

Document 1

**Office of the Commonwealth Ombudsman
Complaint Handling Forum 2024
Session 1: Ombudsman Panel Discussion Run sheet**

Monday 27 October 2025, 12.00pm–1.30pm AEDT

Better Complaint Handling for a Fairer Future

This panel will discuss why every complaint matters and how better complaints handling can positively contribute to a fairer future.

AEDT time	Talking points	Presenter
11.30am–12.00pm	<p>Technical tests - Please be at Newcastle’s Lonsdale St Studio by 11am (14 Lonsdale Street, Braddon ACT 2612). Upon arrival at the boom gate, please call 0429 839 991.</p> <p>Note: As you will be in a studio environment on a green screen, please do not wear anything green, avoid small patterns, checked shirts or ties and any noisy or loose jewellery.</p>	All
12.00pm–12.10pm	<p>Jo Mulder (facilitator) - Introduction and house keeping</p> <ul style="list-style-type: none"> • Hi everyone, welcome to our first session, an Ombudsman panel discussion titled ‘Better Complaint Handling for a Fairer Future’. • My name is Joanne Mulder, and I am the Acting Deputy Ombudsman at the Office of the Commonwealth Ombudsman. • I’d like to begin by acknowledging the Traditional Custodians of the many lands upon which we meet today and pay my respects to Elders past and present. • I’d also like to extend my respects to any First Nations people joining us today. • Today is the first session for the 2025 Complaint Handling Forum. • The week of the Complaint Handling Forum marks an important opportunity for the complaint-handling community to come together to share insights, strengthen practice, and champion fairness across all of our systems. 	Jo Mulder (Facilitator)

	<ul style="list-style-type: none">• This year's theme for the forum is 'Every Complaint Matters: Better Complaint Handling for a Fairer Future', this reflects our shared commitment to continuous improvement and accessibility for all.• Over the next few days, we will hear from experts across a range of fields who are all driving change through culturally grounded, trauma-informed and disability-aware approaches.• The Complaint Handling Forum is about collaboration, learning from one another, identifying challenges, and celebrating innovation in how we listen and respond to complaints.• This opening panel brings together Ombudsmans from across jurisdictions to explore the key issues shaping complaint handling in 2025 and how each Ombudsman is implementing fairness within their complaints handling process.• This is an opportunity to hear directly from leaders about the trends, pressures and opportunities they are seeing across their Offices.• The panel sets the tone for the week, grounding our discussions in real-world challenges and reinforcing why our collective work matters for public trust and accountability.• By hearing from multiple Ombudsmans, we gain a broader perspective on how principles of fairness and integrity are being applied in practice and where they can continue to improve.• I'd like to thank Cynthia, Ruth and Iain for joining us today to discuss ways in which better complaints handling can contribute to a fairer future.• First, I'd like to introduce Ms Cynthia Gebert, Telecommunications Industry Ombudsman, joining us from Melbourne today.• Cynthia commenced as the Telecommunications Industry Ombudsman in May 2022 after serving as Victoria's Energy and Water Ombudsman for ten years.• Cynthia is a past Chair of the Australian and New Zealand Ombudsman Association (ANZOA) and an alumna of Leadership Victoria's Williamson Community Leadership Program.	
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	<ul style="list-style-type: none">• Cynthia has a Masters' degree in Dispute Resolution from the University of Technology, Sydney and a bachelor's degrees in law and political science from the University of Sydney.• Cynthia is also a graduate of the Australian Institute of Company Directors, a member of Chief Executive Women and the Chair of the Thriving Communities Partnership and Thriving Communities Foundation and a Director at Eltham College Limited. Welcome Cynthia.• Also joining us today is Ruth Owen, Taxation Ombudsman.• Ruth was appointed to the role of Tax Ombudsman in July 2024. Ruth brings a wealth of experience in tax, public administration and complaints management, having spent more than 30 years in various senior leadership positions across the public sector in Australia and the UK.• Her experience includes employment, social services, education and tax (as a Director General and Tax Commissioner of the UK Tax Office). Ruth received the Commander of the Order of the British Empire for her services to reducing unemployment during the Global Financial Crisis. Welcome Ruth.• Finally, I'd like to introduce Iain Anderson, the Commonwealth Ombudsman• Iain was appointed as the Commonwealth Ombudsman on the 1st of August 2022 for a 5-year term.• As the Commonwealth Ombudsman, Iain is also the ACT, Defence Force, Immigration, Law Enforcement, National Student, Private Health Insurance, Overseas Student, VET Student Loans and Postal Industry Ombudsman• Iain has extensive leadership experience and over 32 years of service before his appointment as Commonwealth Ombudsman.• Iain developed and implemented transformational change across a wide range of legal and social policy areas, including the	
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	<p>Commonwealth civil justice and criminal justice systems, family law, native title, Royal Commissions and Australia's territories.</p> <ul style="list-style-type: none">• Iain has worked in 6 different Commonwealth departments and agencies, including acting Secretary of the Attorney-General's Department for an extended period.• Iain is a Director of the Australian and Pacific Region of the International Ombudsman Institute and is on the Board of Directors for the Institute.• Iain also holds a Bachelor of Economics and a Bachelor of Laws from the university of Sydney.• Now that I have introduced the panel, let's kick off with the session.• To start the week, we're starting with a conversation that really sets the foundations for everything we will explore over the next few days.• This discussion will help you reflect on what's working well, what challenges remain, and how we can keep improving our approach to fairness and accountability.• As we move into the panel discussion, think about how these insights connect with your own organisation or work experiences and what lessons you might take forward.• If you have any questions you'd like to ask the panel, please enter them into the chat throughout the session and we will address them during the designated Q&A time at the end.• We want this to remain a safe and respectful environment.• As a room of complaints people I know that there can be a tendency to get into details, but in order to maintain privacy, we ask that you please do not include any personal information about complainants or any other person in your questions.	
12.10pm-12:40pm Panellists have	Okay, let's get into it. My first question is a heavy hitting one, let's get the panel warmed up:	Panel members and facilitator

