



Australian Government



COMMONWEALTH
OMBUDSMAN

2020-21

ANNUAL REPORT

Credits

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Commonwealth Ombudsman

GPO Box 442, Canberra ACT 2601

Tel: **1300 362 072**

Email: ombudsman@ombudsman.gov.au

Transmittal letter

29 September 2021

Senator the Hon Michaelia Cash
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 2020–21.

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 2020–21 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,



Penny McKay
Acting Commonwealth Ombudsman

CC: Senator the Hon Amanda Stoker, Assistant Minister to the Attorney-General

Reader's guide

This report provides information on the activities, achievements and performance of the Office of the Commonwealth Ombudsman (the Office) for the 2020–21 financial year.

Part 1: Review by the Ombudsman

This part contains a review of the past financial year by the Commonwealth Ombudsman, Michael Manthorpe and the acting Commonwealth Ombudsman, Penny McKay. 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, 2021–22.

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 2020–21](#) and [Portfolio Budget Statements 2020–21](#).

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 roles pursuant to the *Ombudsman Act 1976 (the Act)*. The Act requires an annual report on each role. We report publicly on each role throughout the year. The 5 annual 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**

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

online at ombudsman.gov.au

by phone at **1300 362 072** between 10:30 am to 3:00 pm Monday to Friday. Note that this is not a toll-free number and calls from mobile phones are charged at mobile phone rates.

If you are Aboriginal or Torres Strait Islander, you can contact us on our Indigenous Line **1800 060 789**.

in writing to GPO Box 442, Canberra ACT 2601.

Services available to help you

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 hearing, sight or speech impaired, a teletypewriter (TTY) Service is available through the National Relay Service – phone **133 677**.

Contents

Credits	3
Transmittal letter	4
Reader's guide	5
Contacts	6
Services available to help you	6
Contents	7
Part 1: Review by the Ombudsman	9
Part 2: Overview of the Office	12
Our purpose	12
Ombudsman roles and functions	12
Our outcome and programs.....	14
Accountable authority.....	15
Organisational structure.....	15
Senior leadership group.....	16
Part 3: Report on performance	21
Statement of preparation	21
2020–21 Performance Analysis.....	22
Results	25
Financial reporting.....	31
Part 4: Public Interest Disclosure Scheme	33
Public Interest Disclosure Scheme	33
Part 5: Specific Ombudsman roles and annual reports	43
Introduction.....	43
Defence Force Ombudsman.....	43
Postal Industry Ombudsman.....	47
Overseas Students Ombudsman.....	47
Private Health Insurance Ombudsman	50
VET Student Loans Ombudsman	51
Part 6: Management and accountability	55

Corporate governance	55
Corporate governance practices	58
External scrutiny.....	59
Management of human resources	61
Purchasing.....	63
Consultancy contracts	63
Advertising campaigns.....	65
Exempt contracts.....	65
Compliance reporting	65
Asset management.....	66
Disability reporting	66
Part 7: Appendices	67
Appendix 1: All public contacts	67
Appendix 2: Financial statements	69
Office of the Commonwealth Ombudsman	71
Appendix 3: Information Publication Scheme	93
Appendix 4: Management of human resources.....	94
Appendix 5: Entity resources statement	109
Appendix 6: Ecologically sustainable development and environmental performance	111
Appendix 7: Correction of material errors in the previous annual report	112
Appendix 8: Public Interest Disclosure	113
Part 8: References	128
Glossary.....	128
List of Abbreviations	130
Lists of tables and figures	133
List of requirements	135
Index	145

Part 1: Review by the Ombudsman



We are pleased to present the annual report for the Office of the Commonwealth Ombudsman for 2020–21.

The year featured challenges and achievements for the Office.

Undoubtedly, the largest challenge for our organisation, and so many others, was to continue delivering our diverse array of functions in the context of COVID-19. Through remote working and frequent adjustments to the emergence of COVID-19 cases in different locations, we managed to keep our workforce safe and abide by the various health directions while still delivering our core functions.

We needed to regularly adjust the way we do some of our work, and we are continuing to grapple with these challenges as 2021–22 begins. For example, for parts of the year and in various locations, we were unable to conduct physical inspections of law enforcement agencies' records or immigration detention facilities and devised innovative ways to replicate this work remotely, at least partially. Our international work program with Indonesia and parts of the Pacific moved to a completely virtual platform in the absence of international travel.

As always, our work focused on assisting people who come to us for help, holding agencies to account through fair but effective oversight and accounting for our activities and engaging with the Parliament.

This year we received 36,731 contacts, representing a 28 per cent decrease on the previous year. Consistent with previous years, public service complaint volumes were highest in relation to the large Commonwealth service delivery agencies, such as Services Australia, the Department of Home Affairs and the

National Disability Insurance Agency. Overall, we observed that complaint numbers fell during the early stage of COVID-19 and have not returned to pre-COVID-19 levels.

Similarly, complaints in our industry jurisdictions, such as our Overseas Students and Private Health Insurance Ombudsman functions, were lower than before COVID-19. Complaints about Australia Post were higher than in previous years, reflecting the heavy reliance on postal services during lockdowns and the logistical challenges it confronted. Nevertheless, during the second half of the year, complaints about the post office began to fall. The largest number of complaints to our industry functions concerns the historic Vocational Education and Training (VET) Fee Help Scheme. We continue to work to resolve thousands of cases of inappropriate debts raised by VET providers under the scheme.

In addition to our high-volume complaint services, we continue to deliver assistance to people who suffered abuse in the Australian Defence Force (ADF). The reparation scheme, which provides financial acknowledgement of serious abuse, was extended beyond its original end date of 30 June 2021, and we will continue to support reportees and work with the Defence portfolio to progress claims for reparation or other support.

Our ongoing work in relation to law enforcement oversight is expanding. We conduct regular inspections of law enforcement agencies' use of covert and intrusive powers, and this year we also conducted an own motion investigation into particular compliance issues concerning access to a form of telecommunications



data by the ACT Policing arm of the Australian Federal Police (AFP). Our report on this issue was published on 12 March 2021.

That report was one of several diverse publications about systemic issues in public administration. Other reports focused on matters, including:

- the remediation of debts by Services Australia, following legal action about the use of ‘averaging’ to determine income support debts
- the administration of requests for assistive technology by participants in the National Disability Insurance Scheme
- the adequacy or otherwise of the AFP’s decision to cease investigating allegations relating to the Hon Angus Taylor MP, Minister for Energy and Emissions Reduction
- the effectiveness of the ADF’s behavioural training
- the administrative policies and procedures that guide the AFP’s engagement with the ACT Aboriginal and Torres Strait Islander community
- reporting on the conditions and management of immigration detention facilities.

We are pleased that in most cases, and in relation to the above reports and other matters, the agencies we oversee accepted most or all of our recommendations to improve administration.

In addition, during the year, we published – for the first time – a report about whether agencies that accepted our recommendations in a series of earlier reports had, in fact, implemented those recommendations 2 years down the track. In most cases, we were satisfied they had done so, which was positive reinforcement of the enduring importance of effective oversight.

We also conducted a second survey of agency satisfaction with our role, which – like the first such survey 2 years before – demonstrated that the larger agencies we oversee respect our independence and the constructive contribution we make to continuous improvement.

We engaged with a range of Parliamentary Committees and inquiries during the year, particularly in relation to law enforcement reforms and an inquiry by the Senate Defence, Foreign Affairs and Trade Committee on the historic administration of the Defence Force Retirement and Death Benefits Scheme (DFRDB). The Joint Committees with responsibility for the AFP, Australian Commission for Law Enforcement Integrity (ACLEI) and other law enforcement bodies took an ongoing interest in our oversight work, and we made submissions and appearances around the technical design of oversight arrangements in areas of legislative reform. Additional funds of around \$8m over 4 years were allocated to the Office to assist us in delivering ongoing expanded functions in relation to law enforcement oversight. With respect to the DFRDB, our submissions largely related to the background, findings and reasoning of our report on the information provided to scheme members, which we published in 2019.

We continue to play an active role as a part of a wider group of independent oversight bodies. During the year we:

- hosted a virtual meeting of State, Territory and New Zealand Ombudsmen institutions
- hosted a virtual meeting of State, Territory and New Zealand Information Commissioners
- hosted a meeting of inspectors of corruption bodies from around Australia, and
- participated in international dialogue through the quadrennial conference of the International Ombudsman Institute, which occurred virtually because of COVID-19.

The year ahead will see further work on the enduring matters canvassed above, as well as new work to expand our law enforcement oversight role, and work to progress Australia’s implementation of the Optional Protocol to the Convention Against Torture and other cruel, inhuman or degrading treatment or punishment (OPCAT). Following Australia’s ratification of OPCAT in 2017, Australia is required to establish its network of

National Preventive Mechanisms (NPMs) to provide independent oversight of places of detention by January 2022. As Commonwealth NPM and the NPM Coordinator, we look forward to working with all relevant parties to progress OPCAT implementation in Australia.

In relation to law enforcement, we also look forward to playing a constructive role in relation to reforms of electronic surveillance arrangements, following the Richardson Review of the National Intelligence Community.

For completeness, it is worth noting that we also undertake a range of functions within the ACT, as the ACT Ombudsman, by longstanding arrangement between the Office and the ACT Government. These activities are subject to a separate annual report, to be tabled in the ACT Legislative Assembly.

None of the Office's achievements would be possible without the dedication and hard work of our executive team and all our staff, whom we thank sincerely for their efforts, particularly in the setting of COVID-19.

During the preparation of this report, Michael Manthorpe PSM retired as the Ombudsman, and the process for the selection of a replacement commenced. Penny McKay will continue to act in the position until a new Ombudsman is appointed.



Michael Manthorpe PSM
Commonwealth Ombudsman



Penny McKay
Acting Commonwealth Ombudsman

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 (the 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 Scheme
- responding to reports of serious abuse in the Department of Defence
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) National Preventive Mechanism (NPM) Coordinator and NPM for places of detention under the control of the government
- inspections of the use of certain covert and intrusive powers by law enforcement bodies.

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 scheme (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 Defence agencies. Since 1 December 2016, the DFO's functions were expanded to provide 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 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. 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
- ACT Judicial Council
- Public interest disclosures.

Additional information is available in the *ACT Ombudsman Annual Report 2020–21*.

The Office’s functions fulfil its 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 Australian Capital Territory Legislative Assembly respectfully.

Our outcome and programs

We identify 5 objectives to help deliver our purpose. Each of these objectives is linked to one or more of our 7 performance criteria. The table below outlines our purpose, objectives and performance criteria.

Our Purpose	
Provide assurance that Australian Government entities and prescribed private sector organisations the Office oversees act with integrity and treat people fairly. Influence enduring systemic improvement in public administration in Australia and the region.	
Objective 1	<p>Influence Australian and ACT Government entities to improve public administration and complaint handling systems through public reports, recommendations and direct engagement.</p> <ul style="list-style-type: none"> • We influence improvement in public administration and the practices of the agencies and organisations we oversee. • We are responsive in our dealings with agencies. • We maintain the confidence of parliament.
Objective 2	<p>Provide an efficient, effective and accessible complaint handling service.</p> <ul style="list-style-type: none"> • We assist the public to resolve issues with agencies and organisations we oversee. • We are responsive to the public when they contact our Office. • We improve public awareness of our role in influencing public administration.
Objective 3	<p>Undertake oversight and assurance activities relating to the integrity of Australian Government entities, Australian Capital Territory Government entities and prescribed private sector organisations.</p> <ul style="list-style-type: none"> • We influence improvements in public administration and the practices of the agencies and organisations we oversee. • We are responsive in our dealings with agencies. • We maintain the confidence of parliament.
Objective 4	<p>Provide effective and impartial industry complaint handling services and provision of consumer information.</p> <ul style="list-style-type: none"> • We assist the public to resolve issues with agencies and organisations we oversee. • We are responsive to the public when they contact our Office. • We improve public awareness of our role in industry practice.

Objective 5	<p>Deliver capacity building programs under the Australian Aid arrangements to support ombudsmen and allied integrity bodies to improve governance and accountability.</p> <ul style="list-style-type: none"> • We effectively deliver our capacity building programs for the ombudsmen and allied integrity bodies under the Australian Aid arrangements. • We maintain the confidence of parliament.
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Our performance against each criterion is demonstrated through a combination of qualitative analysis and quantitative metrics. For some criteria, setting a target (such as a target that 75 per cent of recommendations in public reports will be accepted by the agency or organisation) is appropriate. For other measures, our aim is to improve our performance compared to previous years (e.g. measuring an increase in the total number of enquiries, complaints and website visits). Read more about our 2020–21 performance in part 3.

Accountable authority

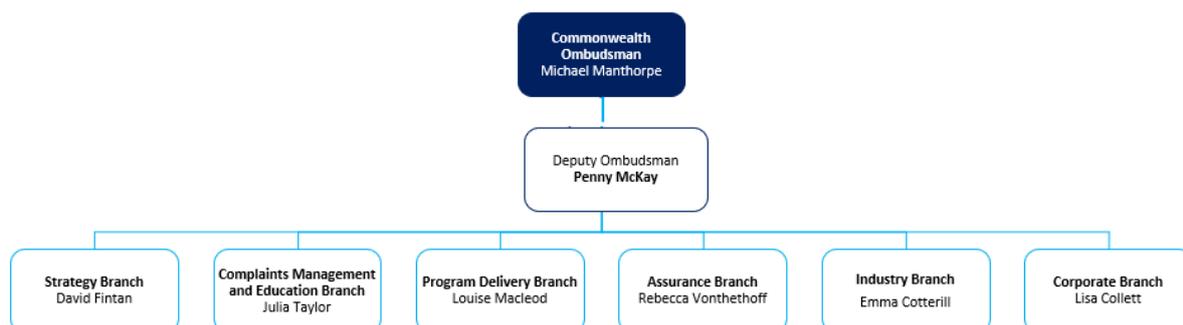
TABLE 1: ACCOUNTABLE AUTHORITY

		Period as accountable authority	
Name	Position held	Date of Commencement	Date of Cessation
Michael Manthorpe PSM	Commonwealth Ombudsman	8 May 2017	31 July 2021

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 Ombudsman and Chief Operating Officer are Senior Executive Service Band 1 employees. The Executive and Senior Management structure on 30 June 2021 can be seen in Figure 1.

FIGURE 1: EXECUTIVE AND SENIOR MANAGEMENT STRUCTURE ON 30 JUNE 2021



Senior leadership group



Michael Manthorpe PSM, Rebecca Vonhethoff, Symone Andersen, Penny McKay, Julia Taylor, Lisa Collett, David Fintan
Absent: Louise Macleod, Emma Cotterill

Michael Manthorpe PSM, Commonwealth Ombudsman



Michael was appointed by the Australian Government to the role of Commonwealth Ombudsman on 8 May 2017. He is the tenth Commonwealth Ombudsman since the Office's inception in 1977. Michael retired from this role on 31 July 2021.

Prior to his appointment, Michael was a career Australian public servant. He is a generalist who studied journalism and history at the University of Queensland in the 1980s and worked for different governments on various public policy and program issues over the years. Most recently, he held Deputy Secretary level positions at the then Department of Immigration and Border Protection, where he was responsible for the global delivery of Australia's visa, citizenship and refugee programs. For 25 years, he worked in the Education, Employment and Workplace Relations portfolios.

He was awarded the Public Service Medal in 2010 for his leadership of the Australian Government's handling of the insolvency of ABC Learning childcare centres.

Michael is on the Executive of the Australia New Zealand Ombudsman Association (ANZOA) and is a Deputy President and Councillor of the ACT Branch of the Institute of Public Administration Australia (IPAA).

Penny McKay, Deputy Ombudsman

Penny was appointed by the Australian Government to the role of the Commonwealth Deputy Ombudsman on 10 August 2020¹ for a 5-year term. As Deputy Ombudsman, Penny assists the Commonwealth Ombudsman with strategic leadership and day-to-day management of the Office of the Commonwealth Ombudsman.

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 Australian Capital Territory (ACT), Northern Territory and Queensland. She held 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 oversight and assurance. She holds a Bachelor of Law and a Bachelor of Business (Management) and is admitted to practise as a solicitor of the Supreme Court.

Lisa Collett, Chief Operating Officer, Corporate Branch



Lisa Collett has been the Chief Operating Officer for the Office since 2020.

Prior to her appointment, Lisa held various leadership roles delivering the Office's International engagement program with Ombudsman Institutes across the Indo-Pacific region and within the Office's complaint management functions, refining and enhancing the Office's complaint-handling policies and procedures.

Before joining the Office, Lisa worked in several Australian Public Service agencies on various innovative programs and policies in support of young people, Aboriginal and Torres Strait Islander people and people living in remote Australia.

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

¹ Penny McKay was acting as the Integrity Commissioner and head of the Australian Commission for Law Enforcement Integrity on 30 June 2021.

Julia Taylor, Senior Assistant Ombudsman, Complaints Management and Education Branch

Julia joined the Office in 2019. She is currently responsible for the Office's complaints management and education functions. Before joining that branch, Julia held leadership roles across a range of areas within the strategy function 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) and telecommunications, service delivery, human resources and workload/workforce management. Julia's Australian Public Service (APS) leadership experience has been gained through working in a range of roles in the Australian Taxation Office, Services Australia, Department of Home Affairs and the Office of the Commonwealth Ombudsman's Office.

Before joining the APS, Julia worked in the private sector in the IT and telecommunications industry.

Julia has a keen interest in professional and executive coaching and is a mentor and coach within and external to the public service.



David Fintan, Senior Assistant Ombudsman, Strategy Branch



David joined the Office as Senior Assistant Ombudsman, Strategy Branch in March 2021². David leads most of the Office's own motion investigations, the international program and the Office's strategic policy and engagement activities.

David has more than 20 years' experience in the private and public sectors working across 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 about 6 years (2016–21) in a range of Senior Executive Staff roles in skills and higher education. Before that, David helped to establish the National Disability Insurance Agency (2013–16), where he held positions including Chief Risk Officer, Corporate Secretary and General Counsel.

Before his public service career, David was a lawyer for 15 years in private firms and in-house government roles, where he specialised in administrative and public law.

David studied law and history at Macquarie University and was admitted as a legal practitioner in the ACT in 2001.

² David Fintan was the acting Deputy Ombudsman on 30 June 2021.

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 certain covert, coercive and intrusive powers. She is responsible for the Office's role as the National Preventive Mechanism for places of detention under the control of the Australian Government, under the United Nations' Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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



Emma Cotterill, Senior Assistant Ombudsman, Industry Branch



Emma Cotterill joined the Office in 2004. She is currently responsible for the Industry branch, which delivers complaint handling and strategic policy engagement activities in the Office's roles as the Private Health Insurance Ombudsman, Postal Industry Ombudsman, VET Student Loans Ombudsman and Overseas Students Ombudsman.

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 complaints, strategic oversight, governance, inspections and audit functions.

Emma has a particular interest and experience in working with government agencies to ensure that new or changed programs are delivered well, particularly where they may more significantly affect vulnerable or disadvantaged community members. This work is evidenced in the Office's public reports about welfare reform, employment services, the National Disability Insurance Scheme and immigration detention.

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

Louise Macleod, Substantive Senior Assistant Ombudsman, Program Delivery Branch

Louise joined the Office in July 2016 and has held various senior leadership roles across the Office, including leading 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 formulating government policy, program management and service delivery in areas such as administrative law reform, investigations, compliance monitoring and trauma-informed dispute resolution and restorative justice. Before this, Louise served as an officer in the Australian Army and was admitted to practice as a legal practitioner in the ACT in 2015.



Most recently, Louise was seconded to the Department of the Prime Minister and Cabinet to lead a small team supporting the Deputy Secretary to deliver a report to the Prime Minister on whether more could be done to support staff involved in a serious incident during parliamentary employment.

Symone Andersen, Acting Senior Assistant Ombudsman, Program Delivery Branch



Symone joined the Office in 2020. She is currently responsible for the Defence Reparation Scheme and ACT Ombudsman functions, which includes, in addition to identifying and acting on serious or systemic issues of public administration within ACT Government agencies, the Reportable Conduct Scheme, Freedom of Information, Judicial Council and Inspector functions.

Symone has 21 years' experience working across the APS and a strong record of achievement across strategic transformation, digital and technology projects, program delivery and management, service delivery and corporate services. Symone's APS leadership experience was gained through various roles at Services Australia, the Department of Social Services, the Department of Home Affairs and the Digital Transformation Agency.

Before joining the APS, Symone worked in the private sector in advertising and marketing.

Symone has a Diploma in Government (Management), a Diploma in Frontline Management and certifications in project management, including being SAFe Agilist Certified (Scaled Agile Framework).

Part 3: Report on performance

Statement of preparation

I, Penny McKay, as the accountable authority of the Office of the Commonwealth Ombudsman, present the 2020–21 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 subsection 39(2) of the PGPA Act.



Penny McKay

Acting Commonwealth Ombudsman

2020–21 Performance Analysis

This annual performance statement outlines the Office of the Commonwealth Ombudsman’s (the Office) performance against the 2020–21 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’.

Our 2020–21 Corporate Plan outlined how we would deliver our outcome by:

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

We measured our 2020–21 success against our outcome, using a performance framework with 5 objectives underpinned by 7 specific performance criteria. The following diagram describes the alignment of our outcome, our objectives and the targets against which we measured ourselves.

OUR PURPOSE

To:

- 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

1

Influence Australian and Australian Capital Territory 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

PERFORMANCE CRITERIA

1

We influence improvements in public administration and practices of the 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 to the ombudsmen and allied integrity bodies under the Australian Aid arrangements

7

We maintain the confidence of the Parliament

MEASURES AND TARGETS

1a

Per cent of people who contacted the Office providing a rating of satisfied (or better) with our services

65%

2a

Per cent of Office service standards met

90%

3a

Increased contact with the Office

Count

4a

Per cent of recommendations in public reports accepted by agencies and organisations

75%

5a

Per cent of satisfaction survey responses from agencies demonstrating a rating of satisfied (or better) with the quality of our work

80%

6a

Per cent of outputs delivered under the Australian Aid Arrangements

80%

7a

Number of reports published

Count

1b

Per cent of people who contacted the Office providing a rating of satisfied (or better) with our independence

65%

4b

Per cent of recommendations for Defence abuse reparations and number of recommendations for VET Student Loan re-credits accepted

95%

5b

Per cent of feedback responses from participants in educational or other events demonstrating a rating of satisfied (or better)

80%

7b

Per cent of reports delivered within statutory timeframes

100%

1c

User satisfaction with the privatehealth.gov.au website

75%

7c

Number of submissions made to and appearing before the parliamentary committee process

Count

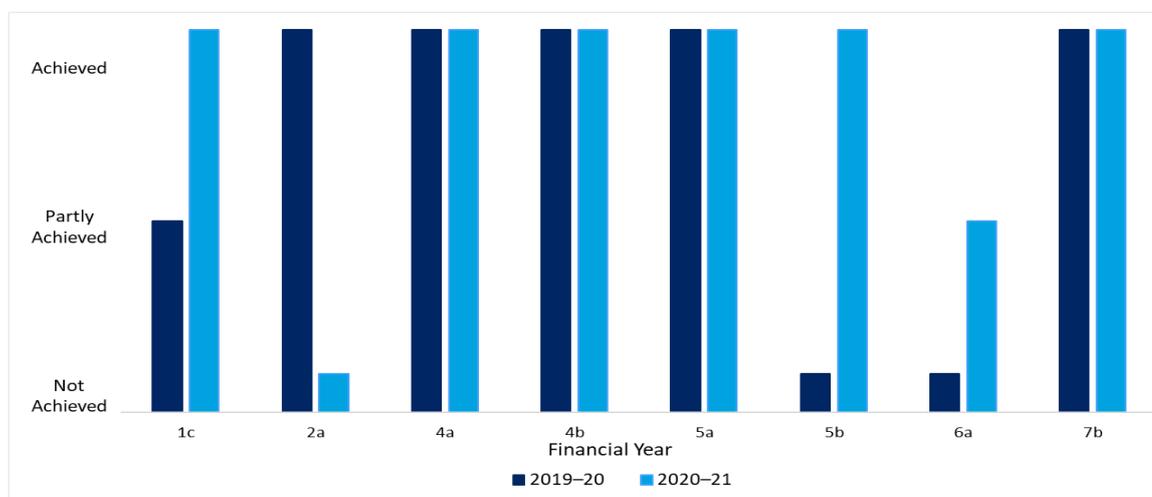
In 2020–21, the Office performed strongly in achieving our purpose by meeting or exceeding the majority of our key performance targets as set out in our Corporate Plan and Portfolio Budget Statement.

This year, the effects of COVID-19 across the Australian Public Service (APS) and broader community continued to be felt. Local restrictions and intermittent lockdowns were experienced in most states and territories. While the direct effects of COVID-19 upon the Office’s business-as-usual activities were limited, there were consequential effects for 2 of our performance measures – 2a Complaint resolution and 6a Australian Aid arrangements.

Despite these challenges, we adjusted our work practices and enhanced our use of remote and virtual technology to provide our most critical functions with minimal disruption. Pleasingly, this effort is visible in the Office’s 2020–21 performance results, which compare favourably against our performance last financial year.

Figure 2 below provides a comparison of our performance over the last 2 financial years.

FIGURE 2: PERFORMANCE CRITERIA RESULTS YEAR ON YEAR COMPARISON



*Note that performance criteria 3a, 7a and 7c are not included in this graph, as they are based on volume rather than percentage targets.

