



Australian Government



COMMONWEALTH  
**OMBUDSMAN**

# 2021

## ANNUAL REPORT

# 2022





## 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

27 September 2022

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 2021-22.

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 statements accurately reflect the Office's performance for the 2021-22 period and comply 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 2021–22 financial year.

## Part 1: Review by the Ombudsman

This part provides a review of the previous financial year by the Ombudsman and the Deputy Ombudsman, who was Acting Ombudsman for most of 2021–22. 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, 2022–23.

## 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 2021–22](#) and [Portfolio Budget Statements 2021–22](#).

## 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

The Commonwealth Ombudsman performs 5 specific Ombudsman functions pursuant to 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 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.

# Contacts

For enquiries about this report, email the Commonwealth Ombudsman at the Office of the Commonwealth Ombudsman at [media@ombudsman.gov.au](mailto:media@ombudsman.gov.au).

If you would like to make a complaint or obtain further information about the Commonwealth Ombudsman, contact us:

- **online** at [ombudsman.gov.au](http://ombudsman.gov.au)
- **by phone** at **1300 362 072** (note this is not a toll-free number and calls from mobile phones are charged at mobile phone rates)
- **in writing** to GPO Box 442, Canberra ACT 2601.

## Services available to help you

If you are a First Nations person, you can contact us on our Indigenous Line **1800 060 789**.

If you are a non-English speaking person, we can help you through the Translating and Interpreting Service (TIS) – phone **131 450**.

If you are a person who is blind or has low vision, is deaf or hard of hearing, or has impaired speech, a teletypewriter (TTY) service is available through the National Relay Service – phone **133 677**.



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# PART 1

## REVIEW BY THE OMBUDSMAN

# Part 1: Review by the Ombudsman

We are pleased to present the annual report for the Office of the Commonwealth Ombudsman (the Office) for the financial year 2021–22.

This year, regardless of the disruptions caused by COVID-19, we remained true to our purpose: to provide assurance that the government and private sector entities we oversee act with integrity and treat people fairly while influencing enduring systemic improvement in public administration.

We continued to investigate complaints, review administrative action, conduct statutory compliance inspections, and report on our activities to the public and Parliament, including an appearance before the Royal Commission into Defence and Veteran Suicide.

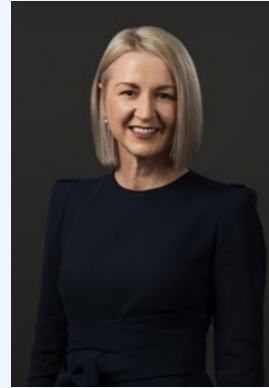
Complaint numbers continued to reflect the community's interaction with the entities we oversee in the context of COVID-19.

Overall, we received slightly more contacts this year with 38,099, an increase of 3 per cent compared to last year, but we are yet to return to pre-COVID levels of complaints. We received parliamentary complaints about a wide range of government agencies about many different issues. This year the highest complaint volumes were received about Services Australia, the Department of Foreign Affairs and Trade (DFAT), Department of Home Affairs and the National Disability Insurance Agency. Four of the top 5 areas complained about related to services delivered by Services Australia namely, Jobseeker payment, Disability Support Pension, Aged Pension and Family Tax Benefit. Complaints about the Passport Services delivered by DFAT were also in the top 5. For more detail, see **Appendix 9**.

The impact of COVID-19 was most clearly reflected in our industry complaint jurisdictions this year. While there was a 23 per cent



Iain Anderson



Penny McKay

reduction in the number of complaints received by the Private Health Insurance Ombudsman as the community had more restricted access to elective medical procedures, there was an increase in complaints received by the Postal Industry Ombudsman (PIO), up 22 per cent from 2020–21, with greater volumes of e-commerce and deliveries by Australia Post.

There was a 31 per cent reduction in complaints about the VET FEE-HELP and VET Student Loans programs. During 2021–22, we made 857 recommendations to Department of Employment and Workplace Relations (DEWR) to remove a VET FEE-HELP debt with a total value of \$13.48 million, including \$11.26 million in tuition fees and \$2.22 million in loan fees. Eligibility for that redress scheme closes on 31 December 2022. Complaints from overseas students about private education providers to the Overseas Students Ombudsman (OSO) were also down 31 per cent to 750 complaints this year, reflecting the continued effect of border closures on international education. We expect complaints from overseas students may increase as greater numbers of international students return to Australia.

We also received 1,222 reports of serious abuse in the Australian Defence Force (ADF), up from 953 received in 2020–21, as the ability to enter the reparation scheme drew to a close. Under the Defence Reparation Scheme, we may recommend Defence make reparation payments of up to \$50,000. We also offer participation in our restorative engagement program and facilitated referrals to counselling. While access to restorative engagement and counselling will continue, access to the reparation scheme concluded this year, with submission of intents to report closing on 30 June 2022, and final reports of abuse to be submitted by 30 June 2023.

As the year progressed, we worked hard to reduce delays in handling complaints while actively managing the impact of COVID-19 on our Office, including lockdowns across all states and territories, and staff affected by illness, home schooling responsibilities and concerns about their health and wellbeing. We introduced a limited-service complaint handling model to enable our services to continue. While this model demonstrated agility by the Office and a focus on accessibility and employee welfare, it also reduced our ability to investigate and manage complaints as efficiently as we otherwise would.

Unsurprisingly, we noticed a significant fluctuation in the key numbers by which we measure our performance around complaint handling, and minor fluctuations in complainant satisfaction. Through continuous monitoring and feedback, and as we come out the other side of COVID-19, we've implemented several changes to improve our service delivery, including reviewing the channels used to contact the Office, installing and training a surge team, and prioritising the development of a knowledge information system. We will continue to monitor our performance closely and adjust our service model accordingly.

Our work overseeing Commonwealth, state and territory law enforcement and integrity agencies' use of certain covert and intrusive powers continued this year – in person when

we could and remotely with the cooperation of the agencies we oversee when we couldn't travel due to border closures. We reviewed and reported on agencies' use of powers under Commonwealth telecommunications and surveillance devices legislation, agencies seeking technical assistance from industry under Pt 15 of the *Telecommunications Act 1997*, Commonwealth agency powers such as controlled operations and delayed notification search warrants, the Australian Federal Police administration of its complaints handling, and the use of compulsory examination powers by the Fair Work Ombudsman and the Australian Building and Construction Commission. This work provides valuable 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.

Our work under the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) monitoring Commonwealth places of detention and coordinating the National Preventative Mechanism (NPM) network in states and territories – our OPCAT roles – also continued and gained pace as more jurisdictions nominated NPMs.

We published our fourth *Monitoring Immigration Detention Report* to 30 June 2021, drawing together our work inspecting immigration detention centres, assessing the circumstances of long-term detainees, complaints and monitoring the cohort of detained released not unlawful. We made 17 recommendations and 20 suggestions for improvement to the Department of Home Affairs, including a recurring recommendation to seek to reduce the number of people in detention and curb the use of hotels for long-term detention. We reiterated our strong view that people in detention should be afforded the same access to medical and welfare services, programs and activities, and fresh air, regardless of where they are held.

As we head towards the January 2023 deadline for OPCAT implementation in Australia, and our OPCAT roles continued to mature, we commenced coordinating meetings of the nominated NPMs around Australia and engaged with international partners to learn more about how OPCAT is implemented around the world, namely the United Nations Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Association for the Prevention of Torture, and the NPMs of New Zealand, South Africa and one of the United Kingdom's 21 NPM bodies.

Our own motion investigation work resulted in 2 public reports and 13 recommendations to 2 agencies for improvement, including investigations into the National Disability Insurance Agency's (NDIA) preparation to meet the Participant Service Guarantee and the appropriateness of the Department of Veterans' Affairs policy and procedural framework for communicating with veterans during the claim process. We will follow-up on the implementation of these recommendations as part of our biennial process monitoring recommendation implementation to ensure our work is achieving improvement in public administration.

As part of our international engagement role, we supported ombudsmen and allied integrity institutions within the IndoPacific region. DFAT funding enabled us to target capacity building and strengthen regional networks in Indonesia, Papua New Guinea, Samoa and the Solomon Islands. At year end, work with DFAT had commenced to enter new partnerships in 2022-23.

As our Office adapted to home-based working as a result of COVID-19, following consultation with our staff, we introduced hybrid working through a home-based work policy providing a more progressive, efficient and attractive way of working. Staff returned to the office with the option of working from home 5 days per fortnight, or pro-rata for part-time staff. We also welcomed new staff to the Office

and bid farewell to Michael Manthorpe as he retired as Commonwealth Ombudsman on 31 July 2021. Iain Anderson commenced his 5-year appointment as the 11th Commonwealth Ombudsman of Australia on 1 August 2022.

For me, Penny, it has been a great privilege to act as Ombudsman over most of the year covered by this report. It's been a year of new challenges, change and great achievement. I am grateful for the support of the executive and all the Office's hardworking staff throughout the year. In spite of challenges of COVID-19, we delivered and influenced good public administration.

And I, Iain, congratulate Penny for her leadership of the Office as Acting Ombudsman for 11 months – making her the longest-serving Acting Commonwealth Ombudsman. I look forward to the challenge of ensuring we engage effectively with individuals and perform our broader oversight role in a manner that both provides assurance as to the integrity of the entities we oversee and influences enduring systemic improvement in public administration.



**Iain Anderson**  
Commonwealth Ombudsman



**Penny McKay**  
Acting Commonwealth Ombudsman  
(1 August 2021 – 31 July 2022)

# 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 Office was established to ensure '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'.

We deliver this outcome by:

- providing assurance that 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.

## Ombudsman roles and functions

We are responsible for the following major functions:

- complaint management
- oversight of government agencies
- oversight of prescribed private sector organisations
- oversight of the Public Interest Disclosure (PID) Scheme
- responding to reports of serious abuse in the Australian Defence Force
- monitoring of Commonwealth places of detention and coordination of the National Preventative Mechanism (NPM) network in states and territories – the roles of the Office under the Optional Protocol to the Convention against Torture and Other

Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)

- inspections of the use of certain covert and intrusive powers by federal, state and territory law enforcement and integrity agencies.

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.

The Office also oversees the activities of 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.

The Commonwealth Ombudsman has the following separate titles that describe specific functions and powers:

- **Defence Force Ombudsman (DFO)** investigates actions arising from the service of a member of the Australian Defence Force (ADF). The DFO can investigate complaints from current or former members of the ADF about administrative matters relating to ADF agencies. Since 1 December 2016, the DFO functions included the provision of an independent mechanism to report serious abuse in Defence.
- **Postal Industry Ombudsman (PIO)** investigates complaints about Australia Post and private postal operators that elect to register with the PIO scheme.
- **Overseas Students Ombudsman (OSO)** investigates 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.

- **Private Health Insurance Ombudsman (PHIO)** protects the interests of private health insurance consumers. This is done in several ways, including dispute resolution, identifying systemic issues within the practices of private health funds, and providing advice and recommendations to government and industry. The PHIO can deal with complaints from health fund members, health funds, private hospitals or medical practitioners about a health insurance arrangement. PHIO also manages the [privatehealth.gov.au](http://privatehealth.gov.au) website – Australia’s leading source of independent information about private health insurance for consumers.
- **VET Student Loans Ombudsman (VSLO)** investigates complaints from students studying a diploma, advanced diploma, graduate certificate or graduate diploma course and who have accessed the VET FEE-HELP or the VET Student Loans programs to cover the cost of their studies in full or in part. The VSLO also provides vocational education and training providers with advice and training on best practice complaint handling.

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 Commonwealth Ombudsman can deal with most complaints involving the administrative actions of ACT Government agencies and police. Additionally, under OPCAT, the ACT Ombudsman is part of a multi-body NPM along with the ACT Inspector of Correctional Services and the ACT Human Rights Commission. The ACT NPM is responsible for preventive monitoring of places of detention under the control of the ACT, including the Alexander Maconochie Centre (AMC).

The legislation governing the ACT Ombudsman authorises the Office to investigate complaints about or issues relating to:

- ACT Government agencies
- ACT Policing
- Reportable Conduct Scheme
- Freedom of Information (FOI)
- ACT Judicial Council
- Public Interest Disclosures (PIDs).

Additional information is available in the *ACT Ombudsman Annual Report 2021–22*.

We fulfil our purpose through complaint handling, conducting investigations, performing audits and inspections, encouraging good public administration practices and discharging specialist oversight tasks. We influence improvement in public administration in the Pacific region and Indonesia through collaboration with partner entities.

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.

## Our outcome and programs

The objectives of our functions that contribute to meeting our outcome are:

<b>Objective 1</b>	Influence Australian and ACT Government entities to improve public administration and complaint handling systems through public reports, recommendations and direct engagement.
<b>Objective 2</b>	Provide an efficient, effective and accessible complaint handling service.
<b>Objective 3</b>	Undertake oversight and assurance activities relating to the integrity of Australian Government entities, Australian Capital Territory Government entities and prescribed private sector organisations.
<b>Objective 4</b>	Provide effective and impartial industry complaint handling services and provision of consumer information.
<b>Objective 5</b>	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 the Australian Aid arrangements.
7. We maintain the confidence of the Parliament.

Read more about our 2021–22 performance in **Part 3**.

# Accountable authority

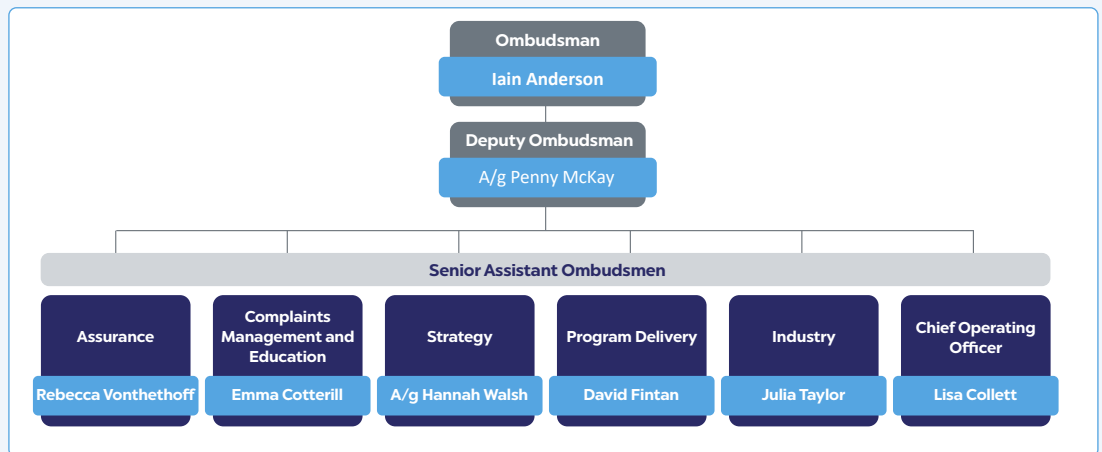
Table 1: Accountable authority

		Period as accountable authority	
Name	Position held	Date of Commencement	Date of Cessation
Michael Manthorpe	Commonwealth Ombudsman	8 May 2017	31 July 2021
Penny McKay	Acting Commonwealth Ombudsman	1 August 2021	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 Senior Assistant Ombudsmen and Chief Operating Officer are Senior Executive Service Band 1 employees. The Executive and Senior Management structure on 30 June 2022 is at Figure 1.

Figure 1: Executive and senior management structure on 30 June 2022



## Senior leadership group



Left to right: Louise Macleod, Julia Taylor, Emma Cotterill, David Fintan, Penny McKay, Symone Andersen, Rebecca Vonthethoff, Lisa Collett.<sup>1</sup>



### Iain Anderson, Ombudsman

Iain Anderson 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 32 years of service. He has developed and implemented transformational 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 Anderson 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 being appointed, he 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.

<sup>1</sup> At the time of this photograph Symone Andersen was Senior Assistant Ombudsman (SAO), Program Delivery Branch. Hannah Walsh had not yet taken up the position of acting SAO, Strategy Branch.



## **Penny McKay, Acting Ombudsman**

Following the retirement of former Ombudsman Michael Manthorpe PSM, Penny was Acting Commonwealth Ombudsman from 1 August 2021 to the end of the financial year covered by this report. In her substantive role, Penny is the Deputy Commonwealth Ombudsman, having been appointed by the Australian Government for a 5-year term on 23 July 2020.

Penny's 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. Before her appointment, 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.



## **Louise Macleod, Acting Deputy Ombudsman**

Louise was appointed by the Australian Government to act in the role of Commonwealth Deputy Ombudsman on 1 August 2021. As Acting Deputy Ombudsman, Louise assisted the Acting Commonwealth Ombudsman with strategic leadership and day-to-day management of the Office.

Prior to this acting appointment, Louise was seconded to the Department of the Prime Minister and Cabinet to work on the Review of the Parliamentary Workplace: Responding to Serious Incidents.

Louise joined the Office in July 2016, working in various senior leadership roles across the Office. These included the ACT Ombudsman and the Defence Abuse programs, the complaints management and education functions, and the former social services, Indigenous and disability functions.

Her public service career has involved various leadership roles developing government policy, program management and service delivery in areas such as administrative law reform, investigations, compliance monitoring, trauma-informed dispute resolution and restorative justice. Before this, Louise served as an officer in the Australian Army and was admitted to practise as a legal practitioner in the ACT in 2015.



## **Lisa Collett, Chief Operating Officer**

Lisa Collett has held the role of Chief Operating Officer for the Office of the Commonwealth Ombudsman since 2020. As the Office's Multicultural Access and Equity Champion, Lisa leads the Office in its cultural diversity principles of acceptance, action, belonging, equality and respect.

Prior to her appointment, Lisa held various leadership roles delivering the Office's international engagement program with ombudsman and integrity institutes in Indonesia and across the Pacific region. She also contributed to refining the Office's complaint handling policies and procedures, establishing innovative early resolution complaint mechanisms.

Since joining the Australian Public Service (APS) in 2001, Lisa has worked in several APS agencies on a number of programs and policies in support of young people, Aboriginal and Torres Strait Islander peoples, and people living in regional and remote Australia. The highlight of these roles has been working in partnership with Aboriginal and Torres Strait Islander peoples and emerging First Nations leaders.

Lisa holds a Bachelor of Social Sciences, a Bachelor of Laws and has been admitted as a legal practitioner in the ACT. She holds an Executive Master of Public Administration from the Australian New Zealand School of Government.



## **Rebecca Vonthethoff, Senior Assistant Ombudsman, Assurance Branch**

Rebecca joined the Office in 2021. She is currently responsible for the Office's oversight of law enforcement and integrity agencies' use of covert, coercive and intrusive powers. She is also responsible for the Office's roles under OPCAT, as the NPM for places of detention under the control of the Commonwealth Government and coordinator of the network of Australian NPMs.

Before joining the Office, Rebecca worked in national security and law enforcement policy at the Department of Home Affairs and at the Attorney-General's Department. Before joining the APS, Rebecca worked as a legal practitioner.

Rebecca is the Office's Health and Wellbeing Champion.



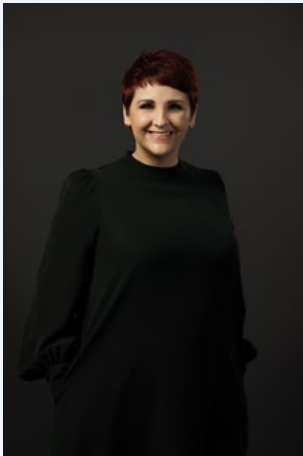
## **David Fintan, Senior Assistant Ombudsman, Program Delivery Branch**

David joined the Office as Senior Assistant Ombudsman in March 2021. For most of 2021–22, David led Strategy Branch, which is responsible for most of the Office's own motion investigations, the international program, strategic policy and engagement activities. Since June 2022, David has led Program Delivery Branch, which is responsible for administering the DFO's specific Defence abuse reporting functions, as well as the Ombudsman's functions as ACT Ombudsman.

David has more than 20 years' experience in the private and public sectors working in policy development, program design and implementation, corporate governance, program and risk management, enabling services, and legal practice.

David came to the Office from the Department of Education, Skills and Employment, where he spent 5 years in a variety of roles in skills and higher education. Before that, David helped to establish the National Disability Insurance Agency (NDIA), where he held positions including General Counsel, Chief Risk Officer, and Corporate Secretary. Before joining the APS, David was a lawyer for 15 years in private firms and in-house government roles, specialising in administrative and public law.

David is admitted as a legal practitioner in the ACT and is the Office's Disability Champion.



## **Emma Cotterill, Senior Assistant Ombudsman, Complaints Management and Education Branch**

Emma Cotterill joined the Office in 2004. She is currently responsible for the Complaints Management and Education Branch, which delivers the Office's complaint handling and education activities for ACT and Australian Government agencies. The branch manages the Office's responsibilities under the PID scheme.

Emma has over 20 years' experience in the public sector. Much of this has focused on influencing improved government administration through complaints and stakeholder engagement – initially at the Child Support Agency and then in executive and senior executive roles in the Office's government and industry complaints, strategic oversight, governance, inspections and audit functions.

Emma has a particular interest and experience in working with government and industry stakeholders to ensure that new or changed programs and services are delivered well, particularly where they may more significantly affect vulnerable or disadvantaged people.

Emma is the Office's Pride Champion and a member of the Pride In Diversity National Executive Champions Forum.



