



Ombudsman

Tasmania

Annual Report 2012 - 2013

OMBUDSMAN TASMANIA

ANNUAL REPORT 2012-13

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LETTER TO PARLIAMENT

To:

The Honourable President of the Legislative Council

and

The Speaker of the House of Assembly

Pursuant to section 30 of the *Ombudsman Act 1978*, I present to the Parliament the annual report of the Ombudsman for 2012-2013.

Yours sincerely



Leon Atkinson-MacEwen

OMBUDSMAN

6 November 2013

ABOUT THIS REPORT

This report describes the functions and operations of the Ombudsman Tasmania for the year ending 30 June 2013.

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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HIGHLIGHTS

- Continued reductions in Budget allocations
- Additional efficiencies to address reduced funding
- A number of major investigations completed
- An increase in the number of applications for external review under the *Right to Information Act 2009* completed

FROM THE OMBUDSMAN

OFFICE OF THE OMBUDSMAN AND HEALTH COMPLAINTS COMMISSIONER

The Office of the Ombudsman and Health Complaints Commissioner covers a number of jurisdictions and roles. Apart from the Ombudsman and Health Complaints Commissioner functions, the Office deals with energy, water and gas complaints, as well as providing administrative support and oversight to the Mental Health Official Visitors Scheme and the Prison Official Visitors Scheme.

As a result of having all these different roles and functions, I maintain four separate websites and publish three annual reports (one for each of the Ombudsman, Health Complaints and Energy Ombudsman jurisdictions). As in previous years, this annual report gives a full picture of the Office, and contains a chapter on each of the major functions of the Office, including the Health Complaints and Energy Ombudsman jurisdictions. A separate, more detailed annual report as Health Complaints Commissioner can be seen at www.healthcomplaints.tas.gov.au. My annual report as Energy Ombudsman, which is not tabled in Parliament, can be seen at - www.energyombudsman.tas.gov.au.

ADVICE AND AUDIT

I am a strong believer in building capability within agencies to deal with complaints appropriately, reasonably and in a timely manner. To that end, I issued guidelines in January 2013 on complaint handling and on managing the unreasonable conduct of some complainants - to assist agencies to improve their responses to complaints about service delivery.

Last reporting year I also began mining the data available to me through the operations of the Office over its recent history. This has allowed me to identify trends (or gaps) in agency action where I am able to offer some advice - as well as act as an impartial “auditor” of agency actions.

To that end, this reporting year I began a series of audits in the Health Complaints Commissioner jurisdiction, in particular auditing the outcomes of complaints that have been dealt with by my Office and of matters that have been drawn to my attention via the outcomes of coronial investigations. These audits are designed to determine whether changes recommended by my Office or by the Coroner, or changes that health service providers have stated have occurred or will occur as the result of an incident, have *in fact* been implemented. I have been very encouraged by

the attitude taken by health service providers to the audit programme and by the outcomes of the audits to date.

I intend to extend this approach across the Ombudsman jurisdiction in the 2013-14 reporting year.

STAFFING

At year's end there were 27 members of staff (and one intern), representing 20 FTE working across four jurisdictions. Of the total, 14.6 FTE were funded through recurrent appropriations. There was an increase in staff funded through Special Deposits and Trust Funds, relating to special projects to be completed in 2013 in the Energy Ombudsman jurisdiction and in corporate services.

Among the 27 members of staff as at 30 June 2013, eight were fixed-term contract employees and 17 worked part-time (with three of the positions in the Office involving job-share arrangements).

EFFICIENCIES

Over the last two years the Office has:

- made greater use of informal methods for resolving complaints – email, telephone, face-to-face meetings, etc;
- sought to resolve systemic problems by early consultation with agencies, without first proceeding to formal investigation of the issues;
- refused to deal with less substantial complaints; and
- used administrative staff to fulfil some minor tasks that have previously been performed by investigation officers.

With continuing reductions in funding, I will continue to seek further process improvements to ensure robust, efficient and cost effective service delivery.

COMPLAINT MANAGEMENT

The following graphs provide a comparison of complaint management across the three major jurisdictions.

Figure 1. Complaint activity – Ombudsman: 2007-08 to 2012-13

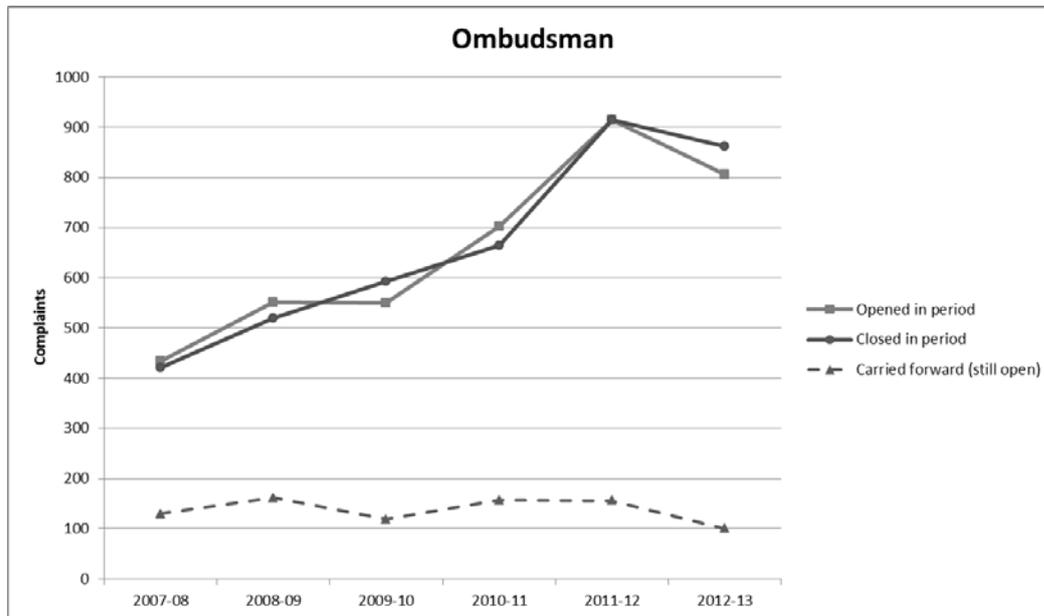


Figure 2. Complaint activity – Energy: 2007-08 to 2012-13

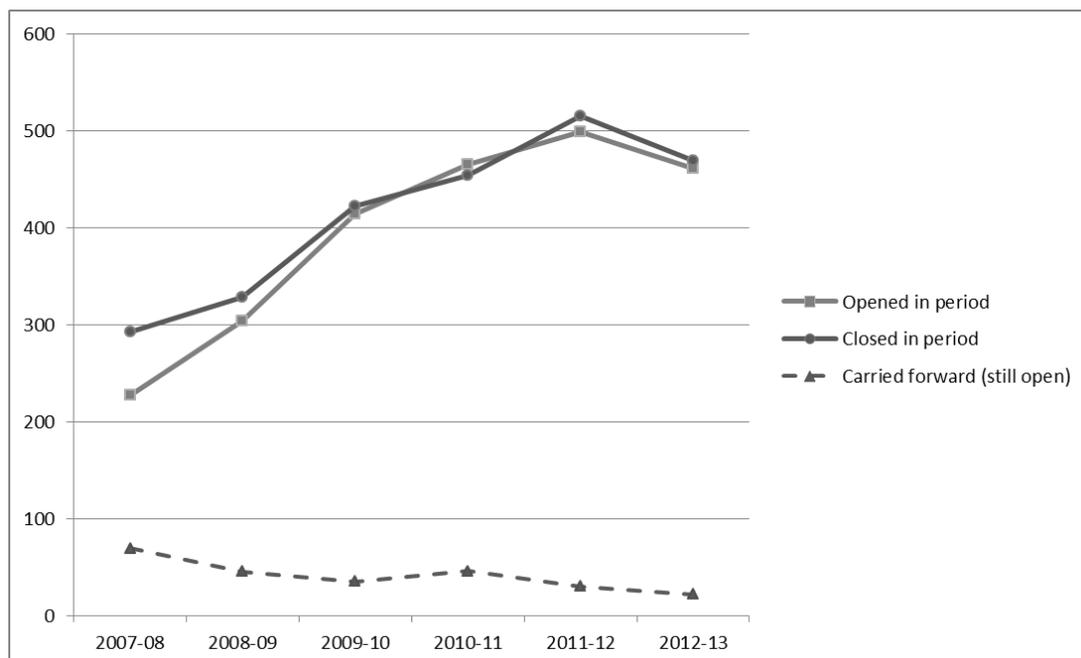
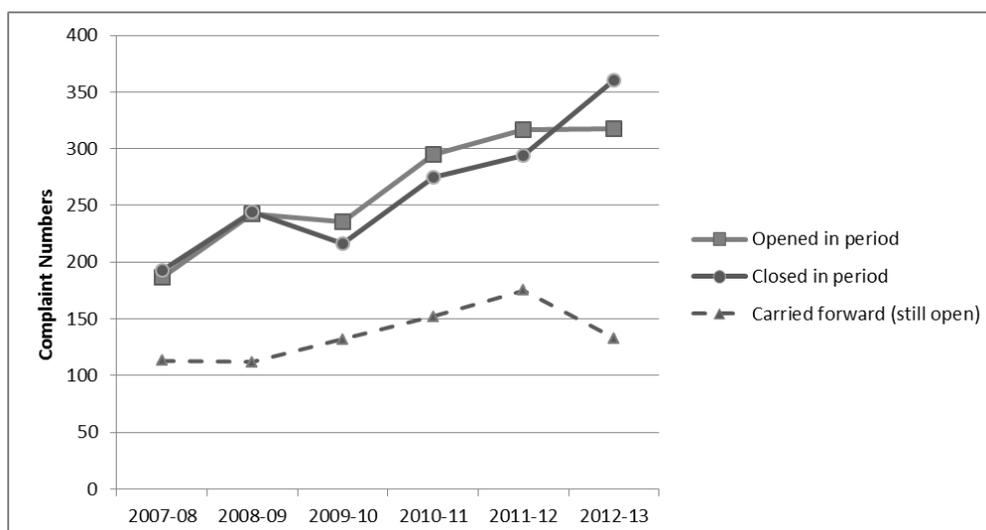


Figure 3. Complaint activity – Health Complaints: 2007-08 to 2012-13



RESOURCES

The most significant impact on the Office has come from budgetary constraints and the continuing flow on effects of budgetary uncertainty. Despite this, thanks to the commitment of all staff to achieving the best results they can for Tasmanians, the key statistics outlined in this report clearly indicate that significant process improvements continue to be made, particularly in our complaints handling practices.

I am especially heartened by the statistics that demonstrate that, despite continuing reductions in recurrent appropriations, the number of complaints resolved within three months in the Ombudsman jurisdiction has increased. Similarly, there has been an increase in the number of complaints resolved within three months in the Energy Ombudsman jurisdiction, and a significant increase in the number of RTI reviews finalised in the reporting period as well.

Finally, with the stabilisation of staffing numbers in the Health Complaints Commissioner jurisdiction, there has also been significant increases in the numbers of complaints resolved within three, six and twelve months. None of these achievements would be possible without the dedication and hard work of (and, at times dogged pursuit of outcomes by) my staff.

There is a point at which, however, where - despite these improvements - timeframes to resolve matters will increase dramatically. While this is partly due to the fact that we are dealing with more complex matters, the ability of my Office to maintain the levels of complaint-handling seen in this reporting year with reducing staff numbers cannot be sustained.

While I am grateful for an adjustment to my budget to correct issues of historic under-funding, the downward trend in funding remains and will result in reductions of one FTE in each years of the Forward Estimates. As these reductions are a strong indication of the priorities of Parliament, I will continue to work constructively with Members of Parliament to ensure I understand and deliver their priorities and expectations around outputs and turnaround times for the Office.

I am also grateful for the support and advice I have received from the Joint Standing Committee on Integrity over the reporting period and the interest that the Committee has taken in the work of my Office. This interaction assists me in understanding and managing Parliament's expectations of me.

MAJOR INVESTIGATIONS

Our capacity to conduct major investigations remains limited by resource pressures. Nevertheless, we concluded two major own motion investigations (started by my predecessor) in relation to the conduct of kinship assessments by the Department of Health and Human Services and the administration by the Department of Health and Human Services of a particular provision of the *Poisons Act 1971*. In addition we commenced and concluded an own motion investigation into breaches of the *Personal Information Protection Act 2004* by Aurora Energy Pty Ltd. The reports of these investigations can be found on my website at www.ombudsman.tas.gov.au.

OTHER MATTERS

As I have said, this report contains a chapter in relation to each of the major functions of the Office. In this part of this preface, I mention matters of interest which are not mentioned elsewhere in the preface or in any of those chapters:

- As Ombudsman, I am an *ex officio* member of the Board of the Integrity Commission. I attended all but two of the meetings of the Board during the reporting year.
- I met with the Joint Standing Committee on Integrity in December 2012 and have had informal meetings with the Chair of the Committee (the Hon. Jim Wilkinson MLC) over the reporting period.
- I continue to encourage engagement with the disability sector and with Tasmanians from a non-English speaking background. In particular, I am grateful for the opportunities afforded to me to discuss issues of concern with the Migrant Resource Centre (South). I am hopeful that a broader dialogue can ensue across both the disability and culturally and linguistically diverse communities in Tasmania.
- Two of my investigation officers attended the investigation training course, conducted by Ombudsman Victoria for officers from all Australian Ombudsman office and the Office of the New Zealand Ombudsman. The support provided by the larger jurisdictions to the smaller is invaluable.

It only remains to thank all the staff of the Office who worked with me in 2012-13. This annual report provides all the necessary evidence of the hard work, dedication and skill of all those in the Office and, in particular, demonstrates their commitment to making a difference to the lives of all Tasmanians. I thank them for that commitment and I am immensely proud of what they have achieved in 2012-13.



Leon Atkinson-MacEwen

OMBUDSMAN

6 November 2013

THE ROLE OF THE OMBUDSMAN

The Ombudsman has a wide range of functions and responsibilities. Our services are free and we act fairly and impartially at all times. Our primary objectives are to improve public administration and promote good administrative practice.

OMBUDSMAN

Anybody who is aggrieved by the administrative action of a public authority in Tasmania (and who has tried unsuccessfully to resolve their concerns with the authority itself) can complain to my office. If the complaint is within jurisdiction and the circumstances warrant it, it will be investigated. I can also investigate administrative action – particularly where systemic issues are involved - on my own motion.

At the conclusion of every investigation, we provide a report to the authority concerned which includes (if necessary) recommendations for addressing and rectifying any action which in my opinion:

- appears to have been taken contrary to law;
- was unreasonable, unjust, oppressive, or improperly discriminatory;
- was 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;
- 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;
- was a decision that was made in the exercise of a power or discretion and the reasons for the decision were not, but should have been, given;
- was based wholly or partly on a mistake of law or fact; or
- was wrong.

These are the criteria set out in s 28(1) of the *Ombudsman Act 1978*.

I can also provide a report to the relevant Minister and/or Parliament. My office has no coercive power in relation to the adoption of recommendations; we rely on constructive negotiation and persuasive argument. Agencies generally accept our recommendations.

RIGHT TO INFORMATION REVIEWS

Anyone who is aggrieved by decisions taken by public authorities under the *Right to Information Act 2009* not to release information sought by way of applications for assessed disclosure can seek a review of that decision from my office. If at the conclusion of a review I am of the view that the authority's decision was incorrect, I can make a fresh determination, which the authority is obliged to implement.

PUBLIC INTEREST DISCLOSURES

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

PERSONAL INFORMATION PROTECTION

My office provides an avenue of redress for people who believe that their personal information has been misused by a public authority in breach of the *Personal Information Protection Act 2004*.

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 a health service by a health service provider in either the public or 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;
- identifying and reviewing issues arising out of complaints and suggesting ways of improving health services and preserving and increasing 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; and
- enquiring into and reporting on any matter relating to health services at his or her discretion or on the direction of the Health Minister.

ENERGY OMBUDSMAN

Consumers are able to lodge complaints against energy entities with the Ombudsman for investigation and resolution under the *Energy Ombudsman Act 1998*. I have the power under the Act to make determinations and awards against the entities where appropriate.

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 who 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 the Ombudsman's determination in relation to the complaint. The broader administrative actions of the corporations also come within the general Ombudsman jurisdiction.

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*, as well as the *Police Powers (Controlled Operations) Act 2006* and the *Police Powers (Surveillance Devices) Act 2008*.

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 1998*.

REFERRAL SERVICE

My 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 body they need to speak to. We regularly refer people to the Commonwealth Ombudsman, the Telecommunications Industry Ombudsman, the Financial Ombudsman Service, the Office of the Anti-Discrimination Commissioner and the Office of Consumer Affairs and Fair Trading.

PROGRESS TOWARDS OUR STRATEGIC GOALS

In our 2012-17 Strategic Plan, we identified seven strategic challenges that we must address:

- a sustainable funding base;
- a cooperative and partnering approach that maintains the independence of the Office;
- an appropriately skilled work force;
- advice and recommendations that are relevant, practicable and achievable;
- a flexible and nimble internal structure;
- cost effective business practices; and
- an appropriate working environment for staff.

Our progress to date includes:

- **Funding**
 - Our most-recent budget business case resulted in the correction of two cases of historic under-funding.
 - Our planning and budgeting processes have identified key investigative and audit priorities for 2013-14.
- **Partnerships**
 - We have developed an audit program in consultation with health service providers that focuses on identifying and addressing issues of a systemic or quasi systemic nature.
 - We will develop an audit program in 2013-14 in consultation with agencies that focuses on identifying and addressing issues of a systemic or quasi systemic nature.
 - We have developed additional guidelines and updated existing guidelines after consultation with agencies and health service providers on their needs.
- **Skills**
 - We have ensured that adequate provision is made in each year's budget for the training and development of our staff.
 - We have provided staff with an induction package, mentoring and support.
 - We have identified and participated in shared training opportunities with other like agencies.
 - We have filled the gap that currently exists within the Office of the Health Complaints Commissioner in relation to professional medical advice with the creation of our Clinical Advice Committee.
- **Relevance**
 - I have met biannually with the Joint Standing Committee on Integrity and have had regular discussions with the Chair of the Committee.
 - I have met quarterly with the Attorney-General to discuss our reports, our performance and potential own motion investigations.
 - I consult regularly with the Auditor-General to discuss issues of mutual interest and concern.

- **Flexibility**
 - Our duty statements and recruitment processes have been improved to reflect the need for flexibility across the Office.
 - We continue to improve the skills of our staff to enable them to work across our varied jurisdictions.
 - We offer staff opportunities to work in other parts of the Office on a short, medium or long-term basis.
- **Cost Effectiveness**
 - We apply the principle of “continuous improvement” to all our processes and procedures.
 - We have implemented relevant risk management and business continuity processes.
 - We continue to benchmark our service delivery against similar Offices nationally.
- **Our Work Environment**
 - We strive to provide our staff with a professional, safe and secure office environment.
 - We strive to provide our staff with appropriate facilities enabling them to work productively.
 - We continue to look to identify savings through shared office accommodation with other like agencies.

OMBUDSMAN ACT 1978

REVIEW OF COMPLAINTS

Background - Out of Jurisdiction Enquiries

The number of out of jurisdiction enquiries in the 2012-13 reporting year has fallen by 33 per cent (see Appendix A for details of all statistics cited). Continuing improvements to our web site, which now makes it clearer to users which matters are within my jurisdiction and which are not, might have contributed to the reduction in out of jurisdiction enquiries.

Complaints

Complaint numbers have fallen by 12 per cent compared with complaints in 2011-12. Complaints received were divided between the various areas of government as follows:

- General Agency (Government Departments) 55 per cent
- Public Authorities and Government Business Enterprises 34 per cent
- Local Government 11 per cent

Thirty per cent of complaints were either declined or discontinued and, in 52 per cent of cases a finding was made that there had been no defective administration. Seventeen per cent of complaints were substantiated, either in whole or in part.

