

On-line and general complaints trend upwards

Data from the last six months has shown that approaches to my office have increased by over ten per cent.

There has been a significant change in the numbers of complainants that are making a complaint via the website with a 52 per cent increase in the number of on-line complaints. While this form is very simple to use, I am making it more user-friendly. In the future, complainants will be provided with a review and print option when submitting an on-line complaint form.

Enquiries

My principal function is to independently and impartially enquire into or investigate the administrative actions taken by government agencies.

Not all complaints require a formal investigation. The majority of complaints are resolved informally. To assist complainants and respondent agencies I have prepared two separate fact sheets that provide information on section 13A processes and obligations:

- Fact sheet 18 *Complainant information*
- Fact sheet 19 *Agency information*

I also published Fact sheet 20 on infringement notice enquiries. These fact sheets are available on my website at <www.ombudsman.vic.gov.au>.

Section 16 investigations

In December 2009, the Upper House of the Victorian Parliament requested that my office investigate the probity of the tender process of the Kew Cottages redevelopment and the St Kilda Triangle project under section 16 of the *Ombudsman Act 1973*.

This is the first time section 16 of the Act has been invoked. My office is currently investigating both these matters. Once the investigations have concluded, I will table a report of my investigation before Parliament.

Brookland Greens Estate

On 15 September 2008 I received a letter from the Acting Premier, Hon. Mr Rob Hulls, regarding problems at Brookland Greens Estate in Cranbourne. Methane gas was reportedly migrating from the site of the former Stevenson's Road landfill adjacent to the estate and had been detected at dangerous levels in a number of residences.

The Country Fire Authority declared a state of emergency in the area and a number of residents were advised to evacuate their homes.

Under section 14(1) of the *Ombudsman Act 1973*, I have the power to initiate investigations on my 'own motion'. Given the seriousness of this matter and its widespread impact, I determined the use of my own motion powers was warranted in this case. Accordingly, I initiated an investigation into the circumstances leading up and responding to the presence of methane gas at Brookland Greens.

My officers have conducted numerous interviews with witnesses from a number of government agencies as well as private companies and individuals. They are also reviewing documents from a range of sources.

I encourage anyone who believes they have information relevant to my investigation to contact my office on 9613 6222.

Parliamentary Reports

On 29 October 2008 I tabled a report in Parliament titled *Whistleblowers Protection Act 2001: Report of an investigation into issues at Bayside Health*. Bayside Health is now known as Alfred Health. The report received unprecedented interest.

This investigation was the result of whistleblower disclosures that alleged corrupt conduct and a substantial risk to public health and safety at the Alfred Hospital.

In view of my conclusions, I recommended that the report be referred to Victoria Police, the Deputy Commissioner of Taxation, the Royal Australasian College of Surgeons and the Medical Practitioners Board of Victoria for consideration and appropriate action.

The reports *Conflict of interest in local government* and *Conflict of interest in the public sector* continue to be of public interest both in Victoria and interstate. Due to a high demand they are now in their second reprint. Hard copies of these and other reports are available from my office. Please contact 9613 6222 if you require copies.



GE Brouwer
OMBUDSMAN

Crime Statistics and Police Numbers Parliamentary Report

On 11 March 2009 I tabled a report in Parliament titled *Crime statistics and police numbers*.

Crime statistics and police numbers go to the heart of long-standing, perennial debates about law and order and are central to the crime conscious society we live in.

According to official statistics provided by Victoria Police, the overall crime rate in Victoria has fallen consistently since 2001. However, there are indications that the public does not believe or accept that the crime problem is decreasing.

Seventy per cent of people believe crime is rising, violent crime is getting worse, and that they themselves feel at risk.*

In April 2008 I received a complaint regarding whether crime statistics and/or police numbers have been subject to manipulations.

My investigation was concerned with two key issues. Firstly, do Victoria Police crime statistics accurately reflect the community's experience of crime as it is reported to police? Secondly,

can the public have confidence that the information about the number and availability of police in Victoria is accurately reported?

