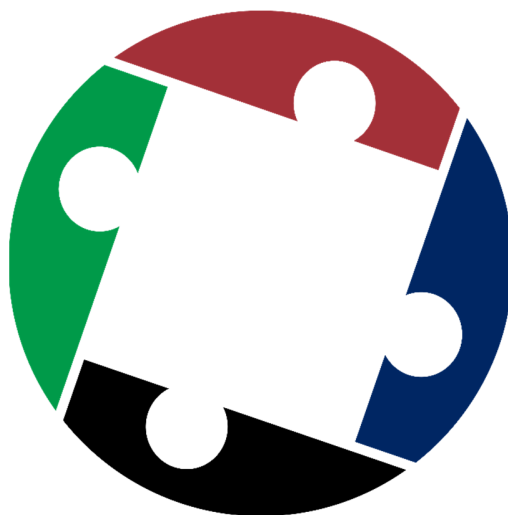




Ombudsman Tasmania

Annual Report

2019-2020

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Letter to Parliament

The Honourable President of the Legislative Council
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 2019-2020.

Yours sincerely

Richard Connock
OMBUDSMAN

20 October 2020

About this Report

This report describes the functions and operations of Ombudsman Tasmania for the year ending 30 June 2020.

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

This reporting year was like no other. The advent of the COVID-19 pandemic has had a significant impact at all levels of government and society, and has changed the way government services were and are delivered.

My office was not spared from any of this, and the effect of the pandemic was acutely felt. Like many agencies, my office heeded the advice of public health experts and commenced working largely remotely on 30 March 2020. There was always a small physical presence in the office but most of my staff started working from home. This was a difficult experience for some, but a positive one for others.

We did not initially have enough portable devices to allow access to servers and systems for all those who needed such access, and this caused difficulties and frustrations. The situation was ameliorated over time by the acquisition of new portable equipment.

The lack of physical contact between colleagues was also a factor, only partially addressed by the use of video conferencing platforms, but we managed to keep in touch and I am grateful to all my Principal Officers for keeping their teams connected.

Over time, however, we adjusted to the new normal.

Again following health advice and the easing of restrictions, the office began a staggered return to work from 25 May 2020. At that time, the rules only allowed ten people to be together in one place, and we organised ourselves accordingly. A roster was devised to ensure that no more than the permissible number of people were present in the office at any one time.

As restrictions continued to ease, the number of people attending the office gradually increased, always subject to the basic rules in relation to social distancing, hand hygiene and staying at home if unwell. A COVID Safety Plan was developed and implemented in anticipation of a greater return to work. By the end of the reporting year, the roster was no longer in place and a full return to work was planned for mid-July.

The changes to the physical environment led to some changes in the way the office performs its various functions, with the greater use of electronic rather than paper records, and the continuing use of video conferencing. This meant that, despite the situation, productivity and quality remained at high levels. There was a small drop in the number of complaints overall compared to last year, but the most significant decreases were in April and May, the first two months of the State's lockdown. By the end of the reporting year, numbers were on the increase.

Throughout this difficult period, staff of the office have continued to do their work professionally and diligently, despite the sometimes unusually challenging times. As we continue to move toward a semblance of normality, I am grateful for their patience, cooperation, willingness to adapt and grace under pressure, all of which have served the office well. Their commitment and competence mean that we have been able to continue to play our various roles.

These include a wide range of functions and the provision of a diversity of services. In addition to being 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 and activities of that Office. The Custodial Inspector's Annual Report is available on the website www.custodialinspector.tas.gov.au

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 website at www.healthcomplaints.tas.gov.au. 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 111 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 39.

Staffing and Resources

As has been the case over the last couple of years, 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.

On the other hand, additional recurrent funding was allocated to the Right to Information jurisdiction for the recruitment of two additional staff - a Band 8 Principal Officer, and a Band 4 Investigation Officer – and the retention of a Band 6 Senior Investigation and Review Officer.

Interviews for the Principal Officer position were held in July 2019 and a successful candidate was chosen and he accepted the position. Due to contractual restrictions, the successful candidate could not take up the position immediately, but commenced on a part time basis in September 2019, and full time from December 2019. The recruitment for the Band 4 position commenced in early 2020 and an appointment was made. This, however, coincided with the arrival of the pandemic, which made things difficult not only for the new officer, but for her new supervisor.

Nonetheless, we have started to work through the backlog of cases, and despite the increasing number of new reviews, I am confident that the backlog will be cleared.

Staff Training

In late April 2020, nearly all staff attended an interactive webinar conducted by Oranges Toolkit, organised by the Principal Officer, Ombudsman, on Working Remotely. Though webinars are not usually as successful as face to face meetings, this was nonetheless of value to all who attended.

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 not to release the information sought in applications for assessed disclosure under the *Right to Information Act 2009*. 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.

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 can also 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 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 111 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 Australian Financial Complaints Authority, Equal Opportunity Tasmania and the Office of 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. See: www.anzoa.com.au.

Ombudsman Act 1978

Review of Complaints

Inquiries

We received a total of 997 inquiries this reporting year, down by 21%. 495 inquiries were within jurisdiction and 502 were out of jurisdiction.

Complaints

We opened 642 complaints this year, which was a 13% decrease on the previous reporting year (735). 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. The Covid-19 pandemic caused some significant disruptions to the work of the office with all staff working remotely for a period. Complaints also dropped significantly in the months of April and May, presumably also due to the pandemic and lockdown.

Table 1 - Complaints received analysis

Month	2018-19	2019-20
July	76	73
August	60	55
September	68	68
October	68	70
November	73	63
December	54	39
January	65	54
February	48	42
March	48	50
April	72	37
May	60	39
June	43	52
Total	735	642

The chart below shows a breakdown of complaints under the *Ombudsman Act 1978*, *Public Interest Disclosure Act 2002* (PID) and *Personal Information Protection Act 2004* (PIP). The following table shows a comparison between 2018-19 and 2019-20.

Table 2 - Breakdown of number of complaints including percentages

Agency	2018-19	2018-19 (%)	2019-20	2019-20 (%)
State government departments	382	52.5	344	53.5%
Local government	76	10.5	81	12.7%
Public authorities and GBEs	119	16.2	66	10.3%
Out of jurisdiction	150	20.6	131	20.4%
Personal Information Protection	4	0.1	14	2.1%
Public Interest Disclosure	4	0.1	6	1.0%
Total	735	100	642	100

There were 660 complaints closed in the reporting year (down 17% on last year) and of those 14 were Personal Information Protection (PIP) files and seven were Public Interest Disclosure (PID) files (3%). 289 (44%) were declined, referred or out of jurisdiction, 39 (6%) were discontinued, 204 (31%) were found to have no defective administrative action and 107 (16%) 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 47% of all complaints received about government departments. This is down very slightly from 56% of general agency complaints last reporting year. The breakdown of complaints about the various units of the Department is set out in Table 8. As usual, most complaints received about the Department of Justice (82%) concerned the Tasmania Prison Service (TPS).

Of the 167 complaints about the Department of Justice that were closed in the reporting year, 38 (23%) were declined, referred or out of jurisdiction, 11 (6%) were discontinued, in 78 (47%) it was found that there had been no defective administrative action and 40 (24%) 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 186 to 134. Of the 135 complaints about Prison Services that were closed in the reporting year, 25 were declined, referred or discontinued, leaving 110 matters that were dealt with and finalised. Of those, 33 were partly or fully substantiated, accounting for 24% of all complaints about TPS. 4).

Department of Health

There were only seven complaints against the Department of Health this reporting year, down again from 24 last reporting year which was a significant drop from 69 complaints in 2017-18. This significant decrease is due to the fact that, since 1 July 2018, the Department has been divided into the Department of Communities (responsible for Human Services, Housing, Disability Services, Community Development and Sport and Recreation) and the Department of Health.

Department of Communities

This relatively new agency is responsible for social housing and child protection, amongst other things, which are traditionally a source of comparatively high numbers of complaints. We received 83 complaints this reporting year, most of those (45) were about Housing Tasmania and the community housing providers that act as agents of Housing Tasmania and then about Child and Youth Services (24), which are most often complaints about child protection matters. See Table 5.

Local Government

This reporting year we received 81 complaints about local government councils, slightly up on last year's 76. We received complaints about all councils except Brighton, Dorset, King Island and Northern Midlands Councils (see Table 16) with the highest numbers unsurprisingly being about the larger councils.

In the 83 complaints closed in the reporting year, the most common causes for complaint were planning, animals, rates and charges, general administration, nuisance and regulations or by-laws.

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 66 of these complaints, down significantly from 119, and closed 70. By far the most complaints received in this category were about TasWater - 29 significantly down from 64 the previous year. Complaints about the University of Tasmania were down by more than 50% from 24 last year compared to 11 this year. It is possible that this drop is pandemic related with most students learning remotely for most of 2020, but next year's statistics might throw more light on this.

Case Summaries

Aurora Energy – July 2020²

Keeping Authorised Agent details up-to-date

We received two complaints concerning Aurora Energy's management of authorised agents.

Aurora Energy's customers can appoint an agent for their account who has permission to discuss the account with Aurora Energy and make decisions such as disconnecting power supply. The agent is linked to the customer's 'profile' with Aurora Energy. This means that a customer can move on multiple occasions, or even disconnect their power and years later connect power at a different address, but the agent remains on their records; they are not linked to a property address but to the customer.

The complaints arose as the complainants' authorised agents were contacted regarding a debt and a routine enquiry. Both complainants had moved address, one complainant several times due to family violence, so did not realise that the authorised agents were still on their accounts. In one case some personal information was disclosed that caused the complainant to feel unsafe. In both cases, the authorised agents were added over a decade ago.

I reviewed the complaints under the *Personal Information Protection Act 2004* and determined that there had not been a breach of a personal information protection principle as the complainants had agreed to have the agents appointed. I formed the view, however, that Aurora Energy's management of authorised agents was not best practice.

- Aurora Energy did not check the currency of the authorised agent data in either case after the details were added, even after changes of address. Aurora Energy indicated that the onus was on the customer to update their agent information and referenced part of the script read out to the customers at the time the agent's details were added: 'This authority will remain legally in force until you notify Aurora Energy that it is no longer required.'
- I did not consider this to be entirely reasonable. The management of agents was premised on customers understanding how Aurora Energy's account system operated and the standard script read out at the time agents were appointed was not sufficiently clear to create an adequate understanding.
- The information provided to the complainants at the time they added authorised agents did not make it clear that the agent attached to the customer's profile as opposed to the specific property address and so would be included in any future accounts at new property addresses that may be created.

² This case was closed outside the reporting year, but was deemed significant enough to be published in this report.

- The only means to find out if a customer has an authorised agent is to ask an Aurora Energy staff member, there is no information available on online accounts regarding agents.

Aurora Energy conducted an internal review as a result of the complaints it received about the issue. The review resulted in a number of positive changes, including:

- Removing approximately 15,400 agents (30% of authorised agents) attributed to accounts which did not have a current electricity account. This means the customer will need to reauthorise an agent if they establish a new connection. Aurora Energy indicated this will assist in maintaining currency of data;
- Making the script read out to customers when an agent is appointed clearer. The new script outlines what the authorised agent can do and their ability to have full access to all account and personal details, including past, current and future accounts;
- Adding a new step to the process followed by Aurora Energy staff when a customer moves in or out of an address to audit the currency of the agent;
- Aurora Energy's staff will be able to use their discretion to remove an authorised agent from a customer's account. Aurora Energy outlined its new business process is that if a staff member is speaking with an agent and identifies that there is no longer a relationship between the customer and the agent, the conversation will be politely ended and no customer account information will be disclosed. Aurora Energy said that while consent had previously been provided to discuss the account information with the agent, it recognises that it has an obligation not to disclose information if there are reasonable grounds to suspect the agent's appointment is no longer valid; and
- Taking steps to have agent names displayed on future Aurora Energy digital products.

I also asked Aurora Energy what steps it will be taking to publicise this issue so that victims of family violence are aware that they may need to remove authorised agents given some people:

- may not have moved since these changes have been introduced; or
- may not use Aurora Energy digital products (some of which need to be paid for).

Aurora Energy advised that it is in the process of finalising a family violence policy which will be published on its website. It said that this is not currently a mandated policy under the National Energy Retail Rules but recognised the benefits of such a document so decided to implement it regardless. The policy will include a section on authorised agents.

Aurora Energy's proactive response to these complaints will significantly improve the currency of authorised agent data. It should hopefully lessen the chance of personal information being disclosed to people who may no longer have a relationship with an Aurora Energy customer.

Hobart Reception Prison - May 2020

Non-compliant strip search of a young person

I received a complaint from a young person who was strip searched at the Hobart Reception Prison. I made preliminary inquiries and confirmed that the search had not been compliant with the Director of Prisons' Standing Order (DSO) 1.10 Searching, which sets out the rules for searches, including of young people.

A new risk assessment process was introduced in July 2019 to determine whether a young person needs to be strip searched. The young person was considered a low risk so a full personal search, or a strip search, was not required. Contraband was found at a later stage, however, which required a full personal search to be conducted under the risk assessment process.

The decision to conduct the strip search therefore accorded with the requirements of the prison. The search process, however, did not. The DSO requires that a person is only ever half-naked when a full personal search needs to occur but this was not followed and the young person was completely naked during the search.

Our inquiries identified that the initial Prison Service review of this incident failed to identify that the "half and half" process had not been followed. As a result of our inquiries the staff involved were counselled, all staff were reminded of the half and half requirements, which apply to all people being strip searched, and the Director of Prisons provided a written apology to the young person.

The Prison Service also conducted an internal review of the strip searching of young people as a result of this and one other complaint I received from another young person. This review resulted in a number of positive improvements being made to processes and procedures to better protect the privacy of young people and ensure that the searching of young people is effectively monitored to confirm the DSO is being followed.

University of Tasmania – May 2020

International student refund

I received a complaint from an international student regarding a University of Tasmania decision in relation to the refund of fees. The student withdrew from a University course approximately eight months before it commenced but was charged a \$1,050.00 administration fee.

The student had to request a refund allegedly as a result of poor communication from the University about the pre-requisites that needed to be met before a confirmation of enrolment could be issued. The student could not comply with those requirements in time and so requested a refund of her \$7,000.00 deposit only days after paying it.

A refund was given but the student complained that the retention of the administration fee by the University was unfair. The student requested an internal review of the administration fee but the original decision imposing the fee was upheld.

My office made inquiries with the Vice-Chancellor into the refund decision making process at the University as analysis of the complaint raised a number of issues:

- The original decision and the review decision appeared to have been largely based on templates and the review decision did not clearly explain what part of the University's refund policy had been applied;
- The review decision did not respond to the issues of concern raised by the complainant in the review request;
- The review letter contained a dead link to the further review options;
- The decisions referred to seemingly irrelevant legislation;
- The refund page on the University's website referred to a 10% administration fee whereas the policy document, accessible from the same page, referred to a 15% administration fee. The student was charged the higher fee;
- The decision letter did not include the name of the person who made the decision. Further review options at the University can be limited in scope to issues such as whether there was any bias. If the student does not have basic information like who made the decision they have no way of establishing if there could be any bias;
- The student requested copies of phone recordings with the University but received no response.

Our inquiries resulted in the \$1050.00 administration fee being refunded to the student. The normal administration fee that should have been applied in this case was \$20.00, to cover a banking fee, but this was also waived. The University also apologised to the student.

The wrong provision of the refund policy was applied by the original decision maker and was not identified during the review of the complaint. Substantial process improvements were made at the University as a result of our inquiries into the complaint including:

- requiring review decisions to be made by a senior administrator;
- steps being taken to improve correspondence to students and the content of web pages;
- training and education provided to staff about good decision making; and
- the commencement of a review of the refund policy.

Our inquiries also established that the University had recorded outgoing telephone conversations with the student without advising her that they were doing so, which was potentially contrary to the requirements of the *Listening Devices Act 2006*. The University advised that it was undertaking a review of all policies and this matter will fall within the review, due to be completed by the end of September 2020.

Department of State Growth – May 2020

Return of Driver Licence following Disqualification

A complainant contacted the Ombudsman after experiencing frustration when trying to get her driver's licence back following a period of disqualification. In particular, the complainant was upset that she had not received a letter from the Department of State Growth, Registration and Licensing Services 60 days before being able to re-apply for her licence as usually happens in these circumstances. The complainant alleged this delay made getting her licence back more difficult and added to the time she went without a licence.

The Department of State Growth responded to inquiries undertaken by this office and provided information setting out the actions required when a person reappplies for a licence. When a licence is cancelled, the returning driver needs to reapply for it to be reissued. In order for the complainant's licence to be reissued, she was required to submit to an assessment and approval process, due to the offences that resulted in her having her licence cancelled.

When the complainant contacted Service Tasmania about getting her licence back, she was referred to the Transport Services section of the Department. The Registrar of Motor Vehicles wrote to the complainant on the same day and provided information about what was required to complete an assessment for a licence again. Unfortunately, the letter sent from the Department of State Growth was not sent until three days before the complainant was eligible to reapply for her licence.

Transport Services view the standard letters that are usually sent to returning drivers as a courtesy, not a requirement. The responsibility still rests with the returning driver to confirm what he or she needs to do to get their licence returned at the end of any period of disqualification.

The Department nonetheless acknowledged that it is standard process for drivers returning from a period of disqualification and licence cancellation to receive a letter from the Registrar before the end of the period of disqualification, advising of what is required to have their licence re-issued. In the complainant's case, this did not occur. This oversight was explained by the fact that the offence the complainant had been charged with was a relatively new one and it had not had a code allocated to it in the Motor Registry System. It was therefore not identified as requiring a letter to be sent out.

As a result of this complaint, this oversight has been rectified and a review is being undertaken to make sure that all offence codes are correctly identified by the Motor Registry System.