GENERAL AGENCY

Complaints against government departments accounted for 55 per cent of all complaints received, and as in previous years, most complaints were against the Department of Justice and the Department of Health and Human Services. Together these Departments accounted for 78 per cent of all general agency complaints.

Complaints against the Department of Police and Emergency Services accounted for nine per cent of all general agency complaints – up from eight per cent the previous year. At the other end of the scale, the Department of Premier and Cabinet and the Department of Treasury and Finance were the agencies least complained about, with

these departments accounting for approximately three per cent of total complaints received.

These ratios are to be expected, given the number of interactions that Tasmanians have with the Departments of Justice, Health and Human Services, and Police and Emergency Services, compared to the number of their interactions with either the Departments of Premier and Cabinet or Treasury and Finance.

THE DEPARTMENT OF JUSTICE

Once again, more complaints were received against the Department of Justice than any other agency (57 per cent of all general agency complaints) due to the fact that Corrective Services comes under the auspices of the Department. Overall, the number of complaints against the Department (less Corrections) dropped slightly, while the number of complaints by prisoners in the State's correctional facilities increased (and remained high).

Complaints about Prison Services accounted for 86 per cent of complaints against the Department in the reporting year (a 19 per cent increase over the number of complaints received in the previous year).

Seventeen per cent of complaints made by prisoners related to their security classification and placement within the prison system. Other areas of complaint included:

- visits, including the nature of visits (whether contact or non-contact), restrictions on visitors and the timing of visits;
- canteen, including prisoners' access to canteen items and the delivery of items once purchased; and
- lost property, including issues of compensation when property had been lost.

As well as managing the large number of individual complaints received, my staff and I continue to liaise regularly with senior management of the Prison Service to discuss issues of concern to my Office, and to address any perceived system issues which warrant attention.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

The number of complaints against the DHHS were 29 per cent fewer compared to the previous reporting year, and accounted for 23 per cent of total complaints received against agencies. Human Services once again accounted for the majority of complaints against the Department (69 per cent).

Seventeen per cent of complaints against the Department were found to be substantiated either partly or in full. Thirty two per cent were either declined or

discontinued and, in 44 per cent of cases, a finding was made that there had been no defective administration.

Nearly all divisions of the DHHS were referred to in complaints, and matters complained of included:

- continuing issues relating to the management of children in State care, including the placement of those children and the suitability of their carers;
- the alleged failure of Housing Tasmania to appropriately and effectively manage conflict between its tenants in neighbouring properties;
- access to and reimbursement for expenses from the Patient Transfer Assistance Scheme; and
- access to, and the cost of, restricted medications.

Complaints from residents of the Ashley Youth Detention Centre were dealt with by way of direct referral to the Centre's management. This resulted in complaints being addressed promptly and resolved informally where possible. Reports from Centre management on the outcome of complaints satisfied me that they had been dealt with fairly and appropriately.

DEPARTMENT OF POLICE AND EMERGENCY MANAGEMENT

My office and the Tasmanian Integrity Commission are the two independent bodies in the State with jurisdiction to review the activities of Tasmania Police and its members. Broadly speaking, the Integrity Commission has jurisdiction to investigate allegations of misconduct made against individual Police officers, whereas my jurisdiction is confined to the administrative actions of Tasmania Police and its officers.

Complaints against Police are forwarded directly to Police Professional Standards rather than the Commissioner's office, and officers from Professional Standards have also shown themselves willing to address enquiries made by telephone. Complaints that are forwarded are investigated either by Professional Standards or the Commander of the relevant Police District and the outcome of the investigation reported to us. Most complaints are resolved appropriately through this process.

As has always been the case, however, most complaints received during the reporting year were concerned with the way individual officers had conducted themselves in the field and involved operational rather than administrative actions. They were therefore out of my jurisdiction. Actions complained about did not vary significantly from previous years and included:

- alleged inappropriate or unfair issuing of infringement notices,
- alleged harassment and corrupt conduct,
- alleged failure to return seized property and to make reimbursement for lost or damaged property,
- alleged unlawful search of property, and
- alleged failure to take statements and/or investigate offences.

LOCAL GOVERNMENT

As with the decline seen last reporting year, there was a seven per cent reduction in complaints against municipal councils in this reporting year. Complaints were spread between 21 councils, with no new complaints recorded against Burnie City Council, Circular Head Council, Central Coast Council, Dorset Council, Flinders Island Council, Glamorgan / Spring Bay Council, King Island Council and West Coast Council.

The councils most complained about in the reporting year were Hobart City Council (ten complaints), Break O'Day Council (nine complaints) and Clarence City Council (seven complaints). Matters complained of included:

- maintenance of council land and infrastructure;
- planning issues, including the processing of applications for development and building approval and alleged failure to enforce planning schemes;
- rates, including the amount set for rates, the process of collection and the setting of penalties for late or non-payment;
- alleged failure to act on noise and nuisance complaints, including complaints in relation to barking dogs and industrial noise; and
- infringement notices for parking and other offences.

PUBLIC AUTHORITIES, GOVERNMENT BUSINESS ENTERPRISES AND OTHER AUTHORITIES

Complaints against public authorities, Government Business Enterprises and other authorities declined significantly; in this reporting year complaints decreased by over 31 per cent. This decrease was due largely to fewer complaints against the three water corporations.

Complaints against the corporations accounted for 78 per cent of all complaints in this category in the reporting year, with Southern Water accounting for 51 per cent of these. There were 13 complaints made about The Public Trustee (almost six per cent of all complaints), 11 complaints made about the Retirement Benefits Fund (five per cent of all complaints) and 10 complaints made about Aurora Energy (four per cent of all complaints).

WATER AND SEWERAGE CORPORATIONS

There was a significant decrease (over 31 per cent) in the number of complaints against the water and sewerage corporations, from 249 in 2011-12 down to 182 this reporting year. There was also a decrease in the number of enquiries recorded (from 262 to 126). This decrease is largely behind the overall decrease in complaints received.

We continued to receive complaints about sub-metering by owners of strata titled units and about service charges being levied against unserviced land, but not in the same numbers as in the previous reporting year. Nor did we receive the same high level of customer service complaints, there having been some improvement to the corporations' internal complaint handling practices.

Apart from general billing concerns, the following issues were identified as recurring causes of complaint:

- **Development and Head Works Charges.**

A number of complaints were received which indicated that these charges are not always fully disclosed to developers before the works commence, and there is some confusion between head works charges and upgrade charges. The corporations assess head works charges as part of the development approval process, and these are charged to the developer. If upgrades are required, however, it appears that the developer is not being informed until some months later, when a second, unexpected charge is levied.

- **Change of ownership.**

Unlike other outgoings associated with ownership of land, such as rates, water and sewerage charges are not apportioned between vendor and purchaser at the settlement of a sale of land. Many customers, and their conveyancers it would seem, are not familiar with this and complaints are received from vendors when they continue to receive accounts for the property they have sold. Customers are not aware that a special reading can be arranged, at a cost, to coincide with the settlement of a sale.

- **Landlords being charged for the water and sewerage service and use of their tenants.**

A number of complaints were received from property owners who had received accounts but who were unable to pass them on to their tenants where provision was not made for this in the lease. Previous bills had been delivered to and paid by the tenants, in the same manner as power charges, but unlike Aurora, the corporations' relationship is solely with the owner and it is to the owner that they look when they are unable to recover from the tenant. Many property owners are unaware of this, even though it is mandated by the Customer Code approved by the Economic Regulator.

- **Pensioner Concessions**

A significant number of complaints were received from pensioners who had not received their concessions. It is the corporations' policy that pensioner concessions will only be applied from the date they are advised by the customers of their eligibility.

My officers continue to liaise with the corporations with a view to ensuring that complaints are resolved swiftly and appropriately.

It is to be noted, that the three regional corporations - Southern Water, Ben Lomond Water and Cradle Mountain Water – will be replaced in the next reporting year by a single corporation, Taswater.

RIGHT TO INFORMATION ACT

INTRODUCTION

The *Freedom of Information Act 1991* was repealed by the *Right to Information Act 2009* with effect from 1 July 2010. There are no extant FOI Act matters.

The role of the Ombudsman under the RTI Act is to review decisions by agencies and Ministers under the Act where access to requested information had been refused. The Ombudsman also has responsibility for:

- issuing and maintaining Guidelines to assist users of the Act,
- issuing and maintaining a Manual related to the operation of the Act, and
- providing oral or written advice to public authorities or Ministers on the operation of the Act.

The Ombudsman is required by s 53 of the RTI Act to include a report on the operation of the Act in the Ombudsman's annual report under the *Ombudsman Act*. This chapter represents that report.

PUBLICATIONS

While no new guidelines were published in 2011-12, I revised Guideline 4/2010 (in relation to searching and locating information) to assist public authorities and Ministers to conduct better searches in response to an application for assessed disclosure.

Guidelines will continue to be revised and updated as required.

STATISTICS

As can be seen in greater detail in Appendix B:

- we finalised 47 applications for review under the RTI Act in the reporting year (a 67 per cent increase on the number of applications for review finalised in 2011-12); and
- 22 of these resulted in a formal decision, with 10 of these resulting in the affirmation of the original decision, nine agency decisions varied and three agency decisions set aside.

OPPORTUNITIES FOR IMPROVEMENT

In reviewing the RTI decisions of agencies, my staff attempt to educate agencies on the operation of the Act and the responsibilities and obligations on agencies. The issues that arise from time to time, across nearly all agencies, include:

- **Information management** - Agencies are obliged to make sufficient searches for information, and the need to ensure that information is stored in such a way that it is easily searchable and accessible. Guideline 4/2010 can assist agencies in this.
- **Adequacy of Reasons** - Agency decisions are often expressed in broad, global terms, rather than addressing the specific considerations required to be taken into account under the Act. Agencies are required to undertake a proper and thorough analysis of all relevant information when reaching decisions in the first instance. Agencies are also required to communicate clearly to applicants the basis for reaching that decision by reference to the specific material that constitutes the relevant information.
- **Ordering of Information** - Again, it is not uncommon for agencies to refer in decisions on applications to *information* and to claim exemptions without condescending to detail. In such cases, when my Office asks to be provided with the information responsive to the application for the purposes of the review, it is often given in the form of a large bundle of documents – some of which might be exempt and some of which might not. It is always good practice (and a requirement in cases where the information responsive to an application is voluminous) to prepare a schedule of documents responsive to an RTI request.
- **Fees for Information, and Waiver of Fee** - An application for assessed disclosure under the RTI Act must be accompanied by the stipulated fixed fee, unless the agency waives it. An application is not accepted until the fee is paid or a decision is made to waive it. This means that time does not run for the delivery of a decision by the agency until the fee is paid or waived. It is important therefore, that where a request is made for the charge to be waived, the agency makes a determination on that request in a timely fashion and advises the applicant accordingly.
- **Waiver of Fee “in the public interest”** - Another aspect of fee waiver that seems to have caused some confusion occurs when the applicant has sought waiver under s 16(2)(c) – on the basis that he or she *is able to show that he or she intends to use the information for a purpose that is of general public interest or benefit*. The phrase is taken to mean the intended use is *for a purpose that is of general interest or benefit to the public*. This is different to the public interest test to which some of the exemptions under the Act are subject; it is not the nature of the information that is at issue but the applicant’s intended use of it, and the inclusion of the word *general* emphasises that the purpose is not of interest or benefit to a narrow or special interest group only. Whether or not an applicant is able to demonstrate that the intended use is for a purpose that is of general interest or benefit to the public is a matter that the agency needs to determine objectively.

- **Consultation with Applicants** - It is often of assistance to both applicant and agency that consultation occur at an early stage in order to determine what it is the applicant is actually seeking and what the agency is prepared to make available. This often results in applications being resolved without the need for any formal review process; unfortunately, it is not undertaken as often as it should be.
- **Consultation with Third Parties** - Where the information responsive to an application for disclosure includes information that is the personal information of a third party, or includes information relating to the business affairs of a third party, the agency is required (as part of its deliberative process) to consult with the third party if it is of the view that its release would be reasonably expected to be of concern to the third party. Agencies cannot rely on the exemptions applicable to personal information and/or the business affairs of a third party unless they consult adequately with the third party concerned.

ASSOCIATION OF INFORMATION ACCESS COMMISSIONERS

The Association of Information Access Commissioners was formed in September 2010 and consists of the Australian, NSW, Queensland, NT and WA Information Commissioners and the Ombudsmen in South Australia, Tasmania and New Zealand.

The Association met in Sydney in August 2012 and in Hobart in March 2013. The association provides an excellent forum for Information Commissioners and their statutory equivalents to discuss issues of mutual interest, to learn from each other's experiences and to develop, where possible, common approaches to similar issues.

PUBLIC INTEREST DISCLOSURES ACT 2002

INTRODUCTION

The responsibilities of the Ombudsman under the *Public Interest Disclosures Act 2002* (PID Act) include:

- determining whether disclosures received or referred to the Ombudsman qualify as public interest disclosures under the Act;
- investigating public interest disclosures, where appropriate;
- preparing and publishing guidelines and standards for the procedures to be followed by public bodies in implementing the requirements of the Act;
- approving such procedures, when developed by public bodies;
- preparing and publishing guidelines for the purpose of determining whether improper conduct (as defined by the Act) is serious or significant;
- monitoring the progress of investigations conducted under the Act by public bodies; and
- providing advice to public bodies on the Act.

GUIDELINES

Guidelines were issued on 1 October 2010 (Guideline 1/2010) to assist users of the Act to determine whether improper conduct, as defined by the Act, is serious or significant. Guidelines and Standards were also issued at the end of March 2011 for the procedures to be followed by public bodies (including Model Procedures for public authorities to adopt if they see fit).

Every public body within the terms of s 4 of the Act is obliged to establish its own procedures for the purposes of the Act, complying with the Guidelines and Standards when they do so. Since the definition of “public body” includes any body, whether incorporated or not, whose members or a majority of whose members are appointed by a Minister, the requirement to establish procedures for the purposes of the Act technically falls on every Ministerial advisory committee of which the members, or the majority of the members, are so appointed.

This is impractical. Moreover, since I must approve all such procedures before they are adopted, this would also place an undue burden on the limited resources of my Office. I have, therefore, followed my predecessors’ practice and have obtained

procedures from the largest public bodies (that is, the ones most likely to receive a disclosure under the Act).

REVIEW OF THE ACT

The Board of the Integrity Commission asked me to join with Integrity Commission staff to review how the PID Act is meant to interact with the *Integrity Commission Act 2009* (particularly as the definition of “improper conduct” in the first is hard to marry with the definition of “misconduct” in the latter). This work has yet to be undertaken.

THE YEAR UNDER REVIEW

I am required by s 84 of the Act to report on various matters regarding the PID Act in my annual report. To satisfy the requirements of that section, I report:

- that copies of current guidelines and standards published by me under Part 6 of the Act may be obtained or accessed under the “Publications” tab on my Ombudsman website at www.ombudsman.tas.gov.au: s 84(a)
- that I received three approaches during the year which might potentially be seen as disclosures under the Act: s 84(b)
- I have yet to determine whether two of the approaches mentioned are public interest disclosures or not: s84(c)
- that I did not investigate any disclosed matter during the year: s84(d)
- that I formally referred one of the approaches to the Integrity Commission pursuant to s 29B of the Act, to Tasmania Police pursuant to s 41 and to the Australian Securities and Investment Commission, also pursuant to s 41, for investigation: s 84(e),
- that, as indicated, I have yet to make a determination in relation to two of the approaches and have thus not formally declined to investigate them: s 84(f)(i),
- that no disclosed matters were referred to me by a public body during the year, for investigation: s84(f)(ii) (though I was notified by a public body that a disclosure had been made to its Principal Officer, who investigated it and reported the outcome of that investigation to me),
- that no disclosures were referred to me under the Act by the President of the Legislative Council or by the Speaker of the House of Assembly during the year: s84(g)
- that I did not take over the investigation of any disclosed matter during the year: s84(h)
- that I did not make any recommendations during the year, consequent upon the investigation of a disclosed matter: s 84(i)

- that I did not make any recommendations during the year in relation to any disclosed matter: s 84(j)
- that I did not make any recommendations during the year in relation to the procedures established by a public body: s 84(k)
- that no action was taken during the year, consequent on a recommendation made by me under the Act – there having been no such recommendation: s 84(l).

PERSONAL INFORMATION PROTECTION ACT 2004

Schedule 1 of the *Personal Information Protection Act 2004* creates a set of personal information protection principles by which all public authorities holding the personal information of members of the community are bound. The principles and other provisions of the Act regulate the manner in which an authority can collect, maintain and use personal information and the circumstances in which such information can be disclosed.

If someone believes that the principles of the PIP Act have been breached by a public authority, and he or she has raised the matter with the agency and is not satisfied with the response, then a complaint can be made to my office. If it is decided that the complaint should be dealt with, any investigation conducted by my office is conducted in accordance with the powers conferred by the *Ombudsman Act 1978*.

The PIP Act was amended in July 2010 to coincide with the introduction of the *Right to Information Act 2009*. The amendments have made the PIP Act now the prime piece of legislation dealing with the management of personal information in the possession of public authorities. The amendments relate to:

- the procedure by which a person may request access to their own personal information and the way in which a personal information custodian responds to such a request;
- requests for personal information of a medical or psychiatric nature concerning the person making the request; and
- applications for the amendment of personal information in the possession of a personal information custodian where that information is incorrect, incomplete, out of date or misleading.

The definition of a personal information custodian in s 3 of the PIP Act was also amended, with the result that the class of persons potentially subject to the PIP Act is now wider.

I received five complaints in the reporting year alleging breaches of the Act, as well as a complaint about the time an agency was taking to process a request by a person for their personal information, and the alleged refusal by an agency to supply such information.

I also used my own motion powers under the *Ombudsman Act 1978* to investigate possible breaches of the Act by Aurora Energy arising from the destruction of personnel records. As a result of that investigation, I concluded that Aurora had failed to:

- take reasonable steps to protect the personal information it holds from misuse, loss, unauthorised access, modification or disclosure; and
- take reasonable steps to destroy or permanently de-identify personal information only with the approval of the State Archivist

in breach of clauses 4(1) and (3) of the Personal Information Protection Principles contained in the first schedule to the Act.

In light of those conclusions, I recommended that Aurora conduct an immediate audit of its record holdings to ensure it has a complete record of the personal information it holds in hard copy form, and that all employment contracts and performance management agreements between Aurora and its managers (particularly at Division Head level) should contain a requirement to foster a culture of best-practice information management within their Divisions and Teams.

The full report of my investigation can be accessed at:

http://www.ombudsman.tas.gov.au/_data/assets/pdf_file/0003/257241/Aurora_PIP_Report_June_2013.pdf

Erratum

In last year's annual report, I reported that, as had been the case in previous years, no complaints alleging breaches of the Act had been received. This was incorrect; a complaint had been made. Because I am not required to report activity under the PIP Act separately, this complaint was recorded as a complaint in the general Ombudsman jurisdiction. As soon as the error was brought to my attention, I informed the Attorney-General and undertook to correct the error in this report (which I have now done).

I have now introduced processes aimed at insuring that complaints under the PIP Act are recorded and identifiable as such.

INSPECTIONS UNDER POLICE LEGISLATION

The *Police Powers (Surveillance Devices) Act 2006* governs both the use that a law enforcement agency makes of surveillance devices and the records that it is obliged to keep in respect of each warrant for which it applies.

The *Police Powers (Controlled Operations) Act 2006* contains the procedures to be followed and the records to be maintained by a law enforcement agency when conducting controlled operations. A controlled operation is one that is conducted for the purpose of obtaining evidence that may lead to the prosecution of a person for a relevant offence and involves, or may involve, controlled conduct, which is conduct that might otherwise result in criminal responsibility.

