

Ombudsman Tasmania

Annual Report 2018-19



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Letter to Parliament:

To:

The Honourable President of the Legislative Council

and

The Speaker of the House of Assembly

Pursuant to section 30 of the *Ombudsman Act 1978*, I present to the Parliament the annual report of the Ombudsman for 2018-2019.

Yours sincerely

Richard Connock
OMBUDSMAN

20 November 2019

About this Report

This report describes the functions and operations of Ombudsman Tasmania for the year ending 30 June 2019.

It is available in print or electronic viewing format to optimise accessibility and ease of navigation. It can also be made available in alternative formats to meet the needs of people with a disability. Requests should be directed to the Executive Officer at 1800 001 170 or ombudsman@ombudsman.tas.gov.au.

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From the Ombudsman

Ombudsman Tasmania continues to perform a wide range of functions and provide a diversity of services. I now have four principal jurisdictions in addition to that of the Parliamentary Ombudsman. I am also:

- the Health Complaints Commissioner;
- the Energy Ombudsman;
- the de facto Tasmanian Information and Privacy Commissioner; and
- the Tasmanian Custodial Inspector.

The *Custodial Inspector Act 2016* requires me as Inspector to report separately on the functions of and activities concerning that Office. The Custodial Inspector's Annual Report is available on the [Custodial Inspector website](#).

As Commissioner, I am also required by the *Health Complaints Act 1995* to report separately, and the Health Complaints Commissioner's Annual Report can be found on the [Health Complaints Commissioner's website](#). I am not, however, required to produce a separate report under the *Energy Ombudsman Act 1998* so include information about that jurisdiction in this report.

As well as fulfilling the responsibilities of the above roles, and by virtue of holding one or other of those offices, I am also:

- the Principal Mental Health Official Visitor and the Coordinator of the Prison Official Visitor Scheme;
- the inspection entity under the *Police Powers (Controlled Operations) Act 2006*, the *Police Powers (Surveillance Devices) Act 2006*, and the *Telecommunications (Interception) Tasmania Act 2006*;
- I have a reporting function concerning Tasmania Police's compliance with certain provisions of the *Misuse of Drugs Act 2001*¹; and
- I am required by s20F(1) of the *Police Offences Act 1935* to review the operation of Division III of that Act which contains provisions concerning consorting within four years of its commencement.

¹ My report under that Act forms part of this report, see page 27.

New Developments

Strategic Plan

As I reported in the last two years, we have been working on a Strategic Plan designed to promote the development of the office over a three year period commencing in July 2017. It contains a major goal to be achieved at the end of the three years, with thematic goals being set in place annually, aimed at facilitating the achievement of the major goal. Its purpose is to remind government and the public of the importance of the work we do across all jurisdictions by raising the profile of the office and drawing attention to the unique powers and functions we have. It is also intended to give us a greater sense of internal purpose as an organisation.

During the reporting year, it became apparent that in our attempts to implement the plan, we had become mired in the day to day business of the office and were losing sight of the loftier goals we hope to achieve. We decided to reengage with the outside facilitators who helped us to develop the initial plan and essentially start again. The intent is still to raise the profile of the office across all jurisdictions but the actions aimed at achieving this are beyond just managing the usual business of the office.

Staff Training

During the reporting year staff of all jurisdictions received training from Oranges Toolkit, in the form of an immersive two day workshop that aimed to provide skills to improve resilience and wellbeing. Over the course of the workshop, staff experimented with a range of practical strategies to find what worked best for them. Feedback following the training was universally positive.

We also held a half day workshop on decision and report writing conducted by former Chief Magistrate Michael Hill. This was well attended and well received.

In addition, two of our investigation officers attended an Investigation Symposium conducted by the Office of the New South Wales Ombudsman and the New South Wales Independent Commission Against Corruption in Sydney.

Staffing and Resources

I am very pleased to report that, after many years of under resourcing, in the budget handed down in May 2019 the Right to Information jurisdiction received recurrent funding of \$245,000.00. This means we are now able to recruit an additional 1.0 FTE Band 8 Principal Officer, an additional 1.0 FTE Band 4 Investigation and Review Officer and to retain the existing Band 6 Senior Investigation and Review Officer.

This will align Right to Information with the other jurisdictions administered by the office, each of which has a dedicated Principal Officer, and provide for managerial oversight with an appropriate two-tiered process. This level of resourcing will enable the office to clear the backlog of cases it currently struggles to deal with, and to establish practices and procedures for the more efficient handling of applications for external review in the future. It will also enable the office to work towards meeting its other legislative obligations such as the provision of high-level education and training, the review and maintenance of guidelines, and the review and update of the Right to Information Manual.

As was the case last year and the year before, the office enjoyed an almost full complement of staff, though historic budget cuts still meant that there were a number of unfunded positions that we were unable to fill. This limited us in what we could do, particularly in relation to own motion and other large investigations.

Other Matters

Once again, I take this opportunity to thank all of my staff in all jurisdictions, for their contribution to the important work we do and to the success of the office. It is only due to their commitment, professionalism and diligence that we are able to play so many parts, so well.

The Role of the Ombudsman

The Ombudsman is an independent statutory officer appointed by the Governor pursuant to the *Ombudsman Act 1978* (the Act) and answerable to the Parliament.

The primary role of the Ombudsman and his staff is to investigate the administrative actions of public authorities to ensure that those actions are lawful, reasonable and fair. We work in an independent, impartial and objective way to resolve complaints and to address systemic problems in order to improve the quality and standard of Tasmanian public administration. The services of the Ombudsman are free.

Public authorities that come within the jurisdiction of the Ombudsman include government departments, local government councils, TasWater, the prison service, state-owned companies and Government Business Enterprises. The Ombudsman also has a broad range of functions and roles conferred by a number of other statutes.

Ombudsman Act Functions

The Ombudsman can accept a complaint from any person who is personally aggrieved by the administrative actions of a Tasmanian public authority, and who has tried unsuccessfully to resolve his or her complaint directly with the authority. The great majority of matters are resolved by way of preliminary inquiries made pursuant to s 20A of the Act and involve a co-operative approach where public authorities provide information and evidence and work with us to address complaints and improve administrative process.

If the circumstances warrant it, I may also choose to conduct an investigation either on the basis of a complaint or, particularly where systemic issues are involved, on my own motion.

At the conclusion of an investigation, whether it be of a complaint or on my own motion, a report is prepared for delivery to the authority concerned. Section 28 of the Act provides that if I have formed the opinion that the action investigated:

- (a) appears to have been taken contrary to law;
- (b) was unreasonable, unjust, oppressive, or improperly discriminatory;
- (c) was taken in accordance with a rule of law or a provision of an enactment or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory;
- (d) was taken in the exercise of a power or discretion and was so taken for an improper purpose or on irrelevant grounds or on the basis of irrelevant considerations;

- (e) was a decision made in the exercise of a power or discretion and the reasons for the decision were not, but should have been, given;
- (f) was based wholly or partly on a mistake of law or fact; or
- (g) was wrong;

I can, amongst other things, make recommendations to address and rectify the subject action.

A report can also be delivered to the relevant Minister and/or Parliament. My office has no coercive power in relation to the adoption of recommendations but is dependent on constructive negotiation and persuasive argument. My recommendations are ordinarily accepted and acted upon.

Right to Information Reviews

My office is the avenue for the external review of decisions made by public authorities on applications for assessed disclosure under the *Right to Information Act 2009* not to release the information sought. If, at the conclusion of a review, I am of the view that the authority's decision was incorrect, I can make a fresh determination, which the authority is obliged to implement.

Public Interest Disclosures

The Ombudsman has a significant role under the *Public Interest Disclosures Act 2002* to receive and investigate public interest (or "whistleblower") disclosures and oversee the manner in which public authorities deal with such disclosures.

Personal Information Protection

My office is able take complaints concerning alleged breaches of the *Personal Information Protection Act 2004* when the person has complained of the alleged breach to the relevant personal information custodian and is not satisfied with the response.

Health Complaints Commissioner

The Ombudsman is also the Health Complaints Commissioner under the *Health Complaints Act 1995* and receives complaints relating to the provision of any health service by a health service provider in both the public and the private sector. The Commissioner's functions are outlined in s 6 of the Act and include:

- preparing and regularly reviewing a Charter of Health Rights;
- providing information, education and advice in relation to the Charter, health rights and responsibilities, and the procedures for resolving complaints;
- receiving, assessing and resolving complaints from health service users;

- identifying and reviewing issues arising out of complaints and suggesting ways of improving health services and preserving and increasing health rights; and
- inquiring into and reporting on any matter relating to health services at the Commissioner's discretion or on the direction of the Health Minister.

Energy Ombudsman

A person who has a grievance concerning any service of, or relating to the sale and supply of gas or electricity by an energy entity may lodge a complaint with the Ombudsman for investigation and resolution under the *Energy Ombudsman Act 1998*. The office has the power under the Act to make determinations and awards against the entities where appropriate.

Custodial Inspector

The Custodial Inspector provides external scrutiny of custodial centres in Tasmania through onsite inspections and the subsequent publication of reports detailing findings and recommendations. The focus of the Inspectorate is on systemic issues relating to the management, control and security of the State's prisons and youth detention centre and the care and welfare of prisoners and detainees.

Water and Sewerage

Pursuant to the *Water and Sewerage Industry Act 2009*, a customer of a water and sewerage corporation, who has made a complaint to the corporation under its customer complaints process and is not satisfied with the outcome of the complaint, may make a complaint about that outcome to the Ombudsman. It is a condition of a corporation's licence that it will be bound by recommendations from the Ombudsman in relation to the complaint.

Police Compliance Audits

My office has the responsibility for ensuring compliance by Tasmania Police with the procedural requirements of the *Telecommunications (Interception) Tasmania Act 1999*, the *Police Powers (Controlled Operations) Act 2006* and the *Police Powers (Surveillance Devices) Act 2006*. I also have a reporting function under the *Misuse of Drugs Act 2001*.

Other Statutory Functions

I am also:

- able to review certain decisions of the Commissioner of Police under the *Witness Protection Act 2000* and decisions about the release of information under the *Adoption Act 1988*; and
- required by s20F(1) of the *Police Offences Act 1935* to review the operation of Division III of that Act which contains provisions concerning consorting within four years of its commencement.

Referral Service

The office plays an important role in referring members of the public to the body best able to address their concerns when those concerns relate to matters that are out of our jurisdiction. In most cases, we are able to advise a complainant of the best place to have their complaint dealt with. We regularly refer people to the Integrity Commission, the Commonwealth Ombudsman, the Telecommunications Industry Ombudsman, the Financial Ombudsman Service and from November 2018 to the Australian Financial Complaints Authority, Equal Opportunity Tasmania and the Office of Consumer Affairs and Fair Trading (now Consumer, Building and Occupational Services).

ANZOA

I have maintained my membership of the Australian and New Zealand Ombudsman Association (ANZOA). Established in 2003, ANZOA is a professional association and the peak body for Ombudsmen in Australia and New Zealand. ANZOA's members are individual Ombudsmen working in not-for-profit, industry based, parliamentary and other statutory offices, which meet accepted high standards of independence, impartiality and effectiveness, and which observe the Benchmarks for Industry-Based Customer Dispute Resolution (CDR Benchmarks). Through my membership of ANZOA, staff benefit from the professional development opportunities offered by participation in ANZOA's interest groups with staff from other jurisdictions who perform similar roles. More information can be found on the [ANZOA website](#).

Ombudsman Act 1978

Review of Complaints

Inquiries

We received a total of 1266 inquiries this reporting year, up by 23%. 561 inquiries were within jurisdiction and 705 were out of jurisdiction.

Complaints

We opened 735 complaints this year, which was a slight (8%) decrease on the previous reporting year (800). Complaints are matters where it is clear that the person intends to complain, rather than just asking questions, and we take some sort of action even if it is only providing information to the complainant about their best course of action.

General Ombudsman Act, *Public Interest Disclosure Act 2002* and *Personal Information Protection Act 2004* (PIP) complaints were broken down as follows:

	2017-18	2017-18 %	2018-19	2018-19 %
General Agency (Government Departments)	402	51%	382	52.5%
Public Authorities and Government Business Enterprises	114	14%	119	16.2%
Local Government	99	12%	76	10.5%
Out of jurisdiction	179	22%	150	20.6%
Personal Information Protection Act	6	1%	4	.1%
Public Interest Disclosures	0	0%	4	.1%
TOTAL	800	100%	735	100%

There were 795 complaints closed in the reporting year and of those five (<1%) were PIP files. 388 (49%) were declined, referred or out of jurisdiction, 66 (8%) were discontinued, 235 (29.5%) were found to have no defective administrative action and 92 (11.5%) were partly or fully substantiated.

These trends are largely consistent with recent reporting years.

General Agency

These complaints relate to government departments. Historically, the Department of Justice is the most complained about department, because it includes Tasmania Prison Service, and prisoners are the largest single cohort of complainants. They have direct access to the office by way of the prison telephone system.

Department of Justice

Complaints about the Department of Justice made up 56.3% of all complaints about government departments, this is down very slightly from 58% of general agency complaints last reporting year. The breakdown of complaints about the various units of the Department is set out in Table 7. As usual, most complaints received about the Department of Justice (86.5%) concerned the Tasmania Prison Service (TPS).

Of the 240 complaints about the Department of Justice that were closed in the reporting year, 62 (26%) were declined, referred or out of jurisdiction, 40 (16.5%) were discontinued, in 96 (40%) it was found that there had been no defective administrative action and 42 (17.5%) were partly or fully substantiated. Complaints are only discontinued when a complainant withdraws their complaint or fails to maintain contact with the office, is uncontactable or otherwise shows no interest in pursuing the matter.

Complaints received from prisoners were down slightly from 209 to 186. Of the 212 complaints about Prison Services that were closed in the reporting year, 83 were declined, referred or discontinued, leaving 129 matters that were dealt with and finalised. Of those, 41 were partly or fully substantiated, accounting for 22% of all complaints about TPS (see Table 8).

Department of Health and Human Services

There were only 24 complaints against the Department of Health and Human Services this reporting year compared with 69 complaints last year. This significant decrease is most likely due to the fact that as of 1 July 2018, the Department was divided into the Department of Communities (responsible for Human Services, Housing, Disability Services, Community Development and Sport and Recreation) and the Department of Health.

11 of the 24 complaints received were about Human Services, which covers Housing Tasmania and Child and Youth Services, and includes child protection matters. As in previous years, only a small proportion, 14%, of the 34 closed complaints were substantiated, 30% were declined, referred or out of jurisdiction, in 35% of complaints we found no defective administrative action and 21% of complaints were discontinued.

Local Government

This reporting year we received 76 complaints about local government councils, slightly down on last year's 99. We received complaints about all councils other than Burnie, George Town, Glamorgan Spring Bay, Kentish, Meander Valley, Southern Midlands, and Tasman Councils (see Table 16) with the highest numbers unsurprisingly being about the larger councils.

In the 93 complaints closed in the reporting year, the most common causes for complaint were administration and general management (26 complaints), ten about animals (usually involving dog barking or dog control issues), ten about planning, ten about rates and charges, eight about roads and the remaining complaints were about a variety of other issues.

Public Authorities, Government Business Enterprises and Other Authorities

This category includes a variety of bodies over which I have jurisdiction but which are not departments or councils. We received 119 of these complaints and closed 125. By far the most complaints received in this category were about TasWater - 64 or 54%, which was a slight increase over the 59 complaints received in the previous year. Complaints about the University of Tasmania were consistent with 23 last year compared to 24 this year.

Water and Sewerage

As referred to above, we received 64 complaints about TasWater, up on last year but significantly down from nearly 200 five years ago. We closed 59 complaints and of those, 19 were declined, referred or out of jurisdiction, two were discontinued, 26 did not demonstrate any defective administrative action and 12 (20%) were partially or fully substantiated.

Case Summaries

Prisoner's partner present at birth

A prisoner rang to raise concerns about her partner being unable to be present for a caesarean operation she was scheduled to undergo the following week. She said that a Custodial Supervisor had told her that her partner was not allowed to attend because of prison protocol, despite the fact he had no criminal record and had been cleared by Child Safety Services.

We made inquiries with Prison Services and were informed that these matters were generally dealt with on a case by basis. Prison Services reviewed the decision following our inquiries. The prisoner's partner was permitted to attend the operation in this case as he was an approved visitor and the prisoner had a minimum security rating.

Vegetarianism is a right, not a medical condition

A prisoner made a complaint about Prison Services' failure to give him vegetarian food. The prisoner said he had received an appropriate chit from health staff the day before he contacted our office, but the prison had yet to provide him with any vegetarian meals.

After contacting Prison Services we were told that the prisoner had not received full medical authorisation to receive vegetarian meals at the time he made his complaint. Since then, however, his chit had been endorsed by a doctor and he was now receiving the correct meals.

While this resolved the prisoner's immediate issue about not getting vegetarian food, we chose to make further inquiries as to why prisoners had to obtain medical authorisation before being allowed vegetarian diets.

Section 29(1)(c) of the *Corrections Act 1997* grants a prisoner the right to be provided with vegetarian meals where the prisoner is a vegetarian. A medical chit is not relevant to whether or not someone holds an ethical belief about whether they want to eat animals or not. Our office highlighted that we had dealt with, and resolved, a very similar complaint some years ago but it appears that Prison Services' policy had regressed.

Prison Services consequently reviewed its policy and agreed to allow vegetarian prisoners to change their diets without medical authorisation. It advised that previous changes following a similar complaint from our office had only been partially implemented. Some changes were made at the time, specifically when new prisoners were being inducted they were given the option to choose either a standard or vegetarian menu. The process for prisoners who became vegetarian whilst in prison, however, had not changed and they were still required to obtain medical chits. This was updated as a result of our inquiries.

Process for after-hours contact between Community Youth Justice and Tasmania Police

Miss P, who was aged 14 at the time, complained to the Ombudsman that she had been held for an extended period in the Hobart Reception Prison (HRP). She was held after appearing before a Justice of the Peace who refused to conduct a bail hearing without a Youth Justice representative present. Accordingly, Miss P was remanded until the following day when she was transported to Ashley Youth Detention Centre where she appeared in court by way of video link. The Ombudsman sought an explanation from both Children and Youth Services (CYS), and Tasmania Police.

A response was received from the Department of Health and Human Services (DHHS) which was then responsible for CYS, in which it advised that it was not common practice to hold young people at the HRP and the incident had been a regrettable one. It explained that Community Youth Justice (CYJ) has two after-hours contacts who can be reached when services are required by Tasmania Police or the courts. It explained that although the Police Prosecution Services had attempted to call the first on call CYJ staff member, it did not attempt to call the CYJ Area Manager.

Tasmania Police explained that it made several attempts by telephone and by text message to contact the CYJ on call staff member and also the Child Safety Services Manager prior to the scheduled court appearance without success. A second prosecutor, with more experience in youth justice matters, was able to contact the CYJ Area Manager to be present for the second court appearance.

To ensure an incident like this does not occur again CYJ confirmed the process with Tasmania Police and addressed the issue with its on-call staff member. Tasmania Police advised that it has updated the contact list used by Southern after-hours prosecutors to include the CYJ Area Manager's contact number. The process has also been discussed more broadly with relevant staff.

It was noted that the after-hours court times are determined by the Magistrates Court with Miss P presented to court at the earliest opportunity. The Ombudsman was satisfied that the process for after-hours contact between Tasmania Police Prosecutions and CYJ has been adequately reviewed.

Delay in finalising Retirement Benefits Fund Surviving Partner Pension

A complaint was received on behalf of an elderly person who had recently been widowed and become entitled to a Surviving Partner Pension. The complaint detailed difficulties experienced in receiving accurate information about what documentation was required by RBF to claim the pension and significant delays in receiving the necessary information and having instructions carried out.