Hobart City Council – March 2020

Management of Noise Complaint

A complaint was made to Council concerning its management by Council of a noise complaint. The complaint detailed issues the complainant was experiencing with noise from an air compressor operating from a neighbouring property.

In particular, the complainant was disappointed that an investigation undertaken by the Council had not included a measurement of the noise emitted nor had an assessment of the noise been completed at the complainant's property.

In order to address the complainant's concerns, Council agreed to re-visit the complainant's property at a time the complainant was available to provide access so that measurements of the noise could be taken. The measurements taken on this occasion established that the noise emitted from the air compressor exceeded the allowable limit. As a consequence, an Environment Protection Notice was served on the neighbouring property that required attenuation measures to be installed or implemented to prevent further noise emissions being generated from the air compressor exceeding allowable levels.

Council also completed a further inspection following the neighbouring property completing the prescribed attenuation measures and was able to report back to the complainant that the noise emissions were now compliant with the planning scheme.

Following completion of this inquiry a suggestion was made to Council that communication with complainants be improved. It was also suggested that assessments of noise complaints be completed, that include identification of situations where it is necessary and appropriate to access the complainant's property to undertake noise measurements.

TasWater – March 2020

Legacy Water Connection Issues

A complaint was received in relation to ongoing issues being experienced with a water connection to the complainant's property. The complainant said that his water meter was located on the neighbouring property, some 40-50 metres outside his property, and advised that in the past 18 months, his property experienced three water leaks, all located between it and the water meter.

The complainant acknowledged that TasWater had granted a remission in relation to the first leak, but he had been responsible for the costs associated with the subsequent leaks. Due to the water meter being located on the neighbouring property, accessing and repairing the connecting pipes was difficult and costly.

My officers commenced preliminary inquiries in order to ascertain whether the property was located on Serviced Land for the purposes of the connection and supply of TasWater services.

Having received these inquiries, TasWater commenced working directly with the complainant and the owner of the neighbouring property to try to resolve the issues. The final response from TasWater received in February 2020 confirmed that an agreement had been negotiated with the complainant and the neighbouring property that resulted in the complainant's water meter being relocated at TasWater's expense and TasWater reimbursing the complainant for water usage charges and plumbing costs associated with the previous water leaks.

Initially, TasWater had taken the view that it was not responsible for infrastructure past a property's connection point. As the complainant's property was landlocked and only accessed by a private driveway, TasWater determined the connection point for the property was shared by both the complainant and owner of the neighbouring property and was located near the roadway.

In addition, TasWater deemed that the complainant's property was outside the TasWater Water Serviced Land, meaning it had no legal obligation to provide a water service.

After receiving the inquiries from my office, TasWater conducted a further review of the complainant's title documents and determined that, although there is no explicit legal access to the property, it was willing to treat the driveway as being intended to be used for public access. This means that the TasWater connection point for the property would be the boundary, rather than the legal frontage near the roadway.

Based on the review, TasWater reported that it had attended the complainant's property and relocated the water meter to the boundary. TasWater has committed to being responsible for maintaining the infrastructure between the roadway and the complainant's water meter in the future. This means that the repair of any future leaks will be the responsibility of TasWater. In order to facilitate this, TasWater has obtained permission from the owner of the neighbouring property to access that property for the purposes of maintaining and repairing infrastructure to the complainant's meter.

In addition, TasWater has recognised that the complainant incurred expenses resolving the issues experienced while TasWater was investigating and reviewing the complaint. As such it confirmed that the following reimbursements were made:

- water usage charges relating to leaks that occurred between the meter and the Property boundary prior to the meter being relocated; and
- plumbing costs incurred completing repairs between the water meter and the Property boundary prior to the meter being relocated.

It is worth noting that TasWater maintains that the complainant's property is not Serviced Land, rather it sees this as outcome as maintaining a historical service to the property.

Hobart City Council – March 2020

Noise Nuisance Investigation

A complaint was received by this office in October 2019 concerning the management of a noise complaint by the Hobart City Council. Of particular concern to the complainant was the ongoing operation of a heat pump installed in a neighbouring property and the noise nuisance this unit produced. The complainant had first raised concerns with Council about the operation of the neighbouring heat pump in approximately May 2019 and Council commenced an investigation at that time.

The initial response from Council to this office's preliminary inquiries acknowledged further monitoring of the heat pump was required. Council made arrangements for a scientific officer from the Environment Protection Authority (EPA) to install a remote measurement device at the complainant's property to monitor the noise emitted by the heat pump. Unfortunately, this remote device failed to detect the operation of the heat pump which, given the time of year the monitoring was conducted, was to be expected. Council has indicated that it will organise further testing in winter 2020, when the heat pump is being fully utilised.

In response to the issues raised by the complainant, Council had already arranged for an independent review of its initial investigation. This review highlighted improvements that could be made to Council's investigation process. In particular, the review confirmed that Council officers have the power:

- to direct owners of devices emitting noise at a noise level deemed unacceptable to cease operation of the device;
- require documentation from the resident in control of the device demonstrating compliance with best practice installation procedures;
- use an Environmental Protection Notice to effectively regulate the correct operation of a device; and
- engage specialist noise consultants to take readings of the device if necessary.

Council has confirmed that it is developing a new '*Compliance and Investigation Procedure Policy*' incorporating the improvements identified by the independent review.

Retirement Benefits Fund – March 2020

Customer Service

A complaint was received about delays and customer service the complainant had recently experienced with the Retirement Benefits Fund Board (RBF). The complainant acknowledged that since sending the complaint to the Ombudsman the requested service had been provided, however the complainant remained concerned about the delays and poor customer service he had experienced.

The complainant explained that he was in receipt of a RBF pension following the death of his partner nearly eight years ago. In September 2019 the complainant contacted RBF to request a Schedule of Information in order that he could apply for a Centrelink Disability Support Payment.

From the time the complainant first contacted RBF, he complained that requested information was not sent to him, he did not receive follow up telephone calls and he experienced difficulty in obtaining the requested documentation.

Preliminary inquiries made by my office included a request to the Office of the Superannuation Commission (OSC) to provide an explanation outlining the reasons for the delays and the frustrations experienced by the complainant.

During a telephone call with a Customer Service Officer in October 2019 it was identified that the account name details on the complainant's account were incorrect.

The OSC explained that when the complainant became eligible for a RBF surviving partner pension in 2011, his name was incorrectly added to his late partner's account, rather than a new account being established in his name. In order to produce the Centrelink Schedule, it was necessary to update the account to the complainant's name only, before this could be completed, it was necessary to obtain identification material from the complainant.

OSC acknowledged and apologised for the delays experienced in making the necessary corrections to the account. It was explained that this was due to the RBF's administrator, Link, having to undertake specialised IT changes to rectify the account.

It was acknowledged that the correction of the account name had been overlooked by the previous administrator, Mercer, and Link, until the Centrelink Schedule was requested. The technical fix required was also complicated by the original error having been made by Mercer, so Link was required to amend the account name, by way of a "back-end" system fix.

OSC acknowledged that the customer service experienced by the complainant had not been in keeping with the service standards it expects for its members and an apology has been issued to the complainant. In addition, as a result of this complaint the issues experienced by the complainant were raised directly with Link. The OSC requested Link provide a response to the issues raised, including advice about what rectifications and training will be implemented to avoid other RBF members experiencing similar problems.

Hobart City Council – March 2020

Customer Service

A complaint was made to this office concerning the customer service experienced during recent dealings with the Hobart City Council. Information from the complainant confirmed that the substantial concern raised with Council had been resolved and the complainant was satisfied with the arrangements agreed to with Council. Nevertheless, the complainant raised concerns about the customer service shortfalls experienced when communicating with Council that required a response from it.

In particular, the complainant detailed emails sent to representatives at Council, and the general Council email address that had not been responded to, as well as a formal written complaint that had not been addressed.

Council's initial response to the preliminary inquiries undertaken by my office placed the responsibility for the oversight with an individual, due to some of the correspondence having been addressed to an individual Council representative. Further information implied that even the correspondence addressed to Council's generic mailbox had been forwarded to an individual, as it had been marked to the attention of that person.

I did not consider that the response addressed the concerns raised, particularly that a formal complaint had not been identified and managed in accordance with Council's complaint procedures.

In response to a request for further information, Council acknowledged that it had not responded appropriately to my office's inquiries and further information was provided about the record management procedures employed by Council.

The failure to appropriately receipt and action correspondence was explained as being due to a change of project managers dealing with the complainant's particular issue. Correspondence had been sent to an individual, rather than having been identified as a complaint about the customer service being provided by that same individual.

Council had also implemented a significant organisational restructure during the period the complainant had been attempting to communicate with it. Council implemented new procedures in late 2019 to improve awareness and governance in relation to open and overdue correspondence and actions exceeding the customer service standard set by Council. Council is also continuing to finalise arrangements to replace the existing record management platform. It is intended that the changes that have been implemented will better identify overdue correspondence and complaints and avoid the issues experienced by the complainant in this instance.

Council offered an apology to the complainant for the failures that had been experienced and indicated that it remains focused on ensuring this type of customer service experience is not repeated.

TasWater – March 2020

Customer Service

A complaint was received concerning a refusal by TasWater to refund the total plumbing costs associated with a blocked sewer.

The complainant contacted TasWater to report that the sink and shower at their property were not draining properly. The complainant was advised by a TasWater representative that the issue was associated with the complainant's private infrastructure and a plumber would need to be engaged, at the complainant's expense, to rectify the issue.

The plumber engaged to complete the works identified that the blockage was in TasWater's infrastructure and contact was made with TasWater so it could undertake the necessary works.

A dispute then arose in relation to whether the complainant was responsible for a portion of the work completed by the private plumber, as it was alleged that the plumber did not comply with the TasWater Plumbing Policy. In addition the complainant was advised that TasWater is not responsible for refunding GST.

After being advised of the complaint by my office, TasWater conducted a review of the information provided to the complainant at the time that the issue was first reported, as well as the information provided in relation to the plumbing account. The review acknowledged that the complainant should have been asked specific questions about the state of the complainant's property's inspection outlet when contact was first made with TasWater. TasWater recognised that if this had occurred, TasWater would have attended to the fault and the complainant would not have been advised to engage a private plumber.

TasWater issued an apology to the complainant for the incorrect information having been provided at the outset. A further apology was issued in relation to the misinformation that was provided to the complainant about refunding GST. TasWater reimbursements are inclusive of GST. In line with the findings of the review, TasWater issued the complainant with a full refund for the plumbing expenses.

As a result of the review, TasWater's Customer Service Centre has been provided with additional information about the correct process and information to be passed on to customers when a report of a sewer blockage is made. Feedback was also provided to the Accounts Payable team about GST so that similar errors will not occur in future.

Department of Communities Tasmania – January 2020

Eviction of a ward of the state

A 16 year old ward of the state complained that his guardian, the Secretary of the Department of Communities Tasmania, was evicting him from his independent living accommodation.

The young person decided to leave the property but subsequent inquiries by my office uncovered concerning gaps in knowledge and procedures at Child Safety Service (CSS), the unit of the Department of Communities Tasmania managing the tenancy and care of the young person. It became apparent that the tenancy agreement with the young person failed to meet the requirements of the *Residential Tenancy Act 1997*, as CSS was not aware of its obligations or the application of the Act to the eviction process.

CSS apologised to the young person. He had received a warning that Housing Tasmania may be told about his tenancy, which may impact on future tenancies and this was described as not appropriate. It clarified that no information was given to any other housing agencies. I understand CSS is working with the young person to find appropriate accommodation.

The complaint showed that there were issues with CSS managing tenancies, which is not its core function, and the operation of the *Homes Act 1935* and the *Residential Tenancy Act 1997*. As a result of our inquiries the Department of Communities Tasmania has begun scoping the task of addressing the issues raised in the complaint, including a review of the *Residential Tenancy Act 1997*, in partnership with the Department of Justice, which administers the Act.

TasWater – January 2020

An unfortunate legacy

TasWater installed a water meter approximately 320 metres from Ms T's property in July 2018, without providing notification that this would occur.

Ms T received high water usage bills and incurred plumbing costs which related to leaks along the pipework between her property boundary and the meter. TasWater initially offered to provide a partial remission of her water usage charges only. It also said that, as Ms T had a non-standard or legacy connection, she would be required to either pay to extend the water main to her property, disconnect from water services at her cost, or continue the current

arrangement of being responsible for around 320 metres of pipework on public land. This position was maintained even after Ms T raised an internal complaint.

Ms T then sought assistance from my office and inquiries were made. TasWater agreed to refund all of her water usage but did not otherwise change its position. After further inquiries to the TasWater CEO, this position changed in August 2019 and TasWater agreed that it was not acceptable for Ms T to be expected to be responsible for pipework that was not on her land and committed to rectifying the situation at TasWater's sole cost.

At her request, TasWater also agreed to reimburse Ms T's plumbing costs to fix the leaking pipe, formally apologised and gave her a \$100 credit for poor service provided.

TasWater maintained that it had not changed its policy in relation to legacy connections but acknowledged that there had been a major internal communication breakdown that led to incorrect advice being given to Ms T in the first instance.

TasWater advised that all relevant staff had now been briefed on the interim position, that TasWater will take responsibility for resolving non-standard connections on an *ad hoc* basis at its cost, while it develops a standard policy.

My office was advised that this policy should be finalised by the end of 2019. While drafts of the policy have been provided, it has not been finalised as at August 2020. TasWater also stated it would undertake an audit of all legacy connections to try to ensure that no customers have been disadvantaged (as Ms T was) through their non-standard arrangement and to rectify any issues. TasWater estimates that there are 1,000 non-standard connections in Tasmania.

Ashley Youth Detention Centre – December 2019

Use of force

In January 2018 we received a complaint from a young person about the use of force against them during an incident at Ashley Youth Detention Centre (AYDC) in November 2017.

The Department of Communities Tasmania instigated a review of the use of force against the young person, and several other use of force incidents that happened around the same time. It made a large number of recommendations. One was that an assessment be made to determine if action needed to be taken against the staff involved in the use of force against the complainant.

The Department decided in the subsequent assessment not to take any formal action against staff due to 'gaps in training and procedures'. We looked at the Department's assessment of whether it should take formal action against the staff involved in the use of force incident.

Force can be used at AYDC as a last resort, provided it is necessary and used in a reasonable way. In the incident involving the subject young person, force had been used after only 58 seconds of talking and without any clear immediate threat.

The staff were intending to move the young person to a different unit due to his earlier behaviour. The use of force did not appear necessary.

Although we did not make any findings about the use of force, it did not seem reasonable, despite any gaps in procedures or training, to:

- throw a 12 year old from a bench; and
- pull the complainant by their handcuffed arms whilst they were lying on their stomach after being restrained.

After the use of force incident, the young person was left handcuffed in their room for two hours without constant supervision.

Assessment did not get all the facts

The Department's assessment of this incident was basic and the decision to take no action against staff was based on little or no evidence. The Department did not get some facts or did not mention them in the assessment such as:

- details of the harm the complainant suffered, including photos taken by Correctional Primary Health Services of bruises, and physiotherapy appointments relating to shoulder pain;
- the complainant's version of events;
- evidence of the training provided to youth workers or outline which specific procedures were not clear; and
- the experience of the youth workers and how long they had been working at AYDC, which combined was in excess of two decades.

Not having these facts meant that the assessment had not been adequate. The assessment failed to consider if the force used was allowed under s132 of the *Youth Justice Act 1997* or whether the force was excessive.

A decision could reasonably have been made to take no further action if this was supported by evidence and analysis but this did not happen so the decision to take no action was lacking.

The former Secretary of Communities Tasmania advised that she did not plan to take any further action regarding the use of force against the young person. This was because of improvements she said happened after the incident at AYDC. The Secretary said there were improvements to culture, procedures and processes. She also said AYDC staff were making a concerted effort to de-escalate incidents rather than using force or restraints such as handcuffs. I understand, however, that there have since been three AYDC staff suspended as a result of use of force incidents.

We suggested that future assessments of staff conduct involving complaints of excessive use of force should:

- look for evidence from all relevant sources including information from the young person involved and Correctional Primary Health Services;
- specify the evidence that has been gathered and relied upon;
- outline the legislative framework for use of force, including the *Youth Justice Act 1997*;

- document and analyse all the relevant considerations taken into account when making recommendations, including whether the force had been reasonable and necessary;
- look at whether the use of force incident should be referred to the Director of Public Prosecutions; and
- record the decisions in writing.

In light of the above criticisms, I suggested that the Department inform my office of all future use of force incidents at AYDC to ensure better supervision.

Improvements to procedures

In response to the 13 page draft report following our preliminary inquiries into the complaint the Secretary of the Department said that the *Use of Physical Force Procedure* was updated in early 2018. He said that the procedure moves staff responses away from a generic or routine application of a restrictive practice, to an intelligence driven practice where a particular course of action required staff to think about their actions before using force to address a problem.

Also, the *Use of Mechanical Restraints (Handcuffs) Procedure* and practice advice was updated in October 2019. The Secretary said the procedure has improved medical oversight and safety considerations during and after the use of handcuffs and the recording and reporting of onsite handcuff use. This means that doctors or nurses will make sure young people are safe after handcuffs are used, and people's safety is thought about a lot more.

It was of concern that the complainant had been left in their room for almost two hours with handcuffs on. They were only taken off when the Manager gave AYDC staff a direct order that they be removed. Hopefully this updated procedure should ensure that this sort of use of handcuffs does not happen again.

The *Youth Justice Act 1997* gives a young person the right to complain to the Ombudsman about the standard of care or treatment they receive whilst in a detention centre. It was my view that the standard of care and treatment received was poor as concerns about the youth workers' questionable use of force were not adequately assessed. I suggested the young person seek legal advice.

