

# ACCOUNTABILITY AND OVERSIGHT COMMITTEE

## Methodologies and outcomes from Victorian Ombudsman reports tabled in the Parliament

Melbourne — 4 June 2018

### Members

Mr Neil Angus — Chair

Ms Jaclyn Symes — Deputy Chair

Mr Michael Gidley

Mr Wade Noonan

Mr Luke O'Sullivan

Mr James Purcell

Ms Marsha Thomson

### Witness

Ms Deborah Glass, Victorian Ombudsman.

**The CHAIR** — I declare open the public hearing for the Accountability and Oversight Committee inquiry investigating methodologies and outcomes from Victorian Ombudsman reports tabled in the Parliament. All mobile telephones should now be turned to silent. I would like to welcome the Victorian Ombudsman, Ms Deborah Glass, from the office of the Victorian Ombudsman.

All evidence is taken by the committee under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Comments made outside the hearing, including on social media, are not afforded such privilege. The witness will not be sworn and is requested to answer all questions succinctly, accurately and truthfully. A witness found to be giving false or misleading evidence may be in contempt of Parliament and subject to penalty.

All evidence given today is being recorded by Hansard, and you will be provided with a proof version of the transcript for verification as soon as it is available. Verified transcripts, presentations and handouts will be placed on the committee's website as soon as possible. All written communication to the witness must be provided via officers of the committee secretariat. Members of the public gallery cannot participate in the committee's proceeding in any way and cannot photograph, audio record or videorecord any part of these proceedings.

I now invite the witness to make a very brief opening statement of no more than 10 minutes. This will be followed by questions from the committee. Welcome.

**Ms GLASS** — Thank you, Chair. I welcome this inquiry into the methodologies and outcomes of my reports. I think it is exactly what a committee concerned with accountability and oversight should be looking at, going to the heart of the Ombudsman's role in ensuring fairness for Victorians in their dealings with the public sector and improving public administration.

I understand your inquiry to be particularly interested in my own-motion powers. I am sure the committee appreciates that the reports I table in Parliament not only arise from own-motion investigations. They can include, for example, protected disclosure or complaint investigations, which I think raise matters of public interest, as well as good practice guides. Of course the reports I table in Parliament represent only a small fraction of the overall work of my office. By necessity I carry out no more than two or three own-motion investigations a year. They can be very resource intensive, requiring teams of three or four people sometimes for over a year. They complement the work where I cannot control the demand. Mostly these are complaints from the public and protected disclosures from IBAC, and more rarely referrals from Parliament.

So I need to use the limited resources I have available to maximum effect. I have staff within my office who monitor different portfolios within government — for example, prisons, local councils or agencies like VicRoads. They monitor issues and complaints trends and they brief me on these. From these briefings I may decide to launch an investigation, although more commonly I will ask for the issue to be scoped further before deciding to investigate. During that process we will usually engage with the relevant department or agency and gather information to consider whether an investigation is likely to lead to positive change. For example, my report into WorkSafe and workers compensation claims arose from our analysis of a pattern of public complaints about decisions by agents. While my recommendations were all accepted, we received a substantial number of complaints, so as I foreshadowed in my last annual report we will be carrying out a further investigation into whether the system has really improved since our report, and if not, what still needs to happen.

On the other hand we might decide not to investigate. We made own-motion inquiries last year about the regulation of resource recovery facilities by the Environment Protection Authority following the Coolaroo fire in July 2017. We found from our inquiries that although there were regulatory gaps, steps were being taken to address them, so rather than investigate we are monitoring the issue. To date I have tabled 12 own-motion reports, including into aspects of public housing, public transport, prisons, disability services, education and local government, making 126 formal recommendations.

You may recall that I tabled a report in June 2016 on what had happened to my recommendations in my first two years of reports. I intend to do that every two years, so the second report on recommendations is imminent. In the meantime I am happy to advise that the vast majority of my recommendations not only continue to be accepted but are on track for completion.

Everything I put into the public domain is of course because I believe it is in the public interest. That term is not easily defined, and I do not think it needs to be. To explain my decision-making more fully, I consider whether an issue has wider implications for the community or otherwise contributes to better public administration. My public reports into own-motion investigations are one important way to achieve change in public administration but are not the only way. I am happy to see the legislation currently before Parliament to give me an express training and education function. As this committee explored in your last inquiry, it is another way of adding value without the slam that often accompanies an Ombudsman's report.

I hope this is helpful, and of course I am happy to answer any questions the committee may have.

