



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Brendan Smyth MLA (Chair), Mary Porter AM MLA (Deputy Chair), Nicole Lawder MLA,
Meegan Fitzharris MLA

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Inquiry into 2013–14 Annual reports

ACT Ombudsman

Responses to questions taken on notice at public hearing of 11 November 2014



QTON # 1 - 11 NOV 14
ACT Ombudsman

**ANSWER TO QUESTION TAKEN ON NOTICE
DURING PUBLIC HEARINGS**

Asked by Mr JEREMY HANSON on 11 November 2014: Mr LEE WALSH took on notice the following question(s):

In relation to: Complaints about ACT Policing

MR HANSON: I suppose I am trying to get the nature, if there are any specific issues to do with the use of capsicum spray, use of force and generally allegations of corruption? For example, I have a particular interest in tasers. I am trying to find out if there are complaints made about use of tasers, and if so how many. Do you have that breakdown in terms of what the specific complaints were, an understanding of—

Mr Lee Walsh: I do not have that information with me on that level of breakdown.

MR HANSON: Is that possible to provide?

Mr Lee Walsh: It is possible to provide.

MR HANSON: Really it is just a summary, I suppose, if it was about capsicum spray or use of a baton or about corruption. There might be, say, five about capsicum spray, six against this—

Mr Lee Walsh: To the extent that we have that detail available, I will certainly—

Ref: Hansard Transcript – 11 November 2014 p 177

Mr LEE WALSH: The answer to the Member's question is as follows:—

Where our office forms the view that a complaint about the AFP contains allegations of corruption, the Ombudsman Act provides for our office to refer the matter to the Australian Commission for Law Enforcement Integrity.

For complaints closed in 2013-14, please refer to the following table. Please note that the issues recorded are based on the allegation being made in the complaint, not the outcome of an investigation.

| Complaint issues # | Cat 1* | Cat 2* | Cat 3~ | Cat 4~ | Total |
|--|-----------|-----------|-----------|----------|------------|
| Breach of AFP Code of Conduct | 1 | 3 | | | 4 |
| Customer service (1) | 7 | 11 | 3 | | 21 |
| Employment matters | | 1 | | | 1 |
| Freedom of Information access | 1 | 2 | | | 3 |
| Inappropriate action (2) | 16 | 13 | 5 | 2 | 36 |
| Minor misconduct | 1 | 5 | | 2 | 8 |
| Out of Ombudsman jurisdiction | 5 | 4 | | | 9 |
| Performance | 5 | 1 | | | 6 |
| Policies, procedures, routine business | 2 | | 1 | | 3 |
| Serious misconduct (3) | 2 | 1 | 2 | | 5 |
| Use of force (4) | 2 | 1 | 2 | | 5 |
| Total number complaint issues # | 42 | 42 | 13 | 4 | 101 |
| Number of closed complaints | 41 | 42 | 9 | 2 | 94 |

a complaint can have more than one complaint issue recorded against it

* Category 1 & 2 – complaint closed without contacting the agency, not investigated

~ Category 3 & 4 – complaint where an investigation undertaken involving contact with agency

Further breakdown of some complaint issues –

1. There were no complaints relating the use of conducted energy weapons (tasers), capsicum spray, batons or firearms by ACT Police
2. Customer service complaint issues included:
 - discourtesy (3)
 - failure to provide appropriate advice (6)
 - inadequate service (12)
3. Inappropriate action complaint issues included:
 - inadequate investigation (17)
 - failure to act (14)
 - excessive delay (1), information misuse (2), search warrant process(1) and warrant dispute (1)
4. Serious misconduct complaints issues related to:
 - intimidation (2)
 - neglect of duty (2)
 - forgery (1)
5. Use of force complaints issues related to:
 - allegations of assault/injury caused by AFP officers during:
 - a recorded interview
 - an arrest and later while the complainant in detention
 - while the complainant was being restrained

Approved for circulation to the Standing Committee on Public Accounts

Signature:



Date:

21/11/14

By Senior Assistant Ombudsman, Mr RODNEY LEE WALSH



QTON # 2 - 11 Nov 14
ACT ombudsman

**ANSWER TO QUESTION TAKEN ON NOTICE
DURING PUBLIC HEARINGS**

Asked by Mr JEREMY HANSON on 11 November 2014: Mr LEE WALSH took on notice the following question(s):

In relation to: Complaints about use of tasers

MR HANSON: ...Some you might not be able to break down. I am particularly interested in the issue of tasers and whether the police use of tasers has led to complaints from the public that you have come across.

Ref: Hansard Transcript – 11 November 2014 p 177

Mr LEE WALSH: The answer to the Member's question is as follows:-

Mr Lee Walsh: Mr Hanson, I could probably partly answer your taser question—if that is possible, Mr Chair?

THE CHAIR: Yes, certainly.

Mr Lee Walsh: On these conductive energy weapons, we have not received any complaints of inappropriate use of CEWs by ACT Policing in the last two financial years. There is a mechanism that we can use to watch complaints that might come up in this way, and that is through the Australian Federal Police Act 1979. We have a statutory review function in the Ombudsman's office that is conducted under part V of that AFP Act.

Ref: Hansard Transcript – 11 November 2014 p 187

Approved for circulation to the Standing Committee on Public Accounts

Signature:

Date:

24/11/14

By the Senior Assistant Ombudsman, Mr RODNEY LEE WALSH



QTOW #3 - 11 Nov 14
ACT Ombudsman

**ANSWER TO QUESTION TAKEN ON NOTICE
DURING PUBLIC HEARINGS**

Asked by Ms NICOLE LAWDER on 11 November 2014: Mr LEE WALSH took on notice the following question(s):

In relation to: ACT Ombudsman annual report 2012-13 report, p 20

MS LAWDER: I note that last year the staff at the Ombudsman's office attended a forum "Has the model of a human rights prison worked in the ACT?" I think it was in March 2013. Did you have any input into that forum? Did you provide any discussion or views about how has it worked in the ACT?

Ref: Hansard Transcript – 11 November 2014 p 181

Mr LEE WALSH: The answer to the Member's question is as follows:–

The forum was a panel discussion convened by the Prisoners' Advocacy Group. The Ombudsman's office was invited to attend. An officer attended, but was not on the panel. The officer observed the panel and did not make any comment or contribution during the forum.

Approved for circulation to the Standing Committee on Public Accounts

Signature:

Date:

21/11/14

By the Senior Assistant Ombudsman, Mr RODNEY LEE WALSH