Both Acts require the appointment of an inspection entity and the Ombudsman has been that entity since May 2008. Tasmania Police and the Australian Crime Commission are law enforcement agencies for the purposes of the Acts. The Commission applied for one warrant, which was issued, for a surveillance device. My office was notified of the application for the warrant, and the records maintained by the Commission are scheduled for inspection in the next reporting period.

The Integrity Commission is also able to apply for a warrant, and is subject to the inspection requirements of the Act as if it were a law enforcement agency. The Integrity Commission made one such application in the reporting year.

My office is required by s 41 of the Surveillance Devices Act and s 32 of the Controlled Operations Act to inspect the records of a law enforcement agency at least once every 12 months in order to determine the extent of compliance with the legislation by the agency and its officers. Following the inspections, I am obliged by s 42 of the Surveillance Devices Act and s 32 of the Controlled Operations Act to report to the Minister on the comprehensiveness and adequacy of the records of the agency, and the cooperation given by the agency in facilitating my inspection. The Acts came into force in January 2009 and my office first inspected Tasmania Police's relevant records on 25 June 2009.

I have authorised a number of my officers to undertake inspections on my behalf, and two of those officers conducted the inspection on 27 June 2013. My staff inform me that Detective Senior Sergeant Cameron Bessell, who is the Coordinator of Investigation Support Services (ISS), offered assistance during the actual inspection process and has cooperated fully at all times.

In terms of the agency's compliance with the record keeping requirements of the Act, last year's inspection saw 48 files formally closed and an updated report provided for all remaining files. Unfortunately this year, my officers noted that there were a large number of files requiring destruction which have not been actioned since the last inspection. There were also a large number of files which appeared to have been untouched in the last 12 months, with only nine files being formally closed following the inspection. I understand that there have been a number of staff changes in this area of Tasmania Police since the last inspection which has no doubt contributed significantly to these delays. I am confident that the next inspection will note a substantial number of files formally closed.

My officers also conducted an inspection under the *Police Powers (Controlled Operations) Act 2006* on 27 June 2013. At that time, there were three extant controlled operations, all of which had been finalised and in relation to which all necessary information had been recorded in accordance with the Act. There were two new operations commenced in the last reporting period, one of which had been finalised, and the other remains current. Information for both operations had again been recorded in accordance with the Act.

My office is also the inspection entity under the *Telecommunications (Interception) Act 1999* and since December 2006 has been inspecting the records which that Act requires Tasmania Police to keep in relation to telecommunications intercepts. The records are required to be inspected at least once every six months to ensure compliance by Police with its obligations under Part 2 of the Act in relation to the keeping of records and in relation to the provision of advice to the Minister. Regular inspections are made twice a year, and those inspections took place on 5 December 2012 and 25 June 2013.

As noted in all previous reports, my officers have been impressed with the processes put in place by Tasmania Police to ensure compliance with the record keeping requirements of the Act and also to facilitate inspection of the records. During the December 2012 inspection my officers recorded that a number of historical records had been finalised and destroyed in accordance with the Act and all other records were up to date. At the June 2013 inspection my officers noted a number of new records all of which met the requirements of the Act.

No issues of non-compliance arose: all aspects of the latest inspection indicated compliance by Police with the requirements of Part 2 of the Act and no issues of concern were identified.

The next inspection is due to take place in December 2013.

ENERGY OMBUDSMAN ACT 1998

INTRODUCTION

As Ombudsman, I administer the *Energy Ombudsman Act 1998*, assisted by three staff - a Principal Officer and two Investigation Officers. All three are supported by the Office's administration team.

As can be seen from the statistics in Energy Table 4 in Appendix C, 447 of the 469 complaints closed in this jurisdiction during the reporting year related to the supply of electricity by Aurora Energy Pty Ltd. This is because of its monopoly position as the distributor of electricity and as the retailer of electricity to domestic and small business consumers. Hence, this report largely relates to complaints against Aurora Energy.

STATISTICS

Demand for our services in this jurisdiction continues.

The complaint statistics are:

- a 14 per cent increase in enquiries opened and closed during the year (203 to 232);
- a 55 per cent decrease in out-of-jurisdiction enquiries (62 to 28);
- a two per cent decrease in enquiries generally (265 to 260);
- an eight per cent decrease in new complaints received (499 to 461);
- a nine per cent decrease in complaint files closed (515 to 469); and
- a 27 per cent decrease in complaint files carried forward still open (30 to 22; it necessarily tends to be the case that the files that remain open more than 90 days are difficult ones).

Across the year, an average of 9 per cent of the complaints received each month were addressed using our RHL process, whereby the complaint is referred to Aurora Energy to give the company an opportunity to quickly resolve the complaint without further involvement from us.

SYSTEMIC ISSUES

In my previous report I highlighted two systemic issues as requiring attention from Aurora Energy. These were access to meters and the incorrect tariff issues.

Access to Meters

The rise in complaints during this reporting year in relation to Aurora Energy electricity accounts based on estimated consumption, suggests that access to meters by meter readers continues to be an issue of concern to a number of customers.

During the reporting year, Aurora Energy embarked on a program of reading Aurora Pay As You Go (APAYG) meters. It is my understanding that this has led to less experienced meter readers taking on some of the rounds for customers with standard tariff meters. This means, in turn, that some meter readers may be faced with situations about which they have no previous experience (that is, the particular circumstances around the ongoing restraint of a dog on a particular property). Complaints to me indicate that this has resulted in customers with dogs, who have not had problems for many years, finding their meter read has been skipped for no apparent reason.

I remain mindful of the work place health and safety issues associated with meter reading and the right of meter readers to enjoy a safe working environment. I also believe that the policy changes implemented by Aurora Energy, following consultation with my office, have greatly improved the service to customers who have dogs on their property. These are:

- the reduction of the period within which a customer's meter may be read, from seven business days to three business days – the "Approximate Next Read Date", and one business day either side of that date;
- provision of a special reading of the meter at no cost to the customer if the meter is not read during this three-day period and the customer requires an actual read of the meter, as opposed to a bill based upon an estimate of consumption;
- the leaving of a calling card by the meter-reader, if requested by the customer; and
- the introduction of a trial under which customers may read their own meters if they wish, submitting the meter data to the company online.

There appears to me, however, to be scope for Aurora Energy to use the information provided by customers about the proper restraint of their dogs to enable customers with dogs under restraint to have their meters accessed quarterly and to receive account statements based on actual consumption.

I expect this issue to be ongoing but would like to see a reduction in complaints resulting from better information provided to meter readers.

Incorrect Tariff

Complaints about incorrect tariffs have dropped from the previous report. This suggests that Aurora Energy's consultation with electrical contractors at trade nights and through industry newsletters is having a positive impact in ensuring Electrical Works Requests are submitted in a timely manner. Further, electronic lodgement of EWRs with Aurora Energy is more efficient than previous processes and significantly reduces the number of hard copy requests being mislaid.

I note that most complaints in this area are now based on the complainant's electrical contractor failing, or delaying, the submission of an EWR. In such cases I can only suggest the complainant seek to resolve their concerns directly with their electrical contractor.

Spikes in Electricity Consumption

I have received a number of complaints during the reporting year regarding Aurora Energy customers, who have installed a solar generation system, finding their electricity consumption rising significantly around the time the system is activated. Most complainants are of the view that their tariff 110 import/export meter is faulty or in some cases the existing meter has been incorrectly calibrated.

Initial investigations indicate that a number of cases can be attributed to the complainant or their electrical contractor turning on the solar system inverter before the tariff 110 meter has been installed.

My staff have been working with Aurora Energy to determine what is causing this problem and I would expect to report further in my next annual report.

High Bills/Disconnection

This is not a systemic issue but is a trend that should be noted. Both high bill complaints and complaints made for pending or complete disconnections have dropped during the reporting year.

It is reasonable to assume that this could be attributed to a widespread acceptance within the community that utility costs are generally on the rise. We have certainly found that electricity consumers are often seeking ways to become more energy efficient to ensure they can mitigate their rising costs by reducing consumption.

The drop in disconnection complaints reflects the new hardship provisions within the National Energy Customer Framework. Aurora Energy has a hardship team that works with customers with ongoing difficulties to assist them to meet their electricity costs. This process is undertaken in consultation with financial counsellors within welfare agencies, and allows the customer to seek financial advice and to have a counsellor liaise on their behalf directly with the Aurora Energy hardship team.

As I have no role in advocating for, or in any other way acting for, a complainant in their consultation with Aurora Energy over payment arrangements, my staff actively encourage complainants with payment difficulties to seek the assistance of a welfare agency and, in particular, advice from financial counsellors.

OTHER MATTERS

The level of liaison between my Office and Aurora Energy remains appropriate; my staff meet with Aurora Energy staff on a routine basis to discuss outstanding files, and other occasional meetings occur in which I participate.

I have continued my predecessor's involvement in the work of the Australia and New Zealand Energy and Water Ombudsman Association and, in May 2013, I joined three of my ANZOA colleagues in Melbourne in addressing the Credit & Collections in Energy & Water 2013 Conference.

LOOKING AHEAD

The Tasmanian Government has announced that, from 1 January 2014, full retail competition will be introduced into the Tasmanian electricity market. This is an issue that could significantly increase the workload in the Energy Jurisdiction in the next reporting year.

My initial concern is that this will bring marketing issues into the Tasmanian domestic electricity market which, judging by the mainland experience, will lead to a range of complaints to me around the marketing activities of the new entities. My colleagues in other jurisdictions find the marketing conduct of retailers to be one of the major concerns of domestic electricity consumers.

Further, it is possible that the reality of the market reform, particularly in the first six to 12 months, may not match consumers' expectations. Comments made to my staff by complainants to my Office suggest that there is an expectation that electricity customers will have a significant choice of retailer from 1 January 2014.

I expect that consultation with the Tasmanian community over the period leading up to 1 January 2014 will assist in ensuring that electricity consumers are well aware of the implementation process and how it will affect their choice as the competitive market begins to take effect. Nevertheless, there is the potential for a mismatch between expectation and reality that may also lead to a rise in complaints to my Office.

I will be reporting on these issues in my next annual report.

HEALTH COMPLAINTS ACT 1995

INTRODUCTION

As I hold appointments both as Ombudsman and Health Complaints Commissioner, this Chapter is included so that this annual report gives a full picture of the work of the Office. As it covers material that is outside the scope of my report under the *Ombudsman Act*, it is deliberately brief. My annual report under the *Health Complaints Act 1995* has been published at the same time as this report, and can be seen at www.healthcomplaints.tas.gov.au.

STATISTICS

These are the key Health Complaints Commissioner statistics for the year:

- a similar level of complaints received this year as last year (317 in 2011-12, 318 in 2012-13);
- a 22 per cent increase in complaints closed (294 to 360);
- a 24 per cent decrease in complaints carried forward from 2011-12 into 2012-13;
- 23 per cent of cases assessed outside the required 90-day period (from two per cent in 2011-12 to twenty three per cent in 2012-13);
- a 7 per cent increase from 2011-12 to 2012-13 in complaints resolved within three months;
- a 11 per cent increase from 2011-12 to 2012-13 in complaints resolved within six months;
- a 10 per cent increase from 2011-12 to 2012-13 in complaints resolved within 12 months;
- only nine per cent of complaints took 12 months or more to resolve;
- a 39 per cent decrease in the number of matters closed in conciliation (69 to 42);
- a 10 per cent increase in the number of enquiries (426 to 469) and a 23 per cent reduction in out of jurisdiction enquiries; and
- a 44 per cent decrease in the number of cases referred to conciliation (50 to 28).

COMMUNICATION AND COMPLAINTS HANDLING

As the data available to my Office show (and as the data and experience of other Health Complaints entities also demonstrate), a large majority of health complaints arise from poor communication between health service providers and patients.

Explanation is a powerful tool. The Australian Commission on Safety and Quality in Health Care's *Australian Open Disclosure Framework* (previously the *Open Disclosure Standard*) assists health service providers (particularly hospitals) to provide open communication with patients and their nominated support person following an adverse event. I strongly urge all health service providers to embrace the Open Disclosure Framework.

Just as important as Open Disclosure is appropriate complaint handling. To assist providers to deal with complaints more effectively when they arise, I issued guidelines this reporting year on complaint handling and on managing the unreasonable conduct of some complainants.

AUDIT

This reporting year I also began a series of audits of the outcomes of complaints that have been dealt with by my Office and of matters that have been drawn to my attention via the outcomes of coronial investigations. These audits are designed to determine whether changes recommended by my Office or by the Coroner, or changes that health service providers have stated have occurred or will occur as the result of an incident, have *in fact* been implemented. I have been very encouraged by the attitude taken by health service providers to the audit programme and by the outcomes of the audits to date.

COMPLAINT MANAGEMENT

Despite the pleasing improvements in the majority of the key statistics outlined above, the number of complaints is not reducing, complaints are becoming more complex, and the number of parties that need to be consulted and managed is increasing.

In looking at complaint activity over the last six reporting years, it is clear that the ability of my Office to maintain the levels of complaint-handling seen in this reporting year cannot be sustained if there are further increases in complaint numbers or if the mix of complex vs. simple complaints swings even further towards more complex complaints.

INVESTIGATION

Only one matter was referred to investigation during the reporting year. This relates to actions occurring after a patient elected to be treated as a private patient in a public hospital. The investigation was not finalised within the reporting year.

One investigation was finalised during 2012-13. This related to the physical restraint of a dementia patient in an acute care setting. I formed the view during that investigation that admission to a hospital must be used as a last resort in the management of dementia and, if this is unavoidable, then an exit strategy must be devised as soon as possible.

CONCILIATION

The number of complaints referred to conciliation this year decreased from 50 to 28. The number of matters closed decreased from 69 to 42. Of these cases, 12 resulted in the payment of compensation or contribution to expenses or waiver of fees, and 22 resulted in quality improvements or changes in policy or procedure. In a number of cases, the complainants' concerns were resolved by receiving further information or an explanation, in language they could understand, or simply by having those concerns acknowledged and receiving an apology.

The average age of matters closed in conciliation this reporting year was 508 days. This time includes an assessment period of up to 90 days and often lengthy periods of time waiting for the outcome of AHPRA or coronial investigations. Another significant factor in the time it takes to bring conciliations to conclusion is the limited availability of provider representatives to attend conciliation meetings, coupled with significant delays in receiving the necessary legal advice for the matter to be finalised.

AUSTRALIAN HEALTH PRACTITIONER REGULATION AGENCY

This was the third year of the national scheme for the registration and accreditation of members of the principal health professions. The scheme is administered by the Australian Health Practitioner Regulation Agency, which works in conjunction with fourteen National Boards for the various professions covered by the scheme.

A Memorandum of Understanding to guide the interaction between health complaint entities and AHPRA, particularly with respect to the operation of section 150 of the *Health Practitioner Regulation National Law Act*, was signed in October 2010.

While it has worked reasonably well for the previous two years, I have become increasingly concerned throughout the reporting year about the impact of delays with AHPRA processes on my ability to meet statutory time frames and a significant reduction in the flow of information from AHPRA to my Office.

At a joint meeting between health complaint entities and AHPRA in May 2012, all parties agreed that it was opportune to review the MoU in the hope of improving the efficiency of the interaction. The process of review has not proceeded quickly, however, and there will be further discussion in relation to this at the next Commissioners' meeting in November 2013.

OFFICIAL VISITORS

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. The administration of the Mental Health Official Visitors Scheme was transferred to my office on 1 July 2009.

PRISON OFFICIAL VISITORS

The Prison Official Visitors continue to 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.

Visitors are appointed by the Minister under the *Corrections Act 1997* for a fixed term of two years. At the end of the reporting period there were eight 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 and the Hayes Prison Farm until it closed at the end of August 2012.

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 the 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.

The 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 needs to be addressed. Matters raised by prisoners and detainees with the Visitors during the reporting year included:

- access to medication and medical treatment,
- personal property and canteen issues
- issues about the quality and content of meals
- access to educational opportunities and literacy programs, and
- access to recreational activities particularly in the Reception Prisons.

The Official Visitors regularly report their observations and concerns to me, and I refer more serious or systemic issues to Prison Management for its response, which is generally positive and constructive. I also facilitate the provision of a report to the Minister on a quarterly basis on issues raised by Official Visitors and on the operation of the scheme in general. The Visitors' reports keep me informed about the state of the prison system, which is an otherwise largely closed environment.

Official Visitors also facilitate more formal complaints to me by providing inmates with complaint forms. These are 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 93 visits were made to correctional facilities during the reporting year. The reduction in visits from the previous reflects the closure of the Hayes Prison Farm.

MENTAL HEALTH OFFICIAL VISITORS

Mental Health Official Visitors are appointed under the provisions of Part II of the *Mental Health Act 1996*.

Official Visitors have an oversight role in respect of the accommodation, assessment, treatment and care of persons with mental illness in approved hospitals and the secure mental health unit (the Wilfred Lopes Centre). They also examine the opportunities for recreation, education and training for persons with mental illness who are patients in approved hospitals.

Apart from visiting patients with these types of oversight in mind, Official Visitors also investigate suspected contraventions of the Act in the care or treatment of persons with mental illness, and investigate complaints made by persons receiving care or treatment for mental illness.

Official Visitors visit approved hospitals and the Wilfred Lopes Centre in accordance with s 77 of the Act, which requires visits to be made at least once a month. Visits were made each month to the Wilfred Lopes Centre and the following approved hospitals during the reporting year:

- the Royal Hobart Hospital, including the Department of Psychological Medicine, the Psychiatric Intensive Care Unit and the Emergency Department;
- the Roy Fagan Centre;
- the Millbrook Rise Centre;
- the Launceston General Hospital, including Northside Clinic and the Emergency Department; and
- the North West Regional Hospital, including the Spencer Clinic and the Emergency Department.

Additional visits were also made to these facilities to visit patients who had made complaints. A total of 146 visits were made by Visitors to approved hospitals in the reporting year.

In accordance with s 81 of the Act, I provide a report to the Secretary of the Department of Health and Human Services on or before 31 August each year on the visits and investigations made by the Official Visitors in the course of the previous financial year, and on the results of those visits and investigations.

During the course of the year I also report to Mental Health and Statewide Services on a regular basis. These reports list complaints made by patients and outline issues of interest and concern that have been raised by patients with Official Visitors and issues brought to my attention by Official Visitors.

Complaints

Under s 75(f) of the Act, Official Visitors investigate complaints made by persons receiving care or treatment for mental illness.

During 2012-13, a total of 103 complaints were received from patients in approved hospitals or the Wilfred Lopes Centre during routine monthly visits. The majority of these complaints were resolved following discussion with relevant clinical staff.

In addition, a total of 112 complaints were received from patients outside of the routine monthly visits. Once again, the majority of these complaints were resolved following discussion with relevant clinical staff. Overall, 78 per cent of patients who made a complaint were seen in person by an Official Visitor.

During the year I reported two suspected breaches of the Act to the Mental Health Tribunal, as required by s 79 of the Act.

Staffing Issues

During 2012-2013, two Visitors resigned.

As at 30 June 2013, and excluding the Manager Official Visitors, there were 12 Visitors. Six of these were in the North of the state and six in the South.

In the reporting year, there was one State-wide meeting of Visitors. Short training exercises were also held with Visitors from both the North and South of the State when they met for their regular regional meetings.

Other Matters

During the year I took the opportunity to visit the approved hospitals in the North and North West of the State. This was a valuable exercise, which enabled me to see firsthand the facilities visited by Official Visitors each month and to meet with senior staff in those facilities. I have now visited all the approved hospitals in the State and will be visiting the Wilfred Lopes Centre early in the new reporting period.

CONCLUSION

The two Official Visitors schemes have operated very effectively during the year under review.