## **Julia Taylor, Senior Assistant Ombudsman, Industry Branch**

Julia joined the Office in 2019. She is currently responsible for the Office's industry functions. Before joining that branch, Julia held leadership roles across a variety of areas, including strategy, complaints management and education functions of the Office.

Julia has more than 20 years' experience in the private and public sectors relating to strategic change and project management, business process design, information and communication technology (ICT), telecommunications, service delivery, human resources and workload/workforce management. Julia's APS leadership experience has been gained via roles in the Australian Taxation Office, Services Australia, Department of Home Affairs and the Office of the Commonwealth Ombudsman.

Julia is the Office's Aboriginal and Torres Strait Islander Champion.



## **Hannah Walsh, Senior Assistant Ombudsman, Strategy Branch**

Hannah joined the Office in July 2019. As Acting Senior Assistant Ombudsman, Strategy Branch, she is responsible for the Office's strategic policy and engagement activities. She also manages the international program and leads most of the Office's own motion investigations.

Hannah has more than 15 years' public sector experience in strategic policy, oversight and integrity, program coordination and evaluation, enterprise management and corporate governance. Hannah's APS leadership experience was gained through various roles in Australian Government agencies responsible for Australian Intelligence Community functions, including the Office of the Inspector-General of Intelligence and Security and the Office of National Intelligence.



# PART 3

## 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 2021-22 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.

A handwritten signature in black ink, appearing to read 'Iain Anderson', is positioned above the printed name and title.

**Iain Anderson**  
Commonwealth Ombudsman

# 2021–22 Performance framework

## Our outcome

This annual performance statement outlines the Office of the Commonwealth Ombudsman's (the Office) performance against the 2021–22 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'*. This annual performance statement shows what the Office has achieved under its performance measures and against the purpose set out in the Corporate Plan 2021–22. The Office's performance measures assess all aspects of the Office's performance, with a focus on timeliness, quality, satisfaction (of complainants and entities we oversee), and influence of systemic improvement.

We identify 5 essential objectives underpinning delivery of our purpose. Each of these objectives is linked to our detailed performance criteria.

### OUR PURPOSE

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

### OBJECTIVES In 2021–22 we measured our performance against the following 5 objectives.

1

Influence Australian and ACT Government entities to improve public administration and complaint handling systems through public reports, recommendations and direct engagement.

2

Provide an efficient, effective and accessible government complaint handling service.

3

Undertake oversight and assurance activities relating to the integrity of Australian Government entities, Australian Capital Territory Government entities and prescribed private sector organisations.

4

Provide effective and impartial industry complaint handling services and provision of consumer information.

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 performance against each of our 7 criteria is demonstrated through 13 targets comprised of a combination of qualitative analysis and quantitative data. For some criteria, setting a target (such as a target that 100 per cent 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 2021–22 performance against targets follows.

## PERFORMANCE CRITERIA (PC), MEASURES, TARGETS AND RESULTS

Objective	Measure	Result
<b>PC1: We assist the public to resolve issues with agencies and organisations we oversee.</b>		
<b>2 and 4</b>	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.	61%
	1b: Target 65% of complainant satisfaction survey responses with a rating of 'satisfied' (or better) evaluating our independence.	62%
	1c: Target 75% user satisfaction with the privatehealth.gov.au website.	81%
<b>PC2: We are responsive to the public when they contact our Office.</b>		
<b>2 and 4</b>	Target – 90% of service standards met.	46%
<b>PC3: We improve public awareness of our role in influencing public administration and industry practice.</b>		
<b>2 and 4</b>	Increase in the total number of contacts and website visits compared to the previous reporting period after taking into account changes due to new jurisdictions.	Contacts 38,099 Website visits 1,848,934
<b>PC4: We influence improvements in public administration and practices of the agencies and organisations we oversee.</b>		
<b>1 and 3</b>	Target – 75% of recommendations in public reports accepted by the agency or organisation.	83%
	Target – 95% of recommendations accepted for Defence abuse reparation payments and VET Student Loan re-credits.	99%
<b>PC5: We are responsive in our dealings with agencies.</b>		
<b>1 and 3</b>	Target – 80% of satisfaction survey responses from agencies demonstrating a rating of 'satisfied' (or better) with the quality of our work.	Reported on biennially (2020–21 result 100%)
	Target – 90% of feedback responses from participants in educational or other events demonstrating a rating of 'satisfied' (or better).	91%
<b>PC6: We effectively deliver our capacity building programs for the Ombudsmen and allied integrity bodies under the Australian Aid arrangements.</b>		
<b>5</b>	Target – 80% of outputs delivered under the Australian Aid arrangements.	86%
<b>PC7: We maintain the confidence of the Parliament.</b>		
<b>1, 3 and 5</b>	Number of reports published.	35
	Target – 100% of reports delivered on time within statutory timeframes.	90%
	Number of submissions made to, and appearances before, parliamentary committee processes.	30

## 2021–22 Key performance results

Despite the continued impact of COVID-19, this report contains evidence of many positive achievements in 2021–22. The Office met or exceeded most of our key performance targets as set out in our Corporate Plan and Portfolio Budget Statement.

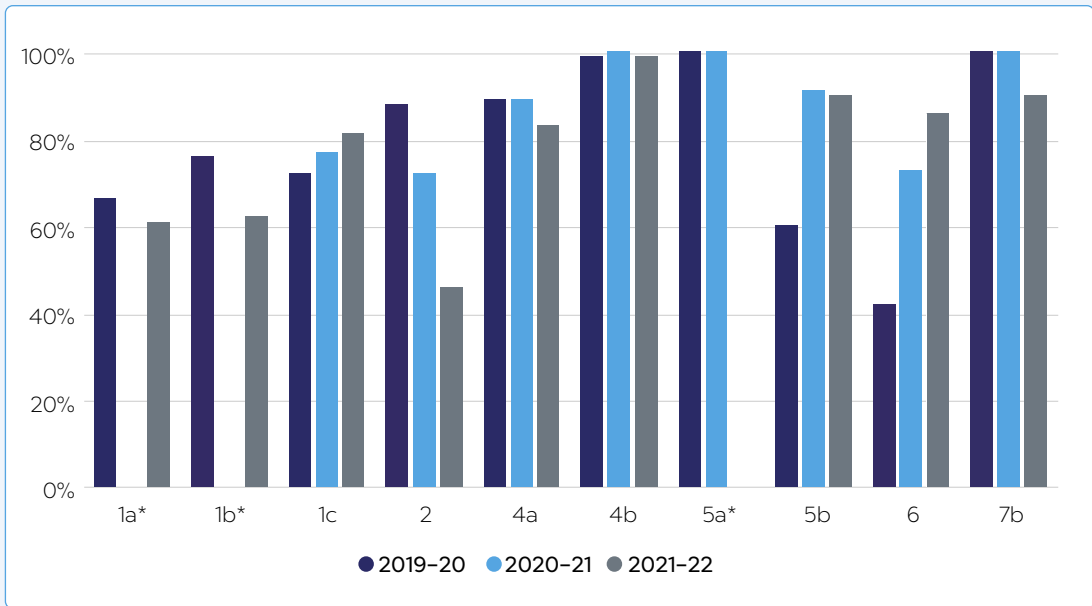
While our performance over the last 3 financial years has improved, COVID-19 impacted the way in which we perform our work. To some

extent it impacted our performance of certain functions, such as our complaint handling services.

As is true of many workplaces, we adjusted and continued to deliver our diverse and important functions, while actively considering how we could better meet the expectations of our stakeholders.

Figure 2 displays performance measures with fixed targets, such as percentage targets, and does not include targets that are counted.

**Figure 2: Comparison of Office performance 2019–2022**



\* Data for 1a, 1b and 5a is reported biennially.

## Analysis of our performance

The Office met or exceeded 9 out of its 13 targets, with one biennially reported target not reported on (5a – 80 per cent of satisfaction survey responses from agencies demonstrating a rating of ‘satisfied’ with the quality of our work).

In 2021–22:

- 99 per cent of the Office’s recommendations for Defence Abuse Reparation payments (434) and VET Student Loan re-credits (3,338) were accepted by agencies.
- Our website [privatehealth.gov.au](https://privatehealth.gov.au) continues to assist members of the public in providing advice on private health and consumer rights with 81 per cent of end users indicating satisfaction with the website.
- While COVID-19 impacted the Office through lockdowns and travel restrictions, we adapted remote delivery methods for our international aid arrangements and exceeded our target of 80 per cent of planned activities delivered by 6 per cent.

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

The Office engaged an independent third party to survey members of the public who submitted complaints to our Office to seek their satisfaction in relation to our services and independence.

The 2021–22 survey invited 21,173 complainants to provide feedback. We received 3,647 responses. The Office set a benchmark target of 65 per cent for satisfaction and independence in its initial complainant and agency satisfaction surveys completed in 2019–20 and 2020–21. In 2021–22, we missed these targets by a small percentage (4 per cent and 3 per cent, respectively).

The Office is using the findings from this survey, in conjunction with findings from internal audits and the Australian National Audit Office (ANAO) performance audit [Management of Complaints by the Office of the Commonwealth Ombudsman](#), to refine and enhance our complaint handling service delivery.

In 2022, we commenced conducting complainant satisfaction surveys seeking feedback on our services and independence each quarter rather than biennially. We use the complainant satisfaction results to benchmark, monitor and drive continuous improvement in complaint handling service delivery in the Office.

## 2 – Complaints within service standards

Our complaint handling functions faced significant challenges over the last 3 years, not the least of which has been managing employee wellbeing during COVID-19.

Since early 2020, a range of factors have impacted the Office’s capacity to handle complaints as quickly or effectively as intended. In particular, the 2020 response to COVID-19, including lockdowns across all states and territories, at one point resulted in 70 per cent of our staff being in lockdown. This meant that the efficiencies we had hoped to gain this year did not eventuate.

With our staff and their families affected by illness, home schooling responsibilities, remote working and concerns about their welfare, we introduced a limited-service complaint handling model. While this model demonstrated agility by the Office and a focus on employee welfare as it adjusted processes to enable services to continue, it also reduced our ability to investigate and manage complaints as efficiently as we otherwise would.

Reducing our phone hours and providing an email address as an alternative means to contact us resulted in increased timeframes as it reduced our ability to communicate with complainants and decreased the quality of information we were able to elicit from complainants. As a result, in 2021–22 we met our internal services standards 46 per cent of the time against a target of 90 per cent.

In 2021–22, the Office reviewed its achievement against complaint handling service standards monthly, and implemented several changes to improve our service delivery, including:

- contracting a surge team to boost our capacity to handle complaints
- establishing a dedicated training officer to develop training and knowledge products to assist new starters
- reviewing the need for an email address as a channel for contact with the Office
- prioritising the development of a knowledge information system
- prioritising the efforts of new/surge staff on inbound contacts while more experienced staff deal with older complaints
- developing a detailed ageing complaints report for regular presentation to the executive
- continuing to develop a dedicated quality review role
- further strengthening the use of email monitoring software.

In 2022–23, the Office will continue to monitor its performance closely and will use all performance information at our disposal such as surveys, audits, reviews and reports to continue to monitor and refine our complaint handling service delivery.

## 7b – per cent of reports delivered within statutory timeframes

As an oversight agency, we understand the importance of timely advice and recommendations. In 2021–22, we delivered 90 per cent (9 out of 10) of reports to the relevant Minister and Parliament within the statutory timeframe of 6 months.

Through an internal audit commissioned by the Office in mid-2022, we identified that periodic reports to a Minister that have no set statutory deadline must be provided no later than 6 months after the end of the reporting period – due to s 34C of the *Acts Interpretation Act 1901*. This includes reports that are due to a Minister ‘as soon as practicable’. The Office found that one report about stored communications and telecommunications data under the *Telecommunications (Interception and Access) Act 1979* had not been provided within the legislated timeframe, however was tabled soon after identifying the error.

The finalisation of this report was delayed due to the considerable number and complexity of stored communications and telecommunications data inspections the Office conducted in 2020–21. The Office completed 19 stored communications inspections and 20 telecommunications data inspections across 20 agencies. The Office’s approach, and schedule of inspections, had to be revised regularly due to the impacts of travel restrictions associated with COVID-19. This contributed to delays in completing individual post-inspection reports, and delays in producing the consolidated annual report.

The Office is implementing enhancements to our oversight processes and will work to complete future reports within the statutorily required timeframes, including the timeframes required by s 34C of the *Acts Interpretation Act 1901*.



## Future planning, lessons learnt and challenges

In 2022–23, we will focus on implementing the recommendation made by the ANAO in its performance audit on our management of complaints to establish an enterprise-level continuous improvement framework to monitor and drive improvements in the way we meet our objectives.

We will also continue to systemically implement recommendations arising from our internal audits to ensure the delivery of our objectives is efficient, targeted, timely and effective. We will review our performance measures and reporting framework to ensure it can better support the achievement of our objectives.

## Financial reporting

In 2021–22, the Office recorded a net cash operating surplus of \$1.1 million, compared to a net cash operating surplus of \$0.8 million in 2020–21 (the net cash surplus excludes depreciation, amortisation and includes principal payments on leases). The 2021–22 net cash operating surplus was broadly consistent with the balanced outcome estimate reported in the 2021–22 Portfolio Budget Statements.

## Expenses

Total expenses remained broadly consistent to the prior year with \$44.7 million in 2020–21 compared to \$45.1 million in 2021–22. This minor spend increase reflects the addition of the National Disability Insurance Scheme (NDIS) Safeguarding measure (\$1.1 million) and increases to the Cyber-Crime Law Enforcement Powers (\$0.8 million) measures. These measures fund staffing and support costs and are offset by reductions from prior year government decisions for the measures improving integrity of the Vocational and Education Training System (VET) (\$1.4 million) that were funding contractor and associated support costs.

## Income

Appropriation revenue increased from \$40.4 million in 2020–21 to \$40.9 million in 2021–22, an increase of \$0.5 million.

This was due mainly to the increase in funding for:

- NDIS Safeguarding measure (\$1.1 million)
- National Security Oversight arrangements and Other Cyber-Crime Law Enforcement Powers measures funding (\$0.8 million).

This was offset by the reduction in funding for the VET Student Loans Ombudsman function (\$1.4 million).

Rendering of services revenue for 2021–22 of \$3.2 million includes services delivered to the ACT Government (\$2.8 million) and the Department of Foreign Affairs and Trade (DFAT) (\$0.4 million). This is a decrease of \$0.3 million from 2020–21 due to the reduced activities for ACT Ombudsman (2021: \$3 million) and DFAT (2021: \$0.5 million).

## Assets

Total assets decreased from \$28.1 million in 2020–21 to \$24.5 million in 2021–22. Key movements include:

- a decrease in trade and other receivables (\$0.3 million)
- a decrease in non-financial assets of (\$3.2 million).

The trade and other receivables decrease of \$0.3 million was primarily due to the appropriation receivable decrease due to timing of cash payments for prior year payables.

For non-financial assets the decrease of \$3.2 million is in line with depreciation and amortisation schedules (\$4.5 million). This has been offset by the purchase of \$0.9 million of new and replacement assets in 2021–22, funded through the departmental capital budget appropriation (\$0.2 million) and prior year equity injection (\$0.7 million).



# PART 4

## PUBLIC INTEREST DISCLOSURE SCHEME

# Part 4: Public Interest Disclosure Scheme

## Public Interest Disclosure Scheme

This part comprises our annual report on the operation of the *Public Interest Disclosure Act 2013* (PID Act), as required by 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 to report and investigate wrongdoing and protect whistleblowers.

The Office has 3 primary functions under the PID scheme:

- 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 scheme<sup>2</sup> and has the same allocation, investigation and education functions.

This report was prepared with the assistance of 176 agencies covered by the PID Act. The Office acknowledges their efforts to collect the data required for this report.

## Elements of the PID 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 covering a broad range of conduct including, contravening a law and complying with the Australian Public Service (APS) Code of Conduct. Agencies are required to investigate PIDs unless certain circumstances apply, and should complete investigations within 90 days<sup>3</sup> and provide a report to the discloser. Disclosers can make a complaint to the Office or IGIS if they are dissatisfied with an agency's handling of their PID.

## PIDs at a glance

In 2021–22, 257 PIDs were received across the Commonwealth public sector compared with 333 in 2020–21 (23 per cent decrease). A further 428 disclosures were assessed as not meeting the requirements of s 26 of the PID Act and not considered to be public interest disclosures, compared with 400 in 2020–21 (7 per cent increase).

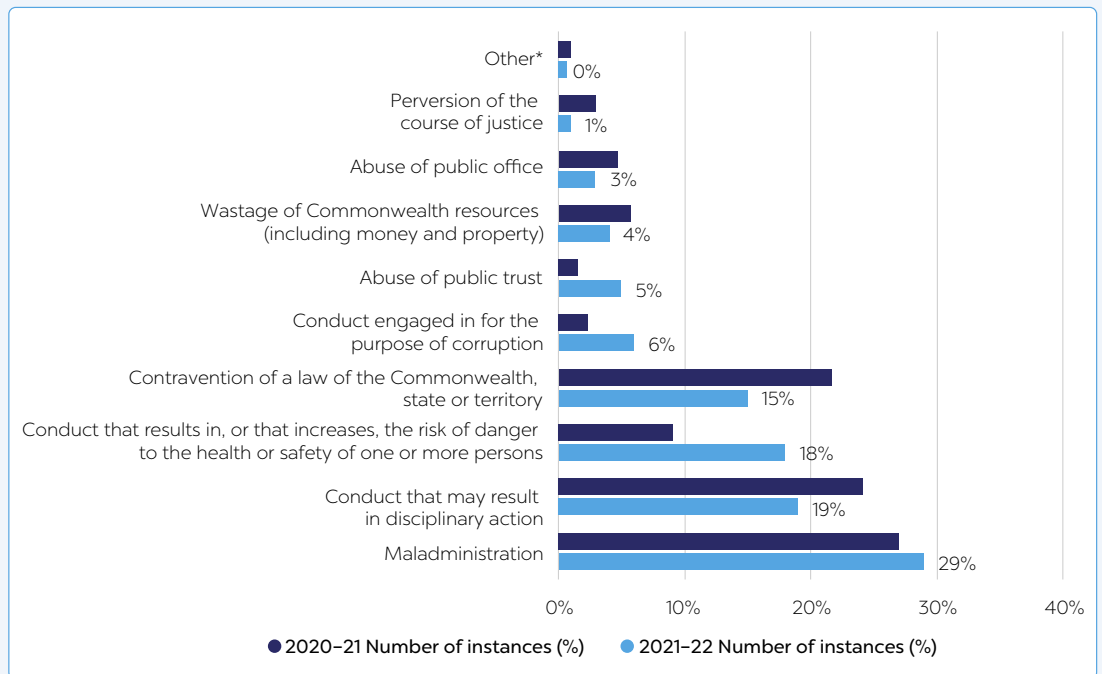
<sup>2</sup> Australian Security Intelligence Organisation (ASIO), Australian Secret Intelligence Service (ASIS), Australian Signals Directorate (ASD), Australian Geospatial-Intelligence Organisation (AGO), Defence Intelligence Organisation (DIO), and Office of National Intelligence (ONI). During the financial year, the IGIS jurisdiction was expanded to include disclosures in relation to the Australian Criminal Intelligence Commission (ACIC) and the Australian Federal Police's (AFP) intelligence functions relating to network activity warrants (see the *Surveillance Legislation Amendment (Identify and Disrupt) Act 2021*).

<sup>3</sup> Unless an extension of time is granted under s 52(3) of the PID Act.

A single PID may involve multiple allegations of disclosable conduct. Across the 257 PIDs made this year, there were 739 instances of alleged disclosable conduct.<sup>4</sup> 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’ (see Figure 3).

**Figure 3: Allegations of disclosable conduct<sup>5</sup>**



\*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.

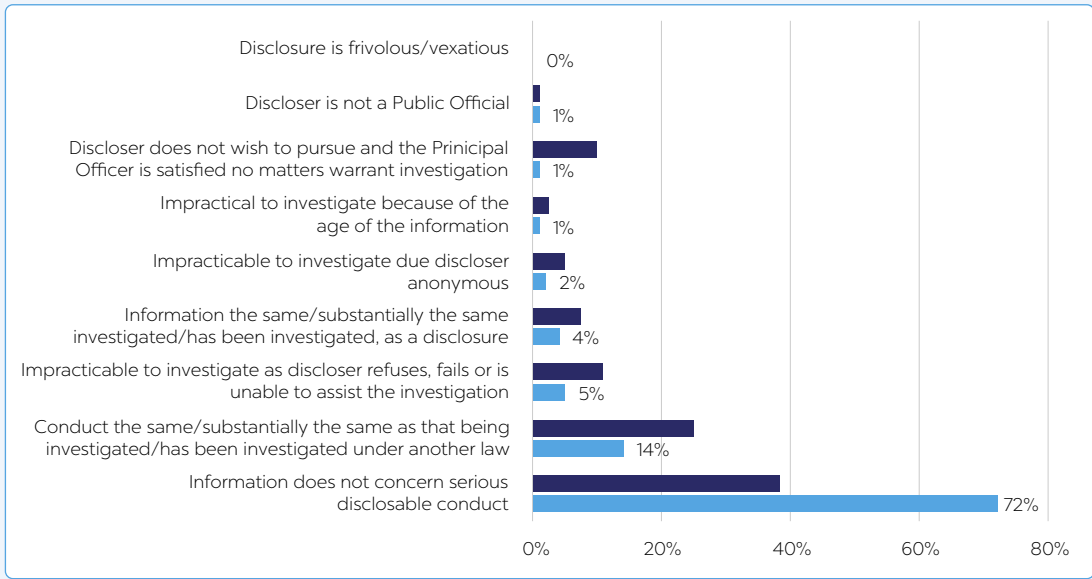
There are many reasons why agencies may decline to investigate a PID or decline to investigate further. This year agencies declined to investigate, in full or part, 339 PIDs, compared with 105 in 2020-21. This increase reflects that one agency exercised

discretion not to investigate 230 allegations in one PID. The most common reasons agencies declined to investigate were that the PID did not concern serious disclosable conduct, or the allegations had been or were being investigated under another law (see Figure 4).