Results

We influence improvements in public administration and practices of the agencies and organisations we oversee.	
Measure 1a	Percentage of people who contacted the Office providing a rating of 'satisfied' (or better) with our services in response to complainant satisfaction surveys
Target	65%
Result	This survey is conducted every 2 years. The result from 2019–20 was 66 per cent.
Analysis	A Customer Satisfaction Survey will be conducted every 2 years; results for this criterion will be available in 2021–22.
Objectives	2 and 4
Measure 1b	Percentage of complainant satisfaction survey responses with a rating of 'satisfied' (or better) evaluating our independence
Target	65%
Result	This survey is conducted every 2 years. The result from 2019–20 was 76 per cent.
Analysis	A Customer Satisfaction Survey will be conducted every 2 years; results for this criterion will be available in 2021–22.
Objectives	2 and 4
Measure 1c	User satisfaction with the privatehealth.gov.au website
Target	75%
Result	77%
Analysis	We received feedback that 77 per cent of users were satisfied with the quality of the information provided by privatehealth.gov.au.
Objectives	2 and 4
We are responsive to the public when they contact our Office.	
Measure 2a	Complaints with the Office will be finalised within our service standards
Target	90%
Result	72%
Analysis	<p>This year we met our service standards 72 per cent of the time, against a target of 90 per cent.</p> <p>The effects of COVID-19 are a significant contributor to this result. We take our complaint-handling responsibilities seriously and evolved our work practices throughout 2020–21. We will continue to have a strong focus on this measure and expect that processes implemented in 2020–21 will have a positive effect on the 2021–22 results.</p>
Objectives	2 and 4

We improve public awareness of our role in influencing public administration and industry practice.	
Measure 3a	Increase contact with the Office
Target	37,896 contacts
Result	There has been a 25 per cent reduction in enquiries and complaints received by the Office from 50,808 in 2019–20 to 36,731 in 2020–21.
Analysis	External factors are likely to be the most significant contributor to this change. We expect changes in how agencies operated due to COVID-19 are likely to have contributed to the reduced complaint load.
Objectives	2 and 4
Measure 3b	Increase website visits
Target	Total number of website hits across all the Office’s websites
Result	There has been a 10 per cent reduction to our overall website visits.
Analysis	We expect that changes in how agencies operated due to COVID-19 are likely to have contributed to the reduced visits to our website.
Objectives	2 and 4
We influence improvements in public administration and practices of the agencies and organisations we oversee.	
Measure 4a	Percentage of recommendations in public reports accepted by the agency or organisation
Target	75%
Result	89%
Analysis	In our oversight role with agencies and organisations, we are satisfied we were able to influence improvements and systemic change in public administration, and exceeding this measure supports this.
Objectives	1 and 3
Measure 4b	Percentage of recommendations accepted for Defence abuse reparation payments and VET Student Loan re credits
Target	95%
Result	100%
Analysis	This is a positive result for the members of the public who contacted our Office in relation to these functions and shows the confidence these agencies have in our work and the recommendations we provide.
Objectives	1 and 3
We are responsive in our dealings with agencies.	
Measure 5a	Percentage of satisfaction survey responses from agencies demonstrating a rating of ‘satisfied’ (or better) with the quality of our work

Target	80%
Result	100%
Analysis	<p>The survey sought feedback from 12 agencies that regularly interact with our Office. It sought to assess satisfaction levels against operational and strategic factors and identify potential areas for improvement.</p> <p>Of the agencies interviewed 6 were 'very satisfied' and 6 were 'quite satisfied'. More broadly, COVID-19 effects were said to be well managed by the Office, and the service provided to the agencies was considered to continue seamlessly.</p>
Objectives	1 and 3
Measure 5b	Percentage of feedback responses from participants in educational or other events demonstrating a rating of 'satisfied' (or better)
Target	90%
Result	91%
Analysis	<p>The Office's education and stakeholder engagement activities were predominantly delivered online in 2020–21 due to the effects of COVID-19. We sought feedback from participants through formal surveys on participant satisfaction. We achieved a 91 per cent satisfaction rating among participants attending our education or outreach events.</p> <p>The Office plans to continue delivering education and engagement activities online in 2021–22 while also running face-to-face sessions where possible and safe.</p>
Objectives	1 and 3
We effectively deliver our capacity building programs for the Ombudsman and allied integrity bodies under the Australian Aid arrangements.	
Measure 6a	Percentage of outputs delivered under the Australian Aid arrangements
Target	80%
Result	73%
Analysis	<p>During 2020–21, we reviewed all program work plans in consultation with our international partners and the Department of Foreign Affairs and Trade to address the unique challenges presented by COVID-19. We were able to deliver many activities across our programs by shifting to virtual and online delivery. This included training courses and workshops.</p> <p>We deferred or cancelled other activities that required international travel, such as internships, professional development placements and face-to-face training, which meant we could not meet some of our outputs.</p> <p>As international travel is unlikely to recommence soon, we will continue to find new and innovative ways to engage and provide support to our international partners</p>

Objective	5
We maintain the confidence of the parliament.	
Measure 7a	Number of reports published
Target	COUNT
Result	52
Analysis	In 2020–21, the Office published 52 reports covering a breadth of topics. These reports included investigation and oversight reports, quarterly updates on various functions and reports on our inspections of immigration detention and law enforcement powers. Our websites provide more information on the reports we published during the 2020–21 performance period.
Objectives	1, 3 and 5
Measure 7b	Number of submissions made to, and appearances before, parliamentary committee processes
Target	COUNT
Result	32
Analysis	These appearances and submissions speak to both our enduring role and the value parliamentarians place on our impartial advice across a diverse array of subject matter.
Objectives	1, 3 and 5
Measure 7c	Percentage of reports within statutory timeframes
Target	100%
Result	100%
Analysis	As an oversight agency, we understand the importance of timely advice and recommendations. Despite the challenges caused by COVID-19, we delivered all statutory reports to the relevant Minister and parliament within statutory timeframes.
Objectives	1, 3 and 5

Commentary on results

2a – Complaints within service standards

The ability of our staff to manage complaints in 2020–21 was changed by COVID-19 related lockdowns across all states, in some instances on multiple occasions. The practical effects of the restrictions meant a reduction in staff availability to support all channels of service delivery, particularly by phone, with staff working from home. The lockdowns reduced the Office’s complaint-handling capacity, as staff working from home could not connect with complainants in the same way they would when in the office.

At the same time, the emotional effects of COVID-19 on the broader community are noticeable. There was an increase in complainants presenting with vulnerable circumstances and what we classify as ‘unreasonable

conduct', including aggression towards staff, threats of self-harm, threats of harm against others and unreasonable expectations in relation to the timeliness or influence of our Office.

We also noted an increase in the complexity of complaints the Office is receiving. The increase in complaint complexity was influenced by several factors, including:

- new programs or changes to current programs linked to COVID-19 requiring officers to undertake additional research and engagement with agencies to determine the best course of action
- campaign-style complaints, which sometimes included over 100 complaints on a single topic, with the same issues raised.

Our teams noted that an emerging challenge in 2021–22 will be meeting our performance measures while managing the existing backlog of work resulting from the increasing complexity of approaches, staff working from home and the presentation of complainants and their interaction with us.

With COVID-19 ongoing, we continue to work closely with our staff to support their wellbeing during this difficult time.

4a – Percentage of recommendations in public reports accepted by agencies and organisations

The Office looks to influence improvements in the agencies and organisations we oversee both formally and informally. We take care to ensure our recommendations are relevant, clear, achievable and worded in a way that reflects our intention to improve public administration. We continue to work with the agencies we oversee by being transparent, prompt and taking a 'no surprises' approach.

During 2020–21, the Office published several reports relating to our activities. These are available at ombudsman.gov.au/publications/reports

This financial year, we exceeded our target of agencies and organisations accepting our recommendations in public reports by 14 per cent. We achieved an agencies and organisation acceptance rate of 89 per cent against a target of 75 per cent. We see this as an important measure of our ability to influence improvement.

4b – Percentage of recommendations for Defence abuse reparation payments and number of recommendations for VET Student Loan re-credits accepted

The Office makes recommendations to the Department of Defence for Defence Abuse Reparation payments and the Department of Education, Skills and Employment (DESE) for VET FEE-HELP re-credits.

In the 2020–21 performance period, we exceeded the target of 95 per cent of recommendations for Defence abuse reparation payments and VET FEE-HELP re-credits accepted by achieving 100 per cent acceptance.

That is, all recommendations made by our Office in relation to Defence abuse reparation payments and VET FEE-HELP re-credits were accepted across both agencies. This is a positive result for the members of the public who contacted the Office concerning these functions and demonstrates the confidence these agencies have in our work and the rigour and value of the recommendations we provide.

In addition to our recommendations on individual matters, we also supplied analysis and support for Secretary Initiated Actions (SIA), which allowed the Secretary of DESE to re-credit groups of students. During the 2020–21 performance period, approximately 273,438 units of study were re-credited through SIAs to 59,757 students.

5b – Agency Satisfaction survey

The Office has daily interactions with the agencies and organisations we oversee, so it is essential to understand their perspective on our performance.

In 2020–21, we commissioned a survey to be conducted with representatives of Australian Government entities and private sector organisations with which we regularly interact.

Respondents were asked a series of questions to assess their satisfaction levels with the quality of our work and recommend potential areas for improvement. The survey found that all respondents were 'very satisfied' or 'quite satisfied' with the service provided by our Office. This 100 per cent 'satisfied' rating exceeded our performance target of 80 per cent.

The survey outcomes show that the agencies and organisations we regularly deal with value our impartiality, our influence on systemic improvement across public administration and the collaborative relationships we develop with the agencies and organisations we oversee.

There are opportunities for improvement identified through the survey, and we are considering ways to improve in 2021–22.

6a – Australian Aid arrangements

International travel restrictions due to COVID-19 affected our ability to deliver our Australian Aid arrangements fully. In 2020–21, we delivered 22 out of 30 Australian Aid activities. While we did not meet our 80 per cent service standard, we only fell short by 7 per cent.

Throughout 2020–21, the Office worked closely with its international partners to re-design our aid delivery model from face to face to virtual. It took time for our international partners in developing nations to access the technology and capability needed for this type of engagement.

Our achievement of 73 per cent of international activities delivered during COVID-19 reflects our ability to provide innovative and agile support for our partners and the close and highly productive working relationships with our international partners that has made this possible.

We continue to work closely with our international partners to find practical ways to engage and support them while the effects of COVID-19 continue internationally. To that end, we entered into either new partnership agreements or no-cost extension agreements to create flexibility for us (and our partners) to deliver the remaining planned activities for 2020–21 as soon as practical.

7b – Percentage of reports delivered within statutory timeframes

COVID-19 created challenges for the Office in meeting this criterion. It was challenging to meet all statutory timeframes in an environment where we were unable to conduct inspections using traditional procedures, which involve mainly being onsite at an agency or facility.

The Office prioritised meeting all its statutory reporting timeframes by diverting resources and adjusting inspection practices, including the use of remote inspections when possible. As a result of our efforts, we exceeded our target of 95 per cent of reports delivered within statutory timeframes by achieving 100 per cent.

Future planning, lessons learned and challenges

The Office is implementing several strategies to address the challenges we experienced in 2020–21 to ensure we continue to work towards achieving all our service standards in 2021–22.

Our focus in 2021–22 will include a mix of internally and externally focused activities targeting improvements to our internal operating environment, as well as continuing our work with agencies and organisations we oversee to improve public administration systemically.

Although some of our activities and ways of working might continue to change during 2021–22, we will continue to adapt and adjust to deliver our diverse and enduring functions.

Financial reporting

In 2020–21 the Office recorded a net cash operating surplus of \$0.838 million, compared to a net cash operating surplus of \$0.799 million in 2019–20 (the net cash surplus excludes depreciation, amortisation and includes principal payments on leases). The 2020-21 net cash operating surplus was broadly consistent with the balanced outcome estimate reported in the 2020–21 Portfolio Budget Statements.

Expenses

Total expenses decreased from \$48 million in 2019–20 to \$45 million in 2020–21. This decrease was mainly due to reduced travel (\$0.6 million) and appropriation reductions from prior year government decisions for the measures improving integrity of the Vocational and Education Training System (VET) (\$1.5 million) and Defence Force Ombudsman abuse reporting (\$1.0 million) that were funding contractor and associated support costs.

Income

Appropriation revenue decreased from \$42.4 million in 2019–20 to \$40.1 million in 2020–21, a decrease of \$2.3 million. This was due mainly to the reduction in funding for:

- the VET Student Loan Ombudsman function, net decrease of \$1.5 million, and
- Defence Force Ombudsman function, net decrease of \$1.0 million

This was offset by increased funding for:

- *Telecommunications and Other Legislation Amendment (Assistance and Access) Act 2018* and Other Cyber-Crime Law Enforcement Powers measure funding (\$0.7 million)

Rendering of services revenue for 2020–21 of \$3.5 million mainly consists of services delivered to the ACT Government (\$3.0 million) and the Department of Foreign Affairs and Trade (DFAT) (\$0.5 million). This is a reduction of \$0.6 million from 2019–20 due to the reduced activities for DFAT (2020: \$0.7 million) and nil own motion activities (funded by other entities) being undertaken in 2020-21 (2020: \$0.4 million).

Assets

Total assets decreased by \$0.4 million, key movements include:

- an increase in trade and other receivables (\$2.5 million), and
- a decrease in non-financial assets of \$3.0 million.

The Trade and other receivables increase of \$2.5 million was primarily due to the Appropriation receivable increase caused by the delay of capital activities to 2021–22 (\$1.7 million) and the 2020–21 net cash surplus (\$0.8 million).

For non-financial assets the decrease of \$3.0 million is in line with depreciation and amortisation schedules (\$4.4 million). This has been offset by: the purchase of \$1.0 million of new assets in 2020–21, funded through the departmental capital budget appropriation and prior year retained receipts and includes information communication and technology infrastructure and software for the Mobility and Productivity (MaP) project; and, an increase of right of use assets for a new lease in Perth (\$0.5 million).

Assets were checked for impairment, a stock take undertaken during the year to ensure completeness and the asset class, leasehold improvements, was revalued as at the 30 June 2021. Assets are maintained and kept in good working order by the Office.

Liabilities

Total liabilities decreased by \$1.3 million, which was mainly due to the reduction in interest bearing liabilities for leases (\$2.3 million), in accordance with the leasing schedule, offset by increases for Payables (\$0.5 million) and Provisions (\$0.6 million) primarily due to increases in employee related liabilities.

Further details can be found in Appendix 2.

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 PID scheme (the scheme), established under the PID Act. The scheme promotes the integrity of the Commonwealth public sector by providing for the reporting and investigation of wrongdoing and the protection of whistle-blowers.

The Office has 3 primary functions under the scheme:

- allocation of disclosures and investigation of complaints
- delivery of educational and awareness programs
- annual reporting on the scheme's operation.

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

This report has been prepared with the assistance of 171 agencies covered by the PID Act. We would like to acknowledge their efforts in collecting the data required for this report.

Elements of the scheme

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

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

The PID scheme casts a wide net, attracting the actions of both agency staff and contracted service providers and covering a broad range of conduct, including contravention of a law and compliance with the Australian Public Service (APS) Code of Conduct. There is a positive obligation on agencies to investigate PIDs unless certain circumstances apply, and investigations should be completed within 90 days⁴ with a report provided to the discloser upon completion. 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

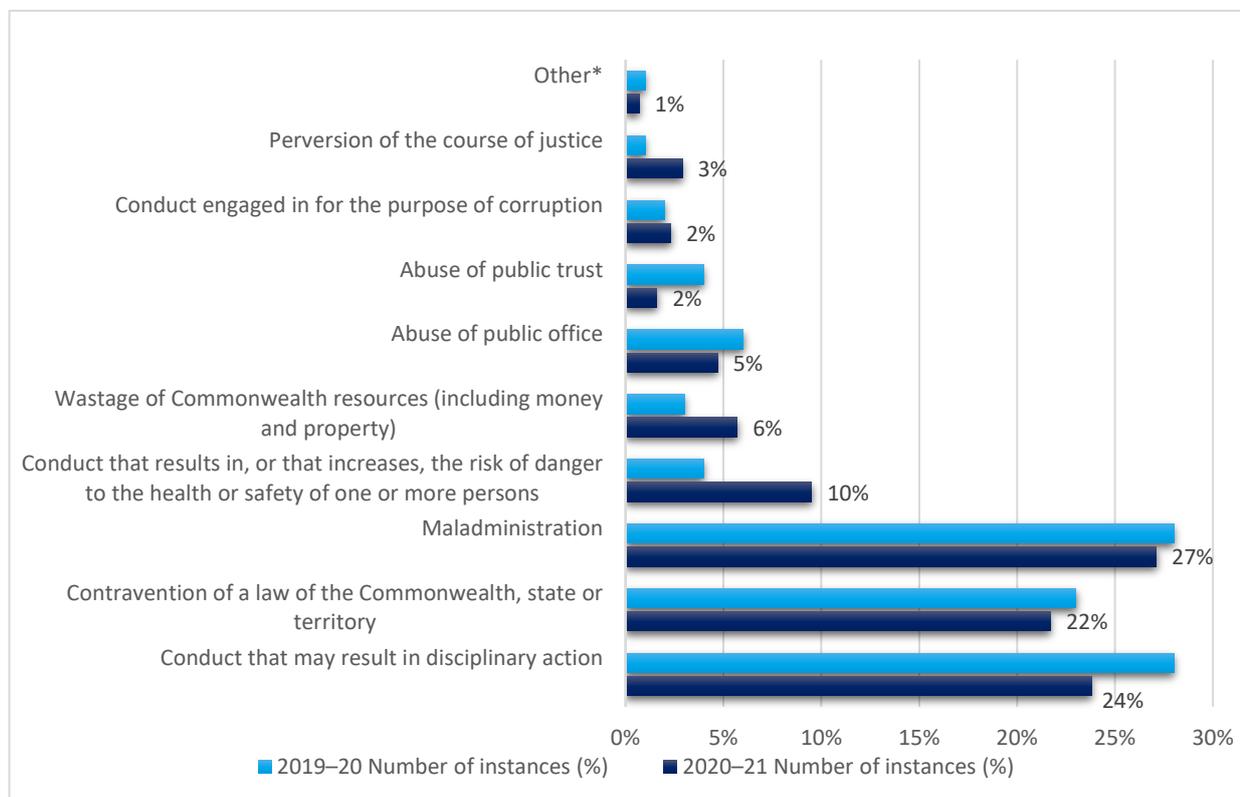
In 2020–21, there were 333 PIDs received across the Commonwealth compared with 359 in 2019–20. A further 400 disclosures were assessed as not meeting the requirements of s 26 of the PID Act and were not considered public interest disclosures – a number consistent with previous years.

³ Australian Security Intelligence Organisation, Australian Secret Intelligence Service, Australian Signals Directorate, Australian Geospatial-Intelligence Organisation, Defence Intelligence Organisation and Office of National Assessments.

⁴ 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. Of the PIDs made this year, there were 558 alleged instances of disclosable conduct.⁵ As in previous years, the most common types of alleged disclosable conduct were 'maladministration', 'conduct that may result in disciplinary action' and 'contravention of a law'.

FIGURE 3: ALLEGATIONS OF DISCLOSABLE CONDUCT FINANCIAL YEAR COMPARISON⁶



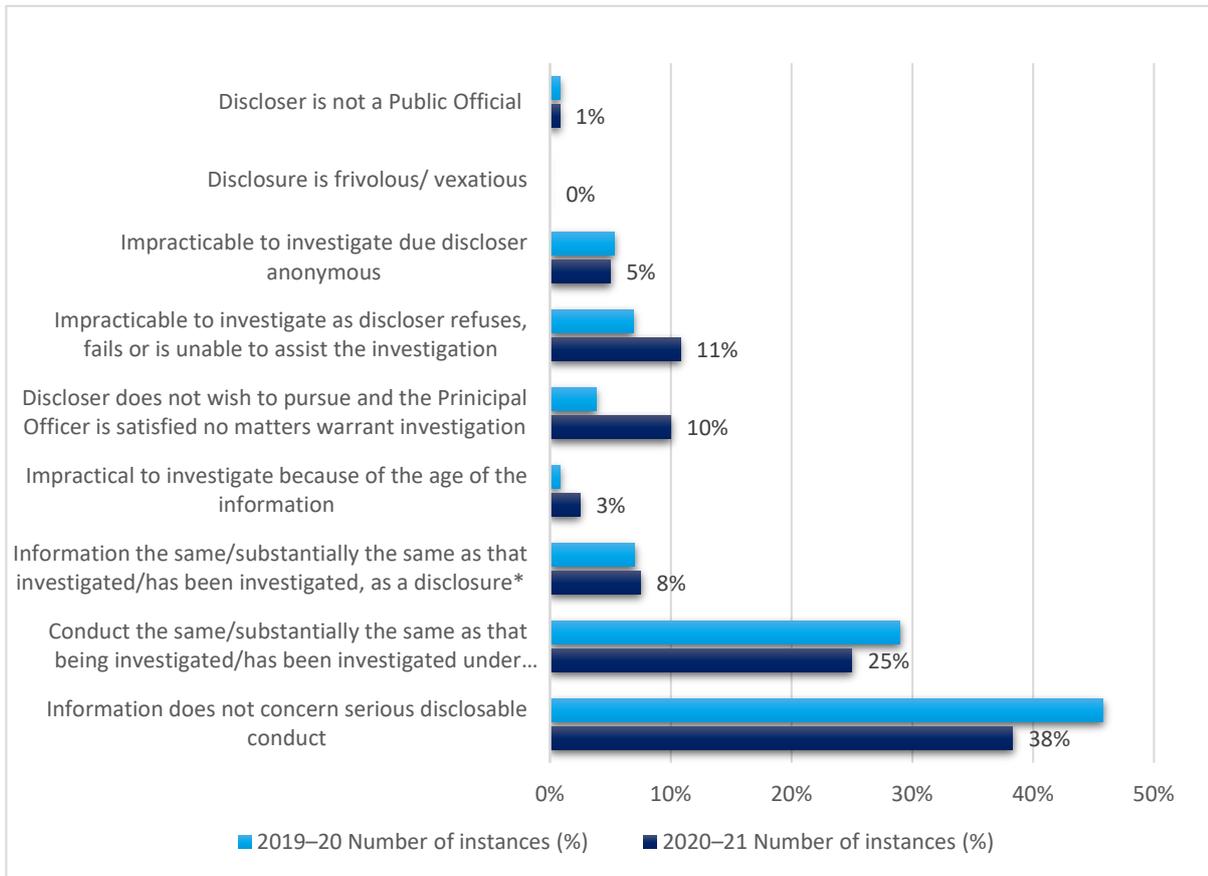
*Conduct in a foreign country that contravenes a law; fabrication, falsification, plagiarism or deception in relation to scientific research; and conduct that endangers or risks endangering the environment.

Agencies may decline to investigate a PID or decline to further investigate for a range of reasons. This year agencies declined to investigate, in full or part, 105 PIDs (one more than last financial year). The most common reasons for declining to investigate are that the PID did not concern serious disclosable conduct or the allegations had been or were being investigated under another law.

⁵ This refers to allegations of disclosable conduct prior to an investigation being undertaken.

⁶ Percentages in Figures 2–5 rounded to nearest percentage point.

FIGURE 4: s48 – DECLINED TO INVESTIGATE DECISION – FY COMPARISON



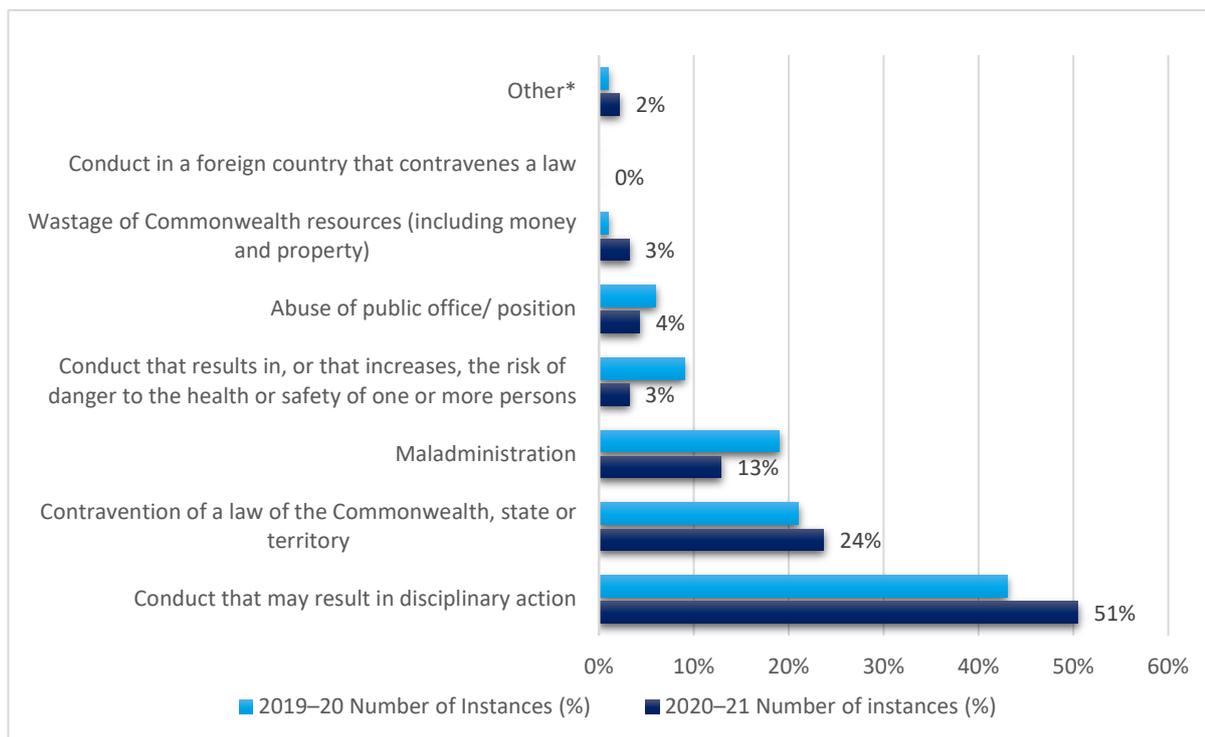
* For the FY2019–20 reporting year, the value here was 7.6 per cent. This has been rounded down to 7 per cent to be consistent with the figure reported in last year's annual report.

Investigation outcomes

A total of 190 PID investigations were finalised this year – 53 investigations resulted in one or more findings of disclosable conduct, and 114 resulted in at least one recommendation that particular action be taken.

We remind agencies at our regular PID forums that a PID investigation that does not result in a finding of disclosable conduct may nonetheless identify an opportunity to mitigate potential risks of wrongdoing or improve agency practice and procedure. This year, 12 agencies completed PID investigations that resulted in one or more recommendations for improvements to agency practice or procedure despite not reaching any findings of disclosable conduct.