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<p>around 10 minutes to speak each</p>	<ul style="list-style-type: none"> • what was your first job and what did you learn? • For example, my first job was selling shoes. • I learnt that even though I was shy and introverted, I loved engaging with customers and solving problems. • I also now have a lifelong love of shoes! <p>Put ice breaker questions to the panel.</p> <p>Thanks, now to the topic at hand.</p> <p>To start off, I'd like to invite the panel members to provide some opening remarks on today's topic, Better Complaints Handling for a Fairer Future.</p> <p>Panel members- we are very interested to hear from you.</p> <p>Why does fairness matter and what role does complaints handling play?</p>	
<p>12.40pm-1:00pm Panel members have @5 minutes each on this question</p>	<p>Panel members, I am also keen to hear more about how you bring this to life in your agency.</p> <p>What ideas can you share with participants today?</p> <p>We are interested in what has worked as well as lessons learned.</p>	<p>Panel members and facilitator</p>
<p>1.00-1.30pm</p>	<p>Questions from attendees</p>	<p>Panel members and facilitator</p>
<p>1.30pm</p>	<ul style="list-style-type: none"> • Thank you all for attending this session. • Before we end, we'd really appreciate it if you could please take the next two minutes to complete a quick feedback survey about this session. 	<p>Facilitator</p>

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	<ul style="list-style-type: none">• Your real-time feedback helps us improve the Complaint Handling Forum for the future.• You should now be seeing a QR code on your screen. If you can please scan this QR code with your mobile device, you will be taken to the survey.• Your feedback would be greatly appreciated.• If you have any problems with the QR code, the link to the survey will appear once you leave this session so you can access the survey that way too.• Thank you again for attending and have a great day.	
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Document 2

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CHF Ombudsman panel - Ombudsman talking points

Meeting details

DATE: Monday 27 October 2025

TIME: 12:00pm-1.30pm (Tech test 11am-12pm) ADST

LOCATION: Via Zoom

Talking points

Deputy Ombudsman Introduction

- *Approx 5 minutes*

The Deputy Ombudsman will open the panel discussion by putting the following question to all panel members:

Why does fairness matter and what role does complaints handling play?

Commented [MB1]: Create summary powerpoint slides if Ruth & Cynthia do - Damien would drive them

Ombudsman address

Opening

- Thank you, Jo, it is a pleasure to be here today.
- At the outset, I would like to associate myself with your acknowledgement of country. I'd like to begin by acknowledging the Traditional Owners of the land on which we meet today, and I would also like to pay my respects to Elders past and present.
- I will shortly address the topic, before I do I want to thank you all for attending the Complaints Handling Forum. Jo, myself, and the team, are excited about this year's theme and speakers- any conversation where we, as complaint handlers, talk about the people we serve is an important one. I hope that all attendees reflect, learn and share their reflections on both today and the sessions during the week.