4 This refers to allegations of disclosable conduct prior to an investigation being undertaken.

5 Percentages in Figures 3-5 rounded to nearest percentage point.

**Figure 4: Declined to investigate decision (s 48)**

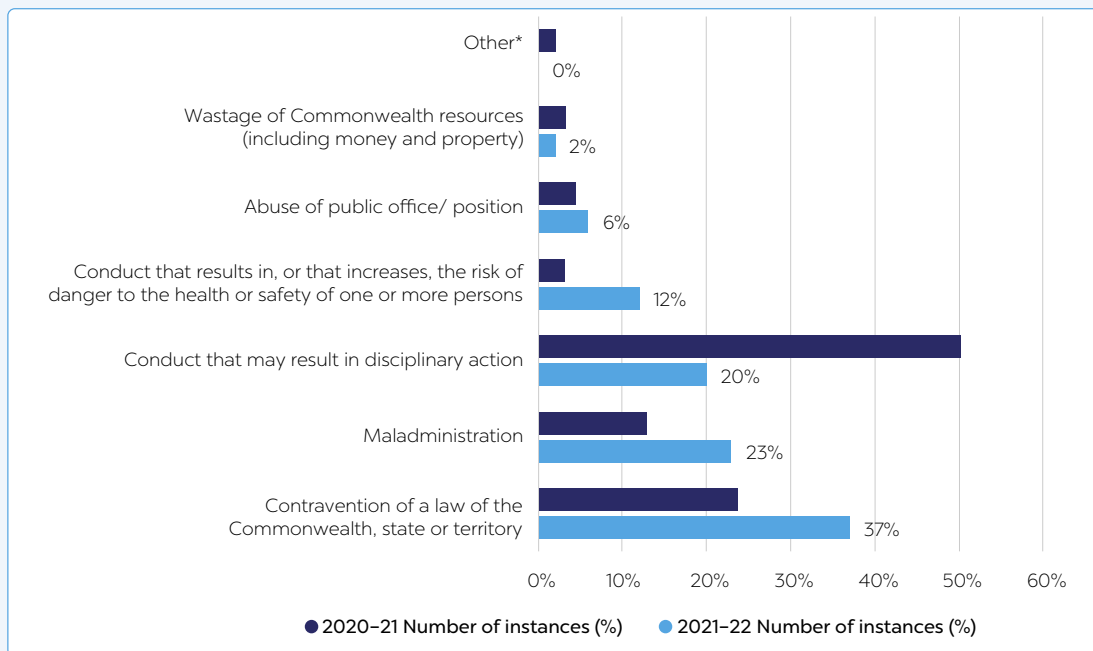


## Investigation outcomes

This year, agencies finalised 176 PID investigations. Of these, 39 investigations resulted in one or more findings of disclosable conduct (see Figure 5), compared with 53 in 2020-21 (26 per cent decrease). Investigations also resulted in 130 recommendations, compared with 114 in 2020-21 (14 per cent increase).

The Office reminds agencies at regular PID forums that a PID investigation that does not result in a finding of disclosable conduct may still identify an opportunity to mitigate potential risks of wrongdoing or improve agency practice and procedure. This year, 28 agencies completed PID investigations that resulted in one or more recommendations for improvements to agency practice or procedure. Of these agencies, 14 recommended improvements despite not making findings of disclosable conduct.

**Figure 5: Findings of disclosable conduct**



\*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.

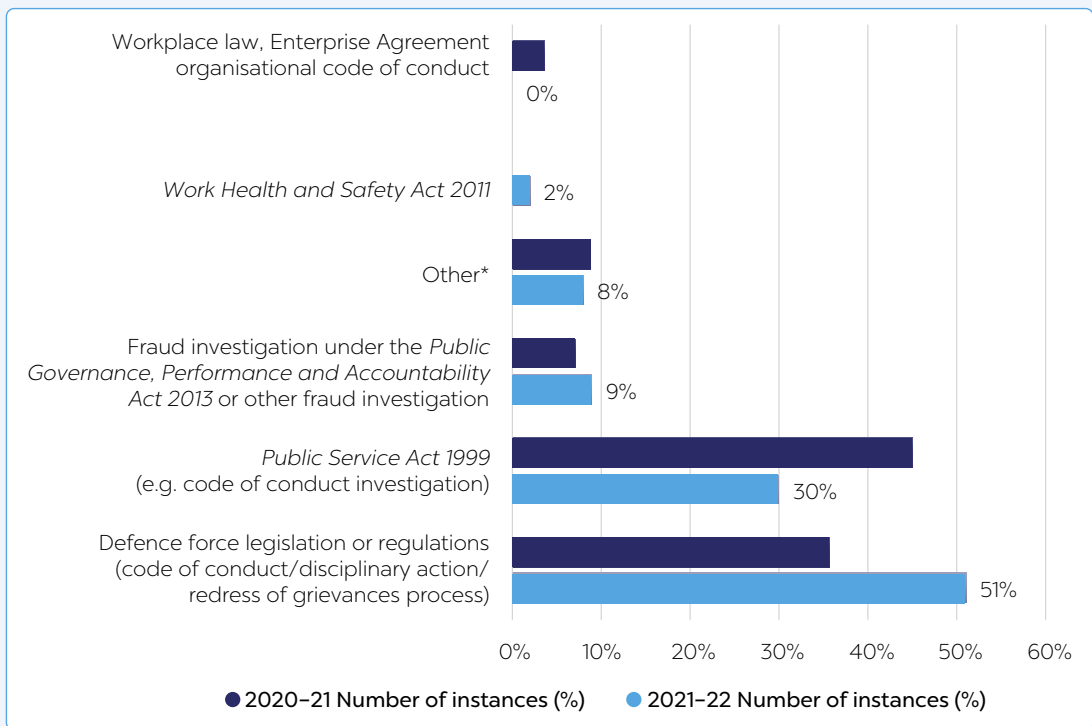
Agencies reported a range of actions taken in response to investigations, including:

- monitoring of compliance
- review of policy and procedures
- review of recruitment processes
- compliance training for contractors
- staff training
- referral of matters for external investigation or assessment.

This year, agencies contacted the police on 3 occasions where there were reasonable grounds to suspect that a disclosure included evidence of an offence. Police were contacted twice in the previous year.

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 (see Figure 6). Common areas for referral include the *Public Service Act 1999* (the Public Service Act) (for investigation of code of conduct matters), Defence Force legislation and the *Public Governance Performance and Accountability Act 2013* (PGPA Act) (for fraud matters). This year, agencies made 46 recommendations for referral, compared with 54 in 2020-21. Most were referred for investigation under Defence Force legislation or the Public Service Act.

**Figure 6: Referrals to other investigative mechanisms**



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 81 per cent.<sup>6</sup> This year, the number of disclosures made by contracted service providers was 11 per cent and the proportion of disclosures by deemed public officials was 8 per cent.

### 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. About 38 per cent of agencies reported providing formal training to their employees yearly, while 35 per cent of agencies provided 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.

### Authorised officers

A public official may only make a disclosure to an authorised officer<sup>7</sup>, their supervisor or the agency’s principal officer (see Table 2). As with previous years, most disclosures were

<sup>6</sup> In 2020-21, the Office reported the proportion of PIDs made by current or former public officials remained broadly consistent with recent years at 83 per cent.

<sup>7</sup> 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.



made to authorised officers (78 per cent). The proportion of disclosures made to supervisors decreased, from 7 per cent in 2020–21 to 5 per cent this year, while the proportion of

disclosures made directly to principal officers increased from 5 per cent in 2021–22 to 12 per cent this year.

**Table 2: Average number of authorised officers in an agency, by agency size**

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

To maximise accessibility, we encourage agencies to appoint authorised officers at a range of levels. Nonetheless, the substantive level of most authorised officers remained high with 47 per cent at senior executive level and 43 per cent at executive level.

This year, 11 agencies reported not having any authorised officers besides their principal officer, which is an increase from 8 agencies in 2020–21. The average number of authorised officers for agencies with greater than 10,000 employees was 10, representing a slight increase from 9 the previous year.

The Office recommends that principal officers ensure their agency has enough authorised officers to ensure all public officials who work with the agency have ready access. The Office will continue to encourage agencies to maintain adequate numbers of authorised officers relative to their size, and consider the seniority of those appointments, to maintain the PID scheme’s accessibility.

## Timeliness

The PID Act imposes a 90-day timeframe on investigations, subject to extension on application to the Office or IGIS 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. Consistent with recent years, 50 per cent of investigations were completed within 90 days, 27 per cent took between 91 and 180 days, and 23 per cent lasted more than 180 days.

During 2021–22, the Office received 169 requests for extension of time, of which 167 were granted. Compared with last year, 186 requests for extension were made and 178 were granted.

## Reprisal

Disclosers who believe they have been subject to reprisal are encouraged to raise the issue with their 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 agency’s handling of their reprisal claim.

In 2021–22, Commonwealth agencies reported 52 claims of reprisal, an increase from 27 the previous year. The most common types of conduct alleged were bullying, disadvantage to employment and, unreasonable management action. Agencies reported that, on investigation, no claims were substantiated.

Twenty-six enquiries or complaints were made to the Ombudsman 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 IGIS can review agencies' handling of PIDs to assess whether their actions are reasonable and comply with the PID Act and their own PID procedures.

In 2021–22, the Ombudsman received 50 complaints about agencies' handling of PIDs, an increase on the 42 complaints received in the previous year. Common complaint themes were:

- dissatisfaction with the findings or recommendations of an investigation, or agencies' consideration of evidence or selection of witnesses
- decisions to investigate the allegations under another law<sup>8</sup>
- 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 disclosure<sup>9</sup>
- agencies' handling of reprisal allegations
- agencies' communication with disclosers.

The Office investigated or is investigating 6 of the 50 complaints it received in 2021–22 about agencies' handling of PIDs. During the year

we finalised 42 complaints and made formal comments or suggestions about improving agency processes on 7 occasions.<sup>10</sup>

## Ombudsman investigations

Disclosures may be made directly to this Office where there are reasonable grounds to believe the Ombudsman should investigate.

Generally, the Office considers the agency to which the disclosure relates is best placed to investigate a disclosure. However, the Office may consider investigating a matter directly if satisfied the agency is unable to properly investigate or respond to the disclosure.

This year, the Office assessed 29 disclosures about other Commonwealth agencies, down from 49 in 2020–21. Of the 29 disclosures, we assessed 15 as PIDs.

In 2021–22, the Office allocated 13 disclosures to the relevant agency for investigation and internally allocated 2 disclosures for investigation. The Office also accepted the allocation of one disclosure from another agency.

This year, the Office completed 6 PID investigations.<sup>11</sup> We completed 4 investigations under the PID Act and 2 using the investigation powers provided by the *Ombudsman Act 1976* (Ombudsman Act). In a further 3 cases, we decided not to investigate or to cease investigating for reasons including that the information disclosed was the same, or substantially the same as conduct being investigated under another law; or that it was impracticable for the disclosure to be investigated.<sup>12</sup>

Of the 6 investigations we completed, one investigation was finalised with at least one finding of disclosable conduct related to the

8 Under s 47(3) of the PID Act.

9 Under s 26 of the PID Act.

10 The complaints finalised, and comments and suggestions made during the financial year may include complaints received prior to 2021–22.

11 Two of the investigations involved a decision under s 48 of the PID Act, with the investigator declining to investigate specific issues which formed part of the disclosure.

12 In accordance with the discretions set out in s 48 of the PID Act.

contravention of a law of the Commonwealth. The other 5 investigations were all finalised without any findings of disclosable conduct. However, 3 investigations resulted in one or more recommendations, including for improvements to agency policy and procedures. We also provided an agency with formal comments regarding an investigation conducted under the Ombudsman Act.

## IGIS investigations and complaints

### Reporting on disclosures made to IGIS

In 2021–22, IGIS received 3 disclosures which met the criteria under s 26 of the PID Act and related to intelligence agencies within IGIS jurisdiction. IGIS also considered a further 7 disclosures received in the previous financial year.

Of the 10 disclosures IGIS considered during the financial year, it investigated 2 disclosures in accordance with the PID Act. One was not finalised during this financial year and is ongoing; the second was finalised with no finding of disclosable conduct.

IGIS investigated 3 disclosures using its powers under the *Inspector-General of Intelligence and Security Act 1986*, while it allocated a further 4 disclosures to intelligence agencies for investigation.

In one case, the Inspector-General exercised his discretion not to investigate, as the discloser advised they did not wish an investigation to be pursued, and the Inspector-General was reasonably satisfied that investigation was not warranted.

### Reporting on disclosures made to intelligence agencies

IGIS also reports on the handling of disclosures made to the 6 intelligence agencies within its jurisdiction: ASIO, ASD,

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

The intelligence agencies received and investigated 10 disclosures which met the criteria under s 26 of the PID Act; 4 of these disclosures were allocated to the relevant agency by IGIS. The 10 disclosures involved 12 alleged instances of disclosable conduct.

Three instances were investigated under s 47 of the PID Act by either an internal or external investigator and no disclosable conduct was found. Three were closed under s 48(1)(i) (ii) of the PID Act. A further 3 instances were finalised under s 48(1)(g) of the PID Act; one was considered under the *Work Health and Safety Act 2011* and 2 were the subject of code of conduct investigations.

Additionally, 3 alleged instances of disclosable conduct were assessed by an authorised officer as not meeting the criteria under s 26 of the PID Act, as they were not deemed to be internal disclosures. All 3 instances were allocated to other agencies outside of IGIS jurisdiction.

Consistent with s 63 of the PID Act, IGIS provided assistance and advice to intelligence agency officials about the operation of the PID scheme.

## Ombudsman education and awareness

In 2021–22, the Office convened 2 PID forums specifically tailored to PID investigators. Both forums explored the important responsibilities of an investigator and covered a wide range of topics. These topics were on how to undertake a PID investigation, preparing an investigation report (to comply with s 51), discretions available to not investigate or not investigate further (s 48), considering whether to investigate under another law of the Commonwealth (s 47(3)) and communicating with the discloser. All topics focused on what the PID Act requires and good administrative practice to ensure best practice in agencies'

administration of the PID scheme. The forums brought together agency personnel involved in investigating PIDs.

The Office also delivered one agency-specific information session. This session provided the agency's PID practitioners with an overview of the PID scheme, as well as tips for handling PIDs.

A total of 168 representatives from a large cross-section of agencies attended the forums and information session and provided positive feedback.

In 2021-22, the Office received and responded to 174 enquiries from agencies and disclosers compared with 253 enquiries in 2020-21, which is a 31 per cent decrease. There were also 10,979 visits to the PID section of our website compared with 14,962 from the previous year.

# PART 5

## SPECIFIC OMBUDSMAN ROLES AND ANNUAL REPORTS

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# Part 5: Specific Ombudsman roles and annual reports

## Introduction

The *Ombudsman Act 1976* (Ombudsman Act) establishes 5 specific Ombudsman roles designating that each role is to be performed by the Commonwealth Ombudsman. The Ombudsman Act also requires an annual report on each role as per Table 3. We report publicly on each of the functions throughout the year, and these reports – combined with the information below – constitutes 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

Our role as the Defence Force Ombudsman (DFO) includes 2 main functions. We provide an independent complaints mechanism for serving and former members of the Australian Defence Force (ADF), and since 2016, we have received reports of abuse from serving and former members of the ADF who feel they are unable to access internal ADF mechanisms.

For those reports of serious abuse accepted to be in jurisdiction, we can recommend to Defence that it make a reparation payment under the Defence Reparation Scheme. The ability for a reparation payment to be recommended ceased for all reports received after midnight on 30 June 2022, unless an intention to report was submitted to our Office in writing before 30 June 2022 and the actual report is submitted by 30 June 2023.

## Complaints function

As the DFO, we receive and investigate complaints about administrative action taken by Defence agencies, including the 3 services (Navy, Army and Air Force), the Department of Defence and Defence Housing Australia (DHA). We also receive and investigate complaints about the Department of Veterans' Affairs (DVA).

## Complaints overview

In 2021–22, we received 295 complaints about Defence agencies<sup>13</sup> and finalised 220, a decrease of 13.9 per cent compared with complaints received in 2020–21. Complaints about Defence agencies raised issues such as:

- discharge
- unacceptable behaviour
- termination
- allegations of abuse or improper conduct by ADF members.

During 2021–22, we received 157 complaints about DVA and finalised 103. This was an increase of 1.3 per cent compared with complaints received in 2020–21. Complaints about DVA included issues such as:

- disability pension/compensation
- service delivery
- health care and medical services
- financial remedies.

## Abuse in Defence reporting function

Since 1 December 2016, the DFO has received reports of contemporary and historical abuse in Defence. This provides an independent and confidential mechanism for ADF members to report abuse for those who feel unable to access internal ADF mechanisms.

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

- a dedicated liaison officer to communicate with each person who reports abuse to the DFO from the beginning to the end of the process
- facilitated referrals for counselling for reportees

- assessment of each report of abuse to determine whether abuse is reasonably likely to have happened
- in limited circumstances, 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 for former and serving members of Defence who experienced serious abuse.

Eligibility to be assessed by the DFO for a reparation payment has now closed, except for ADF members who reported abuse to the DFO or lodged an intent to report abuse with the DFO, on or before 30 June 2022. If a Defence Force member lodged an intent to report on or before 30 June 2022, they must lodge a report with the DFO on or before 30 June 2023 to remain eligible for assessment.

Most reports of abuse made to our Office relate to conduct and behaviour that occurred many years ago. The earliest reports of abuse we received occurred in the early 1950s. Of the total 3,776 reports received to 30 June 2022, 5 per cent of reports relate to abuse alleged to have occurred after 30 June 2014.

From 1 December 2016 to 30 June 2022, our Office received 3,776 reports of abuse. At 30 June 2022, 2,299 of those reports had been assessed, with 1,989 found to be within DFO jurisdiction and 310 outside DFO jurisdiction, leaving 1,249 reports yet to be assessed.

At 30 June 2022, we had also received 2,114 'intent to report' notifications, of which 288 had already reported, leaving 1,826 eligible to submit a report of abuse to the DFO on or before 30 June 2023 and still be eligible for assessment for a potential reparation payment.

<sup>13</sup> The number of entities reported against has increased due to a change in reporting practices. The Defence agencies about which we received complaints included in this count are the Australian Air Force Cadets, Royal Australian Air Force, Australian Army, Australian Signals Directorate, Department of Defence, DHA, Defence Honours and Awards Tribunal, Inspector-General Australian Defence Force, and Royal Australian Navy.

In 2021-22, we received 1,222 reports of abuse compared with 953 in 2020-21 (see Figure 7 showing breakdown by month). The substantial increase in reports of abuse received in May and June 2022 is largely attributable to the fact that eligibility to be

assessed for a potential reparation payment closed on 30 June 2022.

The end of eligibility was advertised through a targeted campaign. During 2021-22, the Office conducted an advertising campaign to raise awareness of the terminating Defence Reparation Scheme.