APPENDIX A: STATISTICS – OMBUDSMAN ACT

Table 1. Enquiry activity

	2011-12	2012-13	Variance
Enquiries opened and closed in the period	946	640	-32%
Out of jurisdiction enquiries	1 675	1 117	-33%
Total Enquiries	2 621	1 757	-33%

	2011-12	2012-13	Variance
Enquiries	2 621	1 757	
less Arunta	335	42	
Total	2 286	1 715	-25%

Table 2. Complaint activity

	2011-12	2012-13	Variance
Carried forward from previous period	157	156	0%
Opened in period	915	806	-12%
Closed in period	916	862	-6%
Carried forward (still open)	156	100	

Note: Totals exclude FOI/RTI cases and PID closure reasons

Table 3. Complaint activity 2007-08 to 2012-13

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
Carried forward from previous period	117	130	162	119	157	156
Opened in period	433	552	549	702	915	806
Closed in period	420	520	592	664	916	862
Carried forward (still open)	130	162	119	157	156	100

Figure 1. Complaint activity 2007-08 to 2012-13

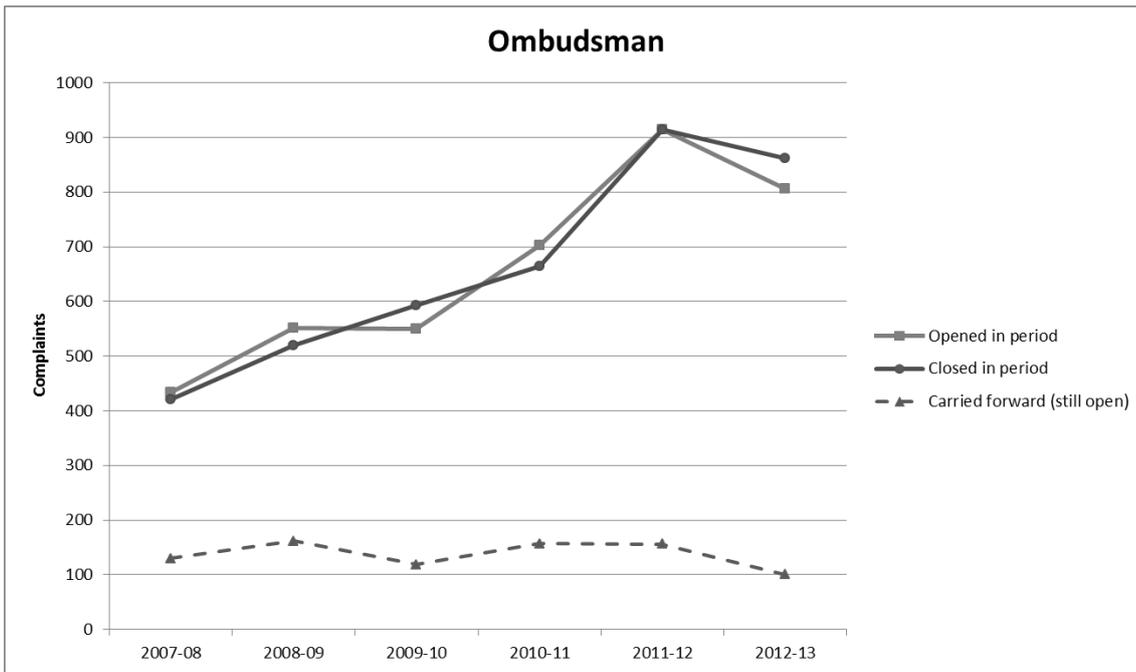


Table 4. Complaints against state government departments

Department	Received 2011-12	Received 2012-13	Closed 2012-13	Declined	Discontinued	No defective Administration	Partly/Fully Substantiated
Education							
Office of the Secretary	1	2	2			2	
Tasmanian Archive and Heritage Office	1	1	0				
Tasmanian Polytechnic	1	1	1			1	
Departmental/ Not specified	10	9	11	4		7	
Sub-total	13	13	14	4	0	10	0

Table 4. Complaints against state government departments, cont.

Department	Received 2011-12	Received 2012-13	Closed 2012-13	Declined	Discontinued	No defective Administration	Partly/Fully Substantiated
Health and Human Services							
Ashley Youth Detention Centre	21	4	6	1		2	3
Correctional Health Services	0	1	1			1	
Family Violence Counselling and Support Service North	1	0	0				
Health Services	5	5	4	1		3	
Human Services	72	69	64	23	2	29	10
Mental Health Services	4	4	4	3		1	
Office of the Secretary	0	1	1	1			
Patient Travel Launceston General Hospital	1	0	0				
Population Health	5	4	4			3	1
Statewide Systems Development	4	3	2			2	
Tasmanian Ambulance and Health Transport Services	2	0	0				
Departmental/ Not specified	14	9	7	1		3	3
Sub-total	129	100	93	30	2	44	17

Table 4. Complaints against state government departments, cont.

Department	Received 2011-12	Received 2012-13	Closed 2012-13	Declined	Discontinued	No defective Administration	Partly/Fully Substantiated
Infrastructure Energy Resources							
Forest Practices Authority	0	1	1			1	
Land Transport Safety	7	8	9	3	1	4	1
Mineral Resources Tasmania	1	0	0				
Passenger Transport	1	0	0				
Racing Services Tasmania	1	1	1			1	
Roads and Traffic	3	2	2	1		1	
Sullivan Cove Waterfront Authority	1	0	0				
Departmental/ Not specified	2	6	3	2		1	
Sub-total	16	18	16	6	1	8	1

Table 4. Complaints against state government departments, cont.

Department	Received 2011-12	Received 2012-13	Closed 2012-13	Declined	Discontinued	No defective Administration	Partly/Fully Substantiated
Justice							
Building Appeal Board	1	0	1	1			
Community Corrections	2	0	0				
Guardianship and Administration Board	4	4	3	3			
Integrity Commission	1	0	0				
Legal Aid	4	4	4	1		3	
Mental Health Tribunal	1	0	1		1		
Minister for Planning	1	0	0				
Monetary Penalties Enforcement Service	15	3	6	1	1	4	
Office of Consumer Affairs and Fair Trading	7	5	3	2		1	
Office of the Anti-Discrimination Commissioner	0	2	2			2	
Ombudsman	3	0	2	2			
Parole Board	2	3	3	1		2	
Poppy Advisory and Control Board	0	1	1			1	
Prison Services	168	200	215	10	11	155	39
Public Guardian	2	1	1			1	
Workcover	0	1	1	1			
Workplace Standards Tasmania	1	2	1	1			
Departmental/ Not specified	2	5	6	1		4	1
Sub-total	214	231	250	24	13	173	40

Table 4. Complaints against state government departments, cont.

Department	Received 2011-12	Received 2012-13	Closed 2012-13	Declined	Discontinued	No defective Administration	Partly/Fully Substantiated
Police and Emergency Management							
Northern District	1	1	1	1			
Professional Standards	0	1	1			1	
Tasmania Fire Service	0	1	1			1	
Tasmania Police Service	33	31	30	17	2	5	6
Departmental/ Not specified	4	5	5	2	1	2	

Premier and Cabinet							
Service Tasmania Unit	3	2	2			1	1
Departmental/ Not specified	2	0	1	1			
Sub-total	5	2	3	1	0	1	1

Table 4. Complaints against state government departments, cont.

Department	Received 2011-12	Received 2012-13	Closed 2012-13	Declined	Discontinued	No defective Administration	Partly/Fully Substantiated
Primary Industries, Parks, Water and Environment							
Biosecurity and Product Integrity	0	2	2	1		1	
Environment Protection Authority	1	1	1				1
Information and Land Services	9	5	5	1	1	3	
Parks and Wildlife Service	0	5	5	1		3	1
Departmental/ Not specified	4	0	2			2	
Sub-total	14	13	15	3	1	9	2

Department	Received 2011-12	Received 2012-13	Closed 2012-13	Declined	Discontinued	No defective Administration	Partly/Fully Substantiated
Treasury and Finance							
Revenue, Gaming and Licensing Division	1	0	0				
State Revenue Office	3	7	7	7			
Departmental/ Not specified	1	0	0				
Sub-total	5	7	7	7	0	0	0

Grand Total	434	423	436	95	20	254	67
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Table 5. Complaints against local government

Council	Received 2011-12	Received 2012-13	Closed 2012-13	Declined	Discontinued	No defective Administration	Partly/Fully Substantiated
Break O'Day Council	3	9	4	1		3	
Brighton Council	2	2	4		1	1	2
Burnie City Council	0	0	1	1			
Central Coast Council	2	0	1				1
Central Highlands Council	1	3	2			2	
Clarence City Council	5	7	6	1	4	1	
Derwent Valley	3	4	1				1
Devonport City Council	0	2	0				
Dorset Council	0	0	1			1	
George Town Council	5	1	3	1		2	
Glamorgan/Spring Bay Council	3	0	3			2	1
Glenorchy City Council	8	7	9	2		5	2
Hobart City Council	9	10	9	5		3	1
Huon Valley Council	5	5	5	1		4	
Kentish Council	1	2	1	1			
Kingborough Council	6	3	4	1	1	2	
Latrobe Council	2	3	3			3	
Launceston City Council	9	3	13		2	9	2
Meander Valley Council	0	1	1	1			
Northern Midlands Council	3	1	3			3	
Sorell Council	9	3	10	2	3	5	
Southern Midlands Council	1	1	1			1	
Tasman Council	1	1	1		1		

Table 5. Complaints against local government cont.

Council	Received 2011-12	Received 2012-13	Closed 2012-13	Declined	Discontinued	No defective Administration	Partly/Fully Substantiated
Waratah/Wynyard Council	3	1	2	2			
West Tamar Council	1	7	1			1	
Total	82	76	89	19	12	48	10

Table 6. Complaints against public authorities, government business enterprises and other authorities

Public Authorities	Received 2011-12	Received 2012-13	Closed 2012-13	Declined	Discontinued	No defective Administration	Partly/Fully Substantiated
Aurora Energy	8	10	10	6		2	2
Ben Lomond Water	63	34	42	3	1	15	23
Cradle Mountain Water	48	28	33	1	1	21	10
Forestry Tasmania	1	1	2		1	1	
Local Government Association of Tasmania	1	0	2			2	
Marine and Safety Tasmania	2	1	0				
Medical Council of Tasmania	0	0	1				1
Metro Tasmania	0	1	1	1			
Motor Accidents Insurance Board	1	1	1		1		
Retirement Benefits Fund Board	37	11	16	3	1	9	3
Southern Water	158	120	133	6	6	87	34
Tasmanian Ports Corporation Pty Ltd	0	1	0				
The Public Trustee	13	13	13	5	1	6	1
Transend Networks	1	0	1			1	
TT Line	2	4	4	2		2	
University of Tasmania	5	8	7	3	1	1	2
Total	340	233	266	30	13	147	76

Table 7. Enquiries & Complaints against Water Corporations 2012-13

Complaint/Enquiry	Primary Agency	2011-12	2012-13
Complaint	Ben Lomond Water	58	34
	Cradle Mountain Water	41	28
	Southern Water	150	120
Complaint Total		249	182
Enquiry	Ben Lomond Water	22	23
	Cradle Mountain Water	21	10
	Southern Water	77	49
	Referred back	142	44
Enquiry Total		262	126
Grand Total		511	308

Table 8. Water complaints closed 2012-13 by issue

Issue	Total	Percentage
Access Service	10	3%
Adequate Service	26	9%
Change Procedure/Practice/Policy	20	7%
Compensation	17	6%
Disciplinary Action	5	2%
Explanation	51	17%
Financial Correction	118	40%
Obtain Apology	17	6%
Obtain Entitlement	2	1%
Obtain Information	2	1%
Other Objective	19	6%
Register Concern	6	2%

Table 9. Water complaints closed 2012-13 by agency and issue

Water Corporation	Issue	Total
Ben Lomond Water	Adequate Service	4
	Change Procedure/Practice/Policy	3
	Compensation	3
	Disciplinary Action	2
	Explanation	12
	Financial Correction	23
	Obtain Apology	4
	Obtain Information	1
	Other Objective	4
	Register Concern	1
	Ben Lomond Water Total	57
Cradle Mountain Water	Access Service	2
	Adequate Service	6
	Change Procedure/Practice/Policy	4
	Explanation	6
	Financial Correction	16
	Obtain Apology	2
	Obtain Entitlement	1
	Other Objective	3
	Register Concern	1
	Cradle Mountain Water Total	41
Southern Water	Access Service	8
	Adequate Service	16
	Change Procedure/Practice/Policy	13
	Compensation	14
	Disciplinary Action	3
	Explanation	33
	Financial Correction	79
	Obtain Apology	11
	Obtain Entitlement	1
	Obtain Information	1
	Other Objective	12
	Register Concern	4
	Southern Water Total	195
Grand Total		293

Figure 2. Time taken to resolve water complaints

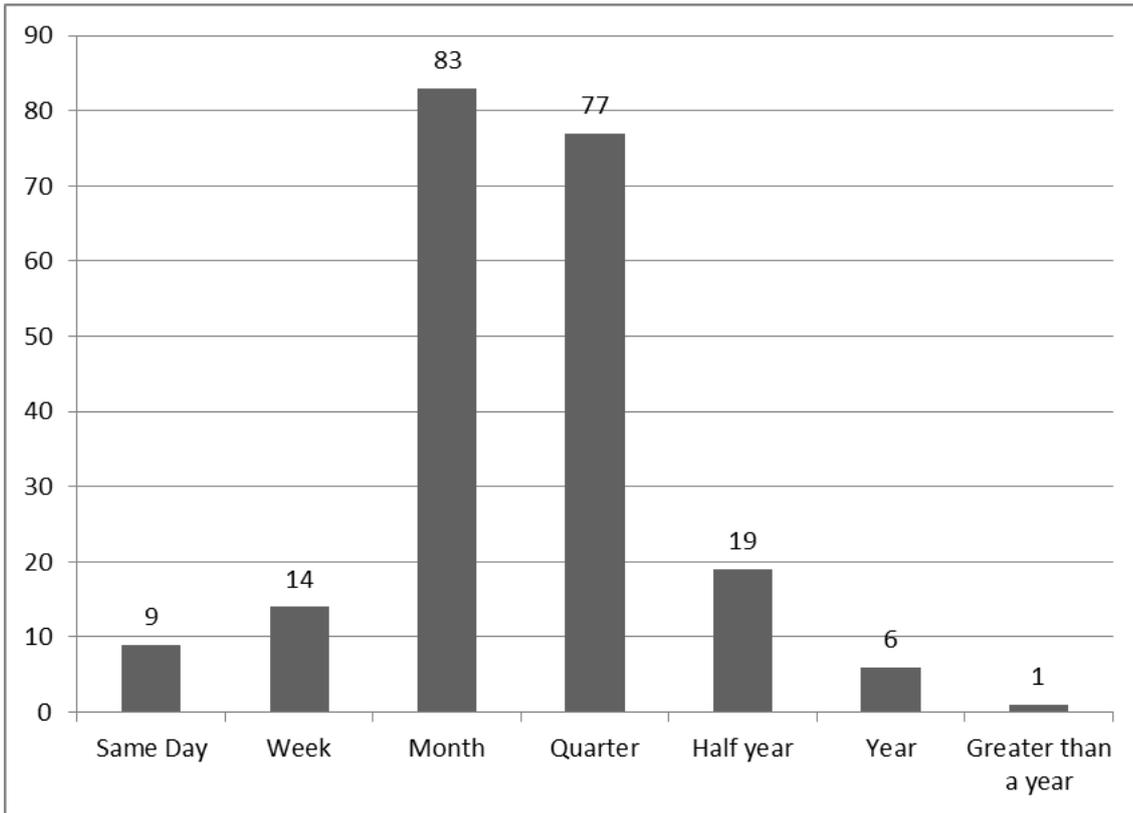


Figure 3. Water complaints resolved within 90 days

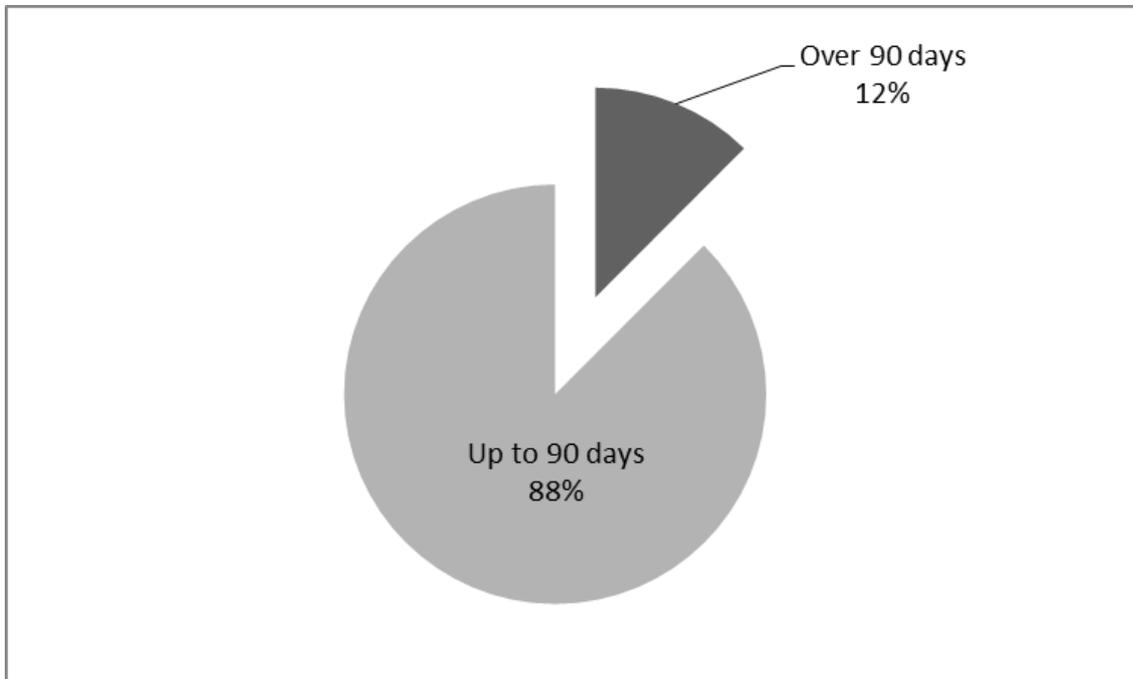


Table 10. Total cases opened, closed and substantiated

This table represents the compilation of tables 4, 5 and 6.

	Received 2011-12	Received 2012-13	Closed 2012-13	Declined	Discontinued	No Defective Administration	Partly/Fully Substantiated
Out of Jurisdiction total	59	74	72	72			
Grand Total	915	806	863	216	45	449	153

Figure 4. Who is being complained about?

