



Australia Post

COMPLAINT ABOUT SERVICE DELIVERY AND COMPLAINT HANDLING REGARDING A REGISTERED POST ARTICLE

March 2009

*This is an abridged version of report 05/2009.
The full report has not been made publicly available
due to privacy considerations*

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

REPORT NO. **05|2009**

Reports by the Ombudsman

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

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

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

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

These reports are not always made publicly available. The Ombudsman is subject to statutory secrecy provisions, and for reasons of privacy, confidentiality or privilege it may be inappropriate to publish all or part of a report. Nevertheless, to the extent possible, reports by the Ombudsman are published in full or in an abridged version.

Copies or summaries of the reports are usually made available on the Ombudsman website at www.ombudsman.gov.au. Commencing in 2004, the reports prepared by the Ombudsman (in each of the roles mentioned above) are sequenced into a single annual series of reports.

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BACKGROUND

Ms A complained to the Postal Industry Ombudsman that she had been unreasonably treated by Australia Post. She had posted a registered, insured, person-to-person signature receipt article to another party. Despite many months of trying, Ms A was unable to obtain from Australia Post a signed confirmation of receipt of the article or an explanation of what had gone wrong.

CONCLUSION

Investigation of Ms A's complaint by Ombudsman staff revealed that the time taken to resolve Ms A's complaint was excessive and not in accordance with the timeliness standards set out in Australia Post's Service Charter. It was also the Ombudsman's view that Ms A's complaint should have been escalated to a more senior person within Australia Post at a much earlier stage.

It was apparent from the information obtained during the investigation that Australia Post provided a poor level of service in following up Ms A's complaint. This is reflected by the fact that prior to her approaching our office Ms A had contacted Australia Post on 12 different occasions over several months. Australia Post had only responded to, or followed up, on four of these contacts.

The Ombudsman's report concluded that Australia Post failed on several occasions to follow well-established procedures, such that it was unable to ascertain what happened to Ms A's article after it reached the relevant Delivery Centre. Australia Post could not say whether it was subsequently handled by a Postal Delivery Officer or a mail contractor. Nor could Australia Post say when the article had been delivered. No signature receipt was obtained and retained by Australia Post.

Review of relevant records revealed that Australia Post had disclosed information about Ms A's complaint to a third party. The Ombudsman's report concluded that this disclosure was inappropriate in the absence of actual or implied consent from Ms A.

Australia Post's recordkeeping in relation to Ms A's complaint was poor: significant actions went unrecorded and repeated errors occurred in the documentary records. In the Ombudsman's view Australia Post's recordkeeping in Ms A's case failed to meet contemporary standards of good administrative practice.

The Ombudsman also expressed concern that despite Australia Post being aware of the recorded value of the article sent by Ms A, it did not involve its Corporate Security Group until a number of months after receiving the complaint. It is the Ombudsman's view that this hampered Australia Post's ability to collect the information necessary to conduct a prompt and effective investigation.

An outcome of our investigation was that Australia Post was able to confirm the registered post article had been delivered to the correct address. However, it conceded the article had not been given to the correct person at that address.

In response to a suggestion made by our office, Australia Post wrote to Ms A. Australia Post apologised for not following correct procedure when delivering her article, provided a full refund of postage, advised that the article was not delivered to

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the addressee but to her partner, advised that the addressee and her partner had signed a statement confirming receipt and provided an approximate date upon which delivery occurred.

RECOMMENDATIONS

The Ombudsman's report recommended that Australia Post should:

- Implement a policy and procedure which includes timeliness standards for the escalation of complaints, including to the Corporate Security Group, and ensure that all staff are aware of the policy and procedure.
- Clarify the criteria used by State Offices to determine when to involve the Corporate Security Group in the investigation of lost or missing postal items.
- Modify the Australia Post Complaints Management System to allow for prolonged or complex investigations—such as by use of a 'pending' function.
- Examine whether there is a need to revise its procedures so as to ensure that all Customer Relations Centre officers (particularly new or inexperienced staff) are made aware of the need to:
 - meet the obligations outlined in the Australia Post Customer Service Charter of resolving most complaints about domestic products and services in no more than ten working days
 - ensure personal information about a complainant is not released to unauthorised third parties.
- Reinforce to staff the importance of keeping and maintaining records of its actions and activities. This is particularly the case where those records are a part of the delivery requirements of a postal service, such as registered post.

In response to the Ombudsman's report, Australia Post acknowledged that the failure to follow correct delivery procedures in Ms A's case 'represented a significant breach of the correct delivery procedures'. It also conceded that its 'handling of the customer's complaint in this case clearly represented a serious service failure'. Australia Post confirmed that the issues highlighted by the Ombudsman's report regarding failures by staff to follow established procedures and guidelines will influence its national training program.

Australia Post's response demonstrates that a number of the issues identified in the Ombudsman's report are currently being addressed through its development of national complaint handling guidelines. The investigation of Ms A's complaint highlights the importance of that work and it is for this reason that the Ombudsman's office will continue to monitor progress of the development and implementation of those guidelines.