FIGURE 5: FINDINGS OF DISCLOSABLE CONDUCT FINANCIAL YEAR COMPARISON



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

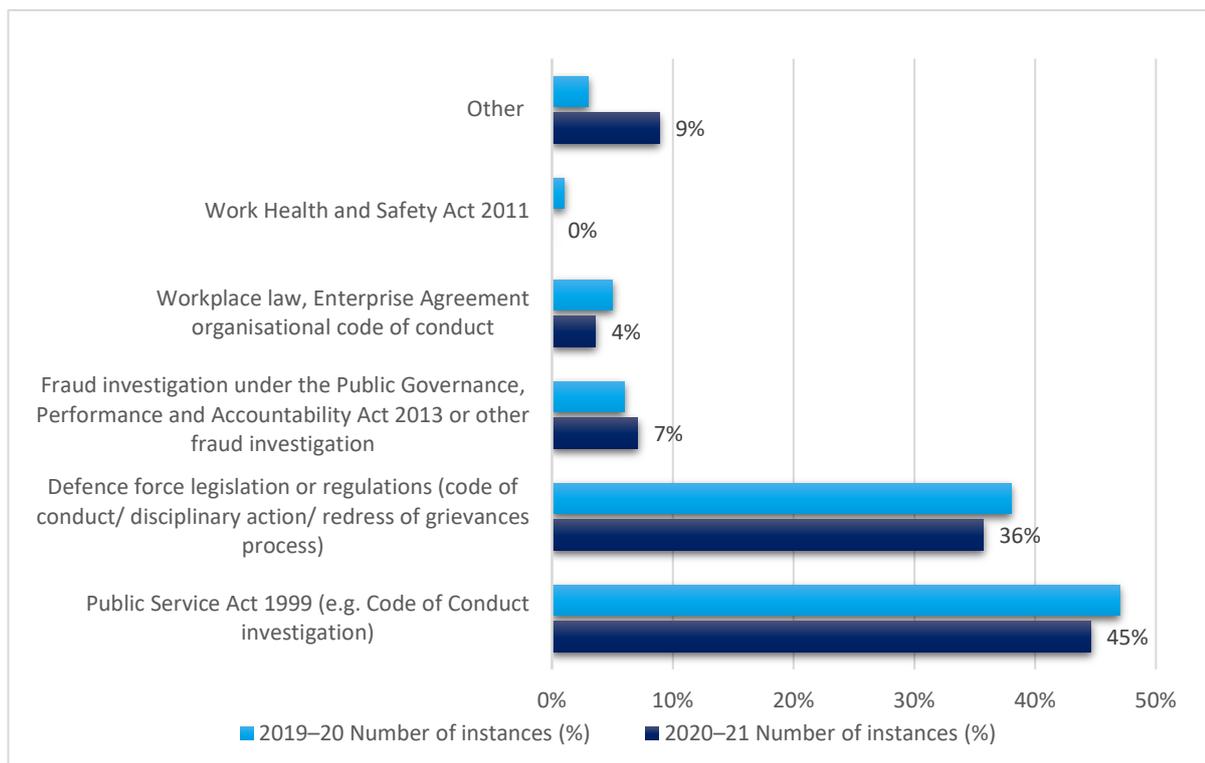
Agencies reported a range of outcomes and actions following investigation, including:

- sanctions imposed for code of conduct breaches
- staff training, including management and conflict of interest training
- improved probity and management processes for procurements
- issue of an improvement notice to a contracted service provider
- increased operational oversight of a contracted service provider
- referral of matters for external investigation or assessment.

On 2 occasions, agencies contacted the police because there were reasonable grounds to suspect that a disclosure included evidence of an offence.

The PID Act also enables agencies to recommend the investigation of a PID under another law. Common areas for referral include the *Public Service Act 1999* (for investigation of code of conduct matters), Australian Defence Force (ADF) legislation, *Public Governance, Performance and Accountability Act 2013* (for fraud matters) and Workplace Health and Safety legislation. This year, 54 recommendations for referral were made. Consistent with last year’s results, the majority involved a referral for investigation under the *Public Service Act 1999*.

FIGURE 6: REFERRALS TO OTHER INVESTIGATIVE MECHANISMS FINANCIAL YEAR COMPARISON



* Parliamentary Service Act 1999; Ombudsman Act 1976; Inspector-General of Intelligence and Security Act 1986; Australian Federal Police Act 1979

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

Who is using the scheme?

The proportion of PIDs made by current or former public officials remains broadly consistent with recent years at 83 per cent. However, this year, the number of disclosures made by contracted service providers increased from 4 per cent to 12 per cent, and the proportion of disclosures by deemed public officials decreased from 9 per cent to 4 per cent.

Awareness raising and training

Agencies reported providing various PID-related information and training to employees, including annual information sessions, use of the Ombudsman’s PID e-learning course and digital signage and video messaging. Around 33 per cent of agencies provide formal training to their employees yearly, with around 66 per cent of agencies providing either no formal training or providing training only upon request.

Many agencies report providing PID information to contracted service providers via other means, such as during the procurement and contracting process, via access to the agency’s intranet or through the informal distribution of information. Since the number of disclosures from this cohort remains relatively low, at 12 per cent, low awareness may be a barrier to reporting. We will continue to remind agencies of the need to ensure awareness of the PID scheme among this group.

Authorised officers

A public official may only make a disclosure to an authorised officer⁷, their supervisor or the agency's principal officer. As with previous years, most disclosures were made to authorised officers (85 per cent). The proportion of disclosures made to either supervisors (7 per cent) or directly to principal officers (5 per cent) decreased this year.

TABLE 2: AVERAGE NUMBER OF AUTHORISED OFFICERS IN AN AGENCY, BY AGENCY SIZE

Employee numbers	2020 21	2019 20
< 50	2	2
50–250	2	2
251–1,000	5	5
1,001–10,000	8	8
Over 10,000	9	16

To maximise accessibility, we encourage agencies to appoint authorised officers at a range of levels; however, the substantive level of most authorised officers remains high, with 48 per cent at senior executive level and 42 per cent at executive level.

Eight agencies reported having no authorised officers other than their principal officer, down from 11 in 2019–20. However, the average number of authorised officers for agencies with greater than 10,000 employees decreased substantially, from 16 to 9. The Office recommends that principal officers ensure enough authorised officers be readily accessible to public officials who work with the agency.

We will continue to encourage agencies to maintain adequate numbers of authorised officers relative to their size and consider the seniority of appointments, to maintain the scheme's accessibility.

Timeliness

The PID Act imposes a 90-day timeframe on investigations, subject to possible extension from 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 certain circumstances, seek redress by disclosing the information externally. Consistent with recent years, most investigations were completed within 90 days (55 per cent), with 26 per cent taking between 91 to 180 days and 19 per cent taking more than 180 days.

The Office received 186 requests for extension of time, of which 178 were granted. This was a slight increase from last year (171 requests and 164 granted).

⁷ 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.

TABLE 3: INVESTIGATION TIMEFRAMES

Timeframe	% of Investigations
< 90 days	55%
91–180 days	26%
> 180 days	19%

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 other oversight agency. Disclosers may also contact the Office if they are dissatisfied with the agency's handling of their reprisal claim.

In 2020–21, Commonwealth agencies reported a total of 27 claims of reprisal, a decrease of 36 from the previous year. The primary types of conduct alleged were disadvantage to employment or unreasonable management action. Agencies reported that, following investigation, no claims were substantiated.

Of the above reprisal claims, 11 enquiries or complaints were made to the Ombudsman. Disclosers variously elected to make a PID regarding the reprisal action, make a complaint to our Office or await the outcome of the agency's investigation report. The Office encourages agencies to model best practice regarding 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 whether agencies are complying with the PID Act and their own PID procedures.

In 2020–21, the Ombudsman received 42 complaints about agencies' handling of PIDs, which was a decrease on the 51 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
- delays in 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 concern disclosable conduct
- agencies' handling of reprisal allegations
- agencies' communication with disclosers.

We decided to investigate 20 of the 42 complaints we received this year. We finalised 44 complaints. During this year, we made formal comments or suggestions about improving agency processes on 14 occasions.⁸

⁸ This is the number of comments and suggestions made during the financial year and may include comments made in cases that commenced prior to 2020–21.

CASE STUDY – Communication of PID threshold

The Office received several complaints about decisions that a disclosure did not meet the requirements to be investigated under the PID Act and about the communication of those decisions.

In one case, an agency determined that a disclosure did not show disclosable conduct within the meaning of the PID Act and decided not to allocate the matter for investigation. The discloser complained the agency did not provide reasons for its decision and raised concerns about the fairness and impartiality of the decision.

Our investigation identified the agency did not consider all the allegations made by the discloser in reaching its decision. We also raised concerns about the agency's obligation under subsection 44(3) of the PID Act to inform the discloser of the reasons for its decision.

As result of our investigation, the agency provided a detailed explanation to the discloser as to why the information they provided did not meet the threshold for allocation under the PID Act. The agency also provided improved lines of communication to allow for any future allegations by the discloser to be considered.

CASE STUDY – Adequacy of record keeping

A discloser complained that an agency had not adequately investigated their PID and was dissatisfied with the outcome of the investigation, which found that disclosable conduct had not been established. The discloser also suggested the agency had not taken action to address certain matters included in the disclosure to ensure such issues did not occur in future.

We considered whether the agency had used the information provided in the disclosure as an opportunity to identify possible gaps in its policies and procedures, irrespective of whether there was a finding of disclosable conduct. Our Office provided comments to the agency regarding their internal record keeping and compliance procedures and the need to provide clear guidance to its staff about record keeping obligations.

We observed that good record keeping enables efficient investigation of disclosures and the matters raised. Our Office also commented on the need to provide clarity to the discloser as to the records and information considered part of the decision-making process.

In response the agency agreed to undertake a review of its current policies and procedures regarding record keeping, including introducing additional quality assurance and staff training.

Ombudsman investigations

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

Generally, we consider 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 investigate or respond to the disclosure properly.

This year, the Office assessed 49 disclosures⁹ about other Commonwealth agencies, slightly down from the 56 assessed in 2019–20. Of the 49 disclosures, 35 were assessed as PIDs – 30 were allocated to the relevant agency for investigation, one was allocated to another oversight agency, and we internally allocated 4 for investigation. We also accepted the allocation of 7 PIDs from other agencies.

We completed 6 public interest disclosure investigations this year. Of these, 3 investigations were completed with a report to the discloser¹⁰ and in 3 cases, we decided not to investigate or to cease investigating. No findings of disclosable conduct were made; however, in one case, the Office made recommendations in relation to the agency's information classification and training processes.

IGIS investigations and complaints

Reporting on disclosures made to IGIS

IGIS received 16 disclosures that met the criteria under section 26 of the PID Act. All these disclosures related to intelligence agencies within the IGIS jurisdiction.

One disclosure was investigated in accordance with the PID Act and finalised with 3 findings of disclosable conduct.

Two disclosures were allocated to an intelligence agency within the IGIS jurisdiction for investigation, and a further 4 were anticipated to be allocated to intelligence agencies within the IGIS jurisdiction shortly after the reporting period. Seven disclosures were investigated under the investigatory powers provided by the *Inspector-General of Intelligence and Security Act 1986*.

The Inspector-General exercised his discretion not to investigate in 2 cases. One disclosure was not pursued in accordance with subparagraph 48(1)(c) of the PID Act (because the information did not concern serious disclosable conduct). The other disclosure was not pursued in accordance with subparagraph 48(1)(h) of the Act (because the discloser did not wish the investigation of the disclosure to be pursued and the IGIS was reasonably satisfied there were no matters warranting investigation).

Reporting on disclosures made to intelligence agencies

IGIS also reports on the handling of disclosures made within the intelligence agencies. The 6 intelligence agencies within IGIS jurisdiction received 14 disclosures that met the criteria of the PID Act, 9 of which were investigated during the 2020–21 financial year.

Of the remaining 5 cases, the relevant agency exercised discretion not to investigate in 3 cases: two of the disclosures were not pursued in accordance with subparagraph 48(1)(i)(ii) of the PID Act, the other was not pursued in accordance with subparagraph 48(1)(e) of the PID Act. Two disclosures were recommended for

⁹ This reporting focuses on the number assessments completed by authorised officers at the Ombudsman's Office in FY2020–21. It includes 3 disclosures that the Office received in 2019–20, but that were assessed in 2020–21. It excludes one disclosure received in 2020–21, which was assessed in 2021–22.

¹⁰ One of these investigations also involved a decision under s 48 of the PID Act, with the investigator declining to investigate specific issues that formed part of the PID.

referral to an investigation under a different policy, procedure or law, in accordance with subsection 47(3) of the PID Act, one of these was referred under the *Public Service Act 1999*, the other under the *Public Governance, Performance and Accountability Act 2013*.

IGIS received 2 complaints about the handling of disclosures in the reporting period. One concerned the perceived timeliness of an allocation decision by the IGIS Office. This complaint was resolved and closed. The second was a complaint about inadequate communication by an intelligence agency during its investigation of a disclosure. This complaint was resolved and closed.

IGIS provided assistance and advice to officials within the intelligence agencies about the operation of the PID scheme.

Education and awareness

In 2020–21, we held 2 PID forums, both virtual events in light of the ongoing COVID-19 restrictions. Overall, agencies responded positively to our online delivery program and the enhanced participation opportunities it provides. Based on this demand, we will continue with a blend of virtual and in-person forums in the future, once larger gatherings and travel are no longer constrained.

The first forum brought together the diverse range of agency personnel who may be involved in handling PIDs and provided guidance about circumstances that may trigger engagement with our Office, as well as an overview of trends and themes that emerged from last year's annual reporting. The second forum was specifically tailored for authorised officers to support their important role and key responsibilities when assessing and allocating PIDs. A total of 173 representatives from a large cross-section of agencies attended the 2 forums and provided positive feedback.

As a further response to COVID-19 and the resultant demand for more web-based products, we also added to our online resources this year with the release of a new PID e-learning module. This interactive tool is designed to be used by agencies as a part of their essential training schedule for all staff and aims to build greater awareness of the PID scheme and the positive aspects of a pro-disclosure culture. In the coming year, we will continue to look for new ways to build upon the existing information and resources available on our website.

In 2020–21 the Office responded to 253 enquiries from agencies and disclosers, a 33 per cent decrease from last year. There were also 18,352 visits to the PID section on our website, a 37 per cent increase from last year.

Following the release of the Government Response to the Moss Review on 16 December 2020, the Office contributed to the Attorney-General's Department's consultation processes relating to possible PID Act reform.

Part 5: Specific Ombudsman roles and annual reports

Introduction

The *Ombudsman Act 1976* (the Ombudsman Act) designates 5 specific Ombudsman roles to be performed by the Commonwealth Ombudsman. The Ombudsman Act requires an annual report on each role as per Table 4. We report publicly on each of the functions throughout the year, and these reports – combined with the below – constitutes the annual report.

TABLE 4: 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) involves 2 main enduring functions. We provide an independent complaints mechanism for serving and former members of the Australian Defence Force (ADF). Since 2016, we can receive reports of serious abuse from serving and former members of the ADF who feel they are unable to access the ADF's internal 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. While this scheme was due to end on 30 June 2021, the Australian Government has extended the scheme by a further 12 months to 30 June 2022. This also includes an option for us to consider reports of serious abuse after 30 June 2022, provided an intention to report is submitted to our Office in writing before 30 June 2022, with the report to be 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 (Defence) and Defence Housing Australia (DHA). We also receive and investigate complaints about the Department of Veterans' Affairs (DVA).

Complaints overview

In 2020–21, we received 343 complaints about Defence agencies and finalised 328, an increase of 3 per cent¹¹ compared to complaints received in 2019–20. Complaints about Defence agencies raised issues such as:

- discharge

¹¹ 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, Defence Housing Australia, Defence Honours and Awards Tribunal, Inspector-General Australian Defence Force and Royal Australian Navy.

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

During 2020–21, we received 155 complaints about DVA and finalised 141. This was an increase of 34 per cent compared to complaints received in 2019–20. 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 Ombudsman can receive reports of contemporary and historical abuse in Defence. This provides an independent and confidential mechanism to report abuse for those who feel unable to access Defence's internal mechanisms.

Our delivery of this function is based on 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 serious abuse is reasonably likely to have happened
- recommendations to Defence for reparation payments for 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.

Most reports of abuse made to our Office relate to conduct and behaviour that occurred many years ago. Of the total 2,554 reports received, 5 per cent of reports relate to abuse alleged to have occurred after 30 June 2014.

From 1 December 2016 to 30 June 2021, there were 2,554 reports of abuse received by the Office. Of these reports, 1,402 were found to be in jurisdiction, and 244 were outside the jurisdiction of our Office. Nine hundred and eight reports are still being assessed by our Office.

In 2020–21, we received 953 reports of abuse compared to 500 in 2019–20 (see Figure 7). The growth in reports of abuse may be in part due to increased knowledge of the scheme, the anticipated end of the scheme in June 2021 (now extended) and a campaign advertising the extension of the scheme.

FIGURE 7: 2020–21 REPORTS OF ABUSE RECEIVED

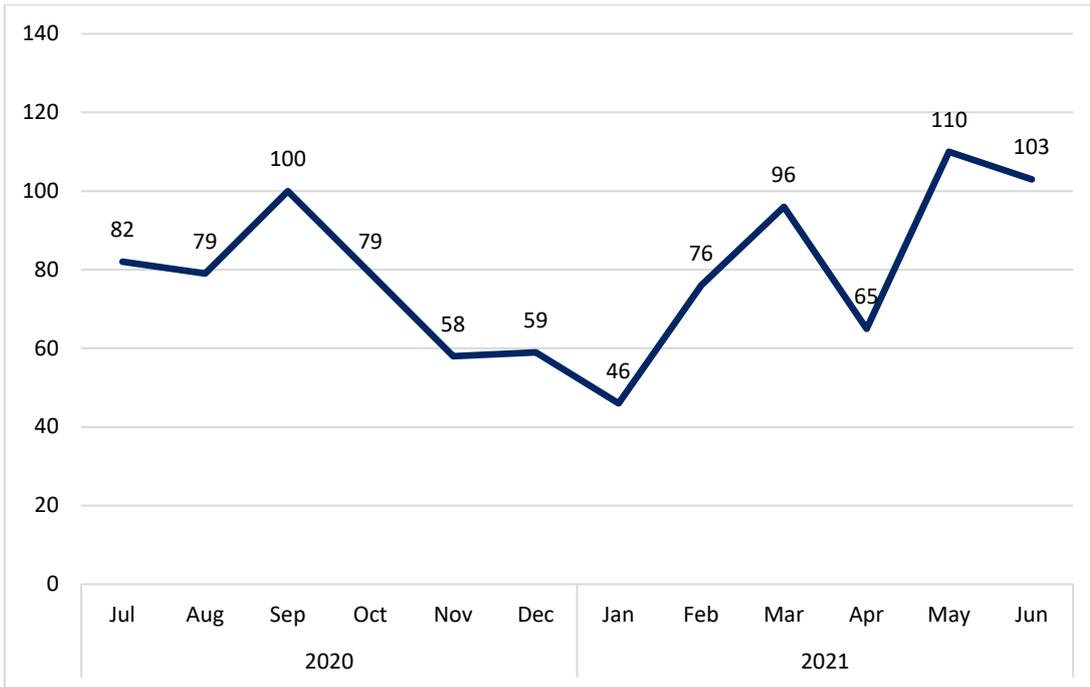
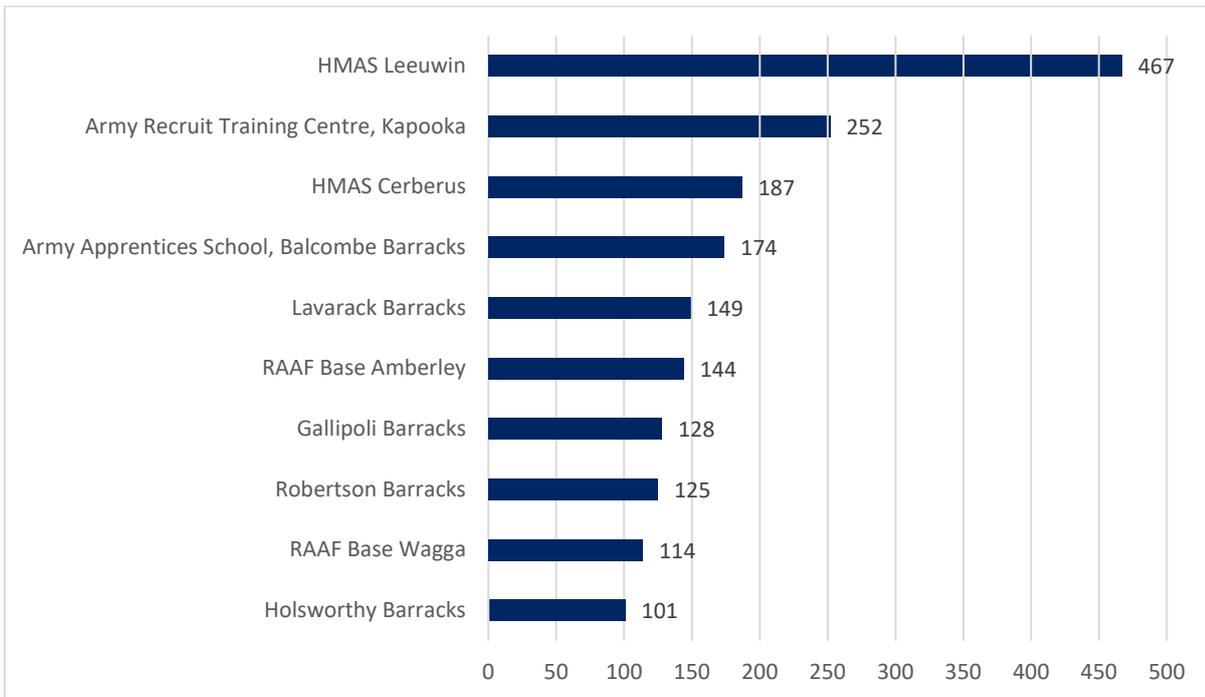


Figure 8 shows the most reported locations for reports assessed as in jurisdiction. As in previous years, the trend has continued with the same top 4 locations for reports of abuse, but with other locations featuring in the top 10 for the first time or changing position. This is due to the increase in reports received in 2020 about alleged abuse occurring in the 2000s at several Army locations and Royal Australian Air Force (RAAF) Base Amberley.

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 encourage trust.

Reports of abuse are assessed under the *Ombudsman Regulations 2017* (the Regulations). If a report is not accepted or the reportee does not agree with the reparation payment decision, they can request a review of the decision.

Reparation payments

For the most serious forms of abuse and/or sexual assault, the Ombudsman 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 1,127 reparation payment recommendations to Defence. As at 30 June 2021, Defence had considered and accepted 1,006 recommendations, totalling approximately \$42 million. As at 30 June 2021, 105 recommendations are 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 restrictions limiting the number of conferences conducted in person. The Office convened individual Restorative Engagement Conferences for 59 people who experienced serious abuse while a member of the ADF. Since the program started, a total of 168 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.

The majority of 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. The majority said the experience affirmed their resolve to implement cultural change to eliminate abuse and positively affect their role as a Senior Officer in Defence.

Defence inquiries and reports

In addition to receiving reports of abuse from ADF members, the Office conducts periodic inquiries into Defence policy and procedures relating to complaints of abuse.

In July 2020, we published a report titled [Inquiry into behaviour training for recruits](#), which reviewed Defence's framework for administering training to new recruits about its required behaviours across the 3 ADF services (Army, Navy and Air Force). We formed the view that the training appropriately reflected Defence's policies and procedures on required behaviours, and the framework to administer training was sound. While the findings in our report were positive overall, we made 5 recommendations intended to support Defence to strengthen its assurance that the training is effective in addressing issues related to unacceptable behaviour.

Defence's response to the report accepted all 5 recommendations, and the Office will monitor Defence's ongoing work to implement the recommendations.

Postal Industry Ombudsman

Complaint 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. Australia Post is the only mandatory member of the PIO scheme. Private operators join voluntarily.

The current registered private operators are StarTrack, Cheque-Mates and D and D Mailing Services. FedEx Australia (Federal Express Australia) was registered until 31 March 2021.

Complaint overview

During 2020–21, we received 3,656 postal industry complaints, which represented an increase of 15 per cent compared to 3,185 complaints in 2019–20. The increase in complaints may be attributed to the effects of COVID-19 on postal services.

During 2020–21, we started 72 investigations. Eleven investigations were still ongoing at 30 June 2021 and will be finalised in 2021–22.

We did not complete any own motion investigations.

We did not issue any s 9 notices (under the Ombudsman Act) to require information from a postal operator.

More information can be found in our [quarterly updates](#).

Overseas Students Ombudsman

Complaint 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. These functions are to:

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

During 2020–21, we did not complete any own motion investigations.

We did not use our s 9 powers under the Ombudsman Act to obtain information or documents in 2020–21.

Complaint overview

In 2020–21, we received 1,079 complaints and finalised 1,096. This is a 29 per cent decrease in complaints received compared to the 1,526 received in 2019–20. The decrease in complaints received reflects the decrease in international students studying in Australia due to border closures arising from COVID-19.

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

Investigation outcomes

During 2020–21, we started 253 investigations and finalised 271 investigations that included 321 issues.¹² Table 5 details our views on whether providers met their responsibilities based on investigations finalised during the period.

TABLE 5: VIEWS ON PROVIDERS MEETING RESPONSIBILITIES IN COMPLAINTS FINALISED IN 2020–21

View	Total issues	%
Provider substantially met responsibilities	158	49
Provider did not substantially meet responsibilities	121	38
No view (see below)	42	13

In 13 per cent of investigations finalised, we did not form a view about whether the provider had substantially met their responsibilities towards students. This can be for one or more of the following reasons:

- The issue was not investigated, even though other issues complained about were investigated.
- The issue was resolved between the student and provider during the investigation.
- The investigation of that issue stopped before a determination could be made, for example, because the complainant withdrew their complaint or the issue was transferred to another complaint-handling body that specialises in handling complaints on that issue.

Complaint issues

Written agreements (as they relate to fees and refunds) continued to be the most common issue in complaints we receive from overseas students (42 per cent of all complaint issues). In 2020–21, many refund disputes arose due to students wanting to cease study when face-to-face classes shifted to online delivery because of COVID-19 restrictions. Many of these students sought a refund of their unspent tuition fees.