**Figure 7: 2021-22 Reports of abuse received**

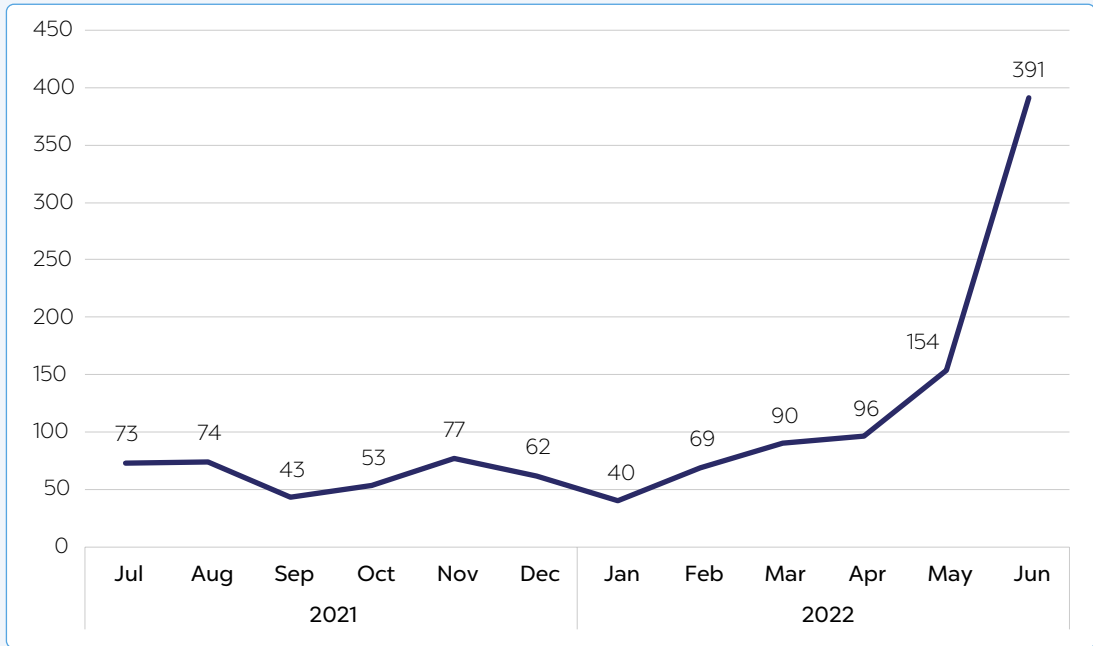
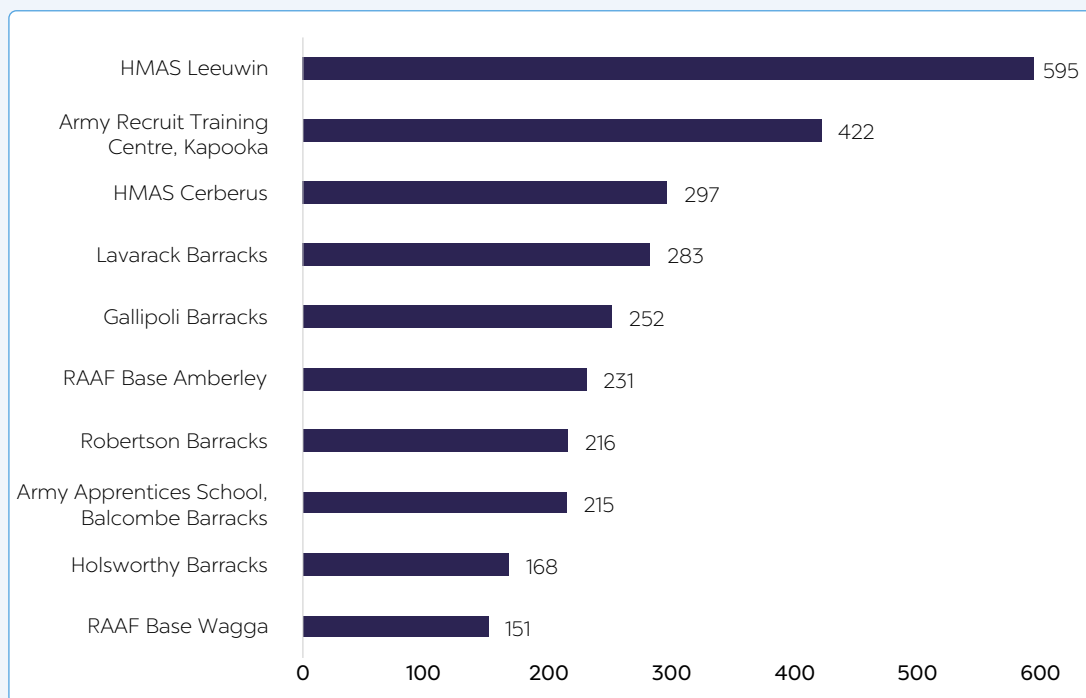


Figure 8 shows the most reported locations for reports of abuse assessed as in jurisdiction. As in previous years, the trend has continued with the same top 3 locations for reports of abuse, with other locations remaining in the top 10, but changing position as more reports of abuse are finalised.



**Figure 8: Most reported locations**



Reportees are assigned a single liaison officer where possible. Liaison officers have the training, skills and experience to communicate with people who have experienced trauma and find the reporting abuse process difficult. Liaison officers work closely with the reportees to establish rapport and trust.

Reports of abuse are assessed under the Ombudsman Regulations 2017. 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.

## Reparation payments

For the most serious forms of abuse and/or sexual assault that happened on or before 30 June 2014, the DFO may recommend Defence make a reparation payment. There are 2 possible payments we may recommend:

- a payment of up to \$45,000 to acknowledge the most serious forms of abuse
- a payment of 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 meet the parameters set out in the framework for a payment.

Since the start of the Defence Reparation Scheme, the Office has sent 1,534 reparation payment recommendations to Defence. As at 30 June 2022, Defence had considered and accepted 1,303 recommendations, totalling approximately \$54,735,000. As at 30 June 2022, 231 recommendations were awaiting Defence consideration.

## Restorative Engagement Program

The first objective of the Restorative Engagement Program is to support a person who has made a report of abuse to tell their story to a senior representative from Defence

in a private, facilitated meeting called a restorative engagement conference. The conference provides the opportunity for Defence to acknowledge and respond to an individual's personal account of abuse.

The second objective of the program is to enable a broader level of insight into the effects of abuse and its implications for Defence – which is critical to informing and building cultural change.

This year, the Restorative Engagement Program was affected by COVID-19 travel restrictions, which limited the number of conferences conducted in person. The Office convened individual restorative engagement conferences for 21 people who experienced serious abuse while a member of the ADF. Since the program started, a total of 188 conferences have been held.

Participation in the program is a choice made by reportees. Feedback from reportees demonstrates they are motivated to participate in a conference to:

- achieve healing in some way
- receive an apology
- contribute to preventing future abuse in Defence
- contribute to cultural change
- have their story of abuse meaningfully acknowledged by Defence
- to reconnect with Defence.

Most reportees strongly agreed that Defence meaningfully acknowledged their story of abuse, strongly agreed the Defence representative was accountable for the abuse and expressed strong disapproval for what happened.

Written feedback from participating Defence representatives also told us that participating in the restorative conference will help 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.

## Defence inquiries and reports

In January 2022, the Office released the report *The Department of Veterans' Affairs' communication with veterans making claims for compensation*. The own motion investigation examined the appropriateness of DVA's administrative framework to support its communication with veterans making claims for compensation for injuries or conditions related to their service, including DVA's approach to communicating with and assisting at-risk veterans.

The report made 8 recommendations aimed at improving the transparency and quality of information provided to the veteran community, including strengthening guidance for DVA staff to support effective communication with veterans. All 8 recommendations were accepted by DVA. DVA advised our Office it will implement all 8 recommendations during 2022. The Office will continue to work with DVA to monitor its progress to implement the recommendations.

## Monitoring the implementation of recommendations

Our Office regularly monitors the implementation of recommendations arising from our investigations. In September 2020, we published our inaugural *Did They Do What They Said They Would?* report. The report analysed agencies' implementation of recommendations made in reports published between July 2017 and June 2019.

The Office is currently reviewing the implementation of recommendations made in reports published in the period 1 July 2019 to 30 June 2021. This review includes the 6 recommendations made in our report *Defence's policies for receiving and responding to reports of abuse* published in August 2019, and the 5 recommendations

made in our *Inquiry into behaviour training for Defence recruits* published in July 2020.

Agencies, including Defence, will have the opportunity to comment on our proposed findings prior to finalisation of our report. We expect our report to be completed in the second half of 2022.

## Postal Industry Ombudsman

### Complaints function

The function of the Postal Industry Ombudsman (PIO) is to investigate complaints about postal and similar services provided by Australia Post and private postal operators that voluntarily register with the scheme. Australia Post is the only mandatory member of the PIO scheme. Private operators join voluntarily.

During 2021–22, we received 4,319 complaints about Australia Post, 152 about StarTrack, 9 about Federal Express and one about D&D Mailing Services.

### Complaints overview

During 2021–22, we received 4,481 postal industry complaints, which represented an increase of 23 per cent compared with 3,656 complaints in 2020–21. The increase in complaints may be attributed to the increased use of postal services as a result of COVID-19.

During 2021–22, we started 21 complaint investigations. One investigation was ongoing at 30 June 2022 and will be finalised in 2022–23. A total of 34 investigations were finalised in 2021–22. Problems with the delivery of mail and parcels was the most common issue in complaints (36 per cent of all complaint issues), followed by delay (32 per cent) and lost items (24 per cent).

Complaints about delays peaked at 577 complaints in the October to December 2021 quarter, doubling on the previous quarter, due to widespread lockdowns in the latter half of

2021. Online shopping and parcel delivery increased during lockdown periods, which in turn led to increased pressure on postal services. Further service disruptions were experienced across the postal network in 2022 because of flooding events in Queensland and New South Wales. This coincided with the resurgence of COVID-19 and the resulting impacts on staff availability due to isolation requirements.

### Further complaints reporting

Further information on PIO complaints and issues for the 2021–22 year can be found on our Publications webpage at [ombudsman.gov.au](https://ombudsman.gov.au).

## Overseas Students Ombudsman

### Complaints function

The Office investigates complaints from prospective, current and former international students about private education providers.

We have 3 main functions in our Overseas Students Ombudsman (OSO) role:

1. To assess and investigate complaints about actions taken by private registered education providers in connection with student visa holders.
2. To give private registered providers advice and training about best practice complaint handling for international student complaints.
3. To report on trends and systemic issues arising from our complaint investigations.

### Complaints overview

In 2021–22, we received 750 complaints and finalised 733. This is a 31 per cent decrease in complaints received compared with the 1,079 received in 2020–21. The decrease reflects the continued effect of border closures on international education.

Written agreements (as they relate to fees and refunds) were the most common issue in complaints we received from overseas students (36 per cent of all complaint issues). Transfers between providers (12 per cent), progress, attendance and course duration (10 per cent) and, deferring, suspending or cancelling enrolment (10 per cent) were the next most common complaint issues.

## Investigation outcomes

During 2021–22, we started 167 investigations and finalised 160 investigations that included 264 issues.<sup>14</sup>

In 33 per cent of issues investigated, we considered the provider had substantially met their responsibilities.

In 28 per cent of issues investigated, we did not form a view about whether the provider had substantially met their responsibilities towards students. This can be for one or more reasons, such as the issue was resolved between the student and provider during the investigation.

In 40 per cent of issues investigated, we considered a provider had not substantially met their responsibilities. When we consider a provider has not substantially met their responsibilities, we work with both parties to find a possible suitable remedy for the student. If we observe that a provider's non-compliance is serious or repeated, we may disclose the matter to the appropriate regulators and other bodies such as the Tuition Protection Service and the Department of Education.<sup>15</sup>

## Stakeholder engagement

We conducted one in-person and 6 virtual workshops for private education providers on complaint management to assist the industry improve complaint handling practices.

We produced guidance material and publications for providers. This included a fact sheet on *Guidance for complaint handlers on dealing with risks of harm*. Further information, including a copy of these materials, is available on our Brochures and fact sheets webpage at [ombudsman.gov.au](http://ombudsman.gov.au).

## Quarterly updates

Quarterly updates are published for the OSO function, which provides detailed data and analysis of complaints. These updates can be found on our Publications webpage at [ombudsman.gov.au](http://ombudsman.gov.au).

## Private Health Insurance Ombudsman

### Complaints function

The role of the Private Health Insurance Ombudsman (PHIO) is to protect 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.

### Complaints overview

In 2021–22, we received 2,704 complaints. This represented a 237 per cent decrease in complaints received compared with 2020–21 when we received 3,496 complaints. We finalised 2,711 complaints.

In 2021–22, 88 per cent of complaints were finalised as 'referrals' – that is, when the complainant did not sufficiently raise the issue with the insurer in the first instance, the Office referred it back to them to engage with the insurer. For 'assisted referrals' (85 per cent of all complaints) we refer a complaint directly to a nominated representative of the insurer or service provider, on behalf of the complainant,

<sup>14</sup> A single complaint can have more than one issue, which is why there are more issues than investigations.

<sup>15</sup> Formerly the Department of Education, Skills and Employment.

and request a copy of the response provided to the complainant.

Approximately 5 per cent of complaints were classified as 'investigations' – a decrease from 8 per cent compared with 2020–21. In these cases, we request a detailed report from the health insurer or other subject of the complaint (such as a hospital, broker or other healthcare practitioner). We review this report to decide whether the initial response was satisfactory or if further investigation is warranted.

Approximately 5 per cent of complaints were classified as 'no further action'. These complaints were finalised following the Office's consideration of the issue and providing more information or a clearer explanation directly to the complainant, without the need to contact or seek additional information from the health insurer or healthcare provider.

## Quarterly updates

Quarterly updates are published for the PHIO function, which provides detailed data and analysis of complaints and guidance material for industry stakeholders. These updates can be found on our Publications webpage at [ombudsman.gov.au](http://ombudsman.gov.au).

## VET Student Loans Ombudsman

### Complaints function

The Office investigates complaints from students about Vocational Education and Training (VET) providers authorised to receive funding under Australian Government loan schemes. We also deliver best practice complaint handling advice and training to VET loan scheme providers to help improve their ability to manage complaints, resulting in better outcomes for students and providers.

If required, we have powers to compel VET loan scheme providers to attend meetings. We can also make disclosures to other Australian Government agencies in relation to systemic issues in provider practices uncovered through our investigations.

## VET FEE-HELP Student Redress Measures

We continued to assess complaints about the VET FEE-HELP program under the VET FEE-HELP Student Redress Measures (SRMs), which started in January 2019. Under the SRMs, we can recommend 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)<sup>16</sup> who decides to either re-credit or not re-credit the debt, in full or in part.

We also worked 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 (SIAs) without the need for a complaint to have been lodged with us.

The SRMs had an initial end date of 31 December 2020 but were extended to 31 December 2022. For applications made after 31 December 2020, complainants need to have exceptional circumstances for not approaching the Office earlier in order to have their complaint considered.

<sup>16</sup> Formerly the Department of Education, Skills and Employment.

## Complaints relating to VET FEE-HELP assistance program

During 2021-22, we received 2,850 complaints and finalised 2,756 complaints from students disputing a VET FEE-HELP debt or raising other issues with their VET FEE-HELP provider. This compares with 4,186 complaints received and 5,575 complaints finalised in 2020-21.

The significant reduction in the number of complaints in 2021-22 is in line with the gradual decline in complaint numbers we have experienced since the peak at the start of the SRMs on 1 January 2019. We expect this trend to continue given that most people who are aware that they incurred inappropriate VET FEE-HELP debts have probably already contacted our Office. However, we note that there is still a large number of people who may not know that they have incurred a VET FEE-HELP debt.

During 2021-22, we made 857 recommendations to DEWR to remove a VET FEE-HELP debt – comprising 3,020 units of study with a total value of \$13.48 million, including \$11.26 million in tuition fees and \$2.22 million in loan fees. In addition, we continued to assist DEWR in preparing several SIAs. During 2021-22, 636 complaints had at least one unit of study re-credited as a result of a SIA. SIAs have resulted in more than \$3.1 billion dollars being re-credited to students up to 30 June 2022.

Loan amounts, unknown debts, or misleading or inaccurate enrolment information were the most common issues raised, accounting for 69 per cent of issues in complaints finalised in 2021-22.

At 30 June 2022, 1,542 open VET FEE-HELP complaints required assessment by our Office.

## VET FEE-HELP outreach activities

The Office remains conscious 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 2021-22, we engaged in outreach activities to help ensure that these Australians can access our services before the SRMs expire on 31 December 2022 and have their case for re-credit considered. Activities included:

- using our social media channels and website to alert people to the issue of student debt and how we can help
- collaborating with DEWR to ensure up-to-date information about the SRMs was returned in related web searches
- engaging with other state and federal agencies and media organisations to refresh their digital communications messaging regarding the expiration of the SRMs
- cooperating with Services Australia to invite people with an inappropriate VET FEE-HELP debt to apply to the Office to have that debt cancelled. This included Services Australia:
  - displaying Ombudsman-branded messaging in properties equipped with its digital poster loop
  - distributing a flyer throughout its network, which outlined a simplified process for lodging complaints with our Office
  - running an animated video clip on waiting room screens throughout the country
- exhibiting at the Financial Counselling Australia National Conference in Cairns during May 2022.

## Complaints relating to the VET Student Loans program

During 2021-22, we received 180 complaints and finalised 149 complaints relating to the VET Student Loans program. This compares with 222 complaints received and 241 complaints finalised in 2020-21.

During 2021-22, the most common issues raised in complaints about the VET Student Loans program related to loan amount disputes and post-census date re-credits. The Office commenced 4 VET Student Loan complaint investigations. At 30 June 2022, these investigations are ongoing.

A significant proportion of complaints about the program (56 per cent) were finalised by referral to the provider for the complainant to go through the provider's internal complaint process.

## VET Student Loans Code of Practice

During 2021-22, we promoted the Office's voluntary VET Student Loans Code of Practice published on 30 June 2021. The code was developed for VET student loans approved course providers and is designed to address issues we have identified through analysis of our complaints about VET student loans. Since its publication, 85 education providers have registered as signatories to the code. A list of the signatories is published on our website at [ombudsman.gov.au](https://ombudsman.gov.au).

## Stakeholder engagement

In 2021-22, we engaged with government agencies and community groups to increase awareness of the VET FEE-HELP SRMs. The focus was to establish and develop relationships with the agencies that interact with people who have a VET FEE-HELP debt and who wish to dispute the debt. We continue to work with DEWR, Services Australia, the Australian Taxation Office, the Australian Skills Quality Authority, TAFE Directors Australia, and the Independent Tertiary Education Council Australia (ITECA).

We hosted stands at the Financial Councillors Association National Conference in May 2022 and the Independent Tertiary Education Council Australia National Conference in June 2022.

We also facilitated a workshop on best practice complaint handling for an education provider.

## Quarterly updates

We publish quarterly updates for the VET Student Loans Ombudsman function, which provide detailed data and analysis of complaints and issues handled by our Office. These updates are published on our Publications webpage at [ombudsman.gov.au](https://ombudsman.gov.au).





# PART 6

## MANAGEMENT AND ACCOUNTABILITY

Corporate governance. . . . .58

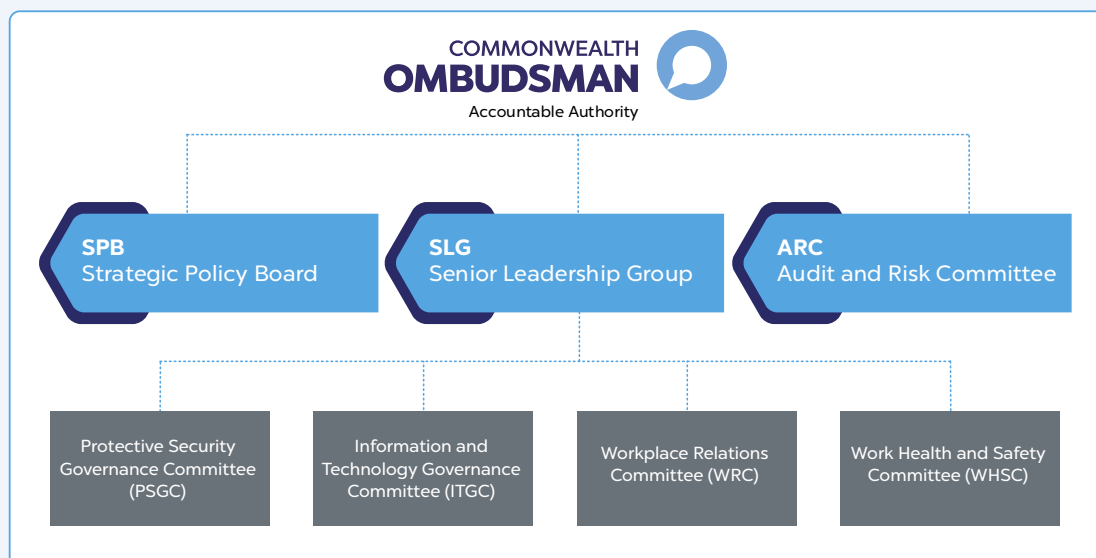
# Part 6: Management and accountability

## Corporate governance

As required by the Commonwealth Performance Framework, the Office of the Commonwealth Ombudsman (the Office) developed and publicly released its 2021-22 Corporate Plan in August 2021. The plan framed the Office's strategic vision, objectives, deliverables, and performance criteria for the next 4 years.

The Office has 3 key corporate governance structures and 4 management committees to ensure the Office is implementing the principles and objectives of corporate governance. Figure 9 depicts the Office's governance structures and management committees.

Figure 9: Committee structure



## Senior Leadership Group

The Senior Leadership Group (SLG) is the Office's leadership and management committee. SLG provides continuous oversight of the Office's operational functions. It meets monthly to make decisions in relation to corporate governance, performance, compliance, and resource allocation to ensure the Office meets its legislative functions and purpose. The SLG is comprised of the Ombudsman, Deputy Ombudsman, Senior Assistant Ombudsman (SAOs), and the Chief Operating Officer (COO).

## Strategic Policy Board

The Strategic Policy Board (SPB) is comprised of the Ombudsman, Deputy Ombudsman, SAOs and the COO. The board meets monthly to consider the strategic priorities of the Office, through whole-of-office consideration of public interest issues and business intelligence to inform the selection, prioritisation, scoping, resourcing, timing and delivery of strategic projects. The projects include own motion investigations, issues papers, submissions, products and targeted engagement activities by the Office in fulfilment of its statutory mandate.