West Coast Council – November 2019

Issue with s23 Urban Drainage Act 2013

A complaint was received by this office raising concerns about a local council, in particular, a concern about the council issuing a notice pursuant to s23 of the *Urban Drainage Act 2013*.

The issue of concern was that the notice issued did not disclose whether a clear avenue of review is available to property owners wishing to dispute such notices. The *Urban Drainage Act 2013* in fact offers no appeal rights against a notice issued pursuant to s23. It was determined that a property owner may be able to apply for a review pursuant to the *Judicial Review Act 2000*, however it was also identified that this avenue of review was potentially costly for all parties and disproportionate to the fine in the notice.

I also identified that the council should have provided evidence to the complainant of the nuisance referred to in the notice. It is considered good administrative practice that the reasons for issuing such a notice are clearly enunciated.

As I was of the view that the avenue of review available in relation to a notice under S23 of the Urban Drainage Act is costly, I wrote to the Department of Primary Industries, Parks, Water and Environment and suggested that an amendment to s23 may be necessary.

The Secretary of the Department was supportive of my proposal, and advised that it would be included as part of the review of Tasmania's Local Government Legislation Framework. The amendment is being progressed through the Department of Premier and Cabinet.

Housing Tasmania – August 2019

Heater replacement for medical reasons

Ms B is a long term tenant in a Housing Tasmania property. She suffers from porphyria cutanea tarda, a skin condition which is exacerbated by environmental factors. She received medical advice that her gas heating was likely to be causing flare ups of her condition, resulting in severe itching, skin sores, shortness of breath and coughing. She made a request to Housing Tasmania for her gas heating be replaced with a heat pump, providing medical evidence and offering to pay extra rent if this occurred. Her request was declined as her current heating was still in working order, without mention of the health reasons raised.

Ms B contacted Ombudsman Tasmania and concerns were raised with Housing Tasmania about the quality of the decision and reasoning on this issue. Housing Tasmania reviewed the decision and then offered to replace Ms B's heating or to provide a priority transfer to a newly built unit with a heat pump. She elected to stay in her property and a heat pump was installed a short time later.

Right to Information Act 2009

The Ombudsman is the external review entity under the Act. Amongst other matters, my office reviews decisions of public authorities or Ministers where an applicant has been refused access to information, in whole or in part or has not received a decision within the time stipulated by the Act. Other functions that fall to the Ombudsman pursuant to the Act include:

- providing advice, either on his own initiative or upon request, to public authorities and Ministers concerning the operation of the Act;
- 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; and
- issuing and maintaining a manual related to 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.

Statistics and Performance

Context: RTI Decisions by Public Authorities in Tasmania

The two key drivers of an external review by my office are a public authority's decision to refuse access to information or failure to decide an application within the Act's timelines.

Figure 8 shows that Tasmania's public authorities refused access to *any* information in 30% of their 2018-19 RTI decisions. This rate of refusal was nearly twice that of the next highest jurisdiction (Queensland at 16%) and 750% that of Australia's most open jurisdictions (Victoria and the NT both at 4%). Tasmania's percentage of refusals in full has been increasing each year since 2016-17 when it was 15%.

Correspondingly, a higher percentage of RTI requests (4.9%) were appealed to, and externally reviewed by, my office than any of my counterparts around Australia, see Figure 10.

The other key contributor to external reviews is failure by authorities to determine requests within the Act's time frame. Figure 9 shows Tasmania's public authorities failed in this regard in 27% of their 2018-19 decisions. This is better than South Australia (42%), but well behind the next slowest jurisdictions (17%, then 10%). 'Timeliness' is discussed under that heading below.

Figures 8-10 were published in July 2020 by the NSW Information and Privacy Commission on behalf of Australian Information and Access Commissioners and Ombudsmen, pursuant to [Australia's first Open Government National Action Plan 2016-2018](#).³

³ Figures 8-10 are metrics 4-6 of the 'National Dashboard - Utilisation of Information Access Rights - 2018-19', ipc.nsw.gov.au/sites/default/files/2020-07/OGP_metrics_all_jurisdictions_bar_all_years_Jul_2020.pdf at p5.

External Reviews Opened and Closed

The number of applications for external review made to my office in the 2019-20 reporting year was 65, compared to 59 in the 2018-19 year (Table 22) and 43 in the 2017-18 year. During the 2019-20 reporting year, 46 files were closed, which was an increase on the previous year when 39 were closed (see Table 23). Of the 46 files closed, 21 required full external reviews and decisions, compared to eight in 2018-19 (see Table 24). The balance ('Other' in Table 23) were either withdrawn, out of scope, or ultimately did not require me to make a decision because, for example, information was subsequently released by the public authority – often following case management by this office.

In the 2018-19 reporting year, because we opened more external review applications than we closed, the historical backlog of cases awaiting completion, which I have referred to in previous annual reports, increased by 13 cases. In the 2019-20 year, with the increasing number of applications for external review again exceeding the number closed, our total number of active external reviews increased to 82 cases at the end of June 2020 (Figure 11). An increasing proportion of these, however, are newer cases, as we progressively finalised and closed older ones. The breakdown of reviews against State Government departments by agency and reviews against local government by council are set out in Tables 25 and 26, respectively.

In the 2019-20 budget the Tasmanian Government allocated an additional \$245,000 in recurrent funding for the office to manage its Right to Information jurisdiction. This allowed recruitment during the reporting year of a Principal Officer (RTI) and then (at 0.8 FTE) an Investigation and Review Officer, whilst retaining the Senior Investigation and Review Officer position. This should enable us to better address and manage the backlog in the future.

Reviews Opened by Public Authority Type and Agency

There were 65 fresh applications for external review made in 2019-20. Of those applications, departments accounted for 32 (49%, see Table 25), councils for 26 (40%, see Table 26), with the remaining 7 (11%) spread across a range of government business enterprises (see Table 27) and one regarding the University of Tasmania.

The Department of Primary Industries, Parks, Water, and the Environment and the Department of Police, Fire and Emergency Management stood out in 2018-19 as having received by far the most applications for external review. Both departments reduced these significantly in 2019-20, however presumably due to improved and/or more timely processing of RTI requests, and in the case of Police, additional training.

On the other hand, a number of departments which generated no applications for external review in 2018-19 had one or more in 2019-20, most noticeably, the Departments of Justice (six) and State Growth (four) – see Table 24.

Applications for external review of RTI applications to local government increased from 14 in 2018-19 to 26 in 2019-20. These were spread across a range of councils (Table 25), but the top two were for discernible reasons, including multiple applications by one individual to one council, and three applications relating to the proposed Northern Prison site near Westbury.

The national dashboard and metrics are explained at www.ipc.nsw.gov.au/information-access/open-government-open-data/dashboard.

Reviews Closed by Public Authority Type

Of the eight external review decisions undertaken and closed in 2018-19: three involved departments; three involved councils; one involved a state-owned company; and one related to the University of Tasmania. Two (25%) saw the authority's decision to exempt information fully affirmed: see Table 23.

Of the 46 external reviews closed in 2019-20, 21 required full external reviews to be undertaken and decisions made. Of these 21 full reviews: 17 (81%) involved departments; two (9.5%) involved councils; one (4.75%) involved a government business enterprise (TT Line) and one (4.75%) related to the University of Tasmania.

In only one of the 21 decisions finalised in 2019-20 was the public authority's exemption of information fully affirmed and upheld (see Table 23) that being one of the six decisions made by the Department of Justice (see Table 24).

Average Days Open

The average number of days open across all active external reviews is graphed month by month in Figure 15. This shows a general decline since the September 2019 peak until the end of June 2020 – a decrease in the average days open of 61 days across that period – and a reduction of 41 days from July 2019 to June 2020.

The average number of days open across all active external reviews increased slightly in January following the Christmas holiday period, and then in March and April as COVID-19 restrictions forced key staff to work remotely. By the end of June 2020, however, the average had returned to its March figure.

Education and Training

Approximately 165 officers of public authorities attended RTI Act training conducted by this office during the last year (down from 262 last year), before COVID-19 restrictions required cancellation of our training for the last part of the year. Feedback from participants indicated a 91% satisfaction rating, down from 94% in the previous year but still excellent.

The Department of Police, Fire and Emergency Management was the agency that undertook the most training in the reporting year. That Department also saw applications for external review of its decisions decrease from 13 in 2018-19 to four in 2019-20 (Table 25). This suggests a significant and commendable improvement in DPFEM's handling of RTI applications, corresponding with more DPFEM officers receiving RTI education and training.

Publications

No new guidelines were published in the reporting year, but existing guidelines will be revised and updated as required and as resources permit. In the meantime, the existing guidelines remain applicable.

Areas for Improvement

It is always useful to identify areas of improvement to promote better outcomes in the future. Some of the more common deficiencies apparent in the Act's administration are listed below.

Back to Basics

As noted earlier, the proportion of RTI decisions in which Tasmanian public authorities refuse to release any of the information sought vastly exceeds all mainland jurisdictions, and has been increasing each year since 2016-17.⁴

This is reflected in many of the decisions I see by public authorities, which do not seem to give sufficient weight to the fact that the Act creates a legally enforceable right to obtain information held by, and about the operations of, State and local government. This is designed to promote 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.⁵

The Act also expressly states Parliament's intention that the Act be interpreted so as to further its object, and that the discretions it confers are to be exercised *so as to facilitate and promote, promptly and at the lowest reasonable cost, the provision of the maximum amount of official information*.⁶

The Act establishes a 'push model', which encourages the proactive routine disclosure of information, and provides that assessed disclosure is the method of last resort.⁷ Yet applications for external review to my office are increasing, corresponding with the increase in decisions by public authorities to refuse access to any information.⁸

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

⁴ 'Metric 4: Percentage of all decisions made on formal applications/pages where access was refused in full', National Dashboard - Utilisation of Information Access Rights - 2018-19, ipc.nsw.gov.au/sites/default/files/2020-07/OGP_metrics_all_jurisdictions_bar_all_years_Jul_2020.pdf at pp5 and 3.

⁵ Ibid, s3(1).

⁶ Ibid, s3(4).

⁷ Ibid, s12(3).

⁸ Figure 8 sourced from 'Metric 4: Percentage of all decisions made on formal applications/pages where access was refused in full', National Dashboard - Utilisation of Information Access Rights - 2018-19, ipc.nsw.gov.au/sites/default/files/2020-07/OGP_metrics_all_jurisdictions_bar_all_years_Jul_2020.pdf at p5.

the information sought is exempt, with little or no explanation as to how the exemption applies to the information.

Where relevant, the public interest test is consistently misapplied, if it is referred to 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.

The reasons for decisions on external reviews published on my office's website provide examples and guidance.

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

My office continues to receive too many applications for external review where a public authority has not delivered a decision on the request for information within the period required by the Act. An authority's failure to meet this time limit results in a deemed refusal of the request, adding to the work of my office. Tasmania's public authorities are gradually improving here, but had the second lowest percentage of all FOI/RTI decisions made within the statutory time frame of any Australian jurisdiction in both 2017-18 and 2018-19.⁹

Accordingly, my office circulated advice to all public authorities just prior to Easter 2020 containing suggestions for managing their RTI requests during the COVID-19 emergency period, to assist in meeting their statutory time limits. Judging by the applications to review deemed refusals that my office continues to receive, some public authorities appear to have had limited success in this regard.

⁹ Figure 9 sourced from 'Metric 5: Percentage of all decisions made within the statutory time frame', National Dashboard - Utilisation of Information Access Rights - 2018-19, ipc.nsw.gov.au/sites/default/files/2020-07/OGP_metrics_all_jurisdictions_bar_all_years_jul_2020.pdf at pp4-5.

Association of Information Access Commissioners

I have maintained my office's involvement in the Association, which consists of the Information Commissioners or Ombudsmen across Australia and New Zealand who oversight their respective jurisdiction's freedom of information or right to information legislation.

The Association provides an important forum for the exchange of ideas and the discussion of issues of mutual interest. It issued two statements in 2020 regarding the importance of access to information during the COVID-19 pandemic, both of which are on my office's website.

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 2019-2020 reporting year I commenced a review of my two guidelines, which include the model public interest disclosure procedures, issued under the Act. I am seeking to simplify the guidelines where possible. I will also be including some new requirements such as the conduct of a risk assessment on the receipt of a protected disclosure.

The review is due to be finalised in the next reporting year and public bodies will then be asked to submit new public interest disclosure procedures that comply with the updated guidelines. The new guidelines will be available on my website when they have been finalised.

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 three disclosures about improper conduct, of which two also referenced detrimental action;

- three determinations were made that disclosures were not public interest disclosures and there were no determinations made that a disclosure was a public interest disclosure (referred to below as a disclosed matter) – s84(c);
- An investigation from the previous reporting year into alleged improper conduct continued this reporting year – 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);
- No recommendations were made during the year – s84(i)
- No recommendations were made during the year – s84(j);
- no recommendations were made in relation to the procedures established by a public body under Part 7 – s84(k); and
- no action was taken during the year on any recommendations of the Ombudsman – s84(l).

It is important to note that the number of disclosures reported 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 14 PIP Act complaints in the reporting year and closed 14.

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 2019 and June 2020. 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 Hine advised that seven police officers and two correctional officers had been issued with authorisations for the 2019-2020 financial year, one less than last year. The Commissioner provided a copy of each authorisation as well as each of the authorised person's written reports required under s38F of the Act.

The Commissioner advised that one authorisation was cancelled during the reporting year; a police officer from the Dog Handler Unit was transferred so their authorisation was no longer necessary. The Commissioner enclosed a copy of the cancellation notice with his report.

The Commissioner said that the purpose of issuing an authorisation under s38B of the Act to each officer is to allow for the possession and supply of controlled substances. This is necessary for the training and assessing of drug detector dogs. He stated that the controlled substances can be used to train new drug detector dogs, for the ongoing training of the dogs, remedial training when required and for annual validation assessments of the dogs.

The Commissioner advised that Tasmania Police has four drug detector dogs spread across the State. Each dog has a primary handler who uses the dog operationally and trains the dog on a regular basis. The remaining three police officers with authorisations are relief handlers who manage the dogs when the primary handlers are on leave or unavailable.

The Commissioner further advised that the Tasmania Prison Service (TPS) has two drug detector dogs and two handlers, which is down from three dogs and three handlers last year. Direct inquiries with TPS confirmed it actually has four drug detector dogs.

The Commissioner provided details of, as well as reports relating to, Tasmania Police's and TPS's annual audits of the controlled substances. No issues of concern were identified in the audits but I have outlined below some matters that were noted or addressed:

- The audit of the Northern District identified a number of areas of improvement. Steps are being taken to ensure processes are consistent with the Southern District for the recording of the possession of controlled substances and the use of identification numbers. The cannabis sample is going to be destroyed due to its age and other controlled substances will be returned to Forensic Science Service Tasmania (FSST) for re-analysis, re-bagging and re-labelling as they have been held in the district for some time.
- Similar issues were identified in the Western District audit regarding processes and, as above, steps are being taken to standardise the register for recording the possession of controlled substances. The seal on one controlled substance, whilst still secure, was in poor condition and it will be returned to FSST for re-analysis, re-bagging and re-labelling.
- The TPS conducted an audit and the Commissioner forwarded a copy of that audit with his report. The Commissioner noted that no record could be located for an authorisation issued to either correctional officers to cover the period from 1 July 2019 to 14 August 2019. He noted, however, that the register and reports show that neither officer possessed nor supplied controlled substances between those dates.

The Commissioner advised that no details were omitted from his report to me on the basis that they would compromise the lawful carrying out of any duties by a police officer.

My Opinion

As noted above, I have to express an opinion as to the comprehensiveness and adequacy of the records of the Commissioner of Police kept under s38G and whether the authorisations to which the operational report relates have been effective and appropriate.

The Commissioner's report was a significant improvement on last year's report and no clarification was required regarding the matters reported on. The Commissioner provided copies of all the records that were made in the reporting year under s38G of the Act. I was satisfied on reviewing the report and those records that the records were comprehensive and adequate. The authorised person reports required under s38F contained all the required details and the cancellation of one of the authorisations was in accordance with s38C.

Having reviewed those reports I was also satisfied that the authorisations to which the operational report relates have been effective and appropriate. When a police officer no longer required an authorisation it was cancelled in a timely manner and the remaining

authorisations were otherwise required by the dog handlers and relief dog handlers so they could fulfil the requirements of their positions.

I am required to make comments or suggestions in relation to how the issue, supervision and implementation of authorisations may be improved. I only have one suggestion this reporting year. There was a note on the TPS audit that the cocaine training aid is showing some leakage within the internal clipseal bag and that until further notice particular care should be taken during all training processes with this aid. I would suggest that the cocaine be returned to FSST for re-analysis and re-bagging in those circumstances.

Otherwise, I have no other comments or suggestions this reporting year. My report last year made a number of comments and suggestions and the Commissioner's report this year has implemented them, including providing me with copies of the authorisations.

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 general 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 271 in 2017-18 to 204. There was a 23% decrease in complaints received and a 28% drop in enquiries received.

Much of the decrease in approaches was a result of the COVID-19 lockdown when there was an obvious decrease in complaint activity.

Complaint Trends

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

Complaints about bills based on the estimation of electricity consumption continue to fall and, for the reporting year, have dropped from 16 to nine. 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 thus eliminating the need for a meter reader to attend a property for quarterly reads.

Complaints about completed or pending disconnections remain low. It is reasonable to conclude that Aurora Energy continues to engage with customers experiencing payment difficulties before they escalate their concerns to me. It is often the case that I only hear from a consumer after they have been disconnected or just prior to disconnection so it is encouraging that the numbers are staying relatively low.

There was a significant decrease in complaints about delays in having new connections completed. In the past couple of reporting periods there were a large number of complaints about delays in having Advanced Type 4 meters installed, either for a new connection or as a replacement meter.

These delays were addressed by the parties involved in the process during late 2018 and new Rules were introduced on 1 February 2019 mandating timeframes for the installation of new and replacement meters.