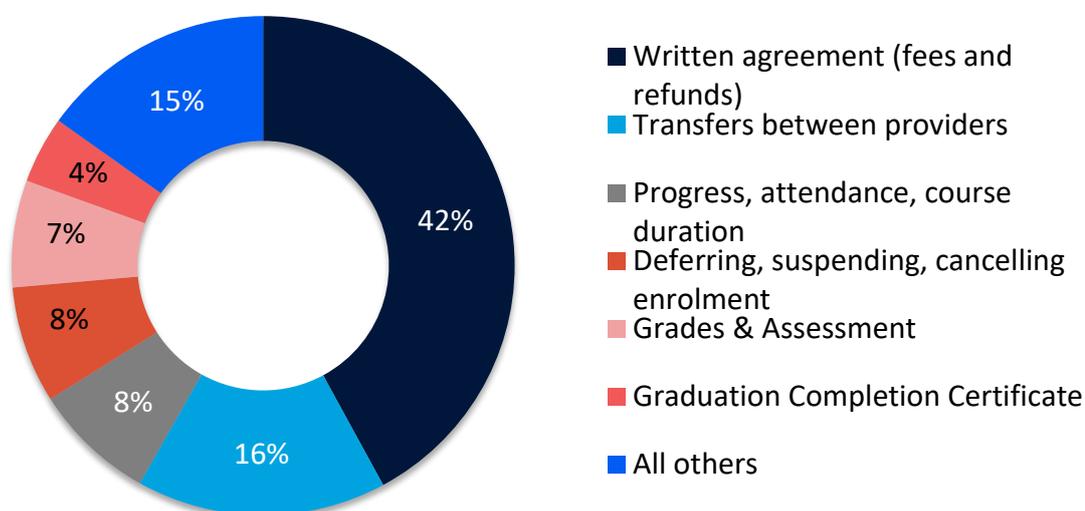
¹² A single complaint can have more than one issue, which is why there are more issues than investigations.

We received complaints from international students about the actions or decisions of their providers in response to COVID-19. Students were affected by changes to their mode of study, financial hardship and international border closures. Many students reported other challenges because of COVID-19, including isolation, mental health issues, lack of support services and concerns about the validity of visas.

Students complaining about COVID-19-related issues sought outcomes including refunds of pre-paid fees, deferral or suspension of studies, reduction in fees, transfer to another provider and academic allowances due to remote learning and assessment.

Transfers between providers (16 per cent) and progress, attendance and course duration (8 per cent) and deferring, suspending or cancelling enrolment (8 per cent) were the next most common complaint issues.

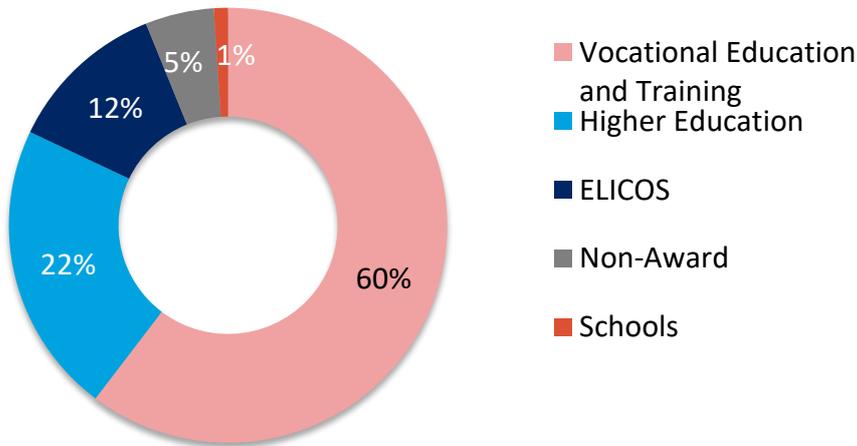
FIGURE 9: ISSUES RAISED IN FINALISED COMPLAINTS



Complaints by education sector

The Vocational Education and Training (VET) sector continues to receive the most complaints; however, it also has the highest number of organisations that fall under our jurisdiction.

FIGURE 10: COMPLAINTS BY EDUCATION SECTOR



Stakeholder engagement

Due to COVID-19 and associated restrictions, face-to-face stakeholder engagement could not occur during 2020–21. We continued to meet virtually with industry stakeholders, including regular liaison meetings with the Department of Home Affairs, the Department of Education, Skills and Employment (DESE), the Australian Skills Quality Authority (ASQA), and the Tuition Protection Service to ensure we have oversight of emerging issues across the sector. We also continued to raise awareness of the role of the OSO through activities such as presentations at ASQA’s Sector Insights series and to ISANA International Education Association Inc.

As well as publishing quarterly updates and newsletters, we produced guidance material and publications for providers. This included factsheets on ‘how to deliver an effective apology’ and ‘implementing our views’. Further information, including a copy of these materials, is available on our [Brochures and factsheets](#) webpage at ombudsman.gov.au

Reports to the regulators

Under s 35A of the Ombudsman Act, we may disclose information of concern about a provider’s actions to the relevant government regulator if in the public interest. In 2020–21, we made 4 disclosures to ASQA and the Tuition Protection Service about 3 providers. We made 3 disclosures because the providers refused to refund unspent tuition fees after changing the mode of study without the student’s agreement. We made the other disclosure because the provider refused to refund the student’s course fees despite our view that an invalid written agreement meant the student was entitled to a refund.

Private Health Insurance Ombudsman

Complaint 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 industry and government about these issues.

Complaints overview

In 2020–21, we received 3,496 complaints. This represented a 5.7 per cent decrease in complaints received compared to 2019–20 when we received 3,706 complaints. We finalised 3,503 complaints.

In 2020–21, 78 per cent of complaints were finalised as 'assisted referrals'. In these cases, we refer a complaint directly to a nominated representative of the insurer or service provider on behalf of the complainant. Our assisted referral process generally ensures a quicker resolution of the complaint but also assures the complainant to return to the Office if they are still dissatisfied with the insurer's response.

Seven per cent of complaints were finalised through a 'standard referral' – that is, the complainant received advice from our Office and then lodged their complaint directly with the appropriate body themselves.

Approximately 4 per cent of complaints were classified as 'grievances'. These complaints were finalised by considering 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 health care provider.

Approximately 8 per cent of complaints were classified as 'disputes' – a decrease from 11 per cent compared to 2019–20. 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.

Of disputes handled by our Office, 87 per cent were resolved by giving a more detailed explanation to the complainant, 5 per cent were resolved by a payment and 8 per cent by another satisfactory outcome, for example, backdating a change to a policy.

No complaints were referred to another body under s 20L of the Ombudsman Act in 2020–21.

No inspections or audits were conducted under s 20SA of the Ombudsman Act in 2020–21.

No investigations were conducted under s 20T of the Ombudsman Act in 2020–21.

VET Student Loans Ombudsman

Complaint 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 (SRM), which started in January 2019. Under the SRM, we can recommend to re-credit a VET FEE-HELP debt where we find 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 DESE, who decides to either re-credit or not re-credit the debt, in full or in part.

We also continued to work with DESE to identify groups of students who are reasonably likely to be 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 SRM had an initial end date of 31 December 2020 but was 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.

During 2020–21, we made 3,021 recommendations to DESE to remove a VET FEE-HELP debt – comprising 14,597 units of study with a total value of \$45.0 million, including \$37.6 million in tuition fees and \$7.5 million in loan fees. In addition, we continued to assist DESE in preparing several SIAs and finalised 1,369 complaints following DESE's removal of student debts under these SIAs. SIAs have resulted in more than \$2.1 billion dollars being re-credited to students up to 30 June 2021.

During 2020–21, we revisited previously closed VET FEE-HELP complaints to determine if those debts were eligible for consideration under the SRM. We identified 172 potentially eligible complaints and re-opened them for assessment under the SRM.

At 30 June 2021, 1,314 open complaints required assessment under the SRM by our Office.

VET FEE-HELP outreach activities

The Office is particularly conscious of the effects that inappropriate VET FEE-HELP debts have on people residing in remote communities. We are looking at innovative ways to ensure these Australians can access our services to have their case for re-credit considered before the SRM expires on 31 December 2022. This effort is intended to address circumstances where disadvantaged Australians, including Aboriginal and Torres Strait Islander people, are unaware of the debt, unable to recall details of their enrolment in any training course or cannot be located or contacted by our Office and the community groups we work with. Our approach includes:

- identifying townships where the population was targeted, incurred debts and received no educational or training benefit and gathering evidence to support SIAs from those towns without the need for individual assessment
- engaging experts in social media to target our digital messaging at sections of the community that are more difficult to reach through traditional outreach to alert them to the issue of student debt and how we can help
- working with local community organisations in disadvantaged communities to streamline our application and assessment practices to ease access if possible
- conducting targeted outreach in remote locations to build on our evidence base to help eligible vulnerable citizens be re-credited.

Specific outreach activity carried out by the Office included:

- exhibiting at the Financial Counselling Australia National Conference in Darwin in May 2021
- engaging with the Ombudsman Western Australia (WA) in a series of outreach activities in regional areas of WA to raise awareness of the issue of inappropriately raised VET FEE-HELP debt, including a videoconference in the Pilbara region in May 2021
- running a digital media campaign with DESE to promote the SRM in June 2021.

Complaints relating to VET FEE-HELP assistance

During 2020–21, we received 4,186 complaints and finalised 5,575 complaints from students disputing a VET FEE-HELP debt or raising other issues with their VET FEE-HELP provider. This compares to 8,140 complaints received and 11,733 complaints finalised in 2019–20.

Loan amounts, lack of enrolment information or misleading or inaccurate enrolment information were the most common complaints raised, accounting for 47 per cent of complaints received in 2020–21.

The significant reduction in the number of finalised complaints in 2020–21 was due to our Office starting to process a larger proportion of complaints in relation to open (available) providers. Compared to the assessment of complaints regarding closed (unavailable) providers, this commonly involves assessing more correspondence, greater analysis of competing information and the requirement to allow procedural fairness to providers (an opportunity to respond to our views).

Complaints relating to the VET Student Loans program

During 2020–21, we received 222 complaints and finalised 241 complaints relating to the VET Student Loans program. This compares to 223 complaints received and 243 complaints finalised in 2019–20.

During 2020–21, the most common issues raised in complaints about the VET Student Loans program relate to loan amount disputes and post-census date re-credits. The Office commenced 13 VET Student Loan complaint investigations and finalised 12. As of 30 June 2021, 2 investigations were still ongoing.

A significant proportion of complaints about the program (45 per cent) were finalised by referral to the provider for the complainant to go through the provider's internal complaint process.

We did not commence any own motion investigations under s 20ZO(b) of the Ombudsman Act

We did not use our s 9 powers under the Ombudsman Act to obtain information or documents in 2020–21.

VET Student Loans Code of Practice

During 2020–21, we created a VET Student Loans Code of Practice (the Code) under section 20ZM(1)(c) of the Ombudsman Act. We engaged with government agencies, VET Student Loans approved providers, peak provider bodies and students to inform the development of the Code. The Code is voluntary and was designed around issues we identified in complaints about VET Student Loans and education providers. The Code will be reviewed 18 months from its publication to ensure it remains relevant.

Stakeholder engagement

In 2020–21, we engaged with government agencies and the community to increase awareness of the VET FEE-HELP SRM. 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 DESE, Services Australia, the Australian Taxation Office, ASQA, TAFE Directors Australia and the Independent Tertiary Education Council Australia (ITECA).

One area of our engagement with DESE was to negotiate a pathway to progress VET Student Loans complaints about education providers that had closed. We now have arrangements in place to refer these complaints to the Secretary of DESE to consider whether to re-credit debts associated with these loans.

In 2020–21, we participated in the:

- DESE VET Student Loans Provider Reference Group Meeting
- ITECA VET Student Loans Provider Interest Group Meeting

- ASQA Sector Insights series
- Financial Counselling Australia National Conference.

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**

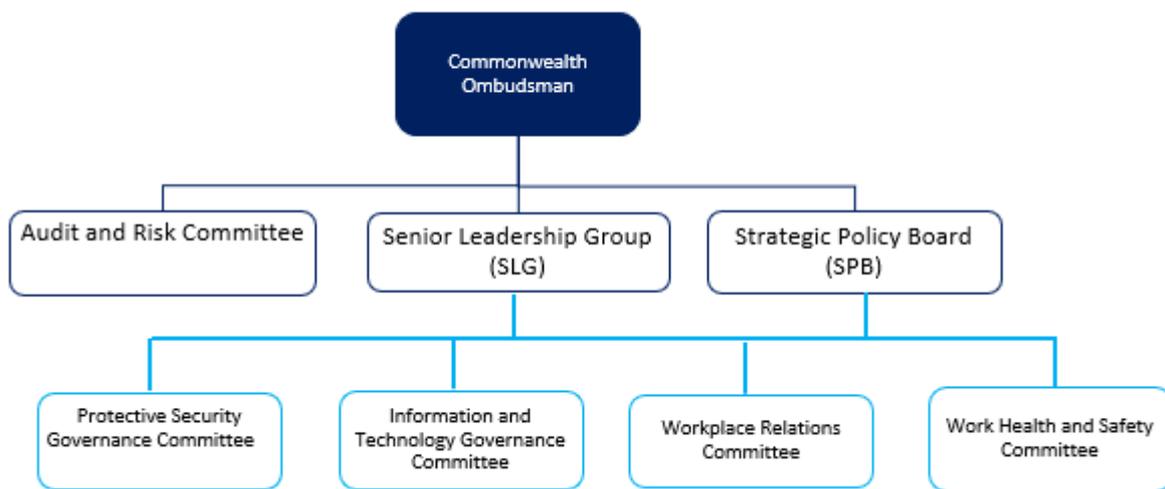
Part 6: Management and accountability

Corporate governance

As required by the Commonwealth Performance Framework, the Office publicly released its 2020–21 Corporate Plan in August 2020. The plan framed our strategic vision, objectives, deliverables and performance criteria for the next 4 years.

The Office’s committee structure helps meet the operational and strategic objectives while also complying with the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) and PGPA Rule s 17 (Audit Committee for Commonwealth entities).

FIGURE 11: COMMITTEE STRUCTURE



Senior Leadership Group

The Senior Leadership Group (SLG) is the Office's leadership and management committee and provides continuous oversight of the Office’s operational functions. It meets monthly to make decisions concerning 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 Ombudsmen (SAOs) and the Chief Operating Officer (COO).

Strategic Policy Board

The Strategic Policy Board (SPB) comprises the Ombudsman, Deputy Ombudsman, SAOs and the COO. The board meets monthly to consider the strategic priorities of the Office, with 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 to fulfil its statutory mandate.

Audit and Risk Committee

The Office has an Audit and Risk Committee that complies with s 45 of the PGPA Act and PGPA Rule s 17 (Audit Committee for Commonwealth entities).

The committee’s role 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 in our [Audit and Risk Committee Charter](#) webpage at 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 Office’s COO and the Chief Financial Officer (CFO).

The Audit and Risk Committee met 4 times during the year. Table 6 below outlines the committee membership, their qualifications and skills/experience, membership period, meetings attended and their annual remuneration.

TABLE 6: 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
William Laurie	<p>Formal finance and economics qualifications – Bachelor of Economics and Graduate Diploma Applied Finance and Investment</p> <p>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</p>	1 July 2020 to 30 June 2021	4/4	18,000	External independent member and Chair
Alfred Bongi	<p>Formal accounting, economics and mediator qualifications. – Bachelor of Economics, Certified Practising Accountant and Graduate of the Australian Institute of Company Directors</p> <p>Thirty-six years' experience in the Australian Public Service, including 13 years as a Senior Executive. Over 10 years' experience in Commonwealth governance, fraud, audit and risk committees</p>	1 July 2020 to 30 June 2021	4/4	16,600	External independent member

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
Joanna Stone	Formal finance qualifications. Substantial public and private sector management experience. Experience across several audit committees as member and chair	1 July 2020 to 30 June 2021	4/4	NA ¹³	External independent member
Penny McKay	Formal legal qualifications – Bachelor of Law and a Bachelor of Business (Management) and is admitted to practise as a solicitor of the Supreme Court Substantial public sector management experience, including as Assistant Secretary for Audit and Assurance at the Department of Home Affairs	10 August 2020 to 30 June 2021	4/4	NA	Internal member and Deputy Ombudsman

Work Health and Safety Committee

The Office's Work Health and Safety Committee (WHSC) comprises elected staff representatives from each of our offices and is chaired by the SAO Program Delivery. The WHSC meets quarterly. 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* (WHS Act).

Workplace Relations Committee

The COO chairs the Workplace Relations Committee (WRC). It is formed by 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, systems and strategy 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.

¹³ Officials of Australian Government are not reimbursed in this role.

Protective Security Governance Committee

The Protective Security Governance Committee supports the Ombudsman to implement the intent of and monitor the Office's performance and compliance of mandatory and supporting requirements of the Protective Security Policy Framework.

Corporate governance practices

Risk management

The Office has an established Risk Management Policy and Framework (RMPF) along with a risk appetite and tolerance statement, risk assessment matrix and associated resources, including risk registers.

The RMPF comprises a formal policy and framework, identified enterprise risks addressed in the Office's strategic risk register and risk appetite and tolerance statement. Strategic and operational risk reporting is undertaken regularly by the SLG, SPB and other management committees.

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 strategy and practice is provided by the Audit and Risk Committee. The committee provides the Ombudsman and SLG with independent practical guidance and support regarding our risk management strategies and formally reviews the Office's RMPF.

Business resilience management

The Office utilises an integrated business resilience governance model that provides streamlined control processes for managing the various events that may affect 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 that uses high contrast and a simple presentation of content to assist readability.

The Office is currently undertaking a website accessibility audit to ensure compliance with WCAG 2.1, level AAA. This will be reported in the Office's 2021–22 annual report.

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

- conflict of interest
- acceptance of gifts and hospitality
- procedures for determining breaches of the code of conduct
- procedures for facilitating and dealing with public interest disclosures relating to the Office.

Employee Performance Development Agreements contain the following mandatory behaviour: ‘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 appropriate information on the APS Values, Employment Principles and APS Code of Conduct, including information on the Australian Public Service Commission's Ethics Advisory Service.

Fraud control

The Office’s fraud control strategies comply with the Commonwealth Fraud Control Framework 2017 and the legislative requirements of 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 undertook a substantive review of its fraud control framework, and in July 2020, the Fraud and Corruption Control Plan 2020–22 was implemented. The next review is scheduled for 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 against the Office.

All fraud allegations are reported to the Ombudsman and the Audit and Risk Committee. Fraud investigations are outsourced as required. An investigation into one incident of potential external fraud was finalised in 2020–21. The investigation, based on available evidence, did not find an incident of fraud. The Office used this potential fraud to review and strengthen its processes and procedures to mitigate fraud risks further.

As an oversight agency, we work closely with our staff to ensure they have a good practical understanding of fraud. In 2021, we provided fraud training to staff across the Office and ensured that resources and reference material is available to all staff through our online e-learning hub.

External scrutiny

Court and tribunal litigation

No decisions of courts or administrative tribunals made in 2020–21 had, or may have, a significant effect on the operations of the Office.

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 below.

TABLE 7: APPLICATIONS TO THE OAIC FOR REVIEWS OF FOI DECISIONS MADE BY THE OMBUDSMAN

	Number	Details
Applications for review received by the OAIC in 2020–21	7	Of these, one was subsequently withdrawn.
Matters finalised by the OAIC in 2020–21	4	OAIC finalised one matter from 2017–18 under s 55k of the FOI Act (decision made).
		OAIC finalised one matter from 2018–19 under s 54W(b) of the FOI Act (recommended AAT review).
		OAIC finalised one matter from 2019–20 under s 54W(b) of the FOI Act (recommended AAT review).
		OAIC finalised one matter from 2019–20 under s 73(b) of the FOI Act (decided not to investigate, as other avenues were available).
Matters still under consideration as at 30 June 2021	12	OAIC is currently considering 6 applications received in 2020–21 and 6 applications from previous financial years.

The Office is subject to the *Privacy Act 1988* (Privacy Act). The following table sets out complaints made to the OAIC (in its capacity as the Privacy Commissioner) in 2020–21 relating to breaches of privacy by the Office and the finalisation of these and other complaints made in previous years.

TABLE 8: COMPLAINTS TO THE OAIC ABOUT BREACHES OF PRIVACY INVOLVING THE OMBUDSMAN

	Number	Details
Privacy Complaints received by OAIC in 2020–21	2	OAIC finalised both complaints under s 41(1A) of the Privacy Act, following conciliation (complainant withdrew the complaint).
Complaints from previous years finalised by the OAIC in 2020–21	1	OAIC finalised one privacy complaint from 2017–18 under s 41(1)(da) of the Privacy Act (investigation was not warranted considering all the circumstances).
Complaints still under consideration as at 30 June 2021	1	OAIC is still considering one privacy complaint lodged in 2019–20.

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

A new Learning and Development Strategy 2021–23 was delivered for the Office this year. The Strategy established a framework to provide improved clarity on the agreed learning and development investment priorities for the Office, including mandatory training requirements and completion timelines.

The strategy is linked to the Strategic Workforce Plan and Corporate Plan to ensure our staff have the capabilities required to contribute effectively to the Office’s objectives – now and in the future. The strategy is flexible in addressing learning and development needs in a diverse and changing environment.

The strategy focuses on the following 3 priority areas:

- core corporate capabilities
- functional or role-based capabilities
- identifying and nurturing talent.

During 2020–21, we delivered the following learning and development initiatives:

- leadership programs targeting future leaders currently at the APS6 to EL2 levels
- core corporate, functional and role-based offerings, including managing unreasonable complainant conduct, workplace investigations and training to support the development of staff at APS levels
- an enhanced mandatory learning package, with the addition of the newly developed Public Interest Disclosure e-learning module and the full SBS inclusion e-learning program
- a range of mental health and wellbeing programs –
 - to support staff in roles with increased risk for vicarious trauma and unreasonable complainant conduct
 - for all staff to understand and manage their own and their team’s wellbeing
 - to promote mental health and wellbeing in general.

The Office also moved to the virtual delivery of training courses both as a response to COVID-19 and to improve the accessibility of training programs across all offices and transitioned to automated course registrations and approvals through the Office’s Learning Management System (Learnhub).

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.

Health and safety initiatives undertaken in 2020–21 include:

- a streamlined home based work process and procedure and continuation of ergonomic assessments to support safe working in both home and office environments
- a vulnerable worker ‘return to office’ procedure (to support staff at increased risk of COVID-19 to safely return to the office)
- continuation of COVID-19 wellbeing check-ins for staff – especially those most affected by lockdowns

- 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
- refinement of specialised wellbeing services for areas identified as ‘high risk’ due to the nature of the work, including an enhanced screening questionnaire and analysis of high-level wellbeing trend data
- free flu vaccinations for staff and contractors rolled out in accordance with COVID-19 safe practices
- 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 new set of Emergency Management Guidelines and Procedures for each Office
- a COVID-19 Risk Register underpinned by broader Office Risk Register in correlation with broader Work Health and Safety Risk Register.

During the reporting period, there were no notifiable incidents.

Employment arrangements

The Office’s enterprise agreement 2017–20 came into effect on 31 August 2017. A determination made under subsection 24(1) of the *Public Service Act 1999* applies to non-Senior Executive Staff (SES) employees 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 2021, a total of 226 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 1999*. Determinations under s 24(1) of the *Public Service Act 1999* 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, 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.

Actions taken in 2020–21 revolved around recruitment, cultural competence and retention and engagement of diverse groups. Recruitment initiatives included affirmative rounds for people with a disability and Aboriginal and Torres Strait Islander people and the specific recruitment of an Aboriginal and Torres Strait Islander graduate. 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 and the celebration of important cultural events, such as NAIDOC week.

Workforce profile

At 30 June 2021, there were 234 staff (217.56 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 24 per cent. Staff identifying as Indigenous made up 3 per cent of our workforce, and 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
- ongoing and non-going employees (current and previous)
- APS Act ongoing and non-ongoing employees (current and previous)
- APS Act full-time and part-time employees (current and previous)
- APS Act employment type by location (current and previous)
- APS Act Indigenous employment (current and previous)
- APS Act employment arrangements (current and previous).

Purchasing

The Office is committed to achieving the best value for money in procurement activities and manages this using procurement practices 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. 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 first to check whether any Indigenous businesses can provide the goods or services required. We seek to enter engagements with Indigenous businesses where possible, ensuring our procurement arrangements adhere to the value for money and best-fit principles.

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

Consultancy contracts

The Office is a non-corporate Australian Government entity and engages consultancy services 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.

TABLE 9: TOTAL REPORTABLE CONSULTANCY CONTRACT EXPENDITURE IN 2020–21

Reportable consultancy contracts 2020–21	Number	Expenditure \$ (GST inclusive)
New contracts entered into during the reporting period	5	224,901
Ongoing contracts entered into during a previous reporting period	3	46,805
Total	8	271,706

Organisations receiving a share of reportable consultancy contract expenditure 2020–21	Expenditure \$ (GST inclusive)	Proportion of 2020–21 total spend (%)
Portable	86,827	32
Cleared Security	63,360	23
Synergy Group Australia Pty Ltd	60,000	22
Mr Ildo Alfred Bonggi	18,260	7
Mr William Laurie	14,850	5
Total of largest shares	243,297	90

During 2020–21, five new reportable consultancy contracts were entered into involving total actual expenditure of \$0.2 million. In addition, three ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$46,805. 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.

Decisions to engage consultants during 2020–21 were made in accordance with the PGPA Act and related regulations including the Commonwealth Procurement Rules and relevant internal policies. The Office selects consultants through the use of panel arrangements or by making an open approach to market. The Office engages consultants when it requires specialist expertise on policy design, financial viability, and information technology strategic planning. Independent evaluations on the Office's outcomes are also required.

TABLE 10: TOTAL REPORTABLE NON-CONSULTANCY CONTRACT EXPENDITURE IN 2020–21

Reportable non consultancy contracts 2020–21	Number	Expenditure \$ (GST inclusive)
New contracts entered into during the reporting period	107	4,086,584
Ongoing contracts entered into during a previous reporting period	141	12,869,198
Total	248	16,955,782

Organisations receiving a share of reportable consultancy contract expenditure 2020–21	Expenditure \$ (GST inclusive)	Proportion of 2020–21 total spend (%)
Randstad Pty Limited	4,474,692	26
Childers Nominees Pty Ltd	1,966,904	12
Hays Personnel Services Australia Pty Ltd	1,074,712	6
DFP Recruitment Services	1,037,249	6
Beaumont & Beaumont	856,518	5
Total of largest shares	9,410,076	55

During 2020–21 new reportable non-consultancy contracts were entered into involving total expenditure of \$4.1 million. In addition, 141 ongoing reportable contracts were active during the period, involving total actual expenditure of \$12.9 million.

Annual reports contain information about actual expenditure on reportable non-consultancy contracts. Information on the reportable non-consultancy contracts' value is available on the AusTender website. The major contracting activities are for short-term labour hire contracts, property lease payments and information technology purchases used to upgrade the hardware and software of the Office.