The complaint also referred to issues experienced by the pensioner as a result of the delays in receiving the Surviving Partner Pension including having a Centrelink pension and a number of other related benefits and services terminated.

The response from RBF indicated that a thorough investigation had been undertaken as a result of the complaints. The response noted that a new administrator had been appointed earlier in 2018 and that this had resulted in delays in processing member benefits and claims. RBF acknowledged the delays experienced by the member and offered a genuine and sincere apology for the regrettable experience associated with establishing the Surviving Partner Pension.

RBF also acknowledged that even with the difficulties faced with a new administrator, many of the issues experienced would have been significantly reduced by improved communication from RBF and it providing better follow through with its actions.

In addition the administrator has undertaken an internal review in response to the complaint and has instituted new call-back monitoring and is implementing improved workflow systems to deal with the shortcomings identified by the complaint. A review of the Surviving Partner Pension administrative arrangements has been initiated in order to identify opportunities to refine and simplify the correspondence processes to expedite the handling of such claims.

Concerns about support offered to Foster Carers

A foster carer made a complaint raising concerns about Child Safety Services and its failure to provide the carer and foster child with the necessary support and ongoing communication to ensure a successful placement.

In response, Child Safety Services conducted a file review that identified that there had been a failure to fully explore the deterioration of the subject child's behaviours. It was also acknowledged that Child Safety Services had failed to formulate a clear future plan that included strategies and support for the foster carer and child to manage and understand the child's behaviours.

The review also identified that there had been a lack of assessment and consistent support from Out of Home Care and Case Management Staff for the foster carer. In addition this it was concluded that this case would have benefited from being referred to a Child Safety Service Clinical Practice Consultant and a referral to a Service Provider, in order that specialised therapeutic support and training for the carer and the child could have been initiated.

Child Safety Services has indicated that it is now in the process of implementing changes to make sure that support identified by the review is more readily available to foster carers in situations where required. In particular, Child Safety Services staff have undergone training to be better able to assess carers and deliver training for them. It acknowledges that it is imperative that improvements occur in this area with a focus on:

- coordinated placement matching informed by the needs of the child and the skills and capacity of the carer;
- ongoing training and support;

- the provision of regular respite care and oversight; and
- monitoring carers to review and support performance and to provide the basis for a carer renewal process.

Complaint about Prison Classification Review

A prisoner complained to this office that he had recently participated in a classification review. The review was undertaken by the Sentence Management Review Panel and the inmate was advised that a decision had been made to retain his security rating as Medium Security. In accordance with procedure the inmate appealed the decision and was advised that the appeal was unsuccessful based on evidence that he had been charged with three internal prison offences.

The prisoner disputed that he had been charged with any internal offences since his last classification. Inquiries undertaken by this office resulted in the Prison becoming aware that incident reports on the inmate's file had not been properly reviewed to ensure that they had been finalised. The inmate had incident reports on his file, but he had not been booked or had the opportunity to enter a plea in relation to them. That being the case, the offences should not have been taken into account when determining his classification.

The inquiry also resulted in it becoming clear that there had only been two incident reports generated, rather than the three referred to by the Sentence Management Review Panel. As a result of this, a decision was made to amend the inmate's classification to Minimum Security. The inmate was advised of this change. He was not issued with an apology, however, and the mistake was attributed to a step in the review process being overlooked.

Prisoner Property

Mr Y was a prisoner at HMP Risdon and had been in custody there for more than 10 years. He had a number of valuable items in his possession when taken into custody including a watch, which he estimated to be worth approximately \$5000.00. The valuable items were apparently stored in a safe in the prison's administrative building over the ensuing years. Just prior to his release, the watch was removed from the safe and taken to the property storage area in the relevant part of the prison but on Mr Y's release, it could not be located.

Mr Y complained to the prison directorate which commenced an investigation into the missing watch. Unfortunately, it could not be determined how the watch had disappeared but systems changes and additional CCTV in the property area were identified as necessary to address the possibility of items going missing in the future. Mr Y was offered compensation of \$500.00 due to the lack of evidence as to the purchase price of the watch and a misunderstanding concerning a valuation made prior to Mr Y's release, not of the watch but of his other valuables.

Having considered information provided during the intervention by my office, the prison directorate made a without prejudice offer of \$2,500.00 compensation which was accepted by Mr Y. Given the difficulties involved in properly identifying and valuing the watch, this offer was considered acceptable in the circumstances. I am continuing to seek updates on the improvements to be made in the process of storing valuables in the future and having adequate CCTV coverage in the property area.

Complaint about return of seized property

A complainant raised concerns about difficulties experienced getting a deer head and antlers returned to him by the Wildlife Management Branch of the Department of Primary Industries, Parks, Water and Environment.

The background to the complaint involved the complainant arranging for a taxidermist to preserve and mount the deer head and antlers. The deer had been legally taken and was correctly tagged, however it was seized at the same time as other property from the taxidermist. An order was made by a magistrate for the seized property to be returned to the taxidermist, however this had not occurred and the deer head and antlers had remained in the possession of Wildlife Management.

The complainant attempted to have the property returned to him, but was informed that it had been forfeited to the Department as a result of him failing to collect it. Information provided to the complainant indicated that the Department had written to him, providing directions as to what actions were required for the property to be returned. The complainant denied receiving any such communication from the Department.

In response to inquiries undertaken by this office, the Department confirmed that it was conducting an investigation into the matter. The results of that investigation were shared with this office and included an acknowledgement that there was no record available that confirmed that anything had been sent to the complainant advising him of what was required to collect his property. As a result of the investigation the Department wrote to the complainant and issued an apology, and arrangements were made for the return of the deer head and antlers. The Department also acknowledged that there had been administrative oversights in the management of the matter and that arrangements had been instituted to ensure similar issues did not occur in future.

Complaint about excessive ground soakage

A complaint was received concerning water inundation and seepage on a private property that the complainant suspected was being caused by faulty TasWater infrastructure. The complainant had already raised these concerns with TasWater, and was unhappy with the response that had been received.

TasWater had completed onsite investigations following the initial complaint and determined after water testing that the issue was soakage, a problem stemming from stormwater overflow rather than being caused by any TasWater fault.

The concerns were then raised with the local Council, the entity responsible for stormwater, and investigations undertaken showed that the stormwater pipes servicing the property in

question were unblocked and relatively dry. The trenches supporting the stormwater pipes, however, did display signs of heavy water flow. Council determined that the trenches were acting like an agricultural drain and stormwater was filtering into the trenches from surrounding areas and causing flooding. The stormwater pipes in question lacked 'weep holes', that would allow water in the trenches to filter into the stormwater pipes which in turn would direct the water flow through the stormwater outlet rather than soaking local properties.

TasWater worked with Council to confirm that this was (to the best of both entities knowledge) the most likely source of the problem and Council has commenced the necessary works to install 'weep holes' and is continuing to monitor the area.

This office was satisfied that TasWater was not responsible for the water seepage issues experienced by the complainant, however in the course of this office's inquiries it was identified that the responses that had been provided to the complainant were not in accordance with best practice. The response this office received from TasWater identified that it had been liaising with a neighbour of the complainant and it was under the impression that the neighbour was acting on behalf of other property owners and providing them with updates. The Ombudsman raised his concerns that relying on a single customer to provide feedback in relation to an issue affecting a whole street of residents was not reasonable or good practice, especially in circumstances where TasWater had received a direct complaint from another resident.

TasWater has acknowledged this concern and concurred with the observations of the Ombudsman. TasWater has provided an additional response indicating that it is using this incident to provide better training to its teams. A newly appointed Customer Experience Coach who has been tasked with reviewing and improving customer service experience is delivering a presentation on lessons learnt from this complaint to Area Coordinators and Service Delivery.

Derwent Valley Council delay in responding to inquiries from the Ombudsman

The Ombudsman received a complaint regarding the actions of the Derwent Valley Council (DVC) in relation to its involvement in a street market held on High Street, New Norfolk. The complainant was aggrieved that the actions of Council in facilitating the market had affected the turnover of her business. An explanation was sought from Council by way of preliminary inquiries under the *Ombudsman Act 1978*. A fulsome response was not forthcoming for approximately six months.

The response, when it did arrive, provided a reasonable explanation of Council's limited role in relation to the street market and it was found that it was not necessary to investigate the substantive complaint further. The complainant did not object to the decision not to investigate.

It is the Ombudsman's opinion, however, that the fact that Council did not respond to the initial and then a number of follow up inquiries demonstrated a lack of good administrative practice and a lack of commitment to the early resolution of complaints. It was only when the Ombudsman advised of his ability to issue a formal investigation notice that a substantive

response was received. No explanation was provided for the delay in providing the information to the Ombudsman. Council was reminded of its statutory obligation to respond to inquiries from the Ombudsman and of the ability of the Ombudsman to report upon its failure to do so. Council did not provide any additional information that it wished the Ombudsman to consider and therefore it was decided to report upon its conduct in this Annual Report.

Right to Information Act 2009

The Ombudsman is the external review entity under the Act and, amongst other things, reviews decisions of public authorities and Ministers where access to information has been refused. Other functions that fall to the Ombudsman pursuant to the Act include:

- issuing and maintaining guidelines for the information and assistance of those using the Act, both applicants for information and the public authorities and Ministers in whose possession it is;
- issuing and maintaining a manual relating to the operation of the Act; and
- providing advice, either on his own initiative or upon request, to public authorities and Ministers concerning the operation of the Act.

Section 53 of the Act requires the Ombudsman to report on the operation of the Act in the annual report under the Ombudsman Act. This chapter is that report.

Publications

No new guidelines were published in the reporting year, but existing guidelines will continue to be revised and updated as required.

Statistics and Performance

External Reviews Closed and Opened

The number of applications for external review made to my office in the reporting year was 59, compared to 43 in the last reporting year. During the same period, 39 files were closed, which was also a contrast to last year when 49 were closed (see Figure 7). Of the 39 closed files, eight related to completed external review decisions with the balance being withdrawn, out of scope, or not requiring a decision to be made.

In 2017-18, because we closed more external review files than we opened, the historical backlog of cases awaiting completion, which I have referred to in previous annual reports, decreased by six cases. In 2018-19, the backlog was increased as a result of the number of cases opened being higher than those closed, with a net increase of 13.

As noted earlier in this report, in the 2019-20 budget the Government allocated an additional \$245,000.00 in recurrent funding each year, which will allow the office to recruit a Principal Officer and an Investigation Review Officer whilst retaining the current Senior Investigation and Review Officer. This will enable us to address and manage the backlog in the future.

Reviews Opened by Applicant and Agency Type

There were 30 fresh requests made in 2018-19. Of those, 18 (60%) related to members of the public, three to journalists (10%), five to Member of Parliament (17%) and four to organisations (13%).

Of those 30, departments accounted for 22 (73%), councils for six (20%), with the University and a state-owned company accounting for the last two cases.

The Department of Primary Industries, Parks, Water, and the Environment (DPIPWE) continues to be the most consistently externally reviewed public authority accounting for 14 (47%) of all new review requests.

Reviews Closed by Applicant and Agency Type

Of the eight decisions closed in 2018-19, four were from members of the public, two from organisations, and two were from journalists. In terms of the public authorities involved in those decisions, three were Departments, three were Councils, one was a state-owned company, and the final one related to the University.

Average Days Open

The number of days it takes to finalise and close an external review decision remains a consistent problem. The average for the reporting year was approximately 568 days per review, up 65% from 318 days in 2017-18. The number of active cases as at 30 June 2019 was 63, up about 43% from 44.

Education and Training

Approximately 262 officers of public authorities were trained by this office during the last year, up 75% from 150 last year. Feedback indicated a 94% satisfaction rating, up from 92% in the previous year.

The Department of Education continues to be the most consistent regular recipient of training under the RTI Act, and in this regard is to be congratulated and commended. During the 2018-19 year, out of the 70 or so public authorities with obligations under the Act, Education alone accounted for over 25% of all training delivered. This is clearly reflected in its decision making; only three requests for external review of Department of Education decisions were received.

Areas for Improvement

It is always useful to identify areas of improvement to ensure better outcomes in the future, and listed below are some of the more common deficiencies encountered:

- Back to basics

Increasingly I see decisions being made by public authorities that do not take into account a proper consideration of the objects of the Act, which works on a push model with a strong focus on active disclosure of information. The appropriate interpretation of the Act is one that results in the most amount of information being released. This is reinforced by the training provided by this office.

- Adequacy of Reasons

Agency decisions are still often couched in broad terms. While the exemption sought to be relied on might be cited, the necessary elements of that exemption as it relates to the information at hand are frequently not addressed; there is no analysis made of the considerations relevant to the particular exemption. This typically presents in the form of a comprehensive explanation of what the subject section means, followed by a conclusion that the information sought is exempt, with no explanation as to how the exemption applies to the information.

Where relevant, the public interest test is consistently misapplied, if it is considered at all. It is often the case that only those factors that support a claim for exemption are considered, when a more balanced and considered approach is required.

- Ordering of Information and Schedules

Often, decisions contain an extensive narrative that claims information to be exempt – and the volume of that information might run to hundreds of pages - but no analysis as to which sections apply to which pieces of information is made.

This broad-brush approach may save time in the first instance for public authorities, but it only lengthens the external review process. It is not uncommon, once a matter has reached my office, for a large amount of time to be expended working out what the decision of the authority actually is in relation to specific information before a review of the validity of that decision can be undertaken.

Utilising schedules to identify specific pieces of information helps public authorities to provide proper reasons for decisions as is required by s22 of the Act, and assists in the external review process. In the next reporting year, this office will be more rigorous in requiring public authorities to order information responsive to a request coherently in order that we might make sense of it and speed the review process.

- Timeliness

There remains a significant number of reviews that have come to me as deemed refusals of applications. This occurs where an agency has not complied with the statutory time frame for the delivery of a decision.

All of this adds to the work of my office.

In this regard, I am conscious of the large backlog of cases presently with this office, and that many of these sit with me for finalisation. Having only one officer to do all the RTI work means that I have to review each decision and the information to which it relates. This can be time consuming and complex work, and with my other functions, the amount of time I can devote to the task is limited. This largely accounts for the small number of decisions finalised in the reporting year.

I am also conscious that this provides little opportunity for public authorities to learn from my guidance as to how the Act should be applied, and does not further the object of the Act, which is to:

... improve democratic government in Tasmania –

- (a) by increasing the accountability of the executive to the people of Tasmania; and*
- (b) by increasing the ability of the people of Tasmania to participate in their governance; and*
- (c) by acknowledging that information collected by public authorities is collected for and on behalf of the people of Tasmania and is the property of the State.*

This object is to be pursued by giving members of the public the right to obtain information held by public authorities and Ministers, and also about the operations of Government.

Again, I am satisfied that the additional resourcing available to the office in the next reporting year, particularly the senior Principal Officer position, will address this.

Association of Information Access Commissioners

I have maintained the office's involvement in the Association, which consists of information commissioners from The Commonwealth, Western Australia, Queensland, the Northern Territory and New South Wales, and the Ombudsmen of South Australia, Tasmania and New Zealand.

The Association provides an important forum for the exchange of ideas and the discussion of issues of mutual interest.

Public Interest Disclosures Act 2002

My responsibilities under the Act include:

- receiving and assessing potential public interest disclosures of improper conduct by public officers and public bodies;
- determining whether a disclosure is a public interest disclosure;
- investigating such disclosures where appropriate;
- reviewing public bodies' decisions under the Act;
- preparing and publishing guidelines and standards for the procedures to be followed by public authorities when implementing the provisions of the Act;
- approving those procedures once developed;
- preparing and publishing guidelines to assist in determining whether improper conduct is serious or significant;
- monitoring the progress of investigations being undertaken pursuant to the Act by public bodies; and
- advising public bodies in relation to the operation of the Act.

The year in review

During the reporting year I published a report of a public interest disclosure investigation into an allegation of improper conduct by Meander Valley Council in relation to a compulsory sale of land for unpaid rates. I concluded that Council had not engaged in improper conduct but I did, however, make a recommendation, as outlined below, with a view to improving the protections for land owners whose land is to be compulsorily sold.

My staff also commenced providing training to public interest disclosure officers of public authorities. This is being developed and implemented slowly, as resources allow, at this stage in response to requests from public bodies. I hope to be in a position to pro-actively provide training once our training modules and materials have resulted in a fully developed program.

Section 84 of the Act requires me to include in my annual report specific information in relation to various aspects of its operation. In satisfaction of that requirement, I report as follows, that in the reporting year:

- copies of current guidelines and standards published by the Ombudsman under Part 6 of the Act could be obtained or accessed on the Ombudsman website at www.ombudsman.tas.gov.au or by calling 1800 001 170 and requesting a copy – s84(a);
- the Ombudsman received four disclosures about improper conduct;

- three determinations were made that disclosures were not public interest disclosures and there was one determination that a disclosure was a public interest disclosure (referred to below as a disclosed matter) – s84(c);
- the Ombudsman completed an investigation into one disclosed matter about improper conduct during the reporting year and commenced an investigation into another disclosed matter about improper conduct – s84(d);
- no disclosed matters were referred under s41 to the Commissioner of Police, the Auditor-General or any other prescribed public bodies or the holder of a prescribed office to investigate – s84(e)(i);
- no disclosed matters were referred to a public body to investigate under Part 7 of the Act – s84(e)(ii);
- the Ombudsman has not declined to investigate any disclosed matters under s40 of the Act – s84(f)(i);
- no disclosed matters were referred to the Ombudsman by a public body for investigation – s84(f)(ii);
- no disclosures were referred to the Ombudsman by the President of the Legislative Council or by the Speaker of the House of Assembly – s84(g);
- the Ombudsman did not take over the investigation of any disclosed matter – s84(h);
- there was one investigation into an allegation of improper conduct in which the Ombudsman made a recommendation. A copy of the report was tabled in Parliament and is available on my website – s84(i)
- the recommendation made in relation to the disclosed matter was:

I recommend that s137 of the Local Government Act 1993 be amended to contain the same or similar provisions as reg 143 of the Local Government Regulation 2012 (Queensland) so councils are required to obtain a valuation prior to the sale of land for unpaid rates and that the valuations becomes or informs the reserve price for the property at auction– s84(j);

- no recommendations were made in relation to the procedures established by a public body under Part 7– s84(k); and
- during the year the Minister for Local Government advised that the recommendation quoted above will be considered as part of a review of Tasmania’s local government legislation – s84(l).

It is important to note that the number of disclosures is not necessarily a reflection of the number of disclosers. A complaint from one discloser may sometimes contain multiple disclosures if it is about more than one public officer or public body.

Personal Information Protection

Schedule 1 of the *Personal Information Protection Act 2004* (PIP Act) creates the Personal Information Protection Principles (PIPPs) that bind all public authorities. These principles and other provisions of the Act regulate the manner in which an authority can collect, maintain and use personal information and the limited circumstances in which such information can be disclosed.

The PIP Act makes a distinction between basic information and sensitive information and the steps to be taken by public authorities to ensure compliance with the different protection principles. The Act gives people the right to complain to the Ombudsman about an alleged breach of a personal information protection principle.

The Ombudsman can only deal with a complaint regarding an alleged breach of a personal information protection principle that applies to the complainant, not another person. The complainant, however, must first have raised the matter with the relevant personal information custodian, and not been satisfied with the response he or she received.

We received four PIP Act complaints in the reporting year and closed five.

Inspections under Police Legislation

The Ombudsman is the inspection entity in relation to certain records that must be retained by law enforcement agencies.