I now rarely receive a complaint about a delayed connection.

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

Approximately 75% 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 have decreased over the reporting period from 101 to 75.

Complaints about access to electricity meters and bills based on estimated consumption have decreased markedly from 42 to 14. 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.

There is no doubt that the utilisation of advanced meters has made the access to meters issue almost redundant as a source of complaint to me.

Complaints about high, or disputed, bills have risen from 23 to 31 and this is likely to be a result of consumers believing the tariff they have been allocated with an advanced meter has resulted in increased consumption. This is an issue I will be monitoring over the next period as it may well become an one of widespread concern as customers try to determine whether Tariff 31/41 or Tariff 93 (Peak and Off-Peak) best suits their patterns of consumption.

Credit

The most obvious change in this category is the decrease in complaints about payment difficulties.

Aurora Energy ceased taking credit action against customers during the COVID-19 pandemic up to the end of this reporting year. This has clearly impacted the number of credit related complaints made to me.

Further, it seems that Aurora Energy continues to engage directly with its customers regarding outstanding bills before they are raised with me as a complaint.

This is a positive improvement as 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.

I received eleven complaints from customers of Aurora Energy who had been disconnected, or were threatened with disconnection, for non-payment. This was the same as the last reporting year, but a big drop from previous years.

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.

Customer Service

The number of complaints about customer service has increased slightly this reporting year.

Customer service issues are generally a secondary concern raised with a primary complaint and can arise from the frustration of those customers who are having difficulty resolving that primary complaint directly with a retailer or distributor.

Land

Complaints in this category are almost identical to the past reporting year.

Most complaints relate to the placement and location of TasNetwork's poles and wires. They include concerns about the cost to relocate assets to a more convenient location and disputes over who is liable for those costs.

Marketing

Marketing complaints have decreased from six to just two for this period.

When 1st Energy entered the Tasmanian domestic electricity retail market in February 2019, there were a number of complaints about its customer service consultants' interaction with Tasmanian customers. 1st Energy has addressed the concerns that were being raised and complaints about marketing issues have almost disappeared.

Provision

The most obvious change under this category concerns delays in having advanced Type 4 meters installed. Complaints in this regard have substantially decreased from 22 in 2018/19 to just five for this reporting year.

When the role-out of smart meters began on 1 December 2017, there were complaints about delays in having the meters installed. Prior to 1 December, there were approximately 100 authorised meter installers (AMI's) in Tasmania who were authorised to install Type 4 meters on behalf of TasNetworks. When Aurora Energy became responsible for all new and replacement meters, its metering co-ordinator, Metering Dynamics, had 10 AMI's to call on to install advanced meters for small customers around the state. This caused significant delays, exacerbated by the ad hoc nature of the roll-out; a meter installer was not able to work in a block area, but was required to install meters in a number of areas on any one day.

In September 2018, Aurora Energy convened a workshop with stakeholders, including developer/builders, electrical contractors, bureaucrats, Metering Dynamics, Lend Lease (engaged by Metering Dynamics to install advanced meters), TasNetworks and Aurora Energy. This meeting identified a number of potential improvements to existing procedures to speed up the process leading to the installation of advanced meters around Tasmania. Complaints to me about delays in the installation of advanced meters began to drop after revised processes were implemented and were almost non-existent by the time new rules setting prescribed timeframes, for the installation of new and replacement meters, commenced on 1 February 2019.

When Aurora Energy became responsible for all new meters, I received 35 complaints about delays with new connections, primarily delays for the installation of advanced meters. In the current financial year, there were just three complaints about delays. Most complaints about delays were during 2018, when around 26 complaints were received and this issue has now all but disappeared.

There was an increase, from 11 to 19 complaints related to existing electricity connections.

During 2019, Aurora Energy phased out its old Pay As You Go (PAYG) meters to be replaced with advanced meters to facilitate its Aurora Plus product. During 2019 and into 2020, I received a number of complaints about the cost to a customer of having their electricity infrastructure upgraded to current standards before an advanced meter could be installed.

Metering Dynamics was unable to install an advanced meter if the customer had any substandard infrastructure such as old or poor wiring, asbestos in the meter box, a meter box being too low or too high or an incorrect size, service connections or Points of Attachment located above a roof, or service connections from the street to residence being too low.

Some upgrades were quite expensive to undertake and a number of customers resented paying for an upgrade they had not requested.

These complaints were reduced in late 2019 and early 2020 as Aurora Energy sought to complete the change from PAYG meters to advanced meters before the PAYG meters became unsupported.

I accept that it is the responsibility of a property owner to fund any required upgrade to current standards, rather than as a charge to the broader state-wide customer base. In some cases, the upgrade to infrastructure removed what was a potential risk of fire from old and poor wiring or other health concerns from asbestos panelling in meter boxes.

Supply

There has been a significant reduction in complaints related to unplanned power outages, reducing from 19 to eight this year.

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.

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 they not cannot guarantee an electricity supply 100% of the time.

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.

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. In the second half of the reporting year, these meetings have been held by way of video conferencing as a result of COVID-19 restrictions.

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

Notice to access electrical infrastructure on private land

I received a complaint from Ms B regarding a transformer pole on her private land. Ms B advised that the positioning of the pole impeded her ability to develop the land and argued that the pole had been moved and changed a number of times without notification.

The pole is within a "deemed" easement for the benefit of the electricity distribution provider, TasNetworks, under the *Electricity Wayleaves and Easements Act 2000*. On this basis, TasNetworks refused to relocate the pole to Ms B's preferred position but advised that the relocation of the pole would be possible if Ms B paid for the work.

It was noted that the pole had been relocated within the deemed easement area in 2009 and upgraded with a larger transformer in 2014. TasNetworks was unable to confirm that notification had been given or consultation undertaken for this work as required by the Act. I recommended an internal review of TasNetworks notification policy with respect to access and work on infrastructure in deemed easement areas on private land and a reassessment of the complaint.

To reassess the complaint, TasNetworks requested drawings and designs for Ms B's intended development of the land to review whether there were any suitable alternatives to the current pole position. As Ms B was unable to provide this documentation, the reassessment of the complaint could not move forward. TasNetworks confirmed, however, that it would reopen the complaint should Ms B provide the information in the future. In recognition of the lack of notification, TasNetworks also offered Ms B a \$500 ex gratia payment.

TasNetworks advised me of a number of reviews and projects it had undertaken to improve customer consultation. I will continue to monitor the issue.

Tariff assignment error when changing retailers

I received a complaint from Mr F regarding the tariff assignment for his property. He had recently changed retailers and noticed that his new retailer, 1st Energy, was calculating his bill under tariff 31/41. Mr F advised that he had switched to tariff 93 before signing up with 1st Energy and had received a number of bills from his previous retailer, Aurora Energy that reflected the change to tariff 93.

1st Energy told Mr F that the national meter database confirmed that the property was assigned to tariff 31/41 and had no information to support Mr F's argument that the property should be assigned to tariff 93.

My IO made preliminary enquiries with Aurora Energy and 1st Energy. It was identified that the network service provider, TasNetworks, was not advised by Aurora Energy of the assignment to tariff 93. Consequently, the national meter database was not updated to reflect the correct tariff. The issue was not identified while Mr F was signed with Aurora Energy as it had its own billing system that did not rely on the national meter database information.

After discussions with 1st Energy, it offered to update the national meter database, recalculate Mr F's bills to reflect tariff 93 and apply a \$100 customer service gesture to Mr B.

Explicit informed consent

Mrs J contacted me regarding a transfer of her household electricity account from Aurora Energy to 1st Energy. Mrs J said that she had been approached by a door to door salesman from 1st Energy but did not believe she provided consent to a transfer.

Mrs J advised that she did try to cancel the transfer when she became aware that 1st Energy had taken over her account. 1st Energy advised Mrs J, however, that as the relevant ten day cooling off period had passed, she would have to wait until after the first invoice to transfer back to Aurora Energy.

My IO listened to a copy of the call verification and viewed a copy of Mrs J's digital signature from the door to door salesman's iPad. Mrs J advised that she has early stage dementia and did not recall signing any documentation or agreeing to the transfer on a verification call.

Considering Mrs J's health it was reasonable to conclude that she did not provide explicit informed consent to the transfer. On this basis, 1st Energy agreed to cancel the transfer outside the cooling off period.

Mrs J was advised to consider affixing a "do not knock" sticker on the property to prevent unwanted door to door marketing in the future.

New heat pump not connected to correct tariff

Ms M contacted me regarding the tariff assignment at her property after installing a new advanced meter and two new heat pumps.

Ms M noticed that her first bills after the installation did not reflect that the heat pumps had been connected to tariff 41 (space heating and hot water). Instead, it appeared that the electricity used by the heat pumps was being recorded under the higher tariff 31.

Aurora Energy received initial information from its metering provider that the electrical contractor who installed the heat pumps had not provided the correct instructions to connect the heat pumps to tariff 41.

During my IO's preliminary enquiries, it became clear that the relevant instructions from Ms M's electrical contractor regarding the wiring of the heat pumps had not been passed on to the meter provider. Consequently, Aurora Energy arranged for the metering provider to re-attend the property and correct the wiring. Aurora Energy also allowed an ex gratia credit of \$200 on the account which was approximately the difference in price between the running costs of the heat pumps on tariff 31 compared to tariff 41.

Final meter read at a vacated property

I received a complaint from Ms P claiming that Aurora Energy had refused her request for a final meter read at her property and had instead sent her an estimated meter read.

Ms P contacted Aurora Energy to arrange a final meter read. She advised Aurora Energy that the meter is inside the property and she was unable to provide access. Ms P had vacated the property, she no longer lived in Tasmania, and the keys to the property had been returned to the real estate agent.

Aurora Energy attempted to resolve the matter, by contacting the real estate to discuss the issue. The agent advised that it was unable to attend the property, to allow TasNetworks access to the meter, and was not willing to leave the premises unlocked or leave a key onsite for this purpose.

The agent suggested that TasNetworks attend its office to collect the key prior to attending the site for a read. TasNetworks refused this option and I believed its decision to be reasonable as it is not practical for, nor the role of a meter reader to collect keys from a different location when undertaking meter reads.

When entering a connection agreement as a retail customer with Aurora Energy, the customer is entering into a standard retail contract. The terms set out in this contract confirm that the residential customer is responsible for providing safe and unhindered access to Aurora Energy and authorised representatives for the purpose of reading, testing, maintaining, inspecting or altering any metering installation at the premises. As such, the customer is obliged to provide access for the purpose of a final read and will continue to be responsible for charges until a reading can be obtained. The estimated read the customer referred to was a direct result of TasNetworks not having access to the meter to enable a final read to take place.

While I understood the difficulty the customer in this instance had in providing access, ultimately it is the customer's responsibility to arrange access to a meter, as provided in Aurora Energy's standard retail contract.

The customer's dilemma was resolved when new tenants moved into the property and allowed TasNetworks access to the meter.

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 65 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.

General

With the rapid spread of corona virus and its associated risk to patients and prisoners and particularly to older persons, visits to prisons and approved hospitals did not occur from mid-March 2020 to the end of June 2020.

During this period all prisoners were able to contact my office using the Arunta telephone system and patients in approved hospitals were able to contact an Official Visitor using the free 1800 number.

Appendix A - Ombudsman Act

Complaint and Enquiry Summary

Table 3a – Enquiry Activity - Ombudsman

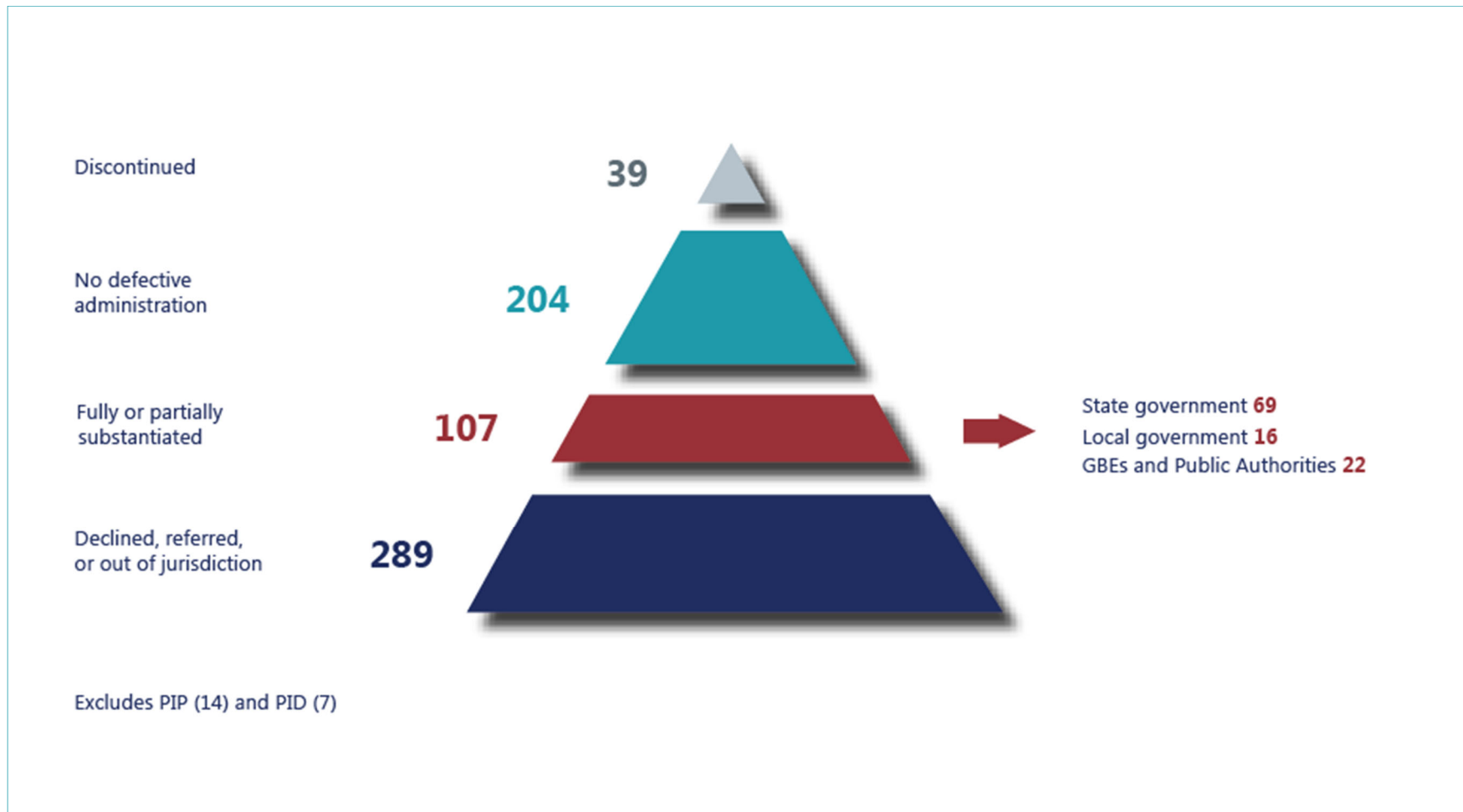
Enquiries	2018-19	2019-20	Variance
Enquiries opened and closed in the period	561	495	-12%
Out of jurisdiction enquiries (OOJs)	705	502	-29%
Total	1266	997	-21%

Table 3b – Complaint Activity – Ombudsman

Complaints	2018-19	2019-20	Variance
Opened in period	735	642	-13%
Closed in period	795	660	-17%

Figures include PIP and PID cases; excludes PID notifications and RTI cases

Figure 1 – Summary of complaints closed



Complaints against State Government

Table 4 – Summary of Complaints against State Government

Department	Received 2018-19	Received 2019-20	Closed 2019-20	Declined, Referred or Out of Jurisdiction (OOJ)	Discontinued	No Defective Administration	Partly or Fully Substantiated
Communities	52	83	89	22	10	43	14
Education	15	16	15	10	1	3	1
Health	19	7	6	2	0	1	3
Justice	215	163	167	38	11	78	40
Office of the Ombudsman and Health Complaints Commissioner	1	1	1	0	1	0	0
Police, Fire and Emergency Management	48	31	35	2	2	7	2
Premier and Cabinet	1	1	0	0	0	0	0
Primary Industries, Parks, Water and Environment	11	14	12	3	2	4	3
State Growth	8	13	14	3	0	7	4
Tasmanian Health Service	3	4	4	2	1	0	1
Treasury and Finance	9	11	10	3	0	6	1
Total	382	344	353	107	28	149	69

Table 5 – Department of Communities Tasmania

Section	Received 2018-19	Received 2019-20	Closed 2019-20	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Ashley Youth Detention Centre	6	3	4	1	0	2	1
Children and Youth Services	19	24	26	10	2	11	3
Housing Services	3	0	0	0	0	0	0
Housing Tasmania	20	45	49	9	7	26	7
Departmental / Not Specified	4	11	10	2	1	4	3
Total	52	83	89	22	10	43	14

Table 6 - Department of Education

Section	Received 2018-19	Received 2019-20	Closed 2019-20	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Office of the Secretary	1	0	0	0	0	0	0
TasTAFE	4	6	5	3	0	2	0
Departmental / Not Specified	10	10	10	7	1	1	1
Total	15	16	15	10	1	3	1

Table 7 – Department of Health

Section	Received 2018-19	Received 2019-20	Closed 2019-20	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Health Services	1	0	1	0	0	0	1
Human Services	11	0	0	0	0	0	0
Mental Health Services	0	1	1	1	0	0	0
Population Health	3	3	3	1	0	1	1
Tasmanian Ambulance and Health Transport Services	1	0	0	0	0	0	0
Departmental/Not specified	3	3	1	0	0	0	1
Total	19	7	6	2	0	1	3

