil	Nil	Nil	Nil
Climate Change Authority	Nil	Nil	Nil	Nil
Commonwealth Superannuation Corporation	Nil	Nil	Nil	Nil
Cotton Research and Development Corporation	Nil	Nil	Nil	Nil
Creative Partnerships Australia	Nil	Nil	Nil	Nil
Defence Housing Australia	Nil	Nil	Nil	Nil
Department of Climate Change, Energy, the Environment and Water	Nil	Nil	Nil	Nil
Department of Finance	Nil	Nil	Nil	Nil
Department of Parliamentary Services	Nil	Nil	Nil	Nil

²⁵ Australian Skills Quality Authority did not provide a survey response to this Office, so is included as a nil response.

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ²²) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ²³
Department of the House of Representatives	Nil	Nil	Nil	Nil
Department of the Senate	Nil	Nil	Nil	Nil
Digital Transformation Agency	Nil	Nil	Nil	Nil
Export Finance and Insurance Corporation (Export Finance Australia)	Nil	Nil	Nil	Nil
Fair Work Commission	Nil	Nil	Nil	Nil
Fair Work Ombudsman and Registered Organisations Commission Entity	Nil	Nil	Nil	Nil
Federal Court of Australia	Nil	Nil	Nil	Nil
Fisheries Research and Development Corporation	Nil	Nil	Nil	Nil
Food Standards Australia New Zealand	Nil	Nil	Nil	Nil
Future Fund Management Agency	Nil	Nil	Nil	Nil
Grains Research and Development Corporation	Nil	Nil	Nil	Nil
Great Barrier Reef Marine Park Authority	Nil	Nil	Nil	Nil
Hearing Australia	Nil	Nil	Nil	Nil
Independent Health and Aged Care Pricing Authority	Nil	Nil	Nil	Nil
Independent Parliamentary Expenses Authority	Nil	Nil	Nil	Nil
Indigenous Business Australia	Nil	Nil	Nil	Nil
Infrastructure Australia	Nil	Nil	Nil	Nil
Inspector-General of Taxation	Nil	Nil	Nil	Nil
Murray-Darling Basin Authority	Nil	Nil	Nil	Nil

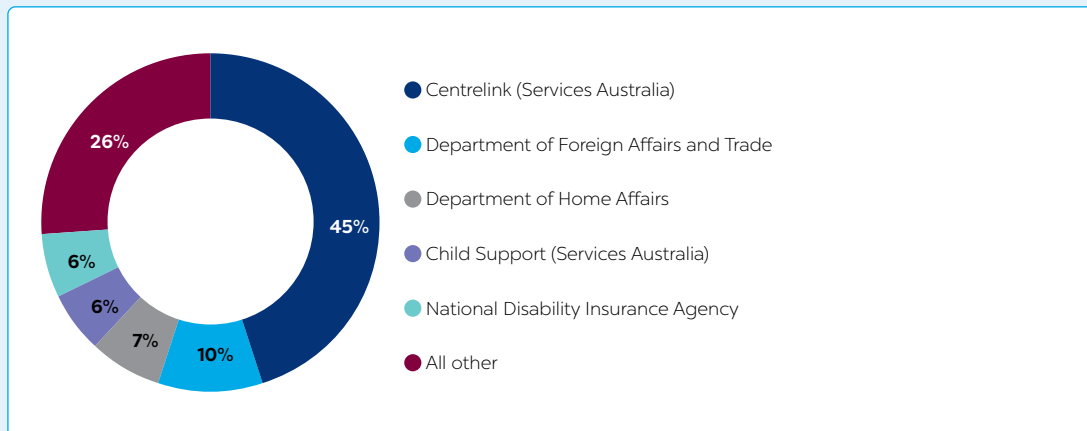
Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ²²) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ²³
Museum Of Australian Democracy	Nil	Nil	Nil	Nil
National Archives of Australia	Nil	Nil	Nil	Nil
National Australia Day Council Limited	Nil	Nil	Nil	Nil
National Blood Authority	Nil	Nil	Nil	Nil
National Capital Authority	Nil	Nil	Nil	Nil
National Competition Council	Nil	Nil	Nil	Nil
National Emergency Management Agency	Nil	Nil	Nil	Nil
National Faster Rail Agency	Nil	Nil	Nil	Nil
National Film and Sound Archive of Australia	Nil	Nil	Nil	Nil
National Gallery of Australia	Nil	Nil	Nil	Nil
National Health and Medical Research Council	Nil	Nil	Nil	Nil
National Health Funding Body	Nil	Nil	Nil	Nil
National Intermodal Corporation Limited	Nil	Nil	Nil	Nil
National Library of Australia	Nil	Nil	Nil	Nil
National Mental Health Commission	Nil	Nil	Nil	Nil
National Portrait Gallery of Australia	Nil	Nil	Nil	Nil
National Transport Commission	Nil	Nil	Nil	Nil
North Queensland Water Infrastructure Authority	Nil	Nil	Nil	Nil
Northern Land Council	Nil	Nil	Nil	Nil
NT Aboriginal Investment Corporation	Nil	Nil	Nil	Nil