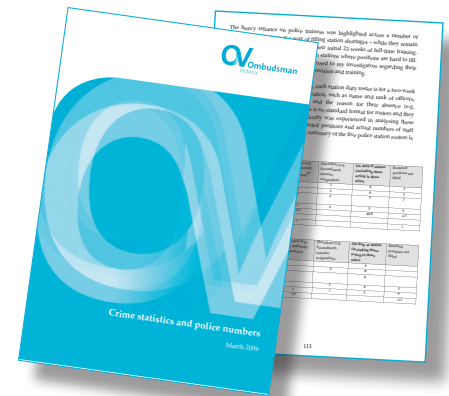
While my investigation did not find corroborated evidence that crime statistics were subject to falsification, it did identify poor administrative systems and historical Victoria Police practices which have led to some crime being under reported, such as assaults and less serious offences.

Foremost among the issues identified by my investigation were the antiquated, time-consuming administrative practices for recording crime.

I also identified that some police may misuse the procedures for recording cleared crime to make it appear that more crime has been successfully solved than is actually the case.

I made a number of recommendations in respect of crime statistics, including that Victoria Police:

- better utilise the 000 emergency calls for service data by linking it in with their recording system



- review training in crime recording and provide specialist and refresher training for police on the recording and use of crime data
- eliminate the use of manual forms for recording crime data
- review its organisational and management arrangements in relation to the roles, responsibilities and resourcing of the collection, recording and production of crime data and statistics.

A copy of the report is available at www.ombudsman.vic.gov.au.

*AustraliaSCAN, *Perceptions of Crime and Safety Survey 2005-08; The Age/ Nielsen Poll*, 24 November 2008.

Reporting of crime statistics

Analysts use crime statistics extensively to identify crime trends and to produce assessments of crime problems. There are also many other users of crime statistics, ranging from policy makers in government departments to local governments and community groups interested in safety.

The presentation and analysis of crime statistics are important in providing to government and the public a comprehensive picture of the crime problem. It is important that statistics are not confusing or contradictory but are instead relevant, comprehensive and as accurate as possible.

Several examples were brought to my attention which demonstrate that the way crime statistics are reported by Victoria Police is out of step with public concerns or needs. For example, statistics about crimes associated with modern technology, graffiti and the environment are not available.

Crimes which occur on public transport are also hard to find in the Victoria Police *Crime Statistics*, even though these figures are of considerable public interest. Of the total recorded crime, 2.5 per cent occurs on public transport. Victoria Police uses 27 categories to classify

crime. Offences specifically relating to public transport are found under the category 'Public and Other'.

Much crime on public transport is dealt with by the Department of Transport (DOT), which issues infringement notices. More serious crime which is non-infringeable is also dealt with by the prosecution branch of the DOT. Better reporting by Victoria Police in conjunction with the DOT in this area would be desirable. Some acknowledgement that crime encompasses more than what is recorded and reported on by Victoria Police would assist the public's understanding of the extent of the crime problem on public transport.

Community and Public Sector Education

Recent workshops

During the period of October-December 2008 participants from local councils and government departments and agencies attended workshops held by my office. These workshops covered my role in freedom of information, whistleblowers, conflict of interest, and complaint-handling for front-line staff.

The workshops enabled participants to discuss strategies and ideas, as well as understand the role and function of my office. The next workshop titled *Whistleblowers - improving public administration* will take place on Tuesday 28 April 2009.

Freedom of information workshop feedback:

"I found the content and structure relevant to my current role. I look forward to attending further sessions held by the Ombudsman's office. The way the information is presented is great."

Whistleblowers workshop feedback:

"I was impressed with the level of knowledge of facilitators. Information was presented easily to comprehend (and at times humorously). I now understand the relevance of the Act."

Community education

I continue to raise awareness of my role and jurisdiction through ongoing community education. Recent education visits include; ESL tertiary students, Rotary Club, Lion's Club, migrant resource centre, retirees organisations, Chinese community centre and a university student association.

My office is happy to accommodate requests for an information session from community groups.



Emma Jeffreys (top row, right) with members of the ESL tertiary students group at Kangan Batman TAFE.

International delegates and anti-corruption bodies

In October, representatives from my office addressed the Indonesian Bureaucratic Reform Delegation. This group was visiting Australia to learn how to improve services delivered by the Indonesian public service.

In November, my office took part in the Vietnam Inspectorate Commission Delegation, a group participating in a four month course on anti-corruption. This was an opportunity for my office to outline my jurisdiction and extensive powers under the *Ombudsman Act 1973* and *Whistleblowers Act 2001* when investigating corruption.

