

## Fact sheet 6

### Own motion enquiry / investigation

The Ombudsman may undertake an enquiry or investigation into a particular or systemic issue affecting the public sector without receiving a specific complaint. She is able to initiate these proceedings under her 'own motion'.

The *Ombudsman Act 1973* provides two bases for the Ombudsman to initiate proceedings on her own motion:

- Section 13A empowers the Ombudsman to make enquiries into a public body's decisions or actions
- Section 16A enables the Ombudsman to conduct a formal investigation into a public body's decisions or actions.

The difference between an enquiry and an investigation is discussed further in *Fact Sheet 5*.

#### Reasons for conducting an own motion enquiry or investigation

The Ombudsman's decision to initiate an own motion enquiry or investigation is a matter for the Ombudsman. Previous own motion investigations have been initiated when:

- a public body has been identified as having poor practices or other issues of a systemic nature
- the subject matter warrants investigation in the public interest
- an own motion enquiry or investigation has the potential to improve practices or procedures.

#### Types of own motion investigations

The Ombudsman may undertake an own motion investigation to:

- achieve a remedy for the individual complainant
- pursue a systemic issue in more detail with the public body
- deal with a group or class of similar complaints from individuals
- investigate a matter without having received a complaint about it, for example an issue of public interest.

#### Results of an own motion investigation

The Ombudsman must report on the outcome to the principal officer of the public body, to the relevant Minister, and if she so chooses, to the Premier. She may also report to Parliament by tabling a report in both the Legislative Assembly and the Legislative Council.

The outcome of an own motion investigation of a systemic issue will not necessarily affect the outcome of any individual's complaint. For example, the Ombudsman may recommend a change to policy or procedures which are prospective, not retrospective.

In certain circumstances the Ombudsman may decide to discontinue an investigation. When this occurs, the Ombudsman will inform relevant parties of the decision.

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