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ²²) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ²³
Office of Parliamentary Counsel	Nil	Nil	Nil	Nil
Office of the Auditing and Assurance Standards Board	Nil	Nil	Nil	Nil
Office of the Australian Accounting Standards Board	Nil	Nil	Nil	Nil
Office of the Australian Information Commissioner	Nil	Nil	Nil	Nil
Office of the Commonwealth Ombudsman	Nil	Nil	Nil	Nil
Office of the Official Secretary to the Governor-General	Nil	Nil	Nil	Nil
Office of the Special Investigator	Nil	Nil	Nil	Nil
Outback Stores Pty Ltd	Nil	Nil	Nil	Nil
Parliamentary Budget Office	Nil	Nil	Nil	Nil
Productivity Commission	Nil	Nil	Nil	Nil
Professional Services Review	Nil	Nil	Nil	Nil
RAAF Welfare Recreational Company	Nil	Nil	Nil	Nil
Regional Investment Corporation	Nil	Nil	Nil	Nil
Royal Australian Air Force Welfare Trust Fund	Nil	Nil	Nil	Nil
Royal Australian Navy Central Canteens Board	Nil	Nil	Nil	Nil
Royal Australian Navy Relief Trust Fund	Nil	Nil	Nil	Nil
Rural Industries Research and Development Corporation	Nil	Nil	Nil	Nil
Safe Work Australia	Nil	Nil	Nil	Nil
Screen Australia	Nil	Nil	Nil	Nil

Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised ²²) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations ²³
Special Broadcasting Service Corporation	Nil	Nil	Nil	Nil
Sport Integrity Australia	Nil	Nil	Nil	Nil
Sydney Harbour Federation Trust	Nil	Nil	Nil	Nil
Tertiary Education Quality and Standards Agency	Nil	Nil	Nil	Nil
The Australian National University	Nil	Nil	Nil	Nil
The Coal Mining Industry (Long Service Leave Funding) Corporation	Nil	Nil	Nil	Nil
Torres Strait Regional Authority	Nil	Nil	Nil	Nil
Tourism Australia	Nil	Nil	Nil	Nil
Wine Australia	Nil	Nil	Nil	Nil
Workplace Gender Equality Agency	Nil	Nil	Nil	Nil
Wreck Bay Aboriginal Community Council	Nil	Nil	Nil	Nil
WSA Co Ltd	Nil	Nil	Nil	Nil

Appendix 9: The top 5 parliamentary complaints by agencies

Figure 8: Top 5 agencies by number of complaints



PART 8

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Part 8: References

Glossary

Term, acronym or abbreviation	Description or complete term
AAT	Administrative Appeals Tribunal
ABF	Australian Border Force
ACIC	Australian Criminal Intelligence Commission
ADF	Australian Defence Force
AEST	Australian Eastern Standard Time
AFP	Australian Federal Police
AGO	Australian Geospatial-Intelligence Organisation
APS	Australian Public Service
ARC	Audit and Risk Committee
ASD	Australian Signals Directorate
ASIO	Australian Security Intelligence Organisation
ASIS	Australian Secret Intelligence Service
ASQA	Australian Skills Quality Authority
ATO	Australian Taxation Office
Authorised officer	An officer appointed by the Principal Officer of an agency to receive and allocate public interest disclosures.
CO ₂ -e	Carbon dioxide equivalent
Complaint	<p>Contact with our Office indicating that something is unsatisfactory or unacceptable, in relation to an action by an agency or organisation within our jurisdiction. This includes:</p> <ul style="list-style-type: none">• complaints about an Australian Government agency, including the Australian Defence Force and the Australian Federal Police• complaints, including disputes, about public or private sector bodies received under any of the following jurisdictions: Postal Industry Ombudsman, Overseas Students Ombudsman, VET Student Loans Ombudsman, and Private Health Insurance Ombudsman• complaints about ACT Government agencies (under the ACT Ombudsman jurisdiction, including ACT FOI complaints, ACT PID complaints, and complaints about the ACT Integrity Commission)• complaints made about an agency or organisation within our jurisdiction, but where the issue raised is out of our jurisdiction (for example an immigration decision which was made by the Minister personally). We are unable to consider this situation further, but it is still counted as a complaint to our Office.