Table 8 – Department of Justice

Section	Received 2018-19	Received 2019-20	Closed 2019-20	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Anti-Discrimination Tribunal	1	1	1	1	0	0	0
Consumer, Building and Occupational Services	10	14	16	4	1	8	3
Equal Opportunity Tasmania	0	2	2	1	0	1	0
Guardianship and Administration Board	2	2	2	2	0	0	0
Magistrates Courts	0	1	1	1	0	0	0
Monetary Penalties Enforcement Service/Motor Registries	4	1	2	1	0	0	1
Prison Services	186	134	135	25	10	67	33
Public Guardian	0	2	2	1	0	1	0
Supreme Courts	1	0	0	0	0	0	0
Tasmanian Industrial Commission	0	1	1	0	0	0	1
Victims Support Services	1	0	0	0	0	0	0
Workers Rehabilitation and Compensation Tribunal	0	1	1	0	0	1	0
WorkSafe Tasmania	5	1	1	1	0	0	0
Departmental/Not specified	5	3	3	1	0	0	2
Total	215	163	167	38	11	78	40

Table 9 - Office of the Ombudsman and Health Complaints Commissioner

Section	Received 2018-19	Received 2019-20	Closed 2019-20	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Health Complaints Commission	1	1	1	0	1	0	0
Total	1	1	1	0	1	0	0

Table 10 – Department of Police, Fire and Emergency Management

Section	Received 2018-19	Received 2019-20	Closed 2019-20	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Operations Support	1	1	1	0	0	1	0
Tasmania Police	40	22	24	17	1	4	2
Departmental/Not specified	7	8	10	7	1	2	0
Total	48	31	35	24	2	7	2

Table 11 – Department of Premier and Cabinet

Section	Received 2018-19	Received 2019-20	Closed 2019-20	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Local Government Division	0	1	0	0	0	0	0
Service Tasmania Unit	1	0	0	0	0	0	0
Total	1	1	0	0	0	0	0

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

Section	Received 2018-19	Received 2019-20	Closed 2019-20	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Land Tasmania	4	4	3	1	1	1	0
Parks and Wildlife Service	2	1	2	0	0	1	1
Departmental/Not specified	5	9	7	2	1	2	2
Total	11	14	12	3	2	4	3

Table 13 – Department of State Growth

Section	Received 2018-19	Received 2019-20	Closed 2019-20	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Transport, Regulatory & Customer Services	0	3	2	2	0	0	0
Departmental/Not specified	8	10	12	1	0	7	4
Total	8	13	14	3	0	7	4

Table 14 - Tasmanian Health Service

Section	Received 2018-19	Received 2019-20	Closed 2019-20	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Tasmanian Health Service – North	1	1	1	1	0	0	0
Tasmanian Health Service – South	1	1	1	0	0	0	1
Departmental/Not specified	0	2	2	1	1	0	0
Total	2	4	4	2	1	0	1

Table 15 – Department of Treasury and Finance

Section	Received 2018-19	Received 2019-20	Closed 2019-20	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Revenue, Gaming and Licensing Division	1	0	0	0	0	0	0
State Revenue Office	6	11	10	3	0	6	1
Departmental/Not specified	2	0	0	0	0	0	0
Total	9	11	10	3	0	6	1
GRAND TOTAL	382	344	353	107	28	149	69

Complaints against Local Government

Table 16 – Complaints against Local Government

Council	Received 2018-19	Received 2019-20	Closed 2019-20	Declined or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Break O'Day Council	3	2	3	0	0	3	0
Brighton Council	3	0	0	0	0	0	0
Central Coast Council	1	2	2	2	0	0	0
Central Highlands	0	1	1	0	0	1	0
Circular Head	1	2	3	1	0	1	1
Clarence City Council	5	8	8	4	1	1	2
Derwent Valley Council	6	1	1	1	0	0	0
Devonport City Council	4	2	2	1	0	1	0
Dorset Council	1	0	2	1	0	1	0
George Town Council	0	1	1	0	1	0	0
Glamorgan Spring Bay Council	0	3	3	0	0	0	3
Glenorchy City Council	6	13	9	3	0	3	3
Hobart City Council	14	14	17	4	2	8	3

Council	Received 2018-19	Received 2019-20	Closed 2019-20	Declined or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Huon Valley Council	5	4	3	2	0	1	0
King Island Council	1	0	0	0	0	0	0
Kingborough Council	2	4	4	1	0	2	1
Latrobe Council	1	3	2	1	0	1	0
Launceston City Council	9	4	5	2	0	2	1
Meander Valley Council	0	2	2	1	0	1	0
Northern Midlands Council	2	0	0	0	0	0	0
Sorell Council	1	2	3	1	0	1	1
Southern Midlands Council	0	3	3	1	0	2	0
Tasman Council	0	2	0	0	0	0	0
Waratah/Wynyard Council	3	2	2	1	0	1	0
West Coast Council	5	2	4	1	1	1	1
West Tamar Council	3	3	3	2	0	1	0
Total	76	81	83	30	5	32	16

Complaints against Public Authorities, Government Business Enterprises and Other Authorities

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

Authority or Enterprise	Received 2018-19	Received 2019-20	Closed 2019-20	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
Aurora Energy	0	2	0	0	0	0	0
Board of Architects of Tasmania	0	1	0	0	0	0	0
Marine and Safety Tasmania	2	0	0	0	0	0	0
Metro Tasmania	2	0	0	0	0	0	0
Minister for Local Government	1	0	1	0	0	1	0
Motor Accidents Insurance Board	2	3	3	1	0	2	0
Property Agents Board	2	0	0	0	0	0	0
Retirement Benefits Fund Board	9	10	10	4	0	2	4
Sustainable Timbers Tasmania	2	0	0	0	0	0	0
Tasmanian Ports Corporation	0	1	1	0	0	1	0
TasNetworks	0	2	2	0	0	2	0

Authority or Enterprise	Received 2018-19	Received 2019-20	Closed 2019-20	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated
TasRail	0	1	0	0	0	0	0
TasWater	64	29	37	7	4	10	16
The Legal Profession Board of Tasmania	0	1	0	0	0	0	0
The Public Trustee	7	4	4	3	0	0	1
TT Line	3	1	1	0	0	1	0
University of Tasmania	24	11	11	6	1	3	1
Veterinary Board of Tasmania	1	0	0	0	0	0	0
Total	119	66	70	21	5	22	22

Complaint Summaries

Table 18 – Out of Jurisdiction Complaints

Out of Jurisdiction Complaints	Received 2018-19	Received 2019-20	Closed 2019-20	Declined	Discontinued	No Defective Administration	Partly or Fully Substantiated
Total	150	131	133	131	1	1	0

Table 19 – Personal Information Protection Matters and Public Interest Disclosures

	Received 2019-20	Closed 2019-20
Personal Information Protection Matters	14	14
Public Interest Disclosures	6	7

Table 20 – Total Cases Opened, Closed and Substantiated

Complaints	Received 2018-19	Received 2019-20	Closed 2019-20	Declined, Referred or OOJ	Discontinued	No Defective Administration	Partly or Fully Substantiated	PID	PIP
Total	735	643	660	289	39	204	107	7	14

Figure 2 – Who is being complained about?

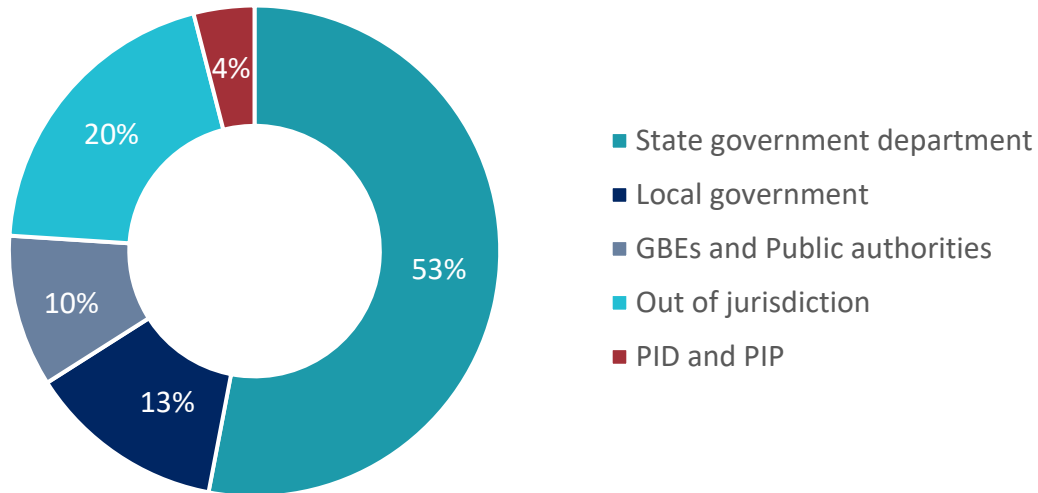


Table 21 – Percentage of total complaints per department

Department	Percentage
Communities	24.0%
Education	4.7%
Health and Human Services	2.0%
Justice	47.4%
Office of the Ombudsman & Health Complaints Commissioner	0.3%
Police, Fire and Emergency Management	9.0%
Premier and Cabinet	0.3%
Primary Industries, Parks, Water and Environment	4.1%
State Growth	3.8%
Tasmanian Health Services	1.2%
Treasury and Finance	3.2%
Total	100%

Figure 3 – Most common complainant objectives



Figure 4 – Most common issues against Prisons



Figure 5 – Most common issues against Councils

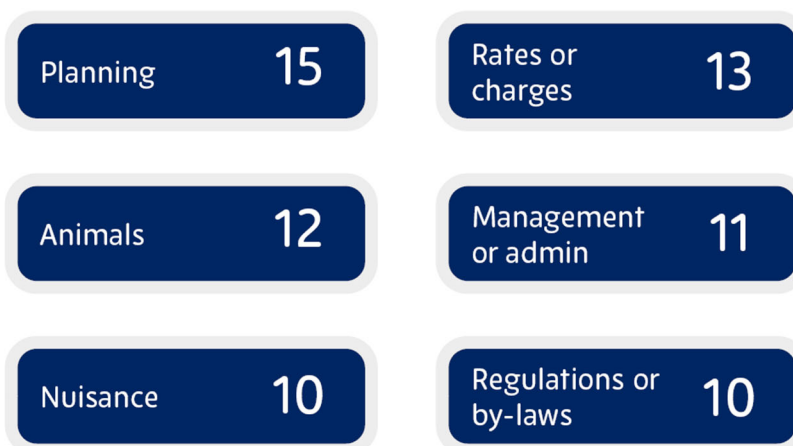


Figure 6 – Time taken to resolve complaints – Ombudsman

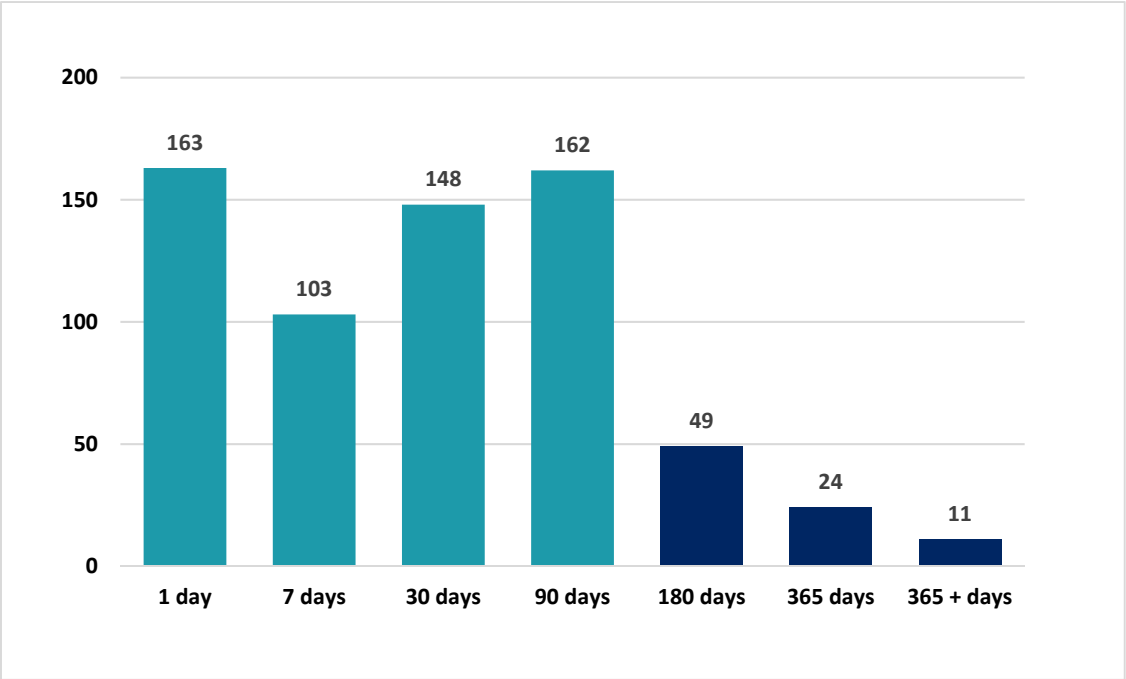
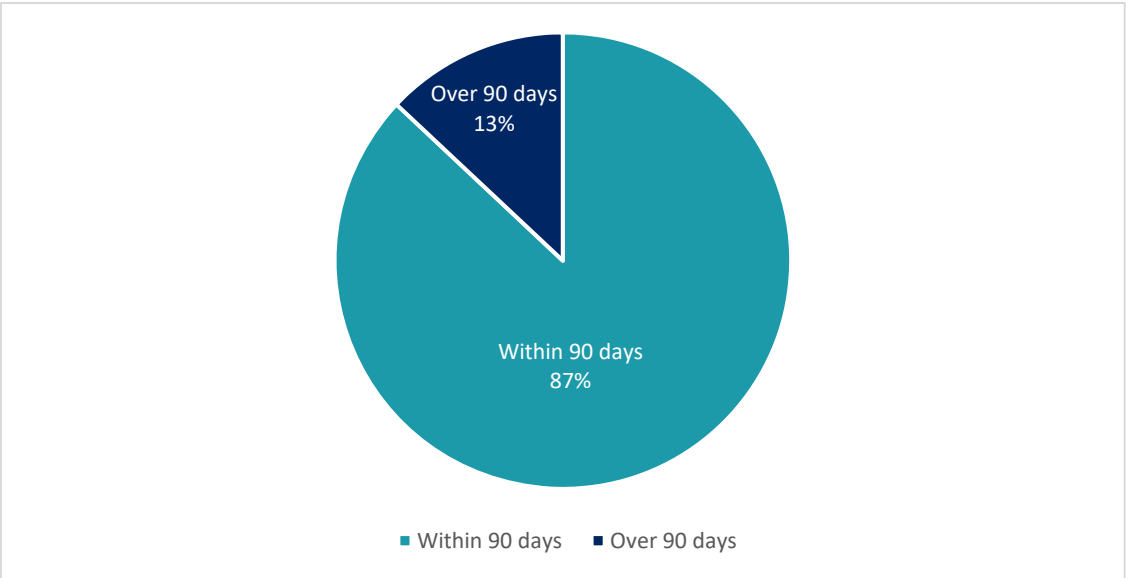


Figure 7 – Complaints resolved within 90 days - Ombudsman



Appendix B – Right to Information Act

Table 22 – Summary of RTI Reviews

Authority	Applications Received 2018-19	Applications Received 2019-20	Closed 2019-20	Reviews Undertaken	Authority's Decision Affirmed
State Government Department	40	32	29	17	1
Local Government Council	14	26	13	2	0
Statutory Authority or Other Body	5	7	4	2	0
Total	59	65	46	21	1

Table 23 – Right to Information Outcomes

Decision	2018-19	2019-20	Variance
Agency Decision Affirmed	2	1	-50%
Agency Decision Varied	4	16	300%
Agency Decision Set Aside	2	4	100%
Other (see Note 1)	31	25	-19%
Total	39	46	18%

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 24 – Reviews against State Government Departments

Department	Applications Received 2018-19	Applications Received 2019-20	Closed 2019-20	Reviews Undertaken	Agency Decision Affirmed
Communities Tasmania	0	2	2	1	0
Economic Development, Tourism and the Arts	0	1	0	0	0
Education	4	5	1	1	0
Health	1	1	3	1	0
Health (THS)	0	1	0	0	0
Justice	0	6	6	2	1
Police, Fire and Emergency Management	13	4	8	6	0
Primary Industries, Parks, Water and Environment	22	7	9	6	0
State Growth	0	4	0	0	0
Treasury and Finance	0	1	0	0	0
Total	40	32	29	17	1

Table 25 – Reviews against Local Government

Council	Applications Received 2018-19	Applications Received 2019-20	Closed 2019-20	Reviews Undertaken	Authority Decisions Affirmed
Brighton Council	1	0	0	0	0
Central Coast Council	0	2	2	0	0
Devonport City Council	2	2	0	0	0
Dorset Council	2	3	1	0	0
Glenorchy City Council	0	1	0	0	0
George Town Council	1	0	0	0	0
Hobart City Council	2	4	2	1	0
Kentish Council	0	2	0	0	0
Kingborough Council	1	0	0	0	0
Launceston City Council	4	2	1	1	0
Meander Valley Council	0	3	0	0	0
Northern Midlands Council	0	6	6	0	0
Tasman Council	0	1	0	0	0
West Tamar Council	1	0	1	0	0
Total	14	26	13	2	0

Table 26 – Reviews against Statutory Authorities and Other Bodies

Statutory Authority or Other Body	Applications Received 2018-19	Applications Received 2019-20	Closed 2019-20	Reviews Undertaken	Authority Decisions Affirmed
Hydro	1	2	1	0	0
Minister for Tourism	1	0	0	0	0
Sustainable Timbers Tasmania	3	1	0	0	0
Tasmanian Ports Corporation Pty Ltd	0	1	1	0	0
The Public Trustee	0	1	0	0	0
TT Line	0	1	1	1	0
University of Tasmania	1	1	1	1	0
Total	6	7	4	2	0