Advertising campaigns

During 2020–21, the Office conducted an advertising campaign to promote changes to the Defence Reparation Payment Scheme. Further information on the advertising campaign is available at ombudsman.gov.au/How-we-can-help/australian-defence-force/reporting-abuse-in-defence. The \$49,866.45 (GST incl.) cost of the advertising campaign does not meet the threshold for reporting to the Department of Finance.

Exempt contracts

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

Compliance reporting

There were no significant issues reported to the responsible Minister under paragraph 19(1) of the PGPA Act that relate to non-compliance with finance law by the Office.

An internal compliance process was undertaken throughout the year, and the results were considered by the Senior Leadership Group 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, these assets are handled internally. The Office has a 5-year capital replacement and capital investment plan that predicts our asset requirements.

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

Disability reporting

There is reporting on the employer's role under the Disability Strategy in the Australian Public Service Commission's State of the Service reports and the APS Statistical Bulletin. These reports are available on the [Australian Public Service Commission](http://apsc.gov.au) website at **apsc.gov.au**.

The National Disability Strategy 2010–2020, which sets out a 10-year national policy framework to improve the lives of people with disability, promote participation and create a more inclusive society. A high-level, 2-yearly report will track progress against each of the 6 outcome areas of the strategy and present a picture of how people with disability are faring. The first of these progress reports was published in 2014 and can be found on the [Department of Social Services](http://dss.gov.au) website at **dss.gov.au**

Part 7: Appendices

Appendix 1: All public contacts

TABLE 11: ALL PUBLIC CONTACTS 2020–21 (AS OF 30 JUNE 2021)

Public contacts	Received	Finalised
Commonwealth complaints		
Department of Agriculture, Water and the Environment	37	33
Attorney-General's Department	394	387
Department of Infrastructure, Transport, Regional Development and Communications	93	95
Department of Defence	343	328
Department of Veterans' Affairs	162	147
Department of Education, Skills and Employment	276	264
Department of Finance	65	60
Department of Foreign Affairs and Trade	81	71
Department of Health	204	195
Department of Home Affairs	1,455	1,415
Department of Industry, Science, Energy and Resources	29	25
Department of Parliamentary Services	1	1
Department of the Prime Minister and Cabinet	77	88
Department of Social Services (including Services Australia)	7,413	7,092
Department of the Treasury	480	443
Subtotal	11,110	10,644
Industry complaints		
Overseas Student Ombudsman	1,079	1,096
Private Health Insurance Ombudsman	3,496	3,503
Postal Industry Ombudsman	3,656	3,663
VET Student Loans Ombudsman	4,457	5,879
Subtotal	12,688	14,141
Program-specific matters		
ACT Freedom of Information (FOI) Access Application	9	9
ACT Reportable Conduct Notifications	171	196
Defence Force Ombudsman (DFO) Report	936	385
DFO Report out of jurisdiction	17	30
FOI Deemed Decision	19	20
FOI Extension Request	11	10
FOI Request	138	141
FOI Review Request	43	36
Public Interest Disclosure (PID) Complaint	42	44
PID Extension	186	187
Subtotal	1,572	1,058
Enquiries		
Private Health Insurance Ombudsman inquiries	1,705	1,704
Out of jurisdiction	7,283	7,239
ACT FOI Enquiry	35	35
ACT General Enquiry	4	4
ACT Inspector-General Enquiry	1	1
ACT Reportable Conduct	113	110
DFO Enquiry	741	727
Ombudsman General Enquiry	418	421
Ombudsman Service Delivery	174	176
PID Enquiry	253	254

Subtotal	10,727	10,671
ACT Ombudsman complaints	634¹⁴	622
TOTAL complaints	24,432¹⁵	25,407
TOTAL public contacts	36,731	37,136

¹⁴ The ACT Ombudsman complaints include ACT Government, ACT policing, ACT FOI, ACT reportable conduct and ACT Integrity Commission

¹⁵ The total number of complaints includes all Commonwealth complaints, all industry complaints and all ACT Ombudsman complaints

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 2021:

- (a) comply with Australian Accounting Standards – Reduced Disclosure Requirements 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 2021 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 2021 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.

Other information

The Accountable Authority is responsible for the other information. The other information obtained at the date of this auditor's report, which was the draft annual report for the year ended 30 June 2021 did not include the financial statements and my auditor's report thereon.

My opinion on the financial statements does not cover the other information and accordingly I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial statements, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.

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 – Reduced Disclosure Requirements 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



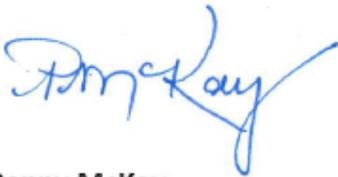
Colin Bienke
Audit Principal
Delegate of the Auditor-General
Canberra
30 September 2021

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 2021 comply with subs 42(2) of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act) and are based on properly maintained financial records as per subs 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.



Penny McKay
Acting Commonwealth Ombudsman

29 September 2021



Therese Anderson
Chief Financial Officer

29 September 2021

OFFICE OF THE COMMONWEALTH OMBUDSMAN
Statement of Comprehensive Income
for the period ended 30 June 2021

	Notes	2021 \$'000	2020 \$'000	Original Budget \$'000
NET COST OF SERVICES				
Expenses				
Employee benefits	1.1A	26,734	25,679	26,751
Suppliers	1.1B	13,487	17,482	15,613
Depreciation and amortisation	2.2A	4,362	4,476	4,365
Write-down and impairment of assets	1.1C	12	49	-
Finance costs	1.1D	92	120	136
Total expenses		44,687	47,806	46,865
Own-Source Income				
Own-source revenue				
Revenue from contracts with customers	1.2A	3,525	4,172	4,684
Other revenue	1.2B	54	54	54
Total own-source income		3,579	4,226	4,738
Net (cost of) services		(41,108)	(43,580)	(42,127)
Revenue from government	1.2C	40,072	42,394	40,421
(Deficit) from continuing operations		(1,036)	(1,186)	(1,706)
OTHER COMPREHENSIVE INCOME				
Items not subject to subsequent reclassification to net cost of services				
Changes in asset revaluation surplus		120	125	-
Total other comprehensive income		120	125	-
Total Comprehensive loss		(916)	(1,061)	(1,706)

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

Budget Variances Commentary
Statement of Comprehensive Income

Suppliers expenses: The variance of -\$2.3 million (-15 per cent) primarily relates to activities not progressing for the Department of Foreign Affairs and Trade (DFAT) international programs (-\$1.2 million) due to travel restrictions, and planned oversight and audit activities for the Commonwealth Integrity Commission (CIC) (\$0.3 million) being deferred.

Revenue from contracts with customers: The variance of -\$1.2 million (-25 per cent) primarily relates to DFAT planned activities not progressing.

Changes in asset revaluation surplus: The variance of \$0.1 million is due to the revaluation of assets and is not included in the budget due to its unpredictable nature.

OFFICE OF THE COMMONWEALTH OMBUDSMAN
Statement of Financial Position
for the period ended 30 June 2021

	Notes	2021 \$'000	2020 \$'000	Original Budget \$'000
ASSETS				
Financial assets				
Cash and cash equivalents	2.1A	259	242	242
Trade and other receivables	2.1B	14,410	11,901	10,553
Total financial assets		14,669	12,143	10,795
Non-financial assets				
Leasehold improvements ¹	2.2A	10,788	13,918	14,364
Plant and equipment	2.2A	1,135	829	2,551
Computer software	2.2A	991	1,102	1,024
Prepayments		539	562	562
Total non-financial assets		13,453	16,411	18,501
Assets held for sale		26	-	-
Total assets		28,148	28,554	29,296
LIABILITIES				
Payables				
Suppliers	2.3A	1,542	1,409	1,776
Other payables	2.3B	1,417	1,084	506
Total payables		2,959	2,493	2,282
Interest bearing liabilities				
Leases	2.4A	8,515	10,788	11,494
Total interest bearing liabilities		8,515	10,788	11,494
Provisions				
Employee provisions	4.1A	7,429	6,878	7,040
Other provisions	2.5A	244	241	241
Total provisions		7,673	7,119	7,281
Total liabilities		19,147	20,400	21,057
Net assets		9,001	8,154	8,239
EQUITY				
Contributed equity		12,665	10,906	12,653
Reserves		1,314	1,194	1,194
(Accumulated deficit)		(4,978)	(3,946)	(5,608)
Total equity		9,001	8,154	8,239

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

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

Budget Variances Commentary
Statement of Financial Position

Trade and other receivables: The variance of \$3.9 million (37 per cent) primarily a result of: the Office's net cash operating surplus for 2020 (\$0.8 million) and 2021 (\$0.8 million), which was not anticipated when preparing the budget; and funds held for 2021 Department Capital Budget (DCB) appropriations (\$0.8 million) and Equity Injection (\$0.9 million).

Leasehold improvements: The variance of -\$3.6 million (-25 per cent) is primarily due to: the impact of AASB 16 lease changes on the budget being over estimated (removal of one Canberra lease and additional Perth lease); and, planned leasehold improvements at Perth (\$0.3 million) not being required and leasehold improvements at Canberra (\$0.9 million) delayed until 2022.

Plant and equipment: The variance of -\$1.4 million (-56 per cent) is primarily due to asset purchases by the

Mobility and Productivity (MaP) project being lower than estimated (\$0.3 million) and planned replacement of ICT equipment not undertaken.

Payables: The variance of \$0.5 million (24 per cent) is primarily related to *Suppliers payables* being \$0.4 million lower than estimate due to timing of invoices received and payments made at year end, and overall reduced expenditure compared with budget. Also, *Other payables* are \$0.9 million higher than budget due to accrued employee related payments.

Employee provisions: The variance of \$0.4 million (6 per cent) is primarily due to changes in standard parameters for the calculation of employee provisions.

Interest bearing liabilities - Leases: The variance of -\$3.0 million (-26 per cent) is due to over estimation at the time of the budget.

OFFICE OF THE COMMONWEALTH OMBUDSMAN
Statement of Changes in Equity
for the period ended 30 June 2021

Notes	2021 \$'000	2020 \$'000	Original Budget \$'000
CONTRIBUTED EQUITY			
Opening balance			
Balance carried forward from previous period ¹	10,906	10,090	10,894
Transactions with owners			
Departmental capital budget	819	816	819
Equity injection	940	-	940
Total transactions with owners	1,759	816	1,759
Closing balance as at 30 June	12,665	10,906	12,653
RETAINED EARNINGS			
Opening balance			
Balance carried forward from previous period ²	(3,942)	(4,890)	(3,902)
Adjustment on initial application of AASB 16	-	2,130	-
Adjusted opening balance	(3,942)	(2,760)	(3,902)
Comprehensive income			
Deficit for the period	(1,036)	(1,186)	(1,706)
Closing balance as at 30 June	(4,978)	(3,946)	(5,608)
ASSET REVALUATION RESERVE			
Opening balance			
Balance carried forward from previous period	1,194	1,069	1,194
Comprehensive income			
Other comprehensive income	120	125	-
Closing balance as at 30 June	1,314	1,194	1,194
TOTAL EQUITY			
Opening balance			
Balance carried forward from previous period ^{1,2}	8,158	6,269	8,186
Adjustment for changes in accounting policies	-	2,130	-
Adjusted opening balance	8,158	8,399	8,186
Comprehensive income			
Deficit for the period	(1,036)	(1,186)	(1,706)
Other comprehensive income			
Changes in asset revaluation surplus	120	125	-
Total comprehensive income	(916)	(1,061)	(1,706)
Transactions with owners			
Contributions by owners			
Departmental capital budget	819	816	819
Equity injection	940	-	940
Total transactions with owners	1,759	816	1,759
Closing balance as at 30 June	9,001	8,154	8,239

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

1. Adjustment to opening balance rounding (2020: \$1,000).
2. Adjustment to opening balance rounding (2021: \$4,000).

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

Statement of Changes in Equity

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 2021

	Notes	2021 \$'000	2020 \$'000	Original Budget \$'000
OPERATING ACTIVITIES				
Cash received				
Appropriations		43,746	47,905	41,726
Rendering of services		3,176	4,456	4,684
GST received		1,682	1,710	-
Other		998	619	-
Total cash received		49,602	54,690	46,410
Cash used				
Employees		25,874	25,560	26,951
Suppliers ¹		14,295	19,131	15,197
Interest payments on lease liabilities		92	120	136
GST Paid ¹		1,609	2,091	-
Section 74 receipts transferred to OPA		4,191	6,273	-
Other		-	-	162
Total cash used		46,061	53,175	42,446
Net cash from operating activities		3,541	1,515	3,964
INVESTING ACTIVITIES				
Cash used				
Purchase of property, plant and equipment		733	877	3,064
Purchase of Intangibles		282	127	-
Total cash used		1,015	1,004	3,064
Net cash (used by) investing activities		(1,015)	(1,004)	(3,064)
FINANCING ACTIVITIES				
Cash received				
Contributed equity		99	816	1,759
Total cash received		99	816	1,759
Cash used				
Principal payments of lease liabilities		2,608	2,616	2,659
Total cash used		2,608	2,616	2,659
Net cash from financing activities		(2,509)	(1,800)	(900)
Net increase/(decrease) in cash held		17	(1,289)	-
Cash and cash equivalents at the beginning of the reporting period		242	1,531	242
Cash and cash equivalents at the end of the reporting period	2.1A	259	242	242

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

1. 2020 has been restated to allow comparative assessment, as GST Paid is disclosed separately.

Budget Variances Commentary

Cash Flow Statement

Operating Activities

Cash received

Appropriations: The variance of \$2.0 million (5 per cent) is primarily due to GST (\$1.6 million) not included in budget.

The following items are not included in the budget due to their unpredictable nature: *Net GST received and Other cash received* (Cash received), *GST Paid* (Cash Used), and *s 74 receipts transferred to the OPA* (Cash used).

Investing Activities

Cash used

Purchase of Purchase of property, plant and equipment: The

variance of -\$2.3 million (-76 per cent) is due to planned leasehold improvements for Perth and Canberra (\$1.2 million) not proceeding in 2021, MaP capital costs were below estimate (\$0.3 million), and planned replacement of ICT equipment did not occur.

Purchase of Intangibles exceeded budget \$0.3 million (100 per cent) as enhancements to software were unplanned and the budget for MaP software purchases was against property plant and equipment.

Financing Activities

Cash received

Contributed equity is under budget \$1.7 million (94 per cent) and is primarily due to planned asset purchases not being undertaken.

Overview

Objectives of the Office of the Commonwealth Ombudsman

The Office of the Commonwealth Ombudsman is an Australian Government controlled entity. It is a not-for-profit entity. The objective of the entity is to safeguard the community in its dealings with the Australian Government and prescribed private sector agencies.

The Basis of Preparation

The Financial Statements are general purpose financial statements and 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 – Reduced Disclosure Requirements issued by the Australian Accounting Standards Board (AASB) that apply for the reporting period.

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

New Accounting Standards

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 entity's financial statements.

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 2021 which will affect the financial position of the Office materially at the reporting date.

Contingent Liabilities and Contingent Assets

Contingent liabilities and contingent assets are not recognised in the Statement of Financial Position. The Office had no contingent assets or liabilities in 2021 (2020: nil). The Office has identified in its contracts and leases a number of indemnity provisions. None of these are quantifiable and all are considered remote. There are no existing or likely claims of which the Office is aware (2020: nil).

COVID-19

COVID-19 has had no material impact on the Office.

Financial Performance

This section analyses the financial performance of the Office of Commonwealth Ombudsman for the year ended 2021.

1.1 Expenses

	2021 \$'000	2020 \$'000
1.1A: Employee benefits		
Wages and salaries	18,900	19,218
Superannuation		
Defined contribution plans	2,130	2,048
Defined benefit plans	1,629	1,569
Leave and other entitlements	3,100	2,668
Separation and redundancies	975	176
Total employee benefits	26,734	25,679

Accounting Policy

Accounting policies for employee related expenses is contained in the People and relationships section.

1.1B: Suppliers

Goods and services supplied or rendered

Contractors	8,313	11,468
IT goods and services	1,650	1,596
Employee related	967	915
Property operating expenses	713	867
Travel	320	866
Consultants	310	136
Printing, stationery and postage	134	157
Legal fees	183	170
Financial management	176	258
Other	485	817
Total goods and services supplied or rendered	13,251	17,250

Other suppliers

Workers' compensation expenses	236	201
Short-term leases	-	31
Total other suppliers	236	232
Total suppliers	13,487	17,482

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 entity 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	12	49
Total write-down and impairment of assets	12	49

1.1D: Finance costs

Interest on lease liabilities ¹	92	120
Total finance costs	92	120

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

1.2 Own Source Revenue

	2021	2020
	\$'000	\$'000
Own-Source Revenue		
1.2A: Revenue from contracts with customers		
Rendering of services	3,525	4,172
Total revenue from contracts with customers	3,525	4,172
Disaggregation of revenue from contracts with customers		
Type of customer:		
Australian Government entities (related parties)	471	1,141
ACT Government	3,054	3,031
Total	3,525	4,172

Accounting Policy

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

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

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

Service revenue is generated from providing services to 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 (Continued)

	2021	2020
	\$'000	\$'000
1.2B: Other revenue		
Resources received free of charge		
Remuneration of auditors	54	54
Total other revenue	54	54

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.

	2021	2020
	\$'000	\$'000
1.2C: Revenue from government		
Departmental appropriations	40,072	42,394

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 entity gains control of the appropriation. Appropriations receivables are recognised at their nominal amounts.

Relationships section.

2.1 Financial Assets

2021	2020
\$'000	\$'000

2.1A: Cash and cash equivalents

Cash on hand or on deposit	259	242
Total cash and cash equivalents	259	242

Accounting Policy

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

- 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	561	133
Total goods and services receivables	561	133

Appropriations receivables

Appropriation receivable	13,665	11,488
Total appropriations receivables	13,665	11,488

Other receivables

GST receivable from the Australian Taxation Office	184	280
Total other receivables	184	280
Total trade and other receivables (gross)	14,410	11,901
Total trade and other receivables (net)	14,410	11,901

Credit terms for goods and services were within 30 days (2020: 30 days).

2.1 Financial Assets (continued)

Accounting Policy

Financial assets

Financial Assets at Amortised Cost

Financial assets included in this category need to meet two 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.

2.2 Non Financial Assets

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

Reconciliation of the opening and closing balances of property, plant and equipment for 2021

	Leasehold improvements \$'000	Plant and equipment \$'000	Computer software \$'000	Total \$'000
As at 1 July 2020				
Gross book value	16,849	835	3,075	20,759
Accumulated depreciation, amortisation and impairment	(2,931)	(6)	(1,972)	(4,909)
Total as at 1 July 2020	13,918	829	1,103	15,850
Additions				
Purchase	38	695	282	1,015
Right-of-use assets	478	-	-	478
Revaluations and impairments recognised in Other comprehensive income	120	-	-	120
Depreciation and amortisation	(831)	(357)	(388)	(1,576)
Depreciation on right-of-use assets	(2,786)	-	-	(2,786)
Other movements of right-of-use assets	(149)	-	-	(149)
Disposals				
Disposals - Gross book value	(12)	(60)	(42)	(114)
Disposals - Accumulated depreciation	12	28	36	76
Total as at 30 June 2021	10,788	1,135	991	12,914
Total as at 30 June 2021 represented by				
Gross book value	16,123	1,470	3,316	20,909
Accumulated depreciation, amortisation and impairment	(5,335)	(335)	(2,325)	(7,995)
Total as at 30 June 2021	10,788	1,135	991	12,914
Carrying amount of right-of-use assets	8,250	-	-	8,250

No indicators of impairment found for property, plant and equipment or intangibles.

ICT equipment within Plant and equipment is planned to be sold or disposed of in the next 12 months as a result of an upgrade project 2021.

During 2020-21 the Office identified differences in the valuation of right-of-use assets and depreciation due to incorrect lease cashflow payments in 2020. The difference of \$149,192 has been recognised in the *Other movements of right-of-use assets* for 2021 and not an adjustment to the Opening balances.

Revaluations of non-financial assets

All revaluations were conducted in accordance with the revaluation policy. An independent valuer (JLL) was appointed to conduct a desktop revaluation as at 30 June 2021.

Contractual commitments for the acquisition of leasehold improvements

The Office is in contract for leasehold improvements for the Canberra Office for \$600,000 (including GST).

Fair Value Measurement

The following tables provide an analysis of assets and liabilities that are measured at fair value. The remaining assets and liabilities disclosed in the statement of financial position do not apply the fair value hierarchy.

The different levels of the fair value hierarchy are defined below.

Level 1: Quoted prices (unadjusted) in active markets for identical assets or liabilities that the Office can access at measurement date.

Level 2: Inputs other than quoted prices included within Level 1 that are observable for the asset or liability, either directly or indirectly.

Level 3: Unobservable inputs for the asset or liability.

2.2 Non Financial Assets (Continued)

	Fair value measurements at the end of the reporting period	
	2021	2020
	\$'000	\$'000
Non-financial assets		
Leasehold improvements	2,538	3,212
Plant and equipment	1,135	829
Total non-financial assets	3,673	4,041

2.2 Non Financial Assets (Continued)

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 \$2,000, which are expensed in the year of acquisition.

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 entity where there exists an obligation to restore the property to its original condition. These costs are included in the value of the Office's leasehold improvements with a corresponding provision for the 'make good' recognised.

Lease Right of Use (ROU) Assets

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

On initial adoption of AASB 16 the Office has adjusted the ROU assets at the date of initial application by the amount of any provision for onerous leases recognised immediately before the date of initial application. Following initial application, 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 entity 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:

	2021	2020
Leasehold improvements	Lease terms	Lease terms
Plant and equipment	3 to 26 years	3 to 20 years

As at 30 June 2021 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 2021.

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 entity were deprived of the asset, its value in use is taken to be its depreciated replacement cost.

Derecognition

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

Intangibles

The Office's intangibles comprise internally developed software for internal use. These assets are carried at cost less accumulated amortisation and accumulated impairment losses.

Software is amortised on a straight-line basis over its anticipated useful life. The useful lives of the entity's software are 1 to 15 years (2020: 1 to 15 years).

All software assets were assessed for indications of impairment as at 30 June 2021.

2.3 Payables

	2021	2020
	\$'000	\$'000
2.3A: Suppliers		
Trade creditors and accruals	1,542	1,409
Total suppliers	1,542	1,409
2.3B: Other payables		
Salaries and wages	439	355
Superannuation	71	56
Separations and redundancies	364	-
Unearned income	532	668
Other	11	5
Total other payables	1,417	1,084

2.4 Interest Bearing Liabilities

	2021	2020
	\$'000	\$'000
2.4A: Leases		
Lease liabilities	8,515	10,788
Total leases¹	8,515	10,788

Total cash outflow for leases for the year ended 30 June 2021 was \$2.700m (2020: \$2.664m).

Maturity analysis - contractual undiscounted cash flows

Within 1 year	2,763	2,741
Between 1 to 5 years	5,882	8,269
Total leases¹	8,645	11,010

1. The difference between the Lease liabilities and the Maturity analysis is the future year interest on the lease liability not yet incurred (\$130,363).

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

Accounting Policy

For all new contracts entered into, the Office considers whether the contract is, or contains a lease. A lease is defined as 'a contract, or part of a contract, that conveys the right to use an asset (the underlying asset) for a period of time in exchange for consideration'.

Once it has been determined that a contract is, or contains a lease, the lease liability is initially measured at the present value of the lease payments unpaid at the commencement date, discounted using the interest rate implicit in the lease, if that rate is readily determinable, or the department's incremental borrowing rate.

Subsequent to initial measurement, the liability will be reduced for payments made and increased for interest. It is remeasured to reflect any reassessment or modification to the lease. When the lease liability is remeasured, the corresponding adjustment is reflected in the right-of-use asset or profit and loss depending on the nature of the reassessment or modification.

2.5 Other Provisions

2.5A: Other provisions

	Provision for restoration \$'000
As at 1 July 2020	241
Revaluation of provision	3
Total as at 30 June 2021	244

Accounting Judgements and Estimates

For the property leases where the Office has an obligation to restore the premises to their original condition, the Office assesses the value of the provision for restoration in line with the relevant clauses of the lease, based on estimated costs per square metre.

3.1 Appropriations

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

Annual Appropriations for 2021

	Annual appropriation ¹ \$'000	Section 74 PGPA Act \$'000	Total appropriation \$'000	Appropriation applied in 2021 (current and prior years) \$'000	Variance ² \$'000
Departmental					
Ordinary annual services	40,072	4,190	44,262	43,728	534
Capital Budget ³	819	-	819	67	752
Other services					
Equity Injections	940	-	940	32	908
Total departmental	41,831	4,190	46,021	43,827	2,194

1. An amount of \$349,000 has been withheld (Section 51 of the PGPA Act) and quarantined for administrative purposes.
2. The variance in the ordinary annual services appropriation is due to obligations recorded at the end of the financial year not yet settled.
3. Departmental 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 2020

	Annual appropriation \$'000	Section 74 PGPA Act \$'000	Total appropriation \$'000	Appropriation applied in 2020 (current and prior years) \$'000	Variance ¹ \$'000
Departmental					
Ordinary annual services	42,394	6,273	48,667	48,911	(244)
Capital Budget ²	816	-	816	816	-
Total departmental	43,210	6,273	49,483	49,727	(244)

1. The variance in the ordinary annual services appropriation is due to obligations recorded at the end of 2018-19 settled in 2019-20.
2. Departmental Capital Budgets are appropriated through Appropriation Acts (No.1,3,5). They form part of ordinary annual services and are not separately identified in the Appropriation Acts.

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

	2021 \$'000	2020 \$'000
Departmental		
Cash and cash equivalents		
Appropriation Act (No. 1) 2019-20	-	242
Appropriation Act (No. 1) 2020-21	259	-
Total cash and cash equivalents	259	242
Appropriations receivable		
Appropriation Act (No. 1) 2019-20	-	5,136
Appropriation Act (No. 3) 2019-20	-	6,352
Supply Act (No. 1) 2020-21	411	-
Appropriation Act (No. 1) 2020-21	12,346	-
Appropriation Act (No. 2) 2020-21	908	-
Total appropriations receivable	13,665	11,488
Total Departmental	13,924	11,730

3.2 Net Cash Appropriation Arrangements

	2021 \$'000	2020 \$'000
Total comprehensive (loss) - as per the Statement of Comprehensive Income	(916)	(1,061)
Plus: depreciation/amortisation of assets funded through appropriations (departmental capital budget funding and/or equity injections) ¹	1,576	1,553
Plus: depreciation of right-of-use assets ²	2,786	2,923
Less: lease principal repayments ²	(2,608)	(2,616)
Net Cash Operating Surplus	838	799

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 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.