Regional visits

In October I was invited to be a guest speaker for GippsTAFE in Traralgon. I addressed senior public sector executives and community representatives on the topic of good governance and conflict of interest.

In conjunction with this visit, several of my investigation officers held a

complaints session in Traralgon. This visit raised awareness of my role and allowed for face-to-face meetings between investigation officers and local residents.

In December the Deputy Ombudsman, Mr John Taylor, visited Healesville in the Yarra Ranges. While there he spoke with councillors and community groups about my role. In the afternoon, investigation officers took complaints from local residents at the Healesville Memorial Hall.

In March my Education Coordinator visited Swan Hill and Mildura to meet with various community groups. During this visit groups were provided with information about my role and how to make a complaint.

Visits to regional and outer metropolitan areas will continue in 2009. The next regional visit is to Echuca.

Victorian Seniors Festival

In October as part of the Victorian Seniors Festival the Deputy Ombudsman, Mr John Taylor, invited senior citizens to morning tea and an informative talk about the work of my office.

Two morning teas were held with more than 60 senior citizens attending. Participants took the opportunity to learn more about my office and meet with my investigation officers.



Jo Carden (left) and Tyrrell Davidson (right) with a festival attendee.

Anyone from the public sector or the general community who wants to know more about my activities or who would like to arrange an information session with one of my officers, should contact my Education Coordinator, Emma Jeffreys on 9613 6244 or at <emma.jeffreys@ombudsman.vic.gov.au>.

Unreasonable complaint conduct: interim practice manual

I have on my website an interim practice manual which has been prepared to assist public sector agencies in their interactions with a small proportion of complainants whose conduct can be challenging.

The manual proposes a framework of strategies for managing unreasonable conduct. It has grown out of a joint project of all Australian Ombudsmen.

Due to the strong interest in the project the manual has been made available to all public sector bodies. I hope that agencies find this manual useful and encourage them to provide feedback to the project team.

There may be a variety of reasons why a person's conduct is unreasonable. Whatever the reason, a public sector agency should not assume that the person does not have a valid complaint.

The following procedures should be in place before an agency ceases to respond to a complainant on a particular issue:

- the agency's complaint management system should comply with my good practice guide
- the client should be provided with the opportunity to exhaust the agency's internal complaints process

- a senior officer should review the handling of the complaint
- the agency must record in writing the reasons for its position on the matter
- the complainant should be advised that they may contact my office to have the matter reviewed.

The final version of this manual will be available in 2009.

See the interim practice manual at <www.ombudsman.vic.gov.au>.

OMBUDSMAN'S WORKSHOP

Whistleblowers—Improving Public Sector Administration

Outline: Half day workshop

When: Tuesday 28 April 2009 **Location:** Ombudsman Victoria **Time:** 9.00am-1.00pm

At the end of the workshop, participants should:

- be familiar with the aims of *Whistleblowers Protection Act 2001*
- be familiar with the Ombudsman's guidelines for whistleblower matters
- be able to identify elements of a good system for dealing with whistleblower matters
- understand the roles of the Ombudsman, the public body and the individual with regard to whistleblower matters
- be aware of issues surrounding the investigation of protected and public interest disclosures.

Prerequisite: Participants should have a role in dealing with whistleblower matters in a public body in Victoria. This free workshop is ideal for protected disclosure coordinators.

Registration: Phone Emma Jeffreys on 9613 6244 Email: emma.jeffreys@ombudsman.vic.gov.au

You will receive email advice and further information, including reading tasks, upon confirmation of your registration.

This quarterly newsletter is designed to provide readers with examples of the diverse work completed by my office and provide up-to-date information on community education events.

Ombudsman Victoria

Level 9, North Tower
459 Collins Street,
Melbourne VIC 3000

Media/Communications

Michelle Mosiere

Education

Emma Jeffreys

Contact Details

Phone 03 9613 6222

Fax 03 9614 0246

Toll Free 1800 806 314 (regional only)

TTY 133 677 or 1800 555 677

Interpreter Service 131 450

E-mail ombudvic@ombudsman.vic.gov.au

www.ombudsman.vic.gov.au