Figure 8 – Percentage of all formal 2018-19 FOI/RTI decisions by public authorities (not by Ombudsmen) where access was refused in full¹⁰

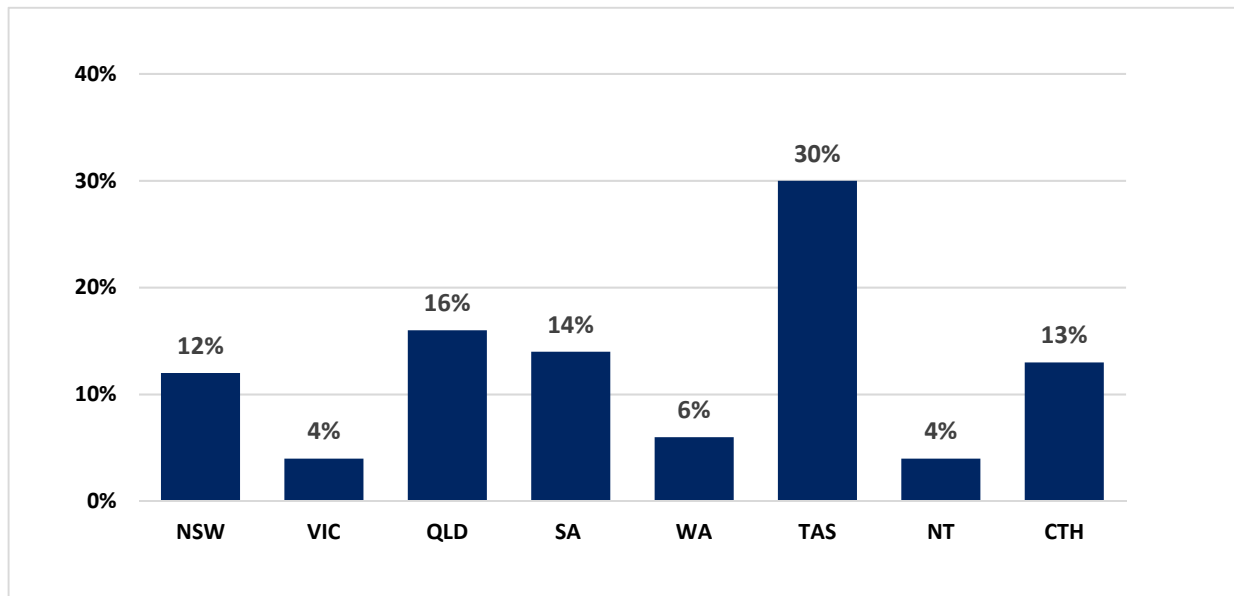
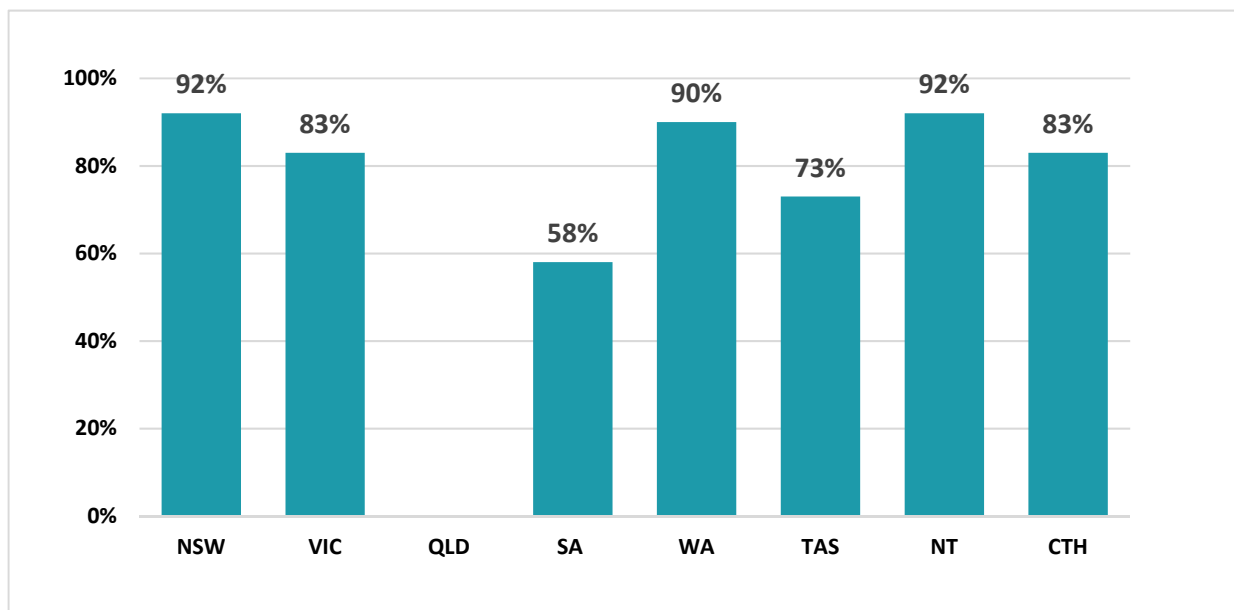


Figure 9 – Percentage of all RTI/FOI decisions made by public authorities within the statutory time frame¹¹



¹⁰ Metric 4 of the 'National Dashboard - Utilisation of Information Access Rights - 2018-19' ipc.nsw.gov.au/sites/default/files/2020-07/OGP_metrics_all_jurisdictions_bar_all_years_jul_2020.pdf at p5. The national dashboard and metrics are explained at www.ipc.nsw.gov.au/information-access/open-government-open-data/dashboard.

¹¹ Metric 5 of the 'National Dashboard - Utilisation of Information Access Rights - 2018-19' ipc.nsw.gov.au/sites/default/files/2020-07/OGP_metrics_all_jurisdictions_bar_all_years_jul_2020.pdf at p5.

Figure 10 - Percentage of RTI/FOI applications received by public authorities which are reviewed by the jurisdiction Information Commissioner/Ombudsman¹²

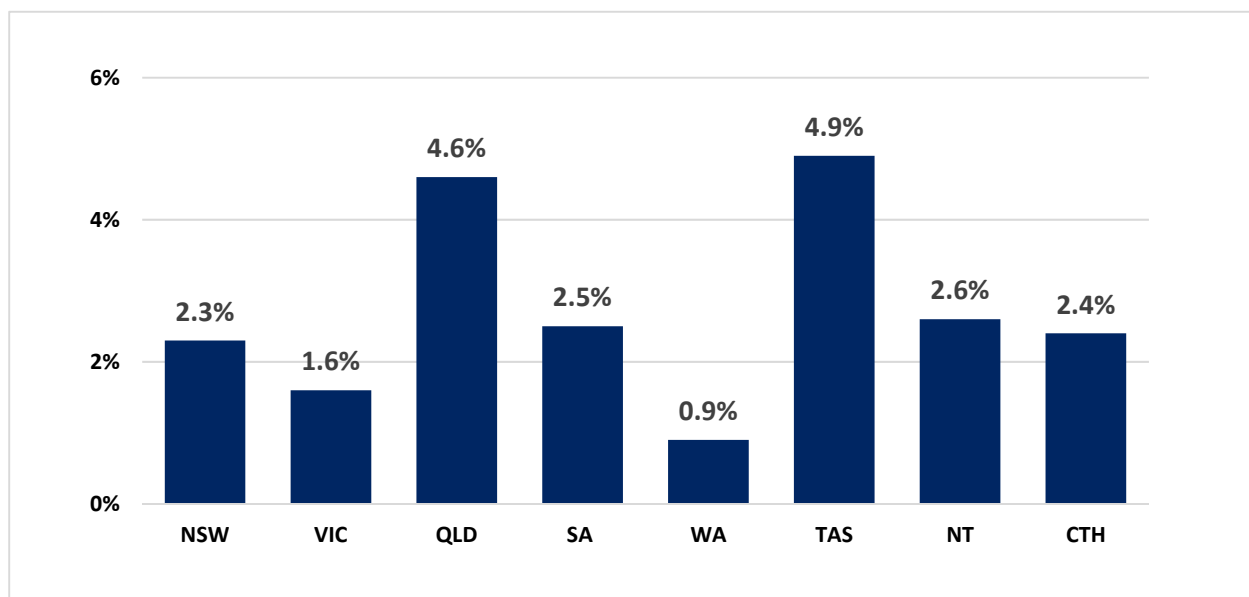
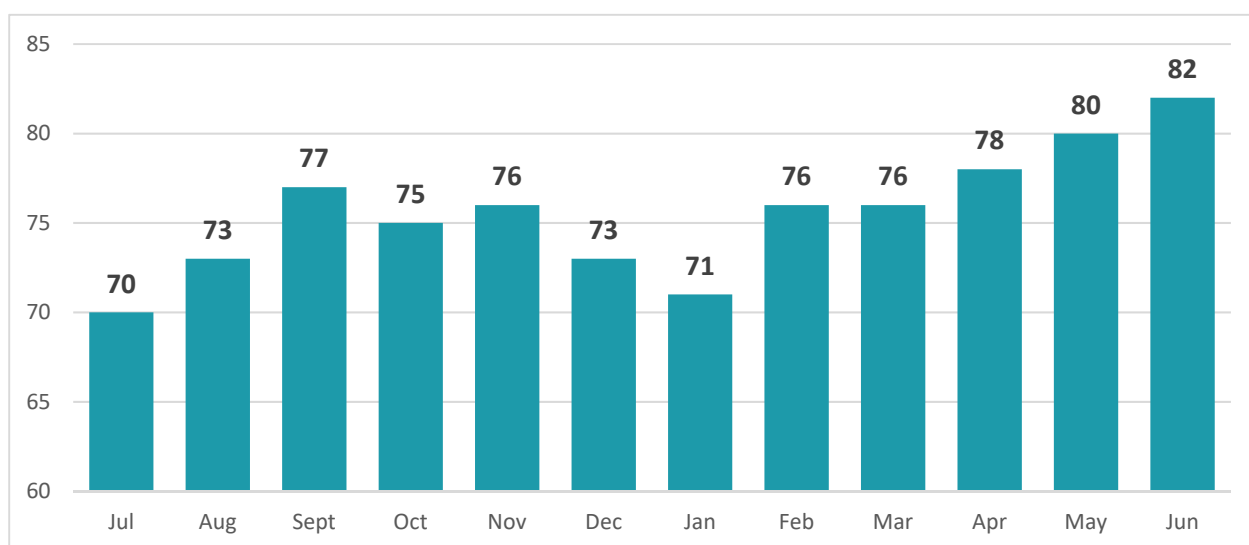


Figure 11 - Active reviews by month



¹² Metric 6 of the 'National Dashboard - Utilisation of Information Access Rights - 2018-19'
ipc.nsw.gov.au/sites/default/files/2020-07/OGP_metrics_all_jurisdictions_bar_all_years_jul_2020.pdf at p5.