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- I extend my thanks to Cynthia and Ruth. It is great to be here with you to speak on such an important topic. Fairness.
- Jo has asked us to speak on **Why fairness matters and what role complaints handling plays?**

[Why fairness matters]

- I want to start at the beginning. The creation of the Commonwealth Ombudsman in 1976, along with other changes to Australia's administrative law framework, were designed to provide greater fairness for people dealing with the Australian government – to give people the right to challenge government decisions and make a complaint about government services.
- Before that, it wasn't fair – Australian government agencies could refuse applications and claims without giving reasons, with no right of review other than through the courts – something that was too expensive and out of reach for the average person. Before the *Freedom of Information Act 1982*, people also did not have the right to access information the government held about them, that could inform a review request or complaint.
- The administrative law improvements of several decades ago were designed to provide greater fairness and accessibility for people dealing with government throughout the course of their lives.
- Since then, many new roles have been added to the Commonwealth Ombudsman's functions (20 roles in total now). Other ombudsmen have also been created for specific sectors and industries, demonstrating that ombudsman in Australia, and indeed around the world, continue to have a key role to play in promoting fair outcomes for people dealing with government and the private sector. Ombudsman functions are established across a wide range of services, I am here with my colleagues with oversight of Tax and Telecommunications, and there are many more of us!

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- It is still the case that mistakes are made, processes have flaws, and systems sometimes fail. That's why complaints handling still matters – to help identify when things have gone wrong, to try to find appropriate remedies for those affected and to try to ensure the same thing doesn't happen again – to deliver greater fairness for people going forwards.
- There is now greater recognition of the value of complaints in providing free feedback and highlighting areas for improvement. Generally, government agencies and other organisations recognise their obligation to try to fix mistakes and restore the person affected to the position they would have been in, if the defective administration had not occurred.
- However, we still find from time to time that some agencies delay and obfuscate; they may try to distract or divert us, or persuade us of their view, without providing the evidence we have asked for.
- In February 2025, the *Ombudsman Act 1976* (Cth) was changed. The law now requires agencies to use their best endeavours to assist the Ombudsman's Office do their work. We expect agencies to be more thorough in future when responding to our requests for information.
- Individually and systemically, we still find that the general public, on occasion, are impacted by unfair and unreasonable policies and procedures. Our recommendations aim to influence agencies to do better and to provide remedies to affected individuals.
- This is the core work of my Office – helping people, providing assurance on whether the government and private sector entities we oversee act with integrity, and promoting systemic improvement and fairness in public administration.
- But even with decades of Ombudsman investigations and recommendations for change across sectors, there is still more to do. We haven't done ourselves out of a job yet!

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**[what fairness is]**

- So, what is fairness?
- People should have reasonable access to apply for government services or benefits that they are entitled to access by law. This includes government making 'reasonable adjustments' to ensure sufficient access based on individual needs.
- Vulnerable members of our community do not always have the skills and experience to engage with complex government processes or to make formal complaints. Agencies should take a people-centred approach to communication and engagement, taking account of vulnerabilities from the outset and publishing clear and up-to-date information that is easily located and accessible.
- However issues of fairness extend beyond individuals who may lack skills and experience working with government. A lack of fairness can be experienced by anyone, when processes are unclear or unreasonable, when agencies do not listen or when processes limit the chance for views to be heard.
- Timeliness is a key part of fairness. Delayed access can amount to a denial of a service or entitlement enshrined in legislation. Agencies should not frustrate the Parliament's intentions or indirectly block access to services and benefits people are entitled to under the law, through poor administration.
- The Australian public also expects agencies and providers to deliver fair outcomes. While decisions may vary, there should be a level of consistency in similar circumstances. Agencies and providers should have appropriate policies and procedures to facilitate consistency (where decisionmakers have similar views on what constitutes fairness in a specific situation so that there are not fundamentally different outcomes on the same facts) and consideration of individual circumstances. Effective quality assurance processes are also necessary to mitigate the risk of inconsistent decision-making.

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**[Complaints and fairness]**

- Complaint handling contributes to fairness by bringing issues, failures and problems to light.
- We have a range of options to take those issues forward, ranging from:
 - transferring matters to the agency to take action to resolve the issue
 - publishing a report on the outcomes of our complaints investigations and making recommendations for improvements, and
 - everything in between - early resolution and conciliation processes also play a key role.
- Unfortunately, sometimes we observe the same types of errors being made again, even after we have pointed out the problem to an agency.
- In a recent report, I had to recommend the agency provide apologies and advise people affected by serious errors of their right to make a claim under the Compensation for Detriment Caused by Defective Administration (CDDA).
- The CDDA scheme was created to provide a level of compensation to those affected by administrative errors and is one way of trying to restore a level of fairness when things go wrong.
- Most of you on the line today will have had similar examples in your work. Ombudsmen can drive fairness - by resolving complaints or reporting on more systemic issues, in sharing our views and recommending improvements.
- It is essential that a fairness lens applies to all our work. Every complaint matters.