Police Powers (Surveillance Devices) Act 2006

This Act provides for the installation, use, maintenance and retrieval of surveillance devices in criminal investigations and other matters. It is the role of the inspection entity to ensure that law enforcement agencies in Tasmania (principally Tasmania Police and the Integrity Commission) comply with their record keeping obligations under the Act. My delegated officers conduct inspections of records held under the Act at least once every year and I make a written report to the relevant ministers on the results of each inspection. The Minister for Justice then causes a copy of the report to be laid before each House of Parliament. A copy of my latest report on this financial year's inspection can be obtained through Hansard on the Parliamentary website.

Police Powers (Controlled Operations) Act 2006

This Act provides for the authorisation, conduct and monitoring of controlled police operations. As with the Surveillance Devices Act, it is the role of the inspection entity to ensure that law enforcement agencies comply with their record keeping obligations under the Act and again, a copy of my latest report on the inspection can be obtained through Hansard.

Telecommunications (Interception) Tasmania Act 1999

Tasmania Police is obliged to keep certain specified records relating to telecommunications interceptions. These records must be inspected by my office at least once every six months to ensure Tasmania Police is complying with its obligations. I am required to report to the relevant minister on the inspections at the end of each financial year. The Minister must then provide a copy of the report to the relevant Commonwealth Minister. My officers conducted inspections in December 2018 and June 2019. As in preceding years, Tasmania Police was at all times cooperative in facilitating inspections and I was satisfied with the comprehensiveness and adequacy of the records maintained.

Misuse of Drugs Act 2001

The *Misuse of Drugs Act 2001* was amended in 2017 to allow the Commissioner of Police to issue authorisations for police officers, employees or correctional officers (authorised persons) to possess and supply controlled substances, such as heroin, cocaine, cannabis and methylamphetamine hydrochloride. The authorisations specify the purposes for which they are issued; the training of drug detection dogs and the transport of the controlled substances to other police officers, interstate or federal police officers or correctional officers. I am required under s38I of the Act to prepare a report, after receiving an operational report from the Commissioner of Police, setting out:

- (a) a summary of the matters provided in the operational report;
- (b) my opinion as to the comprehensiveness and adequacy of the records of the Commissioner of Police kept under section 38G;
- (c) my opinion as to whether the authorisations to which the operational report relates have been effective and appropriate; and
- (d) my comments and suggestions as to how the issue, supervision and implementation of authorisations may be improved.

The operational report, pursuant to s38H(1), is required to contain:

- (a) the number of authorisations issued during the financial year;
- (b) the purposes for which the authorisations were issued; and
- (c) a summary of the details specified in each report received by the Commissioner of Police under section 38F(1).

Summary of the operational report

Commissioner Darren Hine of Tasmania Police advised that seven police officers and three correctional officers had been issued with authorisations for the 2018-2019 financial year, the same as last year. The Commissioner advised that these authorisations permitted each officer to access and handle drug training material (DTM), which is used for the purposes of training and assessing drug detector dogs. The DTM is routinely used for the ongoing training of drug detector dogs, providing remedial training when required and for annual validation assessments.

The Commissioner advised that Tasmania Police has four drug detector dogs spread across the State. Each dog has a primary handler and each region of the state has one relief handler who manages the dogs when the primary handler is on leave or unavailable. The Tasmania Prison Service has three dogs and three handlers although one handler has recently left the Drug Detector Unit and will not require an authorisation in 2019-2020.

The Commissioner outlined the security arrangements for the storage of the DTM. He provided details of, as well as reports relating to, Tasmania Police's and Tasmania Prison Service's annual audits of the DTM.

During the year a sample of MDMA and a sample of heroin was sent to the Forensic Science Services Tasmania (FSST) for repackaging as the packaging of both DTM samples was damaged. FSST analysed the DTM samples and identified no issues and an authorised officer collected them.

My Opinion

I have to express an opinion as to the comprehensiveness and adequacy of the records of the Commissioner of Police kept under s38G. On receipt of the Commissioner's operational report I was initially not satisfied with the comprehensiveness and adequacy of the records.

I have not sighted the authorisations that were in force this reporting year and the operational report did not advise if any notices were issued under s38C, despite my suggestion last year that this occur. As discussed last year, this impacts on my ability to express an opinion on the comprehensiveness and adequacy of the Commissioner's records as I cannot express an opinion if I have either not seen or do not know whether the records exist or not.

I made further inquiries with Commissioner Hine following receipt of his operational report and he confirmed that there were no notices issued in under s38C to vary or cancel an authorisation. The Commissioner noted that he will include this information in future operational reports. I was not, however, provided with copies of the authorisations. As I have not seen the authorisations I cannot express an opinion on their comprehensiveness or adequacy but I was otherwise satisfied with the remaining records subject to the comments below.

The Commissioner provided the reports from his authorised officers under s38F. Unfortunately, some reports received from Tasmania Police authorised officers failed to meet all of the requirements of s38F. Correctional Officer authorised officers' reports met the requirements.

I identified the following issues with some of the reports from Tasmania Police's authorised officers:

- The quantity and a description of a DTM that was in the possession of an authorised officer was not provided in an authorised report.
- What appeared to be the same DTM was described differently in two authorised officer reports.
- Names and addresses of people that DTM was supplied to and the names of third persons that it was to be delivered to were not provided in some reports.
- Reports were reporting on the activities of other authorised officers rather than focusing on the author's own actions.
- Details of which specific DTM was in the possession of the authorised officer at various times were not provided. For example there were some occasions where there was more than one package of the same type of DTM so it was not clear which sample bag the officer accessed as they only referred to the drug's name rather than the specific identification number of the subject DTM sample.

- Reports were made before the end of the financial year. Reports are required to be made after the end of the financial year.
- Some authorised officers did not provide reports but only audits which were not compliant with the requirements of s38F for reasons which included that they were not made after the end of the financial year.

In my view, it would be appropriate for Tasmania Police to review how reports are prepared to ensure greater consistency across the three districts. Greater attention to detail is required to ensure that the records relating to the use of these otherwise prohibited drugs are fully compliant. The correctional authorised officer's reports could form the basis of an effective template.

I was not satisfied that some of the authorisations to which the operational report relates had been effective and appropriate in that some officers have not demonstrated that they can comply with the requirements of s38F. I suggested the Commissioner ensure that all authorised officers receive clear instructions from his legal officers as to the requirements of s38F to enable an improvement in the supervision and implementation of authorisations.

The Commissioner provided a comprehensive response when the above issues were raised. As a result, my concerns regarding the comprehensiveness and adequacy of the Tasmania Police authorised officers' reports were addressed and I am satisfied that the authorisations have been effective and appropriate. I was also satisfied as a result of the response that the supervision of the authorised officers is adequate.

The Commissioner provided detailed responses to each specific concern I raised and he noted that guidance has been provided by the officer in Charge of the Dog Handlers Unit to the respective staff. The Commissioner has also requested his legal officers to advise on the appropriateness of, and development of, a standard template for officers to use for annual reporting against s38F before the end of the 2019/2020 financial year.

I am required to make comments or suggestions in relation to how the issue, supervision and implementation of authorisations may be improved. Some of the comments above are relevant. As noted, however, I have not sighted the authorisations. In future operational reports, I suggest that copies of the authorisations issued for that financial year should be provided to me to ensure I am better able to fulfil the requirements of s38I(d).

Energy Ombudsman Act 1998

Introduction

As Ombudsman I have various functions under the *Energy Ombudsman Act 1998*, and I perform these with the assistance of three staff, a Principal Officer and two part time Investigation Officers, together with support from the Office administration team.

Statistics

Statistics for the Energy Ombudsman jurisdiction are set out in Appendix C.

There was a marked decrease in approaches for the reporting year, from 417 in 2017-18 to 271. There was a 39% decrease in enquiries received and a large drop in complaints received.

Complaint Trends

Complaint trends have remained reasonably consistent with a couple of notable exceptions.

Complaints about bills based on the estimation of electricity consumption have dropped from 25 to 16. This is largely due to Aurora Energy installing advanced Type 4 metering at residences where there are problems with access to meters. Advanced meters are remotely read thereby eliminating the need for a meter reader to attend a property for quarterly reads.

There was a significant decrease in complaints about Rebates and Concessions in the reporting year. In late 2017, the Government Special Energy Bonus was rolled out to eligible consumers. This led to a number of complaints, particularly from electricity customers who were found to be ineligible for the bonus. There was only one complaint in this regard in this reporting year.

I am pleased to note that there has been a significant decrease in complaints about completed or pending disconnections, down from 31 to 11. It is reasonable to conclude that this is an indication of Aurora Energy's Your Energy Support (YES) program assisting hardship customers by reaching agreements in relation to payment arrangements. It is often the case that I only hear from customers after they have been disconnected or just prior to disconnection. It is good to see that there are less consumers contacting me at a time when it is often too late to offer any tangible assistance.

Once again, complaints about TasGas Retail and TasGas Networks were very few with no obvious issues to report.

Around 70% of complaints made to me are closed as *Resolved – facilitated resolution*. These complaints are generally finalised after a detailed explanation has been provided to the complainant. Many complaints made to me result from complainants believing there has been some maladministration or negligence that has given rise to their particular concerns, but it is often the case that complainants simply have not been given sufficient details or an adequate explanation by the relevant entity to address their concerns. Approximately 25% of complaints were closed as *Resolved – negotiated resolution*. Generally, these complaints were resolved by the complainant obtaining the outcome they were initially seeking.

Often, complainants are seeking another opinion in relation to the matters of concern to them. It is my view that the energy entities could reduce the number of complaints made to my office if they were better able to explain relevant matters directly to their customers. I appreciate, however, that this is not always simple, as the customer service centre operators who deal with complaints will not always be able to respond immediately to complex or technical matters.

In many respects, my office provides a valuable community service by analysing complaint issues and providing broad and detailed responses as a means of resolving complaints, often to the satisfaction of the complainant.

Issues

Notable issues for this reporting year include:

Billing

Complaints about billing issues have decreased over the reporting period from 140 to 101.

Complaints about access to electricity meters and bills based on estimated consumption have decreased markedly. Access to meters generally becomes an issue where there is a dog on a property and the meter reader cannot confirm that the dog has been restrained and safe unhindered access is possible.

My officers recommend that complainants contact Aurora Energy to express an interest in having advanced metering installed so their consumption can be remotely read. It is my belief that, in time, advanced meters should resolve this problem completely.

As noted the number of complaints about rebates and concessions decreased from 13 to just one this reporting year.

Complaints about high, or disputed, bills have decreased slightly from 27 to 23 for the reporting year.

Credit

I received 11 complaints from customers of Aurora Energy who were disconnected, or were threatened with disconnection, for non-payment. This is a significant reduction from the 31 complaints I received last year.

Eight of the 11 complainants were disconnected with the remaining three avoiding disconnection by paying an up-front amount and going back onto a payment arrangement with Aurora Energy.

It is a common theme with these complaints that the customer does not respond to contacts made by Aurora Energy by phone, SMS, email or letter. It is only when the disconnection has occurred, or is about to occur, that they contact my office to seek reconnection or avoid disconnection. I am limited in how I can assist these complainants and generally seek details from Aurora Energy on what needs to be done to resolve the situation.

My Investigation Officers generally recommend the complainant seek advice from a financial counsellor at a welfare agency. A financial counsellor can prepare a budget and liaise directly with Aurora Energy on behalf of the customer.

Complaints about payment difficulties were much the same as the previous year. This issue generally arises where a customer is experiencing difficulties in meeting regular payments required under a payment arrangement.

Customer Service

The number of complaints about customer service has remained static over the past two years.

There is little I can report on concerning these issues which indicates any obvious systemic issues.

Customer service issues can arise from the frustration of those customers who are having difficulty resolving problems directly with a retailer or distributor.

Land

Complaints in this category have risen from 11 last year to 19 for this reporting year.

Those complaints included eight about the placement and location of TasNetworks poles and wires. They include concerns about the cost to relocate assets to a more convenient location or to move assets currently limiting the complainant's development plans.

I also received two complaints about street lighting, both about lights not working for long periods.

Marketing

Marketing complaints have risen from the usual zero to six during this reporting period.

The simple reason for this is that since 1st Energy entered the market in February 2019, Tasmania has more than one retailer of electricity at the domestic and small business level.

Provision

There were 11 complaints related to existing electricity connections, down from 19 in the previous year.

Complaints made to me about existing connections generally occur when a landowner disputes responsibility for the maintenance or replacement of electricity infrastructure on their land.

This year, seven complaints concerned the ownership of, and responsibility for, electricity infrastructure on private land. The number of these complaints has reduced, but it remains an issue of concern, particularly to rural consumers.

I maintain the position that electricity infrastructure crossing private land is the responsibility of the landowner, or the person benefiting from the infrastructure, from the end of the first

span of conductor off the distribution system. Therefore, the first pole and subsequent poles and wires crossing private land are privately owned. Exceptions to this are where TasNetworks maintains ownership of transformers and supporting structures and high voltage infrastructure installed from around 1981.

Two complaints received related to the cost to alter infrastructure located on public land to suit a neighbouring landowners development requirements. I accept TasNetworks position that the party requesting an alteration is responsible for the cost associated with this work.

There were 22 complaints about new connections, not a substantial variation from the 23 received last year. These complaints generally relate to delays in having a connection completed and/or meters installed, or delays caused by disputes about the costs associated with a new connection.

Twelve complaints about new connections arose from TasNetworks role in connecting a property from its distribution network.

Nine of the remaining complaints were for delays in having Type 4 advanced meters installed. These peaked in early to mid-2018 after metering contestability was initiated on 1 December 2017. This issue was becoming less prevalent well before new Rules that implemented time frames for the installation of new and replacement meters came into effect in December 2018.

It is reasonable to suggest that this is no longer a concern that is regularly raised with me by consumers requesting advanced metering be installed.

Supply

Complaints about supply have remained much the same as for the previous year with little change in the number of approaches for both planned and unplanned electricity outages over the past two years.

Predominately, these complaints are about compensation claims made to TasNetworks for damage to electrical items or damaged perishable items following an outage. The complainant seeks my assistance in cases where TasNetworks has denied a claim for compensation as an unplanned outage was outside its control or a planned outage was undertaken in accordance with its usual processes.

It is reasonable to expect home owners or occupiers to take some responsibility, as far as possible, to limit damage to electrical items resulting from an outage or surge. Both TasNetworks and Aurora Energy make it clear that it is not possible to guarantee an electricity supply 100% of the time.

There were a number of complaints raised with me about claims for compensation, from TasNetworks, following the severe storm event in South-east Tasmania around 11 May 2018.

I accept that outages are a part of the operation of an overhead electricity distribution system and TasNetworks cannot be expected to be liable to pay compensation where damage has occurred through some event outside its direct control, or which results from a properly undertaken planned outage event.

Other Matters

Networking

I meet with Aurora Energy and TasNetworks from time to time and receive updates in relation to a number of projects undertaken by both entities. I meet several times each year with the Australia and New Zealand Energy and Water Ombudsman Network (ANZEWO) and also engage in regular forums with my interstate counterparts on emerging energy technologies.

My Principal Officer and Investigation Officers are in regular contact with Aurora Energy and TasNetworks. My staff attend the TasNetworks Customer Council, meet with other Energy Ombudsman jurisdictions around Australia by way of teleconferences chaired by the AER, meet quarterly with the Tasmanian Economic Regulator's Customer Consultative Committee, and engage with the Australian Energy Regulator on relevant matters.

My staff also liaise with 1st Energy, TasGas Retail and Network and Hydro Tasmania as required.

Case Studies

Human Error

Mr L contacted me after Aurora Energy notified him that 1st Energy had initiated the transfer of his electricity account. Mr L advised that he had received no communication from 1st Energy about the transfer and did not consent to it.

My officer contacted 1st Energy to review the transfer. 1st Energy advised that a different customer on the same street as Mr L had recently transferred a number of connections to 1st Energy. Based on the information available, 1st Energy acknowledged that, during the neighbour's connection call, Mr L's property was included in error. 1st Energy agreed to cancel the transfer and offered to speak with Mr L to provide further explanation and apology.

On the information available, I was satisfied that the issue was an isolated human error and was resolved by cancelling the transfer request.

Solar

I received a complaint from Mr W about a delay installing a new electricity meter at his property. Mr W also questioned the final bill he received from Aurora Energy on his meter prior to the exchange.

Mr W had recently installed solar panels and required a replacement meter to record the solar generation. It had taken a number of weeks for the meter to be installed by Aurora Energy's metering provider. Mr W believed he should be entitled to compensation for the lost solar generation he would have received while waiting for the new meter.

At the time of Mr W's complaint, the National Energy Retail Rules (NERR) did not specify a timeframe for metering installations. As explained to Mr W, this meant that I was not in a position to compel Aurora Energy to provide any financial assistance for lost solar credits. The NERR was amended on 6 December 2018 and now sets timeframes for retailers providing new or replacement meters.

My officer also made enquiries with Aurora Energy as to why Mr W's final bill on his old meter was based on an estimate. Aurora Energy advised that tariff 3I was estimated due to a negative consumption reading on the old meter. As I understand, this occurs when a solar inverter is switched on before a solar meter has been installed. The old meter is unable to record the generation or consumption, which makes a true reading impossible. As explained to Mr W, a solar installer should be aware of this issue and advise customers not to switch on inverters before the correct meter is installed.

Tariff 4I on Mr W's bill was also estimated, but should not have been. The solar was not connected to tariff 4I and so the meter reader would have been able to obtain a true reading. My officer made further inquiries and found that the metering installer had taken photographs of the meter (and its readings) before it was replaced. On this basis, Aurora Energy agreed to rebill tariff 4I on the accurate data.

When in doubt contact the distributor

Mrs F contacted me after an electricity outage of greater than 12 hours affected her property. Mrs F was expecting to receive a Guaranteed Service Level (GSL) payment of \$80.00, which is the current nominated amount for an outage of this duration. However, TasNetworks advised that she was not eligible for the payment because its records noted a power outage at her property of 10.5 hours.

Mrs F was advised that the start time for the GSL payment is when TasNetworks is made aware of the outage, whether by the inbuilt technology in the distribution system or by the customer. The notification is vital to the GSL scheme as it gives TasNetworks the ability to begin the process of restoring power.

Mrs F's electricity supply was interrupted on the same evening as a number of other outages in the area. When Mrs F telephoned the TasNetworks fault line an automated message advised her that TasNetworks was aware of the outages in the area and was working to have power restored later that evening. Unfortunately, Mrs F did not stay on the phone to talk with a customer service representative and assumed TasNetworks knew about the outage at her property. When Mrs F awoke the next morning, without power, she telephoned TasNetworks again and was told the issue had been rectified. TasNetworks noted Mrs F's advice that the power was out at her property and sent a field crew to investigate. It transpired that a dry lightning strike had damaged a transformer that supplies Mrs F and her neighbour. This was the cause of Mrs F's outage, not the larger problem on the same evening.

The surrounding circumstances of Mrs F's outage meant that TasNetworks was not made aware of the issue until well after Mrs F lost power. Accordingly, TasNetworks appeared to have not made any error. Considering the exceptional circumstances, however, TasNetworks agreed to make an \$80.00 ex-gratia payment to Mrs F that matched the GSL payment, if it were applicable. Mrs F accepted this offer.

Unwanted Telemarketing

I received a complaint from Mr X regarding marketing calls he had received from Ist Energy. Mr X advised that he had received a number of unwanted calls after he had sent a request in writing to not be contacted further.

My officer confirmed that there had been a delay in Ist Energy entering Mr X's details on to its internal no contact list. Ist Energy confirmed that Mr X should not receive any further

telemarking calls. My officer also provided Mr X with information about the national Do Not Call Register and suggested he consider registering his details.

Requested power outage costs for Heritage Building works.

