

# The Victorian Ombudsman

Presentation to Wheelers Hill Combined  
Probus

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## Session overview

### Background

- Who is the Ombudsman and what is his role?
- The powers of the Ombudsman

### Complaints

- Complaint-handling process
- Ombudsman's powers
- Complaint Examples

### Questions?

Ask as we go or leave them until the end.

## The Ombudsman's role

### The role of the Ombudsman

The Ombudsman is:

- An independent statutory officer
- Independent of the government of the day
- Accountable to the people of Victoria through the Victorian Parliament
- Subject to oversight by the Victorian Inspectorate

## The role of the Ombudsman

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- 'Ombudsman' a modern indigenous Swedish, Danish and Norwegian term
- 10 year term
- The current Victorian Ombudsman is Mr George Brouwer

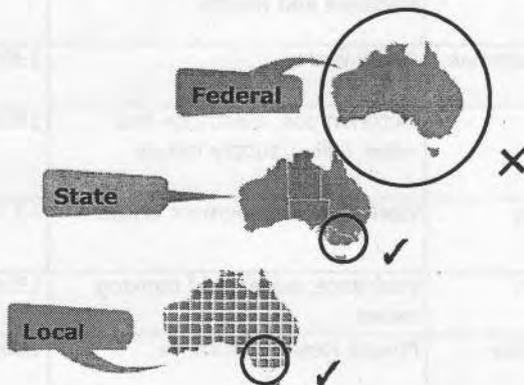


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## Jurisdiction

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### Three levels of government



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# Jurisdiction

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## Some examples of who the Ombudsman can and cannot investigate

Local Government	State Government	Universities And TAFE	Statutory Bodies	Federal Govt.	Private
✓	✓	✓	✓	✗	✗
Mildura City Council Whitehorse City Council Knox City Council City of Greater Geelong City of Greater Dandenong	Department of Education Department of Human Services Department of Justice Department of Health Corrections Victoria – (all public & private prisons)	RMIT Monash University Victoria University Swinburne University University of Melbourne	Vic Roads Transport Accident Commission (TAC) Consumer Affairs Victoria Victorian Workcover Authority (WorkSafe)	Centrelink Medicare Immigration Australia Post Child Support Agency	Corporations / Businesses Banks Telephone companies Electricity, gas or water companies Internet providers Insurance Companies Super 6

# Other Ombudsman Offices

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Telecommunications Industry Ombudsman	Telephone, mobile and internet issues	1800 062 058
Commonwealth Ombudsman	Federal departments such as Medicare and Health	1300 362 072
Postal Industry Ombudsman	Postal issues	1300 362 072
Energy and Water Ombudsman Victoria	Victorian gas, electricity and water billing/supply issues	1800 500 509
FairWork Ombudsman	Workplace employment issues	13 13 94
Financial Ombudsman Service	Insurance, super, and banking issues	1300 780 808
Private Health Insurance Ombudsman	Private Health Insurance	1800 640 695
Public Transport Ombudsman	Victorian public transport services	1800 466 865 <sub>7</sub>

## Others

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### Other complaint handling bodies:

Consumer Affairs Victoria	Office of Police Integrity (OPI)/ Independent Broad-based Anti- corruption Commission (IBAC)
Dispute Settlement Centre of Victoria	Privacy Victoria
Health Services Commissioner	Victorian Civil and Administrative Tribunal (VCAT)
Legal Aid Victoria	Victorian Equal Opportunity & Human Rights Commission (VEOHRC)
Legal Services Commissioner	

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## Some stats in 2012- 2013

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- In 2012-2013 there were 30235\* total approaches to the Ombudsman's office
- Of these, 14154\* were within the Ombudsman's jurisdiction
- Top 4 complaint submission types\*
  - Telephone (23567)
  - Online complaint form (3551)
  - Email (1571)
  - Letter (1293)

*\*subject to verification for publication in annual report*

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## The Ombudsman Act 1973

### Function of the Ombudsman

The principal function of the Ombudsman is to **independently** and **impartially** enquire in to or investigate the administrative actions taken by:

- Victorian government departments
- Public statutory bodies
- Staff of municipal councils

## Administrative Action

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- a) A decision or action
- b) Refusing or failing to make a decision or perform an act
- c) The formulation of a proposal or intention
- d) The making of a recommendation (including a recommendation made to a Minister).

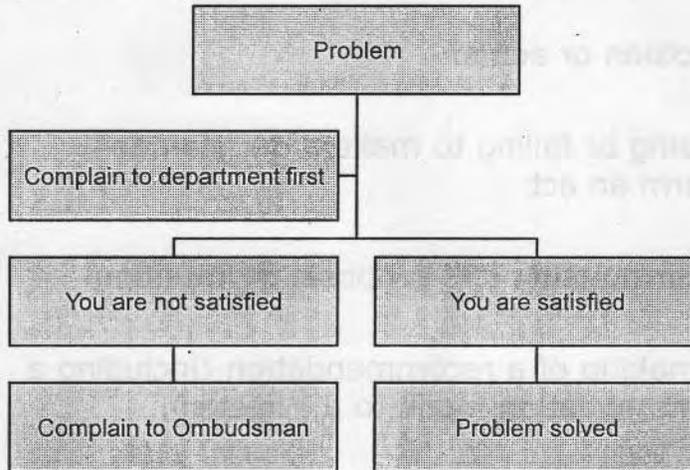
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# Complaints

## Complaint-handling process

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## How to complain

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### Phone call

- good way to start if you're not sure
- Most likely to be asked to write a letter

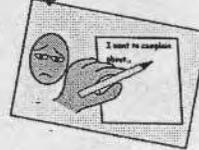
### Letter

- write to Ombudsman's office explaining what happened and what you want

### Online

- form on [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)
- email [ombudvic@ombudsman.vic.gov.au](mailto:ombudvic@ombudsman.vic.gov.au)

Or we can help put it in writing!