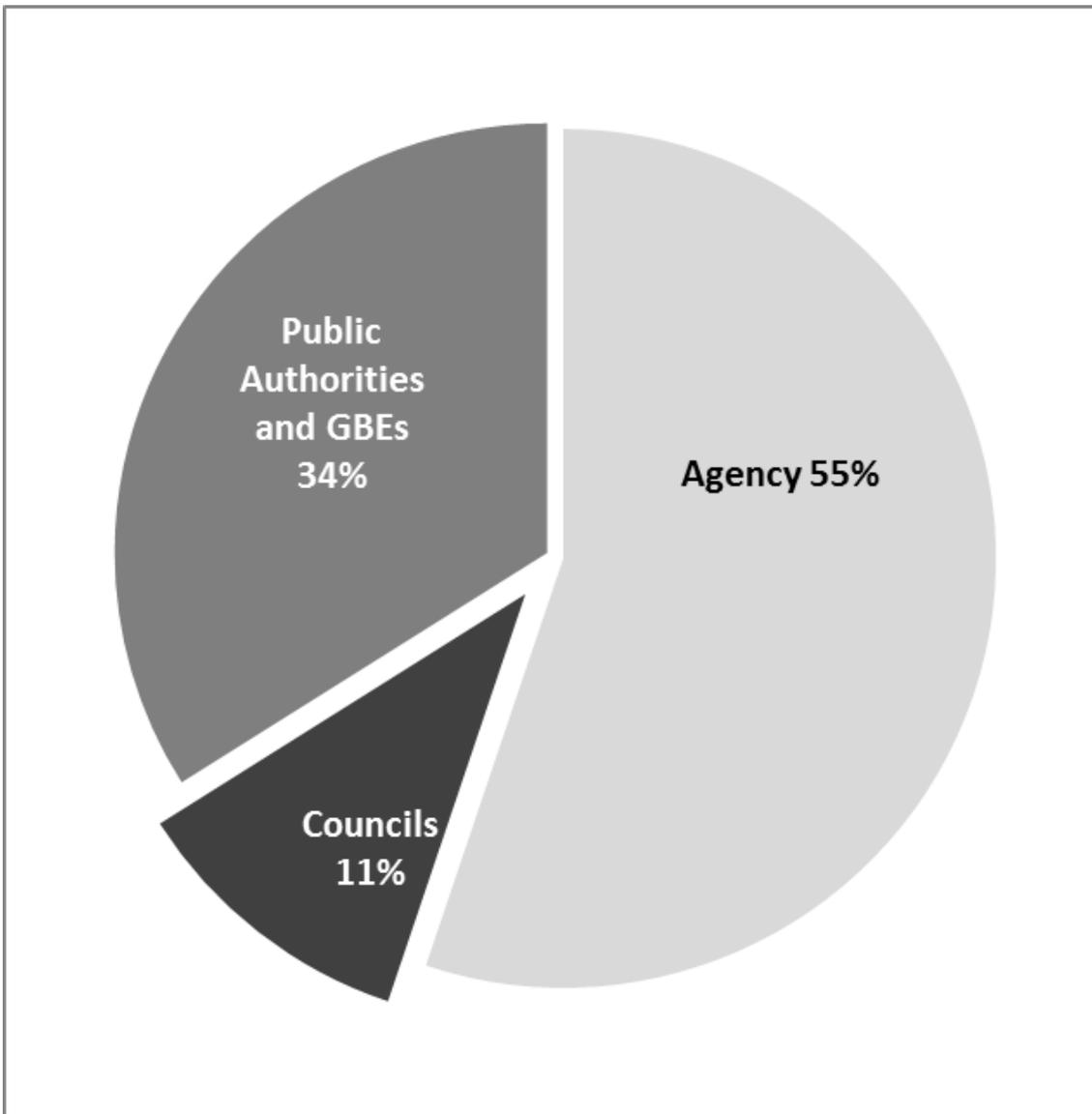


Figure 5. A breakdown of complaints against a selection of state government departments

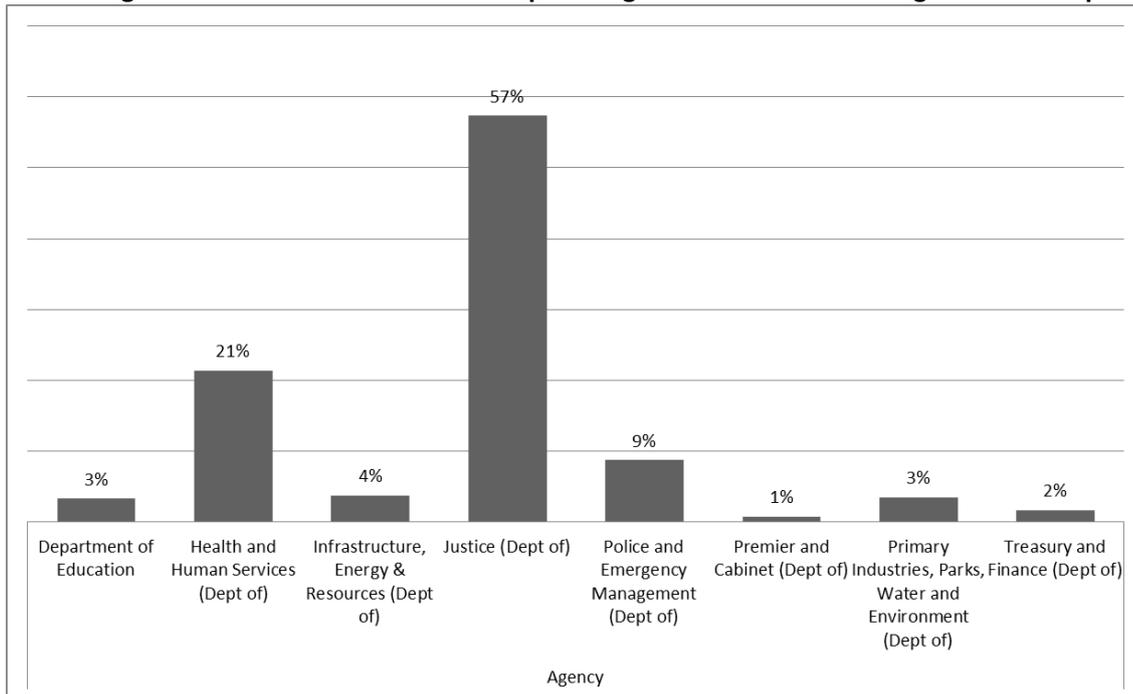


Figure 6. Reasons for closure (excluding FOI and RTI)

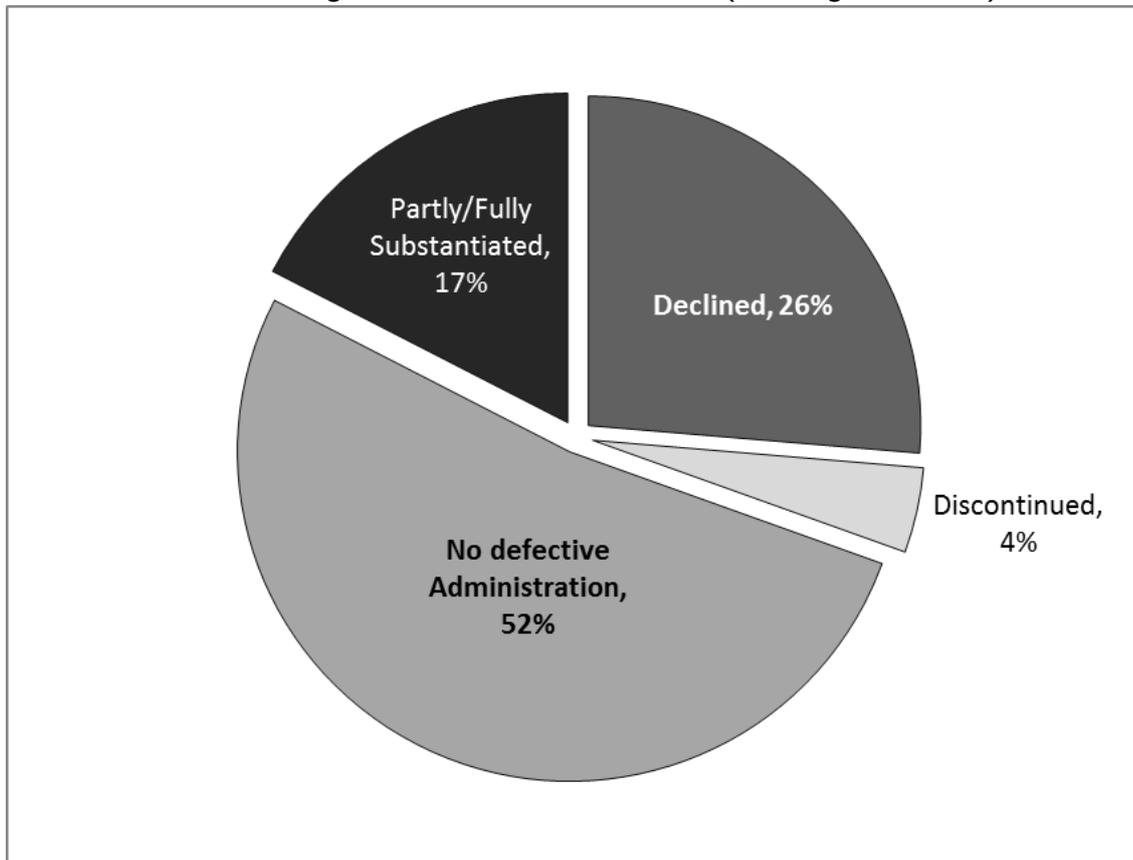


Table II. Total cases opened, closed, declined, discontinued, etc, 2007-08 to 2012-13

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
Opened in period	433	488	549	702	915	806
Closed in period	358	459	592	660	916	863
Declined	94	195	242	275	265	216
Discontinued	64	72	70	70	72	45
No defective administration	160	143	224	259	465	449
Percentage of cases closed where no defective administration found	45%	31%	38%	39%	51%	52%
Substantiated	37	49	56	66	113	153
Percentage of cases closed where defective administration found	10%	10%	9%	10%	12%	17%

Figure 7. What were complainant's objectives?

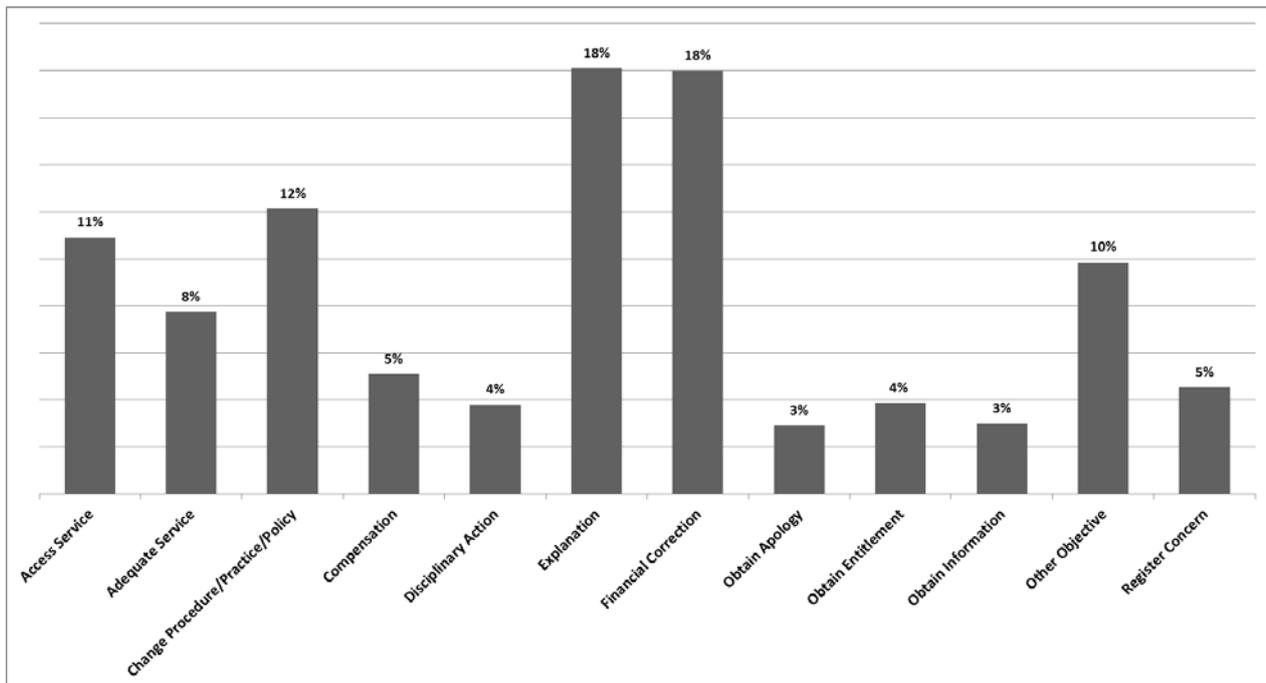


Figure 8. Time taken to resolve complaints (excluding FOI & RTI)

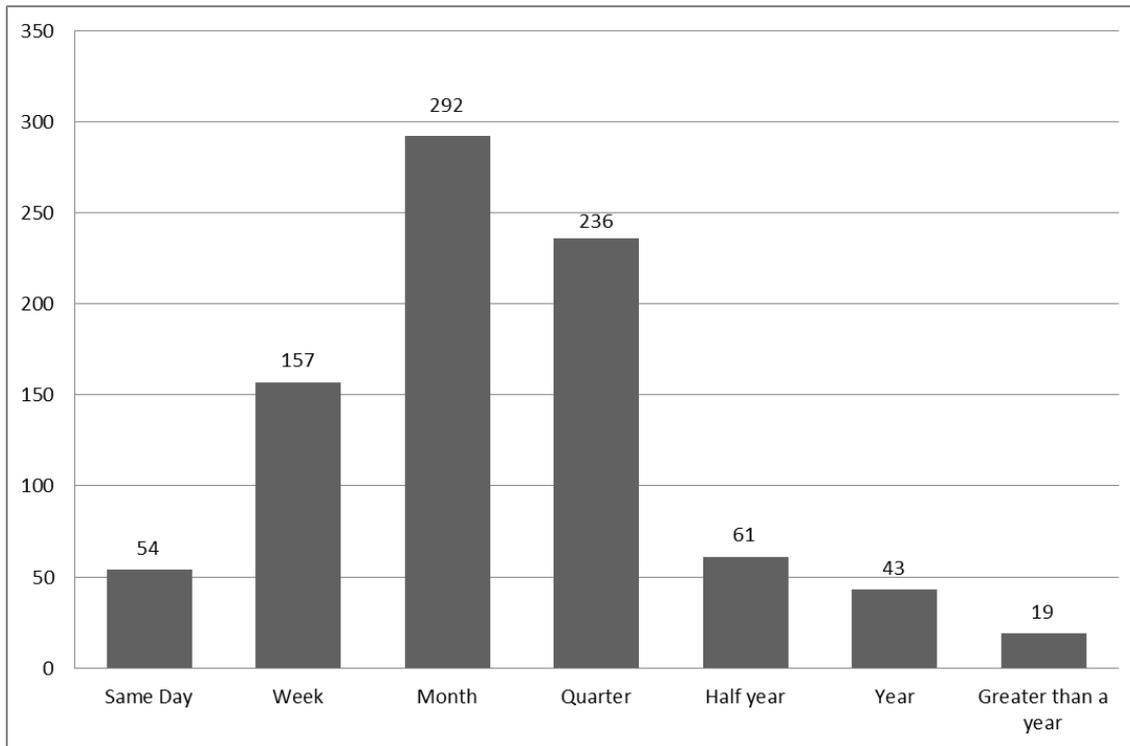


Figure 9. Complaints resolved within 90 days

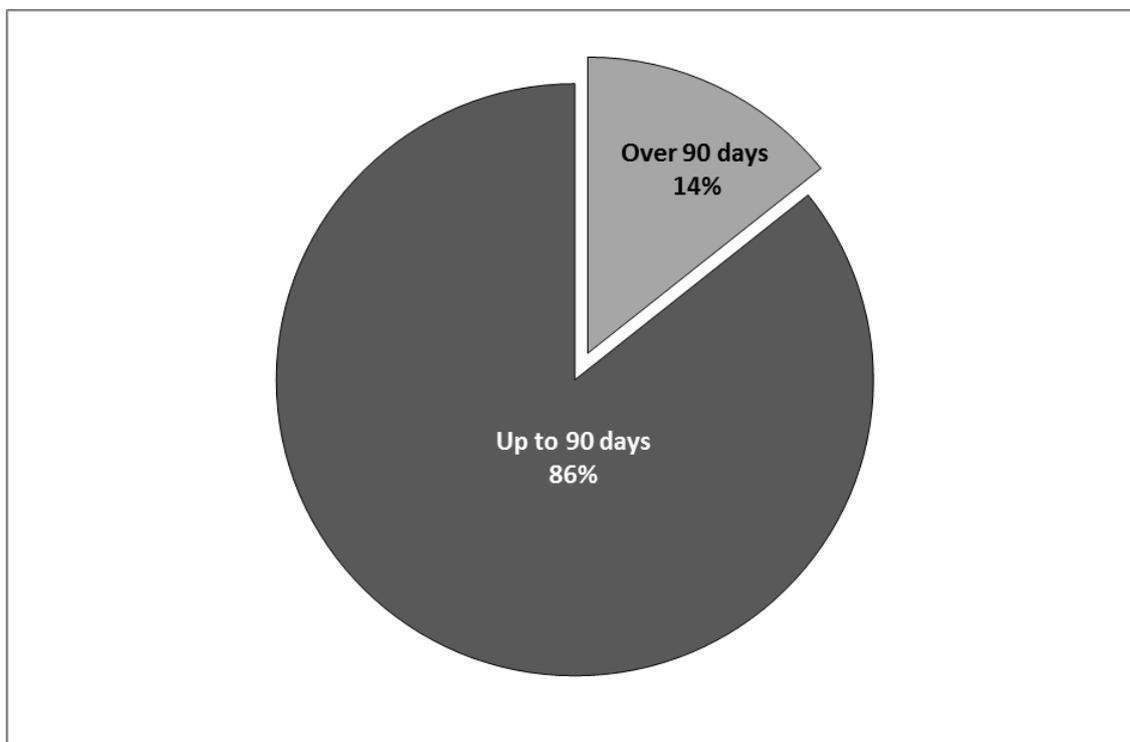


Table 12. Percentage of complaints resolved within three, six and 12 months (excluding FOI & RTI) 2007-08 to 2012-13

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
Complaints resolved within three months	72%	76%	77%	82%	85%	86%
Complaints resolved within six months	92%	87%	90%	94%	88%	93%
Complaints resolved within 12 months	98%	98%	95%	98%	98%	98%

Table 13. Time taken to finalise complaints 2007-08 to 2012-13

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
Week	16%	21%	17%	23%	19%	24%
Month	37%	45%	44%	46%	52%	34%
Quarter	72%	76%	77%	82%	85%	86%
Six Months	92%	87%	90%	94%	88%	93%
12 months	98%	98%	95%	98%	98%	98%
More than 12 months	2%	2%	5%	2%	2%	2%

Figure 10. What were the main issues of complaint against police and emergency management?

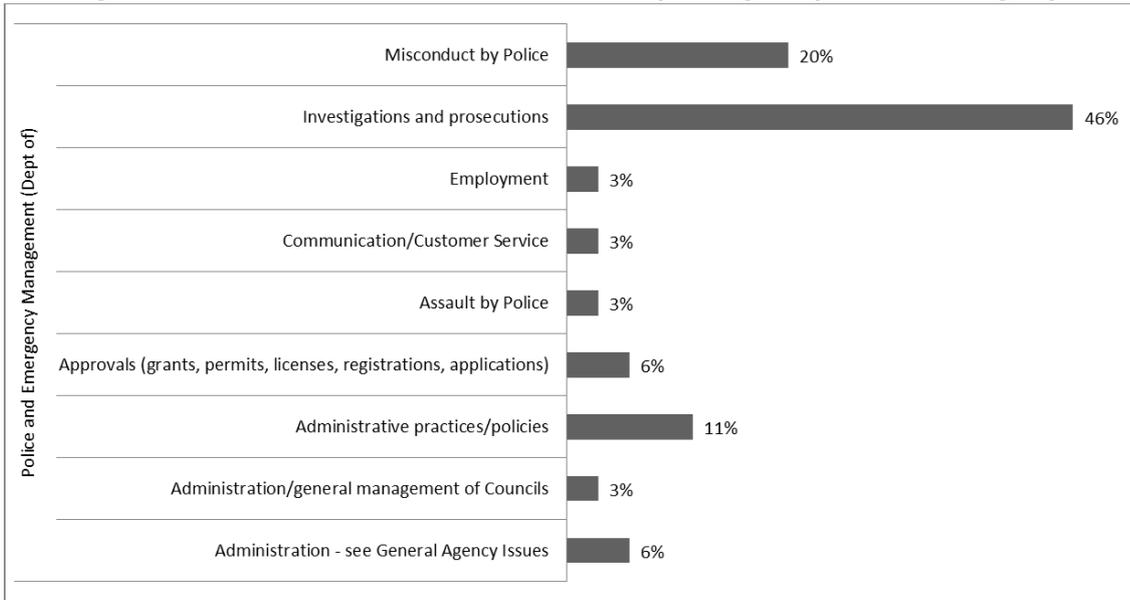


Figure 11. What were the main issues against state government departments?