## Audit and Risk Committee

The Office has an Audit and Risk Committee that complies with s 45 of the *Public Governance, Performance and Accountability Act 2013* (the PGPA Act) and PGPA Rule s 17 (Audit Committee for Commonwealth 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 Audit and Risk Committee Charter is available on our Audit and Risk Committee Charter webpage at [www.ombudsman.gov.au](http://www.ombudsman.gov.au).

Regular observers at committee meetings include representatives from the Australian National Audit Office (ANAO), the Office's current internal auditors, RSM Australia, the Deputy Ombudsman, the COO, and the Chief Financial Officer (CFO).

The Audit and Risk Committee met 4 times during the year. 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	Qualifications, knowledge, skills or experience (include formal and informal as relevant)	Period of membership during the year	No. of meetings attended / total no. of meetings	Total annual remuneration \$ (GST exclusive)	Additional information
Will Laurie	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 2021 to 30 June 2022	4/4	19,800	External independent member and Chair
Alfred Bongi	Formal accounting, economics, and mediator qualifications. Graduate of the Australian Institute of Company Directors. Thirty-six years' experience in the Australian Public Service, including 13 years as a senior executive. More than 10 years' experience in Australian Government governance, fraud, audit and risk committees.	1 July 2021 to 30 June 2022	4/4	16,600	External independent member
Joanna Stone	Formal finance qualifications. Substantial public and private sector management experience. Experience across several audit committees as member and chair.	1 July 2021 to 30 June 2022	4/4	N/A Australian Government Official	External independent member

## 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) is made up of elected staff representatives from each of our offices and is chaired by the 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 also chairs the Workplace Relations Committee (WRC). It is comprised of staff, management, and union representatives. 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) is chaired by the Chief Security Officer. The purpose of the PSGC is to support the 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.

## Corporate governance practices

### Risk management

The SLG 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.

Additional oversight of our risk management is provided by the Audit and Risk Committee, which provides the Ombudsman and SLG with independent practical guidance and support regarding risk management strategies and review of the Office's Risk Management Policy and Framework.

### Business resilience management

The Office utilises an integrated business resilience governance model that provides 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 SLG is responsible for the oversight and review of 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 contrast and a simple presentation of content to assist readability.

## Ethical standards

The Office promotes high ethical standards and behaviours by our staff. We provide information to our staff on the Australian Public Service Commission's Ethics Advisory Service. Our intranet contains information about:

- APS Values and Code of Conduct
- workplace discrimination, bullying and harassment
- conflicts 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 guidance:

'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 Australian Public Service.

## 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 Office reviewed its Fraud Control Framework in July 2021.

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 in the Office.

All fraud allegations are reported to the Ombudsman and the Audit and Risk Committee. 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

### Australian National Audit Office Performance Audit

The ANAO commenced a performance audit on the Office's Management of Complaints in October 2021.

The criteria for the audit were:

- Does the Ombudsman have fit-for-purpose arrangements in place to support the effective and efficient handling of complaints?
- Does the Ombudsman review the effectiveness of its complaints management processes and use this information to improve complaints management processes?

The Office welcomed the performance audit and acknowledged the valuable role the ANAO plays in providing independent assurance to the Parliament and the public that our Office has an effective process in place to manage complaints.

The Office is committed to delivering an efficient, effective, accessible and impartial complaint service for the Australian community, and influencing systemic improvement in public administration.

We welcomed the ANAO conclusions that the Office is largely effective at managing complaints; has fit-for-purpose arrangements in place to support the effective handling of complaints; our complaints process is accessible, clear and mostly responsive to the public; and we undertake work to reduce access barriers to Indigenous communities and people living with a disability.

The Office accepted the one recommendation to establish enterprise-level monitoring and assurance frameworks for complaint handling. The Office is committed to continuous improvement and has already commenced work in response to this recommendation.

### Court and tribunal litigation

In 2021-22, the Federal Circuit Court (in *Skiba v Commonwealth Ombudsman* [2022]

FedCFamC2G 216) found that decisions of the Ombudsman in relation to complaints received under the *Ombudsman Act 1976* (Ombudsman Act) were not 'administrative decisions' for the purposes of the *Administrative Decisions (Judicial Review) Act 1977* (ADJR Act), and therefore judicial review under the ADJR Act was not available.

### Office of the Australian Information Commissioner

During the reporting period, the Office of the Australian Information Commissioner (OAIC) advised the Office of several matters where the applicant sought 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 2021-22	5	2017-18	Decision affirmed	s 55K
		2018-19	Decision affirmed	s 55K
		2018-19	Decision set aside	s 55K
		2020-21	Decline to review – lacking in substance	s 54W
		2021-22	Application for review invalid	
New applications for review 2021-22	10			
Matters still under consideration as at 30 June 2022	10	2021-22	Awaiting decision	
		5	2020-21	Awaiting decision
		2	2019-20	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 2021-22 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 2021–22	0	
Complaints from previous years finalised by the OAIC in 2021–22	1	OAIC finalised one privacy complaint from 2018–19 under s 41(2)(a) (Commissioner satisfied that complaint has been adequately dealt with) and s 41(1)(da) of the Privacy Act (investigation was not warranted considering all the circumstances).
Complaints still under consideration as at 30 June 2022	0	

## Management of human resources

### Overview

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

### People

During 2021–22, 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 per cent of working hours per fortnight. As at 30 June 2022, approximately 80 per cent of staff had an agreement in place to work up to 50 per cent 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 continued to provide 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 2021–22, the Office commenced a review of its Work Health and Safety (WHS) Policy resulting in a new shorter 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 2021–22 were:

- continuation of Employee Assistance Program (EAP) provider and specialised wellbeing services, including critical incident support and debriefing sessions for teams dealing with unreasonable complainant conduct and sensitive material
- free flu vaccinations for staff and contractors
- ongoing support under the Office's Early Intervention Policy to address early signs of injury and illness
- biannual workplace safety inspections to ensure compliance with the WHS Act from a physical and psychological perspective



- training and refresher training for emergency contact officers (health and safety representatives, harassment contact officers, first aid officers and emergency wardens)
- a COVID-19 risk register underpinned by the broader Office risk register and WHS risk register.

During the reporting period, there were zero notifiable incidents.

## Employment arrangements

The Office's enterprise agreement 2017-20 came into effect on 31 August 2017. 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 2022, a total of 273 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. Ten 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. The Office's Diversity and Inclusion Strategy ensures we value and respect the diversity of our staff, stakeholders, and partners.

Office actions in 2021-22 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 2022, there were 280 staff (262.71 full-time equivalent) employed in the Office. These figures include the Ombudsman and Deputy Ombudsman who are statutory office holders.

Women made up 68 per cent of the Office's workforce. Part-time staff represented 20 per cent. Staff who identified as Indigenous made up 2.2 per cent of our workforce, and 4.7 per cent 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 Australian Public Service (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://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://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://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://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 financial services, IT development, and mediation services.

The Office does not administer any grant programs.

During 2021–22, 4 new reportable consultancy contracts were entered into involving total actual expenditure of \$0.388 million. In addition, 6 ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$0.117 million (see Table 7).

**Table 7: Total reportable consultancy contract expenditure in 2021–22**

Organisations receiving a share of reportable consultancy contract expenditure 2021–22	Expenditure \$ (GST exclusive)	Proportion of 2021–22 total spend (%)
EY Sweeney	203,153	40
KPMG Australia Pty Ltd	131,500	26
Cleared Security Pty Ltd	48,413	10
The Copy Collective Pty Ltd	46,173	9
Mr William Laurie	24,750	5
<b>TOTAL</b>	<b>453,989</b>	<b>90</b>

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](https://tenders.gov.au).

During 2021–22, 221 new reportable non-consultancy contracts were entered into

involving total actual expenditure of \$9.191 million. In addition, 116 ongoing reportable non-consultancy contracts were entered into during the previous reporting period, involving total actual expenditure of \$7.676 million (see Table 8).

**Table 8: Total reportable non-consultancy contract expenditure in 2021–22**

Organisations receiving a share of reportable non-consultancy contract expenditure 2021–22	Expenditure \$ (GST exclusive)	Proportion of 2021–22 total spend (%)
Randstad Pty Limited	2,539,679	15
Childers Nominees Pty Ltd	1,988,951	12
DFP Recruitment Services	1,865,656	11
Hays Personnel Services Australia Pty Ltd	1,616,553	10
Beaumont & Beaumont	1,072,177	6
<b>TOTAL</b>	<b>9,083,016</b>	<b>54</b>

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](https://tenders.gov.au).

### Advertising campaigns

During 2021–22, the Office conducted an advertising campaign to raise awareness of the terminating Defence Reparation Scheme at a cost of \$49,868.68 (GST exclusive). Further information on this advertising campaign is available in the reports on Australian

Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance website at [finance.gov.au](https://finance.gov.au).

### Exempt contracts

The Office did not procure any contracts amounting to more than \$10,000 and is exempt from reporting on AusTender website at [tenders.gov.au](https://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 SLG and the Audit and Risk Committee.

## Asset management

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

Our ICT assets are managed in-house. Our property plant and equipment assets are primarily ICT assets and are supported by maintenance agreements and warranties. Intangible assets comprise software and websites that are either supported internally or through a support contract. The other major asset is property leasehold fit out.

# PART 7

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# Part 7: Appendices

## Appendix 1: All public contacts

Table 9: All public contacts 2021–22

Public contacts	Received	Finalised
<b>Commonwealth complaints</b>		
Department of Agriculture, Water and the Environment	24	20
Attorney-General's Department	294	267
Department of Infrastructure, Transport, Regional Development and Communications	100	62
Department of Defence	292	234
Department of Veterans' Affairs	158	113
Department of Education, Skills and Employment	289	233
Department of Finance	102	76
Department of Foreign Affairs and Trade	1,116	878
Department of Health	234	184
Department of Home Affairs	1,288	1,039
Department of Industry, Science, Energy and Resources	29	22
Department of Parliamentary Services	1	1
Department of the Prime Minister and Cabinet	43	35
Department of Social Services (including Services Australia)	9,373	8,288
Department of the Treasury	303	284
<b>Subtotal</b>	<b>13,646</b>	<b>11,736</b>
<b>Industry complaints</b>		
Overseas Student Ombudsman	750	733
Private Health Insurance Ombudsman	2,704	2,711
Postal Industry Ombudsman	4,481	4,358
VET Student Loans Ombudsman	3,030	2,900
<b>Subtotal</b>	<b>10,965</b>	<b>10,702</b>

<b>Public contacts</b>	<b>Received</b>	<b>Finalised</b>
<b>Program-specific matters</b>		
ACT Freedom of Information (FOI) Access Application	7	6
ACT Ombudsman – FOI Deemed Decision <sup>1</sup>	8	9
ACT Ombudsman – FOI Extension Request <sup>2</sup>	12	17
ACT Ombudsman – FOI Review Request <sup>3</sup>	26	30
ACT Reportable Conduct Notifications	136	154
Defence Force Ombudsman (DFO) Report	1,199	372
DFO Reparation Payment	565	378
DFO Report out of jurisdiction	23	64
FOI Request (Commonwealth)	149	129 <sup>4</sup>
Public Interest Disclosure (PID) Complaint	50	42
PID Extension	169	168
<b>Subtotal</b>	<b>2,344</b>	<b>1,369</b>
<b>Enquiries</b>		
Private Health Insurance Ombudsman enquiries	1,744	1,733
Out of jurisdiction	6,503	6,449
ACT FOI Enquiry	24	23
ACT General Enquiry	0	0
ACT Inspector Enquiry	0	0
ACT Reportable Conduct Enquiry	106	114
DFO Enquiry	1,719	1,656
Ombudsman General Enquiry	210	183
Ombudsman Service Delivery	137	139
PID Enquiry	177	175
<b>Subtotal</b>	<b>10,620</b>	<b>10,472</b>
<b>ACT Ombudsman complaints</b>	<b>524</b>	<b>426</b>
<b>TOTAL complaints</b>	<b>25,135</b>	<b>22,864</b>
<b>TOTAL public contacts</b>	<b>38,099</b>	<b>34,705</b>

1 These are matters dealt with by the ACT Ombudsman in its capacity as the FOI review body for FOI decisions of ACT agencies. For more information, please see the [Annual reports – ACT Ombudsman](#).

2 As above.

3 As above.

4 This report is based on FOI matters closed in our case management database during the period, rather than matters finalised through the provision of our decision.

# 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 2022:

- (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 2022 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 2022 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 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

29 September 2022

## OFFICE OF THE COMMONWEALTH OMBUDSMAN

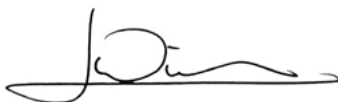
### STATEMENT BY THE ACCOUNTABLE AUTHORITY AND CHIEF FINANCIAL OFFICER

In our opinion, the attached financial statements for the year ended 30 June 2022 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  
29 September 2022



Joanne Wilson  
Chief Financial Officer  
29 September 2022

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## OFFICE OF THE COMMONWEALTH OMBUDSMAN

### Statement of Comprehensive Income

for the period ended 30 June 2022

	Notes	2022 \$'000	2021 \$'000	Original Budget \$'000
<b>NET COST OF SERVICES</b>				
<b>Expenses</b>				
Employee benefits	1.1A	26,360	26,734	27,931
Suppliers	1.1B	14,186	13,487	14,118
Depreciation and amortisation	2.2A	4,477	4,362	4,047
Write-down and impairment of assets	1.1C	49	12	-
Finance costs	1.1D	67	92	66
<b>Total expenses</b>		<b>45,139</b>	<b>44,687</b>	<b>46,162</b>
<b>Own-source income</b>				
<b>Own-source revenue</b>				
Revenue from contracts with customers	1.2A	3,247	3,525	3,833
Other revenue	1.2B	129	54	54
<b>Total own-source revenue</b>		<b>3,376</b>	<b>3,579</b>	<b>3,887</b>
<b>Gains</b>				
Gains from sale of assets		31	-	-
<b>Total gains</b>		<b>31</b>	<b>-</b>	<b>-</b>
<b>Total own-source income</b>		<b>3,407</b>	<b>3,579</b>	<b>3,887</b>
<b>Net (cost of) services</b>		<b>(41,732)</b>	<b>(41,108)</b>	<b>(42,275)</b>
Revenue from government	1.2C	40,902	40,072	40,902
<b>(Deficit) from continuing operations</b>		<b>(830)</b>	<b>(1,036)</b>	<b>(1,373)</b>
<b>OTHER COMPREHENSIVE INCOME</b>				
<b>Items not subject to subsequent reclassification to net cost of services</b>				
Changes in asset revaluation surplus		174	120	-
<b>Total comprehensive income/(loss)</b>		<b>(656)</b>	<b>(916)</b>	<b>(1,373)</b>

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

#### Budget Variances Commentary

*Employee Expenses:* The variance of \$1.571 million (-6 per cent) is primarily due to lower than budgeted Average Staffing Level (ASL). Actual ASL was 214 compared to budgeted 225 due to the impacts of COVID-19 on recruitment activity. Additionally, an increase in the bond rate resulted in a reduction in the long service leave provision, further reducing employee expenses.

*Depreciation and Amortisation:* The variance of \$0.430 million (10 per cent) is primarily due to revised useful lives from prior year revaluation and current year capitalisations not estimated in the budget.

*Revenue from contracts with customers:* The variance of \$0.586 million (-15 per cent) is primarily due to planned international activities not progressing (\$0.388 million) and lower than budgeted funding for the ACT Ombudsman function by the ACT Government (\$0.198 million).

*Changes in asset revaluation surplus:* Changes due to asset revaluations are not included in the budget due to their unpredictable nature.

# OFFICE OF THE COMMONWEALTH OMBUDSMAN

## Statement of Financial Position

as at 30 June 2022

	Notes	2022 \$'000	2021 \$'000	Original Budget \$'000
<b>ASSETS</b>				
<b>Financial assets</b>				
Cash and cash equivalents	2.1A	246	259	242
Trade and other receivables	2.1B	14,078	14,410	9,902
<b>Total financial assets</b>		<b>14,324</b>	<b>14,669</b>	<b>10,144</b>
<b>Non-financial assets</b>				
Leasehold improvements <sup>1</sup>	2.2A	7,884	10,788	8,700
Plant and equipment	2.2A	888	1,135	2,715
Computer software	2.2A	634	991	947
Prepayments		772	539	562
<b>Total non-financial assets</b>		<b>10,178</b>	<b>13,453</b>	<b>12,924</b>
Assets held for sale		-	26	-
<b>Total assets</b>		<b>24,502</b>	<b>28,148</b>	<b>23,068</b>
<b>LIABILITIES</b>				
<b>Payables</b>				
Suppliers	2.3A	1,593	1,542	1,525
Other payables	2.3B	1,463	1,417	668
<b>Total payables</b>		<b>3,056</b>	<b>2,959</b>	<b>2,193</b>
<b>Interest-bearing liabilities</b>				
Leases	2.4A	5,819	8,515	5,869
<b>Total interest-bearing liabilities</b>		<b>5,819</b>	<b>8,515</b>	<b>5,869</b>
<b>Provisions</b>				
Employee provisions	4.1A	6,179	7,429	7,178
Other provisions	2.5A	247	244	241
<b>Total provisions</b>		<b>6,426</b>	<b>7,673</b>	<b>7,419</b>
<b>Total liabilities</b>		<b>15,301</b>	<b>19,147</b>	<b>15,481</b>
<b>Net assets</b>		<b>9,201</b>	<b>9,001</b>	<b>7,587</b>
<b>EQUITY</b>				
Contributed equity		13,521	12,665	13,521
Reserves		1,488	1,314	1,194
Retained surplus/(Accumulated deficit)		(5,808)	(4,978)	(7,128)
<b>Total Equity</b>		<b>9,201</b>	<b>9,001</b>	<b>7,587</b>

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

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

### Budget Variances Commentary

*Trade and other receivables:* The variance of \$4.176 million (42 per cent) is primarily a result of the Office's undrawn appropriations at 30 June 2022.

*Non-financial assets (including leasehold improvements, plant and equipment and computer software):* The variance of \$2.956 million (-23 per cent) is primarily due to the impact of COVID-19 and lower ASL which affected planned capital acquisition activities.

*Prepayments:* The variance of \$0.210 million (37%) is primarily due to website design costs that were not anticipated at the time of preparing the budget.

*Other payables:* The variance of \$0.795 million (119%) primarily relates to accrued employee related payment at 30 June 2022.

*Employee Provisions:* The variance of \$0.999 million (14 per cent) is primarily due to changes in standard parameters for the calculation of employee provisions.

**OFFICE OF THE COMMONWEALTH OMBUDSMAN**  
**Statement of Changes in Equity**  
*as at 30 June 2022*

Notes	2022 \$'000	2021 \$'000	Original Budget \$'000
<b>CONTRIBUTED EQUITY</b>			
<b>Opening balance</b>			
Balance carried forward from previous period	12,665	10,906	12,665
<b>Transactions with owners</b>			
Departmental capital budget	856	819	856
Equity injection	-	940	-
<b>Total transactions with owners</b>	<b>856</b>	<b>1,759</b>	<b>856</b>
<b>Closing balance as at 30 June</b>	<b>13,521</b>	<b>12,655</b>	<b>13,521</b>
<b>RETAINED EARNINGS</b>			
<b>Opening Balance</b>			
Balance carried forward from previous period	(4,978)	(3,942)	(5,755)
<b>Comprehensive income</b>			
Surplus/(Deficit) for the period	(830)	(1,036)	(1,373)
<b>Closing balance as at 30 June</b>	<b>(5,808)</b>	<b>(4,978)</b>	<b>(7,128)</b>
<b>ASSET REVALUATION RESERVE</b>			
<b>Opening balance</b>			
Balance carried forward from previous period	1,314	1,194	1,194
<b>Comprehensive income</b>			
Other comprehensive income	174	120	-
<b>Closing balance as at 30 June</b>	<b>1,488</b>	<b>1,314</b>	<b>1,194</b>
<b>TOTAL EQUITY</b>			
<b>Opening balance</b>			
Balance carried forward from previous period	9,001	8,158	8,104
<b>Comprehensive income</b>			
Deficit for the period	(830)	(1,036)	(1,373)
<b>Other comprehensive income</b>			
changes in asset revaluation surplus	174	120	-
<b>Total comprehensive income</b>	<b>(656)</b>	<b>(916)</b>	<b>(1,373)</b>
<b>Transactions with owners</b>			
<b>Contributions by owners</b>			
Departmental capital budget	856	819	856
Equity injection	-	940	-
<b>Total transactions with owners</b>	<b>856</b>	<b>1,759</b>	<b>856</b>
<b>Closing balance as at 30 June</b>	<b>9,201</b>	<b>9,001</b>	<b>7,587</b>

**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.

**Budget Variances Commentary**

Variations to budget are explained in the Statement of Financial Position and Statement of Comprehensive Income.