Mr M contacted me after failing to come to a resolution with TasNetworks concerning proposed restoration works to the façade of his heritage building and the costs involved in de-energising the electricity to undertake the works.

Mr M planned to undertake restoration works to restore and paint the façade. The work was estimated to take between two to three weeks, assuming everything went to plan. The issue Mr M had was TasNetworks' electrical infrastructure was approximately one metre from the building, which prevented any restoration work being undertaken safely and required the power to be de-energised for the work to be carried out.

TasNetworks advised Mr M that, the estimated cost to undergo these works, which would allow the restoration work to be undertaken safely, would be in excess of \$4,500.00.

Mr M could not understand why he would be liable to pay the full amount nor why he would be responsible to pay when the building was in place before the electricity infrastructure. He felt it was unfair that he should be solely responsible for the cost when he is expected to maintain his heritage building, which is over 100 years old.

The de-energisation was requested but only benefitted Mr M, therefore the expense was his responsibility. Since 2012, the costs associated with customer requested work have been charged to that customer, rather than being carried by the broader customer base. I consider this a consistent approach as it minimises further costs to the wider community.

In an attempt to resolve the complaint, my officer made enquiries with TasNetworks regarding the scope of undertaking the required works to align with scheduled works in the area in an effort to reduce the cost to Mr M. Unfortunately, this was not an option as the scheduled works needed to use the line span outside Mr M's building to prevent further customers' supplies being isolated at that time.

My approach to issues such as those raised by Mr M, regarding the building preceding the electricity infrastructure is firm. It is part of due diligence that a purchaser of a property make themselves aware of any impediments which may have an impact on the future use or maintenance of a property. I believe it is a reasonable expectation for a purchaser to identify, prior to purchase, any limitations in the use of the property in the future.

My officer provided a detailed explanation to Mr M concerning the issues raised and advised that TasNetworks are entitled to recover the full cost of the de-energisation from the customer requesting the work.

Official Visitor Programs

Overview

The Prison Official Visitors Scheme and the Mental Health Official Visitors Scheme are administered from my Office with the support of a part-time manager and part-time administrative officer.

Prison Official Visitors

Prison Official Visitors play a vital role in monitoring and reporting on the treatment and conditions of prisoners and detainees in the State's prisons. They also assist prisoners and detainees to raise and resolve concerns and complaints.

The Ombudsman is the Coordinator of the Official Visitors Scheme.

Visitors are appointed by the Minister under the *Corrections Act 1997* for a fixed term of three years. They act independently and may report to the Minister or the Director on:

- the management or disciplining of a prisoner or detainee, or the conduct of correctional officers or State Service corrections employees, at a prison visited by the official visitor; or
- any matter relating to the treatment or condition of prisoners or detainees at that prison; or
- the state of the prison.

At the end of the reporting period there were five Visitors who, between them, visited all the correctional facilities in the State. These facilities include the Reception Prisons in Hobart and Launceston as well as the facilities at the Risdon Prison Complex.

Visitors come from diverse backgrounds, with a range of experience, expertise and skills. They each bring their own perspective to the role. Their combined observations provide a detailed picture of the prison environment, its management and the prevailing concerns of prisoners and detainees.

Corrective Services and Correctional Officers recognise and respect the role of Official Visitors, who regularly report a high level of cooperation from management and staff during their visits. They are allowed free access to prisoners and detainees, who are able to raise matters of concern to them in an informal and confidential way. If these concerns relate to matters of routine or day to day management, the Visitors are often able to resolve them on the spot.

Visitors regularly debrief with custodial managers at the conclusion of their visits and are able to convey to management directly what they have seen or had brought to their attention, and what needs to be addressed.

Official Visitors facilitate more formal complaints to me by providing inmates with Ombudsman complaint forms. These are also provided to prisoners and detainees by prison officers and management upon request, but many prisoners are not comfortable asking for them and often need the process to be explained.

As Visitors visit each facility and unit on a regular basis, they are able to monitor change and the manner in which prisoners' concerns are being dealt with. A total of 86 visits were made to correctional facilities during the reporting year.

Mental Health Official Visitors

The *Mental Health Act 2013* commenced operation on 17 February 2014.

The Act maintains the role of Official Visitors but also established the position of Principal Official Visitor. The Ombudsman is the Principal Official Visitor.

Official Visitors continue to visit approved facilities which include the secure mental health unit (the Wilfred Lopes Centre) at least once a month. In addition Official Visitors may visit premises from which patients are provided with services under the Act.

They also monitor the adequacy and quality of approved facilities, with particular regard to the recreational, occupational, training and rehabilitation facilities available to patients.

Apart from visiting patients with this sort of oversight in mind, Official Visitors also refer complaints and suspected contraventions of the Act or other matters that require investigation to the Principal Official Visitor.

Section 166 of the Act requires the Principal Official Visitor to give the Minister for Health a report on the activities of Official Visitors during the financial year.

Appendices

Appendix A – Statistics - Ombudsman Act

Complaint and Enquiry Summary

Table 1 – Enquiry Activity – Ombudsman

Enquiries	2017-18	2018-19	Variance
Enquiries opened and closed in the period	491	561	14%
Out of jurisdiction enquiries	536	705	32%
Total	1027	1266	23%

Table 2 – Complaint Activity – Ombudsman

Complaints	2017-18	2018-19	Variance
Opened in period	800	735	-8%
Closed in period	771	795	3%

Note: Figures include PIP and PID cases; excludes RTI cases

Complaints against State Government

Table 3 – Summary of Complaints against State Government

Department	Received 2017-18	Received 2018-19	Closed 2018-19	Declined, Referred or Out of Jurisdiction	Discontinued	No Defective Administration	Partly or Fully Substantiated
Communities	0	47	38	20	2	12	4
Education	14	15	15	7	1	7	0
Health and Human Services	69	24	35	11	7	12	5
Infrastructure, Energy & Resources	1	0	1	0	0	0	1
Justice	233	215	240	62	40	96	42
Office of the Ombudsman and Health Complaints Commissioner	1	1	1	1	0	0	0
Police, Fire and Emergency Management	42	48	52	36	4	10	2
Premier and Cabinet	1	1	1	1	0	0	0
Primary Industries, Parks, Water and Environment	16	11	14	7	0	6	1
State Growth	14	8	6	1	2	2	1

Department	Received 2017-18	Received 2018-19	Closed 2018-19	Declined, Referred or Out of Jurisdiction	Discontinued	No Defective Administration	Partly or Fully Substantiated
Tasmanian Health Service	1	3	1	0	0	1	0
Treasury and Finance	11	9	10	8	0	2	0
Total	402	382	414	154	56	148	56

Table 4 – Summary of Complaints against Department of Communities Tasmania

Section	Received 2017-18	Received 2018-19	Closed 2018-19	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Ashley Youth Detention Centre	0	1	1	0	0	0	1
Children and Youth Services	0	19	16	10	0	5	1
Housing Services	0	3	3	3	0	0	0
Housing Tasmania	0	20	14	5	2	6	1
Departmental / Not Specified	0	4	4	2	0	1	1
Total	0	47	38	20	2	12	4

Table 5 - Department of Education

Section	Received 2017-18	Received 2018-19	Closed 2018-19	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Office of the Secretary	0	1	1	0	0	1	0
TasTAFE	8	4	5	3	1	1	0
Departmental / Not Specified	6	10	9	4	0	5	0
Total	14	15	15	7	1	7	0

Table 6 – Department of Health and Human Services

Section	Received 2017-18	Received 2018-19	Closed 2018-19	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Ashley Youth Detention Centre	4	5	4	3	1	0	0
Health Services	2	1	2	1	1	0	0
Human Services	50	11	21	3	3	10	5
Population Health	0	3	3	2	0	1	0
Tasmanian Ambulance and Health Transport Services	0	1	1	1	0	0	0

Section	Received 2017-18	Received 2018-19	Closed 2018-19	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Departmental/Not specified	13	3	3	0	2	1	0
Total	69	24	34	10	7	12	5

Table 7 – Department of Infrastructure, Energy and Resources

Section	Received 2017-18	Received 2018-19	Closed 2018-19	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Departmental / Not Specified	1	0	1	0	0	0	1
Total	1	0	1	0	0	0	1

Table 8 - Department of Justice

Section	Received 2017-18	Received 2018-19	Closed 2018-19	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Anti-Discrimination Tribunal	0	1	1	1	0	0	0
Consumer, Building and Occupational Services	5	7	6	3	0	3	0
Equal Opportunity Tasmania	1	0	0	0	0	0	0
Guardianship and Administration Board	2	2	2	2	0	0	0
Magistrates Courts	2	0	1	1	0	0	0
Monetary Penalties Enforcement Service/Motor Registries	5	4	3	0	1	2	0
Office of Consumer Affairs and Fair Trading	2	3	3	3	0	0	0
Parole Board	1	0	0	0	0	0	0
Prison Services	209	186	212	44	39	88	41
Supreme Courts	1	1	1	1	0	0	0
Victims Support Services	1	1	1	1	0	0	0
WorkSafe Tasmania	2	5	6	3	0	2	1

Section	Received 2017-18	Received 2018-19	Closed 2018-19	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Departmental/Not specified	2	5	4	3	0	1	0
Total	233	215	240	62	40	96	42

Table 9 - Office of the Ombudsman and Health Complaints Commissioner

Section	Received 2017-18	Received 2018-19	Closed 2018-19	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Health Complaints Commission	0	1	1	1	0	0	0
Ombudsman Jurisdiction	1	0	0	0	0	0	0
Total	1	1	1	1	0	0	0

Table 10 – Department of Police, Fire and Emergency Management

Section	Received 2017-18	Received 2018-19	Closed 2018-19	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Operations Support	2	1	2	0	0	2	0
Southern District	1	0	1	0	0	1	0
Tasmania Fire Service	2	0	0	0	0	0	0
Tasmania Police	29	40	42	29	4	7	2
Departmental/Not specified	8	7	7	7	0	0	0
Total	42	48	52	36	4	10	2

Table 11 – Department of Premier and Cabinet

Section	Received 2017-18	Received 2018-19	Closed 2018-19	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Service Tasmania Unit	0	1	1	1	0	0	0
Departmental/Not specified	1	0	0	0	0	0	0
Total	1	1	1	1	0	0	0

Table 12 – Department of Primary Industries, Parks, Water and Environment

Section	Received 2017-18	Received 2018-19	Closed 2018-19	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Biosecurity and Product Integrity	1	0	1	1	0	0	0
Environment Protection Authority	1	0	0	0	0	0	0
Land Tasmania	6	4	6	4	0	2	0
Parks and Wildlife Service	1	2	0	0	0	0	0
Wild Fisheries	1	0	0	0	0	0	0
Departmental/Not specified	6	5	7	2	0	4	1
Total	16	11	14	7	0	6	1

Table 13 – Department of State Growth

Section	Received 2017-18	Received 2018-19	Closed 2018-19	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Transport, Regulatory & Customer Services	2	0	0	0	0	0	0
Departmental/Not specified	12	8	6	1	2	2	1
Total	14	8	6	1	2	2	1

Table 14 - Tasmanian Health Service

Section	Received 2017-18	Received 2018-19	Closed 2018-19	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Tasmanian Health Service – North	0	1	1	1	0	0	0
Tasmanian Health Service – South	0	1	0	0	0	0	0
Departmental/Not specified	1	0	1	0	0	1	0
Total	1	2	2	1	0	1	0

Table 15 – Department of Treasury and Finance

Section	Received 2017-18	Received 2018-19	Closed 2018-19	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Revenue, Gaming and Licensing Division	1	1	1	1	0	0	0
State Revenue Office	9	6	7	5	0	2	0
Departmental/Not specified	1	2	2	2	0	0	0
Total	11	9	10	8	0	2	0

GRAND TOTAL	402	382	414	154	56	148	56
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Complaints against Local Government

Table 16 – Complaints against Local Government

Council	Received 2017-18	Received 2018-19	Closed 2018-19	Declined or Out of Jurisdiction	Discontinued	No Defective Administration	Partly or Fully Substantiated
Break O'Day Council	3	3	2	1	0	1	0
Brighton Council	4	3	3	1	1	0	1
Burnie Council	2	0	0	0	0	0	0
Central Coast Council	0	1	1	0	0	1	0
Circular Head	0	1	0	0	0	0	0
Clarence City Council	13	5	11	4	0	4	3
Derwent Valley Council	2	6	7	2	0	3	2
Devonport City Council	4	4	7	5	0	1	1
Dorset Council	4	1	1	0	0	0	1
George Town Council	1	0	0	0	0	0	0
Glamorgan Spring Bay Council	3	0	0	0	0	0	0
Glenorchy City Council	12	6	10	4	0	2	4

Council	Received 2017-18	Received 2018-19	Closed 2018-19	Declined or Out of Jurisdiction	Discontinued	No Defective Administration	Partly or Fully Substantiated
Hobart City Council	8	14	12	7	0	5	0
Huon Valley Council	5	5	6	2	0	4	0
Kentish Council	2	0	0	0	0	0	0
King Island Council	2	1	3	1	0	2	0
Kingborough Council	9	2	4	2	0	2	0
Latrobe Council	0	1	1	1	0	0	0
Launceston City Council	3	9	9	5	0	4	0
Meander Valley Council	1	0	0	0	0	0	0
Northern Midlands Council	4	2	4	1	1	1	1
Sorell Council	4	1	2	1	0	1	0
Southern Midlands Council	1	0	0	0	0	0	0
Tasman Council	2	0	0	0	0	0	0
Waratah/Wynyard Council	2	3	3	1	0	2	0
West Coast Council	4	5	4	1	0	3	0

Council	Received 2017-18	Received 2018-19	Closed 2018-19	Declined or Out of Jurisdiction	Discontinued	No Defective Administration	Partly or Fully Substantiated
West Tamar Council	4	3	3	2	0	1	0
Total	99	76	93	41	2	37	13

Complaints against Public Authorities, Government Business Enterprises and Other Authorities

Table 17 – Complaints against Public Authorities, GBEs and Other Authorities

Authority or Enterprise	Received 2017-18	Received 2018-19	Closed 2018-19	Declined, Referred or Out of Jurisdiction	Discontinued	No Defective Administration	Partly or Fully Substantiated
Aurora Energy	1	0	0	0	0	0	0
Legal Aid	2	0	0	0	0	0	0
Macquarie Point Development Corporation	1	0	0	0	0	0	0
Marine and Safety Tasmania	0	2	2	1	0	1	0
Metro Tasmania	3	2	2	0	0	2	0
Minister for Local Government	0	1	0	0	0	0	0
Motor Accidents Insurance Board	0	2	2	1	0	1	0
Property Agents Board	1	2	2	2	0	0	0
Retirement Benefits Fund Board	9	9	12	2	1	6	3
Sustainable Timbers Tasmania	0	2	2	1	0	0	1

Authority or Enterprise	Received 2017-18	Received 2018-19	Closed 2018-19	Declined, Referred or Out of Jurisdiction	Discontinued	No Defective Administration	Partly or Fully Substantiated
TasNetworks	3	0	0	0	0	0	0
TasWater	59	64	59	19	2	26	12
The Public Trustee	9	7	9	4	2	2	1
TT Line	3	3	5	2	0	1	2
University of Tasmania	23	24	29	11	3	11	4
Veterinary Board of Tasmania	0	1	1	1	0	0	0
Total	114	119	125	44	8	50	23

Complaint Summaries

Table 18 – Out of Jurisdiction Complaints

Out of Jurisdiction Complaints	Received 2017-18	Received 2018-19	Closed 2018-19	Declined	Discontinued	No Defective Administration	Partly or Fully Substantiated
Total	179	150	150	150	0	0	0

Table 19 – Personal Information Protection Matters and Public Interest Disclosures

	Received 2018-19	Closed 2018-19		Received 2018-19	Closed 2018-19
Personal Information Protection Matters	4	5	Public Interest Disclosures	4	9

Table 20 – Total Cases Opened, Closed and Substantiated

Complaints	Received 2017-18	Received 2018-19	Closed 2018-19	Declined, Referred or Out of Jurisdiction	Discontinued	No Defective Administration	Partly or Fully Substantiated	PID	PIP
Total	800	735	795	388	66	235	92	9	5

Figure 1 – Who is being complained about?

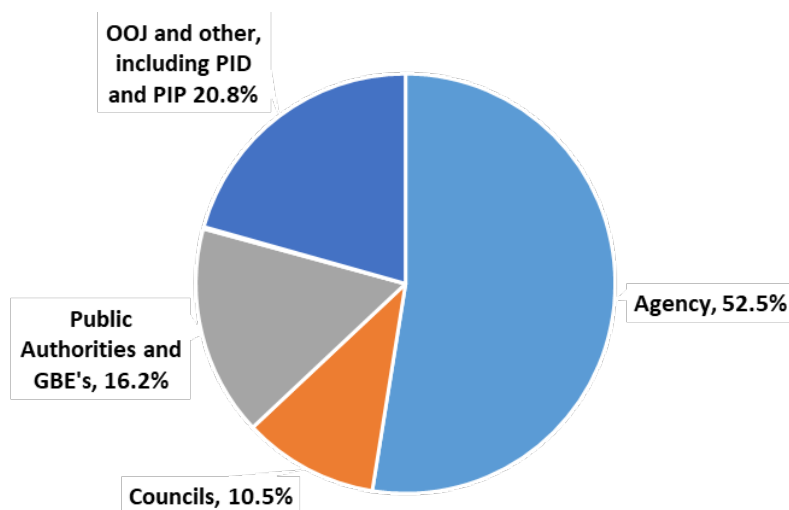


Table 21 – Complaints about State Government Departments (Agency)

Department	% of Total Complaints
Communities	12.3%
Education	3.9%
Health and Human Services	6.3%
Justice	56.3%
Office of the Ombudsman & Health Complaints Commissioner	0.3%
Police, Fire and Emergency Management	12.6%
Premier and Cabinet	0.2%
Primary Industries, Parks, Water and Environment	2.9%
State Growth	2.1%
Tasmanian Health Services	0.8%
Treasury and Finance	2.3%
Total	100.0%