**The CHAIR** — Thank you very much, Ms Glass. What we will do is open it up for questions on this side amongst my colleagues, but can I thank you for your submission, which went through obviously methodology and so on, which is very informative for members of the committee. I might just start off with a couple of questions in relation to that if I can. I note under the heading 'Identifying potential systemic issues' in paragraph 8 you talk about:

regular meetings between Ombudsman officers, their peers and managers to discuss emerging issues.

I was just interested in relation to that. Is that referring to peers within your own office?

**Ms GLASS** — Yes. These are the internal mechanisms. There are both internal and external mechanisms in place, but what I was trying to capture in my opening remarks is that we have a system of portfolios within the office, so individual investigators, my executive officer, for example, who is accompanying me here, is in the VicRoads portfolio — am I right? — so in addition to being my executive officer and doing many other things, she also will engage with VicRoads and will be monitoring trends and complaints arising from that agency. So all the investigative staff in my office are assigned to a portfolio so they can review, meet, consider the trends, keep an eye on what is happening within that area.

**Ms SYMES** — Is that a new initiative?

**Ms GLASS** — No, it has actually been around since before my time, but what I have been doing is perhaps systematising it — is that a verb? I am not sure that is correct. You know what I am referring to.

**Ms SYMES** — Yes.

**Ms GLASS** — So it is much more systematic and more structured than we have had before. You may have noticed, for example, that we now have a good liaison guide about dealing with agencies, and there are many reasons for that, but keeping an eye on what is going on around the public sector is critical.

**The CHAIR** — Right. Can I just keep going through your submission? In paragraph 21 you have said under the second dot point:

proposed changes to legislation may remedy an issue

So the proposed change, who were you referring to there? Were you referring to the government itself, the agency, the complainant? What was it?

**Ms GLASS** — It is really intended to be a broad point. I mean, why would I not investigate something? Well, I may not investigate it because there is already something in motion that would remedy the issue. So it may be that there is a bill before Parliament, it may be there is already a lengthy discussion paper. It may be that there is a parliamentary committee looking at the issue and an inquiry is already on foot. There could be many possible reasons why I might say, 'Well, an Ombudsman investigation is not going to add value at this point in time'.

**The CHAIR** — That is fair enough. In the next point you have said:

an authority is acting to resolve an issue

I suppose one of the areas of interest particularly to me is the time frame around that, and we will certainly get to that as we get into some more questions later. But the time frame for an authority to be acting — I suppose words compared to actions is what I am asking for your comment on.

**Ms GLASS** — It will depend on the issue. An example I gave in my submission, which I would refer to, is our engagement with VicRoads, and that is paragraph 12 of the submission, on page 3. This is going back to 2015. We were getting a lot of complaints about VicRoads because of a problem within their systems that resulted in people not getting notices telling them about their vehicle transfers. People were being picked up by the police for driving unregistered who had not received their renewal notices. So it was a matter where we got a large number of complaints. It was actively in the news at the time. It was clearly an issue that needed to be looked at. So what happened — I could have simply launched an own-motion investigation into it. What I did in this case was write to the chief executive of VicRoads and invite him to tell me what he was doing and VicRoads took that very seriously. You can monitor these things by the complaints that come back to your office. So if the complaints about that issue then go away, you have got a pretty good indication that they have got it sorted.

**The CHAIR** — Okay, so that probably ties back to your first dot point there which says:

an issue has already been sufficiently dealt with by another body

**Ms GLASS** — It could be another body, it could be the body itself.

**The CHAIR** — Yes.

**Ms GLASS** — What I am looking at fundamentally — and this is more of an art than a science — is, ‘Can I, can my office, add value by launching an investigation?’. What I am very mindful of is that I have very limited resource to do these things and I want to use it to the best possible effect. So if somebody else is looking into it, if the agency is on the case, if the Auditor-General is looking at it, for example, then I am unlikely to see a role for my office. But again this is not a science.

**The CHAIR** — Sure, and as you just said, one of your key indicators is the level of complaints that continue or cease through your office.

**Ms GLASS** — It is certainly a key indicator.

**The CHAIR** — Okay. The other extension to that point I was going to ask you about was whether the feedback you were getting from those bodies was formal, informal or anecdotal, and I guess you have answered that in that sense.

**Ms THOMSON** — Can I ask a follow-up question to that?

**The CHAIR** — Yes.

**Ms THOMSON** — So you were talking in relation to WorkCover that there was an acceptance of the recommendations but that you were still receiving complaints. So I guess my question goes to: is the level of complaint you are receiving still at that same level it was that made you inquire into it in the first place? Secondly, at what point do you decide whether to reopen a further investigation or take some other course of action?