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Don't speak  
English?

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**Translators and Interpreters  
available**



**Call TIS (Translating & Interpreting Service) - 131 450**

- Ask to be put through to Ombudsman Victoria
- Only during business hours (9am-5pm Monday-Friday)

**On-site TIS (Translating & Interpreting Service) - 1300 655  
082**

**OR**

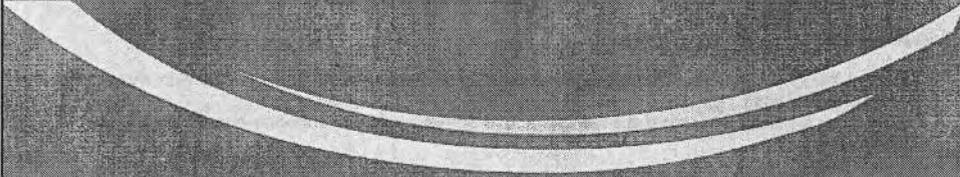
**Write in your own language**



- The letter will be translated into English
- Ombudsman's letters to a complainant will be translated into language

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Ombudsman's powers



## Ombudsman's powers

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1. Make enquiries
2. Conduct an investigation into a complaint or initiate an 'own motion' investigation

*Own motion investigations are often into systemic issues, or where a person cannot act on their own behalf.*

*Investigations carry formal powers, eg to:*

- Obtain information
- Summons witnesses
- Interview under oath
- Enter and inspect premises
- Copy documents
- Take action to prevent any obstruction of the investigation

3. Report to Agencies and Parliament

## Some Recent Parliamentary reports

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### October 2012

- Investigation into allegations concerning rail safety in the Melbourne Underground Rail Loop - Whistleblowers Protection Act 2001
- Investigation into allegations of improper conduct by CenITex officers - Whistleblowers Protection Act 2001
- Investigation into allegations of improper conduct involving Victoria Police - Whistleblowers Protection Act 2001
- Investigation into allegations against Mr Geoff Shaw MP - Whistleblowers Protection Act 2001
- Investigation into the temporary closure of Alfred Health's adult lung transplant program

### December 2012

- A section 25(2) report to Parliament on the proposed integrity system and its impact on the functions of the Ombudsman
- Own motion investigation into the governance and administration of the Victorian Building Commission

### May 2013

- Investigation into allegations of improper conduct by a Magistrates Court registrar

## Case Example One

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### Tripping Accident – Divided Responsibility

In July 2011, a woman tripped over a steel safety fence lying on the ground next to a bus stop outside Hallam Station, fracturing her left arm. The woman had to take four weeks off work and wished to be compensated for her loss of sick leave and medical expenses. She contacted the Department of Transport, VicTrack, Casey Council and Vic Roads but no one would take responsibility, instead referring her on to each other. By April 2012, in considerable frustration, she complained to the Ombudsman.

*(taken from Victorian Ombudsman Annual Report 2012 Part 1)*

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## Example one cont.

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Ombudsman Officers made enquiries over the following month to all of the parties involved and the officers were able to narrow responsibility down to MetLink as a contractor to the Department of Transport and VicRoads.

The Department of Transport agreed to discuss the matter direct with VicRoads to ascertain responsibility.

VicRoads then confirmed to the Ombudsman that it had clarified it had responsibility.

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## Case Example Two

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### Removal of caveat from title

A complainant purchased a property in 1994 at an executor's sale. It was not until 2009 that he became aware that a caveat remained on the title, which should have been removed following the death of the previous owner. The Registrar of Titles was prepared to remove the caveat but only on the provision of a death certificate. The Registrar of Births Deaths and Marriages however was not prepared to provide the complainant with a copy of the death certificate due to privacy reasons.

*(taken from Victorian Ombudsman Annual Report 2012 Part 1)*

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## Example two cont.

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An Ombudsman officer made enquiries with the Registry of Births Deaths and Marriages. The outcome was that they were willing to provide an abridged version of the death certificate which the complainant could then provide to the Titles Office.

The caveat was then removed.

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## Case Example Three

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### Moreland Council Rates

In August 2011, the Ombudsman received a complaint from a Moreland Council resident that her rates had been incorrectly charged since 1982. The council had recognised its error – in miscalculating her land value and size – however it refused to consider the period prior to 2007, or to refund her the rates charged during that period.

An Ombudsman officer made enquiries of the council.

*(taken from Victorian Ombudsman Annual Report 2012 Part 1)*

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## Example three cont.

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It was discovered that, in 2000 when the council introduced a new data system for land valuations, the land size data for her property had been converted incorrectly. Under legislation, the council had the discretion to make an adjustment in her favour where the rates had been charged because of an error on the council's part.

Following the enquiries, the council agreed to revalue the rates from 2000 based on the correction land building areas.

The complainant was reimbursed \$1,021 by the council.

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