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- The way that agencies work is changing, and Ombudsmen functions are not immune. We need to both engage with Artificial Intelligence (AI) in the delivery of our own work but also ensure that we play a role in ensuring fairness for the general public, as agencies in our oversight engage further with technology.
- Agencies need to be willing to consider that an automated output could be wrong or unfair, and to be prepared to check that output if there is a serious question about it.
- A recent report, 'what if the computer is wrong?' asks agencies to consider if the lessons learnt from this investigation could apply to their day-to-day activities. My team will drop a link to this report in the chat.
- There are lessons to be learnt from individual complaints and systemic issues, even when it occurs in another agency or provider. By applying the insights gained, we can make improvements that make it fairer for everyone going forwards.
- As I hand back to Jo and the panel, I ask everyone to reflect in the coming days on the following:
 - in your own practice, what do you do every day to ensure that the individual you are working with or who is impacted by your work is heard?
 - What have you done to ensure that you have taken reasonable steps to understand their lived experience?
 - Is what has occurred fair in all the circumstances?
 - And if not, what can be done?

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**Question 2****How do you bring this to life in your agency?**

- We ask government and other entities to continually improve how they engage with complaints: we should shine the same light on ourselves and ask ourselves to also keep improving.
- In recent years my Office has improved the way we follow up on agencies' implementation of recommendations, to ensure agencies 'do what they said they would do'.
- On our website, you'll find a range of 'actions speak' reports (actions speak louder than words) that set out our views on whether agencies have acted to implement our recommendations and to what extent, based on our assessment of further evidence submitted by agencies.
- By ensuring that agencies make the changes we have recommended, we seek to ensure complaints contribute to greater fairness for others going forwards.
- Sometimes we find the agency we previously investigated has more work to do to implement many of our recommendations and suggestions effectively. It may have made progress in some areas, but in others, it can do more. In these instances, we stay on the case, making further recommendations for the agency to action.
- As mentioned, we also publish reports on key complaints investigations where it is in the public interest to share the lessons learnt – to help agencies, Parliament and the community understand how government administration should be improved.
- Sharing our clear, transparent and accessible reports informs the public to shine a light of transparency as we hold government and agencies to account. We also ask for feedback through engaging with a broad stakeholder base.

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- Our current strategic priorities are anchored in 3 central themes:
 - Innovate and evolve: further enhancing our performance in handling complaints by investing in the tools, technologies and systems that we need to effectively carry out our activities.
 - Impact and influence: influencing outcomes for individuals and impacting broader administrative improvement by highlighting issues, outlining our concerns and making recommendations for improvements.
 - Curiosity and capability: we want to support our staff to have courage and curiosity, to exercise judgement and to be decisive in their actions. We want to do this in a culture that is inclusive, where we seek out and consider diverse perspectives and encourage everyone to have their say.
- As I hand back to Jo and the panel, I'm interested to hear what Ruth and Cynthia have to share from their perspectives too.

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Document 3

DATE: Monday 27 October 2025, 12:00pm–1.30pm (Tech test 11am–12pm)

Deputy Ombudsman Introduction

- *Approx 5 minutes*

The Deputy Ombudsman will open the panel discussion by putting the following question to all panel members:

Why does fairness matter and what role does complaints handling play?

Ombudsman address

Opening

- Thank you, Jo, it is a pleasure to be here today.
- At the outset, I would like to associate myself with your acknowledgement of country. I'd like to begin by acknowledging the Traditional Owners of the land on which we meet today, and I would also like to pay my respects to Elders past and present.
- I will shortly address the topic, but before I do I want to again welcome all of our attendees and thank you all for attending the Complaints Handling Forum. We're very excited about this year's theme and speakers. Any conversation where we, as complaint handlers, talk about the people we seek to provide a service to is an important one. I hope that all attendees reflect, learn and share their reflections on both today and the sessions during the week.
- I extend my thanks to Cynthia and Ruth. It is great to be here with you to speak on such an important topic – **fairness**.
- Jo has asked us **Why fairness matters and what role complaints handling plays?**

[Why fairness matters]

- I want to start at the beginning. The creation of the Commonwealth Ombudsman in 1976, as part of a package of reforms to create a federal administrative law framework, was designed to provide greater fairness for people dealing with the Australian government –

to give people the right to challenge government decisions and make a complaint about government services. In the initial thinking, the Ombudsman was named “the grievance man”.