Figure 12 – Reviews requested vs closed by month

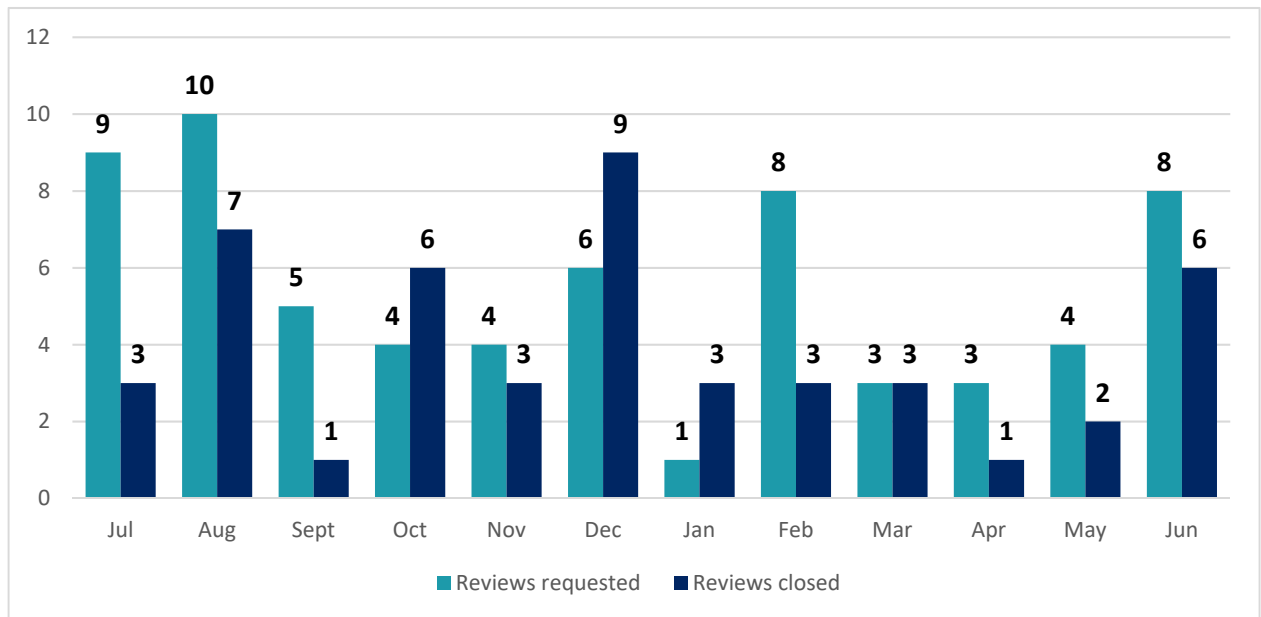


Figure 13 – Reviews opened by agency type

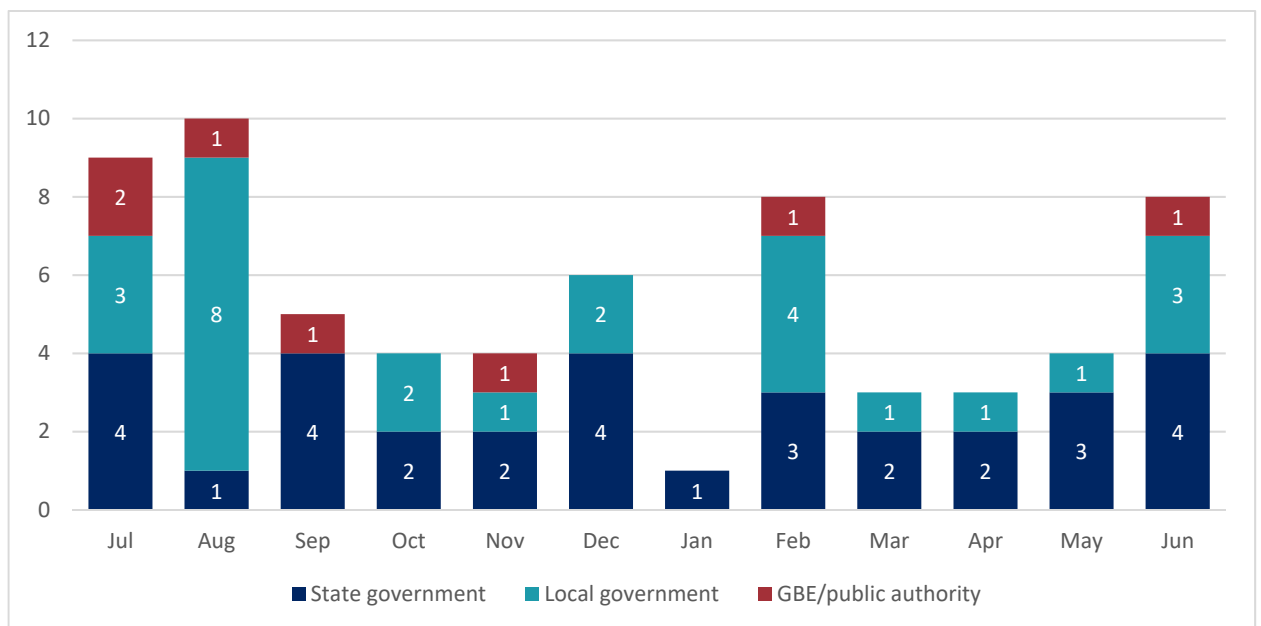


Figure 14 – Reviews closed by agency type

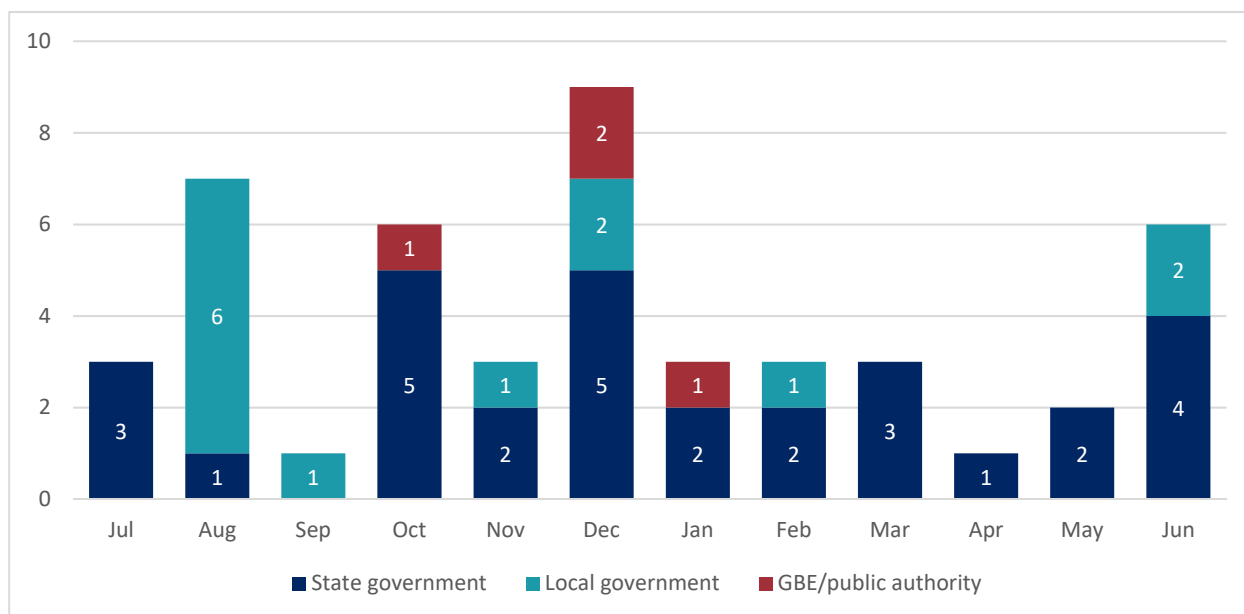
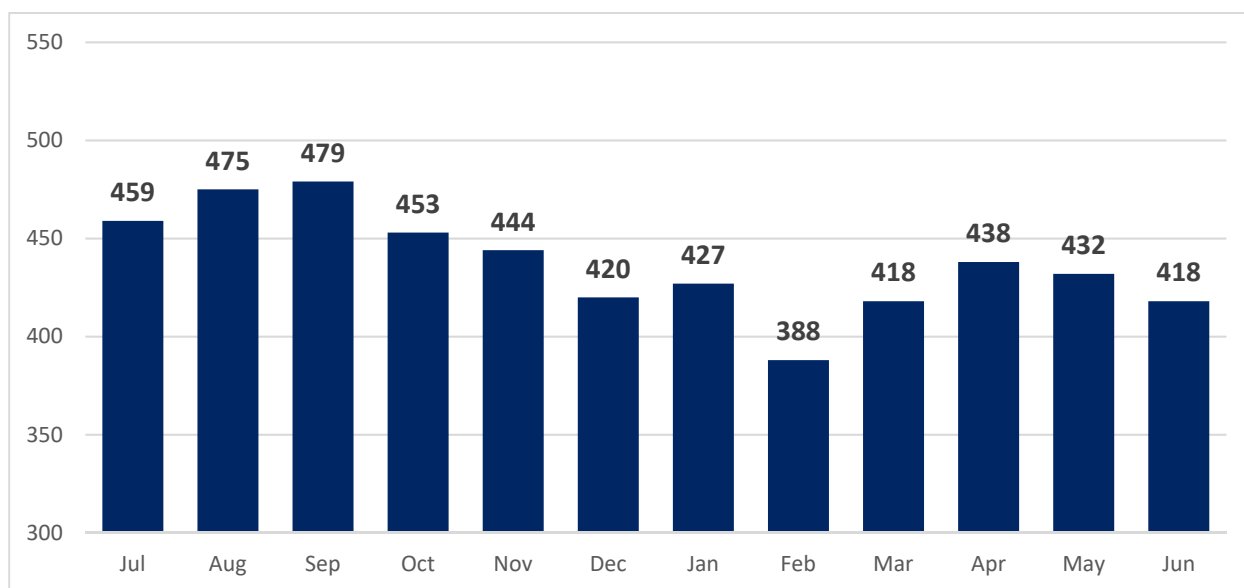


Figure 15 – External reviews – average days open



Appendix C – Energy Ombudsman Act

Complaint and Enquiry Summary

Table 27 – Enquiry Activity

Enquiries	2018-19	2019-20	Variance
Enquiries opened and closed in the period	107	77	-28%
Out of jurisdiction enquiries	61	47	-23%
Total	168	124	-26%

Table 28 – Complaint Activity

Complaints	2018-19	2019-20	Variance
Opened in period	164	127	-23%
Closed in period	193	145	-25%

Closure Reasons by Entity

Table 29 – Closure Reasons by Entity

Closure Reason	1 st Energy	Aurora Energy	Hydro Tasmania	Out of Jurisdiction	Tas Networks	Total
No further investigation – fair/reasonable offer	0	0	0	0	1	1
No further investigation – no further contact from customer	0	1	0	1	3	5
No further investigation – withdrawn by customer	0	0	0	1	1	2
Out of jurisdiction	0	1	0	1	0	2
Resolved - facilitated resolution	3	66	1	0	34	104
Resolved - negotiated resolution	3	17	0	0	11	31
Total	6	85	1	3	50	145

Summary of Issues by Category

Table 30 – Summary of Issues by Category

Issue	2018-19	2019-20
Billing	101	75
Credit	24	19
Customer Service	10	14
Land	19	20
Marketing	6	2
Provision	34	29
Supply	24	16
Total	218	175

Breakdown of Issues by Category

Table 31 – Billing

Issue	2018-19	2019-20
Backbill	9	3
Error	6	6
Estimation	16	9
Fees & charges	8	6
High	23	31
Meter	26	5
Other	8	9
Rebate/concession	1	3
Refund	1	0
Tariff	3	3
Total	101	75

Table 32 – Credit

Issue	2018-19	2019-20
Collection	1	0
Disconnection / restriction	11	11
Payment difficulties	12	8
Total	24	19

Table 33 – Customer Service

Issue	2018-19	2019-20
Failure to consult / inform	1	2
Failure to respond	0	2
Incorrect advice / information	4	3
No explicit informed consent (EIC)	1	2
Poor / unprofessional attitude	2	1
Poor service	1	4
Privacy	1	0
Total	10	14

Table 34 - Land

Issue	2018-19	2019-20
Easement	0	2
Network Assets	9	8
Other	5	5
Street Lighting	2	1
Vegetation Management	3	4
Total	19	20

Table 35 – Marketing

Issue	2018-19	2019-20
Misleading	1	2
Non Account Holder	2	0
Other	2	0
Pressure	1	0
Total	6	2

Table 36 – Provision

Issue	2018-19	2019-20
Disconnection / restriction	1	3
Existing connection	11	19
New connection	22	5
Replacement meter – delay	0	2
Total	34	29

Table 37 – Supply

Issue	2018-19	2019-20
Off supply (planned)	4	6
Off supply (unplanned)	19	8
Variation	1	2
Total	24	16

Figure 16 – Time taken to resolve complaints - Energy

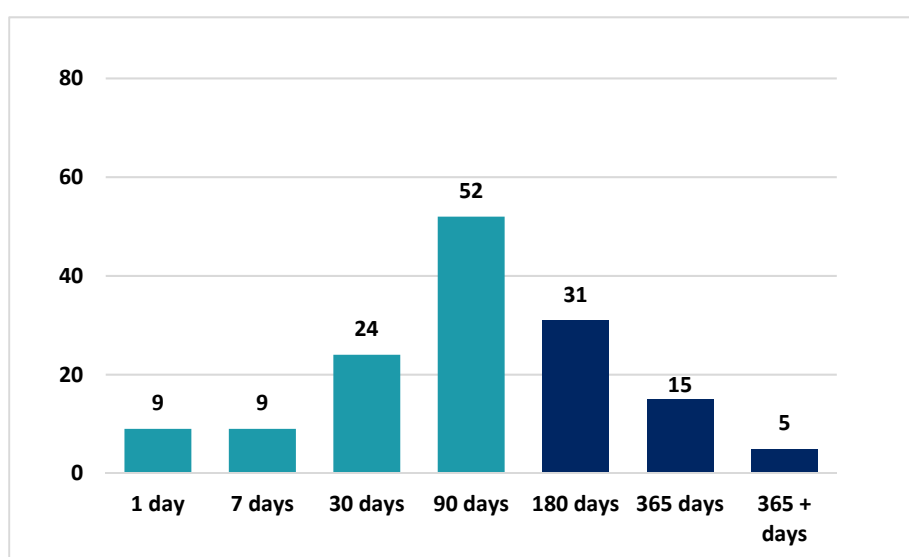


Figure 17 – Complaints resolved within 90 days - Energy

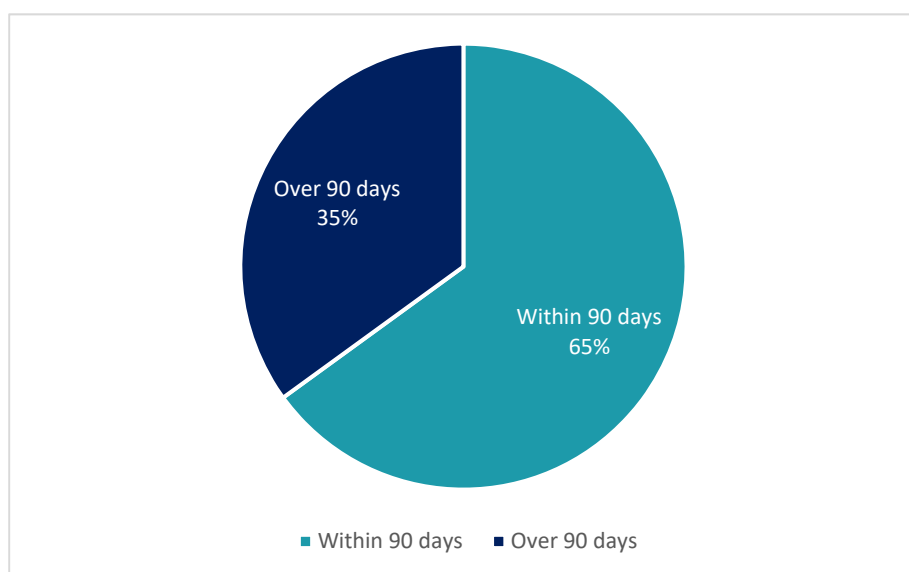
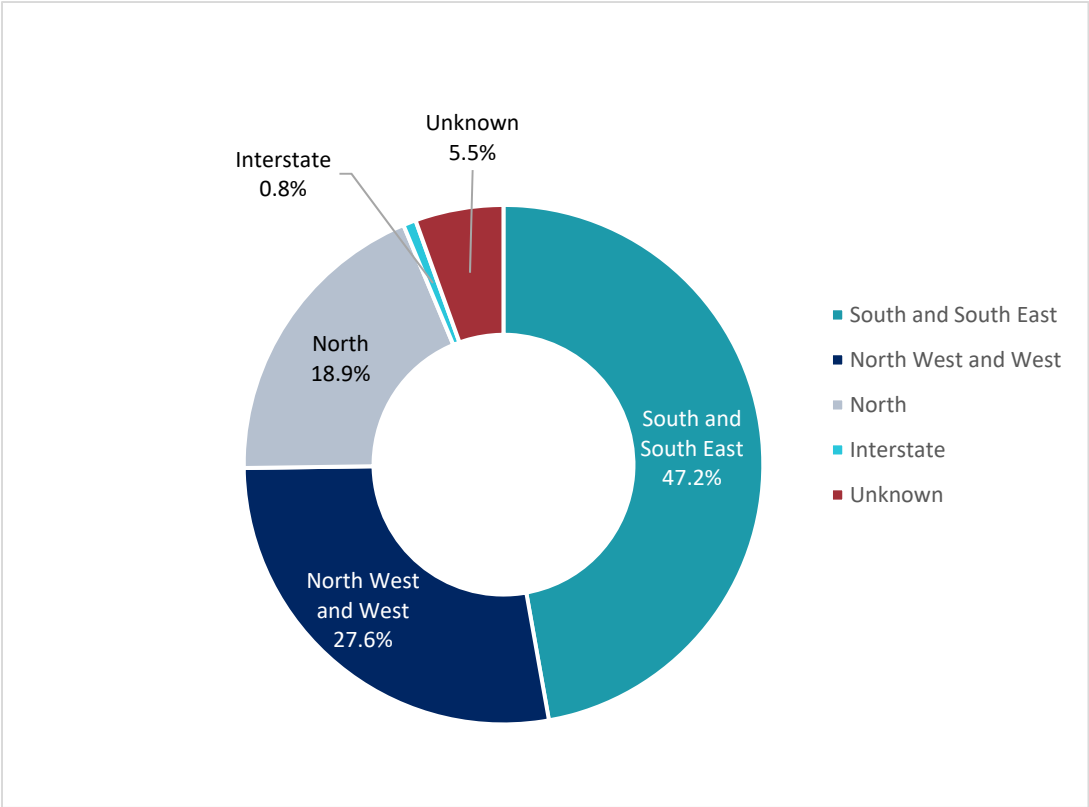


Figure 18 – Geographical location of complainants

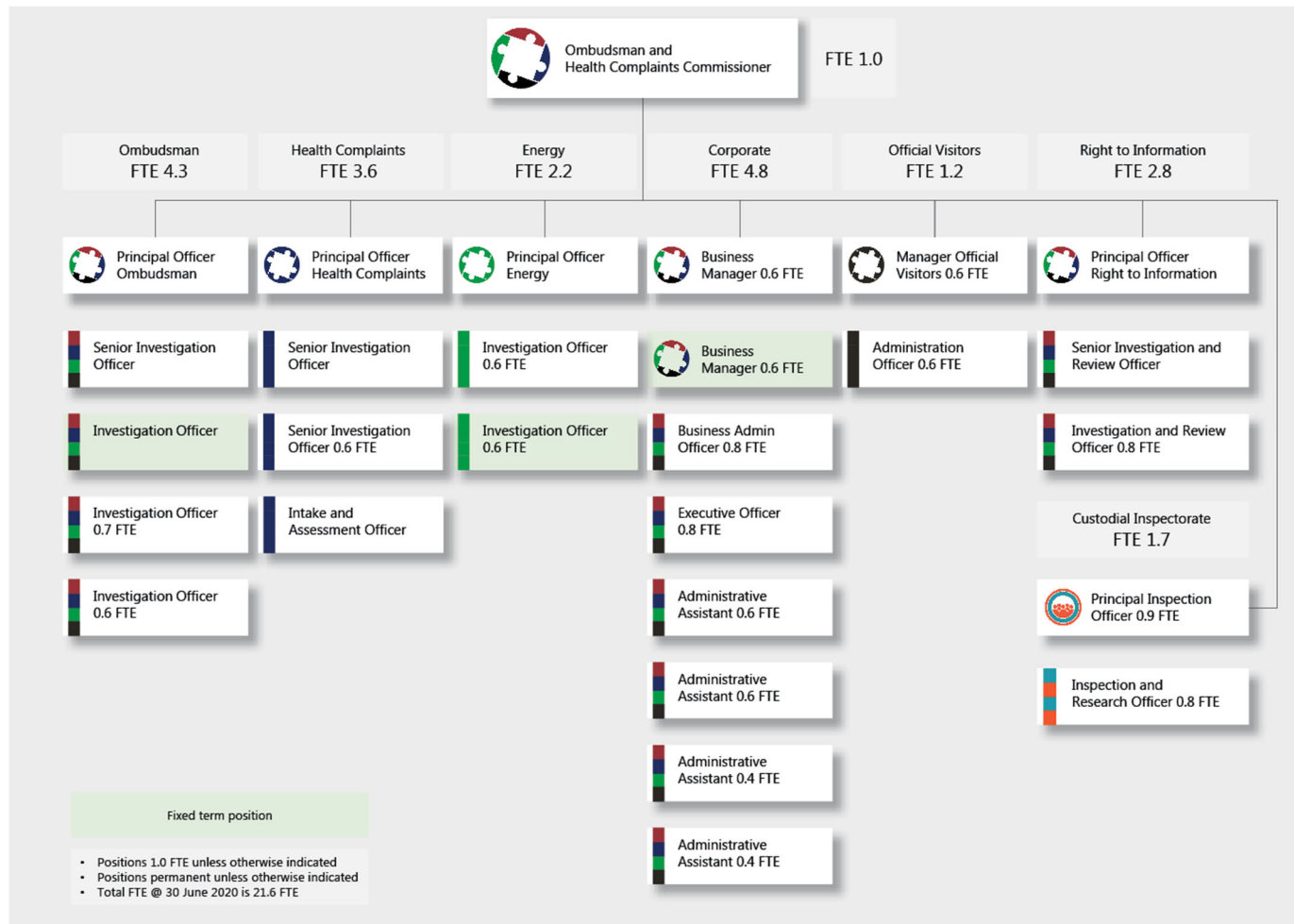


Appendix D – Contracts and Consultancies Awarded

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.

- Professor Tony Bell – continued engagement for the provision of professional advice in order to improve the quality of the assessment work conducted by the Health Complaints team.
- Chris Wheeler Consulting – engaged to conduct an external review of OHCC functions and organisational structure.
- Resolve consultants – engaged to provide advice and technical support for the Resolve Enhancement Project.
- Stephen Carey - consultant engaged to conduct an audit of a number of workers compensation claims. This audit formed part of an investigation into the management of workers compensation claims.
- Custodial Inspectorate – contract to engage Ngaire Hobbins Accredited Practising Dietician to consult on Food and Nutrition inspection. Contract for services is \$9,750. In 2019-20, a 20% deposit (\$1,950) was paid on signing of the contract.
- Natalie Geard Communications (NGC) – engaged to provide media services across all five office jurisdictions in the form of media monitoring and advice and media release preparation.

Appendix E – Organisation Chart @ 30 June 2020



Appendix F – Financial Statements 2019-2020

The Financial Statements are provided from an external source and may not fully meet accessibility standards.