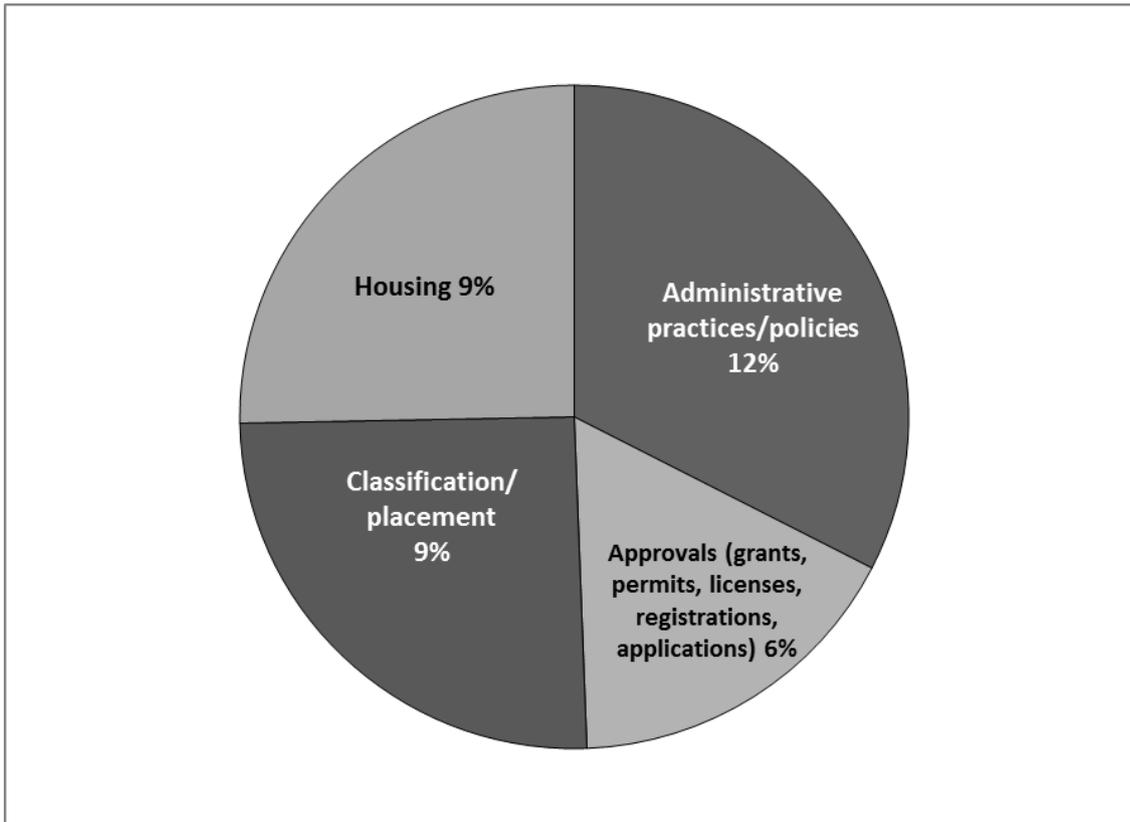


Figure 12. What were the main issues against corrective services?

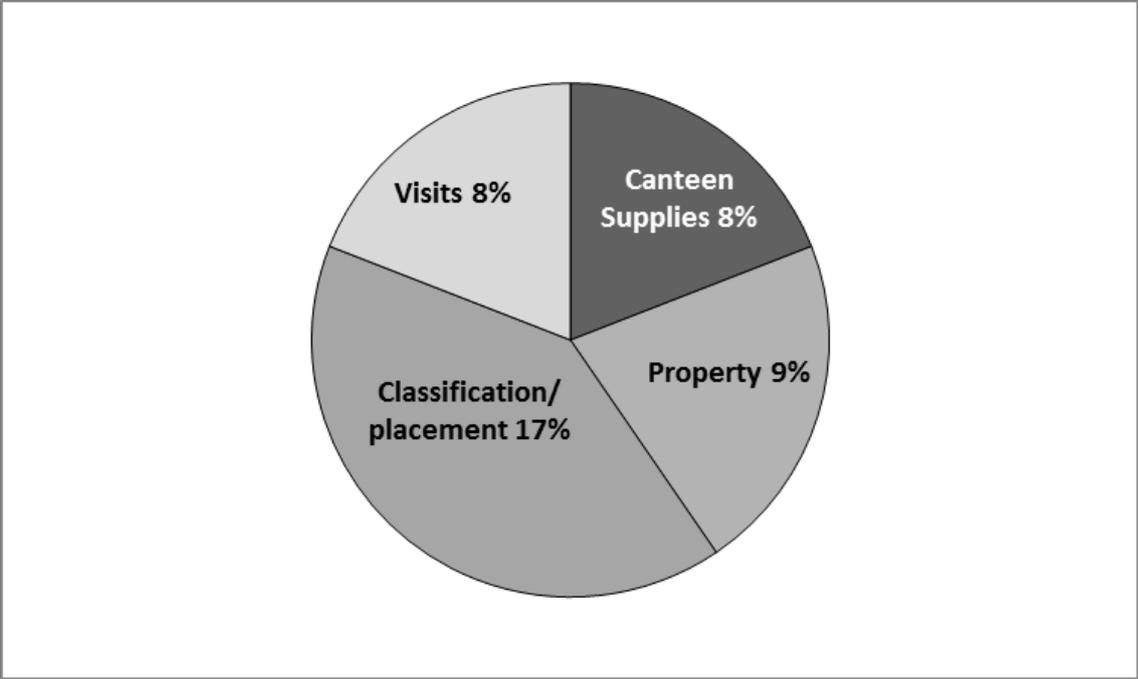


Figure 13. What were the main issues against local government?

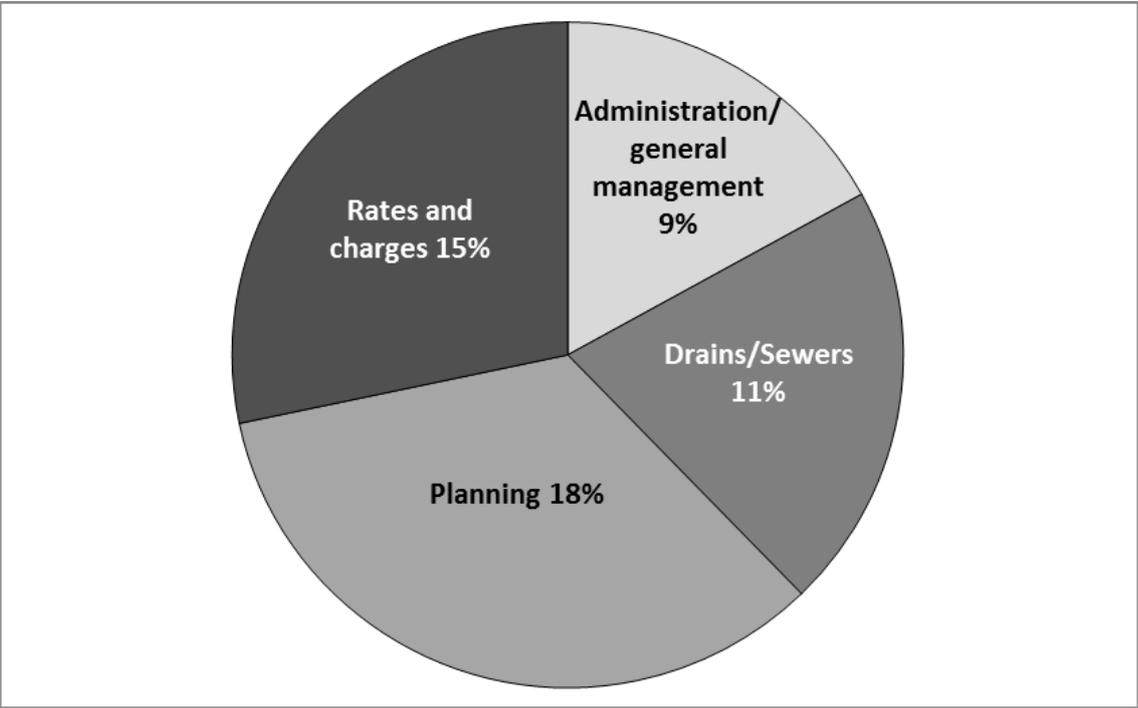
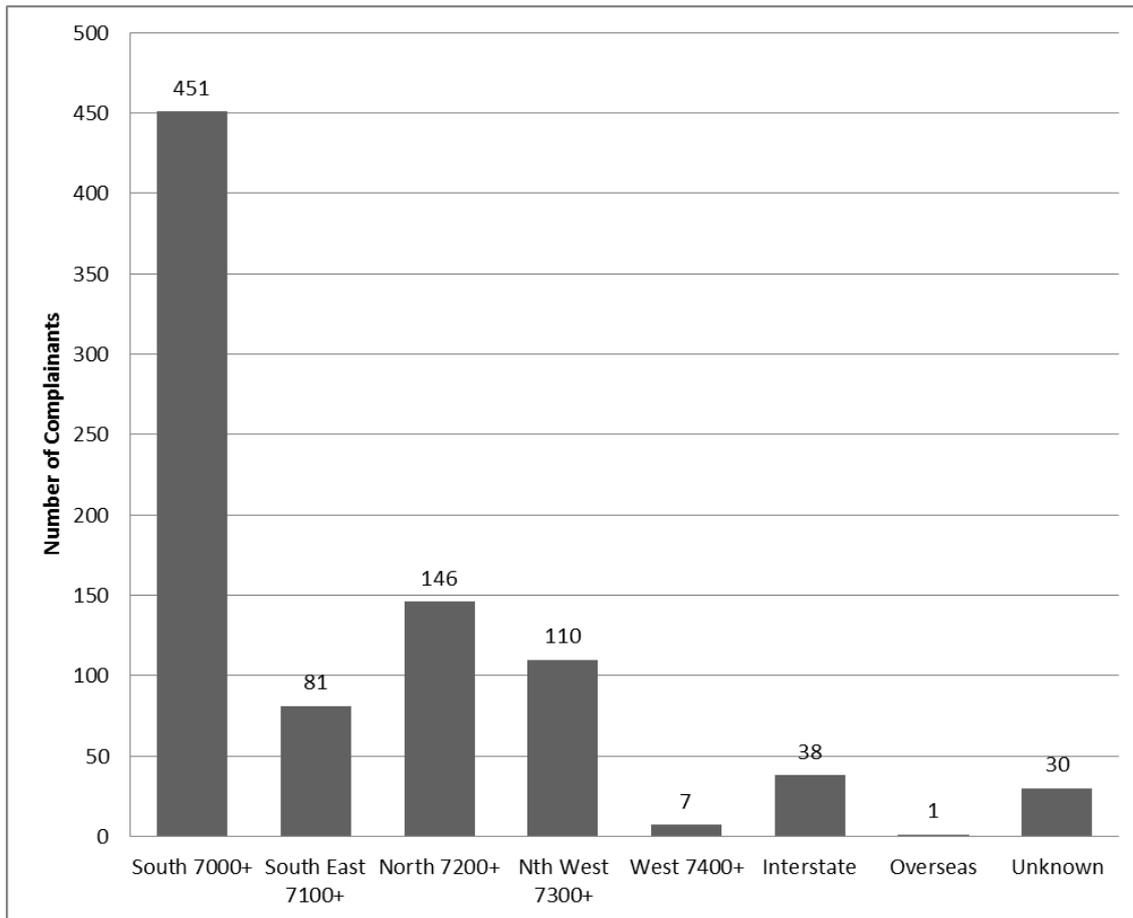


Figure 14. Geographical location of complainants



APPENDIX B: STATISTICS - FREEDOM OF INFORMATION ACT AND RIGHT TO INFORMATION ACT

Decision	FOI Table I.	Results of finalised cases	
	2010-11	2011-12	2012-13
Agency Decision Affirmed	3	4	0
Agency Decision Varied	6	4	0
Agency Decision Set Aside	2	0	0
Other	25	11	0
Total	36	19	0

Decision	RTI Table I.	Results of finalised cases	
	2010-11	2011-12	2012-13
Agency Decision Affirmed	6	13	10
Agency Decision Varied	0	1	9
Agency Decision Set Aside	1	0	3
Other	8	14	25
Total	15	28	47

RTI Table 2.

Reviews against state government departments

Departments	Applications Received 2011-12	Applications Received 2012-13	Closed 2012-13	Reviews undertaken	Agency Decision Varied
Economic Development, Tourism & the Arts	1	1	1		
Education	2	0	0		
Health & Human Services	5	4	3	3	1
Infrastructure, Energy & Resources	1	1	1		
Justice	2	6	11	1	1
Premier & Cabinet	0	1	2		
Primary Industries & Water	2	1	4	3	1
Police & Emergency Management	14	2	10	8	3
Treasury & Finance	0	0	1		
Sub-total	27	16	33	15	6

RTI Table 3. Reviews against local government

Councils	Applications Received 2011-12	Applications Received 2012-13	Closed 2012-13	Reviews undertaken	Agency Decision Varied
Break O'Day Council	0	1	1		
Dorset Council	0	0	1	1	1
George Town Council	1	0	3	2	
Launceston City Council	2	0	2	1	
Northern Midlands Council		1	1		
Sorell Council	1	0	0		
Waratah/Wynyard Council	1	0	0		
Sub-total	5	2	8	4	1

RTI Table 4. Reviews against statutory authorities and other bodies

Statutory Authorities and Other Bodies	Applications Received 2011-12	Applications Received 2012-13	Closed 2012-13	Reviews undertaken	Agency Decision Varied
Aurora Energy	3	2	2	1	
Forestry Tasmania	1	0	0		
Health Complaints Commissioner	1	0	0		
Metro Tasmania	2	1	1		
Motor Accidents Insurance Board	0	0	1	1	1
The Public Trustee	1	0	0		
Tote Tasmania	0	0	1		
University of Tasmania	0	0	1	1	1
Sub-total	8	3	6	3	2

RTI Table 5.

Reviews against Ministers

Ministers	Applications Received 2011-12	Applications Received 2012-13	Closed 2012-13	Reviews undertaken	Agency Decision Varied
Minister for Infrastructure	1	0	0		
Sub-total	1	0	0	0	0
Grand Total (RTI Tables 2-4)	41	21	47	22	9

APPENDIX C: STATISTICS - ENERGY OMBUDSMAN ACT

Energy Table 1. Enquiry Activity

	2011-12	2012-13	Variance
Enquiries opened and closed in the period	203	232	14%
Out of jurisdiction enquiries	62	28	-55%
Total Enquiries	265	260	-2%

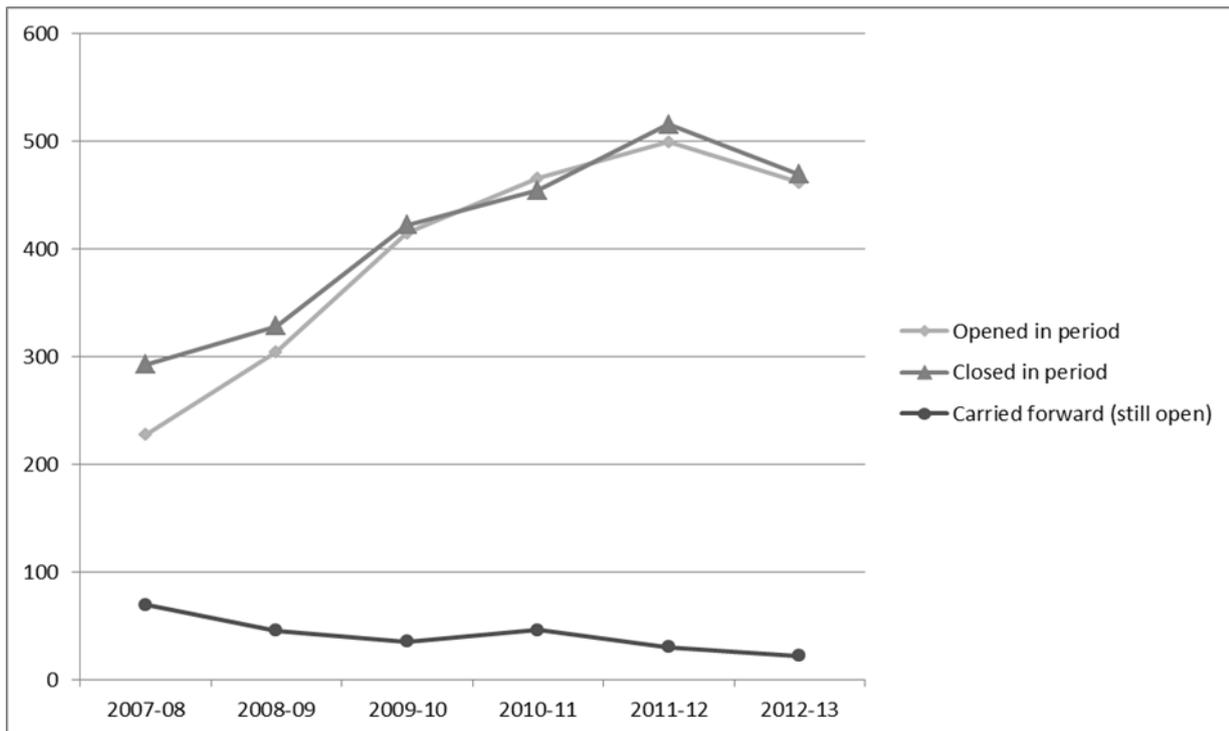
Energy Table 2. Complaint Activity

	2011-12	2012-13	Variance
Carried forward from previous period	46	30	-35%
Opened in Period	499	461	-8%
Closed in Period	515	469	-9%
Carried Forward (still open)	30	22	-27%
Total Approaches in Period (Enquiries plus complaints received)	702	693	-1%

Energy Table 3. Complaint activity 2007-08 to 2012-13

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
Carried forward from previous period	52	69	43	35	46	30
Opened in Period	309	302	414	465	499	461
Closed in Period	292	328	422	454	515	469
Carried Forward (still open)	69	43	35	46	30	22

Energy Figure I. Complaint activity 2007-08 to 2012-13



Energy Table 4. Closure reasons by entity

Closure Reason	Aurora Network	Aurora Retail	Hydro Tasmania	Tas Gas Network	Tas Gas Retail	Out of Jurisdiction
Complaints referred to higher level	14	63	1			
No further inv - fair/reasonable offer	4	17	2		1	
No further inv - insufficient grounds/not warranted	22	86		1		
No further inv - no further contact from customer	3	19			1	
No further inv - withdrawn by customer	3	5				
Out of Jurisdiction	7	6				13
Resolved - facilitated resolution	28	125			3	
Resolved - negotiated resolution	9	36				
Grand Total	90	357	3	1	5	13