**OFFICE OF THE COMMONWEALTH OMBUDSMAN**
**Cash Flow Statement**
*for the period ended 30 June 2022*

	Notes	2022 \$'000	2021 \$'000	Original Budget \$'000
<b>OPERATING ACTIVITIES</b>				
<b>Cash received</b>				
Appropriations		45,435	43,746	40,902
Rendering of services		3,388	3,176	3,833
GST received		1,681	1,682	-
Other		868	998	-
<b>Total cash received</b>		<b>51,372</b>	49,602	44,735
<b>Cash used</b>				
Employees		27,447	25,874	28,042
Suppliers		15,085	14,295	13,953
Interest payments on lease liabilities		67	92	66
GST paid		1,703	1,609	-
Section 74 receipts transferred to OPA		4,225	4,191	-
<b>Total cash used</b>		<b>48,527</b>	46,061	42,061
<b>Net cash from operating activities</b>		<b>2,845</b>	3,541	2,674
<b>INVESTING ACTIVITIES</b>				
<b>Cash received</b>				
Proceeds from sales of property, plant and equipment		52	-	-
<b>Total cash received</b>		<b>52</b>	-	-
<b>Cash used</b>				
Purchase of leasehold improvements		650	32	101
Purchase of property, plant and equipment		258	701	632
Purchase of intangibles		32	282	123
<b>Total cash used</b>		<b>940</b>	1,015	856
<b>Net cash (used by) investing activities</b>		<b>(888)</b>	(1,015)	(856)
<b>FINANCING ACTIVITIES</b>				
<b>Cash received</b>				
Contributed equity		726	99	856
<b>Total cash received</b>		<b>726</b>	99	856
<b>Cash used</b>				
Principal payments of lease liabilities		2,696	2,608	2,674
<b>Total cash used</b>		<b>2,696</b>	2,608	2,674
<b>Net cash from financing activities</b>		<b>(1,970)</b>	(2,509)	(1,818)
<b>Net increase/(decrease) in cash held</b>		<b>(13)</b>	17	-
Cash and cash equivalents at the beginning of the reporting period		259	242	242
<b>Cash and cash equivalents at the end of the reporting period</b>	2.1A	<b>246</b>	259	242

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

**Budget Variances Commentary**

*Appropriations:* The variance of \$4.533m (11%) is primarily due to section 74 receipts generated from providing services to the ACT Government and Commonwealth agencies transferred to OPA (Cash used).

Other variations to budget are explained in the Statement of Financial Position and Statement of Comprehensive Income.

## 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 Basis of Preparation

The financial statements are required by section 42 of the *Public Governance, Performance and Accountability Act 2013*.

The financial statements have been prepared in accordance with:

- a) *Public Governance, Performance and Accountability (Financial Reporting) Rule 2015* (FRR); and
- b) 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.

### Impact of COVID-19

COVID-19 has not caused any significant impact to the operating results of the Office or amounts recorded for assets and liabilities. COVID-19 has been a contributing factor in the Office's recruitment and capital acquisition activities resulting in underspends in employee benefits and non-financial assets. The non-financial impact of COVID-19 has been described in the Office's 2021-22 Annual Performance Statement.

### New Accounting Standards

All new/revised/amending standards and/or interpretations that were issued prior to the sign-off date and are applicable to the current reporting period did not have 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 1060 General Purpose Financial Statements – Simplified Disclosures for For-Profit and Not-for-Profit Tier 2 Entities	AASB 1060 applies to annual reporting periods beginning on or after 1 July 2021 and replaces the reduced disclosure requirements (RDR) framework. The application of AASB 1060 involves some reduction in disclosure compared to the RDR with no impact on the reported financial position, financial performance and cash flows of the Office.

### 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 2022 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 2022 (2021: 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 judgements 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 a number of factors that are determined using a number of assumptions (including discount rates and future salary increases).
- In determining the lease term, management uses its judgement to determine whether or not 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 2022.

## 1.1 Expenses

	2022 \$'000	2021 \$'000
<b>1.1A: Employee benefits</b>		
Wages and salaries	20,158	18,900
Superannuation		
Defined contribution plans	2,378	2,130
Defined benefit plans	1,337	1,629
Leave and other entitlements	2,110	3,100
Separation and redundancies	377	975
<b>Total employee benefits</b>	<b>26,360</b>	<b>26,734</b>

### Accounting Policy

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

### 1.1B: Suppliers

Goods and services supplied or rendered		
Contractors	8,570	8,313
IT goods and services	2,046	1,650
Employee related	1,147	967
Property operating expenses	700	713
Audit fees	291	130
Travel	238	320
Consultants	206	310
Legal fees	151	183
Insurance	87	79
Printing, stationery and postage	86	134
Membership fees	79	43
Financial management	33	176
Other	246	233
<b>Total goods and services supplied or rendered</b>	<b>13,880</b>	<b>13,251</b>
<b>Other suppliers</b>		
Workers' compensation expenses	306	236
<b>Total other suppliers</b>	<b>306</b>	<b>236</b>
<b>Total suppliers</b>	<b>14,186</b>	<b>13,487</b>

### 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). 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	49	12
<b>Total write-down and impairment of assets</b>	<b>49</b>	<b>12</b>

### 1.1D: Finance costs

Interest on lease liabilities	67	92
<b>Total finance costs</b>	<b>67</b>	<b>92</b>

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

### Accounting Policy

All borrowing costs are expensed as incurred.

## 1.2 Own-Source Revenue and Gains

	2022 \$'000	2021 \$'000
<b>Own-Source Revenue</b>		
<b><u>1.2A: Revenue from contracts with customers</u></b>		
Rendering of services	3,247	3,525
<b>Total revenue from contracts with customers</b>	<b>3,247</b>	<b>3,525</b>
<b>Disaggregation of revenue from contracts with customers</b>		
Type of customer:		
Australian Government entities (related parties)	412	471
ACT Government	2,835	3,054
	<b>3,247</b>	<b>3,525</b>

### Accounting Policy

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

The Office classifies a service-based agreement as within the scope of AASB 15 and recognises 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 the ACT Government 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)

	2022 \$'000	2021 \$'000
<b>1.2B: Other revenue</b>		
Resources received free of charge – Australian National Audit Office	54	54
Other	75	-
<b>Total other revenue</b>	<b>129</b>	<b>54</b>

### 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	40,902	40,072
<b>Total revenue from Government</b>	<b>40,902</b>	<b>40,072</b>

### 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 (section 4).

## 2.1 Financial Assets

	2022 \$'000	2021 \$'000
<b><u>2.1A: Cash and cash equivalents</u></b>		
Cash on hand or on deposit	246	259
<b>Total cash and cash equivalents</b>	<b>246</b>	<b>259</b>

### Accounting Policy

Cash is recognised at its nominal amount. Cash and cash equivalents include:

- a) cash on hand; and
- b) demand deposits in bank accounts with an original maturity of 3 months or less that are readily convertible to known amounts of cash and subject to insignificant risk of changes in value.

### 2.1B: Trade and other receivables

#### Goods and services receivables

Goods and services	383	561
<b>Total goods and services receivables</b>	<b>383</b>	<b>561</b>

#### Appropriations receivables

Appropriation receivable	13,486	13,665
<b>Total appropriations receivables</b>	<b>13,486</b>	<b>13,665</b>

#### Other receivables

GST receivable from the Australian Taxation Office	209	184
<b>Total other receivables</b>	<b>209</b>	<b>184</b>
<b>Total trade and other receivables (gross and net)</b>	<b>14,078</b>	<b>14,410</b>

Credit terms for goods and services were within 30 days (2021: 30 days).

### Accounting Policy

Trade receivables and other receivables that are held for the purpose of collecting the contractual cash flows where the case 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 \$'000	Plant and equipment \$'000	Computer software \$'000	Total \$'000
<b>As at 1 July 2021</b>				
Gross book value	16,123	1,470	3,316	<b>20,909</b>
Accumulated depreciation, amortisation and impairment	(5,335)	(335)	(2,325)	<b>(7,995)</b>
<b>Total as at 1 July 2021</b>	<b>10,788</b>	<b>1,135</b>	<b>991</b>	<b>12,914</b>
Additions				
Purchases	650	258	35	<b>943</b>
Revaluations and impairments recognised in other comprehensive income	174	-	-	<b>174</b>
Depreciation and amortisation	(981)	(364)	(385)	<b>(1,730)</b>
Depreciation on right-of-use assets	(2,747)	-	-	<b>(2,747)</b>
Other movements				
Plant and Equipment	-	(99)	-	<b>(99)</b>
Other movements of right-of-use assets				
Disposals				
Disposals - Gross book value	-	(135)	(131)	<b>(266)</b>
Disposals - Accumulated depreciation	-	93	124	<b>217</b>
<b>Total as at 30 June 2022</b>	<b>7,884</b>	<b>888</b>	<b>634</b>	<b>9,406</b>
<b>Total as at 30 June 2022 represented by</b>				
Gross book value	15,979	1,484	3,220	<b>20,683</b>
Accumulated depreciation, amortisation and impairment	(8,095)	(596)	(2,586)	<b>(11,277)</b>
<b>Total as at 30 June 2022</b>	<b>7,884</b>	<b>888</b>	<b>634</b>	<b>9,406</b>
Carrying amount of right-of-use assets	<b>5,503</b>	-	-	<b>5,503</b>

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 conducted a desktop revaluation of Leasehold Improvements at 30 June 2022.

#### Contractual commitment 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 as a consequence 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.

## Accounting Policy (Continued)

### Lease Right of Use (ROU) Assets

Leased ROU assets are capitalised at the commencement date of the lease and comprise the initial lease liability amount plus 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 following useful lives:

	2022	2021
Leasehold improvements	Lease terms	Lease terms
Plant and equipment	3 to 25 years	3 to 25 years

As at 30 June 2022 the useful life of asset class plant and equipment was assessed and updated 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 2022. 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 Office's software are 1 to 15 years (2021: 1 to 15 years). All software assets were assessed for indications of impairment as at 30 June 2022.

## 2.3 Payables

	2022 \$'000	2021 \$'000
<b>2.3A: Suppliers</b>		
Trade creditors and accruals	1,593	1,542
<b>Total suppliers</b>	<b>1,593</b>	<b>1,542</b>
<b>2.3B: Other payables</b>		
Salaries and wages	562	439
Superannuation	94	71
Separations and redundancies	347	364
Unearned income	460	532
Other	-	11
<b>Total other payables</b>	<b>1,463</b>	<b>1,417</b>

## 2.4 Interest Bearing Liabilities

### 2.4A: Leases

Lease liabilities	5,819	8,515
<b>Total leases</b>	<b>5,819</b>	<b>8,515</b>
<b>Maturity analysis - contractual undiscounted cash flows</b>		
Within 1 year	2,569	2,763
Between 1 to 5 years	3,313	5,882
<b>Total leases</b>	<b>5,882</b>	<b>8,645</b>

Total cash outflow for leases for the year ended 30 June 2022 was \$2.763m (2021: \$2.700m)

The Office in its capacity as lessee has 2 significant leasing arrangements located in Canberra. Lease 1 is a 15-year lease and Lease 2 is a 9-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 2.2A.

### 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
<b>As at 1 July 2021</b>	<b>244</b>
Revaluation of provision	3
<b>Total as at 30 June 2022</b>	<b>247</b>

# Funding

This section identifies the Office of the Commonwealth Ombudsman's funding structure

## 3.1 Appropriations

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

#### Annual Appropriations for 2022

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

- 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.
- 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.
- 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.

#### Annual Appropriations for 2021

	Annual appropriation <sup>1</sup> \$'000	Adjustment to appropriation <sup>2</sup> \$'000	Total appropriation \$'000	Appropriation applied in 2021 \$'000	Variance <sup>3</sup> \$'000
<b>Departmental</b>					
Ordinary annual services	40,072	4,190	44,262	43,728	534
Capital Budget <sup>4</sup>	819	-	819	67	752
Other services					
Equity Injections	940	-	940	32	908
<b>Total departmental</b>	<b>41,831</b>	<b>4,190</b>	<b>46,021</b>	<b>43,827</b>	<b>2,194</b>

- An amount of \$349,000 was withheld (Section 51 of the PGPA Act) and quarantined for administrative purposes.
- 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]
- 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.
- The variance in the ordinary annual services appropriation is due to obligations recorded at the end of financial year not yet settled.

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

	2022 \$'000	2021 \$'000
<b>Departmental</b>		
Appropriation Act (No. 1) 2020-21	-	12,005
Supply Act (No. 1) 2020-21 – Departmental Capital Budget	238	411
Appropriation Act (No. 1) 2020-21 – Departmental Capital Budget	341	341
Appropriation Act (No. 2) 2020-21 – Equity Injection	354	908
Appropriation Act (No. 1) 2021-22	11,697	-
Appropriation Act (No. 1) 2021-22 – Departmental Capital Budget	856	-
Cash at bank	246	259
<b>Total Departmental</b>	<b>13,732</b>	<b>13,924</b>



### 3.2 Net Cash Appropriation Arrangements

	2022 \$'000	2021 \$'000
<b>Total comprehensive (loss) - as per the Statement of Comprehensive Income</b>	<b>(656)</b>	<b>(916)</b>
<i>Plus:</i> depreciation/amortisation of assets funded through appropriations (departmental capital budget funding and/or equity injections) <sup>1</sup>	<b>1,730</b>	1,576
<i>Plus:</i> depreciation of right-of-use assets <sup>2</sup>	<b>2,747</b>	2,786
<i>Less:</i> lease principal repayments <sup>2</sup>	<b>(2,696)</b>	(2,608)
<b>Net Cash Operating Surplus</b>	<b>1,125</b>	838

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 ROU 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

	2022 \$'000	2021 \$'000
<b>4.1A: Employee provisions</b>		
Leave	6,179	7,429
<b>Total employee provisions</b>	<b>6,179</b>	<b>7,429</b>

### Accounting policy

Liabilities for 'short-term employee benefits and termination benefits expected within 12 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 Office'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 2022. 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 \$347,274 as at 30 June 2022 (2021: \$363,749) and the extent of funding is \$376,595 as at 30 June 2022 (2021: \$975,353).

#### 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 Office 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 Office, directly or indirectly, including any director (whether executive or otherwise) of the Office. The Office has determined the key management personnel to be the Ombudsman, the Deputy Ombudsman, the Chief Operating Officer and the 5 Senior Assistant Ombudsman. Key management personnel remuneration is reported in the table below.

	2022 \$'000	2021 \$'000
Short-term employee benefits	2,164	2,155
Post-employment benefits	299	341
Other long-term employee benefits	50	58
Termination benefits	-	349
<b>Total key management personnel remuneration expenses<sup>1</sup></b>	<b>2,513</b>	<b>2,903</b>

The total number of key management personnel included in the above table is 10 (2021: 16 individuals).

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.

The total key management personnel remuneration includes all substantive key management personnel and extended acting arrangements during 2021–22.

1. During the 2021/22 financial year the Office identified a potential administrative error leading to an overpayment totalling \$25,585 to one KMP. The amount is not material and is currently under investigation to ascertain compliance with the *Remuneration Tribunal Act 1973*. If an overpayment is confirmed, the amount 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 the Office 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 Office, it has been determined that there are no related party transactions to be separately disclosed (2021: nil).

# Managing uncertainties

This section analyses how the Office of the Commonwealth Ombudsman manages financial risks within its operating environment

## 5.1 Financial Instruments

	2022 \$'000	2021 \$'000
<b>5.1A: Categories of financial instruments</b>		
<b>Financial assets at amortised cost</b>		
Cash and Cash Equivalents	246	259
Trade and Other Receivables	383	561
<b>Total financial assets at amortised cost</b>	<b>629</b>	<b>820</b>
<b>Financial Liabilities</b>		
<b>Financial liabilities measured at amortised cost</b>		
Supplier Payables	1,593	1,542
<b>Total financial liabilities measured at amortised cost</b>	<b>1,593</b>	<b>1,542</b>

### 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, as a consequence, 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 2 criteria:

1. the financial asset is held in order 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 2022. The Office engaged an independent valuer to perform a desktop 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 2020. 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	
	2022	2021
	\$'000	\$'000
<b>Non-financial assets</b>		
Leasehold improvements	<b>2,381</b>	2,538
Plant and equipment	<b>888</b>	1,135
<b>Total non-financial assets</b>	<b>3,269</b>	3,673

## Other information

### 6.1 Current/non-current distinction for assets and liabilities

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

	2022 \$'000	2021 \$'000
<b>Assets expected to be recovered in:</b>		
<b>No more than 12 months</b>		
Cash and cash equivalents	246	259
Trade and other receivables	14,078	14,410
Assets held for sale	-	26
Prepayments	772	494
<b>Total no more than 12 months</b>	<b>15,096</b>	<b>15,189</b>
<b>More than 12 months</b>		
Leasehold improvements	7,884	10,788
Plant and equipment	888	1,135
Computer software	634	991
Prepayments	-	45
<b>Total more than 12 months</b>	<b>9,406</b>	<b>12,959</b>
<b>Total assets</b>	<b>24,502</b>	<b>28,148</b>
<b>Liabilities expected to be settled in:</b>		
<b>No more than 12 months</b>		
Suppliers	1,593	1,542
Other payables	1,463	1,417
Leases	2,528	2,696
Employee provisions	2,725	2,963
<b>Total no more than 12 months</b>	<b>8,309</b>	<b>8,618</b>
<b>More than 12 months</b>		
Leases	3,290	5,819
Employee provisions	3,454	4,466
Other provisions	247	244
<b>Total more than 12 months</b>	<b>6,992</b>	<b>10,529</b>
<b>Total liabilities</b>	<b>15,301</b>	<b>19,147</b>

## 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* (FOI Act). The IPS requires an agency to publish a broad range of information on its 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 webpage at [ombudsman.gov.au](http://ombudsman.gov.au).

## Appendix 4: Management of human resources

Table 10: Term for senior executives

Name	Position title	Term
Michael Manthorpe	Commonwealth Ombudsman	Part year – ended 31 July 2021
Penny McKay	Acting Ombudsman	Appointed 1 August 2021
Penny McKay	Deputy Ombudsman	Part year – to 31 July 2021
Louise Macleod	Acting Deputy Ombudsman	Appointed 1 August 2021
Louise Macleod	Senior Assistant Ombudsman	Part year – to 31 July 2021
Emma Cotterill	Senior Assistant Ombudsman	Full year
Julia Taylor	Senior Assistant Ombudsman	Full year
Lisa Collett	Chief Operating Officer	Full year
David Fintan	Senior Assistant Ombudsman	Full year
Rebecca Vonthethoff	Senior Assistant Ombudsman	Full year

### 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 2020/2 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. At the time of reporting, the Office did not have other high-paid staff whose total remuneration exceeded the threshold (\$235,000) during the reporting period.