- The situation before that wasn’t fair: Australian government agencies could refuse complaints without giving reasons, with no right of review of decisions other than through the State supreme courts in very limited circumstances – something that was expensive, time-consuming, and ultimately could not address the merits of the decision appealed against, only its legality.
- Before the *Freedom of Information Act 1982*, people also did not have the right to access information the government held about them, which could inform a request for review or a complaint.
- It’s not that public servants back then were evil and treated the public with contempt, but public administration was certainly not “people-centred”. Looking back on some of the very early correspondence between agency heads and my predecessors, the concept of needing to explain a decision to a member of the public, of being accountable to the community, was greeted with a mixture of suspicion and bemusement.
- Those administrative law reforms of nearly 5 decades ago were designed to provide greater fairness and accessibility for people dealing with government in their daily lives. And now, agencies deal with many more complaints than my Office does, and deal with many of them well and in a way that resolves the complaint.
- Since then, the institution of Ombudsman – or “the people’s representative”, as it means in the original Swedish – has spread across the globe. And it is a pleasure to be here today with my Ombudsman colleagues with oversight of tax administration and the telecommunications sector.
- When my Office was first created, it was thought likely that the majority of complaints would turn out to be unfounded – the NZ Ombudsman experience was observed, where 20% of complaints were being upheld. But even if a complaint is not upheld, the process of being heard can itself provide fairness.

- And in any event it is still the case that mistakes are made, processes have flaws, and systems sometimes fail. That's why complaints handling still matters – to help identify when things have gone wrong, to try to find appropriate remedies for those affected and to try to ensure the same thing doesn't happen again – to deliver greater fairness for people going forwards. And even when things have not gone wrong, it can be very powerful to provide a better explanation to a complainant – to equip them better for dealing with a situation or an agency in future.
- There is now greater recognition of the value of complaints in providing free feedback and highlighting areas for improvement. Generally, agencies recognise their obligation to try to fix mistakes and restore the person affected to the position they would have been in, if the defective administration had not occurred.
- However, we still find from time to time that some agencies delay and obfuscate; they may just try to assure us that everything is above board, rather than providing the evidence we have asked for.
- In February 2025, the *Ombudsman Act 1976* (Cth) was changed: it now requires public sector agencies in my Commonwealth jurisdiction to use their best endeavours to assist us to perform our functions. We expect agencies to have this in mind when responding to our requests for information.
- Individually and systemically, we still find that the general public can be impacted by unfair and unreasonable policies and procedures. Our recommendations aim to influence agencies to do better and to provide remedies to affected individuals.
- This is the core work of my Office – helping people, providing assurance on whether the government and private sector entities we oversee act with integrity, and promoting systemic improvement and fairness in public administration.

[what fairness is]

- So, what is fairness, and why is it important?

- it goes to better decision-making; better use of resources as a result of better decision-making; and as a result, better outcomes from programs for both individuals and the community
- It is not about giving everyone a handout, or being a bleeding heart; about always saying yes, everyone gets a pony. Agencies need to be fair to the broader community when administering programs, as well as to the individuals seeking to engage with that program. That broader fairness includes being efficient in the design and implementation of agency programs
- At the same time, in my view, respecting rights, and being fair, makes us stronger as a diverse, pluralistic, democratic society – not weaker
- There is a current debate around productivity and regulation – yes oversight agencies can and should focus on how to deliver their functions effectively, and should avoid pettifogging, but on the other hand entities should also be interested in delivering their functions effectively and not just defaulting to their own convenience as the driver for how they deliver services
- Too often I see agency convenience as the reason why agencies have not complied with the law, affecting the lives of large numbers of Australians
- My jurisdiction = unlawful, unreasonable, unjust, improperly discriminatory, wrong in all the circumstances
- Unfairness can be legal – parltis and communities can decide to set unfair policies – cf weaponising child support OMI
- Fairness is not necessarily about outcomes – I mentioned earlier the power of a better explanation; the power of being heard; the power of an apology
- People should have reasonable access to apply for government services or benefits that they are entitled to access by law. This includes government making ‘reasonable adjustments’ to ensure sufficient access based on individual needs.

