

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Output: Corporate Services Group

Question No. 14

Senator Ludwig asked the following question at the hearing on 13 February 2007:

Ombudsman Annual Report: page 129, Table A1:

- a) What were the substances of those complaints?
- b) What issues, laws, policies or practices have changed as a result?
- c) How did the Department apologise to the people concerned?

The answer to the honourable senator's question is as follows:

(a) The Ombudsman's Annual Report for 2005/06 (pg 129) refers to 31 complaints/approaches received by his Office relating to the Attorney-General's Department. Of those matters investigated, the Annual Report notes that the Ombudsman recorded a total of six remedies. Details of these cases and resultant remedies, which involved four complainants, are provided below:

- Complainant 1 – remedy recorded as “Apology”

A complaint was made that the Department had not responded to correspondence concerning financial assistance. The Department accepted that there had been undue delay and wrote to the complainant apologising for the delay.

- Complainants 2 and 3 – remedy recorded as “law, practice or policy changed”

Two complaints were received about delays with the operation of the International Transfer of Prisoners Scheme and, in particular, the timeliness of replies to enquiries from prisoners. The Department instituted a number of administrative changes to address these concerns and the Ombudsman decided to make no further investigation of the specific complaints.

- Complainant 4 – remedies recorded as “Explanation” (2) and “non-financial”

The three remaining remedies listed in the Ombudsman's Report relate to a single complainant.

The first issue concerned the claim that the Department had failed to respond to two FOI requests. However, the Department had previously advised that it had released all documents in its possession and, in light of extensive communications over a long period of time, had advised the complainant that further correspondence would not be responded to unless new issues were raised. The Ombudsman's Office found that this response was not unreasonable and a remedy of “Explanation” was recorded. However, as a result of the complaint to the Ombudsman, the Department re-examined its files and wrote again to the complainant with further explanation concerning the FOI request. In light of this action, the Ombudsman also recorded a “non-financial remedy”.

A second issue raised by this complainant concerned the Department's refusal of an application for access to funding under the Special Circumstances (Overseas) Scheme (SCOS). The complaint was that the Department had failed to advise him of his possible eligibility for SCOS

funding and had not responded to his requests for funding in a timely manner. The Ombudsman's Office concluded that the Department had reasonably responded to the complainant's requests and recorded the outcome as "Explanation" by agency.

- (b) As noted above, pursuant to concerns raised by Complainants 2 and 3, changes were made to the administration of the International Transfer of Prisoners Scheme. These changes included: correspondence now being sent to prisoners at additional stages in the process, responses to prisoners no longer being postponed while waiting for information from other agencies, and the implementation of a database with automatic reminders to help manage the caseload.
- (c) The Department wrote to the complainant to convey the apology (Complainant 1 above).