



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 2014–15 Annual reports

ACT Ombudsman

Responses to questions taken on notice at public hearing of 5 November 2015

Our ref: fAa45135

23 November 2015

The Chair
Mr Brendan Smyth MLA
Standing Committee on Public Accounts
Legislative Assembly for the ACT
GPO Box 1020
Canberra, ACT 2601

Dear Chair

Questions taken on notice - Public Accounts Committee on Annual Reports 2014-2015

Please find enclosed responses to two questions taken on notice during my appearance before you on 5 November 2015. I trust that this answers the questions in sufficient detail.

If you have any inquiries please contact me on 02 6767 0149. You are also welcome to speak with my contact officer, Simon Passlow on 02 6276 3709 or simon.passlow@ombudsman.gov.au.

Yours Sincerely



Colin Neave
ACT Ombudsman

cc by email. Kate Harkins, Secretary



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Inquiry into referred 2014–15 Annual and Financial Reports ANSWER TO QUESTION NOTICE ON NOTICE 5 November 2015

Asked by The Chair: Mr Neave took on notice the following question:

THE CHAIR: Let us go to ACT policing, 125 complaints were received. Is there a breakdown on what the nature of those complaints were? Because the majority you did not investigate.

Ref: Hansard Transcript - 5 November 2015, p 165

Mr NEAVE: The answer to the Chair's question is as follows:—

The Ombudsman received 125 complaints from 114 individuals. Of these;

- 44% alleged insufficient action by ACT Policing, including:
 - delays in customer service and information about Freedom of Information
 - seeking investigation or attendance on individual matters.
- 38% alleged inappropriate action by ACT Policing, including:
 - alleged mistreatment or harassment by police
 - alleged wrongful action.
- 18% were other matters, including
 - matters that were out of jurisdiction for the Ombudsman
 - were employment related
 - circumstances otherwise not clear.

Of the matters not investigated (111):

- 56% were referred to AFP's Professional Standards as the matter had not yet been raised there
- 17% were out of jurisdiction, most referred elsewhere
- 14% withdrawn or other reason for closure
- 13% discretion was exercised, including 'not warranted' and the matter being before the courts.

Approved for circulation to the Standing Committee on Public Accounts

Signature: 

Date: 23/11/15

By the ACT Ombudsman, Mr Colin NEAVE



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Inquiry into referred 2014–15 Annual and Financial Reports ANSWER TO QUESTION NOTICE ON NOTICE 5 November 2015

Asked by The Chair on 5 November 2015: Mr Neave took on notice the following question:

THE CHAIR: All right and then the second one [line of Table 1, p4 of the *ACT Ombudsman Annual Report 2014-15*], the decision changed or reconsidered. How many were changed? I mean, if you have appealed something surely they are all reconsidered, so how many were actually changed?

Ref: Hansard Transcript - 5 November 2015, p 166

Mr NEAVE: The answer to the Chair's question is as follows:—

This remedy is 'decision changed or agency undertook to reconsider'. It includes where agencies undertake action they may not previously considered.

The 24 remedies related to 17 separate cases. The same remedy can apply to different issues in a single case.

In 50% of cases the decision was changed. In 33 % of cases the agency undertook to reconsider its action. In 17% of cases there was some other form of change in action.

These remedies had occurred; prior to Ombudsman contact with the agency (30%); at the agency's initiative during the course of an Ombudsman investigation (50%); and following suggestion by the Ombudsman (20%).

Approved for circulation to the Standing Committee on Public Accounts

Signature:

A handwritten signature in blue ink, appearing to read "Colin Neave".

Date: 23/11/15

By the ACT Ombudsman, Mr Colin NEAVE