Term, acronym or abbreviation	Description or complete term
Contact	Any external contact to our Office. Contacts are made up of complaints, program specific matters, and any other enquiries.
COO	Chief Operating Officer
DEWR	Department of Employment and Workplace Relations
DFAT	Department of Foreign Affairs and Trade
DFO	Defence Force Ombudsman
DHA	Defence Housing Australia
DIO	Defence Intelligence Organisation
DVA	Department of Veterans' Affairs
EA	Enterprise Agreement
EC	Executive Committee
ESOS	Education Services for Overseas Students
Enquiry	<p>Any contact with our Office that is not a complaint or program specific matter. This can include:</p> <ul style="list-style-type: none"> • a request to the Office (for example a request from a journalist, a request under the FOI Act for documents we hold, a Public Interest Disclosure about us, or a service delivery complaint made about our own services) • a purported complaint about an agency or organisation which is determined to be out of our jurisdiction based on the organisation being complained about (for example telecommunications, banking, state government) • other enquiries (for example how do I make a complaint about Agency X; an enquiry about private health insurance; PID enquiries; and enquiries made to the ACT Ombudsman regarding FOI/Reportable Conduct, and complaint handling advice for providers).
FCA	Financial Counselling Australia
Finalised	A contact is finalised when we have finished taking action in response to that contact.
FOI Act	<i>Freedom of Information Act 1982</i>
ICT	Information and communication technology
IGIS	Inspector-General of Intelligence and Security
IPS	Information Publication Scheme
ITGC	Information and Technology Governance Committee
KPI	Key performance indicator
NPM	National Preventive Mechanism
OAIC	Office of the Australian Information Commissioner
ONI	Office of National Intelligence

Term, acronym or abbreviation	Description or complete term
OPCAT	Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
ORI	Ombudsman Republik Indonesia
OSHC	Overseas Student Health Cover
OSO	Overseas Students Ombudsman
Outcome	<p>The end result of a contact to our Office. These can vary depending on the type of contact, and can include:</p> <ul style="list-style-type: none"> • rectifying the situation for a person (such as restoring a payment, waiving a debt, a different decision, a better explanation from the agency, and an apology) • assistance or advice for a person (such as referral to a more appropriate avenue, a better explanation by us on review rights, advice on how to make a complaint, and an agency considering a matter in a timelier manner) • outcomes which reflect our role as independent and impartial (such as independent assurance that the agency's decision was lawful and reasonable) • outcomes for the broader community (such as changes to an agency's policies or practices)
Out of jurisdiction	A matter about which the Office has no legal power under the <i>Ombudsman Act 1976</i> to investigate.
Own motion investigation	An investigation conducted on the Ombudsman's own initiative.
PGPA Act	<i>Public Governance, Performance and Accountability Act 2013</i>
PHIO	Private Health Insurance Ombudsman
PID Act	<i>Public Interest Disclosure Act 2013</i>
PIO	Postal Industry Ombudsman
Privacy Act	<i>Privacy Act 1988</i>
Program specific matter	<p>An application, report or other statutory process, which requires processing by our Office, but is not a complaint. This includes:</p> <ul style="list-style-type: none"> • applications under the ACT FOI Act (review requests, extensions of time, etc) • reports of Defence abuse • PHIO mediations • FOI mediations • notifications under the ACT Reportable Conduct scheme • PIDs, extension requests and notifications.
PSGC	Protective Security Governance Committee
Public interest disclosure (PID)	Unless otherwise stated, this relates to an internal disclosure of wrongdoing which has been reported by a public official to an authorised internal recipient.
Public Service Act	<i>Public Service Act 1999</i>
SAO	Senior Assistant Ombudsmen