**Ms GLASS** — Again, it will depend on its merit. In that particular case I am going to carry out a further investigation into WorkSafe’s handling of complex workers compensation claims, and I said that in my last annual report. I cannot give you the current complaints numbers, I am afraid. I am happy to provide them if that is of interest to the committee. Ideally the 30 June numbers would be easier for me to obtain in July.

But the issue there is the complexity of that investigation and the complexity of the recommendation. So I will not do that in every case, but in that particular investigation there were so many recommendations about making improvements. The challenges that we continue to get via complainants about the system not having improved are sufficient for me to say I cannot just table a report on recommendations there; I actually need to go back and look at what is going on inside the agents, what is going on inside WorkSafe, to ask the question not only, ‘Have they accepted the recommendations?’ but, ‘Is it working?’. It is one thing to tick the box and say, ‘I have complied with the Ombudsman’s recommendations’, but it may be another to say, ‘Has anything changed?’.

**Ms THOMSON** — So at any stage could you ask for a report back as to what actual changes have been made and the impact of those as a starting point for any further investigations?

**Ms GLASS** — Yes and no. Yes, I can certainly ask for all of the above. What I do and what my legislation allows me to do formally anyway is to monitor my recommendations. That is why I table the report in Parliament that provides that formal feedback to Parliament about what has gone on. So in every investigation I will monitor the implementation and the response.

But your question goes further than that. It is not only the implementation of the recommendation but whether that is actually achieving change. To do that I think you need to carry out further investigation. So I need to judge quite carefully when that moment arises.

**Mr GIDLEY** — Ms Glass, I ask about the second point of the terms of reference for your inquiry — identifying any systemic issues with government — and specifically your investigation into a matter referred from the Legislative Council on 25 November.

**Ms SYMES** — Chair, I think that would be outside the terms of reference.

**Mr GIDLEY** — No, it is not outside.

**The CHAIR** — Let us hear the question first.

**Mr GIDLEY** — In relation to what is commonly known as the red shirt rorts investigation, one of the issues that you identified was the inability to investigate Legislative Assembly members of Parliament that participated in the scheme, and I ask: specifically in relation to looking at identifying any systemic issues within government, do you consider that that hindered your investigation?

**Ms GLASS** — That was not an own-motion investigation, I should say at the outset, and I understood this inquiry to be about own-motion powers. I am happy to answer the question if the committee wishes me to do so.

**Ms SYMES** — I would just like the Chair's ruling on it.

**The CHAIR** — You are saying that it is outside the jurisdiction?

**Ms SYMES** — Yes.

**Mr GIDLEY** — Chair, I am happy to comment on that. In relation to the second term in the terms of reference — 'examining the decision-making process used by the Victorian Ombudsman in identifying any systemic issues with government departments' — this was a major investigation undertaken by the Ombudsman, and surely in such a significant investigation, with the expertise of the Ombudsman, she is able to make a comment on that in relation to any issues which may hinder her authority to be able to undertake investigations.

**Ms SYMES** — I stand by my point that it is clearly not within the terms of reference of the inquiry that we are doing, and there are other inquiries that are looking at that related matter. I just think if we are going to broaden out the scope of our questioning, then that would lead us down a path of very many hours, so I think that we should stick to the terms of reference as they are put for the inquiry that we have agreed that we are conducting here.

**Ms GLASS** — Can I make an observation on the terms of reference, Chair?

**The CHAIR** — Yes.

**Ms GLASS** — They refer to: 'the decision-making process used by the Victorian Ombudsman in identifying any systemic issues with government departments, agencies and local councils'. That is what I have turned my mind to. The report that Mr Gidley refers to does not involve those agencies. That was a referral from Parliament itself.

**The CHAIR** — Parliament itself, yes. We might hold that question at this stage.

**Mr NOONAN** — I have got two questions. The first is in relation to the methodologies and whether you can provide advice to the committee in relation to whether or not the methodologies you use are consistent with

other jurisdictions — and I am sure you network with others — and how you benchmark yourself essentially and what improvements you may have made as a result of that?

**Ms GLASS** — The comparison with other parliamentary ombudsmen, is that the question?

**Mr NOONAN** — Yes. Within your submission you talk about how you look at the data capture, how you have internal discussions about the emerging issues. I am just wondering whether from the committee's point of view, in terms of understanding your approach, is that consistent with other jurisdictions?