Figure 2 – Complainants' Objectives

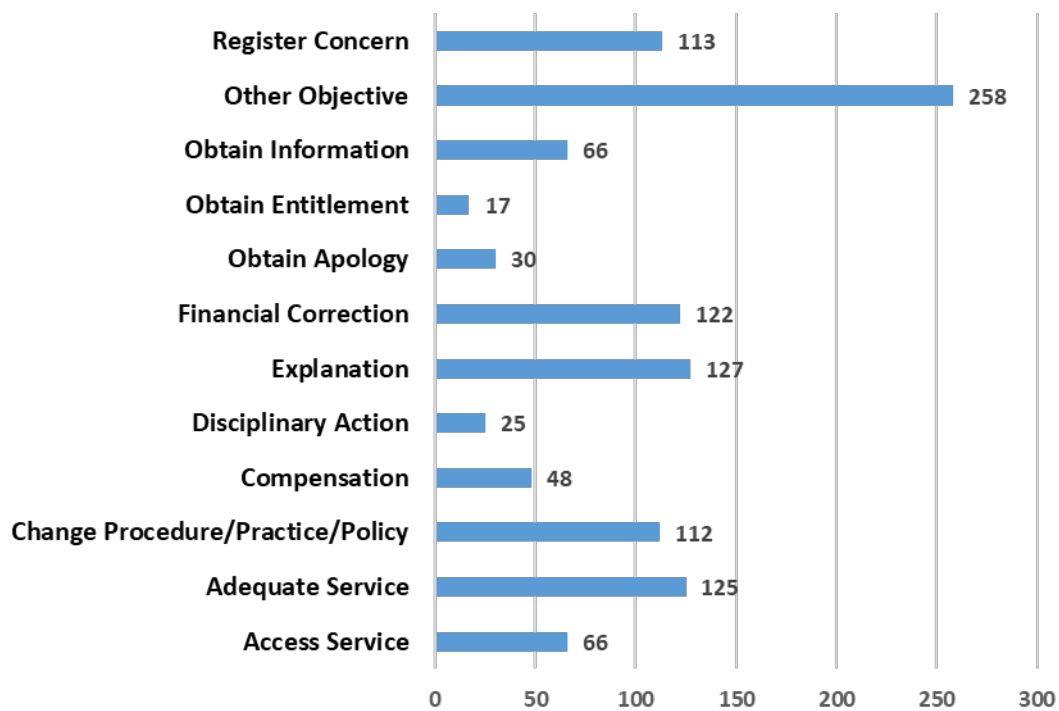


Figure 3 – Most Common Issues against Prisons

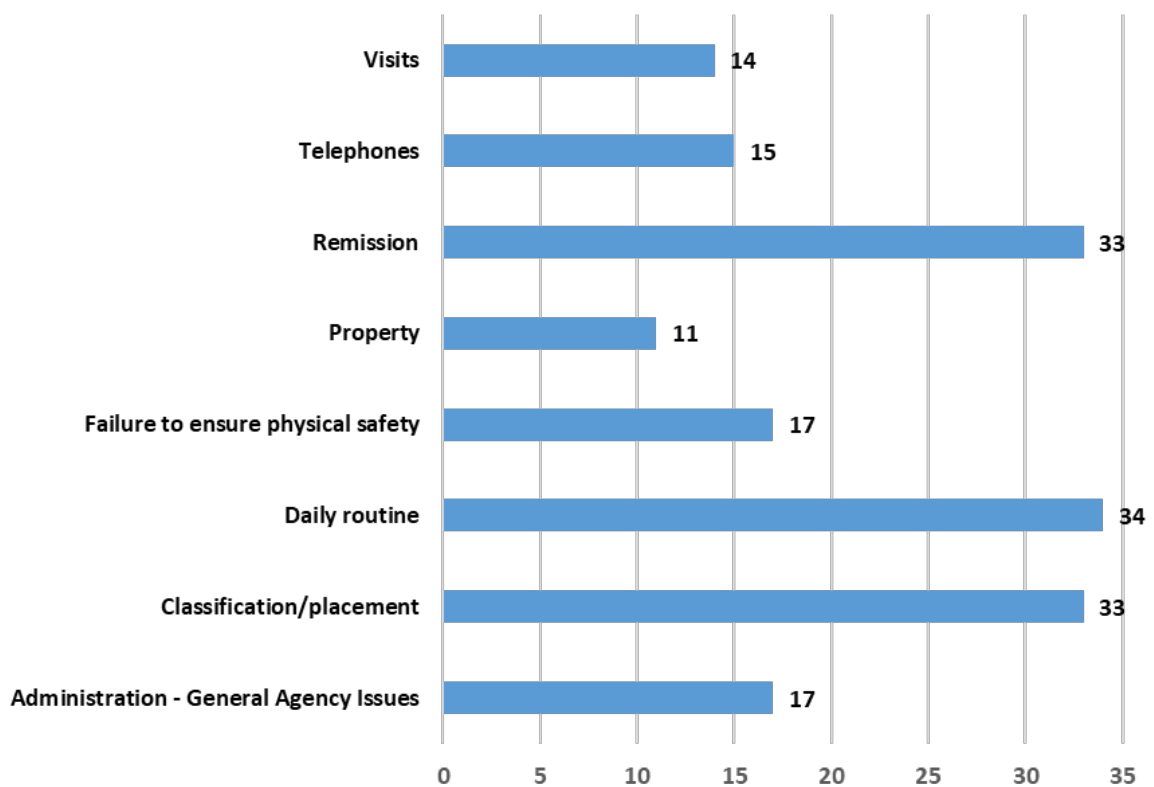


Figure 4 – Most Common Issues against Councils

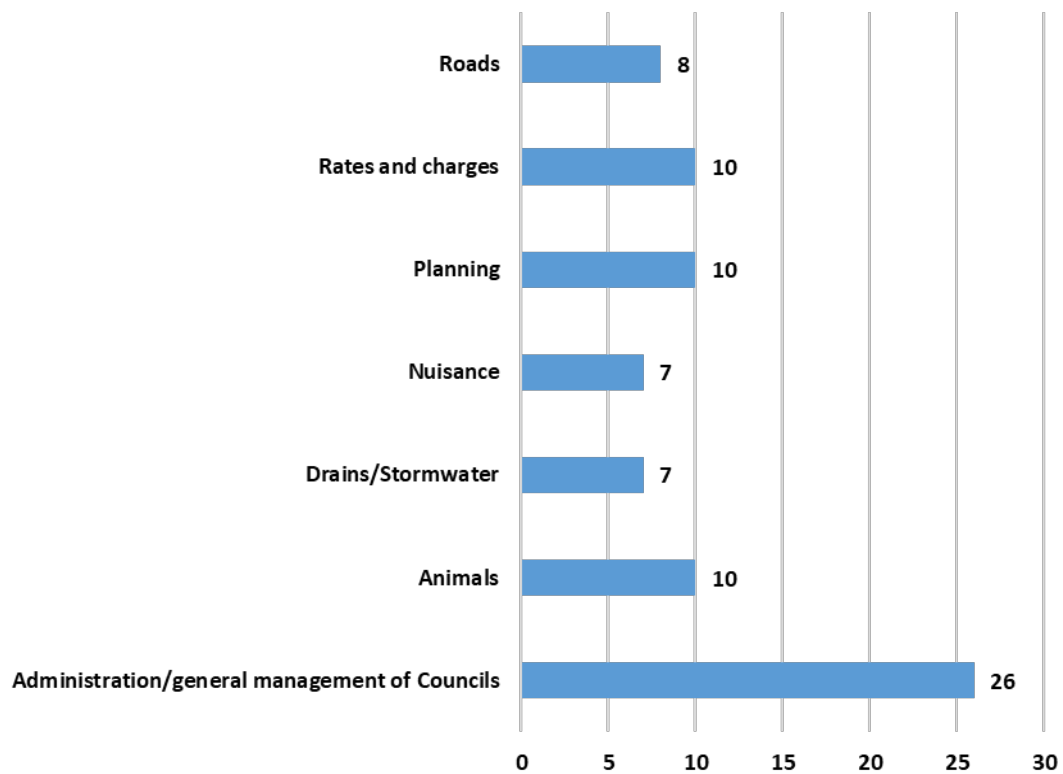


Figure 5 – Time taken to resolve complaints – Ombudsman

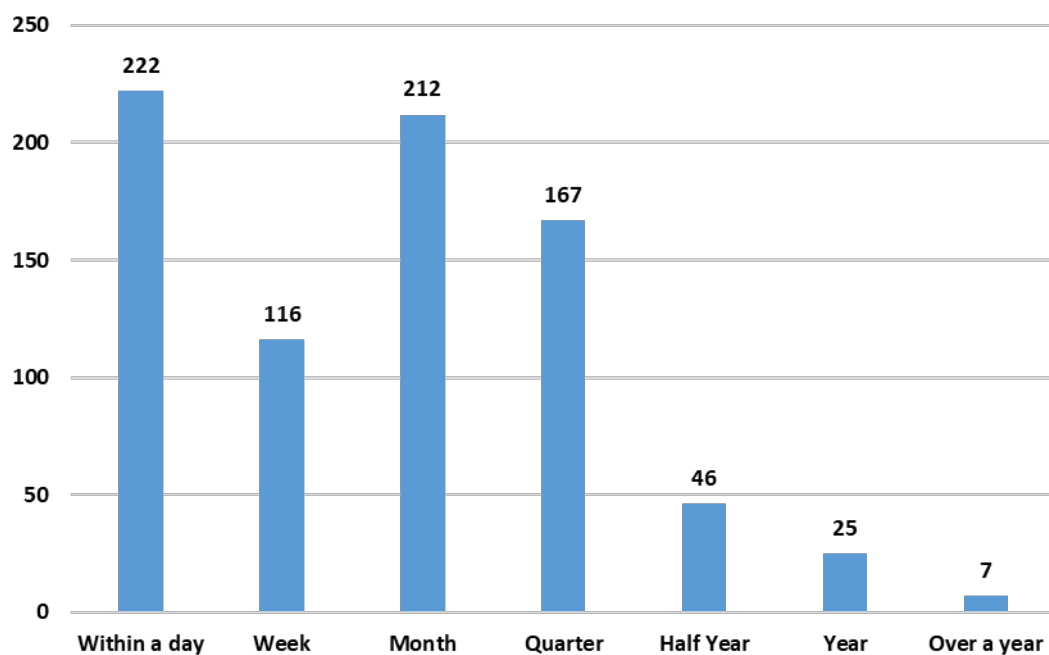
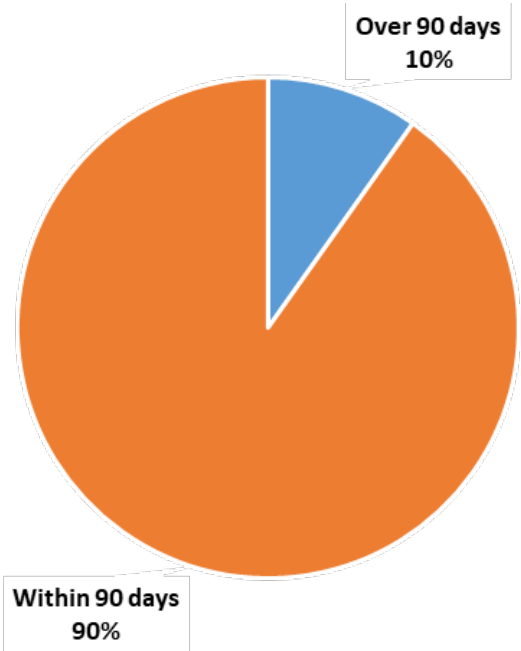


Figure 6 – Complaints resolved within 90 days - Ombudsman



Appendix B – Statistics - Right to Information Act

Table 21 – Right to Information Outcomes

Decision	2017-18	2018-19	Variance
Agency Decision Affirmed	7	2	-5
Agency Decision Varied	12	4	-8
Agency Decision Set Aside	4	2	-2
Other (see Note 1)	26	31	5
Total	49	39	

Note 1: 'Other' includes matters not progressed, withdrawn by applicant, negotiated resolution, information released and/or direction for a new decision to be made, or information released.

Table 22 – Summary of RTI Reviews

Authority	Applications Received 2017-18	Applications Received 2018-19	Closed 2018-19	Reviews Undertaken	Agency Decisions Varied
State Government Department	32	40	24	3	2
Local Government Council	10	14	10	3	1
Statutory Authority or Other Body	1	5	5	2	1
Total	43	59	39	8	4

Table 23 – Reviews against State Government Departments

Department	Applications Received 2017-18	Applications Received 2018-19	Closed 2018-19	Reviews Undertaken	Agency Decisions Varied
Education	4	4	2	0	0
Health and Human Services	4	1	2	0	0
Justice	1	0	0	0	0
Police and Emergency Management	10	13	7	0	0

Department	Applications Received 2017-18	Applications Received 2018-19	Closed 2018-19	Reviews Undertaken	Agency Decisions Varied
Premier and Cabinet	5	0	2	0	0
Primary Industries, Parks, Water and Environment	7	22	10	3	2
Treasury and Finance	1	0	1	0	0
Total	32	40	24	3	2

Table 24 – Reviews against Local Government

Council	Applications Received 2017-18	Applications Received 2018-19	Closed 2018-19	Reviews Undertaken	Agency Decisions Varied
Brighton Council	2	1	1	0	0
Clarence City Council	1	0	0	0	0
Devonport City Council	1	2	1	0	0
Dorset Council	0	2	1	0	0
George Town Council	0	1	1	1	0
Glamorgan/Spring Bay Council	2	0	2	2	1

Council	Applications Received 2017-18	Applications Received 2018-19	Closed 2018-19	Reviews Undertaken	Agency Decisions Varied
Hobart City Council	0	2	1	0	0
Kingborough Council	0	1	1	0	0
Launceston City Council	3	4	2	0	0
Southern Midlands Council	1	0	0	0	0
West Tamar Council	0	1	0	0	0
Total	10	14	10	3	1

Table 25 – Reviews against Statutory Authorities and Other Bodies

Statutory Authority or Other Body	Applications Received 2017-18	Applications Received 2018-19	Closed 2018-19	Reviews Undertaken	Agency Decisions Varied
Forestry Tasmania / Sustainable Timbers Tasmania	0	3	2	1	1
Hydro	0	1	1	0	0
Minister for Tourism	0	1	1	0	0
TasWater	1	0	0	0	0
University of Tasmania	0	1	1	1	0
Total	1	6	5	2	1