**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		
Michael Manthorpe	Commonwealth Ombudsman	34,731	-	439	3,751	0	-	-	38,920
Penny McKay	Deputy Ombudsman / Acting Commonwealth Ombudsman	433,365	-	5,336	50,708	9,108	-	-	498,517
Louise Macleod	Senior Assistant Ombudsman / Acting Deputy Ombudsman	295,537	-	33,246	36,729	6,210	-	-	371,723
Lisa Collett	Chief Operating Officer	171,438	-	33,706	37,795	4,444	-	-	247,383
Emma Cotterill	Senior Assistant Ombudsman	191,056	-	33,545	34,605	5,921	-	-	265,127
David Fintan	Senior Assistant Ombudsman	256,386	-	30,256	38,692	7,838	-	-	333,173
Julia Taylor	Senior Assistant Ombudsman	187,630	-	33,246	35,019	5,921	-	-	261,816
Rebecca Vonhethoff	Senior Assistant Ombudsman	179,836	-	33,545	30,760	5,644	-	-	249,785
Symone Andersen	Acting Senior Assistant Ombudsman	156,897	-	32,391	27,724	4,087	-	-	221,098
Mark Reardon	Acting Chief Operating Officer	21,109	-	716	3,386	621	-	-	25,832
	<b>Total</b>	<b>1,927,984</b>	<b>-</b>	<b>236,428</b>	<b>299,169</b>	<b>49,793</b>	<b>-</b>	<b>-</b>	<b>2,513,374</b>

**Table 12: All ongoing employees current 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
<b>Total</b>	<b>69</b>	<b>7</b>	<b>76</b>	<b>124</b>	<b>36</b>	<b>160</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>236</b>

**Table 13: All non-ongoing employees current report 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
<b>Total</b>	<b>8</b>	<b>2</b>	<b>10</b>	<b>21</b>	<b>6</b>	<b>27</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>37</b>

**Table 14: All ongoing employees previous report period (2020–21)**

	Male			Female			Indeterminate			Total
	Full time	Part time	Total Male	Full time	Part time	Total Female	Full time	Part time	Total Indeterminate	
NSW	2	0	2	6	2	8	0	0	0	10
QLD	8	0	8	19	5	24	0	0	0	32
SA	8	0	8	14	9	23	0	0	0	31
TAS	0	0	0	0	0	0	0	0	0	0
VIC	7	3	10	12	4	16	0	0	0	26
WA	2	1	3	1	0	1	0	0	0	4
ACT	33	4	37	54	24	78	0	0	0	115
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
<b>Total</b>	<b>60</b>	<b>8</b>	<b>68</b>	<b>106</b>	<b>44</b>	<b>150</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>218</b>

**Table 15: All non-ongoing employees previous reporting period (2020–21)**

	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	1	0	1	0	0	0	1
QLD	0	0	0	1	0	1	0	0	0	1
SA	0	0	0	0	0	0	0	0	0	0
TAS	0	0	0	0	0	0	0	0	0	0
VIC	1	0	1	0	0	0	0	0	0	1
WA	0	0	0	0	1	1	0	0	0	1
ACT	5	0	5	2	3	5	0	0	0	10
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
<b>Total</b>	<b>6</b>	<b>0</b>	<b>6</b>	<b>4</b>	<b>4</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14</b>

**Table 16: Australian Public Service Act ongoing employees current 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	
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
<b>Total</b>	<b>69</b>	<b>7</b>	<b>76</b>	<b>124</b>	<b>36</b>	<b>160</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>236</b>

**Table 17: Australian Public Service Act non-ongoing employees current 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	
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
<b>Total</b>	<b>8</b>	<b>2</b>	<b>10</b>	<b>21</b>	<b>6</b>	<b>27</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>37</b>

**Table 18: Australian Public Service Act ongoing employees previous reporting period (2020-21)**

	Male			Female			Indeterminate			Total
	Full time	Part time	Total Male	Full time	Part time	Total Female	Full time	Part time	Total Indeterminate	
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	4	0	4	15	5	20	0	0	0	24
EL 1	14	4	18	26	12	38	0	0	0	56
APS 6	17	3	20	25	10	35	0	0	0	55
APS 5	15	1	16	21	10	31	0	0	0	47
APS 4	9	0	9	13	6	19	0	0	0	28
APS 3	0	0	0	1	1	2	0	0	0	2
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
<b>Total</b>	<b>60</b>	<b>8</b>	<b>68</b>	<b>106</b>	<b>44</b>	<b>150</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>218</b>

**Table 19: Australian Public Service Act non-ongoing employees previous report period (2020-21)**

	Male			Female			Indeterminate			Total
	Full time	Part time	Total Male	Full time	Part time	Total Female	Full time	Part time	Total Indeterminate	
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	1	0	1	0	0	0	1
EL 1	1	0	1	0	0	0	0	0	0	1
APS 6	1	0	1	1	0	1	0	0	0	2
APS 5	1	0	1	0	2	2	0	0	0	3
APS 4	3	0	3	2	2	4	0	0	0	7
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
<b>Total</b>	<b>6</b>	<b>0</b>	<b>6</b>	<b>4</b>	<b>4</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>14</b>

**Table 20: Australian Public Service Act employees by full time and part time status current report 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
<b>Total</b>	<b>193</b>	<b>43</b>	<b>236</b>	<b>29</b>	<b>8</b>	<b>37</b>	<b>273</b>

**Table 21: Australian Public Service Act employees by full time and part time status previous report period (2020–21)**

	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	19	5	24	1	0	1	25
EL 1	40	16	56	1	0	1	57
APS 6	42	13	55	2	0	2	57
APS 5	36	11	47	1	2	3	50
APS 4	22	6	28	5	2	7	35
APS 3	1	1	2	0	0	0	2
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
<b>Total</b>	<b>166</b>	<b>52</b>	<b>218</b>	<b>10</b>	<b>4</b>	<b>14</b>	<b>232</b>

**Table 22: PGPA rule section 17AG(4)(b)(v) Australian Public Service Act employment type by location current report 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	0	0	0
<b>Total</b>	<b>236</b>	<b>37</b>	<b>273</b>

**Table 23: Australian Public Service Act employment type by location previous report period (2020–21)**

	Ongoing	Non-Ongoing	Total
NSW	10	1	11
QLD	32	1	33
SA	31	0	31
TAS	0	0	0
VIC	26	1	27
WA	4	1	5
ACT	115	10	125
NT	0	0	0
External Territories	0	0	0
Overseas	0	0	0
<b>Total</b>	<b>218</b>	<b>14</b>	<b>232</b>

**Table 24: Australian Public Service Act indigenous employment current report period (2021-22)**

	<b>Total</b>
Ongoing	6
Non-Ongoing	0
<b>Total</b>	<b>6</b>

**Table 25: Australian Public Service Act indigenous employment previous report period (2020-21)**

	<b>Total</b>
Ongoing	7
Non-Ongoing	0
<b>Total</b>	<b>7</b>

**Table 26: Australian Public Service Act employment arrangements current report period (2021-22)**

	<b>SES</b>	<b>Non-SES</b>	<b>Total</b>
Office of the Commonwealth Ombudsman Enterprise Agreement 2017-20	0	257	257
Determinations under s 24(1)	6	0	6
Individual Flexibility Arrangements	0	10	10
<b>Total</b>	<b>6</b>	<b>267</b>	<b>273</b>



**Table 27: Australian Public Service Act employment by salary ranges by classification level (Minimum/maximum) current report period (2021–22)**

	Minimum Salary	Maximum Salary
SES 3	-	-
SES 2	-	-
SES 1	\$168,515	\$198,315
EL 2	\$123,448	\$139,923
EL 1	\$106,022	\$114,487
APS 6	\$82,706	\$95,002
APS 5	\$76,571	\$81,196
APS 4	\$68,654	\$74,540
APS 3	\$61,599	\$66,485
APS 2	\$54,080	\$59,971
APS 1	\$47,785	\$52,817
Other	-	-
<b>Minimum/Maximum range</b>	<b>\$47,785</b>	<b>-</b>

**Table 28: Australian Public Service Act employment performance pay by classification level current report period (2021–22)**

	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
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

## Appendix 5: Entity resources statement

Table 29: Entity resources statement 2021–22

	Actual available appropriation for 2021–22 \$'000 (a)	Payments made 2020–21 \$'000 (b)	Balance remaining 2021–22 \$'000 (a) - (b)
<b>Departmental</b>			
Annual appropriations - ordinary annual services <sup>1</sup>	59,907	46,175	13,732
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
<b>Total special accounts</b>	0	0	0
less departmental appropriations drawn from annual/special appropriations and credited to special accounts	0	0	0
<b>Total departmental resourcing</b>	<b>59,907</b>	<b>46,175</b>	<b>13,732</b>
<b>Total resourcing and payments for the Office of the Commonwealth Ombudsman</b>	<b>59,907</b>	<b>46,175</b>	<b>13,732</b>

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**

<b>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.</b>			
	<b>Budget<sup>1</sup></b>	<b>Actual</b>	<b>Variance</b>
	<b>2021-22</b>	<b>expenses</b>	<b>2021-22</b>
	<b>\$'000</b>	<b>2021-22</b>	<b>\$'000</b>
		<b>\$'000</b>	
<b>Program 1.1: Office of the Commonwealth Ombudsman</b>			
Departmental expenses			
Departmental appropriation	43,576	42,753	823
s 74 External Revenue	3,833	3,247	586
Special appropriations	0	0	0
Special accounts	0	0	0
Expenses not requiring appropriation in the Budget year <sup>1</sup>	1,427	1,835	(408)
<b>Total for program 1.1</b>	<b>48,836</b>	<b>47,835</b>	<b>1,001</b>
<b>Total for outcome 1</b>	<b>48,836</b>	<b>47,835</b>	<b>1,001</b>
Average Staffing Level (number)	225	215	(10)

1. Expenses not requiring appropriation in the Budget are made up of depreciation expenses (with adjustment to right-of-use asset depreciation for principle payments to align with the budget), amortisation expenses, make good expenses and audit fees.

## Appendix 6: Ecologically sustainable development and environmental performance

Section 516A of the *Environment Protection and Biodiversity Conservation 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.

### Energy consumption

In 2021–22, the Office continued to manage its energy consumption. All new leasehold improvements included smart lighting and the introduction of LED globes to further reduce energy consumption.

### Paper resources

The Office ensures we engage in digital record keeping and e-business practices to reduce paper use. Our paper supplies are either carbon neutral or manufactured from at least 50 per cent recycled products. Other materials such as files, folders and unused stationery are recycled in the Office to reduce procurement activity for 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, as well as plastic bottles and cans.
- 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.

## Appendix 7: Correction of material errors in previous annual report

The following errors were made in the 2019–20 and 2020–21 annual reports:

- The 2019–20 report Appendix Table 3 incorrectly stated Indigenous Business Australia completed 5 Public Interest Disclosure (PID) investigations when they completed 6 PID investigations.
- The 2020–21 report incorrectly stated, 'In 2020–21, Commonwealth agencies reported a total of 27 claims of reprisal, a decrease of 36 from the previous year'. The total of 27 claims of reprisal was a decrease from 36 claims of reprisal in 2019–20 and not a decrease of 36 as reported.
- The 2020–21 report about performance measure 7c Percentage of reports within statutory timeframes on page 28 incorrectly noted that the Office achieved our target of 100 per cent; this should be corrected to 83 per cent. Due to the application of s 34C of the *Acts Interpretation Act 1901*, the Office did not meet statutory timeframes for the report Monitoring agency access to stored communications and telecommunications data under Chapters 3 and 4 of the *Telecommunications (Interception and Access) Act 1979* for the period 1 July 2019 to 30 June 2020. The report was provided to the Minister for Home Affairs on 5 November 2021.

## Appendix 8: Public Interest Disclosure

Tables 31 and 32 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.<sup>1</sup>

**Table 31: 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 <sup>2</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>3</sup>
Administrative Appeals Tribunal	4	<ul style="list-style-type: none"> <li>• Maladministration (3)</li> <li>• Wastage of public money (1)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (4)</li> <li>• Conduct that may result in disciplinary action (1)</li> </ul>	Nil	Nil
Aged Care Quality and Safety Commission	1	<ul style="list-style-type: none"> <li>• Abuse of public trust (2)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (3)</li> <li>• Conduct that may result in disciplinary action (6)</li> </ul>	1	Nil

<sup>1</sup> The Office has made some changes to the report on the operation of the PID Act for 2021–22. 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.

<sup>2</sup> Investigations finalised with a report of the investigation under s 51 of the PID Act.

<sup>3</sup> Actions taken during the financial year in response to report recommendations relate to a PID investigation finalised in 2021–22; 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 <sup>2</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>3</sup>
Airservices Australia	1	<ul style="list-style-type: none"> <li>Conduct that may result in disciplinary action (1)</li> </ul>	3	Employee engagement, complaints and recruitment practices to be managed in accordance with s 51 report recommendations Counselling
Attorney-General's Department	-	-	-	-
Australian Broadcasting Corporation	4	<ul style="list-style-type: none"> <li>Contravention of a law of the Commonwealth, state or territory (3)</li> <li>Maladministration (2)</li> <li>Conduct that may result in disciplinary action (2)</li> </ul>	2	-
Australian Commission for Law Enforcement Integrity	1	<ul style="list-style-type: none"> <li>Maladministration (8)</li> <li>Conduct that may result in disciplinary action (6)</li> </ul>	1	Recommendations were drawn to the attention of the responsible person and will be implemented in future processes
Australian Competition and Consumer Commission	2	<ul style="list-style-type: none"> <li>Contravention of a law of the Commonwealth, state or territory (1)</li> <li>Maladministration (2)</li> <li>Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1)</li> </ul>	Nil	Nil
Australian Electoral Commission	-	-	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 <sup>2</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>3</sup>
Australian Federal Police	2	<ul style="list-style-type: none"> <li>Maladministration (1)</li> <li>Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1)</li> <li>Conduct that may result in disciplinary action (1)</li> </ul>	1	Nil
Australian Institute of Family Studies	1	<ul style="list-style-type: none"> <li>Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1)</li> </ul>	Nil	Nil
Australian Institute of Health and Welfare	-	-	Nil	Nil
Australian Intelligence Agencies <sup>4</sup>	10	-	4	-
Australian Maritime Safety Authority	Nil	Nil	1	Nil
Australian National University	2	<ul style="list-style-type: none"> <li>Maladministration (2)</li> </ul>	4	Recommendations addressed by the Deputy Vice-Chancellor (Research & Innovation) and College Dean

4 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, 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 <sup>2</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>3</sup>
Australian Nuclear Science and Technology Organisation	2	<ul style="list-style-type: none"> <li>• Maladministration (2)</li> <li>• Wastage of public money (1)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1)</li> <li>• Conduct that may result in disciplinary action (1)</li> </ul>	1	-
Australian Postal Corporation	18	<ul style="list-style-type: none"> <li>• Contravention of a law of the Commonwealth, state or territory (11)</li> <li>• Corruption (3)</li> <li>• Maladministration (11)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (4)</li> <li>• Conduct that may result in disciplinary action (3)</li> </ul>	35	<p>Monitoring of compliance</p> <p>Undertake audits</p> <p>Provide additional training</p> <p>Update processes</p> <p>Improvements made to the contractor onboarding process</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 <sup>2</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>3</sup>
Australian Prudential Regulation Authority (APRA)	1	<ul style="list-style-type: none"> <li>• Maladministration (1)</li> <li>• Abuse of trust (1)</li> <li>• Wastage of public money (1)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1)</li> <li>• Abuse of office (1)</li> <li>• Conduct that may result in disciplinary action (1)</li> </ul>	1	<p>Conflicts of interest and Professional and Ethical Behaviour policies updated</p> <p>General conflicts of interest communications were published, and FAQs updated</p> <p>The importance and process for timesheets has been communicated to all staff via Australian Prudential Regulation Authority’s intranet, Knowledge Base, and induction training for new starters</p> <p>New processes have been established to enforce prompt security clearance applications</p> <p>APRA has clarified its approach to Protective Security Policy Framework reporting with the Attorney-General’s Department to ensure it is reporting correctly</p> <p>Information relating to access to ergonomic assessments and processes have been made clearer on the APRA intranet</p> <p>Confirmed that ergonomic assessments are being undertaken in regional offices</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 <sup>2</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>3</sup>
Australian Rail Track Corporation Limited	5	<ul style="list-style-type: none"> <li>• Maladministration (1)</li> <li>• Abuse of public trust (5)</li> <li>• Abuse of office (4)</li> <li>• Conduct that may result in disciplinary action (5)</li> </ul>	5	<p>Reiterate conflict of interest policy and rules and ensure they are followed by all employees</p> <p>Ensure independent probity advisers are utilised in relevant tender processes</p> <p>Currently implementing enhanced data analytics capability across procurement and finance processes</p>
Australian Securities and Investments Commission	2	<ul style="list-style-type: none"> <li>• Contravention of a law of the Commonwealth, state or territory (1)</li> <li>• Maladministration (1)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (2)</li> <li>• Conduct that may result in disciplinary action (2)</li> </ul>	1	<p>Review of enforcement matters and undertaken by an external consultant</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 <sup>2</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>3</sup>
Australian Taxation Office	8	<ul style="list-style-type: none"> <li>• Contravention of a law of the Commonwealth, state or territory (1)</li> <li>• Maladministration (2)</li> <li>• Wastage of public money (2)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1)</li> <li>• Abuse of office (2)</li> <li>• Conduct that may result in disciplinary action (5)</li> </ul>	4	Matter referred to General Counsel with a notification prepared for the Law Society of NSW
Civil Aviation Safety Authority	1	<ul style="list-style-type: none"> <li>• Contravention of a law of the Commonwealth, state or territory (23)</li> <li>• Perverting the course of justice (1)</li> <li>• Corruption (35)</li> <li>• Maladministration (69)</li> <li>• Abuse of public trust (3)</li> <li>• Wastage of public money (6)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (79)</li> <li>• Conduct that may result in disciplinary action (17)</li> </ul>	Nil	Nil
Clean Energy Regulator	–	–	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 <sup>2</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>3</sup>
Comcare	5	<ul style="list-style-type: none"> <li>• Contravention of a law of the Commonwealth, state or territory (4)</li> <li>• Perverting the course of Justice (1)</li> <li>• Maladministration (3)</li> <li>• Abuse of public trust (1)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1)</li> <li>• Conduct that may result in disciplinary action (1)</li> </ul>	Nil	Nil
Commonwealth Ombudsman <sup>5</sup>	15 <sup>6</sup>	<ul style="list-style-type: none"> <li>• Contravention of a law of the Commonwealth, state or territory (2)</li> <li>• Maladministration (16)</li> <li>• Abuse of public trust (5)</li> <li>• Fabrication of scientific research (1)</li> <li>• Wastage of public money (3)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (6)</li> <li>• Abuse of office (4)</li> <li>• Conduct that may result in disciplinary action (14)</li> </ul>	4 <sup>7</sup>	<p>Review of Agency policy and procedures</p> <p>Monitoring and oversight of agency policies and procedures</p>

5 The Office of the Commonwealth Ombudsman can receive disclosures both about itself and about other agencies. Of the PIDs the Office assessed in 2021–22, all related to other Commonwealth agencies.

6 As above.

7 As above, all investigations completed 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 <sup>2</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>3</sup>
Commonwealth Scientific and Industrial Research Organisation	2	<ul style="list-style-type: none"> <li>• Contravention of a law of the Commonwealth, state or territory (1)</li> <li>• Maladministration (2)</li> <li>• Abuse of public trust (1)</li> <li>• Wastage of public money (1)</li> <li>• Conduct that may result in disciplinary action (2)</li> </ul>	1	<p>Guidance material</p> <p>Process changes</p>
Department of Agriculture, Water and the Environment	4	<ul style="list-style-type: none"> <li>• Maladministration (4)</li> <li>• Abuse of public trust (4)</li> <li>• Conduct that may result in disciplinary action (1)</li> </ul>	6	<p>Concerns relating to recruitment activity referred to Integrity Branch for assessment</p> <p>Review of recruitment processes</p> <p>Provide advice regarding engaging contractors</p> <p>Review Expression of Interest process</p> <p>Encourage an audit of IT equipment</p> <p>Remind managers and staff about the appropriate allocation of overtime and reporting of suspected wrongdoing</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 <sup>2</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>3</sup>
Department of Defence	98	<ul style="list-style-type: none"> <li>• Contravention of a law of the Commonwealth, state or territory (42)</li> <li>• Corruption (1)</li> <li>• Maladministration (35)</li> <li>• Wastage of public money (3)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (7)</li> <li>• Abuse of office (3)</li> <li>• Conduct that may result in disciplinary action (42)</li> </ul>	56	Referral to investigate under another Commonwealth law or process
Department of Education, Skills and Employment	5	<ul style="list-style-type: none"> <li>• Contravention of a law of the Commonwealth, state or territory (1)</li> <li>• Maladministration (5)</li> <li>• Wastage of public money (2)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (2)</li> <li>• Abuse of office (3)</li> <li>• Conduct that may result in disciplinary action (4)</li> </ul>	1	Review and update of relevant practices  Consideration of another type of investigation

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 <sup>2</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>3</sup>
Department of Health	2	<ul style="list-style-type: none"> <li>• Contravention of a law of the Commonwealth, state or territory (1)</li> <li>• Maladministration (1)</li> <li>• Abuse of public trust (1)</li> <li>• Wastage of public money (1)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1)</li> <li>• Abuse of office (1)</li> <li>• Conduct that may result in disciplinary action (1)</li> </ul>	4	<p>Referral was made to the department's Fraud Section for further assessment</p> <p>The department's procurement fact sheet <i>Fraud guidance: How to conduct due diligence</i> has been updated by Fraud Control team to provide guidance for officials when assessing procurement, to be careful of sharp or sham arrangements</p> <p>Referral to the department's People Branch</p>
Department of Home Affairs	6	<ul style="list-style-type: none"> <li>• Contravention of a law of the Commonwealth, state or territory (1)</li> <li>• Corruption (1)</li> <li>• Maladministration (5)</li> <li>• Abuse of public trust (1)</li> <li>• Wastage of public money (3)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1)</li> <li>• Conduct that may result in disciplinary action (2)</li> </ul>	5	<p>Review communication protocols</p> <p>Review case management approach to complex cases</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 <sup>2</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>3</sup>
Department of Industry, Science, Energy and Resources	Nil	Nil	2	<p>Business cases are required for new programs with a level of detail appropriate to the size, complexity and risk of the program</p> <p>Organisation is cognisant of the need to retain appropriate skills in-house</p> <p>Governance arrangements appropriate to the size, complexity and risk of the program are established and maintained</p> <p>Obligations with respect to <i>Building Act 2004 (ACT)</i> and procedures reviewed and updated</p> <p>Protective Security Policy Framework training to be progressed with key personnel</p> <p>PID training to be progressed with staff and learning modules reviewed</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 <sup>2</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>3</sup>
Department of Infrastructure, Transport, Regional Development and Communications	2	<ul style="list-style-type: none"> <li>• Corruption (1)</li> <li>• Maladministration (1)</li> <li>• Wastage of public money (1)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1)</li> <li>• Abuse of office (1)</li> <li>• Conduct that may result in disciplinary action (1)</li> </ul>	1	–
Department of Social Services	1	<ul style="list-style-type: none"> <li>• Maladministration (1)</li> <li>• Wastage of public money (1)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1)</li> </ul>	Nil	Nil
Department of Veterans' Affairs	4	<ul style="list-style-type: none"> <li>• Maladministration (1)</li> <li>• Conduct that may result in disciplinary action (4)</li> </ul>	4	Investigations under another investigative power (Code action)
Future Fund Management Agency	1	<ul style="list-style-type: none"> <li>• Contravention of a law of the Commonwealth, state or territory (1)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1)</li> </ul>	Nil	Nil
Great Barrier Reef Marine Park Authority	1	<ul style="list-style-type: none"> <li>• Conduct that may result in disciplinary action (1)</li> </ul>	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 <sup>2</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>3</sup>
Indigenous Business Australia	Nil	Nil	1	Counselling Training Compliance training requirements for contractors have been updated Procurement procedures are being updated
National Disability Insurance Agency	3	<ul style="list-style-type: none"> <li>• Contravention of a law of the Commonwealth, state or territory (2)</li> <li>• Maladministration (4)</li> <li>• Abuse of public trust (2)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1)</li> <li>• Conduct that may result in disciplinary action (2)</li> </ul>	1	Relevant policy reviewed and amended
National Gallery of Australia	1	<ul style="list-style-type: none"> <li>• Maladministration (1)</li> </ul>	Nil	Nil
National Indigenous Australians Agency	2	<ul style="list-style-type: none"> <li>• Maladministration (2)</li> </ul>	1	Implemented standardised process Training provided for selection panel members on their respective roles Template updated to include section for delegate's comments

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 <sup>2</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>3</sup>
National Offshore Petroleum Safety and Environmental Management Authority	1	–	1	–
NBN Co Limited	9	<ul style="list-style-type: none"> <li>• Contravention of a law of the Commonwealth, state or territory (1)</li> <li>• Maladministration (7)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1)</li> </ul>	15	<p>Engaged relevant contracted service provider to ensure they understand and comply to acceptable standard</p> <p>Matters referred to applicable internal department to review and identify extent of the issue, root cause and remediation</p> <p>Matters referred to relevant contracted service provider for review of relevant subcontractor arrangements, audit and remediation</p>
NDIS Quality and Safeguards Commission	5	<ul style="list-style-type: none"> <li>• Maladministration (3)</li> <li>• Abuse of public trust (3)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1)</li> <li>• Abuse of office (2)</li> <li>• Conduct that may result in disciplinary action (3)</li> </ul>	3	<p>Review of procedural manuals and additional guidance to staff</p> <p>Counselling</p> <p>Training plan developed, prepared and to be implemented when appropriate arrangements can be made</p>
Office of the Commonwealth Director of Public Prosecutions	1	<ul style="list-style-type: none"> <li>• Abuse of office (1)</li> </ul>	1	–

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 <sup>2</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>3</sup>
Inspector-General of Intelligence and Security <sup>8</sup>	10 <sup>9</sup>	<ul style="list-style-type: none"> <li>• Contravention of a law of the Commonwealth, state or territory (1)</li> <li>• Perverting the course of Justice (1)</li> <li>• Maladministration (9)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (2)</li> <li>• Abuse of office (1)</li> <li>• Conduct that may result in disciplinary action (2)</li> </ul>	1 <sup>10</sup>	–
Old Parliament House (MOAD)	1	<ul style="list-style-type: none"> <li>• Contravention of a law of the Commonwealth, state or territory (1)</li> </ul>	1	Nil
Reserve Bank of Australia	2	<ul style="list-style-type: none"> <li>• Contravention of a law of the Commonwealth, state or territory (2)</li> <li>• Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1)</li> <li>• Abuse of office (1)</li> <li>• Conduct that may result in disciplinary action (2)</li> </ul>	1	Nil
Services Australia	4	–	Nil	Nil

8 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.