- Vulnerable members of our community do not always have the skills and experience to engage with complex government processes or to make formal complaints. Agencies should take a people-centred approach to communication and engagement, taking account of vulnerabilities from the outset and publishing clear and up-to-date information that is easily located and accessible.
- issues of fairness extend beyond individuals who may lack skills and experience working with government. A lack of fairness can be experienced by anyone, when processes are unclear or unreasonable, when agencies do not listen or when processes unreasonably limit the chance for views to be heard.
- Fairness is subjective. And while discretionary decisions may properly vary, there should still be a level of consistency in similar circumstances. Agencies and providers should have appropriate policies and procedures to facilitate consistency, so that there are not fundamentally different outcomes on the same facts, and consideration of individual circumstances. Effective quality assurance processes are also necessary to mitigate the risk of inconsistent decision-making.

Question 2

How do you bring this to life in your agency?

- We ask government and other entities to continually improve how they engage with complaints: we should shine the same light on ourselves and ask ourselves to also keep improving.
- “Independent and impartial” means something
- systemic actions and ability to impact those who don’t complain/don’t know you exist – and systemic actions are typically informed by actual complaints you’ve received
- All complaints are intelligence
- All complaints are feedback

- Not all complaints are equal – may all be understandably aggrieved, but some are OoJ, not able to assist, have better alternative avenues available (eg tribunals), or not treated wrongly
- Fairness to complainants also means not over-servicing some complainants at the expense of others
- I'm obliged to receive complaints but have the discretion to decide what to do with them – including not investigating because it is >12 months old, or is not warranted in all the circumstances
- Sometimes “not warranted in all the circumstances” is because we can get an outcome without investigating
- Note breadth of options available – eg informal, reach out to entity, point out how they could fix issue (eg AusPost issue); preliminary inquiry v formal investigation; public v private; statements v reports; individual v systemic action. We have a lot of discretion and flexibility in how we perform our role, which is a real asset that we should be making use of.
- Acknowledge our own challenges – need good processes, supports/guidance, external comms for complainants, culture – we expect a lot of junior staff, who have challenging role of making timely assessments of whether something is wrong or not and if so what should we do about it – Omb philosophy relies on balancing RC powers with recs and recs only able to be made by Omb; I have 36 years varied experience to assist me, my staff don't, so we work at helping staff understand how I think about issues (eg clinics); of understanding we're not a court and that perfect can be the enemy of good (although not acceptable to be careless); importance of curiosity, diligence, forensic thinking; importance of internal reviews and being open to possibility we got it wrong; of always seeking to learn and improve; of holding ourselves to account;
- Currently our complainant satisfaction is not where I want it to be, and I have set addressing our service on individual complaints as a priority in our latest Corporate Plan.
- Our current strategic priorities are anchored in 3 central themes:

- Innovate and evolve: further enhancing our performance in handling complaints by investing in the tools, technologies and systems that we need to effectively carry out our activities.
 - Impact and influence: influencing outcomes for individuals and impacting broader administrative improvement by highlighting issues, outlining our concerns and making recommendations for improvements.
 - Curiosity and capability: we want to support our staff to have courage and curiosity, to exercise judgement and to be decisive in their actions. We want to do this in a culture that is inclusive, where we seek out and consider diverse perspectives and encourage everyone to have their say.
- In recent years my Office has improved the way we follow up on agencies' implementation of recommendations, to ensure agencies 'do what they said they would do'.
 - On our website, you'll find a range of 'actions speak' reports (actions speak louder than words) that set out our views on whether agencies have acted to implement our recommendations and to what extent, based on our assessment of further evidence submitted by agencies.
 - As mentioned, we also publish reports on key complaints investigations where it is in the public interest to share the lessons learnt – to help agencies, Parliament and the community understand how government administration should be improved.
 - Strategic and systemic investigations and actions are informed by individual complaints, but are also a way to assist many many more people – who many not have complained, who many not have known they could complain, who may not have known there was an alternative to the decision that has impacted them.
 - Sharing our clear, transparent and accessible reports informs the public to shine a light of transparency as we hold government and agencies to account. We also ask for feedback through engaging with a broad stakeholder base.

Document 4

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Deputy Ombudsman Introduction

- *Approx 5 minutes*

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Why does fairness matter and what role does complaints handling play?