Figure 7 – Reviews Closed vs Opened



Figure 8 – Reviews Closed vs Opened by Month

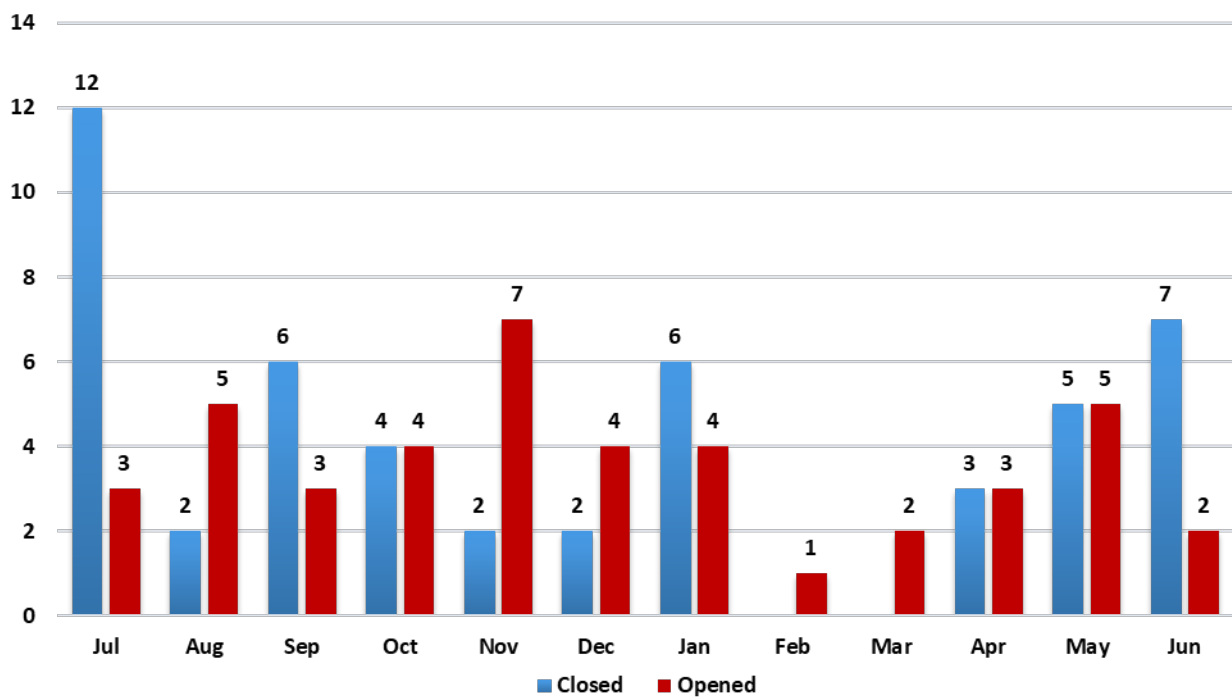


Figure 9 – Reviews Closed by Applicant Type

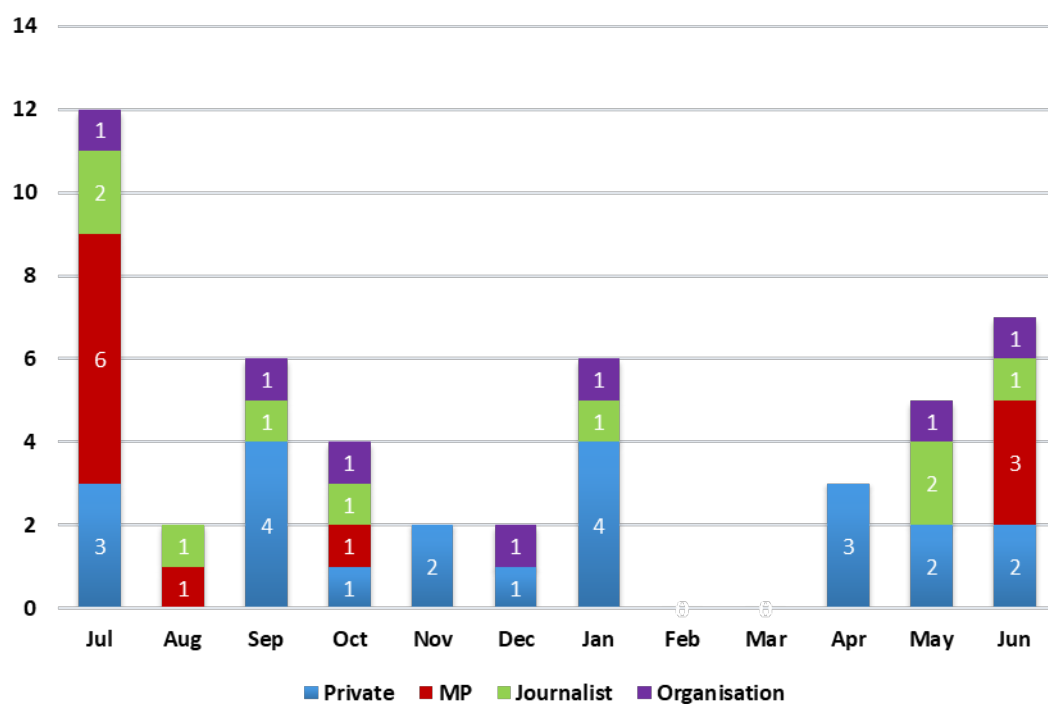


Figure 10 – Reviews Closed by Agency Type

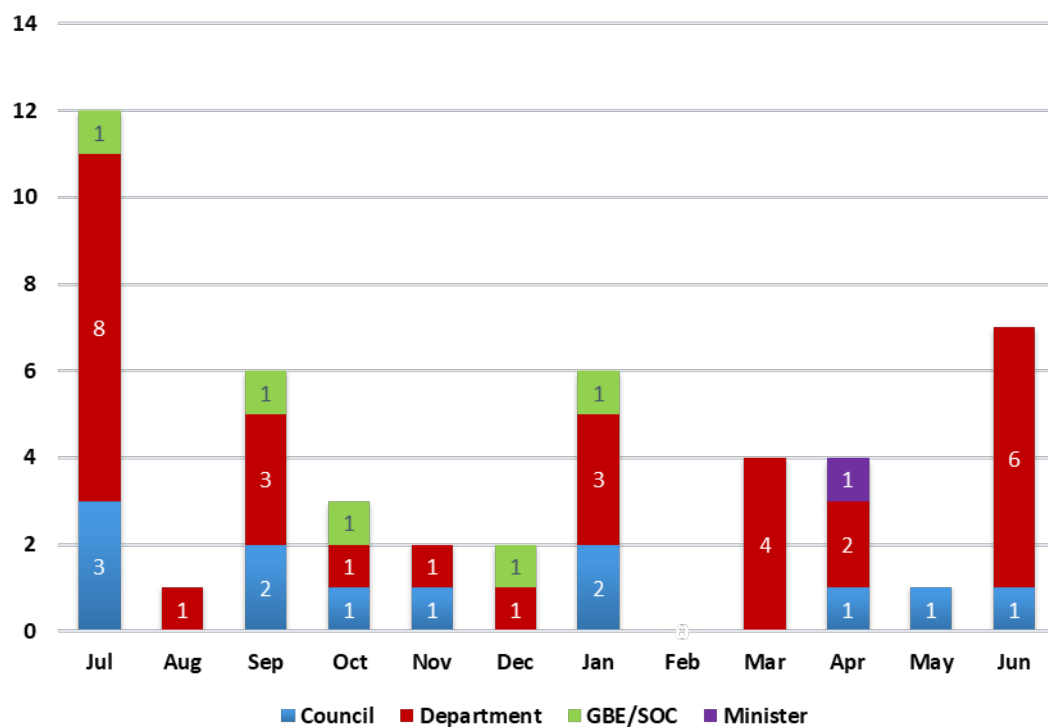


Figure 11 – Reviews Opened by Applicant Type

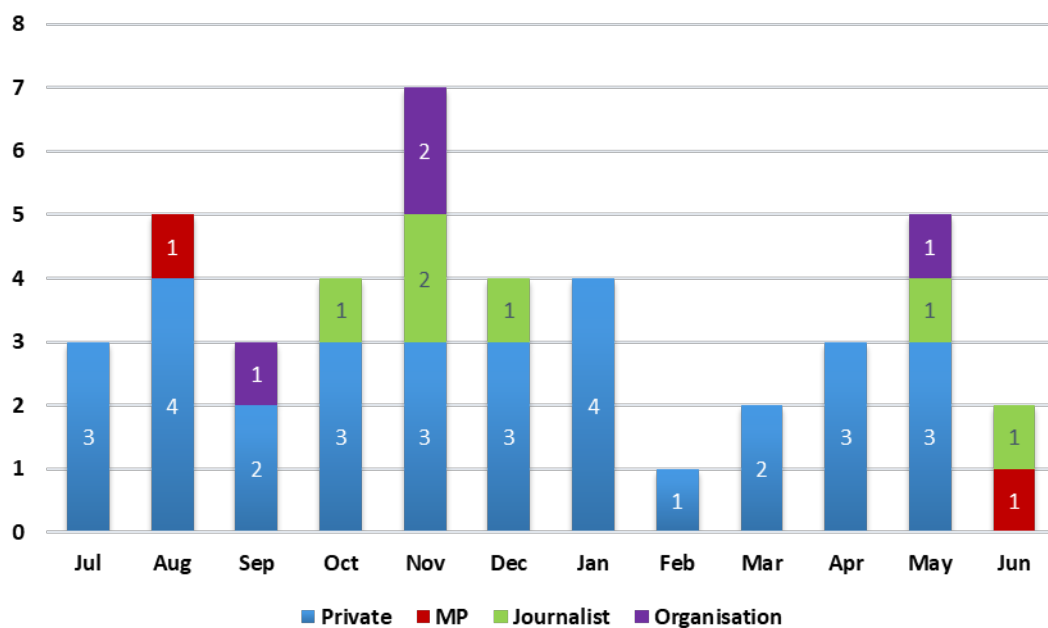
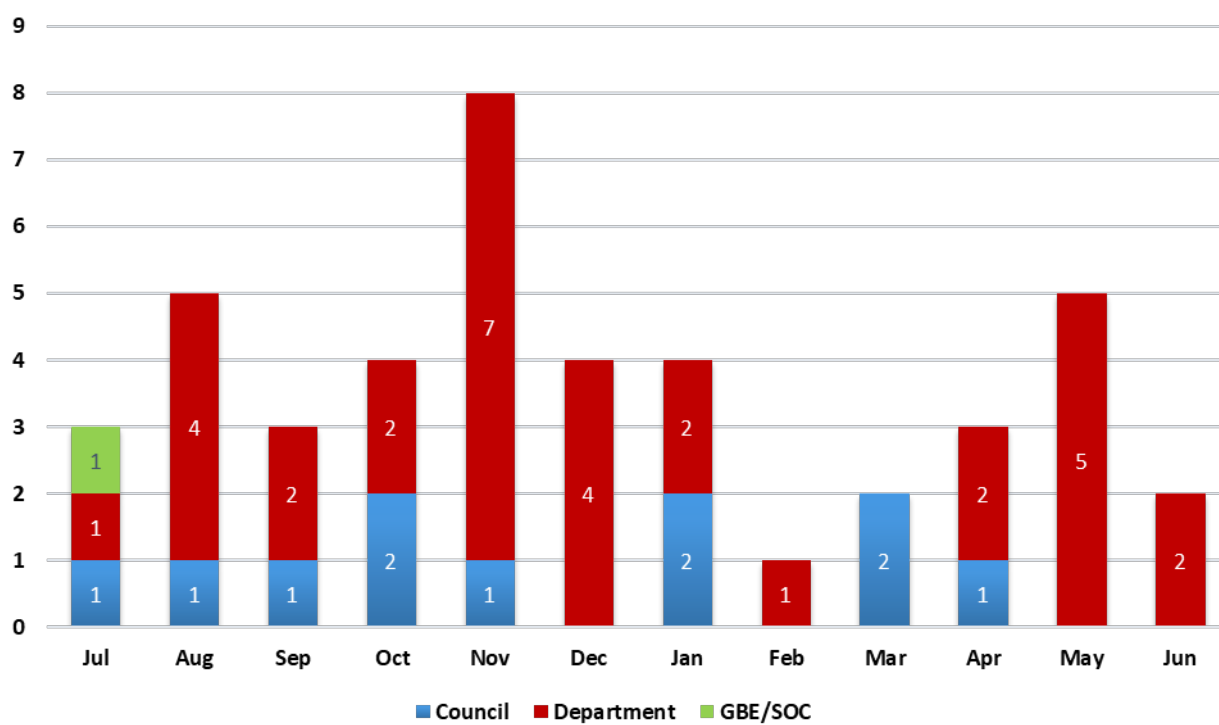


Figure 12 – Reviews Opened by Agency Type



Appendix C – Statistics – Energy Ombudsman Act

Complaint and Enquiry Summary

Table 26 – Enquiry Activity – Energy

Enquiries	2017-18	2018-19	Variance
Enquiries opened and closed in the period	176	107	-39%
Out of jurisdiction enquiries	99	61	-38%
Total	275	168	-39%

Table 27 – Complaint Activity – Energy

Complaints	2017-18	2018-19	Variance
Opened in period	241	164	-32%
Closed in period	235	193	-18%

Closure Reasons by Entity

Table 28 – Closure Reasons by Entity

Closure Reason	Aurora Energy	First Energy	Hydro Tasmania	TasGas Networks	TasGas Retail	Tas Networks	Total
Complaints referred to higher level	1	0	0	0	0	0	1
No further investigation – insufficient grounds/not warranted	1	0	0	0	0	0	1
No further investigation – no further contact from customer	1	0	0	0	0	0	1
No further investigation – withdrawn by customer	0	0	0	0	0	1	1
Out of jurisdiction	0	0	0	0	0	1	1
Resolved - facilitated resolution	70	5	0	1	3	59	138
Resolved - negotiated resolution	18	2	2	0	1	27	50
Total	91	7	2	1	4	88	193

Summary of Issues by Category

Table 29 – Summary of Issues by Category

Issue	2017-18	2018-19
Billing	140	101
Credit	43	24
Customer Service	12	10
General	1	0
Land	11	19
Marketing	0	6
Provision	42	34
Supply	25	24
Total	274	218

Breakdown of Issues by Category

Table 30 – Billing

Issue	2017-18	2018-19
Backbill	5	9
Delay	2	0
Error	15	6
Estimation	25	16
Fees & charges	11	8
High	27	23
Meter	25	26
Other	9	8
Rebate/concession	13	1
Refund	2	1
Tariff	6	3
Total	140	101

Table 31 – Credit

Issue	2017-18	2018-19
Collection	2	1
Disconnection / restriction	31	11
Payment difficulties	10	12
Total	43	24

Table 32 – Customer Service

Issue	2017-18	2018-19
Failure to consult / inform	2	1
Failure to respond	1	0
Incorrect advice / information	5	4
No explicit informed consent (EIC)	0	1
Poor / unprofessional attitude	2	2
Poor service	2	1
Privacy	0	1
Total	12	10

Table 33 – General

Issue	2017-18	2018-19
Energy / water	0	0
Non energy / non water	1	0
Total	1	0

Table 34 – Land

Issue	2017-18	2018-19
Network Assets	7	9
Other	2	5
Street Lighting	0	2
Vegetation Management	2	3
Total	11	19

Table 35 – Marketing

Issue	2017-18	2018-19
Misleading	0	1
Non Account Holder	0	2
Other	0	2
Pressure	0	1
Total	0	6

Table 36 – Provision

Issue	2017-18	2018-19
Disconnection / restriction	0	1
Existing connection	19	11
New connection	23	22
Total	42	34

Table 37 – Supply

Issue	2017-18	2018-19
Off supply (planned)	6	4
Off supply (unplanned)	19	19
Variation	0	1
Total	25	24

Figure 13– Time taken to resolve complaints

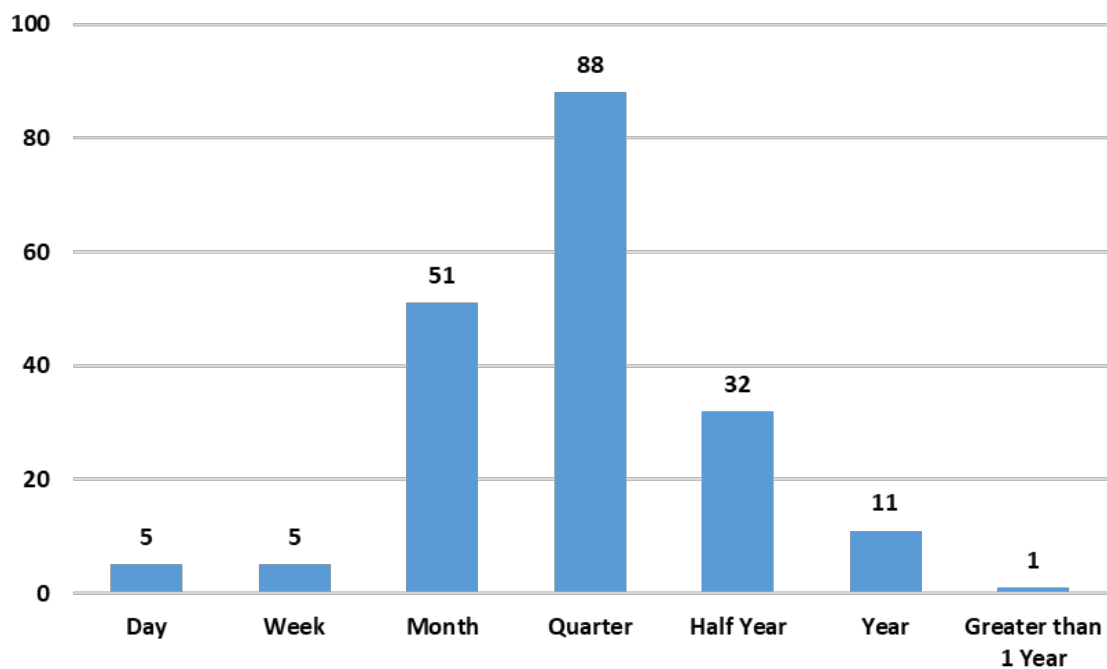


Figure 14 – Complaints resolved within 90 days

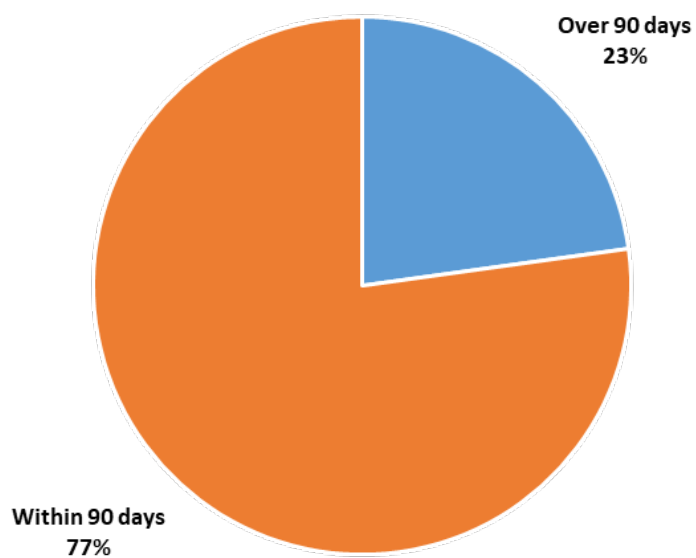
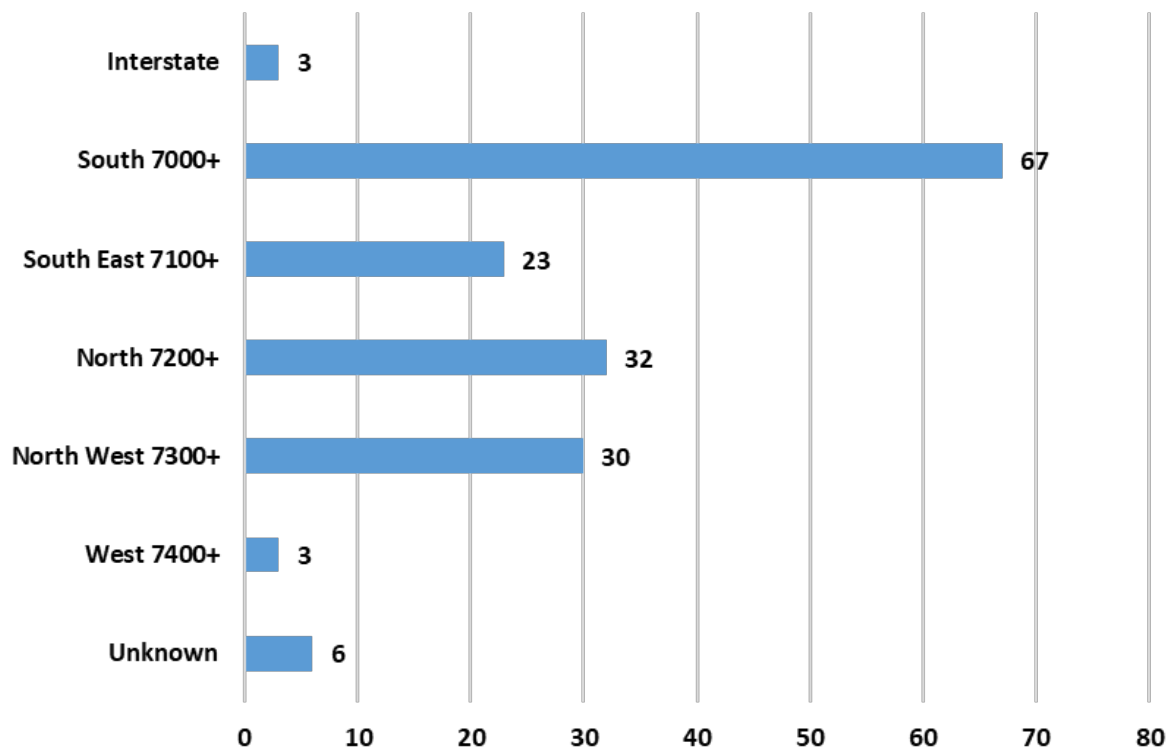


Figure 15 – Geographical location of complainants



Appendix D – Contracts and Consultancies Awarded

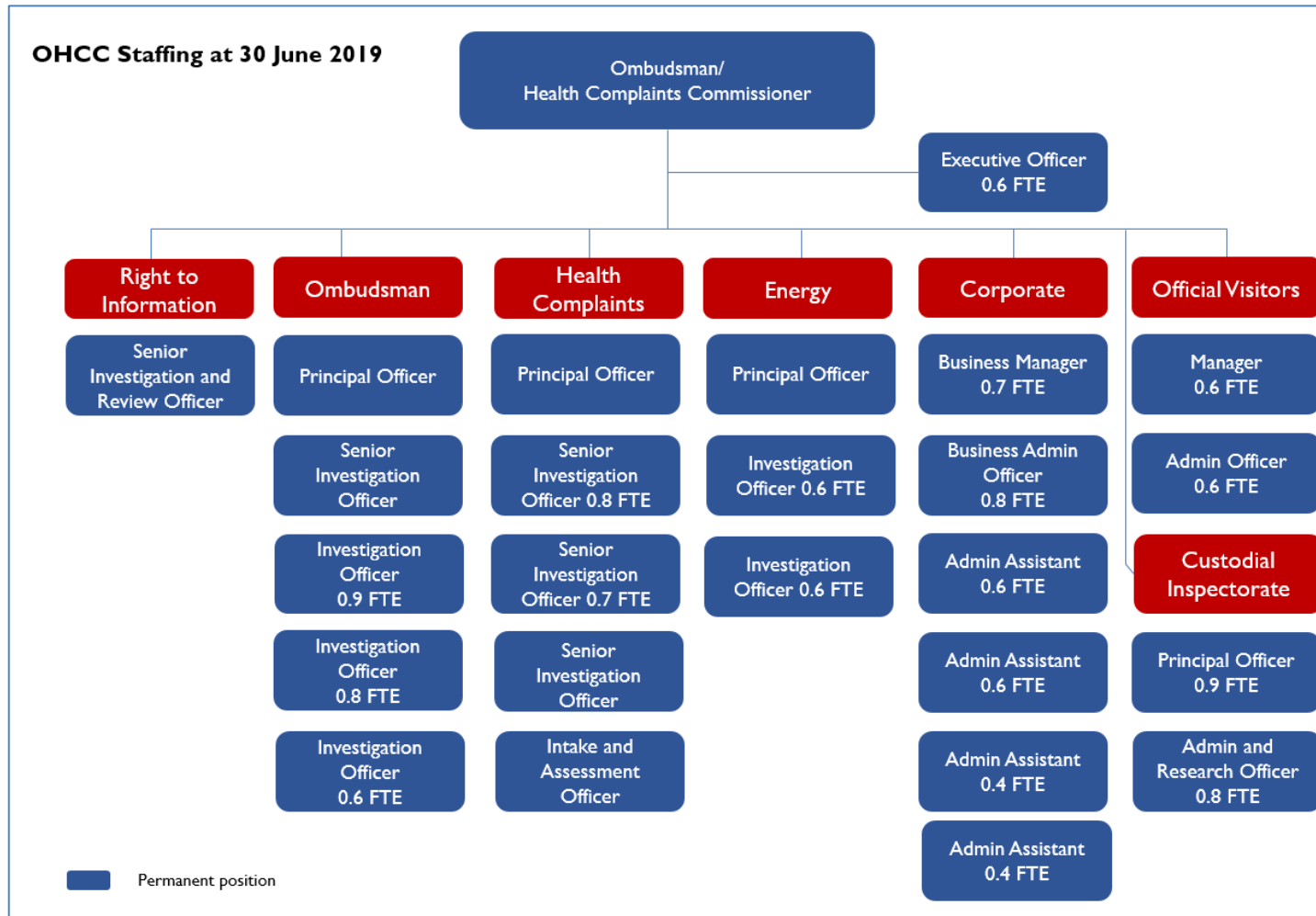
The Office of the Ombudsman and Health Complaints Commissioner ensures that Tasmanian businesses are given every opportunity to compete for Agency business. It is the Office's policy to support Tasmanian businesses whenever they offer best value for money for the Government.

The Office continued the engagement of Professor Tony Bell this financial year. Professor Bell has provided consulting services to this Office since 2013/14. His professional advice has allowed us to test the efficacy of using specialist medical advice and his input continues to improve the quality of the assessment work done by the Health Complaints team.