This section describes a range of employment and post relationships with other key people.

4.1 Employee Provisions

	2021 \$'000	2020 \$'000
4.1A: Employee provisions		
Leave	7,429	6,878
Total employee provisions	7,429	6,878

Accounting policy

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

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

Leave

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

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

The liability for long service leave has been determined by reference to the estimated future cash flows to be made in respect to all employees as at 30 June 2021. 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 entity 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.

Superannuation

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

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

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

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

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

4.2 Key Management Personnel Remuneration

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

	2021 \$'000	2020 ¹ \$'000
Short-term employee benefits	2,155	2,046
Post-employment benefits	341	317
Other long-term employee benefits	58	53
Termination benefits	349	-
Total key management personnel remuneration expenses²	2,903	2,416

The total number of key management personnel included in the above table is 16 (2020: 11 individuals).

1. A restatement of the 2020 Key Management Personnel Remuneration has been undertaken to ensure consistency with the current year methodology. This has resulted in a reduction of \$13,000 in the *Total key management personnel remuneration expenses*.
2. 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 entity.

4.3 Related Party Disclosures

Related party relationships:

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

Transactions with related parties:

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

Giving consideration to relationships with related entities, and transactions entered into during the reporting period by the entity, it has been determined that there are no related party transactions to be separately disclosed (2020: nil).

5.1 Financial Instruments

	2021 \$'000	2020 \$'000
5.1A: Categories of financial instruments		
Financial assets at amortised cost		
Cash and Cash Equivalents	259	242
Trade and Other Receivables	561	133
Total financial assets at amortised cost	820	375
Total financial assets	820	375
Financial Liabilities		
Financial liabilities measured at amortised cost		
Supplier Payables	1,542	1,409
Total financial liabilities measured at amortised cost	1,542	1,409
Total financial liabilities	1,542	1,409

Accounting Policy

Financial assets

In accordance with AASB 9 *Financial Instruments*, the Office classifies its financial assets in the following categories:

- a) financial assets at fair value through profit or loss;
- b) financial assets at fair value through other comprehensive income; and
- c) 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 two 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.

Financial Assets at Fair Value Through Other Comprehensive Income (FVOCI)

Financial assets measured at fair value through other comprehensive income are held with the objective of both collecting contractual cash flows and selling the financial assets and the cash flows meet the SPPI test.

Any gains or losses as a result of fair value measurement or the recognition of an impairment loss allowance is recognised in other comprehensive income.

Financial Assets at Fair Value Through Profit or Loss (FVTPL)

Financial assets are classified as financial assets at fair value through profit or loss where the financial assets either doesn't

meet the criteria of financial assets held at amortised cost or at FVOCI (i.e. mandatorily held at FVTPL) or may be designated.

Financial assets at FVTPL are stated at fair value, with any resultant gain or loss recognised in profit or loss. The net gain or loss recognised in profit or loss incorporates any interest earned on the financial asset.

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 Fair Value Through Profit or Loss

Financial liabilities at fair value through profit or loss are initially measured at fair value. Subsequent fair value adjustments are recognised in profit or loss. The net gain or loss recognised in profit or loss incorporates any interest paid on the financial liability.

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).

6.1 Current/non current distinction for assets and liabilities

2021	2020
\$'000	\$'000

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

Assets expected to be recovered in:

No more than 12 months		
Cash and cash equivalents	259	242
Trade and other receivables	14,410	11,901
Assets held for sale	26	-
Prepayments	494	562
Total no more than 12 months	15,189	12,705
More than 12 months		
Leasehold improvements	10,788	13,918
Plant and equipment	1,135	829
Computer software	991	1,102
Prepayments	45	-
Total more than 12 months	12,959	15,849
Total assets	28,148	28,554

Liabilities expected to be settled in:

No more than 12 months		
Suppliers	1,542	1,409
Other payables	1,417	1,084
Leases	2,696	2,648
Employee provisions	2,963	2,601
Total no more than 12 months	8,618	7,742
More than 12 months		
Leases	5,819	8,140
Employee provisions	4,466	4,277
Other provisions	244	241
Total more than 12 months	10,529	12,658
Total liabilities	19,147	20,400

Appendix 3: Information Publication Scheme

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

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

More information is available on the [Information Publication Scheme](#) webpage at **ombudsman.gov.au**

Appendix 4: Management of human resources

TABLE 12: TERM FOR SENIOR EXECUTIVES

Name	Position title	Term
Michael Manthorpe	Commonwealth Ombudsman	Full year
Penny McKay	Deputy Ombudsman	Part year – Commenced 10 August 2020
Paul Pfitzner	Acting Deputy Ombudsman	Appointed 23 July 2020
Emma Cotterill	Senior Assistant Ombudsman	Full year
Louise Macleod	Senior Assistant Ombudsman	Full year
Paul Pfitzner	Senior Assistant Ombudsman	Part year – Ceased 5 March 2021
Fiona Sawyers	Senior Assistant Ombudsman	Part year – Ceased 14 August 2020
Dermot Walsh	Senior Assistant Ombudsman	Part year – Ceased 20 July 2020
Rodney Walsh	Chief Operating Officer	Part year – Ceased 13 May 2021
Julia Taylor	Senior Assistant Ombudsman	Full year
Lisa Collett	Chief Operating Officer	Part year – Commenced 19 February 2021 (was acting 1 July 2020 – 18 February 2021)
David Fintan	Senior Assistant Ombudsman	Part year – Commenced 9 March 2021
Rebecca Vonthethoff	Senior Assistant Ombudsman	Part year – Commenced 1 June 2021

Remuneration policy and practices

The Ombudsman and Deputy Ombudsman’s remuneration is set by the Remuneration Tribunal under s 13 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*.

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 Act 1999* (s 24(1) of the Commonwealth Ombudsman Authority Non-SES Employees) provide remuneration and conditions for all non-SES staff. The EA also allows individual flexibility arrangements for remuneration arrangements, 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 during the reporting period.

TABLE 13: REMUNERATION FOR SENIOR EXECUTIVES

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	413,171	-	4,852	65,264	12,996	-	-	496,284
Penny McKay	Deputy Ombudsman	272,344	-	4,307	45,139	8,174	-	-	329,963
Lisa Collett	Chief Operating Officer	180,157	-	14,406	26,633	5,582	-	-	226,779
Emma Cotterill	Senior Assistant Ombudsman	164,367	-	32,118	35,323	4,361	-	-	236,169
David Fintan	Senior Assistant Ombudsman	85,153	-	8,895	12,601	2,467	-	-	109,117
Louise Macleod	Senior Assistant Ombudsman	192,141	-	30,728	36,493	4,799	-	-	264,160
Paul Pfitzner	Senior Assistant Ombudsman	135,928	-	22,982	24,662	3,300	-	-	186,872
Fiona Sawyers	Senior Assistant Ombudsman	26,985	-	4,570	3,659	757	-	179,072	215,043
Julia Taylor	Senior Assistant Ombudsman	173,860	-	32,762	31,641	5,582	-	-	243,846
Rebecca Vonthethoff	Senior Assistant Ombudsman	16,349	-	2,224	2,122	459	-	-	21,154
Dermot Walsh	Senior Assistant Ombudsman	10,082	-	3,338	844	337	-	-	14,601
Rodney Walsh	Senior Assistant Ombudsman	115,910	-	27,870	31,804	4,168	-	170,308	350,059
Symone Andersen	Acting Senior Assistant Ombudsman	67,464	-	12,316	11,662	2,133	-	-	93,576

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		
		(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)	(\$)
Alice Maclean	Acting Senior Assistant Ombudsman	41,656	-	1,050	4,780	1,214	-	-	48,699
Louise Cairns	Acting Senior Assistant Ombudsman	24,781	-	462	3,662	808	-	-	29,713
Tricia Hennessy	Acting Senior Assistant Ombudsman	31,102	-	349	4,850	906	-	-	37,207
	Total	1,951,452	-	203,231	341,138	58,042	-	349,380	2,903,243

TABLE 14: ALL ONGOING EMPLOYEES CURRENT REPORT PERIOD (2020–2021)

	Male			Female			Indeterminate			TOTAL
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
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
TOTAL	60	8	68	106	44	150	0	0	0	218

TABLE 15: ALL NON-ONGOING EMPLOYEES CURRENT REPORT PERIOD (2020–2021)

	Male			Female			Indeterminate			TOTAL
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
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
TOTAL	6	0	6	4	4	8	0	0	0	14

TABLE 16: ALL ONGOING EMPLOYEES PREVIOUS REPORT PERIOD (2019–20)

	Male			Female			Indeterminate			TOTAL
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
NSW	2	0	2	8	1	9	0	0	0	11
Qld	8	0	8	17	5	22	0	0	0	30
SA	8	0	8	11	11	22	0	0	0	30
Tas	0	0	0	0	0	0	0	0	0	0
Vic	6	2	8	12	5	17	0	0	0	25
WA	2	1	3	1	1	2	0	0	0	5
ACT	38	5	43	56	20	76	0	0	0	119
NT	0	0	0	0	0	0	0	0	0	0
External Territories	0	0	0	0	0	0	0	0	0	0
Overseas	0	0	0	0	0	0	0	0	0	0
TOTAL	64	8	72	105	43	148	0	0	0	220

TABLE 17: ALL NON-ONGOING EMPLOYEES PREVIOUS REPORT PERIOD (2019–20)

	Male			Female			Indeterminate			TOTAL
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
NSW	0	0	0	0	0	0	0	0	0	0
Qld	0	0	0	0	0	0	0	0	0	0
SA	0	0	0	0	0	0	0	0	0	0
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	1	0	1	0	0	0	1
ACT	5	1	6	4	1	5	0	0	0	11
NT	0	0	0	0	0	0	0	0	0	0
External Territories	0	0	0	0	0	0	0	0	0	0
Overseas	0	0	0	0	0	0	0	0	0	0
TOTAL	5	1	6	5	1	6	0	0	0	12

TABLE 18: AUSTRALIAN PUBLIC SERVICE ACT ONGOING EMPLOYEES CURRENT REPORT PERIOD (2020–21)¹

	Male			Female			Indeterminate			TOTAL
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
SES 3	0	0	0	0	0	0	0	0	0	0
SES 2	0	0	0	0	0	0	0	0	0	0
SES 1	1	0	1	5	0	5	0	0	0	6
EL 2	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
TOTAL	60	8	68	106	44	150	0	0	0	218

¹ Please note that this total count excludes the 2 Statutory Office positions.

TABLE 19: AUSTRALIAN PUBLIC SERVICE ACT NON-ONGOING EMPLOYEES CURRENT REPORT PERIOD (2020–21)

	Male			Female			Indeterminate			TOTAL
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
SES 3	0	0	0	0	0	0	0	0	0	0
SES 2	0	0	0	0	0	0	0	0	0	0
SES 1	0	0	0	0	0	0	0	0	0	0
EL 2	0	0	0	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
TOTAL	6	0	6	4	4	8	0	0	0	14

TABLE 20: AUSTRALIAN PUBLIC SERVICE ACT ONGOING EMPLOYEES PREVIOUS REPORT PERIOD (2019–20)²

	Male			Female			Indeterminate			TOTAL
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
SES 3	0	0	0	0	0	0	0	0	0	0
SES 2	0	0	0	0	0	0	0	0	0	0
SES 1	2	0	2	4	0	4	0	0	0	6
EL 2	5	0	5	15	4	19	0	0	0	24
EL 1	16	6	22	32	11	43	0	0	0	65
APS 6	17	1	18	22	10	32	0	0	0	50
APS 5	13	1	14	20	9	29	0	0	0	43
APS 4	9	0	9	11	7	18	0	0	0	27
APS 3	0	0	0	1	2	3	0	0	0	3
APS 2	0	0	0	0	0	0	0	0	0	0
APS 1	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0
TOTAL	62	8	70	105	43	148	0	0	0	218

² Please note that this total count excludes the 2 Statutory Office positions.

TABLE 21: AUSTRALIAN PUBLIC SERVICE ACT NON-ONGOING EMPLOYEES PREVIOUS REPORT PERIOD (2019–20)³

	Male			Female			Indeterminate			TOTAL
	Full time	Part time	Total	Full time	Part time	Total	Full time	Part time	Total	
SES 3	0	0	0	0	0	0	0	0	0	0
SES 2	0	0	0	0	0	0	0	0	0	0
SES 1	0	0	0	0	0	0	0	0	0	0
EL 2	0	0	0	0	0	0	0	0	0	0
EL 1	1	1	2	1	0	1	0	0	0	3
APS 6	0	0	0	1	0	1	0	0	0	1
APS 5	3	0	3	2	1	3	0	0	0	6
APS 4	1	0	1	0	0	0	0	0	0	1
APS 3	0	0	0	1	0	1	0	0	0	1
APS 2	0	0	0	0	0	0	0	0	0	0
APS 1	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0
TOTAL	5	1	6	5	1	6	0	0	0	12

³ Please note that this total count excludes the 2 Statutory Office positions.

TABLE 22: AUSTRALIAN PUBLIC SERVICE ACT EMPLOYEES BY FULL-TIME AND PART-TIME STATUS CURRENT REPORT PERIOD (2020–21)

	Ongoing			Non ongoing			TOTAL
	Full time	Part time	Total	Full time	Part time	Total	
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
TOTAL	166	52	218	10	4	14	232

TABLE 23: AUSTRALIAN PUBLIC SERVICE ACT EMPLOYEES BY FULL-TIME AND PART-TIME STATUS PREVIOUS REPORT PERIOD (2019–20)

	Ongoing			Non ongoing			TOTAL
	Full time	Part time	Total	Full time	Part time	Total	
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	20	4	24	0	0	0	24
EL 1	48	17	65	2	1	3	68
APS 6	39	11	50	1	0	1	51
APS 5	33	10	43	5	1	6	49
APS 4	20	7	27	1	0	1	28
APS 3	1	2	3	1	0	1	4
APS 2	0	0	0	0	0	0	0
APS 1	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0
TOTAL	167	51	218	10	2	12	230

TABLE 24: AUSTRALIAN PUBLIC SERVICE ACT EMPLOYMENT TYPE BY LOCATION CURRENT 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
TOTAL	218	14	232

TABLE 25: AUSTRALIAN PUBLIC SERVICE ACT EMPLOYMENT TYPE BY LOCATION PREVIOUS REPORT PERIOD (2019–20)

	Ongoing	Non ongoing	TOTAL
NSW	11	0	11
Qld	30	0	30
SA	30	0	30
Tas	0	0	0
Vic	25	0	25
WA	5	1	6
ACT	119	11	130
NT	0	0	0
External territories	0	0	0
Overseas	0	0	0
TOTAL	220	12	232

TABLE 26: AUSTRALIAN PUBLIC SERVICE ACT INDIGENOUS EMPLOYMENT CURRENT REPORT PERIOD (2020–21)

	TOTAL
Ongoing	7
Non-ongoing	0
TOTAL	7

TABLE 27: AUSTRALIAN PUBLIC SERVICE ACT INDIGENOUS EMPLOYMENT PREVIOUS REPORT PERIOD (2019–20)

	TOTAL
Ongoing	8
Non-ongoing	0
TOTAL	8

TABLE 28: AUSTRALIAN PUBLIC SERVICE ACT EMPLOYMENT ARRANGEMENTS CURRENT REPORT PERIOD (2020–21)⁴

	SES	Non SES	TOTAL
<i>Office of the Commonwealth Ombudsman Enterprise Agreement 2017–20</i>	0	216	216
Determinations under s 24(1)	6	0	6
Individual Flexibility Arrangements	0	10	10
TOTAL	6	226	232

⁴ Please note that this total count excludes the 2 Statutory Office positions.

TABLE 29: AUSTRALIAN PUBLIC SERVICE ACT EMPLOYMENT ARRANGEMENTS PREVIOUS REPORT PERIOD (2019–20)⁵

	SES	Non SES	TOTAL
<i>Office of the Commonwealth Ombudsman Enterprise Agreement 2017–20</i>	0	218	218
Determinations under s 24(1)	6	0	6
Individual Flexibility Arrangements	0	6	6
TOTAL	6	224	230

⁵ Please note that this total count excludes the 2 Statutory Office positions.

TABLE 30: AUSTRALIAN PUBLIC SERVICE ACT EMPLOYMENT SALARY RANGES BY CLASSIFICATION LEVEL (MINIMUM/MAXIMUM) CURRENT REPORT PERIOD (2020–21)

	Minimum salary (\$)	Maximum salary (\$)
SES 3	0	0
SES 2	0	0
SES 1	165,373	194,617
EL 2	121,027	137,179
EL 1	103,943	112,242
APS 6	81,084	93,139
APS 5	75,070	79,604
APS 4	67,308	73,078
APS 3	60,391	65,181
APS 2	53,020	58,795
APS 1	46,848	51,781
Other	0	0
Minimum/maximum range	46,848	194,617

Table 31: Australian Public Service Act employment performance pay by classification level (minimum/maximum) current report period (2020–21)

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

Appendix 5: Entity resources statement

TABLE 32: ENTITY RESOURCES STATEMENT 2020–21

	Actual available appropriation for 2020 21 \$'000	Payments made 2020 21 \$'000	Balance remaining 2020 21 \$'000
	(a)	(b)	(a) (b)
Ordinary Annual Services¹			
Departmental appropriations ²	58,594	43,827	14,767
Adjustment – actual s74 ³	(494)	-	(494)
Adjustment – s51 determination ⁴	(349)	-	(349)
Total resourcing and payments for the Office of the Commonwealth Ombudsman	57,751	43,827	13,924

1 Supply Act (No. 1) - Operating 2020-21, Supply Act (No. 1) - Departmental Capital Budget (DCB) 2020-21, Appropriation Act (No. 1) - Operating 2020-21, Appropriate Act (No. 1) - Departmental Capital Budget (DCB) 2020-21 and Appropriate Act (No. 2) - Equity Injections. This also includes prior year departmental appropriation and s74 external revenue

2 Includes an available amount of \$0.819m for the Departmental Capital Budget and an Equity Injection of \$0.940m in 2020-21. Departmental capital budgets are not separately identified in Appropriation Bill (No.1, 3, 5) and form part of ordinary annual services items. For accounting purposes, this amount has been designated as a 'contribution by owner'.

3 Actual s74 receipts in 2020-21 were \$3.525m compared to the Budget estimate of \$4.684m.

4 An amount of \$0.349m has been withheld (Section 51 of the PGPA Act) and quarantined for administrative purposes.

TABLE 33: RESOURCE SUMMARY TABLE: EXPENSES FOR OUTCOME¹

Outcome 1: Fair and accountable administrative action by Australian Government entities and prescribed private sector organisations, by investigating complaints, reviewing administrative action and statutory compliance inspections and reporting.			
	Budget	Actual expenses	Variance
	2020 21	2020 21	2020 21
	\$'000	\$'000	\$'000
	(a)	(b)	(a) (b)
Program 1.1: Office of the Commonwealth Ombudsman			
Departmental expenses			
Departmental appropriation ¹	45,105	42,879	2,226
Expenses not requiring appropriation in the Budget year ²	1,760	1,808	(48)
Total for Program 1.1	46,865	44,687	2,178
Total for Outcome 1	46,865	44,687	2,178
Average Staffing Level (number)	220	212	8

¹ Departmental Appropriation combines 'Ordinary annual services' (Appropriation Act No. 1 and Appropriation Act No. 3) and 'Revenue from independent sources (S74)'.

² 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 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 2020–21, the Office continued to manage its energy consumption. All new leasehold improvements included smart lighting and the introduction of LED globes to reduce energy consumption further. Total energy consumption across all Office's tenancies decreased by 5 per cent.

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.

Waste management

We actively manage the waste we produce through several mechanisms:

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

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

The following errors were made in the 2019–20 report:

- **Table 20: Australian Public Service Act Employment type by location (2019–20)** on page 88 incorrectly listed Tasmania and Victoria line items. One line item recorded zero non-ongoing staff in Tasmania; this should be corrected to reference South Australia. The second line item referenced zero ongoing and non-going staff in Victoria; this should be corrected to reference Tasmania.

Appendix 8: Public Interest Disclosure

Table 34 details the number of disclosures assessed as meeting the criteria under s 26 of the *Public Interest Disclosure Act 2013* and alleged kinds of disclosable conduct to which the disclosures relate.

TABLE 34: NUMBER OF DISCLOSURES

Agency	Number of disclosures assessed as meeting the criteria under s26 of the PID Act	Alleged kinds of disclosable conduct to which the disclosures relate
1. Defence	59	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (30) • Maladministration (14) • Conduct that may result in disciplinary action (11) • Conduct engaged in for the purposes of corruption (2) • Wastage of public money (2) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (4) • Abuse of public office (3)
2. Australian Postal Corporation	40	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (27) • Maladministration (12) • Wastage of public money (3) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (5) • Abuse of public office (1) • Conduct that may result in disciplinary action (8)
3. Office of the Commonwealth Ombudsman	35 ¹⁶	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (17) • Contravenes a foreign law (1) • Perversion of the course of justice (2) • Conduct engaged in for the purposes of corruption (1) • Maladministration (29) • Wastage of public money (6)

¹⁶ Unlike other agencies, the Office can receive disclosures about itself and other agencies. Of the PIDs assessed by the Ombudsman in 2020–21, all related to other Commonwealth agencies.

Agency	Number of disclosures assessed as meeting the criteria under s26 of the PID Act	Alleged kinds of disclosable conduct to which the disclosures relate
		<ul style="list-style-type: none"> • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (10) • Fabrication scientific research (1) • Abuse of office (9) • Conduct that may result in disciplinary action (22)
4. NBN Co	22	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (3) • Maladministration (11) • Wastage of Commonwealth resources (including money and property) (1) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1) • Abuse of public office (1) • Conduct that may result in disciplinary action (5)
5. Department of Health	17	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (6) • Perverts, or is engaged in for the purposes of perverting, the course of justice (2) • Conduct engaged in for the purposes of corruption (2) • Maladministration (11) • Wastage of public money (3) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (5) • Abuse of public office (1)
6. Australian Taxation Office	16	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (5) • Maladministration (4) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (2) • Conduct that may result in disciplinary action (12)

Agency	Number of disclosures assessed as meeting the criteria under s26 of the PID Act	Alleged kinds of disclosable conduct to which the disclosures relate
7. The Office of the Inspector-General of Intelligence and Security ¹⁷	16	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (2) • Maladministration (12) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (2) • Abuse of public office (1) • Conduct that may result in disciplinary action (2)
8. Australian Intelligence Agencies – Combined Response ¹⁸	14	<ul style="list-style-type: none"> • Maladministration (5) • Wastage of public money (3) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (2) • Abuse of public office (2) • Conduct that may result in disciplinary action (9)
9. Airservices Australia	8	<ul style="list-style-type: none"> • Conduct that may result in disciplinary action (8) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1) • Contravenes a foreign law (1)
10. Department of Agriculture, Water and the Environment	8	<ul style="list-style-type: none"> • Maladministration (6) • Wastage of Commonwealth resources (including money and property) (1) • Conduct that may result in disciplinary action (1) • Perverts, or is engaged in for the purposes of perverting, the course of justice (3)

¹⁷ As with the Ombudsman, the Office of the Inspector-General of Intelligence and Security can receive disclosures about itself and other intelligence agencies. The IGIS received 16 PIDs relating to the Australian intelligence agencies, and none about itself. One PID was investigated under the PID Act while 7 were investigated under the *Inspector-General of Intelligence and Security Act 1986*, and 6 were allocated to an intelligence agency for investigation.

¹⁸ Aggregated disclosures received by Australian Geospatial-Intelligence Organisation, Australian Signals Directorate, Defence Intelligence Organisation, Australian Secret Intelligence Service, Australian Security Intelligence Organisation and Office of National Intelligence.

Agency	Number of disclosures assessed as meeting the criteria under s26 of the PID Act	Alleged kinds of disclosable conduct to which the disclosures relate
11. National Offshore Petroleum Safety and Environmental Management Authority	8	<ul style="list-style-type: none"> • Conduct that may result in disciplinary action (8)
12. Services Australia	8	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (5) • Maladministration (2) • Abuse of public trust (2) • Wastage of public money (2) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (3) • Abuse of public office (3) • Conduct that may result in disciplinary action (6)
13. Department of Industry, Science, Energy and Resources	7	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (4) • Conduct engaged in for the purposes of corruption (3) • Maladministration (6) • Abuse of Trust (2) • Wastage of public money (1) • Conduct that may result in disciplinary action (2)
14. Department of Education, Skills and Employment	7	<ul style="list-style-type: none"> • Perverts, or is engaged in for the purposes of perverting, the course of justice (2) • Contravention of a law of the Commonwealth, state or territory (1) • Maladministration (7) • Conduct engaged in for the purposes of corruption (2) • Wastage of public money (3) • Abuse of public trust (1) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (2) • Abuse of public office (1) • Conduct that may result in disciplinary action (6)

Agency	Number of disclosures assessed as meeting the criteria under s26 of the PID Act	Alleged kinds of disclosable conduct to which the disclosures relate
15. Department of Home Affairs	6	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (2) • Contravenes a foreign law (1) • Perverts, or is engaged in for the purposes of perverting, the course of justice (3) • Maladministration (5) • Abuse of public trust (1) • Wastage of public money (2) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (2) • Abuse of public office (1) • Conduct that may result in disciplinary action (3)
16. National Museum of Australia	6	<ul style="list-style-type: none"> • Conduct that may result in disciplinary action (6)
17. Comcare	5 ¹⁹	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (2) • Perverts, or is engaged in for the purposes of perverting, the course of justice (3) • Maladministration (2) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (4) • Abuse of public office (1) • Conduct that may result in disciplinary action (1)
18. Attorney-General's Department 19. Department of Veterans' Affairs 20. Australian Broadcasting Corporation 21. Australian Building and Construction Commission 22. Australian Competition and Consumer Commission	51 (aggregated total of all PIDs received by these agencies) This section aggregates data for agencies reporting four	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (17) • Perverts, or is engaged in for the purposes of perverting, the course of justice (1) • Conduct engaged in for the purpose of corruption (3) • Maladministration (25) • Abuse of public trust (3) • Wastage of public money (5)

¹⁹ Of the disclosures assessed by Comcare, 3 were allocated to other agencies.