Ombudsman address

Opening

- Thank you, Jo, it is a pleasure to be here today.
- At the outset, I would like to associate myself with your acknowledgement of country. I'd like to begin by acknowledging the Traditional Owners of the land on which we meet today, and I would also like to pay my respects to Elders past and present.
- I will shortly address the topic, but before I do I want to again welcome all of our attendees and thank you all for attending the Complaints Handling Forum. We're very excited about this year's theme and speakers. Any conversation where we, as complaint handlers, talk about the people we seek to provide a service to is an important one. I hope that all attendees reflect, learn and share their reflections on both today and the sessions during the week.
- I extend my thanks to Cynthia and Ruth. It is great to be here with you to speak on such an important topic - **fairness**.
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- Since then, the institution of Ombudsman – or “the people’s representative”, as it means in the original Swedish – has spread across the globe. And it is a pleasure to be here today with my Ombudsman colleagues with oversight of tax administration and the telecommunications sector.
- When my Office was first created, it was thought likely that the majority of complaints would turn out to be unfounded – the NZ Ombudsman experience was observed, where 20% of complaints were being upheld. But even if a complaint is not upheld, the process of being heard can itself provide fairness.

- And in any event it is still the case that mistakes are made, processes have flaws, and systems sometimes fail. That's why complaints handling still matters – to help identify when things have gone wrong, to try to find appropriate remedies for those affected and to try to ensure the same thing doesn't happen again – to deliver greater fairness for people going forwards. And even when things have not gone wrong, it can be very powerful to provide a better explanation to a complainant – to equip them better for dealing with a situation or an agency in future.
- There is now greater recognition of the value of complaints in providing free feedback and highlighting areas for improvement. Generally, agencies recognise their obligation to try to fix mistakes and restore the person affected to the position they would have been in, if the defective administration had not occurred.
- However, we still find from time to time that some agencies delay and obfuscate; they may just try to assure us that everything is above board, rather than providing the evidence we have asked for.
- In February 2025, the *Ombudsman Act 1976* (Cth) was changed: it now requires public sector agencies in my Commonwealth jurisdiction to use their best endeavours to assist us to perform our functions. We expect agencies to have this in mind when responding to our requests for information.
- Individually and systemically, we still find that the general public can be impacted by unfair and unreasonable policies and procedures. Our recommendations aim to influence agencies to do better and to provide remedies to affected individuals.
- This is the core work of my Office – helping people, providing assurance on whether the government and private sector entities we oversee act with integrity, and promoting systemic improvement and fairness in public administration.

[what fairness is]

- So, what is fairness, and why is it important?



- it goes to better decision-making; better use of resources as a result of better decision-making; and as a result, better outcomes from *Govt* programs for both individuals and the community
- It is not about giving everyone a handout, or being a bleeding heart; about always saying yes, everyone gets a pony. Agencies need to be fair to the broader community when administering programs, as well as to the individuals seeking to engage with that program. That broader fairness includes being efficient in the design and implementation of agency programs
- At the same time, in my view, respecting rights, and being fair, makes us stronger as a diverse, pluralistic, democratic society - not weaker
- There is a current debate around *the intention between* productivity and regulation - yes oversight agencies can and should focus on how to deliver their functions effectively, and should avoid pettifogging, but on the other hand entities should also be interested in delivering their functions effectively and not just defaulting to their own convenience as the driver for how they deliver services
- Too often I see agency convenience as the reason why agencies have not complied with the law, affecting the lives of large numbers of Australians
- My jurisdiction = unlawful, unreasonable, unjust, improperly discriminatory, wrong in all the circumstances
- Unfairness can be legal - parltas and communities can decide to set unfair policies - cf weaponising child support OMI - *the law works if compliance*
- Fairness is not necessarily about outcomes - I mentioned earlier the power of a better explanation; the power of being heard; the power of an apology
- People should have reasonable access to apply for government services or benefits that they are entitled to access by law. This includes government making 'reasonable adjustments' to ensure sufficient access based on individual needs.

- Vulnerable members of our community do not always have the skills and experience to engage with complex government processes or to make formal complaints. Agencies should take a people-centred approach to communication and engagement, taking account of vulnerabilities from the outset and publishing clear and up-to-date information that is easily located and accessible.
- issues of fairness extend beyond individuals who may lack skills and experience working with government. A lack of fairness can be experienced by anyone, when processes are unclear or unreasonable, when agencies do not listen or when processes unreasonably limit the chance for views to be heard.
- Fairness is subjective. And while discretionary decisions may properly vary, there should still be a level of consistency in similar circumstances. Agencies and providers should have appropriate policies and procedures to facilitate consistency, so that there are not fundamentally different outcomes on the same facts, and consideration of individual circumstances. Effective quality assurance processes are also necessary to mitigate the risk of inconsistent decision-making.