To enhance the capacity of the Custodial Inspector to inspect specialised areas in custodial services, the following expert consultants were engaged this financial year:

- Ms Grazia Pagano, Training and Quality Consultant to provide expert consultancy services for an inspection of all custodial centres in Tasmania against the Rehabilitation and Reintegration inspection standards; and
- Belrose Consulting Group Pty Ltd, Strategy and People & Culture Specialists to provide consultancy services for an inspection of all custodial centres in Tasmania against the Resources and Systems inspection standards.

Appendix E – Organisation Chart





Office of the Ombudsman and
Health Complaints Commissioner

Financial Statements 2018-19

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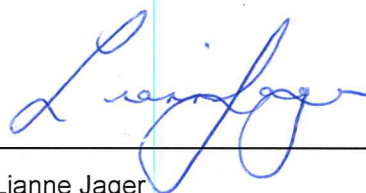
Statement by Head of Agency and Principal Accounting Officer

The accompanying Financial Statements of the Office of the Ombudsman and Health Complaints Commissioner are in agreement with the relevant accounts and records and have been prepared in compliance with Treasurer's Instructions issued under the provision of the *Financial Management and Audit Act 1990* to present fairly the financial transactions for the year ended 30 June 2019 and the financial position as at the end of the year.

At the date of signing, we are not aware of any circumstances which would render the particulars included in the financial statements misleading or inaccurate.



Richard Connock
HEAD OF AGENCY



Lianne Jager
BUSINESS MANAGER

14 August 2019

Office of the Ombudsman and Health Complaints Commissioner

Statement of Comprehensive Income for the year ended 30 June 2019

	Notes	2019 Budget \$'000	2019 Actual \$'000	2018 Actual \$'000
Continuing operations				
Revenue and other income from transactions				
Revenue from Government				
Appropriation revenue - recurrent	2.1	2 321	2 345	2 260
Other revenue from Government	2.1	-	-	32
Revenue from Energy Entities	2.2	545	617	396
Other revenue	2.3	-	-	31
Total revenue and other income from transactions		2 866	2 962	2 719
Expenses from transactions				
Employee benefits	3.1	2 208	2 275	2 174
Depreciation and amortisation	3.2	43	45	45
Supplies and consumables	3.3	586	605	513
Other expenses	3.4	89	99	97
Total expenses from transactions		2 926	3 024	2 829
Net result from transactions (net operating balance)		(60)	(62)	(110)
Comprehensive result		(60)	(62)	(110)

This Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

Budget information refers to original estimates and has not been subject to audit.

Explanations of material variances between budget and actual outcomes are provided in Note 1 of the accompanying notes.

Office of the Ombudsman and Health Complaints Commissioner

Statement of Financial Position as at 30 June 2019

	Notes	2019 Budget \$'000	2019 Actual \$'000	2018 Actual \$'000
Assets				
<i>Financial assets</i>				
Cash and deposits	7.1	141	84	65
Receivables	4.1	7	19	3
<i>Non-financial assets</i>				
Property, plant and equipment	4.2	412	395	428
Intangibles	4.3	22	20	32
Other assets	4.4	-	76	13
Total assets		582	594	541
Liabilities				
Payables	5.1	27	21	11
Employee benefits	5.2	436	506	401
Total liabilities		463	527	412
Net assets (liabilities)		119	67	129
Equity				
Accumulated funds		119	67	129
Total equity		119	67	129

This Statement of Financial Position should be read in conjunction with the accompanying notes.

Budget information refers to original estimates and has not been subject to audit.

Explanations of material variances between budget and actual outcomes are provided in Note 1 of the accompanying notes.

Office of the Ombudsman and Health Complaints Commissioner

Statement of Cash Flows for the year ended 30 June 2019

	Notes	2019 Budget \$'000	2019 Actual \$'000	2018 Actual \$'000
		Inflows (Outflows)	Inflows (Outflows)	Inflows (Outflows)
Cash flows from operating activities				
Cash inflows				
Appropriation receipts – recurrent		2 321	2 345	2 260
GST receipts		-	40	51
Other cash receipts		545	617	427
Total cash inflows		2 866	3 002	2 738
Cash outflows				
Employee benefits		(1 965)	(1 917)	(1 945)
Superannuation		(226)	(243)	(231)
GST payments		-	(57)	(46)
Supplies and consumables		(586)	(667)	(532)
Grants and subsidies		-	-	-
Other cash payments		(89)	(99)	(93)
Total cash outflows		(2 866)	2 983	(2 847)
Net cash from (used by) operating activities	7.2	-	19	(109)
Cash outflows				
Payments for acquisition of non-financial assets		-	-	-
Total cash outflows		-	-	-
Net cash from (used by) investing activities		-	-	-
Net increase (decrease) in cash held and cash equivalents		-	19	(109)
Cash and deposits at the beginning of the reporting period		141	65	174
Cash and deposits at the end of the reporting period	7.1	141	84	65

This Statement of Cash Flows should be read in conjunction with the accompanying notes.

Budget information refers to original estimates and has not been subject to audit.

Explanations of material variances between budget and actual outcomes are provided in Note 1 of the accompanying notes.

Office of the Ombudsman and Health Complaints Commissioner

Statement of Changes in Equity for the year ended 30 June 2019

	Accumulated surplus / deficit \$'000	Total equity \$'000
Balance as at 1 July 2018	129	129
Total comprehensive result	(62)	(62)
Total	(62)	(62)
Balance as at 30 June 2019	67	67

	Accumulated surplus / deficit \$'000	Total equity \$'000
Balance as at 1 July 2017	239	239
Total comprehensive result	(110)	(110)
Total	(110)	(110)
Balance as at 30 June 2018	129	129

This Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Notes to and forming part of the Financial Statements for the year ended 30 June 2019

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Note 1 Explanations of Material Variances between Budget and Actual Outcomes

Budget information refers to original estimates as disclosed in the 2018-19 Budget Papers and is not subject to audit.

1.1 Statement of Comprehensive Income

Statement of Comprehensive Income variances are considered material where the variance exceeds the greater of 10 per cent of Budget estimate and \$125,000.

	Note	Budget \$'000	Actual \$'000	Variance \$'000	Variance %
Revenue from Energy Entities	(a)	545	617	72	12%

Notes to Statement of Comprehensive Income variances

- (a) The Energy Ombudsman trust account was in a \$98,150 deficit position at 30 June 2018. This deficit was recouped through the energy entity complaint levy in 2018/19 increasing the complaint levy revenue over the original budgeted revenue amount to \$617,202.

1.2 Statement of Financial Position

Statement of Financial Position variances are considered material where the variance exceeds the greater of 10 per cent of Budget estimate and \$125,000.

Budget estimates for the 2018-19 Statement of Financial Position were compiled prior to the completion of the actual outcomes for 2018-19. As a result, the actual variance from the Original Budget estimate will be impacted by the difference between estimated and actual opening balances for 2018-19. The following variance analysis therefore includes major movements between the 30 June 2018 and 30 June 2019 actual balances.

	Note	Budget \$'000	2019 Actual \$'000	2018 Actual \$'000	Budget Variance \$'000	Actual Variance \$'000
Cash and deposits	(a)	141	84	65	(57)	19

Notes to Statement of Financial Position variances

- (a) The variance can primarily be attributed to a Resolve application development project expensed in 2018-19 to the value of \$59,595 which was originally planned for 2017-18.

1.3 Statement of Cash Flows

Statement of Cash Flows variances are considered material where the variance exceeds the greater of 10 per cent of Budget estimate and \$125,000.

	Note	Budget \$'000	Actual \$'000	Variance \$'000	Variance %
Other cash receipts	(a)	545	617	(72)	12%

Notes to Statement of Cash Flows variances

- (a) The Energy Ombudsman trust account was in a \$98,150 deficit position at 30 June 2018. This deficit was recouped through the energy entity complaint levy in 2018/19 increasing the complaint levy revenue over the original budgeted revenue amount to \$617,202.

Note 2 Revenue from transactions

Income is recognised in the Statement of Comprehensive Income when an increase in future economic benefits related to an increase in an asset or a decrease of a liability has arisen that can be measured reliably.

2.1 Revenue from Government

Revenue from Government includes revenue from appropriations, appropriations carried forward under section 8A(2) of the *Public Account Act 1986* and Items Reserved by Law.

Appropriations, whether recurrent or capital, are recognised as revenues in the period in which the Office gains control of the appropriated funds.

The Budget information is based on original estimates and has not been subject to audit.

	2019 Budget \$'000	2019 Actual \$'000	2018 Actual \$'000
Appropriation revenue - recurrent			
Current year	2 321	2 345	2 260
Total	2 321	2 345	2 260
Revenue from Government – other			
Appropriation carried forward under section 8A(2) of the <i>Public Account Act 1986</i>			
taken up as revenue in the current year	-	-	32
Total	-	-	32
Total revenue from Government	2 321	2 345	2 292

2.2 Revenue from Energy Entities

Revenue from energy entities is recognised in the period in which the Office gains control of the funds. A membership fee is payable by each energy entity, within the meaning of the *Energy Ombudsman Act 1998*. A complaint levy is payable based on the number of complaints and enquiries received by the Ombudsman against an entity during the previous calendar year, as a proportion of the total number of complaints and enquiries received by the Ombudsman during that period.

	2019 \$'000	2018 \$'000
Energy Entities Membership and Complaint Levy Fees	617	396
Total	617	396

2.3 Other Revenue

Revenue from sources other than those identified above are recognised in the Statement of Comprehensive Income when an increase in future economic benefits related to an increase in an asset or a decrease of a liability has arisen that can be measured reliably.

	2019 \$'000	2018 \$'000
Other Revenue	-	31
Total	-	31

Note 3 Expenses from transactions

Expenses are recognised in the Statement of Comprehensive Income when a decrease in future economic benefits related to a decrease in asset or an increase of a liability has arisen that can be measured reliably.

3.1 Employee Benefits

Employee benefits include, where applicable, entitlements to wages and salaries, annual leave, sick leave, long service leave, superannuation and any other post-employment benefits.

(a) Employee costs

	2019 \$'000	2018 \$'000
Wages and salaries	1 962	1 887
Superannuation – defined contribution scheme	244	217
Superannuation – defined benefit scheme	16	14
Other employee expenses	53	56
Total	2 275	2 174

Superannuation expenses relating to defined benefits schemes relate to payments into the Consolidated Fund. The amount of the payment is based on an employer contribution rate determined by the Treasurer, on the advice of the State Actuary. The current employer contribution is 12.95 per cent (2018: 12.95 per cent) of salary.

Superannuation expenses relating to defined contribution schemes are paid directly to the relevant superannuation funds at a rate of 9.5 per cent (2018: 9.5 per cent) of salary. In addition, the Commission is also required to pay into Treasury a “gap” payment equivalent to 3.45 per cent (2018: 3.45 per cent) of salary in respect of employees who are members of contribution schemes.

(b) Remuneration of Key Management Personnel

2019	Short-term benefits		Long-term benefits			Total \$'000
	Salary	Other Benefits	Super-annuation	Leave Benefits	Termination Benefits	
	\$'000	\$'000	\$'000	\$'000	\$'000	
Key management personnel						
Richard Connock, Ombudsman	237	21	23	15	-	296
	237	21	23	15	-	296

2018	Short-term benefits		Long-term benefits			Total \$'000
	Salary	Other Benefits	Super-annuation	Leave Benefits	Termination Benefits	
	\$'000	\$'000	\$'000	\$'000	\$'000	
Key management personnel						
Richard Connock, Ombudsman	233	20	22	(2)	-	273

	233	20	22	(2)	-
					273

Key management personnel are those persons having authority and responsibility for planning, directing and controlling the activities of the agency, directly or indirectly.

Remuneration during 2018-19 for key personnel is set by the *State Service Act 2000*. Remuneration and other terms of employment are specified in employment contracts. Remuneration includes salary, allowances and other non-monetary benefits. Long-term employee expenses include annual and long service leave, superannuation obligations and termination payments. Short-term benefits include motor vehicle and car parking fringe benefits in addition to any other short term benefits. Fringe benefits have been reported at the grossed up reportable fringe benefits amount. The Fringe Benefits Tax (FBT) year runs from 1 April to 31 March each year, any FBT attributable to key management personnel is reported on that basis.

It should be noted that because annual and long service leave liabilities are calculated by discounting future cashflows (detailed in Note 5.2) which may change from year to year, it is possible for key personnel to accrue negative leave benefits in any particular financial year, or they may utilise more leave than they accrue in any particular financial year.

Acting Arrangements

When members of key management personnel are unable to fulfil their duties, consideration is given to appointing other members of senior staff to their position during their period of absence. Individuals are considered members of key management personnel when acting arrangements are for more than a period of one month.

(c) Related Party Transactions

There are no material related party transactions requiring disclosure.

3.2 Depreciation and Amortisation

All applicable Non-financial assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of their service potential. Depreciation is provided for on a straight line basis, using rates which are reviewed annually. Major depreciation periods are:

Leasehold Improvements 10 years

All intangible assets having a limited useful life are systematically amortised over their useful lives reflecting the pattern in which the asset's future economic benefits are expected to be consumed by the Office. Resolve, the Case Management System software, HPRM, the document and records management system, and the Office websites are amortised on a straight-line basis over 5 years.

(a) Depreciation

	2019	2018
	\$'000	\$'000
Leasehold improvements	33	33
Total	33	33

(b) Amortisation

	2019	2018
	\$'000	\$'000
Intangibles	12	12
Total	12	12
Total depreciation and amortisation	45	45

3.3 Supplies and Consumables

	2019	2018
	\$'000	\$'000
Audit fees – financial audit	9	9
Operating lease costs	183	202
Consultants	63	65
Property services	54	47
Maintenance	4	1
Communications	18	25
Information technology	146	97
Travel and transport	52	33
Advertising and promotion	37	4
Other supplies and consumables	39	30
Total	605	513

External audit fees payable for the 2018-19 financial statements were \$9,520 (\$9,150 for 2017-18).

Information technology expenses included a Resolve Enhancements Project and a Content Manager Upgrade Project.

3.4 Other Expenses

Expenses from activities other than those identified above are recognised in the Statement of Comprehensive Income when a decrease in future economic benefits related to a decrease in asset or an increase of a liability has arisen that can be measured reliably.

	2019	2018
	\$'000	\$'000
Salary on-costs	15	14
Service Level Agreement – Department of Justice	73	71
Other expenses	10	12
Total	98	97

Note 4 Assets

Assets are recognised in the Statement of Financial Position when it is probable that the future economic benefits will flow to the Office and the asset has a cost or value that can be measured reliably.

4.1 Receivables

In 2017-18 receivables were recognised at amortised cost, less any impairment losses, however, due to the short settlement period, receivables were not discounted back to their present value. In addition, receivables were subject to an annual review for impairment, where there was objective evidence that, as a result of one or more events that occurred after the initial recognition, the future cash flows have been affected.

From 2018-19, the Office recognises receivables at amortised cost using the effective interest method. Any subsequent changes are recognised in the net result for the year when impaired, derecognised or through the amortisation process. The Office recognises an allowance for expected credit losses for all debt financial assets not held at fair value through profit and loss. The expected credit loss is based on the difference between the contractual cash flows and the cash flows that the entity expects to receive, discounted at the original effective interest rate.

For trade receivables, the Office applies a simplified approach in calculating expected credit losses. The Office recognises a loss allowance based on lifetime expected credit losses at each reporting date. The Office has established a provision matrix based on its historical credit loss experience for trade receivables, adjusted for forward-looking factors specific to the receivable.

	2019 \$'000	2018 \$'000
Tax assets	19	3
Total	19	3
Settled within 12 months	19	3
Total	19	3

4.2 Property, Plant and Equipment

(i) Valuation basis

All Non-current physical assets are recorded at historic cost less accumulated depreciation.

Cost includes expenditure that is directly attributable to the acquisition of the asset. The costs of self-constructed assets includes the cost of materials and direct labour, any other costs directly attributable to bringing the asset to a working condition for its intended use, and the costs of dismantling and removing the items and restoring the site on which they are located.

When parts of an item of property, plant and equipment have different useful lives, they are accounted for as separate items (major components) of property, plant and equipment.

(ii) Subsequent costs

The cost of replacing part of an item of property, plant and equipment is recognised in the carrying amount of the item if it is probable that the future economic benefits embodied within the part will flow to the Office and its costs can be measured reliably. The carrying amount of the replaced part is derecognised. The costs of day-to-day servicing of property, plant and equipment are recognised in profit or loss as incurred.

(iii) Asset recognition threshold

The asset capitalisation threshold adopted by the Office is \$10,000. Assets valued at less than \$10,000 are charged to the Statement of Comprehensive Income in the year of purchase (other than where they form part of a group of similar items which are material in total).

(a) Carrying amount

	2019 \$'000	2018 \$'000
Leasehold Improvements		
At cost	496	496
Less: Accumulated depreciation	(101)	(68)
Total	395	428
Total property, plant and equipment	395	428

(b) Reconciliation of movements

	2019 \$'000	2018 \$'000
Carrying amount at 1 July	428	461
Additions	-	-
Depreciation	(33)	(33)
Carrying amount at 30 June	395	428

4.3 Intangibles

An intangible asset is recognised where:

- it is probable that an expected future benefit attributable to the asset will flow to the Office; and
- the cost of the asset can be reliably measured.

The development costs towards the installation of RESOLVE (the Office's case management system) are recognised as an intangible asset and are currently valued at cost. Additionally, the implementation costs of the Office websites are recognised as an intangible asset and are currently valued at cost.

The implementation costs of TRIM (the Office's document and records management system) are recognised as an intangible asset and are currently valued at cost. HPRM was integrated with Resolve in early 2017. The cost of this value adding system integration has been recognised as an increase in intangible assets.

(a) Carrying amount

	2019 \$'000	2018 \$'000
Intangibles with a finite useful life		
At cost (Resolve Case Management System)	182	182
At cost (Office Websites)	41	41
At cost (TRIM – Document and Records Management System)	64	64
Add: WIP	-	-
Less: Accumulated amortisation	(267)	(255)
Total intangibles	20	32

(b) Reconciliation of movements

	2019 \$'000	2018 \$'000
Carrying amount at 1 July	32	44
Additions	-	-
WIP	-	-
Amortisation expense	(12)	(12)
Carrying amount at 30 June	20	32

4.4 Other Assets

Other assets comprise of prepayments. Prepayments relate to actual transactions that are recorded at cost with the asset at balance date representing the un-utilised component of the prepayment.

	2019 \$'000	2018 \$'000
Other current assets		
Prepayments	76	13
Total	76	13
Utilised within 12 months	76	13
Total other assets	76	13

Note 5 Liabilities

Liabilities are recognised in the Statement of Financial Position when it is probable that an outflow of resources embodying economic benefits will result from the settlement of a present obligation and the amount at which the settlement will take place can be measured reliably.

5.1 Payables

Payables, including goods received and services incurred but not yet invoiced, are recognised at amortised cost, which due to the short settlement period, equates to face value, when the Office becomes obliged to make future payments as a result of a purchase of assets or services.

	2019 \$'000	2018 \$'000
Accrued expenses	10	11
Creditors	11	-
Total	21	11
Settled within 12 months	21	11
Total	21	11

Settlement is usually made within 30 days.

5.2 Employee Benefits

Key estimate and judgement

Liabilities for wages and salaries and annual leave are recognised when an employee becomes entitled to receive a benefit. Those liabilities expected to be realised within 12 months are measured as the amount expected to be paid. Employee benefits are measured as the present value of the benefit at 30 June, where the impact of discounting is material, and at the amount expected to be paid if discounting is not material. The Office assumes that all staff annual leave balances less than 20 days will be settled within 12 months, and therefore valued at nominal value, and balances in excess of 20 days will be settled in greater than 12 months and therefore calculated at present value.