Agency	Number of disclosures assessed as meeting the criteria under s26 of the PID Act	Alleged kinds of disclosable conduct to which the disclosures relate
23. Australian Electoral Commission 24. Australian Federal Police 25. Australian Maritime Safety Authority 26. Australian Nuclear Science & Technology Organisation 27. Australian Public Service Commission 28. Australian Pesticides and Veterinary Medicines Authority 29. Australian Rail Track Corporation 30. Australian Skills Quality Authority 31. Bureau of Meteorology 32. Civil Aviation Safety Authority 33. Commonwealth Science and Industrial Research Organisation (CSIRO) 34. Defence Housing Australia 35. Department of Finance 36. Department of Social Services 37. Department of Treasury 38. Indigenous Business Australia 39. Indigenous Land & Sea Corporation 40. National Competition Council 41. National Disability Insurance Scheme Launch Transition Agency 42. National Indigenous Australians Agency 43. NDIS Quality and Safeguards Commission 44. Office of the Official Secretary to the Governor-General	or fewer PIDs received during the reporting period.	<ul style="list-style-type: none"> • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (10) • Abuse of public office (2) • Conduct that may result in disciplinary action (23)

Agency	Number of disclosures assessed as meeting the criteria under s26 of the PID Act	Alleged kinds of disclosable conduct to which the disclosures relate
45. Sydney Harbour Federation Trust		

TABLE 35: AGENCIES THAT REPORTED NOT RECEIVING PIDS

Number	Agency
1.	Coal Mining Industry (Long Service Leaving Funding) Corporation
2.	Australian Naval Infrastructure Pty Ltd
3.	Moorebank Intermodal Company Limited
4.	The Digital Transformation Agency
5.	Museum of Australian Democracy at Old Parliament House
6.	Department of the Prime Minister and Cabinet
7.	Australia Council for the Arts
8.	Professional Services Review
9.	Department of the House of Representatives
10.	Northern Land Council
11.	National Library of Australia
12.	Great Barrier Reef Marine Park Authority
13.	National Health Funding Body
14.	Future Fund Management Agency
15.	Fair Work Commission
16.	Safe Work Australia
17.	Screen Australia
18.	Clean Energy Finance Corporation
19.	Central Land Council
20.	Office of Parliamentary Counsel
21.	Grains Research and Development Corporation
22.	Australian Sports Commission
23.	North Queensland Water Infrastructure Authority
24.	Clean Energy Regulator
25.	Climate Change Authority
26.	Australian Research Council
27.	Aged Care Quality and Safety Commission
28.	Office of the Fair Work Ombudsman and Registered Organisation
29.	Australian War Memorial
30.	Australian Reinsurance Pool Corporation
31.	Independent Hospital Pricing Authority
32.	Fisheries Research & Development Corporation
33.	Department of the Senate
34.	Aboriginal Hostels Limited
35.	Australian Financial Security Authority
36.	National Faster Rail Agency
37.	Australian Centre for International Agricultural Research
38.	Australian Commission for Law Enforcement Integrity

39.	Australian Institute of Family Studies
40.	Workplace Gender Equality Agency
41.	Australian Accounting Standards Board and Auditing and Assurance Standards Board
42.	National Australia Day Council
43.	Australian Curriculum, Assessment and Reporting Authority
44.	Wine Australia
45.	RAN Relief Trust Fund
46.	Food Standards Australia New Zealand
47.	Australian Digital Health Agency
48.	Office of the Australian Information Commissioner
49.	National Gallery of Australia
50.	Australian Institute of Marine Science
51.	National Health and Medical Research Council (NHMRC)
52.	Australian Prudential Regulation Authority
53.	The Australian National University
54.	Office of the Special Investigator
55.	Organ and Tissue Authority
56.	Australian Trade and Investment Commission
57.	National Blood Authority
58.	Rural Industries Research and Development Corporation trading as AgriFutures Australia
59.	Australian Transaction Reports and Analysis Centre (AUSTRAC)
60.	Commonwealth Director of Public Prosecutions
61.	Bundanon Trust
62.	ASC Pty Ltd
63.	Australian National Audit Office
64.	Northern Australia Infrastructure Facility (NAIF)
65.	Australian Strategic Policy Institute
66.	Reserve Bank of Australia
67.	Creative Partnerships Australia
68.	Australian Commission on Safety and Quality in Health Care
69.	RAAF Welfare Recreational Company
70.	Department of Infrastructure, Transport, Regional Development and Communications
71.	National Transport Commission
72.	Outback Stores Pty Ltd
73.	Australian National Maritime Museum
74.	Export Finance Australia
75.	Australian Communications and Media Authority
76.	Administrative Appeals Tribunal
77.	Inspector-General of Taxation and Taxation Ombudsman
78.	Australian Institute of Health and Welfare
79.	Commonwealth Ombudsman ²⁰
80.	Parliamentary Budget Office
81.	Asbestos Safety and Eradication Agency
82.	Tertiary Education Quality and Standards Agency
83.	Australian Bureau of Statistics
84.	Special Broadcasting Service Corporation (SBS)
85.	Hearing Australia (Australia Hearing Services)
86.	National Recovery and Resilience Agency
87.	National Film and Sound Archive of Australia
88.	AAF Company
89.	Productivity Commission

²⁰ The Office of the Commonwealth Ombudsman did not receive any PIDs relating to it.

90.	National Archives of Australia
91.	Australian Military Forces Relief Trust Fund
92.	Tiwi Land Council
93.	WSA Co Limited
94.	Australian Institute of Aboriginal and Torres Strait Islander Studies
95.	Federal Court of Australia on behalf of itself, the Family Court of Australia, the Federal Circuit Court of Australia, and the National Native Title Tribunal
96.	Australian Transport Safety Bureau
97.	National Mental Health Commission
98.	National Capital Authority
99.	Australian Radiation Protection and Nuclear Safety Agency
100.	Department of Parliamentary Services
101.	Australian Securities & Investments Commission
102.	Murray-Darling Basin Authority
103.	Tourism Australia
104.	Regional Investment Corporation
105.	Department of the Prime Minister and Cabinet
106.	Australian Criminal Intelligence Commission (Incl. Australian Institute of Criminology)
107.	Cotton Research and Development Corporation
108.	Australian Sports Foundation Limited
109.	Sport Integrity Australia
110.	Australian Film, Television and Radio School
111.	Royal Australian Air Force Welfare Trust Fund
112.	Department of Foreign Affairs & Trade
113.	Australian Law Reform Commission
114.	National Portrait Gallery of Australia
115.	Australian Fisheries Management Authority
116.	Independent Parliamentary Expenses Authority
117.	Infrastructure Australia
118.	Anindilyakwa Land Council
119.	Australian Institute for Teaching and School Leadership

TABLE 36: PID INVESTIGATIONS COMPLETED AND ACTION(S) TAKEN IN RESPONSE TO RECOMMENDATIONS

This table provides the number of investigations completed, findings of disclosable conduct reached by agencies and actions taken in response to recommendations. Findings of disclosable conduct in each case relate to individual disclosure investigations. Investigations can involve issues at a range of levels within an agency and, depending on the case, findings of disclosable conduct may be limited to a localised area, group or individual within an agency.

Agency	Number of disclosure investigations completed during the financial year	Findings of disclosable conduct relating to disclosure investigations	Examples of actions taken during the financial year in response to recommendations relating to disclosure investigations
Defence	34	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (5) • Maladministration (1) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (1) • Abuse of public office (2) • Conduct that may result in disciplinary action (4) 	<ul style="list-style-type: none"> • Matters referred for investigation under <i>Defence Force Discipline Act 1982</i>; <i>Public Service Act 1999</i>; <i>Public Governance, Performance and Accountability Act 2013</i>; <i>Criminal Code Act 1985</i> • Administrative action taken against ADF member • Consideration of whether supervisor met reporting obligations under PID Act
Australian Postal Corporation	26	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (12) • Maladministration (6) • Wastage of public money (1) • Abuse of public office (1) • Conduct that may result in disciplinary action (6) 	<ul style="list-style-type: none"> • Staff training on conflicts of interest policy • Implementation of various process improvements • Team training on 'Our Ethics' • Manager training on grievance processes • Spot audits conducted and remediation plans implemented • Disciplinary action as appropriate
Department of Health	21	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (3) • Maladministration (1) • Wastage of public money (1) • Conduct that results in, or increases, a risk of danger to the environment (1) 	<ul style="list-style-type: none"> • Potential privacy breach referred to privacy officer • Referral to fraud investigations for consideration of possible criminal fraud offences • Referral to external agencies for investigation,

Agency	Number of disclosure investigations completed during the financial year	Findings of disclosable conduct relating to disclosure investigations	Examples of actions taken during the financial year in response to recommendations relating to disclosure investigations
			including possible breach of the <i>Biosecurity Act 2015</i>
Australian Taxation Office	14	<ul style="list-style-type: none"> No findings 	<ul style="list-style-type: none"> Informal counselling Criminal code investigation Review of conflict of interest processes, including conflict of interest training and improved management of declarations
Airservices Australia	11	<ul style="list-style-type: none"> Conduct that may result in disciplinary action (7) 	<ul style="list-style-type: none"> Safeguards around submissions vetting process Sanctions imposed for code of conduct breaches, including termination Improvements to internal practices, including review of current training processes and procedures
NBN Co	10	<ul style="list-style-type: none"> Conduct that may result in disciplinary action (18) 	<ul style="list-style-type: none"> Disciplinary action for breach of policies Review of governance processes and arrangements with suppliers Code of Conduct training for relevant staff Review of conflict of interest training and process for declaring and managing conflicts
Australian Intelligence Agencies – Combined Response	9	<ul style="list-style-type: none"> No findings 	<ul style="list-style-type: none"> Policy and process: enhanced oversight and reporting to senior committees on key indicators and issues Information management: progression of identified upgrades to key systems to improve management and reporting of relevant data

Agency	Number of disclosure investigations completed during the financial year	Findings of disclosable conduct relating to disclosure investigations	Examples of actions taken during the financial year in response to recommendations relating to disclosure investigations
			<ul style="list-style-type: none"> Targeted communications: implementation of recommendations for communications activities by the Inspector-General Progress performance improvements and enhancements to policy and procedure
National Offshore Petroleum Safety and Environmental Management Authority	8	<ul style="list-style-type: none"> Conduct that may result in disciplinary action (8) 	Matters referred for code of conduct investigation
Department of Industry, Science, Energy and Resources	7	<ul style="list-style-type: none"> Maladministration (1) 	<ul style="list-style-type: none"> Matters referred for code of conduct investigation under <i>Public Service Act 1999</i> Management training to address handling or people management sensitivities Education and training to assist case managers in complex <i>Safety Rehabilitation and Compensation Act 1988</i> matters Improved probity and management processes for programs and significant procurements
Department of Veterans' Affairs	7	<ul style="list-style-type: none"> Conduct that may result in disciplinary action (1) 	<ul style="list-style-type: none"> Formal misconduct action initiated under s 15(3) of the <i>Public Service Act 1999</i>
Australian Broadcasting Corporation	6	<ul style="list-style-type: none"> No findings 	<ul style="list-style-type: none"> Changes to timesheet processes Documentation of protocols for managing/protecting confidential information,

Agency	Number of disclosure investigations completed during the financial year	Findings of disclosable conduct relating to disclosure investigations	Examples of actions taken during the financial year in response to recommendations relating to disclosure investigations
			<p>sensitive discussions and management of conflicts of interest</p> <ul style="list-style-type: none"> • Continuous improvement to expense management processes and initiatives to promote ongoing awareness of policy • Investigation under ABC Senior Employment Agreement 2016
<p>Aged Care Quality and Safety Commission</p> <p>Attorney-General's Department</p> <p>Australian Maritime Safety Authority</p> <p>Australian Prudential Regulation Authority</p> <p>Australian Public Service Commission</p> <p>Australian Rail Track Corporation</p> <p>Australian Skills Quality Authority</p> <p>Civil Aviation Safety Authority</p>	<p>Thirty-seven investigations were completed by the agencies in this section.</p> <p>This section aggregates data for agencies reporting four or fewer investigations being conducted during the period.</p>	<ul style="list-style-type: none"> • Contravention of a law of the Commonwealth, state or territory (2) • Maladministration (3) • Abuse of public trust (1) • Wastage of public money (1) • Conduct that results in, or that increases, the risk of danger to the health or safety of one or more persons (2) • Abuse of public office (1) • Conduct that may result in disciplinary action (3) 	<p>Note: Although all agencies within this group identified they had completed one or more investigations, not all investigations resulted in recommendation/s being made.</p> <p>The following are examples of some of the recommendations made by Agencies within this aggregated group:</p> <ul style="list-style-type: none"> • Referral to Australian Federal Police • Code of conduct investigation • Training and PID new guidance material • Review of information and record management practices • Due diligence awareness • Conflict of interest training • Review of organisational policies and development of new policies • Review of procurement practices • Training and development programs.

Agency	Number of disclosure investigations completed during the financial year	Findings of disclosable conduct relating to disclosure investigations	Examples of actions taken during the financial year in response to recommendations relating to disclosure investigations
<p>Commonwealth Ombudsman</p> <p>Defence Housing Australia</p> <p>Department of Agriculture, Water and the Environment</p> <p>Department of Education, Skills and Employment</p> <p>Department of Finance</p> <p>Department of Home Affairs</p> <p>Department of Social Services</p> <p>Department of Treasury</p> <p>Great Barrier Reef Marine Park Authority</p> <p>Indigenous Land & Sea Corporation</p> <p>National Disability Insurance Scheme Launch Transition Agency</p>			

Agency	Number of disclosure investigations completed during the financial year	Findings of disclosable conduct relating to disclosure investigations	Examples of actions taken during the financial year in response to recommendations relating to disclosure investigations
National Indigenous Australians Agency NDIS Quality and Safeguards Commission Services Australia The Office of the Inspector-General of Intelligence and Security			

Part 8: References

Glossary

Contact	Any external contact to our Office. Contacts are made up of complaints, program-specific matters and any other enquiries.
Authorised officer	An officer appointed by the Principal Officer of an agency to receive and allocate public interest disclosures.
Complaint	<p>Contact with our Office indicating that something is unsatisfactory or unacceptable in relation to an action by an agency or organisation within our jurisdiction. This includes:</p> <ul style="list-style-type: none"> • complaints about an Australian Government agency, including the Australian Defence Force and the Australian Federal Police • complaints, including disputes, about public or private sector bodies received under any of the following jurisdictions: Postal Industry Ombudsman, Overseas Students Ombudsman, VET Student Loans Ombudsman and Private Health Insurance Ombudsman • complaints about ACT Government agencies (under the ACT Ombudsman jurisdiction, including ACT FOI complaints, ACT PID complaints and complaints about the ACT Integrity Commission) • complaints made about an agency or organisation within our jurisdiction, but where the issue raised is out of our jurisdiction (e.g., an immigration decision that 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.
Enquiry	<p>Any contact with our Office that is not a complaint or program-specific matter. This can include:</p> <ul style="list-style-type: none"> • a request to the Office (e.g., a request from a journalist, a request under the FOI Act for documents we hold, a Public Interest Disclosure about us, or a service delivery complaint made about our own services) • a purported complaint about an agency or organisation that is determined to be out of our jurisdiction based on the organisation being complained about (e.g., telecommunications, banking, state government) • other inquiries (e.g., how do I make a complaint about Agency X; an enquiry about private health insurance; PID enquiries; and enquiries made to the ACT Ombudsman regarding FOI/Reportable Conduct and complaint handling advice for providers).

Finalised	A contact is finalised when we finish acting in response to that contact.
Outcome	<p>The result of a contact to our Office. These can vary depending on the type of contact and can include:</p> <ul style="list-style-type: none"> • rectifying the situation for a person (such as restoring a payment; waiving a debt, a different decision, a better explanation from the agency, and an apology) • assistance or advice for a person (such as referral to a more appropriate avenue, a better explanation by us on review rights, advice on how to make a complaint and an agency considering a matter in a more timely manner) • outcomes that reflect our role as independent and impartial (such as independent assurance the agency's decision was lawful and reasonable) • outcomes for the broader community (such as changes to an agency's policies or practices).
Out of jurisdiction (OOJ)	A matter about which the Office has no legal power under the Ombudsman Act 1976 to investigate.
Own motion investigation	An investigation conducted on the Ombudsman's own initiative.
Program-specific matter	<p>An application, report or other statutory process that requires processing by our Office but is not a complaint. This includes:</p> <ul style="list-style-type: none"> • applications under the ACT FOI Act (e.g. review requests and extensions of time) • reports of Defence abuse • PHIO mediations • FOI mediations • notifications under the ACT Reportable Conduct Scheme • PIDs, extension requests and notifications.
Public interest disclosure (PID)	Unless otherwise stated, this relates to an internal disclosure of wrongdoing that was reported by a public official to an authorised internal recipient.
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.
The Office	The Office of the Commonwealth Ombudsman.
The Ombudsman	The person occupying the statutory position of Commonwealth Ombudsman.
Within jurisdiction	A contact about a matter the Office may investigate under the Ombudsman Act 1976.

List of Abbreviations

ACLEI	Australian Commission for Law Enforcement Integrity
ACT	Australian Capital Territory
ADF	Australian Defence Force
AFP	Australian Federal Police
ANAO	Australian National Audit Office
ANZOA	Australia New Zealand Ombudsman Association
APS	Australian Public Service
ASQA	Australian Skills Quality Authority
CFO	Chief Financial Officer
COO	Chief Operating Officer
DESE	Department of Education, Skills and Employment
DFO	Defence Force Ombudsman
DFRDB	Defence Force Retirement and Death Benefits
DHA	Defence Housing Australia
DVA	Department of Veterans' Affairs
EA	Enterprise agreement
EAP	Employee Assistance Program
FOI	Freedom of Information

ICT	Information and communication technology
IGIS	Inspector-General of Intelligence and Security
IPAA	Institute of Public Administration Australia
IPS	Information Publication Scheme
ITECA	Independent Tertiary Education Council Australia
ITGC	Information and Technology Governance Committee
NPM	National Preventive Mechanism
OAIC	Office of the Australian Information Commissioner
OPCAT	Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OSO	Overseas Students Ombudsman
PGPA	Public Governance, Performance and Accountability
PHIO	Private Health Insurance Ombudsman
PID	Public Interest Disclosure
PIO	Postal Industry Ombudsman
PSGC	Protective Security Governance Committee
RAAF	Royal Australian Air Force
RMPF	Risk Management Policy and Framework
SAO	Senior Assistant Ombudsmen

SBS	Special Broadcasting Service
SES	Senior Executive Staff
SIA	Secretary Initiated Actions
SLG	Senior Leadership Group
SME	Small and Medium Enterprises
SOETM	Services for Other Entities and Trust Moneys
SPB	Strategic Policy Board
SRM	Student Redress Measures
VET	Vocational Education and Training
VSLO	VET Student Loans Ombudsman
WA	Western Australia
WHS	Work health and safety
WHSC	Work Health and Safety Committee
WRC	Workplace Relations Committee

Lists of tables and figures

Tables

Table 1: Accountable authority.....	15
Table 2: Average number of authorised officers in an agency, by agency size.....	38
Table 3: Investigation timeframes.....	39
Table 4: Annual reporting requirements under the Ombudsman Act	43
Table 5: Views on providers meeting responsibilities in complaints finalised in 2020–21.....	48
Table 6: Audit and risk committee members.....	56
Table 7: Applications to the OAIC for reviews of FOI decisions made by the Ombudsman	60
Table 8: Complaints to the OAIC about breaches of privacy involving the Ombudsman.....	60
Table 9: Total reportable consultancy contract expenditure in 2020–21	64
Table 10: Total reportable non-consultancy contract expenditure in 2020–21.....	65
Table 11: All public contacts 2020–21 (as of 30 June 2021)	67
Table 12: Term for senior executives.....	94
Table 13: Remuneration for senior executives	95
Table 14: All ongoing employees current report period (2020–2021).....	97
Table 15: All non-ongoing employees current report period (2020–2021)	97
Table 16: All ongoing employees previous report period (2019–20).....	98
Table 17: All non-ongoing employees previous report period (2019–20)	98
Table 18: Australian Public Service Act ongoing employees current report period (2020–21) ¹	99
Table 19: Australian Public Service Act non-ongoing employees current report period (2020–21)	100
Table 20: Australian Public Service Act ongoing employees previous report period (2019–20) ²	101
Table 21: Australian Public Service Act non-ongoing employees previous report period (2019–20) ³	102
Table 22: Australian Public Service Act employees by full-time and part-time status current report period (2020–21)	103
Table 23: Australian Public Service Act employees by full-time and part-time status previous report period (2019–20)	104
Table 24: Australian Public Service Act employment type by location current report period (2020–21).....	105
Table 25: Australian Public Service Act employment type by location previous report period (2019–20)	105
Table 26: Australian Public Service Act Indigenous employment current report period (2020–21).....	106
Table 27: Australian Public Service Act Indigenous Employment previous report period (2019–20).....	106
Table 28: Australian Public Service Act employment arrangements current report period (2020–21) ⁴	106

Table 29: Australian Public Service Act employment arrangements previous report period (2019–20) ⁵	107
Table 30: Australian Public Service Act employment salary ranges by classification level (minimum/maximum) current report period (2020–21)	107
Table 31: Australian Public Service Act employment performance pay by classification level (minimum/maximum) current report period (2020–21)	108
Table 32: Entity resources statement 2020–21	109
Table 33: Resource summary table: Expenses for outcome ¹	110
Table 34: Number of disclosures	113
Table 35: Agencies that reported not receiving PIDs	119
Table 36: PID investigations completed and action(s) taken in response to recommendations.....	122

Figures

Figure 1: Executive and senior management structure on 30 June 2021	15
Figure 2: performance criteria results year on year comparison.....	24
Figure 3: allegations of disclosable conduct financial year comparison.....	34
Figure 4: s48 – Declined to investigate decision – FY Comparison	35
Figure 5: Findings of disclosable conduct Financial Year comparison.....	36
Figure 6: Referrals to other investigative mechanisms Financial Year comparison.....	37
Figure 7: 2020–21 Reports of abuse received	45
Figure 8: Most reported locations.....	45
Figure 9: Issues raised in finalised complaints	49
Figure 10: Complaints by education sector.....	50
Figure 11: Committee structure	55

List of requirements

PGPA rule reference	Part of report	Description	Requirement	Page
17AD(g)	Letter of transmittal	Letter of transmittal		
17AI	-		Mandatory	4
17AD(h)	Aids to access	Aids to access		
17AJ(a)	-		Mandatory	
17AJ(b)	Part 8	Alphabetical index	Mandatory	145
17AJ(c)	Part 8	Glossary of abbreviations and acronyms	Mandatory	128-129
17AJ(d)	Part 8	List of requirements	Mandatory	135-144
17AJ(e)	-	Details of contact officer	Mandatory	3, 6
17AJ(f)	-	Entity's website address	Mandatory	6
17AJ(g)	-	Electronic address of report	Mandatory	3
17AD(a)	Review by Accountable Authority	Review by Accountable Authority		
17AD(a)	Part 1		Mandatory	9-11
17AD(b)	Overview of the entity	Overview of the entity		
17AE(1)(a)(i)	Part 2		Mandatory	12-20
17AE(1)(a)(ii)		A description of the organisational structure of the entity	Mandatory	15-20
17AE(1)(a)(iii)	Part 3	A description of the outcomes and programs administered by the entity	Mandatory	14-15
17AE(1)(a)(iv)	Part 3	A description of the purposes of the entity as included in corporate plan	Mandatory	12, 14
17AE(1)(aa)(i)	Part 2	Name of the Accountable Authority or each member of the Accountable Authority	Mandatory	15, 21
17AE(1)(aa)(ii)	Part 2	Position of the Accountable Authority or each member of the Accountable Authority	Mandatory	15, 21
17AE(1)(aa)(iii)	Part 2	Period as the Accountable Authority or member of the accountable authority within the reporting period	Mandatory	94

PGPA rule reference	Part of report	Description	Requirement	Page
17AE(1)(b)	-	An outline of the structure of the portfolio of the entity	Portfolio departments – mandatory	NA
17AE(2)	-	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
17AD(c)	Report on the performance of the entity	Report on the performance of the entity		
	annual performance statements			
17AD(c)(i); 16F	Part 3		Mandatory	21-32
17AD(c)(ii)	Report on financial performance	Report on financial performance		
17AF(1)(a)	Part 3		Mandatory	31-32
17AF(1)(b)	Part 7	A table summarising the total resources and total payments of the entity	Mandatory	109-110
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 effect on	If applicable, mandatory	Nil to report

PGPA rule reference	Part of report	Description	Requirement	Page
		the entity's future operation or financial results		
17AD(d)	Management and accountability	Management and accountability		
	corporate governance			
17AG(2)(a)	Part 6		Mandatory	55-65
17AG(2)(b)(i)	Part 6	A certification by accountable authority that fraud risk assessments and fraud control plans are prepared	Mandatory	4
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	4
17AG(2)(b)(iii)	Part 6	A certification by Accountable Authority that all reasonable measures were taken to deal appropriately with fraud relating to the entity	Mandatory	4
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	55
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	If applicable, Mandatory	Nil to report

PGPA rule reference	Part of report	Description	Requirement	Page
		taken to remedy non-compliance		
	Audit committee	Audit committee		
17AG(2A)(a)	Part 6		Mandatory	55-57
17AG(2A)(b)	Part 6	The name of each member of the entity's audit committee	Mandatory	56-57
17AG(2A)(c)	Part 6	The qualifications, knowledge, skills or experience of each member of the entity's audit committee	Mandatory	56-57
17AG(2A)(d)	Part 6	Information about the attendance of each member of the entity's audit committee at committee meetings	Mandatory	56-57
17AG(2A)(e)	Part 6	The remuneration of each member of the entity's audit committee	Mandatory	56-57
	External scrutiny	External scrutiny		
17AG(3)	Part 6		Mandatory	59-60
17AG(3)(a)	-	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	NA
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	NA
17AG(3)(c)	-	Information on any capability reviews on the entity that were released during the period	If applicable, Mandatory	Nil to report

PGPA rule reference	Part of report	Description	Requirement	Page
	Management of human resources	Management of human resources		
17AG(4)(a)	Part 6		Mandatory	61-63, 94-108
17AG(4)(aa)	Part 6, 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	97-105
17AG(4)(b)	Part 7	<p>Statistics on the entity's APS employees on an ongoing and non-ongoing basis; including the following:</p> <p>Statistics on staffing classification level;</p> <p>Statistics on full-time employees;</p> <p>Statistics on part-time employees;</p> <p>Statistics on gender;</p> <p>Statistics on staff location;</p> <p>Statistics on employees who identify as Indigenous</p>	Mandatory	97-106
17AG(4)(c)	Part 6, 7	Information on any enterprise agreements, individual flexibility arrangements, Australian Workplace Agreements, common law contracts and	Mandatory	62, 106-107