9 As above.

10 As above.

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 <sup>2</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>3</sup>
Sydney Harbour Federation Trust	2	<ul style="list-style-type: none"> <li>• Contravention of a law of the Commonwealth, state or territory (2)</li> <li>• Maladministration (2)</li> <li>• Wastage of public money (2)</li> <li>• Conduct that may result in disciplinary action (2)</li> </ul>	Nil	Nil

**Table 32: Agencies that reported not receiving PIDs or conducting PID investigations<sup>11</sup>**

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 <sup>12</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>13</sup>
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
Australia Council for the Arts	Nil	Nil	Nil	Nil
Australian Building and Construction Commission	Nil	Nil	Nil	Nil
Australian Bureau of Statistics	Nil	Nil	Nil	Nil

<sup>11</sup> These agencies may have been allocated a PID that was made to the Ombudsman.

<sup>12</sup> Investigations finalised with a report of the investigation under s 51 of the PID Act.

<sup>13</sup> Actions taken during the financial year in response to report recommendations relate to a PID investigation finalised in 2021-22; 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 <sup>12</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>13</sup>
Australian Business Arts Foundation (Creative Partnerships Australia)	Nil	Nil	Nil	Nil
Australian Centre for International Agricultural Research	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 Crime Commission (Australian Criminal Intelligence Commission)	Nil	Nil	Nil	Nil
Australian Curriculum, Assessment and Reporting Authority	Nil	Nil	Nil	Nil
Australian Digital Health Agency	Nil	Nil	Nil	Nil
Australian Film, Television and Radio School	Nil	Nil	Nil	Nil
Australian Financial Security Agency	Nil	Nil	Nil	Nil
Australian Fisheries Management Authority	Nil	Nil	Nil	Nil
Australian Hearing Services	Nil	Nil	Nil	Nil
Australian Human Rights Commission	Nil	Nil	Nil	Nil
Australian Institute for Teaching and School Leadership Limited	Nil	Nil	Nil	Nil
Australian Institute of Aboriginal and Torres Strait Islander Studies	Nil	Nil	Nil	Nil
Australian Institute of Criminology	Nil	Nil	Nil	Nil
Australian Institute of Marine Science	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 <sup>12</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>15</sup>
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 Pesticides and Veterinary Medicines 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 Research Council	Nil	Nil	Nil	Nil
Australian Skills Quality Authority	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 Transaction Reports and Analysis Centre	Nil	Nil	Nil	Nil
Australian Transport Safety Bureau	Nil	Nil	Nil	Nil
Australian War Memorial	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 <sup>12</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>13</sup>
Bundanon Trust	Nil	Nil	Nil	Nil
Bureau of Meteorology	Nil	Nil	Nil	Nil
Cancer Australia	Nil	Nil	Nil	Nil
Central Land Council	Nil	Nil	Nil	Nil
Clean Energy Finance Corporation	Nil	Nil	Nil	Nil
Climate Change Authority	Nil	Nil	Nil	Nil
Coal Mining Industry (Long Service Leave Funding) Corporation	Nil	Nil	Nil	Nil
Commonwealth Superannuation Corporation	Nil	Nil	Nil	Nil
Cotton Research and Development Corporation	Nil	Nil	Nil	Nil
Defence Housing Australia	Nil	Nil	Nil	Nil
Department of Finance	Nil	Nil	Nil	Nil
Department of Foreign Affairs and Trade	Nil	Nil	Nil	Nil
Department of Parliamentary Services	Nil	Nil	Nil	Nil
Department of the House of Representatives	Nil	Nil	Nil	Nil
Department of the Prime Minister and Cabinet	Nil	Nil	Nil	Nil
Department of the Senate	Nil	Nil	Nil	Nil
Department of the Treasury	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

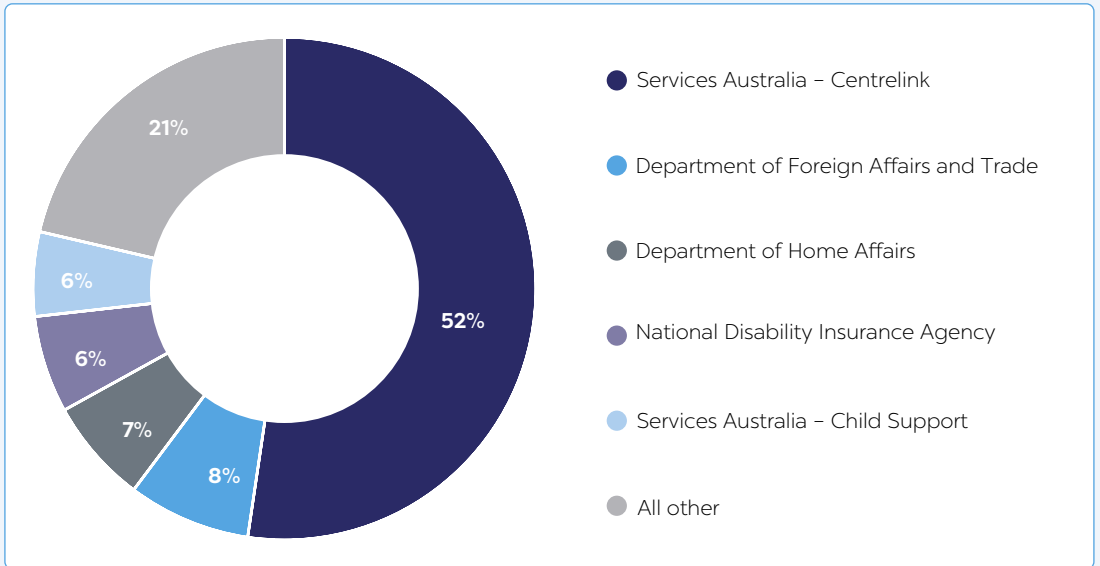
Agency	s 76(2)(a)(i) – the number of PIDs received by Authorised Officers of the agency during the financial year	s 76(2)(a)(ii) – the kinds of disclosable conduct to which the PIDs received during the financial year relate	s 76(2)(a)(iii) – the number of PID investigations conducted (i.e. finalised <sup>12</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>13</sup>
Fisheries Research and Development Corporation	Nil	Nil	Nil	Nil
Food Standards Australia New Zealand	Nil	Nil	Nil	Nil
Grains Research and Development Corporation	Nil	Nil	Nil	Nil
Independent Hospital Pricing Authority	Nil	Nil	Nil	Nil
Independent Parliamentary Expenses Authority	Nil	Nil	Nil	Nil
Indigenous Land and Sea Council	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
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 Faster Rail Agency	Nil	Nil	Nil	Nil
National Film and Sound Archive 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

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 <sup>12</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>13</sup>
National Museum of Australia	Nil	Nil	Nil	Nil
National Portrait Gallery of Australia	Nil	Nil	Nil	Nil
National Recovery and Resilience Agency	Nil	Nil	Nil	Nil
National Transport Commission	Nil	Nil	Nil	Nil
North Queensland Water Infrastructure Authority	Nil	Nil	Nil	Nil
Northern Australia Infrastructure Facility	Nil	Nil	Nil	Nil
Northern Land Council	Nil	Nil	Nil	Nil
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
Organ and Tissue Authority	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

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 <sup>12</sup> ) during the financial year	s 76(2)(a)(iv) – the actions taken during the financial year in response to PID report recommendations <sup>13</sup>
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
Special Broadcasting Service Corporation	Nil	Nil	Nil	Nil
Sport Integrity Australia	Nil	Nil	Nil	Nil
Tertiary Education Quality and Standards Agency	Nil	Nil	Nil	Nil
Tiwi Land Council	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 10: 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
ACIC	Australian Criminal Intelligence Commission
ADF	Australian Defence Force
ADJR Act	<i>Administrative Decisions (Judicial Review) Act 1977</i>
AFP	Australian Federal Police
AGO	Australian Geospatial-Intelligence Organisation
AMC	Alexander Maconochie Centre
ANAO	Australian National Audit Office
APRA	Australian Prudential Regulation Authority
APS	Australian Public Service
ASD	Australian Signals Directorate
ASIO	Australian Security Intelligence Organisation
ASIS	Australian Secret Intelligence Service
Authorised officer	An officer appointed by the principal officer of an agency to receive and allocate public interest disclosures under the <i>Public Interest Disclosure Act 2013</i> .
CFO	Chief Financial Officer
COO	Chief Operating Officer
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"><li>• complaints about an Australian Government agency, including the Australian Defence Force and the Australian Federal Police</li><li>• 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</li><li>• complaints about ACT Government agencies (under the ACT Ombudsman jurisdiction, including ACT FOI complaints, ACT P Interest Disclosure complaints, and complaints about the ACT Integrity Commission)</li><li>• 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.</li></ul>
Contact	Any external contact to our Office. Contacts are made up of complaints, program specific matters, and any other enquiries.



Term, acronym or abbreviation	Description or complete term
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
EAP	Employee Assistance Program
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"> <li>• a request to the Office (for example, a request from a journalist, a request under the <i>Freedom Of Information Act 1982</i> for documents we hold, a Public Interest Disclosure about us, or a service delivery complaint made about our own services)</li> <li>• 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)</li> <li>• other enquiries (for example how do I make a complaint about Agency X; an enquiry about private health insurance; Public Interest Disclosure enquiries; and enquiries made to the ACT Ombudsman regarding FOI/Reportable Conduct, and complaint handling advice for providers).</li> </ul>
Finalised	A contact is finalised when we have finished taking action in response to that contact.
FOI	Freedom of Information
FOI Act	<i>Freedom of Information Act 1982</i>
ICT	Information and communications technology
IGIS	Inspector-General of Intelligence and Security
IPS	Information Publication Scheme
ITECA	Independent Tertiary Education Council Australia
ITGC	Information and Technology Governance Committee
NDIA	National Disability Insurance Agency
NDIS	National Disability Insurance Scheme
NPM	National Preventative Mechanism
OAIC	Australian Information Commissioner
Ombudsman Act	<i>Ombudsman Act 1976</i>
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
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"> <li>• 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)</li> <li>• 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 more timely manner)</li> <li>• outcomes which reflect our role as independent and impartial (such as independent assurance that the agency's decision was lawful and reasonable)</li> <li>• outcomes for the broader community (such as changes to an agency's policies or practices).</li> </ul>
Out of jurisdiction (OOJ)	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"> <li>• applications under the ACT FOI Act (review requests, extensions of time, etc.)</li> <li>• reports of Defence abuse</li> <li>• PHIO mediations</li> <li>• FOI mediations</li> <li>• notifications under the ACT Reportable Conduct scheme</li> <li>• PIDs, extension requests and notifications.</li> </ul>
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>
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.
SAO	Senior Assistant Ombudsman

<b>Term, acronym or abbreviation</b>	<b>Description or complete term</b>
SES	Senior Executive Staff
SIA	Secretary Initiated Action
SLG	Senior Leadership Group
SME	Small and Medium Enterprises
SPB	Strategic Policy Board
SRM	Student Redress Measures
The Office	The Office of the Commonwealth Ombudsman.
The Ombudsman	The person occupying the statutory position of Commonwealth Ombudsman.
TIS	Translating and Interpreting Service
TTY	Teletypewriter
VET	Vocational education and training
VSLO	VET Student Loans Ombudsman
WCAG	Web Content Accessibility Guidelines
WHS	Work Health and Safety
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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<b>17AD(g) Letter of transmittal</b>				
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 <i>Public Governance, Performance and Accountability Act</i> (PGPA Act) and any enabling legislation that specifies additional requirements in relation to the annual report.	Mandatory	6
<b>17AD(h) Aids to access</b>				
17AJ(a)		Table of contents	Mandatory	9
17AJ(b)	Part 8	Alphabetical index.	Mandatory	149
17AJ(c)	Part 8	Glossary of abbreviations and acronyms.	Mandatory	136–139
17AJ(d)	Part 8	List of requirements.	Mandatory	142–148
17AJ(e)		Details of contact officer.	Mandatory	5.8
17AJ(f)		Entity's website address.	Mandatory	5
17AJ(g)		Electronic address of report.	Mandatory	5
<b>17AD(a) Review by Accountable Authority</b>				
17AD(a)	Part 1	A review by the accountable authority of the entity.	Mandatory	12–14
<b>17AD(b) Overview of the entity</b>				
17AE(1)(a)(i)	Part 2	A description of the role and functions of the entity.	Mandatory	16–24
17AE(1)(a)(ii)	Part 2	A description of the organisational structure of the entity.	Mandatory	16–24
17AE(1)(a)(iii)	Part 2	A description of the outcomes and programs administered by the entity.	Mandatory	18
17AE(1)(a)(iv)	Part 2	A description of the purposes of the entity as included in corporate plan.	Mandatory	16–17
17AE(1)(aa)(i)	Part 2	Name of the Accountable Authority or each member of the Accountable Authority.	Mandatory	19
17AE(1)(aa)(ii)	Part 2	Position of the Accountable Authority or each member of the Accountable Authority.	Mandatory	20–24
17AE(1)(aa)(iii)	Part 2	Period as the Accountable Authority or member of the accountable authority within the reporting period.	Mandatory	19
17AE(1)(b)	N/A	An outline of the structure of the portfolio of the entity.	Portfolio departments - mandatory	NA

PGPA rule reference	Part of report	Description	Requirement	Page
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	Nil to report
<b>17AD(c) Report on the performance of the entity</b>				
17AD(c)(i); 16F	Part 3	Annual performance statement	Mandatory	27-33
<b>17AD(c)(ii) Report on financial performance</b>				
17AF(1)(a)	Part 3	A discussion and analysis of the entity's financial performance.	Mandatory	33
17AF(1)(b)	Part 7	A table summarising the total resources and total payments of the entity.	Mandatory	106-107
17AF(2)		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.	Nil to report
<b>17AD(d) Management and accountability</b>				
<b>Corporate governance</b>				
17AG(2)(a)	Part 6	Information on compliance with section 10 (fraud systems)	Mandatory	62
17AG(2)(b)(i)	Part 6	A certification by accountable authority that fraud risk assessments and fraud control plans have been prepared.	Mandatory	6
17AG(2)(b)(ii)	Part 6	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)	Part 6	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	58-68

PGPA rule reference	Part of report	Description	Requirement	Page
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	Nil to report
<b>Audit committee</b>				
17AG(2A)(a)	Part 6	A direct electronic address of the charter determining the functions of the entity's audit committee.	Mandatory	59
17AG(2A)(b)	Part 6	The name of each member of the entity's audit committee.	Mandatory	60
17AG(2A)(c)	Part 6	The qualifications, knowledge, skills or experience of each member of the entity's audit committee.	Mandatory	60
17AG(2A)(d)	Part 6	Information about the attendance of each member of the entity's audit committee at committee meetings.	Mandatory	60
17AG(2A)(e)	Part 6	The remuneration of each member of the entity's audit committee.	Mandatory	60
<b>External scrutiny</b>				
17AG(3)	Part 6	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny.	Mandatory	62
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	63
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	62
17AG(3)(c)		Information on any capability reviews on the entity that were released during the period.	If applicable, Mandatory	Nil to report
<b>Management of human resources</b>				
17AG(4)(a)	Part 6	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives.	Mandatory	64-66, 96-105



PGPA rule reference	Part of report	Description	Requirement	Page
17AG(4)(aa)	Parts 6 and 7	<p>Statistics on the entity's employees on an ongoing and non-ongoing basis, including the following:</p> <p>(a) statistics on full-time employees;</p> <p>(b) statistics on part-time employees;</p> <p>(c) statistics on gender;</p> <p>(d) statistics on staff location.</p>	Mandatory	98-105
17AG(4)(b)	Part 7	<p>Statistics on the entity's APS employees on an ongoing and non-ongoing basis; including the following:</p> <ul style="list-style-type: none"> <li>• Statistics on staffing classification level;</li> <li>• Statistics on full-time employees;</li> <li>• Statistics on part-time employees;</li> <li>• Statistics on gender;</li> <li>• Statistics on staff location;</li> <li>• Statistics on employees who identify as Indigenous.</li> </ul>	Mandatory	98-105
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 Public Service Act.	Mandatory	65, 96
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	96-97
17AG(4)(c)(ii)	Part 7	The salary ranges available for APS employees by classification level.	Mandatory	105
17AG(4)(c)(iii)	Part 7	A description of non-salary benefits provided to employees.	Mandatory	64-65, 96-97
17AG(4)(d)(i)	N/A	Information on the number of employees at each classification level who received performance pay.	If applicable, Mandatory	Nil to report
17AG(4)(d)(ii)	N/A	Information on aggregate amounts of performance pay at each classification level.	If applicable, Mandatory	Nil to report
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	Nil to report
17AG(4)(d)(iv)	N/A	Information on aggregate amount of performance payments.	If applicable, Mandatory	Nil to report

PGPA rule reference	Part of report	Description	Requirement	Page
<b>Assets management</b>				
17AG(5)	Part 6	An assessment of effectiveness of assets management where asset management is a significant part of the entity's activities.	If applicable, Mandatory	68
<b>Purchasing</b>				
17AG(6)	Part 6	An assessment of entity performance against the <i>Commonwealth Procurement Rules</i> .	Mandatory	66
<b>Reportable consultancy contracts</b>				
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	66–67
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	66–67
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	66–67
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	67
<b>Reportable non-consultancy contracts</b>				
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	67

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	67
<b>17AD(daa) Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts</b>				
17AGA	Part 6	Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts.	Mandatory	67
<b>Australian National Audit Office access clauses</b>				
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 Auditor-General 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	67
<b>Exempt contracts</b>				
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	NA
<b>Small business</b>				
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	66
17AG(10)(b)	Part 6	An outline of the ways in which the procurement practices of the entity support small and medium enterprises.	Mandatory	66

PGPA rule reference	Part of report	Description	Requirement	Page
17AG(10)(c)	-	If the entity is considered by the Department administered by the Finance Minister as material in nature - a statement that <i>'[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.'</i>	If applicable, mandatory	NA
<b>Financial statements</b>				
17AD(e)	Part 7	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act.	Mandatory	72-94
<b>Executive remuneration</b>				
17AD(da)	Part 7	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 2-3 of the Rule.	Mandatory	96-97
<b>17AD(f) Other mandatory information</b>				
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	67
17AH(1)(a)(ii)	Part 6	If the entity did not conduct advertising campaigns, a statement to that effect.	If applicable, mandatory	NA
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	NA
17AH(1)(c)	Part 6	Outline of mechanisms of disability reporting, including reference to website for further information.	Mandatory	66
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	95
17AH(1)(e)	Part 7	Correction of material errors in previous annual report.	If applicable, mandatory	109
17AH(2)	Parts 3, 4, 6 and 7	Information required by other legislation.	Mandatory	27, 32, 36-55, 57-68, 70-133

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