Question 2

How do you bring this to life in your agency?

- We ask government and other entities to continually improve how they engage with complaints: we should shine the same light on ourselves and ask ourselves to also keep improving.
- "Independent and impartial" means something
- systemic actions and ability to impact those who don't complain/don't know you exist - and systemic actions are typically informed by actual complaints you've received
- All complaints are intelligence
- All complaints are feedback

- Not all complaints are equal – may all be understandably aggrieved, but some are OOJ, not able to assist, have better alternative avenues available (eg tribunals), or not treated wrongly
- Fairness to complainants also means not over-servicing some complainants at the expense of others
- I’m obliged to receive complaints but have the discretion to decide what to do with them – including not investigating because it is >12 months old, or is not warranted in all the circumstances
- Sometimes “not warranted in all the circumstances” is because we can get an outcome without investigating
- Note breadth of options available – eg informal, reach out to entity, point out how they could fix issue (eg AusPost issue); preliminary inquiry v formal investigation; public v private; statements v reports; individual v systemic action. We have a lot of discretion and flexibility in how we perform our role, which is a real asset that we should be making use of.
- Acknowledge our own challenges – need good processes, supports/guidance, external comms for complainants, culture – we expect a lot of junior staff, who have challenging role of making timely assessments of whether something is wrong or not and if so what should we do about it – Omb philosophy relies on balancing RC powers with recs and recs only able to be made by Omb; I have 36 years varied experience to assist me, my staff don’t, so we work at helping staff understand how I think about issues (eg clinics); of understanding we’re not a court and that perfect can be the enemy of good (although not acceptable to be careless); importance of curiosity, diligence, forensic thinking; importance of internal reviews and being open to possibility we got it wrong; of always seeking to learn and improve; of holding ourselves to account;
- Currently our complainant satisfaction is not where I want it to be, and I have set addressing our service on individual complaints as a priority in our latest Corporate Plan.
- Our current strategic priorities are anchored in 3 central themes:

- Innovate and evolve: further enhancing our performance in handling complaints by investing in the tools, technologies and systems that we need to effectively carry out our activities.
 - Impact and influence: influencing outcomes for individuals and impacting broader administrative improvement by highlighting issues, outlining our concerns and making recommendations for improvements.
 - Curiosity and capability: we want to support our staff to have courage and curiosity, to exercise judgement and to be decisive in their actions. We want to do this in a culture that is inclusive, where we seek out and consider diverse perspectives and encourage everyone to have their say.
- In recent years my Office has improved the way we follow up on agencies' implementation of recommendations, to ensure agencies 'do what they said they would do'.
 - On our website, you'll find a range of 'actions speak' reports (actions speak louder than words) that set out our views on whether agencies have acted to implement our recommendations and to what extent, based on our assessment of further evidence submitted by agencies.
 - As mentioned, we also publish reports on key complaints investigations where it is in the public interest to share the lessons learnt – to help agencies, Parliament and the community understand how government administration should be improved.
 - Strategic and systemic investigations and actions are informed by individual complaints, but are also a way to assist many many more people – who many not have complained, who many not have known they could complain, who may not have known there was an alternative to the decision that has impacted them.
 - Sharing our clear, transparent and accessible reports informs the public to shine a light of transparency as we hold government and agencies to account. We also ask for feedback through engaging with a broad stakeholder base.

- 1987 - 1988 - INCL. FROM LOW SCOPES INV. TO THE INV.
- REVIEW WORKS COST MGMT - "INVESTMENT OFFICIAL" WORK
- EXIT RAMP

Q & A: - "POOLS-ORIENTED" AGENCY COMML.

- TRUST + FAIRNESS + TRANSP. INFORMED
- "10% of COMPLY MAKE IT TO 170"
- LOW COLLECTOR ; GOVT V. PRIVATE
- AT RISK FOR CMO.
- ADVICE FOR SMALL ORG. DOWNGRADING COMPL. MANU. PROCESSES; HOW QUANTIFY COMML. IS TAKE A LONG TIME
- MAJOR AND FAIRNESS PROBLEMS / A. P. O. C. - CAN OMB. PREVENT THESE THINGS
- M.H. AS REVIEW OF COMPL. MANU. NOT MAKING OUR POINTS
- FAIRNESS IN COMPL. MANU.: - AGENCY OBLIG. HAMPERS OMB.

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