PGPA rule reference	Part of report	Description	Requirement	Page
		determinations under s 24(1) of the <i>Public Service Act 1999</i>		
17AG(4)(c)(i)	-Section 6	Information on the number of SES and non-SES employees covered by agreements identified in paragraph 17AG(4)(c)	Mandatory	106
17AG(4)(c)(ii)	-Section 7	The salary ranges available for APS employees by classification level	Mandatory	107
17AG(4)(c)(iii)	-Section 6	A description of non-salary benefits provided to employees	Mandatory	62, 94-95
17AG(4)(d)(i)	-	Information on the number of employees at each classification level who received performance pay	If applicable, Mandatory	Nil to report
17AG(4)(d)(ii)	-	Information on aggregate amounts of performance pay at each classification level	If applicable, Mandatory	Nil to report
17AG(4)(d)(iii)	-	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)	-	Information on aggregate amount of performance payments	If applicable, Mandatory	Nil to report
	Assets management	Assets management		
17AG(5)	Part 6		If applicable, Mandatory	64
	Purchasing	Purchasing		
ps	Part 6		Mandatory	63
	Consultants	Consultants		
17AG(7)(a)	Part 6		Mandatory	64
17AG(7)(b)	Part 6	A statement that <i>'During 2020–21, 7 new reportable</i>	Mandatory	64

PGPA rule reference	Part of report	Description	Requirement	Page
		<i>consultancy contracts were entered into involving total actual expenditure of \$285,210. In addition, 3 ongoing reportable consultancy contract were active during the period, involving total actual expenditure of \$46,805'.</i>		
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	64
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	64
Reportable non consultancy contracts				
17AG(7A)(a)		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	Mandatory	65

PGPA rule reference	Part of report	Description	Requirement	Page
		during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST).		
17AG(7A)(b)		A statement that <i>“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.”</i>	Mandatory	65
<i>17AD(daa)</i>	<i>Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts</i>			
17AGA		Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts.	Mandatory	65
	Australian National Audit Office access clauses	Australian National Audit Office access clauses		
17AG(8)	-		If applicable, mandatory	NA
	Exempt contracts	Exempt contracts		
17AG(9)	-		If applicable, mandatory	NA
	Small business	Small business		
17AG(10)(a)	Part 6		Mandatory	63
17AG(10)(b)	Part 6	An outline of the ways in which the procurement practices of the entity support small and medium enterprises	Mandatory	63

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
	Financial statements	Financial statements		
17AD(e)	Part 7		Mandatory	69-92
	Executive remuneration	Executive remuneration		
17AD(da)	Part 7		Mandatory	95-96
17AD(f)	Other mandatory information	Other mandatory information		
17AH(1)(a)(i)	-		If applicable, mandatory	NA
17AH(1)(a)(ii)	Part 6	If the entity did conduct advertising campaigns, a statement to that effect	If applicable, mandatory	65
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

PGPA rule reference	Part of report	Description	Requirement	Page
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	93
17AH(1)(e)	Part 7	Correction of material errors in previous annual report	If applicable, mandatory	112
17AH(2)	Part 3, 4, 6, 7	Information required by other legislation	Mandatory	36, 61

Index

- A
- abbreviations, 130–132
 - Aboriginal and Torres Strait Islander people, 10, 52, 62
 - abuse in Australian Defence Force, 9, 12, 26, 29, 43, 44–47
 - acceptance of gifts and hospitality, 58
 - accessibility of web content, 58
 - accountability *see* management and accountability
 - Accountable Authority, 15, 21, 71
 - review by, 9–11
 - Accountable Authority instructions, 59, 63
 - ACLEI (Australian Commission for Law Enforcement Integrity), oversight of, 10
 - ACT Aboriginal and Torres Strait Islander community, 10
 - ACT Legislative Assembly, 14
 - ACT Ombudsman, 11, 13, 14
 - ACT Ombudsman Annual Report 2020-21*, 13
 - ACT Policing arm of the Australian Federal Police (AFP), 10
 - Adequacy of record keeping, case study, 40
 - ADF *see* Australian Defence Force (ADF)
 - advertising campaigns, 65
 - advice and recommendations, timeliness of, 28, 30
 - AFP *see* Australian Federal Police (AFP)
 - agencies
 - acceptance of recommendations, 10, 26, 29, 47
 - authorised officers for PID Scheme, 38
 - complaints about handling of PIDs, 39
 - not receiving PIDs, 119–121
 - outcomes and actions following PID investigations, 36, 122–127
 - oversight of, 12, 26
 - PID-related information and training for employees, 37, 42
 - reporting four or fewer PIDs, 117–119
 - and reprisal, 39
 - satisfaction with OCO, 10, 26–27, 29–30
 - service delivery agencies, 9, 37
 - see also* complaints; Public Interest Disclosure (PID) Scheme
 - aid arrangements, 15, 24, 27, 30
 - Airservices Australia, disclosures assessed, 115
 - ANAO (Australian National Audit Office), 69–70
 - Andersen, Symone, 20
 - Anderson, Therese, 71
 - annual performance statement *see* performance report
 - anti-discrimination legislation, 61
 - APS Code of Conduct, 33, 36, 58, 59
 - APS Ethics Advisory Service, 58, 59
 - APS State of the Service reports, 66
 - APS Statistical Bulletin, 66
 - APS Values, 58, 59
 - APS website, disability reporting on, 66
 - asset management, 65
 - assets, financial reporting, 31–32
 - assistive technology for people with disability, 10
 - Attorney-General, 4
 - Attorney-General, Assistant Minister to, 4
 - Attorney-General's Department
 - consultation with relating to PID Act reform, 42
 - Audit and Risk Committee, 55–57
 - Audit and Risk Committee charter, 56
 - Auditor's Report, ANAO, 69–70
 - AusTender website, 63, 64, 65
 - Australia Post
 - complaints about, 9, 12, 47, 113
 - disclosures assessed, 113
 - Australian Aid arrangements, 15, 24, 27, 30
 - Australian Commission for Law Enforcement Integrity (ACLEI), oversight of, 10
 - Australian Defence Force (ADF)
 - abuse in, 9, 12, 26, 29, 43, 44–47
 - behavioural training, 10
 - complaints by members of, 12
 - legislation, 36
 - reparation payments, 9, 26, 29, 46, 65
 - Australian Federal Police (AFP)
 - ACT Policing arm of, 10
 - engagement with ACT Aboriginal and Torres Strait Islander community, 10
 - oversight of, 10
 - Australian Information Commissioner, 59–60
 - Australian National Audit Office (ANAO), 69–70
 - Australian Postal Corporation *see* Australia Post
 - Australian Public Service *see* APS
 - Australian Skills Quality Authority (ASQA), 50, 53
 - Australian Taxation Office, 12, 53
 - disclosures assessed, 114
 - Australian Workplace Agreements, 62
 - authorised officers for PID Scheme, 38
- B
- Bongi, Alfred, 56
 - breaches of privacy, complaints about, 60
 - breaches of the code of conduct, 59
 - bullying and harassment in the workplace, 58
 - business planning process, 58
 - business resilience, 58
- C
- capacity building programs, 15, 27
 - case studies, 40
 - Cash, Hon. Michaelia, 4
 - Cheque-Mates, 47
 - Chief Financial Officer, 71
 - Chief Operating Officer, 15, 17
 - classification levels, staff, 99–104
 - Code of Conduct, 33, 36, 58, 59
 - Code of Practice, VET Student Loans, 53
 - Collett, Lisa, 17
 - Comcare, disclosures assessed, 117
 - Comcover Risk Management Benchmarking Survey, 58

committee structure, OCO, 55–58
 common law contracts, 62
 Commonwealth Contracting Suite, 63
 Commonwealth Fraud Control Framework 2017, 59
 Commonwealth Ombudsman, 15, 16
 as ACT Ombudsman, 11, 13, 14
 making a complaint to, 6
 review by, 9–11
 role as NPM Coordinator, 11
 specific functions and powers, 12–13, 43–54
 see also Office of the Commonwealth Ombudsman
 Commonwealth Ombudsman, Acting, 4, 11, 21
 Commonwealth Performance Framework, 55
 Commonwealth Procurement Rules, 63, 64
 Commonwealth service delivery agencies, 9, 37
 Communication of PID threshold, case study, 40
 complaint handling service, quality of, 14, 25
 complaint handling systems, improvement of, 14
 complaints
 about Australia Post and private postal operators, 9, 12, 47, 113
 about breaches of privacy, 60
 about Defence agencies, 12, 43–44
 about Department of Home Affairs, 9
 about Department of Veterans' Affairs, 43, 44
 about education providers, 9, 12, 13, 47–50, 51–54
 about handling of PIDs, 39
 about industry jurisdictions, 9, 14
 about National Disability Insurance Agency, 9
 about private health insurance, 9, 13, 50–51
 about public service, 9
 about Services Australia, 9
 about VET sector, 9, 13, 49–50, 51–53
 by international students, 13, 47–50
 by members of ADF, 12
 education sectors represented in, 49–50
 effect of COVID on resolution of, 24
 IGIS investigations and complaints, 41–42
 making a complaint to Commonwealth Ombudsman, 6
 management of, 12, 25, 28–29
 volumes of, 9
 compliance index, 135–144
 compliance reporting, 65
 conflict of interest, 59
 consultancy services, 63–65
 consumer information, 14
 contact details for annual report, 3, 6
 contacts, external, 9, 67–68
 contracts, 64–65
 corporate governance, 55–58
 practices, 58–59
 Corporate Plan 2020–21, 22, 24, 55, 61
 corrections to 2019–20 Annual Report, 112
 corruption *see* fraud control
 corruption bodies, 10
 Cotterill, Emma, 19
 court and tribunal decisions, 59
 covert and intrusive powers, 9–10, 12
 COVID pandemic
 effect on OCO performance, 24
 impact on Australian Aid arrangements, 30
 impact on industry stakeholder engagement, 50
 impact on international students, 48–50
 impact on postal services, 47
 impact on Restorative Engagement Conferences, 46–47
 impact on the work of the Office, 9, 24, 61–62
 International Ombudsman Institute conference held virtually, 10
 PID forums held virtually, 42
 virtual delivery of training courses, 27, 42, 61
 customer satisfaction surveys, 10, 25, 26–27, 29–30

D
 D and D Mailing Services, 47
 debts
 inappropriate debts raised by VET providers, 9, 51
 Services Australia remediation of, 10
 Defence agencies *see* Department of Defence
 Defence Force Ombudsman (DFO), 12
 Abuse in Defence reporting function, 44–46
 complaints function, 43
 complaints overview, 43–44
 Defence inquiries and reports, 46, 47
 reparation payments, 9, 26, 29, 46, 65
 Restorative Engagement Program, 46–47
 Defence Force Retirement and Death Benefits Scheme (DFRDB), 10
 Defence Housing Australia (DHA), complaints about, 43
 Department of Agriculture, Water and the Environment
 disclosures assessed, 115
 Department of Defence
 abuse in, 9, 12, 26, 29, 43, 44–47
 disclosures assessed, 113
 reparation payments, 9, 26, 29, 46, 65
 see also Australian Defence Force (ADF); Defence Force Ombudsman (DFO)
 Department of Education, Skills and Employment (DESE)
 disclosures assessed, 116
 and outreach activities, 52
 stakeholder engagement, 50, 53
 VET FEE-HELP re-credits, 29, 52
 Department of Finance
 and small business participation statistics, 63
 Department of Foreign Affairs and Trade
 and Australian Aid arrangements, 27
 Department of Health
 disclosures assessed, 114
 Department of Home Affairs
 complaints about, 9
 disclosures assessed, 117
 stakeholder engagement, 50
 Department of Industry, Science, Energy and Resources
 disclosures assessed, 116
 Department of Social Services
 disability reports on website of, 66
 Department of Veterans' Affairs (DVA), complaints about, 43, 44
 Deputy Ombudsman, 15, 17

detention facilities, immigration
 conditions and management of, 10
 independent oversight of, 10–11, 12
DFO (Defence Force Ombudsman) *see* Defence Force
 Ombudsman (DFO)
DFRDB (Defence Force Retirement and Death Benefits
 Scheme), 10
disability, people with, 10, 62, 66
disability reporting, 66
Disability Strategy, 66
disclosable conduct, definition of, 33
 see also Public Interest Disclosure (PID) Scheme
disclosers and disclosures *see* Public Interest Disclosure
 (PID) Scheme
discrimination, bullying and harassment in the workplace,
 58
diversity and inclusion in the workforce, 62
Diversity and Inclusion Strategy, 62

E

ecologically sustainable development, 111
education services providers, 9, 12, 13, 47–50, 51–54
educational events, feedback, 27
electronic surveillance arrangements, 11
Emergency Contact Officers, 62
Employee Performance Development Agreements, 59
employees *see* staff
employment arrangements, 62, 94–95, 106–107
Employment Principles, 59
energy consumption, office, 111
enquiries about annual report, 3, 6
enterprise agreement 2017-20, 62, 94–95, 106–107
entity resources statement, 109–110
Environment Protection and Biodiversity Act 1999, 111
environmental performance, 111
ethical standards, 58–59
Ethics Advisory Service (APS), 58, 59
evidence of an offence, 36
executive and senior management structure, 15–20, 55
 remuneration for senior executives, 95–96
 term for senior executives, 94
exempt contracts, 65
expenses, financial reporting, 31
external contacts, 67–68
external scrutiny, 59–60

F

FedEx Australia, 47
Financial Counselling Australia National Conference 2021,
 52
financial report, 31–32, 109–110
financial statements, 69–92
 auditor's report, 69–70
Fintan, David, 18
flexibility arrangements, 62, 94–95
FOI decisions made by Ombudsman, reviews of, 60
Fraud and Corruption Control Plan 2020-22, 59
fraud control, 59

fraud matters investigated, 36, 59
Freedom of Information Act 1982, 59, 93
full-time employees, 103

G

gender of staff, 97–102
gifts and hospitality, acceptance of, 58
glossary, 128–129
governance *see* corporate governance
government agencies *see* agencies
government entities, integrity of, 14
grant programs, 63
guide to annual report, 5

H

harassment and bullying in the workplace, 58
health insurers, private, 12
human resources management, 61–63, 94–108
 diversity and inclusion, 62
 employment arrangements, 62, 94–95, 106–107
 our people, 61
 remuneration policy and practices, 94–95
 work health and safety, 61–62
 workforce profile, 63, 97–108
 see also staff

I

IGIS (Inspector-General of Intelligence and Security), 33
IGIS investigations and complaints, 41–42
immigration detention facilities, 10–11, 12
inclusion and diversity in the workforce, 62
income, financial reporting, 31
income support debts, 10
Independent Auditor's Report, 69–70
Independent Tertiary Education Council Australia (ITECA),
 53
Indigenous businesses, 63
Indigenous employment, 106
Indonesia, collaboration with, 14
Induction Handbook for new starters, 59
industry jurisdictions
 complaints about, 9, 14
 public awareness of OCO role in, 26
 stakeholder engagement, 50
Information and Technology Governance Committee
 (ITGC), 57
Information Publication Scheme (IPS), 93
inquiries
 Defence inquiries and reports, 46, 47
 Parliamentary Committees and inquiries, 10, 28
Inspector-General of Intelligence and Security Act 1986, 41
Inspector-General of Intelligence and Security (IGIS), 33
 disclosures assessed by Office of the IGIS, 115
integrity
 of the Commonwealth public sector, 33
 of government entities and prescribed private sector
 organisations, 14
intelligence agencies, 12, 33, 41–42

International Ombudsman Institute conference, 10
international partners, 15, 24, 27, 30
International students *see* Overseas Students Ombudsman (OSO)
intrusive and covert powers, 9–10, 12
investigations under PID Scheme, 34–37, 41–42
ISANA International Education Association, 50

J
judicial decisions, 59

K
key performance indicators *see* performance report

L
Laurie, William, 56
law, contravention of, 33
law enforcement oversight and reforms, 9–11
Learning and Development Strategy 2021-23, 61
Learning Management System (Learnhub), 61
letter of transmittal, 4
liabilities, financial reporting, 32
list of requirements, 135–144
location of employees, 105

M
Macleod, Louise, 19–20
management and accountability, 55–66
Manthorpe, Michael, 11, 15, 16
McKay, Penny, 4, 11, 17, 21, 57, 71
Minister for Energy and Emissions Reduction
allegations relating to, 10
Moss Review, Government Response to, 42

N
NAIDOC week, 62
National Disability Insurance Agency
complaints about, 9
National Disability Insurance Scheme
requests for assistive technology by participants in, 10
National Disability Strategy 2010-2020, 66
National Museum of Australia, disclosures assessed, 117
National Offshore Petroleum Safety and Environmental
Management Authority, disclosures assessed, 116
National Preventive Mechanisms (NPMs), 10–11, 12
NBN Co, disclosures assessed, 114
New Zealand Information Commissioner, 10
New Zealand Ombudsman, 10
non-compliance with finance law, 65
non-corporate government entity, 12
non-ongoing employees, 97, 98, 100, 102
non-salary benefits, 62, 94–95
non-Senior Executive Staff (SES) employees
employment arrangements, 62, 94
notifiable incidents, 62
NPM Coordinator, 11, 12

NPMs (National Preventive Mechanisms), 10–11, 12

O
objectives, performance framework, 14–15, 22–23
OCO *see* Office of the Commonwealth Ombudsman
Office of the Australian Information Commissioner, 59–60
Office of the Commonwealth Ombudsman
Accountable Authority, 15, 21, 71
corporate governance, 55–59
disclosures assessed, 113–114
financial report, 31–32
organisational structure, 15–20
outcome, 14–15, 22–23, 110
overview of, 12–20
purpose, 12, 14–15, 23, 24
responsiveness to the public, 25
roles and functions, 12–14
see also performance report
Office of the Inspector-General of Intelligence and Security
disclosures assessed, 115
Ombudsman *see* ACT Ombudsman; Commonwealth Ombudsman
Ombudsman Act 1976, 12
annual reporting requirements under the Act, 43
Ombudsman Regulations 2017, 46
Ombudsman Western Australia (WA), 52
ongoing employees, 97, 98, 99, 101
OPCAT (Optional Protocol to the Convention Against Torture and other cruel, inhuman or degrading treatment or punishment), 10–11, 12
organisational structure, 15–20
outcome, 14–15, 22–23, 110
outreach activities, VET FEE-HELP, 52
Overseas Students Ombudsman (OSO), 13
complaint function, 47–48
complaint overview, 48–50
reports to the regulators, 50
stakeholder engagement, 50
oversight activities, 9–11, 12, 26
own motion investigations, 9–10, 55

P
Pacific Region, collaboration with, 14
paper use reduction, office, 111
parliament, confidence of, 14, 28
Parliamentary Committees and inquiries, 10, 28
part-time employees, 103, 104
people with disability, 10, 62, 66
performance pay, 62, 108
performance report, 21–32
analysis against Portfolio Budget Statement Outcome, 22–23
criteria, 14–15, 22–23, 24
financial report, 31
objectives, 14–15, 22–23
results, 24, 25–31
statement of preparation, 21
targets and measures, 15, 22–23, 24

PGPA Rule s17 (Audit Committee for Commonwealth entities), 55

PID Scheme *see* Public Interest Disclosure (PID) Scheme

police, referrals to, 36, 39

Portfolio Budget Statements 2020-21, 22, 24

Postal Industry Ombudsman (PIO), 12, 47

postal operators, private, 12, 47

prescribed private sector organisations, 12, 14

Privacy Act 1988, 60

Privacy Commissioner, 60

Private Health Insurance Ombudsman (PHIO), 13

- complaints about private health insurance, 9, 13, 50–51
- private health insurers, 12

private health website, 25

private postal operators, 12, 47

private sector organisations, 12, 14

procurement, 63

Protective Security Governance Committee, 57

providers of education services, 9, 12, 13, 47–50, 51–54

public administration

- improvement of, 14, 25, 26
- public awareness of OCO role in, 26
- systemic issues in, 10

public contacts, 67–68

Public Governance, Performance and Accountability Act 2013, 4, 21, 36, 42, 55

Public Governance, Performance and Accountability Rule 2014, 4

Public Interest Disclosure Act 2013, 33, 113

Public Interest Disclosure (PID) Scheme

- agencies not receiving PIDs, 119–121
- authorised officers, 38
- awareness raising and training, 37
- case studies, 40
- complaints, 39
- e-learning module, 42
- elements of the scheme, 33–35
- IGIS investigations and complaints, 41–42
- investigation outcomes, 34–37
- number of disclosures, 113–119
- Ombudsman investigations, 41, 122–127
- oversight of, 12
- protections under, 33
- reprisal, 39
- timeliness of investigations, 38–39
- users of, 37

public reports, 14, 28, 29, 30

Public Service Act 1999, 15, 36, 42, 62, 94

public service complaints, 9

publications *see* websites

purchasing, 63

purpose statement, 12, 14, 23

R

reader's guide to annual report, 5

recommendations to agencies and organisations

- acceptance of, 10, 26, 29, 47
- actions taken in response to, 122–127
- timeliness of, 28, 30

recruitment initiatives, 62

referrals for further investigation, 36, 37

remediation of debts by Services Australia, 10

remuneration

- policy and practices, 94–95
- salary range by classification, 107
- senior Executive Service (SES) staff, 94
- senior executives, 95–96

Remuneration Tribunal, 94

Remuneration Tribunal Act 1973, 94

reparation payments, 9, 26, 29, 46, 65

reports, public, 14, 28, 29, 30

reprisal, 39

resources statement, 109–110

Restorative Engagement Conference., 46–47

Restorative Engagement Program, 46–47

review by Ombudsman, 9–11

reviews of FOI decisions made by Ombudsman, 60

Richardson Review of the National Intelligence Community, 11

risk management, 58

Risk Management Policy and Framework (RMPF), 58

roles and functions, 12–14

S

s 24(1) of the *Public Service Act 1999*, 62, 94

Safety Rehabilitation and Compensation Act 1988, 61

salary range by classification, 107

satisfaction surveys, 10, 25, 26–27, 29–30

scrutiny, external, 59–60

Senate Defence, Foreign Affairs and Trade Committee

- administration of DFRDB Scheme, 10

Senior Assistant Ombudsman employees, 15, 18, 19, 20

Senior Executive Service (SES) staff, 15, 94

Senior Executives *see* executive and senior management structure

Senior Leadership Group (SLG), 15–20, 55

- see also* executive and senior management structure

service delivery agencies, 9, 37

Services Australia

- complaints about, 9
- disclosures assessed, 116
- remediation of debts by, 10
- stakeholder engagement, 53

sexual assault *see* abuse in Australian Defence Force SIA (Secretary Initiated Action), DESE, 29, 52

small business participation in procurement, 63

staff

- diversity and inclusion, 62
- employment arrangements, 62, 94–95, 106–107
- fraud training, 59
- learning and development initiatives, 61
- mental health and wellbeing of, 29, 61
- non-salary benefits, 62, 94–95
- profile, 63, 97–108
- remuneration, 94–95
- salary range by classification, 107

stakeholder engagement, 50, 53

StarTrack, 47

State, Territory and New Zealand Information Commissioners, 10

State, Territory and New Zealand Ombudsmen institutions, 10

State of the Service reports (APS), 66

Statement by the Accountable Authority and Chief Financial Officer, 71

Statistical Bulletin (APS), 66

statutory exclusions to jurisdiction, 12

statutory officers, 15

Stoker, Hon. Amanda, 4

Stone, Joanna, 57

Strategic Policy Board (SPB), 55

Strategic Workforce Plan, 61

student loans *see* VET Student Loans Ombudsman

Student Redress Measures, VET FEE-HELP, 51–52

students

- affected by COVID pandemic, 48–50
- Code of Practice, student loans, 53
- debts, 9, 51
- see also* complaints; Overseas Students Ombudsman (OSO); VET FEE-HELP; VET Student Loans Ombudsman (VSLO)

Supply Nation website, 63

surveys, customer satisfaction, 10, 25, 26–27, 29–30

systemic issues in public administration, 10

T

TAFE Directors Australia, 53

targets and measures, performance, 15, 22–23, 24

Taylor, Hon. Angus

- allegations relating to, 10

Taylor, Julia, 18

telecommunications data, access to, 9–10

timeliness

- of advice and recommendations, 28, 30
- of investigations under PID Scheme, 38–39

training

- ADF behavioural training, 10
- fraud training for staff, 59
- PID-related information and training for agencies, 37, 42
- virtual delivery of training courses, 27, 42, 61

tribunal decisions, 59

Tuition Protection Service, 50

U

‘unreasonable conduct’, 28–29

users of PID Scheme, 37

V

Values (APS), 58, 59

VET FEE-HELP

- complaints about, 9, 53
- outreach activities, 52
- re-credits, 29, 51, 52
- student redress measures, 51–52

VET providers, 9, 51

see also education services providers

VET Student Loans Ombudsman (VSLO), 13, 51–54

- complaint function, 51
- stakeholder engagement, 53
- Student Loans Code of Practice, 53

VET Student Loans program, 53

VET (Vocational Education and Training) sector

- complaints about, 9, 13, 49–50, 51–53

Vonthethoff, Rebecca, 19

W

waste management, office, 111

websites

- accessibility of web content, 58
- AusTender, 63, 65
- Australian Public Service Commission, 66
- Department of Finance, 63
- Department of Social Services, 66
- OCO advertising campaign, 65
- OCO Audit and Risk Committee charter, 56
- OCO Information Publication Scheme, 93
- OCO published reports, 14, 28, 29, 48, 50, 54
- OCO website, 6, 26, 58
- privatehealth.gov.au, 13, 25
- Supply Nation, 63

whistle-blowers, 33

Work Health and Safety Act 2011, 57, 61

Work Health and Safety Committee (WHSC), 57

workforce diversity and inclusion, 62

workforce employment arrangements, 62, 94–95, 106–107

workforce profile, 63

workplace discrimination, bullying and harassment, 58

workplace health and safety, 61–62

Workplace Health and Safety legislation, 36, 61

Workplace Relations Committee (WRC), 57

wrong doing in the Commonwealth public sector, 33

Y

year ahead, 10–11, 30