A liability for long service leave is recognised, and is measured as the present value of expected future payments to be made in respect of services provided by employees up to the reporting date. The Office makes a number of assumptions regarding the probability that staff who have accrued long service leave, but are ineligible to take it will remain with the Office long enough to take it. For those staff eligible to take their long service leave, the Office assumes that they will utilise it on average, evenly over the following ten years. All long service leave that will be settled within 12 months is calculated at nominal value and all long service leave that will be settled in greater than 12 months is calculated at present value.

	2019 \$'000	2018 \$'000
Accrued salaries	16	16
Annual leave	142	101
Long service leave	348	283
Total	506	401
Settled within 12 months	148	138
Settled in more than 12 months	358	263
Total	506	401

5.3 Superannuation

Defined contribution plans

A defined contribution plan is a post-employment benefit plan under which an entity pays fixed contributions into a separate entity and will have no legal or constructive obligation to pay further amounts. Obligations for contributions to defined contribution plans are recognised as an expense when they fall due.

Defined benefit plans

A defined benefit plan is a post-employment benefit plan other than a defined contribution plan.

The Office does not recognise a liability for the accruing superannuation benefits of Office employees. This liability is held centrally and is recognised within the Finance-General Division of the Department of Treasury and Finance.

Note 6 Commitments and Contingencies

6.1 Schedule of Commitments

	2019 \$'000	2018 \$'000
By type		
<i>Lease Commitments</i>		
Operating leases	311	425
Total lease commitments	311	425
<i>Other commitments</i>		
Resolve Case Management System Maintenance	-	8
FYB Trim Support	-	11
Total other commitments	-	19
By maturity		
<i>Operating lease commitments</i>		
One year or less	258	191
From one to five years	53	233
Total operating lease commitments	311	425
<i>Other commitments</i>		
One year or less	-	14
From one to five years	-	5
Total other commitments	-	19
Total	311	444

The Operating Lease commitments include buildings, motor vehicles and information technology equipment leases. All amounts shown are exclusive of GST.

The Office has entered into a number of operating lease agreements for property, plant and equipment, where the lessors effectively retain all the risks and benefits incidental to ownership of the items leased. Equal instalments of lease payments are charged to the Statement of Comprehensive Income over the lease term, as this is representative of the pattern of benefits to be derived from the leased property.

The Office is prohibited by Treasurer's Instruction 502 *Leases* from holding finance leases.

6.2 Contingent Assets and Liabilities

Contingent assets and liabilities are not recognised in the Statement of Financial Position due to uncertainty regarding any possible amount or timing of any possible underlying claim or obligation.

(a) Quantifiable contingencies

A quantifiable contingent asset is a possible asset that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the entity.

A quantifiable contingent liability is a possible obligation that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the entity; or a present obligation that arises from past events but is not recognised because it is not probable that an outflow of resources embodying economic benefits will be required to settle the obligation.

At 30 June 2019 the Office had no contingent assets or liabilities.

Note 7 Cash Flow Reconciliation

Cash means notes, coins, any deposits held at call with a bank or financial institution, as well as funds held in the Special Deposits and Trust Fund, being short term of three months or less and highly liquid. Deposits are recognised at amortised cost, being their face value.

7.1 Cash and Deposits

Cash and deposits includes the balance of the Special Deposits and Trust Fund Accounts held by the Office, and other cash held, excluding those accounts which are administered or held in a trustee capacity or agency arrangement.

	2019 \$'000	2018 \$'000
Special Deposits and Trust Fund balance		
T528 Office of the Ombudsman Operating Account	84	65
Total cash and deposits	84	65

7.2 Reconciliation of Net Result to Net Cash from Operating Activities

	2019 \$'000	2018 \$'000
Net result	(62)	(110)
Depreciation and Amortisation	45	45
Decrease (increase) in Receivables	(16)	4
Decrease (increase) in Prepayments	(63)	2
Increase (decrease) in Employee entitlements	105	(2)
Increase (decrease) in Payables	10	(16)
Increase (decrease) in Other liabilities	-	(32)
Net cash from (used by) operating activities	19	(109)

7.3 Reconciliation of liabilities arising from financing activities

The Office does not have any liabilities arising from financing activities.

Note 8 Financial Instruments

8.1 Risk Exposures

(a) Risk management policies

The Office has exposure to the following risks from its use of financial instruments:

- credit risk; and
- liquidity risk.

The Head of Agency has overall responsibility for the establishment and oversight of the Office's risk management framework. Risk management policies are established to identify and analyse risks faced by the Office, to set appropriate risk limits and controls, and to monitor risks and adherence to limits.

(b) Credit risk exposures

Credit risk represents the loss that would be recognised if counterparties failed to perform as contracted. Exposure to credit risk is considered to be minimal.

Financial Instrument	Accounting and strategic policies (including recognition criteria and measurement basis)	Nature of underlying instrument (including significant terms and conditions affecting the amount. Timing and certainty of cash flows)
Financial Assets		
Receivables	Receivables are recognised at amortised cost, less any expected credit losses, however, due to the short settlement period, receivables are not discounted back to their present value.	It is Office policy to issue invoices with 30 day terms of trade.
Cash and deposits	Deposits are recognised at amortised cost, being their face value.	Cash means notes, coins, any deposits held at call with a bank or financial institution, as well as funds held in the Special Deposits and Trust Fund.

The Office does not have any concentration of credit risk. The Office monitors receivables on a monthly basis and follow up procedures are undertaken for all debts that are overdue. Action taken is dependent on the length of time the debt is overdue.

The carrying amount of financial assets recorded in the Financial Statements, net of any allowances for losses, represents the Offices maximum exposure to credit risk. The Office does not hold any collateral or other security over its receivables.

The Office extends 30 day credit terms for sundry receivables, and receives standard commercial credit terms for sundry creditors.

The Office had no financial assets at either balance date that were past due or impaired.

(c) Liquidity risk

Liquidity risk is the risk that the Office will not be able to meet its financial obligations as they fall due. The Office's approach to managing liquidity is to ensure that it will always have sufficient liquidity to meet its liabilities when they fall due.

Financial Instrument	Accounting and strategic policies (including recognition criteria and measurement basis)	Nature of underlying instrument (including significant terms and conditions affecting the amount. Timing and certainty of cash flows)
Financial Liabilities		
Payables	Payables are recognised at amortised cost, which due to the short settlement period, equates to face value, when the Office becomes obliged to make future payments as a result of a purchase of assets or services.	Payables, including goods received and services incurred but not yet invoiced arise when the Office becomes obliged to make future payments as a result of a purchase of assets or services. The Office's terms of trade are 30 days.

Monitoring of revenue and expenditure forecasts and current cash balances is undertaken by the Office on a monthly basis.

The following tables detail the undiscounted cash flows payable by the Office by remaining contractual maturity for its financial liabilities. It should be noted that as these are undiscounted, totals may not reconcile to the carrying amounts presented in the Statement of Financial Position:

2019

Maturity analysis for financial liabilities			
	1 Year	Undiscounted Total	Carrying Amount
	\$'000	\$'000	\$'000
Financial liabilities			
Payables	21	21	21
Total	21	21	21

2018

Maturity analysis for financial liabilities			
	1 Year	Undiscounted Total	Carrying Amount
	\$'000	\$'000	\$'000
Financial liabilities			
Payables	11	11	11
Total	11	11	11

8.2 Categories of Financial Assets and Liabilities

	2019 \$'000
Financial assets	
Cash and cash equivalents	84
Receivables at Amortised cost	19
Total	103
Financial Liabilities	
Financial liabilities measured at amortised cost	21
Total	21

AASB 139 Carrying amount	2018 \$'000
Financial assets	
Cash and cash equivalents	65
Loans and receivables	3
Total	68
Financial Liabilities	
Financial liabilities measured at amortised cost	11
Total	11

8.3 Comparison between Carrying Amount and Net Fair Values of Financial Assets and Liabilities

	Carrying Amount 2019 \$'000	Net Fair Value 2019 \$'000	Carrying Amount 2018 \$'000	Net Fair Value 2018 \$'000
Financial assets				
Cash in Special Deposits and Trust Fund	84	84	65	65
Receivables	19	19	3	3
Total financial assets	103	103	68	68
Financial liabilities				
Trade creditors	21	21	11	11
Total financial liabilities	21	21	11	11

The Office does not have any financial assets or financial liabilities carried at fair value through the profit and loss or any available for sale financial assets.

Note 9 Output Group Information

The Office of the Ombudsman and Health Complaints Commissioner is a single Output which is the fulfilment of the statutory responsibilities of the Ombudsman and Health Complaints Commissioner. The summary budgeted and actual revenues and expenses for this Output are the same as in the Statement of Comprehensive Income and the net assets are the same as the Statement of Financial Position. As a result the inclusion of a separate Output Schedule is not necessary.

Note 10 Events Occurring After Balance Date

There have been no events subsequent to balance date which would have a material effect on the Office's Financial Statements as at 30 June 2019.

Note 11 Significant Accounting Policies

11.1 Objectives and Funding

The Office of the Ombudsman and Health Complaints Commissioner (the Office) operates under the *Ombudsman Act 1978* and is responsible for the enquiry and investigation into complaints regarding the administrative actions of Tasmanian government agencies, local councils and a broad range of other public authorities. The Ombudsman also has a number of other responsibilities including being the Health Complaints Commissioner under the *Health Complaints Act 1995*, the Energy Ombudsman under the *Energy Ombudsman Act 1998*, the Coordinator of the Official Visitors Scheme under the *Corrections Act 1997*, the Principal Official Visitor under the *Mental Health Act 2013* and implementing the *Right to Information Act 2009*, the *Personal Information Protection Act 2004* and the *Public Interest Disclosures Act 2002*. The Office therefore also investigates complaints under these Acts.

By providing impartial investigations and seeking to resolve individual grievances, the Office aims to:

- promote fairness and equity;
- improve the quality of public administration; and
- improve health and energy services provided to the Tasmanian community.

The Custodial Inspector is appointed by the Governor of Tasmania under the *Custodial Inspector Act 2016*. The purpose of the Custodial Inspector is to provide independent, proactive, preventative and systemic oversight of custodial centres. The focus of the Inspector is on systemic issues relating to the management, control and security of the State's prisons and youth detention centre and the care and welfare of prisoners and detainees.

The Office activities are classified as controlled as they involve the use of assets, liabilities, revenues and expenses controlled or incurred by the Office in its own right.

The Office is predominantly funded through Parliamentary appropriations. The financial report encompasses all funds through which the Office controls resources to carry on its functions.

11.2 Basis of Accounting

The Financial Statements are a general purpose financial report and have been prepared in accordance with:

- Australian Accounting Standards (AAS) issued by the Australian Accounting Standards Board (AASB) and Interpretations; and
- The Treasurer's Instructions issued under the provisions of the *Financial Management and Audit Act 1990*.

The Financial Statements were signed by the Head of Agency and Business Manager on 14th August 2019.

Compliance with the AAS may not result in compliance with International Financial Reporting Standards (IFRS), as the AAS include requirements and options available to not-for-profit organisations that are inconsistent with IFRS. The Office is considered to be not-for-profit and has adopted some accounting policies under the AAS that do not comply with IFRS.

The Financial Statements have been prepared on an accrual basis and, except where stated, are in accordance with the historical cost convention.

The Financial Statements have been prepared as a going concern. The continued existence of the Office in its present form, undertaking its current activities, is dependent on Government policy and on continuing appropriations by Parliament for the Office's administration and activities.

11.3 Reporting Entity

The Financial Statements include all the controlled activities of the Office. The Financial Statements consolidate material transactions and balances of the Office.

11.4 Functional and Presentation Currency

These Financial Statements are presented in Australian dollars, which is the Office's functional currency.

11.5 Changes in Accounting Policies

(a) Impact of new and revised Accounting Standards

In the current year, the Office has adopted all of the new and revised Standards and Interpretations issued by the Australian Accounting Standards Board that are relevant to its operations and effective for the current annual reporting period. These include:

- *AASB 7 Financial Instruments: Disclosures* – the objective of this Standard is to require entities to provide disclosures in their financial statements that enable users to evaluate the significance of financial instruments for the entity's financial position and performance; and the nature and extent of risks arising from financial instruments to which the entity is exposed during the period and at the end of the reporting period, and how the entity manages those risks. The amendments to this Standard have resulted in a reconciliation being required where there is a reclassification of financial assets or liabilities resulting from the adoption of AASB 9, as a result there are only presentation changes, there is no financial impact.
- *AASB 9 Financial Instruments* – the objective of this Standard is to establish principles for the financial reporting of financial assets and financial liabilities that will present relevant information to users of financial

statements for their assessment of the amounts, timing, uncertainty of an entity's future cash flows, and to make amendments to various accounting standards as a consequence of the issuance of AASB 9. AASB 9 has replaced accounting for impairment losses with a forward looking credit loss approach. The Office's assessment for impairment of receivables did not result in the recognition of any expected credit losses. This is consistent with the assessment in the prior year and, as a result, no adjustment was required to opening equity. For further details of the Office's assessment for impairment of receivables refer to Note 4.1. The only change resulting from the introduction of AASB 9 was in the categorisation of receivables financial assets from loans and receivables under AASB 139, to amortised cost under AASB 9. Other categories remain unchanged. For further details on categories of financial assets and liabilities refer to Note 8.2.

(b) Impact of new and revised Accounting Standards yet to be applied

The following applicable Standards have been issued by the AASB and are yet to be applied:

- *AASB 15 Revenue from Contracts with Customers* – The objective of this Standard is to establish the principles that an entity shall apply to report useful information to users of financial statements about the nature, amount, timing, an uncertainty of revenue and cash flows arising from a contract with a customer. In accordance with 2015-8 Amendments to Australian Accounting Standards - Effective Date of AASB 15, this Standard applies to annual reporting periods beginning on or after 1 January 2019. Where an entity applies the Standard to an earlier annual reporting period, it shall disclose that fact. The future impact is to enhance disclosure in relation to revenue from contracts with customers. The financial impact is expected to be minimal.
- *2014-5 Amendments to Australian Accounting Standards arising from AASB 15* – The objective of this Standard is to make amendments to Australian Accounting Standards and Interpretations arising from the issuance of AASB 15 Revenue from Contracts with Customers. This Standard applies when AASB 15 is applied, except that the amendments to AASB 9 (December 2009) and AASB 9 (December 2010) apply to annual reporting periods beginning on or after 1 January 2018. This Standard shall be applied when AASB 15 is applied. The financial impact is expected to be minimal.
- *AASB 16 Leases* – The objective of this Standard is to introduce a single lessee accounting model and require a lessee to recognise assets and liabilities. This Standard applied to annual reporting periods beginning on or after 1 January 2019. The standard will result in the Office's vehicle leases being brought onto the Statement of Financial Position and additional note disclosures. The calculation of the lease liability will take into account appropriate discount rates, assumptions about the lease term, and required lease payments. A corresponding right to use of asset will be recognised, which will be amortised over the term of the lease. There are limited exceptions relating to low-value leases and short-term lease. Operating lease costs will no longer be shown. The Statement of Comprehensive Income impact of the leases will be through amortisation and interest charges. The Office's current operating lease cost is shown in notes 6.1. In the Statement of Cash Flows, lease payments will be shown as cash flows from financing activities instead of operating activities. The financial impact is estimated to increase in assets and liabilities of \$311,000. Net movement at the end of the lease term will be nil.

11.6 Foreign Currency

Transactions denominated in a foreign currency are converted at the exchange rate at the date of the transaction. Foreign currency receivables and payables are translated at the exchange rates current as at balance date.

11.7 Comparative Figures

Comparative figures have been adjusted to reflect any changes in accounting policy or the adoption of new standards. Details of the impact of changes in accounting policy on comparative figures are at Note 11.5.

Where amounts have been reclassified within the Financial Statements, the comparative statements have been restated.

11.8 Rounding

All amounts in the Financial Statements have been rounded to the nearest thousand dollars, unless otherwise stated. Where the result of expressing amounts to the nearest thousand dollars would result in an amount of zero, the financial statement will contain a note expressing the amount to the nearest whole dollar.

11.9 Office Taxation

The Office is exempt from all forms of taxation except Fringe Benefits Tax, and is not registered for the Goods and Services Tax. All taxation issues are managed by the Department of Justice on the Office's behalf.

11.10 Goods and Services Tax

Revenue, expenses and assets are recognised net of the amount of Goods and Services Tax, except where the GST incurred is not recoverable from the Australian Taxation Office. Receivables and payables are stated inclusive of GST. The net amount recoverable, or payable, to the ATO is recognised as an asset or liability within the Statement of Financial Position.

In the Statement of Cash Flows, the GST component of cash flows arising from operating, investing or financing activities which is recoverable from, or payable to, the Australian Taxation Office is, in accordance with the Australian Accounting Standards, classified as operating cash flows.

Independent Auditor's Report

To the Members of Parliament

Office of the Ombudsman and Health Complaints Commissioner

Report on the Audit of the Financial Statements

Opinion

I have audited the financial statements of the Office of the Ombudsman and Health Complaints Commissioner (the Office), which comprises the statement of financial position as at 30 June 2019 and statements of comprehensive income, changes in equity and cash flows for the year then ended, notes to the financial statements, including a summary of significant accounting policies, other explanatory notes and the statement of certification by the Ombudsman.

In my opinion, the accompanying financial statements:

- (a) presents fairly, in all material respects, the Office's financial position as at 30 June 2019 and its financial performance and its cash flows for the year then ended
- (b) is in accordance with the *Financial Management and Audit Act 1990* and Australian Accounting Standards.

Basis for Opinion

I conducted the audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of my report. I am independent of the Office in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to my audit of the financial report in Australia. I have also fulfilled my other ethical responsibilities in accordance with the Code.

The *Audit Act 2008* further promotes the independence of the Auditor-General. The Auditor-General is the auditor of all Tasmanian public sector entities and can only be removed by Parliament. The Auditor-General may conduct an audit in any way considered appropriate and is not subject to direction by any person about the way in which audit powers are to be exercised. The Auditor-General has for the purposes of conducting an audit, access to all documents and property and can report to Parliament matters which in the Auditor-General's opinion are significant.

My audit is not designed to provide assurance on the accuracy and appropriateness of the budget information included in the financial report.

...1 of 3

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Responsibilities of the Ombudsman for the Financial Report

The Ombudsman is responsible for the preparation and fair presentation of the financial report in accordance with Australian Accounting Standards, and the financial reporting requirements of section 27(1) of the *Financial Management and Audit Act 1990* and for such internal control as they determine is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Ombudsman is responsible for assessing the Office's ability to continue as a going concern unless the Office's operations will cease as a result of an administrative restructure. The assessment must disclose, as applicable, matters related to going concern and the appropriateness of using the going concern basis of accounting.

Auditor's Responsibilities for the Audit of the Financial Report

My objectives are to obtain reasonable assurance about whether the financial report as a whole is 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 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 this financial report.

As part of an audit in accordance with the Australian 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 Office's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Ombudsman.
- Conclude on the appropriateness of the Ombudsman'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 Office'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 report or, if

such disclosures are inadequate, to modify my opinion. My conclusion is based on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the Office to cease to continue as a going concern.

- Evaluate the overall presentation, structure and content of the financial statements including the disclosures, and whether the financial statements represents the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Ombudsman 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.



Leigh Franklin

Assistant Auditor-General, Financial Audit Services
Delegate of the Auditor-General

Tasmanian Audit Office

7 October 2019
Hobart