

‘Sorry’ seems to be the hardest word: Victorian Ombudsman calls for apology law reform

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The Victorian Government should consider amending the law to allow public agencies to apologise for mistakes without fear of legal repercussions, according to a new report by the Victorian Ombudsman.

Tabling the *Apologies* report in parliament today, Victorian Ombudsman Deborah Glass said that simply saying sorry was often the most effective way councils, government departments or similar bodies can resolve a dispute with a member of the public.

“In my several decades of dealing with complaints about public sector agencies, I have lost track of the number of times I have reviewed a substantial file of evidence, compiled over many months or more and wondered: why didn’t they just apologise?”

“Of course, some complaints need to be investigated to determine what actually happened, and not every complaint requires or deserves an apology. But in the many cases where someone has a legitimate grievance, a genuine apology is a powerful remedy,” said Ms Glass.

The report recommends that the Victorian Government consider amending Part IIC of the *Wrongs Act 1958*. The two recommended amendments are:

- prevent apologies being used as an admission of liability or evidence in all types of civil proceedings
- expand the definition of apology to include apologies that involve an acknowledgement of responsibility or fault.

The Ombudsman’s office surveyed 80 public authorities, including major government departments, local councils and universities, about their practices and experiences using apologies to resolve complaints when researching the report.

Other sources of material included a review of complaints to the Victorian Ombudsman from the past three years where individuals had sought or received apologies, as well as a review of laws, guidelines and good practice from other jurisdictions in Australia and internationally.

“Governments are increasingly comfortable making apologies, with the 2016 Victorian parliament’s apology for laws criminalising homosexuality a good recent example. This is a welcome indication that an important cultural shift within government may be underway.

“Saying sorry may sometimes be difficult, but if done well, the results are often worth the effort and more,” said Ms Glass.

Report: [Apologies](#)

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