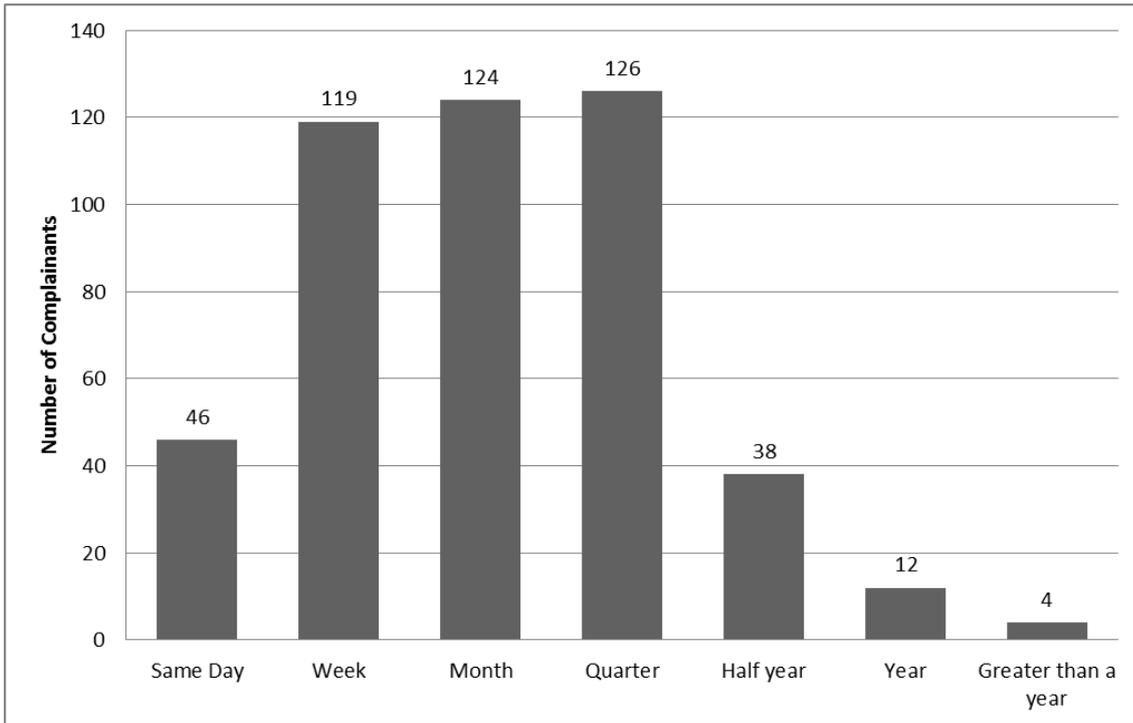
Energy Table 5. Closure reasons by category

Category	Issue	2011-12	2012-13
Billing	Backbill	1	2
	Delay	10	6
	Error	27	29
	Estimation	45	67
	Fees & charges	24	24
	High	135	83
	Meter	20	7
	Other	15	32
	Rebate / concession	10	11
	Refund	1	3
	Tariff	29	16
	Billing total	317	280
Credit	Collection	8	8
	Disconnection / restriction	33	34
	Payment difficulties	47	28
	Credit total	88	70
Customer service	Failure to consult / inform	3	2
	Failure to respond	11	15
	Incorrect advice / information	18	14
	Poor / unprofessional attitude	7	2
	Poor service	31	19
	Privacy	1	2
	Customer service Total	71	54
General	Energy / water	0	9
	Non energy/Non water	0	4
	General Total	0	13

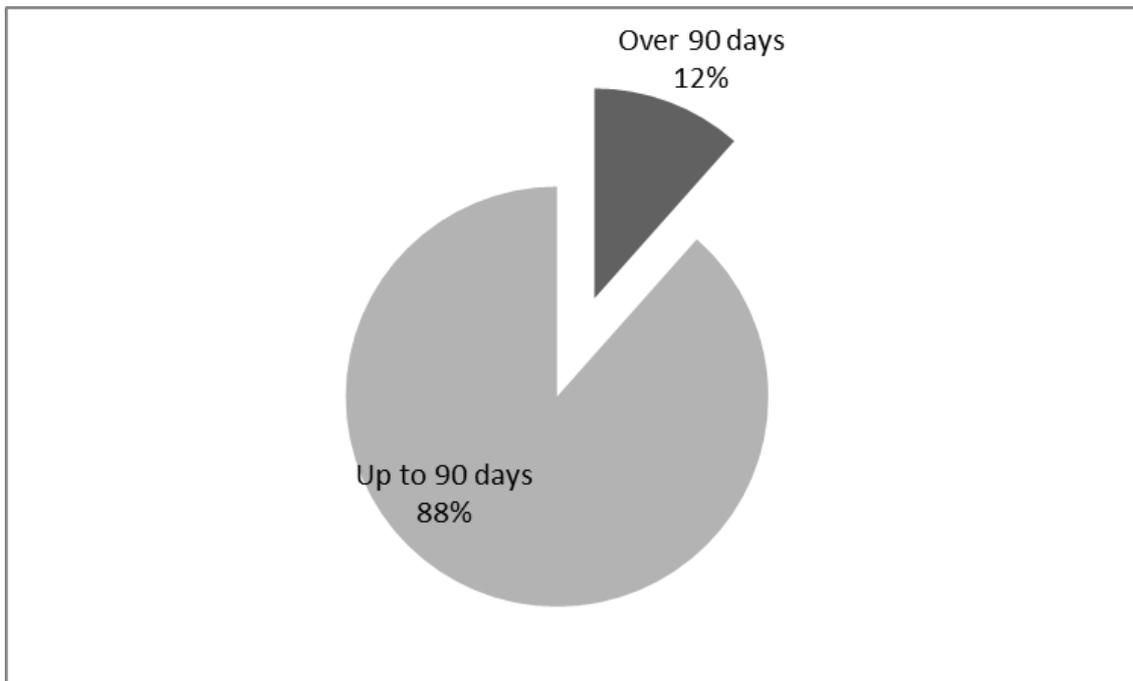
Energy Table 5. Closure reasons by category cont.

Category	Issue	2011-12	2012-13
Land	Easement	3	1
	Network assets	11	7
	Other	1	8
	Street lighting	1	0
	Vegetation management	2	3
	Land total	18	19
Provision	Disconnection / restriction	2	5
	Existing connection	13	18
	New connection	30	24
	Provision total	45	47
Supply	Off supply (planned)	8	4
	Off supply (unplanned)	20	9
	Quality	2	0
	Sustainability initiatives	0	0
	Variation	2	8
	Supply total	32	21
Transfer	Objection / rejected by retailer	1	0
	Transfer total	1	0
	Grand Total	572	504

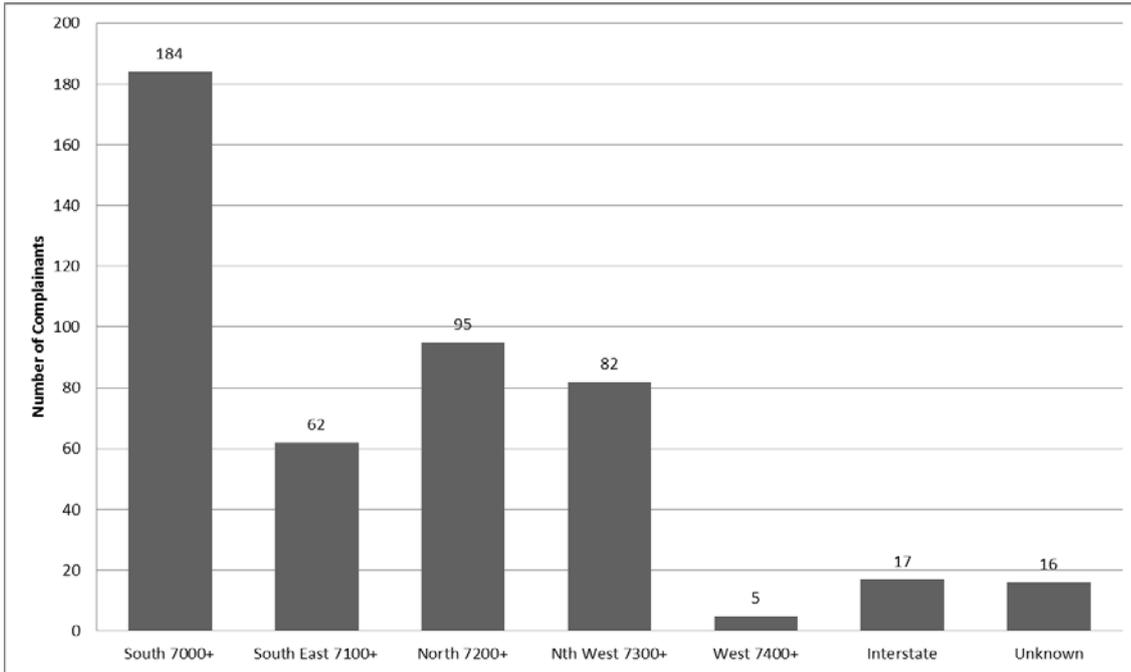
Energy Figure 2. Time taken to resolve complaints



Energy Figure 3. Complaints resolved within 90 days



Energy Figure 4. Geographical location of complainants



APPENDIX D: FINANCIAL STATEMENTS 2012-13

Office of the Ombudsman and
Health Complaints Commissioner

Financial Statements 2012-13

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Office of the Ombudsman and Health Complaints Commissioner
Statement of Comprehensive Income for the year ended
30 June 2013

Notes	2013 Budget \$'000	2013 Actual \$'000	2012 Actual \$'000
Continuing operations			
Revenue and other income from transactions			
Revenue from Government			
Appropriation revenue - recurrent	1.6(a), 3.1	2 080	2 011
Other revenue from Government	1.6(a), 3.1	19	39
Revenue from Energy Entities	1.6(b), 3.2	523	503
Other revenue	1.6(c), 3.3	-	127
Total revenue and other income from transactions		2 622	2 680
Expenses from transactions			
Employee benefits	1.7(a), 4.1	1 934	2 007
Depreciation and amortisation	1.7(b), 4.2	44	48
Supplies and consumables	4.3	520	506
Other expenses	1.7(c), 4.4	184	107
Total expenses from transactions		2 682	2 668
Net result from transactions (net operating balance)		(60)	12
Comprehensive result		(60)	(228)

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 2 of the accompanying notes.

Office of the Ombudsman and Health Complaints Commissioner

Statement of Financial Position as at 30 June 2013

	Notes	2013 Budget \$'000	2013 Actual \$'000	2012 Actual \$'000
Assets				
<i>Financial assets</i>				
Cash and deposits	1.9(a), 8.1	201	208	98
Receivables	1.9(b), 5.1	69	3	68
Other financial assets	1.8(e)	7	-	-
<i>Non-financial assets</i>				
Property, plant and equipment	1.8(c), 5.2	67	53	60
Intangibles	1.9(d), 5.3	59	54	95
Total assets		403	318	321
Liabilities				
Payables	1.10(a), 6.1	36	10	24
Employee benefits	1.10(b), 6.2	350	438	397
Other liabilities	1.9(d), 6.3	19	-	42
Total liabilities		405	448	463
Net assets (liabilities)		(2)	(130)	(142)
Equity				
Accumulated funds		(2)	(130)	(142)
Total equity		(2)	(130)	(142)

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 2 of the accompanying notes.

Office of the Ombudsman and Health Complaints Commissioner

Statement of Cash Flows for the year ended 30 June 2013

	Notes	2013 Budget \$'000	2013 Actual \$'000	2012 Actual \$'000
		Inflows (Outflows)	Inflows (Outflows)	Inflows (Outflows)
Cash flows from operating activities				
Cash inflows				
Appropriation receipts – recurrent		2 080	2 011	2 206
GST receipts		-	113	53
Other cash receipts		523	630	488
Total cash inflows		2 603	2 754	2 747
Cash outflows				
Employee benefits		(1 728)	(1 782)	(1 882)
Superannuation		(189)	(193)	(185)
GST payments		-	(49)	(53)
Supplies and consumables		(519)	(509)	(515)
Other cash payments		(184)	(111)	(185)
Total cash outflows		(2 620)	(2 644)	(2 820)
Net cash from (used by) operating activities	8.2	(17)	110	(73)
Net increase (decrease) in cash held and cash equivalents				
		(17)	110	(73)
Cash and deposits at the beginning of the reporting period		218	98	171
Cash and deposits at the end of the reporting period	8.1	201	208	98

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 2 of the accompanying notes.

Office of the Ombudsman and Health Complaints Commissioner Statement of Changes in Equity for the year ended 30 June 2013

	Accumulated surplus / deficit \$'000	Total equity \$'000
Balance as at 1 July 2012	(142)	(142)
Total comprehensive result	12	12
Total	12	12
Balance as at 30 June 2013	(130)	(130)

	Accumulated surplus / deficit \$'000	Total equity \$'000
Balance as at 1 July 2011	86	86
Total comprehensive result	(228)	(228)
Total	(228)	(228)
Balance as at 30 June 2012	(142)	(142)

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

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Note 1 Significant Accounting Policies

1.1 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*, and the Energy Ombudsman under the *Energy Ombudsman Act 1998*. 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 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.

1.2 Basis of Accounting

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

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

The Financial Statements were signed by the Head of Agency and Business Manager on 14 August 2013.

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 accounting policies are generally consistent with the previous year except for those changes outlined in Note 1.5.

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.

1.3 Reporting Entity

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

1.4 Functional and Presentation Currency

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

1.5 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 2010-6 *Amendments to Australian Accounting Standards – Disclosures on Transfers of Financial Assets [AASBs 1 & 7]* – This Standard introduces additional disclosure relating to transfers of financial assets in AASB 7. An entity shall disclose all transferred financial assets that are not derecognised and any continuing involvement in a transferred asset, existing at the reporting date, irrespective of when the related transfer transaction occurred. There is no financial impact.
- AASB 2011-1 *Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project [AASBs 1, 5, 101, 107, 108, 121, 128, 132 & 134 and Interpretations 2, 112 & 113]* – this Standard, in conjunction with AASB 1054, removes disclosure requirements from other Standards and incorporates them in a single Standards to achieve convergence between Australian and New Zealand Accounting Standards. There is no financial impact.
- AASB 2011-9 *Amendments to Australian Accounting Standards – Presentation of Items Other Comprehensive Income [AASB 1, 5, 7, 101, 112, 120, 121, 132, 133, 134, 1039 & 1049]* – This Standard requires to group items presented in other comprehensive income on the basis of whether they are potentially reclassifiable to profit or loss subsequently (reclassification adjustments). There is no financial impact.
- AASB 2012-6 *Amendments to Australian Accounting Standards – Mandatory Effective Date of AASB 9 and Transition Disclosures [AASB 9, AASB 2009-11, AASB 2010-7, AASB 2011-7 & AASB 2011-8]* – This Standard amends the mandatory effective date of AASB 9 Financial Instruments so that AASB 9 is required to be applied for annual reporting periods beginning on or after 1 January 2015 instead of 1 January 2013. There is no financial impact.

(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 9 *Financial Instruments* – This Standard supersedes AASB 139 *Financial Instruments: recognition and Measurement*, introducing a number of changes to accounting treatments. The Standard was reissued in December 2010. The Standard was issued in August 2011 but is not yet available for application by not-for-profit entities.
- AASB 13 *Fair Value Measurement* – This Standard defines fair value, sets out a framework for measuring fair value and requires disclosures about fair value measurements. AASB 13 *Fair Value Measurement* sets out a new definition of 'fair value' as well as new principles to be applied when determining the fair value of assets and liabilities. The new requirements will apply to all of the Office's assets and liabilities (excluding leases), that are measured and/or disclosed at fair value or another measurement based on fair value.

The Office has commenced reviewing its fair value methodologies (including instructions to valuers, data used and assumptions made) for all items of property, plant and equipment measured at fair value to determine whether those methodologies comply with AASB 13. To the extent that the methodologies don't comply, changes will be necessary. While the Office is yet to complete this review, no substantial changes are anticipated, based on the fair value methodologies presently used. Therefore, at this stage, no consequential material impacts are expected for the Office's property, plant and equipment as from 2013-14.

AASB 13 will require an increased amount of information to be disclosed in relation to fair value measurements for both assets and liabilities. To the extent that any fair value measurement for an asset or liability uses data that is not 'observable' outside the Office, the amount of information to be disclosed will be relatively greater.

- AASB 119 *Employee Benefits* – This Standard supersedes AASB 119 *Employee Benefits*, introducing a number of changes to accounting treatments. The Standard was issued in September 2012.

- AASB 1053 Application of Tiers of Australian Accounting Standards – This Standard establishes a differential financial reporting framework consisting of two tiers of reporting requirements for preparing general purpose financial statements. The Standard does not have any financial impact on the Office. However, it may affect disclosures if reduced disclosure requirements apply.
- AASB 2010-2 Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements [AASBs 1, 2, 3, 5, 7, 8, 101, 102, 107, 108, 110, 111, 112, 116, 117, 119, 121, 123, 124, 127, 128, 131, 133, 134, 136, 137, 138, 140, 141, 1050, & 1052 and Interpretations 2, 4, 5, 15, 17, 127, 129, & 1052] – This Standard makes amendments to Australian Accounting Standards and Interpretations to introduce reduced disclosure requirements for certain types of entities. There is no financial impact.
- AASB 2010-7 Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASBs 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 & 1038 and Interpretations 2, 5, 10, 12, 19, & 127] – This Standard makes consequential amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB in December 2010. It is not anticipated that there will be any financial impact.
- AASB 2011-2 Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project – Reduced Disclosure Requirements [AASB 101 & AASB 1054] – This Standard removes disclosure requirements from other standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards for reduced disclosure reporting. There is no expected financial impact of applying these changes, as the Office is a Tier 1 entity.
- AASB 2011-8 Amendments to Australian Accounting Standards arising from AASB 13 [AASB 1, 2, 3, 4, 5, 7, 101, 116, 117, 118, 119, 120, 121, 131, 132, 133, 134, 136, 138, 139, 140, 141, 1004, 1023 & 1038 and Interpretations 2, 4, 12, 13, 14, 17, 19, 131 & 132] – This Standard replaces the existing definition and fair value guidance in other Australian Accounting Standards and Interpretations as the result of issuing AASB 13 in September 2011. It is anticipated that there will not be any financial impact.
- AASB 2011-10 Amendments to Australian Accounting Standards arising from AASB 119 (September 2011) [AASB1, 8, 101, 124, 134, 1049, & 2011-8 and Interpretation 14] – This Standard makes amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 119 in September 2011. It is anticipated that there will be limited financial impact.
- AASB 2011-11 Amendments to AASB 119 (September 2011) arising from Reduced Disclosure Requirements – This Standard gives effect to Australian Accounting Standards – Reduced Disclosure Requirements for AASB 119 (September 2011). It is anticipated that there will not be any financial impact.
- AASB 2012-1 Amendments to Australian Accounting Standards – Fair Value Measurement – Reduced Disclosure Requirements [AASB 3, AASB 7, AASB 13, AASB 140 & AASB 141] – This Standard establishes and amends reduced disclosure requirements for additional and amended disclosures arising from AASB 13 and the consequential amendments implemented through AASB 2011-8. It is anticipated that there will not be any financial impact.
- AASB 2012-2 Amendments to Australian Accounting Standards - Disclosures – Offsetting Financial Assets and Financial Liabilities [AASB 7 & AASB 132] – This Standard amends the required disclosures in AASB 7 to include information that will enable users of an entity's financial statements to evaluate the effect or potential effect of netting arrangements, including rights of set-off associated with the entity's recognised financial assets and recognised financial liabilities, on the entity's financial position. It is anticipated that there will not be any financial impact.
- AASB 2012-3 Amendments to Australian Accounting Standards – Offsetting Financial Assets and Financial Liabilities [AASB 132] – This Standard adds application guidance to AASB 132 to address inconsistencies identified in applying some of the offsetting criteria, including clarifying the meaning of “currently has a legally enforceable right of set-off” and that some gross settlement systems may be considered equivalent to net settlement. It is anticipated that there will not be any financial impact.