Term, acronym or abbreviation	Description or complete term
Serious abuse	'Serious abuse' (within Defence) is defined as sexual abuse, serious physical abuse, and serious bullying and harassment. All reports of abuse are assessed to determine whether the reported abuse meets this definition.
SES	Senior Executive Staff
SIA	Secretary Initiated Action
SLG	Senior Leadership Group
SME	Small and Medium Enterprise
SPB	Strategic Policy Board
SPT	UN Subcommittee on Prevention of Torture
The Office	The Office of the Commonwealth Ombudsman.
The Ombudsman	The person occupying the statutory position of Commonwealth Ombudsman.
TIA Act	<i>Telecommunications (Interception and Access) Act 1979</i>
TIS	Translating and Interpreting Service
TTY	Teletypewriter
VET	Vocational Education and Training
VOLT	Valuable Online Library Tool – a tool to help make operational information easily accessible to staff in a simple format.
VSLO	VET Student Loans Ombudsman
WHS Act	<i>Work Health and Safety Act 2011</i>
WHSC	Work Health and Safety Committee
Within jurisdiction	A contact about a matter the Office may investigate under the <i>Ombudsman Act 1976</i> .
WRC	Workplace Relations Committee

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List of requirements

PGPA rule reference	Part of report	Description	Requirement	Page
17AD(g) Letter of transmittal				
17AI		A copy of the letter of transmittal signed and dated by accountable authority on date final text approved, with statement that the report has been prepared in accordance with section 46 of the Act and any enabling legislation that specifies additional requirements in relation to the annual report.	Mandatory	6
17AD(h) Aids to access				
17AJ(a)	Table of contents		Mandatory	8-9
17AJ(b)	Part 8	Alphabetical index.	Mandatory	161-167
17AJ(c)	Part 8	Glossary of abbreviations and acronyms.	Mandatory	146-149
17AJ(d)	Part 8	List of requirements.	Mandatory	152-160
17AJ(e)		Details of contact officer.	Mandatory	5
17AJ(f)		Entity's website address.	Mandatory	5
17AJ(g)		Electronic address of report.	Mandatory	4
17AD(a) Review by Accountable Authority				
17AD(a)	Part 1	A review by the accountable authority of the entity.	Mandatory	14 -17
17AD(b) Overview of the entity				
17AE(1)(a)(i)	Part 2	A description of the role and functions of the entity.	Mandatory	20-23
17AE(1)(a)(ii)	Part 2	A description of the organisational structure of the entity.	Mandatory	25
17AE(1)(a)(iii)	Part 2	A description of the outcomes and programs administered by the entity.	Mandatory	24
17AE(1)(a)(iv)	Part 2	A description of the purposes of the entity as included in corporate plan.	Mandatory	19-26
17AE(1)(aa)(i)	Part 2	Name of the Accountable Authority or each member of the Accountable Authority.	Mandatory	25
17AE(1)(aa)(ii)	Part 2	Position of the Accountable Authority or each member of the Accountable Authority.	Mandatory	25
17AE(1)(aa)(iii)	Part 2	Period as the Accountable Authority or member of the accountable authority within the reporting period.	Mandatory	25

PGPA rule reference	Part of report	Description	Requirement	Page
17AE(1)(b)	N/A	An outline of the structure of the portfolio of the entity.	Portfolio departments - mandatory	N/A
17AE(2)	N/A	Where the outcomes and programs administered by the entity differ from any Portfolio Budget Statement, Portfolio Additional Estimates Statement or other portfolio estimates statement that was prepared for the entity for the period, include details of variation and reasons for change.	If applicable, mandatory	N/A
17AD(c) Report on the performance of the entity				
17AD(c)(i); 16F	Part 3	Annual performance statement	Mandatory	29-37
17AD(c)(ii) Report on financial performance				
17AF(1)(a)	Part 3	A discussion and analysis of the entity's financial performance.	Mandatory	37
17AF(1)(b)	Part 7	A table summarising the total resources and total payments of the entity.	Mandatory	116-117
17AF(2)	Part 3	If there may be significant changes in the financial results during or after the previous or current reporting period, information on those changes, including: the cause of any operating loss of the entity; how the entity has responded to the loss and the actions that have been taken in relation to the loss; and any matter or circumstances that it can reasonably be anticipated will have a significant impact on the entity's future operation or financial results.	If applicable, mandatory.	37
17AD(d) Management and accountability				
Corporate governance				
17AG(2)(a)	Part 6	Information on compliance with section 10 (fraud systems)	Mandatory	68
17AG(2)(b)(i)	Transmittal letter	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared.	Mandatory	6