Office of the Ombudsman and
Health Complaints Commissioner

Financial Statements 2019-20

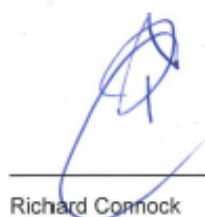
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Statement of Certification

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 Act 2016* to present fairly the financial transactions for the year ended 30 June 2020 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
OMBUDSMAN



Lianne Jager
BUSINESS MANAGER

7 October 2020

Office of the Ombudsman and Health Complaints Commissioner

Statement of Comprehensive Income for the year ended 30 June 2020

	Notes	2020 Budget \$'000	2020 Actual \$'000	2019 Actual \$'000
Continuing operations				
Revenue and other income from transactions				
Revenue from Government				
Appropriation revenue - recurrent	2.1	2 602	2 580	2 345
Revenue from Energy Entities	2.2	551	755	617
Total revenue and other income from transactions		3 153	3 335	2 962
Expenses from transactions				
Employee benefits	3.1	2 469	2 515	2 275
Depreciation and amortisation	3.2	209	45	45
Supplies and consumables	3.3	437	579	605
Finance costs		7	-	-
Other expenses	3.4	91	100	99
Total expenses from transactions		3 213	3 239	3 024
Net result from transactions (net operating balance)		(60)	96	(62)
Comprehensive result		(60)	96	(62)

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 2020

	Notes	2020 Budget \$'000	2020 Actual \$'000	2019 Actual \$'000
Assets				
<i>Financial assets</i>				
Cash and deposits	7.1	65	324	84
Receivables	4.1	2	19	19
<i>Non-financial assets</i>				
Property, plant and equipment	4.2	420	362	395
Intangibles	4.3	11	8	20
Other assets	4.4	-	18	76
Total assets		498	731	594
Liabilities				
Payables	5.1	12	7	21
Employee benefits	5.2	434	561	506
Interest bearing liabilities		43	-	-
Total liabilities		489	568	527
Net assets (liabilities)		9	163	67
Equity				
Accumulated funds		9	163	67
Total equity		9	163	67

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 2020

	Notes	2019 Budget \$'000	2020 Actual \$'000	2019 Actual \$'000
		Inflows (Outflows)	Inflows (Outflows)	Inflows (Outflows)
Cash flows from operating activities				
Cash inflows				
Appropriation receipts – recurrent		2 602	2 580	2 345
GST receipts		-	55	40
Other cash receipts		551	755	617
Total cash inflows		3 153	3 390	3 002
Cash outflows				
Employee benefits		(2 198)	(2 272)	(1 917)
Superannuation		(254)	(206)	(243)
Finance costs	3.4	(7)	-	-
GST payments		-	(46)	(57)
Supplies and consumables		(437)	(525)	(667)
Other cash payments		(91)	(101)	(99)
Total cash outflows		(2 866)	3 150	2 983
Net cash from (used by) operating activities	7.2	-	240	19
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		-	240	19
Cash and deposits at the beginning of the reporting period		65	84	65
Cash and deposits at the end of the reporting period	7.1	65	324	84

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 2020

	Accumulated surplus / deficit \$'000	Total equity \$'000
Balance as at 1 July 2019	67	67
Total comprehensive result	96	96
Total	96	96
Balance as at 30 June 2020	163	163

	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

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 2020

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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 2019-20 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)	551	755	204	37
Depreciation and amortisation	(b)	209	45	(164)	78
Supplies and consumables	(c)	437	579	142	32

Notes to Statement of Comprehensive Income variances

- (a) The Energy Ombudsman trust account was in a \$150,000 deficit position at 30 June 2019. This deficit was recouped through the energy entity complaint levy in 2019-20 increasing the complaint levy revenue over the original budgeted revenue amount to \$755,000.
- (b) This decrease is due to an alternative recognition methodology for major office accommodation and motor vehicle fleet. At the time of the 2020 Budget in May 2019, the recognition criteria for major office accommodation and motor vehicle fleet was under development, and Budget estimates were based on the best available information at that time. AASB 16 *Leases* commenced on 1 July 2019, and recognition methodology for major office accommodation and motor vehicle fleet has been finalised and adopted on this basis for the year ended 30 June 2020.
- (c) This increase is due to the changes in recognition methodology under AASB 16 *Leases* listed above in note (b), where Depreciation and amortisation was increased and Supplies and consumables decreased.

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 2019-20 Statement of Financial Position were compiled prior to the completion of the actual outcomes for 2019-20. As a result, the actual variance from the Original Budget estimate will be impacted by the difference between estimated and actual opening balances for 2019-20. The following variance analysis therefore includes major movements between the 30 June 2019 and 30 June 2020 actual balances.

	Note	Budget \$'000	2020 Actual \$'000	2019 Actual \$'000	Budget Variance \$'000	Actual Variance \$'000
Cash and deposits	(a)	65	324	84	259	240
Employee benefits	(b)	434	561	506	127	55

Notes to Statement of Financial Position variances

- (a) The variance is due to an increase in the balance of Energy Ombudsman trust account from a deficit position of \$150,000 at 1 July 2019 to a surplus of \$60,000 at 30 June 2020.
- (b) This variance is due to increases in the Office's annual leave liability due to staff taking less leave in 2019-20 as a result of Covid-19 in addition to an increase in the number of days of accrued salaries at 30 June.

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)	551	755	204	37

Notes to Statement of Cash Flows variances

- (a) The Energy Ombudsman trust account was in a \$150,000 deficit position at 30 June 2019. This deficit was recouped through the energy entity compliant levy in 2019-20 increasing the complaint levy revenue over the original budgeted revenue amount to \$755,000.

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.

	2020 Budget \$'000	2020 Actual \$'000	2019 Actual \$'000
Appropriation revenue - recurrent			
Current year	2 602	2 580	2 345
Total	2 602	2 580	2 345
Total revenue from Government	2 602	2 580	2 345

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.

	2020 \$'000	2019 \$'000
Energy Entities Membership and Complaint Levy Fees	755	617
Total	755	617

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

	2020 \$'000	2019 \$'000
Wages and salaries	2 207	1 962
Superannuation – defined contribution scheme	256	244
Superannuation – defined benefit scheme	20	16
Other employee expenses	32	53
Total	2 515	2 275

Superannuation expenses relating to defined benefits schemes relate to payments into the Public Account. 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 (2019: 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 (2019: 9.5 per cent) of salary. In addition, the Office is also required to pay into to Treasury a “gap” payment equivalent to 3.45 per cent (2019: 3.45 per cent) of salary in respect of employees who are members of contribution schemes.

(b) Remuneration of Key Management Personnel

2020	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	236	22	22	21	-	301
	236	22	22	21	-	301

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

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 2019-20 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

	2020	2019
	\$'000	\$'000
Leasehold improvements	33	33
Total	33	33

(b) Amortisation

	2020	2019
	\$'000	\$'000
Intangibles	12	12
Total	12	12
Total depreciation and amortisation	45	45

3.3 Supplies and Consumables

	2020 \$'000	2019 \$'000
Audit fees – financial audit	10	9
Lease expense	182	183
Consultants	96	63
Property services	51	54
Maintenance	5	4
Communications	25	18
Information technology	149	146
Travel and transport	30	52
Advertising and promotion	2	37
Other supplies and consumables	29	39
Total	579	605

External audit fees payable for the 2019-20 financial statements were \$9,520 (\$9,520 for 2018-19).

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.

	2020 \$'000	2019 \$'000
Salary on-costs	21	15
Service Level Agreement – Department of Justice	74	73
Other expenses	5	10
Total	100	98

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

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.

	2020 \$'000	2019 \$'000
Tax assets	19	19
Total	19	19
Settled within 12 months	19	19
Total	19	19

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

	2020 \$'000	2019 \$'000
Leasehold Improvements		
At cost	496	496
Less: Accumulated depreciation	(134)	(101)
Total	362	395
Total property, plant and equipment	362	395

(b) Reconciliation of movements

	2020 \$'000	2019 \$'000
Carrying amount at 1 July	395	428
Additions	-	-
Depreciation	(33)	(33)
Carrying amount at 30 June	362	395

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. A Resolve Enhancement Project is planned for 2020-21 which will extend the useful life of the Resolve Complaints Management System.

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

	2020 \$'000	2019 \$'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
Less: Accumulated amortisation	(279)	(267)
Total intangibles	8	20

(b) Reconciliation of movements

	2020 \$'000	2019 \$'000
Carrying amount at 1 July	20	32
Additions	-	-
WIP	-	-
Amortisation expense	(12)	(12)
Carrying amount at 30 June	8	20

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.

	2020 \$'000	2019 \$'000
Other current assets		
Prepayments	18	76
Total	18	76
Utilised within 12 months	18	76
Total other assets	18	76

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.

	2020 \$'000	2019 \$'000
Accrued expenses	6	10
Creditors	1	11
Total	7	21
Settled within 12 months	7	21
Total	7	21

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.

	2020 \$'000	2019 \$'000
Accrued salaries	39	16
Annual leave	184	142
Long service leave	338	348
Total	561	506
Settled within 12 months	208	148
Settled in more than 12 months	353	358
Total	561	506

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

	2020 \$'000	2019 \$'000
By type		
<i>Lease Commitments</i>		
Short/Long-term and/or low-value leases	1 386	311
Total lease commitments	1 386	311
By maturity		
<i>Operating lease commitments</i>		
One year or less	259	258
From one to five years	1 087	53
More than five years	40	-
Total operating lease commitments	1 386	311
Total	1 386	311

The Operating Lease commitments include buildings, motor vehicles and information technology equipment leases. All amounts shown are exclusive of GST. The building lease was extended for an additional five years. The lease agreement was signed by DoTAF and payment arrangements for the Ombudsman Office to reimburse DoTAF on a quarterly basis have been put in place.

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.

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 2020 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 include the balance of the Financial Management Account held by the Office within the Public Account.

	2020 \$'000	2019 \$'000
Special Deposits and Trust Fund balance		
T528 Office of the Ombudsman Operating Account	324	84
Total cash and deposits	324	84

7.2 Reconciliation of Net Result to Net Cash from Operating Activities

	2020 \$'000	2019 \$'000
Net result	96	(62)
Depreciation and Amortisation	45	45
Decrease (increase) in Receivables	-	(16)
Decrease (increase) in Prepayments	58	(63)
Increase (decrease) in Employee entitlements	55	105
Increase (decrease) in Payables	(14)	10
Net cash from (used by) operating activities	240	19

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.

Except as detailed in the following table, the carrying amount of financial assets recorded in the Financial Statements, net of any allowances for losses, represents the Boards maximum exposure to credit risk without taking into account of any collateral or other security:

	2020 \$'000	2019 \$'000
Receivables	19	19
Total	19	19

Receivables age analysis - expected credit loss

The simplified approach to measuring expected credit losses is applied, which uses a lifetime expected loss allowance for all trade receivables.

The expected loss rates are based on historical observed loss rates adjusted for forward looking factors that will have an impact on the ability to settle the receivables. The loss allowance for trade debtors as at 30 June are as follows.

Expected credit loss analysis of receivables as at 30 June 2020

	Not past due \$'000	Past due 1-30 days \$'000	Past due 31-60 days \$'000	Past due 61-90 days \$'000	Total \$'000
Expected credit loss rate (A)	0%	0%	0%	0%	0%
Total gross carrying amount (B)	-	-	9	-	9
Expected credit loss (A x B)	-	-	-	-	-

Expected credit loss analysis of receivables as at 1 July 2019

	Not past due \$'000	Past due 1-30 days \$'000	Past due 31-60 days \$'000	Past due 61-90 days \$'000	Total \$'000
Expected credit loss rate (A)	0%	0%	0%	0%	0%
Total gross carrying amount (B)	-	-	-	-	-
Expected credit loss (A x B)	-	-	-	-	-

(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:

2020

Maturity analysis for financial liabilities			
	1 Year	Undiscounted Total	Carrying Amount
	\$'000	\$'000	\$'000
Financial liabilities			
Payables	7	7	7
Total	7	7	7

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

8.2 Categories of Financial Assets and Liabilities

	2020	2019
	\$'000	\$'000
Financial assets		
Cash and cash equivalents	324	84
Receivables at Amortised cost	19	19
Total	343	103
Financial Liabilities		
Financial liabilities measured at amortised cost	7	21
Total	7	21

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

	Carrying Amount	Net Fair Value	Carrying Amount	Net Fair Value
	2020	2020	2019	2019
	\$'000	\$'000	\$'000	\$'000
Financial assets				
Cash in Special Deposits and Trust Fund	324	324	84	84
Receivables	19	19	19	19
Total financial assets	343	343	103	103
Financial liabilities				
Trade creditors	7	7	21	21
Total financial liabilities	7	7	21	21

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 2020.

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 Act 2016*.

The Financial Statements were signed by the Head of Agency and Business Manager on 7th October 2020.

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 15 *Revenue from Contracts with Customers*** – This Standard establishes principles that require an entity to apply to report useful information to users of financial statements about the nature, amount, timing, and uncertainty of revenue and cash flows arising from a contract with a customer.

AASB 15 supersedes AASB 111 *Construction Contracts*, AASB 118 *Revenue* and related Interpretations and it applies, with limited exceptions, to all revenue arising from contracts with customers. AASB 15 establishes a five-step model to account for revenue arising from contracts with customers and requires that revenue be recognised at an amount that reflects the consideration to which an entity expects to be entitled in exchange for transferring goods or services to a customer.

The Standard requires the Office to exercise judgement, taking into consideration all of the relevant facts and circumstances when applying each step of the model to contracts with their customers. The Standard also specifies the accounting for the incremental costs of obtaining a contract and the costs directly related to fulfilling a contract. In addition, the Standard requires relevant disclosures.

The Office has adopted AASB 15 retrospectively with the cumulative effect of applying the Standard recognised from 1 July 2019 by adopting the transitional practical expedient permitted by the Standard. The effect of adopting AASB 15 did not have any impact on the Office's financial statements.

- **AASB 16 *Leases*** – This Standard introduces a single lessee accounting model and requires a lessee to recognise assets and liabilities. The standard results in most of the Office's operating leases being brought onto the Statement of Financial Position and additional note disclosures. The calculation of the lease liability takes into account appropriate discount rates, assumptions about the lease term, and required lease payments. A corresponding right to use asset is recognised, which is amortised over the term of the lease. Operating lease costs are no longer shown. In the Statement of Comprehensive Income, impact of leases is through amortisation and interest charges. In the Statement of Cash Flows, lease payments is shown as cash flows from financing activities instead of operating activities. The Office has adopted AASB 16 retrospectively with the cumulative effect of applying the standard recognised from 1 July 2019 by adopting the transitional practical expedient permitted by the Standard.
- The Office elected to use the practical expedient to expense lease payments for lease contracts that, at their commencement date, have a lease term of 12 months or less and do not contain a purchase option (short term leases), and lease contracts for which the underlying asset is valued at \$10 000 or under when new (low value assets).

In applying AASB 16 for the first time, the Office has used the following practical expedients permitted by the standard:

- not reassess whether a contract is, or contains, a lease at 1 July 2019, for those contracts previously assessed under AASB 117 and Interpretation 4
- applying a single discount rate to a portfolio of leases with reasonably similar characteristics
- relying on its previous assessment on whether leases are onerous immediately before the date of initial application as an alternative to performing an impairment review
- not recognise a lease liability and right-of-use-asset for short-term leases that end within 12 months of the date of initial application
- excluding the initial direct costs from the measurement of the right of use asset at the date of initial application and
- using hindsight in determining the lease term where the contract contained options to extend or terminate the lease.

The effect of adopting AASB 16 did not have any impact on the Office's financial statements namely due to the lessee under the Standard being another government department.

- **AASB 1058 *Income of Not for Profit Entities*** - This Standard establishes principles for not for profit entities that applies to transactions where the consideration to acquire an asset is significantly less than fair value, principally to enable a not for profit entity to further its objectives, and the receipt of volunteer services.

The timing of income recognition under AASB 1058 depends on whether a transaction gives rise to a liability or other performance obligation, or a contribution by owners, related to an asset (such as cash or another asset) received. If the transaction is a transfer of a financial asset to enable the Office to acquire or construct a recognisable non-financial asset to be controlled by the Office (i.e. an in substance acquisition of a non-financial asset), the Office recognises a liability for the excess of the fair value of the transfer over any related amounts recognised. The Office will recognise income as it satisfies its obligations under the transfer, similarly to income recognition in relation to performance obligations under AASB 15.

Revenue recognition for the Office's appropriations and contributions will not change under AASB 1058, as compared to AASB 1004. Revenue will continue to be recognised when the Office gains control of the asset (e.g. cash or receivable) in most instances.

Under AASB 1058, the Office will recognise any volunteer services only when the services would have been purchased if they had not been donated, and the fair value of the services can be measured reliably. This treatment is the same as in prior years.

The Office has adopted AASB 1058 retrospectively with the cumulative effect of applying the Standard recognised from 1 July 2019 by adopting the transitional practical expedient permitted by the Standard. The Office has also adopted the transitional practical expedient as permitted by the Standard, whereby existing assets acquired for consideration significantly less than fair value principally to enable the entity to further its objectives, remain recorded at cost and are not restated to their fair value. There is no effect of adopting AASB 1058 on the Office's financial statements.

(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 1059 *Service Concession Arrangements: Grantors*** – The objective of this Standard is to prescribe the accounting for a service concession arrangement by a grantor that is a public sector entity. This Standard applies on or after 1 January 2020. The impact of this Standard is enhanced disclosure

in relation to service concession arrangements for grantors that are public sector entities. The financial impact is expected to be minimal.

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.

Appendix G – Independent Auditors Report

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 comprise the statement of financial position as at 30 June 2020 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) present fairly, in all material respects, the Office's financial position as at 30 June 2020 and its financial performance and its cash flows for the year then ended
- (b) are in accordance with the *Financial Management Act 2016* 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 Statements* 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 (including Independence Standards)* (the Code) that are relevant to my audit of the financial statements 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.

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

My audit is not designed to provide assurance on the accuracy and appropriateness of the budget information in the Office's financial statements.

Responsibilities of the Director for the Financial Statements

The Ombudsman is responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards, and the financial reporting requirements of Section 42 (1) of the *Financial Management Act 2016*. This responsibility includes such internal control as determined necessary to enable the preparation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, 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 Statements

My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

As part of an audit in accordance with the Australian 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

...2 of 3

draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My 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 represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Director 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 2020
Hobart