- AASB 2012-7 *Amendments to Australian Accounting Standards arising from the Consolidation and Joint Arrangements Standards* [AASBs 1, 2, 3, 5, 7, 9, 2009-11, 101, 107, 112, 118, 121, 124, 132, 133, 136, 138, 139, 1023 & 1038 and Interpretations 5, 9, 16 and 17] – This Standard replaces the existing definition and fair value guidance in other Australian Accounting Standards and Interpretations as the result of issuing AASB 13 in September 2012. It is not expected to have a financial impact.

1.6 Income 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.

(a) Revenue from Government

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

(b) 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.

(c) Other revenue

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

1.7 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.

(a) 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.

(b) 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, TRIM, the document and records management system, and the Office websites are amortised on a straight-line basis over 5 years.

(c) 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.

1.8 Other Economic Flows Included in Net Result

Other economic flows measure the change in volume or value of assets or liabilities that do not result from transactions.

(a) Gain/(loss) on sale of non-financial assets

Gains or losses from the sale of Non-financial assets are recognised when control of the assets has passed to the buyer.

(b) Impairment – Financial assets

Financial assets are assessed at each reporting date to determine whether there is any objective evidence that there are any financial assets that are impaired. A financial asset is considered to be impaired if objective evidence indicates that one or more events have had a negative effect on the estimated future cash flows of that asset.

An impairment loss, in respect of a financial asset measured at amortised cost, is calculated as the difference between its carrying amount, and the present value of the estimated future cash flows discounted at the original effective interest rate when it can be reliably measured.

All impairment losses are recognised in the Statement of Comprehensive Income.

An impairment loss is reversed if the reversal can be related objectively to an event occurring after the impairment loss was recognised. For financial assets measured at amortised cost, the reversal is recognised in profit or loss.

(c) Impairment – Non-financial assets

All non-financial assets are assessed to determine whether any impairment exists. Impairment exists when the recoverable amount of an asset is less than its carrying amount. Recoverable amount is the higher of fair value less costs to sell and value in use. The Office's assets are not used for the purpose of generating cash flows; therefore value in use is based on depreciated replacement cost where the asset would be replaced if deprived of it.

All impairment losses are recognised in Statement of Comprehensive Income.

In respect of other assets, impairment losses recognised in prior periods are assessed at each reporting date for any indications that the loss has decreased or no longer exists. An impairment loss is reversed if there has been a change in the estimates used to determine the recoverable amount. An impairment loss is reversed only to the extent that the asset's carrying amount does not exceed the carrying amount that would have been determined, net of depreciation or amortisation, if no impairment loss had been recognised.

(d) Other gains/(losses) from other economic flows

Other gains/(losses) from other economic flows includes gains or losses from reclassifications of amounts from reserves and/or accumulated surplus to net result, and from the revaluation of the present values of the long service leave liability due to changes in the bond interest rate.

1.9 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.

(a) Cash and deposits

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. Deposits are recognised at amortised cost, being their face value.

(b) Receivables

Receivables are recognised at amortised cost, less any impairment losses, however, due to the short settlement period, receivables are not discounted back to their present value.

(c) 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).

(d) 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. The system went live and the asset was commissioned in mid October 2008 at which point amortisation commenced.

The implementation costs of the Office websites are recognised as an intangible asset and are currently valued at cost. The websites were launched and the asset commissioned on 1 July 2010 at which point amortisation commenced.

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. The Office went live with TRIM and the asset was commissioned in April 2011 at which point amortisation commenced.

(e) Other financial assets

Other financial assets comprise 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.

1.10 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.

(a) 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.

(b) Employee benefits

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. Other employee entitlements are measured as the present value of the benefit at 30 June 2013, where the impact of discounting is material, and at the amount expected to be paid if discounting is not material.

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.

(c) 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.

(d) Other liabilities

The Office has separately recognised a liability for the payroll tax on accrued salaries calculated at 6.1% of accrued salaries as at 30 June 2012. The Office ceased to pay payroll tax from 1 October 2012.

1.11 Leases

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

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

1.12 Judgements and Assumptions

In the application of Australian Accounting Standards, the Office is required to make judgements, estimates and assumptions about carrying values of assets and liabilities that are not readily apparent from other sources. The estimates and associated assumptions are based on historical experience and various other factors that are believed to be reasonable under the circumstances, the results of which form the basis of making the judgements. Actual results may differ from these estimates.

The estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period or in the period of the revision and future periods if the revision affects both current and future periods.

The areas where estimates of any material amount are made regularly relate to the carrying amount of receivables, refer note 1.8(b), work in progress, refer note 1.8(c), depreciation and amortisation, refer note 1.7(b) and the provision for employee benefits, refer notes 1.9(b) and 1.9(d)

The Office has made no assumptions concerning the future that may cause a material adjustment to the carrying amounts of assets and liabilities within the next reporting period.

1.13 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.

1.14 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 0.

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

1.15 Budget Information

Budget information refers to original estimates as disclosed in the 2012-13 Budget Papers and is not subject to audit.

1.16 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.

1.17 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.

1.18 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.

Note 2 Explanations of Material Variances between Budget and Actual Outcomes

The following are brief explanations of material variances between Budget estimates and actual outcomes. Variances are considered material where the variance exceeds the greater of 10 per cent of Budget estimate and \$25,000.

2.1 Statement of Comprehensive Income

	Note	Budget \$'000	Actual \$'000	Variance \$'000	Variance %
Other revenue	(a)	-	127	127	100
Other expenses	(b)	184	107	77	(42)

Notes to Statement of Comprehensive Income variances

- (a) The additional revenue was due to salary reimbursement from a workers compensation matter and a funding agreement finalised through a memorandum of understanding with the Commonwealth Ombudsman for 2012-13.
- (b) The reduced expenditure is attributed to the cessation of payroll tax liabilities from 1 October 2012.

2.2 Statement of Financial Position

	Note	Budget \$'000	Actual \$'000	Variance \$'000	Variance %
Receivables	(a)	69	3	66	96
Payables	(b)	36	10	26	72
Employee benefits	(c)	350	438	88	(25)

Notes to Statement of Financial Position variances

- (a) Receivables were reduced due to timing of GST Input Tax Credit transactions at year end. This GST account is a control account used between Justice and the Office.
- (b) The accrued creditor budget was based on the 2011/12 liability, however at the end of 2012/13, there were significantly less creditor payments outstanding.
- (c) The unexpected Employee Benefits expenses relates to both accrued Annual Leave and Long Service Leave not being taken during the year and a salary increase that added to leave liabilities.

2.3 Statement of Cash Flows

	Note	Budget \$'000	Actual \$'000	Variance \$'000	Variance %
GST receipts	(a)	-	113	113	100
Other cash receipts	(b)	523	630	107	(20)
GST payments	(a)	-	49	49	(100)
Other cash payments	(c)	184	111	73	40

Notes to Statement of Cash Flows variances

- (a) All taxation issues are managed by the Department of Justice on the Office's behalf. No budget for GST receipts or GST payments was included in the original budget.

- (b) The increase in cash receipts relates to a salary reimbursement from a workers compensation matter and funding finalised through a memorandum of understanding with the Commonwealth Ombudsman for 2012-13
- (c) The reduction in cash payments related to the cessation of cessation of payroll tax liabilities from 1 October 2012.

Note 3 Income from transactions

3.1 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.

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

	2013 Budget \$'000	2013 Actual \$'000	2012 Actual \$'000
Appropriation revenue - recurrent			
Current year	2 080	2 011	2 167
Total	2 080	2 011	2 167
Revenue from Government – other			
Appropriation carried forward under section 8A(2) of the <i>Public Account Act 1986</i> taken up as revenue in the current year	19	39	-
Total	19	39	-
Total revenue from Government	2 099	2 050	2 167

3.2 Revenue from Energy Entities

	2013 \$'000	2012 \$'000
Energy Entities Membership and Complaint Levy Fees	503	469
Total	503	469

3.3 Other Revenue

	2013 \$'000	2012 \$'000
Commonwealth Ombudsman Funding	19	18
Other revenue	108	1
Total	127	19

Note 4 Expenses from transactions

4.1 Employee Benefits

	2013	2012
	\$'000	\$'000
Wages and salaries	1 785	1 928
Superannuation – defined contribution scheme	159	122
Superannuation – defined benefit scheme	33	64
Other employee expenses	30	20
Total	2 007	2 134

Superannuation expenses relating to defined benefits schemes relate to payments into the Consolidated Fund. The amount of the payment is based on an employer contribution rate determined by the Treasurer, on the advice of the State Actuary. The current employer contribution at 30 June 2013 is 12.5 per cent of salary. The Australian Government has recently introduced a phased increase in the superannuation guarantee rate from 9 per cent to 12 per cent over the seven years ending 2019-20. This results in the Office's employer contribution rising to 12.75 per cent on 1 July 2013, 13.0 per cent from 1 July 2014, and increasing 0.5 per cent per annum through to 15.5 per cent from 1 July 2019.

Superannuation expenses relating to contribution schemes are paid directly to the superannuation fund at a rate of nine per cent of salary. In addition, departments (including the Office) are also required to pay to Treasury a "gap" payment equivalent to 3.5 per cent of salary in respect of employees who are members of the contribution schemes. Given the recent changes to the superannuation guarantee rate, the gap payment payable by departments and the Office is currently under review.

4.2 Depreciation and Amortisation

(a) Depreciation

	2013	2012
	\$'000	\$'000
Leasehold improvements	7	7
Total	7	7

(c) Amortisation

	2013	2012
	\$'000	\$'000
Intangibles	41	48
Total	41	48
Total depreciation and amortisation	48	55

4.3 Supplies and Consumables

	2013	2012
	\$'000	\$'000
Audit fees – financial audit	21	4
Operating lease costs	276	291
Consultants	10	11
Property services	13	12
Maintenance	1	-
Communications	41	34
Information technology	90	81
Travel and transport	23	43
Advertising and promotion	-	10
Printing	3	8
Other supplies and consumables	28	38
Total	506	532

The total fees for the audit of the annual financial statements were \$8,440 (2012, \$8,120).

4.4 Other Expenses

	2013	2012
	\$'000	\$'000
Salary on-costs	30	109
Other expenses	77	53
Total	107	162

Note 5 Assets

5.1 Receivables

	2013	2012
	\$'000	\$'000
Receivables	3	68
Less: Provision for impairment	-	-
Total	3	68
Settled within 12 months	3	68
Total	3	68

5.2 Property, Plant and Equipment

(a) Carrying amount

	2013	2012
	\$'000	\$'000
Leasehold Improvements		
At cost	69	69
Less: Accumulated depreciation	(16)	(9)
Total	53	60
Total property, plant and equipment	53	60

(b) Reconciliation of movements

	2013	2012
	\$'000	\$'000
Carrying amount at 1 July	60	67
Depreciation	(7)	(7)
Carrying amount at 30 June	53	60

5.3 Intangibles

(a) Carrying amount

	2013	2012
	\$'000	\$'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)	17	17
Less: Accumulated amortisation	(186)	(145)
Total intangibles	54	95

(b) Reconciliation of movements

	2013	2012
	\$'000	\$'000
Carrying amount at 1 July	95	143
Amortisation expense	(41)	(48)
Carrying amount at 30 June	54	95

Note 6 Liabilities

6.1 Payables

	2013	2012
	\$'000	\$'000
Creditors	-	14
Accrued expenses	10	10
Total	10	24
Settled within 12 months	10	24
Total	10	24

Settlement is usually made within 30 days.

6.2 Employee Benefits

	2013	2012
	\$'000	\$'000
Accrued salaries	51	58
Annual leave	123	97
Long service leave	264	242
Total	438	397
Settled within 12 months	175	160
Settled in more than 12 months	263	237
Total	438	397

6.3 Other Liabilities

	2013	2012
	\$'000	\$'000
Revenue received in advance		
Appropriation carried forward from current and previous years under section 8A of the <i>Public Account Act 1986</i>	-	39
Other liabilities		
Employee benefits – on-costs	-	3
Total	-	42
Settled within 12 months	-	42
Settled in more than 12 months	-	-
Total	-	42

Note 7 Commitments and Contingencies

7.1 Schedule of Commitments

	2013 \$'000	2012 \$'000
By type		
<i>Lease Commitments</i>		
Operating leases	684	940
<i>Total lease commitments</i>	684	940
<i>Other commitments</i>		
Resolve Case Management System Maintenance	9	8
Service Level Agreement	-	47
<i>Total other commitments</i>	9	55
By maturity		
<i>Operating lease commitments</i>		
One year or less	317	323
From one to five years	367	617
<i>Total operating lease commitments</i>	684	940
<i>Other commitments</i>		
One year or less	9	8
From one to five years	-	47
<i>Total other commitments</i>	9	55
Total	693	995

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

7.2 Contingent Assets and Liabilities

Contingent assets and liabilities are not recognised in the Statement of Financial Position due to uncertainty regarding the amount or timing of the 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 2013 the Office had no contingent assets or liabilities.

Note 8 Cash Flow Reconciliation

8.1 Cash and Deposits

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

	2013	2012
	\$'000	\$'000
Special Deposits and Trust Fund balance		
T528 Office of the Ombudsman Operating Account	208	98
Total cash and deposits	208	98

8.2 Reconciliation of Net Result to Net Cash from Operating Activities

	2013	2012
	\$'000	\$'000
Net result	12	(228)
Depreciation and Amortisation	48	55
Decrease (increase) in Receivables	65	1
Increase (decrease) in Employee entitlements	41	80
Increase (decrease) in Payables	(14)	(5)
Increase (decrease) in Other liabilities	(42)	24
Net cash from (used by) operating activities	110	(73)

Note 9 Financial Instruments

9.1 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 is the risk of financial loss to the Office if a customer or counterparty to a financial instrument fails to meet its contractual obligations.

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 impairment 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 following tables analyse financial assets that are past due but not impaired

Analysis of financial assets that are past due at 30 June 2013 but not impaired

	Past due 30 days	Total
	\$'000	\$'000
Receivables	3	3

Analysis of financial assets that are past due at 30 June 2012 but not impaired

	Past due 30 days	Total
	\$'000	\$'000
Receivables	68	68

(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:

2013

Maturity analysis for financial liabilities			
	1 Year \$'000	Undiscounted Total \$'000	Carrying Amount \$'000
Financial liabilities			
Payables	10	10	10
Total	10	10	10

2012

Maturity analysis for financial liabilities			
	1 Year \$'000	Undiscounted Total \$'000	Carrying Amount \$'000
Financial liabilities			
Payables	24	24	24
Total	24	24	24

9.2 Categories of Financial Assets and Liabilities

	2013 \$'000	2012 \$'000
Financial assets		
Cash and cash equivalents	208	98
Receivables	3	68
Total	211	166
Financial Liabilities		
Financial liabilities measured at amortised cost	10	24
Total	10	24

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

	Carrying Amount 2013 \$'000	Net Fair Value 2013 \$'000	Carrying Amount 2012 \$'000	Net Fair Value 2012 \$'000
Financial assets				
Cash in Special Deposits and Trust Fund	208	208	98	98
Receivables	3	3	68	68
Total financial assets	211	211	166	166
Financial liabilities				
Trade creditors	10	10	24	24
Total financial liabilities	10	10	24	24

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.

9.4 Net Fair Value of Financial Assets and Liabilities

2013

	Net Fair Value Level 1 \$'000	Net Fair Value Level 2 \$'000	Net Fair Value Level 3 \$'000	Net Fair Value Total \$'000
Financial assets				
Cash and deposits	208	-	-	208
Receivables	3	-	-	3
Total financial assets	211	-	-	211
Financial liabilities				
Payables	10	-	-	10
Total financial liabilities	10	-	-	10

2012

	Net Fair Value Level 1 \$'000	Net Fair Value Level 2 \$'000	Net Fair Value Level 3 \$'000	Net Fair Value Total \$'000
Financial assets				
Cash and deposits	98	-	-	98
Receivables	68	-	-	68
Total financial assets	166	-	-	166
Financial liabilities				
Payables	24	-	-	24
Total financial liabilities	24	-	-	24

The recognised fair values of financial assets and financial liabilities are classified according to the fair value hierarchy that reflects the significance of the inputs used in making these measurements. The Department uses various methods in estimating the fair value of a financial instrument. The methods comprise:

- Level 1 – the fair value is calculated using quoted prices in active markets;
- Level 2 – the fair value is estimated using inputs other than quoted prices included in Level 1 that are observable for the asset or liability, either directly (as prices) or indirectly (derived from prices); and
- Level 3 – the fair value is estimated using inputs for the asset or liability that are not based on observable market data.

Financial Assets

The net fair values of cash and non-interest bearing monetary financial assets approximate their carrying amounts.

The net fair value of receivables are recognised at amortised cost, less any impairment losses, however, due to the short settlement period, receivables are not discounted back to their present value.

Financial Liabilities

The net fair values for trade creditors are approximated by their carrying amounts.

Note 10 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.

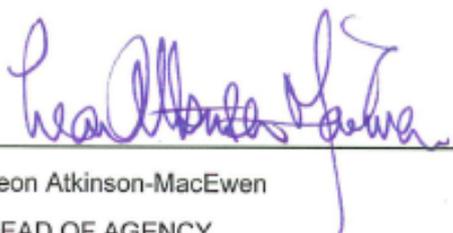
Note 11 Events Occurring After Balance Date

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 2013.

Statement by Head of Agency and Principal Accounting Officer

The accompanying Financial Statements of the Office of the Ombudsman and Health Complaints Commissioner are in agreement with the relevant accounts and records and have been prepared in compliance with Treasurer's Instructions issued under the provision of the *Financial Management and Audit Act 1990* to present fairly the financial transactions for the year ended 30 June 2013 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.



Leon Atkinson-MacEwen
HEAD OF AGENCY



Debbie White
BUSINESS MANAGER

APPENDIX E: INDEPENDENT AUDITORS REPORT

Independent Auditor's Report

To Members of the Parliament of Tasmania

Office of the Ombudsman and Health Complaints Commissioner

Financial Statements for the Year Ended 30 June 2013

Report on the Financial Statements

I have audited the accompanying financial statements of the Office of the Ombudsman and Health Complaints Commissioner (the Office), which comprises the statement of financial position as at 30 June 2013, the statements of comprehensive income, changes in equity and cash flows for the year ended on that date, a summary of significant accounting policies, other explanatory notes and the joint statement by the Ombudsman and Health Complaints Commissioner, as the Head of Agency and the Business Manager.

Auditor's Opinion

In my opinion the Office's financial statements:

- (a) present fairly, in all material respects, its financial position as at 30 June 2013, and its financial performance, cash flows and changes in equity for the year then ended; and
- (b) are in accordance with the *Financial Management and Audit Act 1990* and Australian Accounting Standards.

The Responsibility of the Head of Agency for the Financial Statements

The Head of Agency is responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and Section 27 (1) of the *Financial Management and Audit Act 1990*. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

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Auditor's Responsibility

My responsibility is to express an opinion on the financial statements based upon my audit. My audit was conducted in accordance with Australian Auditing Standards. These Auditing Standards require that I comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance as to whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Head of Agency's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate to the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Office's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Head of Agency, as well as evaluating the overall presentation of the financial statements.

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

Independence

In conducting this audit, I have complied with the independence requirements of Australian Auditing Standards and other relevant ethical requirements. The *Audit Act 2008* further promotes independence by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General, and
- mandating the Auditor-General as auditor of State Entities but precluding the provision of non-audit services, thus ensuring the Auditor-General and the Tasmanian Audit Office are not compromised in their role by the possibility of losing clients or income.

Tasmanian Audit Office



Jara K Dean
General Manager Financial Audit services
Delegate of the Auditor-General

Hobart
26 September 2013

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APPENDIX F: 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.

In 2012-13 no contracts and consultancies were awarded.

PO—PRINCIPAL OFFICER
 SIO—SENIOR INVESTIGATION OFFICER
 IO—INVESTIGATION OFFICER
 FTE—FULL TIME EQUIVALENT
 CRO—COMPLAINTS RESOLUTION OFFICER