PGPA rule reference	Part of report	Description	Requirement	Page
17AG(2)(b)(ii)	Transmittal letter	A certification by accountable authority that appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or reporting fraud that meet the specific needs of the entity are in place.	Mandatory	6
17AG(2)(b)(iii)	Transmittal letter	A certification by Accountable Authority that all reasonable measures have been taken to deal appropriately with fraud relating to the entity.	Mandatory	6
17AG(2)(c)	Part 6	An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance.	Mandatory	63-73
17AG(2)(d) - (e)		A statement of significant issues reported to Minister under paragraph 19(1)(e) of the Act that relates to non-compliance with Finance law and action taken to remedy non-compliance.	If applicable, Mandatory	N/A
Audit committee				
17AG(2A)(a)	Part 6	A direct electronic address of the charter determining the functions of the entity's audit committee.	Mandatory	65
17AG(2A)(b)	Part 6	The name of each member of the entity's audit committee.	Mandatory	66
17AG(2A)(c)	Part 6	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	Mandatory	66
17AG(2A)(d)	Part 6	Information about the attendance of each member of the entity's audit committee at committee meetings.	Mandatory	66
17AG(2A)(e)	Part 6	The remuneration of each member of the entity's audit committee.	Mandatory	66
External scrutiny				
17AG(3)	Part 6	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	Mandatory	68

PGPA rule reference	Part of report	Description	Requirement	Page
17AG(3)(a)	Part 6	Information on judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner that may have a significant effect on the operations of the entity.	If applicable, Mandatory	68
17AG(3)(b)		Information on any reports on operations of the entity by the Auditor-General (other than report under s 43 of the Act), a Parliamentary Committee, or the Commonwealth Ombudsman.	If applicable, Mandatory	N/A
17AG(3)(c)		Information on any capability reviews on the entity that were released during the period.	If applicable, Mandatory	N/A
Management of human resources				
17AG(4)(a)	Part 6	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives.	Mandatory	69-71
17AG(4)(aa)	Part 7	Statistics on the entity's employees on an ongoing and non-ongoing basis, including the following: (a) statistics on full-time employees; (b) statistics on part-time employees; (c) statistics on gender; (d) statistics on staff location.	Mandatory	105-115
17AG(4)(b)	Part 7	Statistics on the entity's APS employees on an ongoing and non-ongoing basis; including the following: <ul style="list-style-type: none"> • Statistics on staffing classification level; • Statistics on full-time employees; • Statistics on part-time employees; • Statistics on gender; • Statistics on staff location; • Statistics on employees who identify as Indigenous. 	Mandatory	105-115

PGPA rule reference	Part of report	Description	Requirement	Page
17AG(4)(c)	Parts 6 and 7	Information on any enterprise agreements, individual flexibility arrangements, Australian workplace agreements, common law contracts and determinations under ss 24(1) of the <i>Public Service Act 1999</i> .	Mandatory	70, 102
17AG(4)(c)(i)	Part 7	Information on the number of SES and non-SES employees covered by agreements etc identified in paragraph 17AG(4)(c).	Mandatory	114
17AG(4)(c)(ii)	Part 7	The salary ranges available for APS employees by classification level.	Mandatory	114
17AG(4)(c)(iii)	Parts 6 and 7	A description of non-salary benefits provided to employees.	Mandatory	70, 102–104
17AG(4)(d)(i)	Part 7	Information on the number of employees at each classification level who received performance pay.	If applicable, Mandatory	115
17AG(4)(d)(ii)	N/A	Information on aggregate amounts of performance pay at each classification level.	If applicable, Mandatory	N/A
17AG(4)(d)(iii)	N/A	Information on the average amount of performance payment, and range of such payments, at each classification level.	If applicable, Mandatory	N/A
17AG(4)(d)(iv)	N/A	Information on aggregate amount of performance payments.	If applicable, Mandatory	N/A
Assets management				
17AG(5)	N/A	An assessment of effectiveness of assets management where asset management is a significant part of the entity's activities.	If applicable, Mandatory	N/A
Purchasing				
17AG(6)	Part 6	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i> .	Mandatory	71-73

PGPA rule reference	Part of report	Description	Requirement	Page
Reportable consultancy contracts				
17AG(7)(a)	Part 6	A summary statement detailing the number of new reportable consultancy contracts entered into during the period; the total actual expenditure on all such contracts (inclusive of GST); the number of ongoing reportable consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	Mandatory	71-72
17AG(7)(b)	Part 6	A statement that “ <i>During [reporting period], [specified number] new reportable consultancy contracts were entered into involving total actual expenditure of \$[specified million]. In addition, [specified number] ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$[specified million].</i> ”.	Mandatory	72
17AG(7)(c)	Part 6	A summary of the policies and procedures for selecting and engaging consultants and the main categories of purposes for which consultants were selected and engaged.	Mandatory	71-72
17AG(7)(d)	Part 6	A statement that ‘ <i>Annual reports contain information about actual expenditure on contracts for consultancies. Information on the value of contracts and consultancies is available on the AusTender website.</i> ’	Mandatory	72
Reportable non-consultancy contracts				
17AG(7A)(a)	Part 6	A summary statement detailing the number of new reportable non-consultancy contracts entered into during the period; the total actual expenditure on such contracts (inclusive of GST); the number of ongoing reportable non-consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).	Mandatory	72

PGPA rule reference	Part of report	Description	Requirement	Page
17AG(7A)(b)	Part 6	A statement that "Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the value of reportable non-consultancy contracts is available on the AusTender website."	Mandatory	72
17AD(daa)	Part 6	Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts		72
17AGA	Part 6	Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts.	Mandatory	72-73

Australian National Audit Office access clauses

17AG(8)		If an entity entered into a contract with a value of more than \$100 000 (inclusive of GST) and the contract did not provide the AuditorGeneral with access to the contractor's premises, the report must include the name of the contractor, purpose and value of the contract, and the reason why a clause allowing access was not included in the contract.	If applicable, mandatory	N/A
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Exempt contracts

17AG(9)		If an entity entered into a contract or there is a standing offer with a value greater than \$10 000 (inclusive of GST) which has been exempted from being published in AusTender because it would disclose exempt matters under the FOI Act, the annual report must include a statement that the contract or standing offer has been exempted, and the value of the contract or standing offer, to the extent that doing so does not disclose the exempt matters.	If applicable, mandatory	N/A
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PGPA rule reference	Part of report	Description	Requirement	Page
Small business				
17AG(10)(a)	Part 6	A statement that “[Name of entity] supports small business participation in the Commonwealth Government procurement market. Small and Medium Enterprises (SME) and Small Enterprise participation statistics are available on the Department of Finance’s website.”	Mandatory	71
17AG(10)(b)	Part 6	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	Mandatory	71
17AG(10)(c)		If the entity is considered by the Department administered by the Finance Minister as material in nature – a statement that “[Name of entity] recognises the importance of ensuring that small businesses are paid on time. The results of the Survey of Australian Government Payments to Small Business are available on the Treasury’s website.’	If applicable, mandatory	N/A
Financial statements				
17AD(e)	Part 7	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	Mandatory	81-100
Executive remuneration				
17AD(da)	Part 7	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 23 of the Rule.	Mandatory	103-104

PGPA rule reference	Part of report	Description	Requirement	Page
17AD(f)	Other mandatory information			
17AH(1)(a)(i)	Part 6	If the entity conducted advertising campaigns, a statement that “ <i>During [reporting period], the [name of entity] conducted the following advertising campaigns: [name of advertising campaigns undertaken]. Further information on those advertising campaigns is available at [address of entity’s website] and in the reports on Australian Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance’s website.</i> ”	If applicable, mandatory	N/A
17AH(1)(a)(ii)	Part 6	If the entity did not conduct advertising campaigns, a statement to that effect.	If applicable, mandatory	72
17AH(1)(b)		A statement that ‘ <i>Information on grants awarded by [name of entity] during [reporting period] is available at [address of entity’s website].</i> ’	If applicable, mandatory	N/A
17AH(1)(c)	Part 6	Outline of mechanisms of disability reporting, including reference to website for further information.	Mandatory	71
17AH(1)(d)	Part 7	Website reference to where the entity’s Information Publication Scheme statement pursuant to Part II of FOI Act can be found.	Mandatory	101
17AH(1)(e)	Part 7	Correction of material errors in previous annual report.	If applicable, mandatory	120
17AH(2)	Parts 4,5,6 and 7	Information required by other legislation.	Mandatory	40-48 49-62 68-69 75-160

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