**Ms GLASS** — They are all somewhat different, parliamentary ombudsmen around Australia and New Zealand, so there is not a direct comparison. We all have own-motion powers. Some of us use them more than others. So, for example, other Ombudsman offices — I am including New South Wales and WA in particular in that — carry functions that in Victoria are done by another commission — for example, child death reviews and mandatory reporting in the disability sector — so those offices can be very involved in dealing with those functions rather than the Victorian Ombudsman which has perhaps a more purist jurisdiction around the complaints and broader investigations. We obviously share good practice all the time, that is a really important part of it. My deputy regularly meets with her colleagues and once a year I meet with my fellow parliamentary ombudsmen, and we share reports. So we will get ideas from each other, but I do not think I would put it higher than that. Where we can learn from each other we certainly do.

**Mr NOONAN** — The second part of my question goes to the way you make recommendations, and my interest is in terms of to what extent you consider the appropriateness of including some indicative time lines with the individual recommendations you make. For a period I was corrections minister. You did a very expansive piece of work in relation to recommendations on the rehabilitation of offenders, and on the surface that creates an expectation, I suppose, among many, but in many respects a lot of the recommendations you make are quite transformational and, I am sure by your own admission, are not easily implemented in a short period of time. I suppose when you look at simple statistics in relation to how many recommendations have been made to government or parts of government, how many have been implemented or are in progress, one of the considerations I am interested in is how much you consider providing some advice by way of the recommendation in terms of what you think broadly the scope might be in terms of time to implement some things which are very significant, notwithstanding they have been supported or supported in principle by the government of the day?

**Ms GLASS** — I think that is a very good and quite a difficult question to answer, and I will do my best. One of the things I am very mindful of when I make recommendations — and I point this out regularly — is that I do not control government policy or the state budget, which is right, of course; that is not the job of the Ombudsman, but I will make recommendations that will impact potentially on one or both of those factors. So it is right that it be over to government as to what they do about my recommendations and equally right that I hold governments to account for their response.

If I may touch on the prisons report that you referred to for a moment, because that is one that I will be reporting on again in my second report on recommendations. One of my recommendations is that there should be a whole-of-government approach to reducing reoffending, and we have not yet seen that, and I will be making comment about that because I do think that is something that we need to see more actively. At the same time I have also seen some really positive change as a result of other recommendations. So I think it is difficult to put a time line on it, and to do so would simply be courting disappointment. If I said to government, 'You need to do this by a certain date', they would simply be coming up with reasons why that cannot happen.

I think what is more important from the standpoint of achieving improvements in public administration is to work with an agency as much as possible around what works, because ultimately they have to own the problem. I set great store in drafting recommendations in the course of finalising an investigation, before I table the report, in essentially saying to that agency, 'Here is the problem I have identified. We have some thoughts as to what could be done about that, but we want to hear what you think should be done about it because ultimately you have to own that problem and you have to own the solution'.

**Ms SYMES** — Thank you, Ms Glass. I wanted to pick up on exactly that point, and coming back to paragraphs 27 and 28 of your submission, which basically go to the exact point that you just left off on that response in relation to, how does it actually work in practice? Because I liked how you said they have got to

own the problem and own the solution, but how much massaging goes on from, 'Here's the problem; here's what we think the recommendations should be'. Is there a lot of backwards and forwards about working out —

**Ms GLASS** — There can be. It really depends on how obvious the recommendations are from the investigation, but I think it is very important that recommendations do not land on high — onto an agency, as if it is —

**Ms THOMSON** — A surprise?

**Ms GLASS** — Yes. I mean ultimately what I want to see from this — and my objective in tabling a report into a systemic issue is to achieve improvements in public administration, and that is not going to result simply from what is colloquially referred to as a slamming report from the Ombudsman. What I will do at the end of every investigation in fact — the agency will always receive a draft — and depending on the nature of the recommendations, I will invite the responsible minister to consider what the recommendations might be, to respond, certainly the agency head, and there will be a process of what works. I do not see that as — you used the word 'massage'. I would not describe it as that. I would say that you want to be sure that something is operationally sensible. There is no point in my making a recommendation —

**Ms SYMES** — Yes, a recommendation that is too difficult to implement.

**Ms GLASS** — that is never going to do anything.

**Ms SYMES** — Okay. And that would happen with all reports, the backwards and forwards, because you give a draft and is it a written submission or is it a conversation?

**Ms GLASS** — It could be either. It depends on the nature of them and it depends on how complex the issue is. There are times when the recommendation is obvious and others when it is much less so.

**Ms SYMES** — Okay.

**Ms GLASS** — Actually I can give you a direct example of this: the report I had tabled some years ago about use of force by authorised officers in the transport system. I was very mindful that this was, I think, the third report the Ombudsman had tabled involving excessive force by authorised officers, and I remember saying, 'There is no point in just putting out another report that says this is outrageous. What can be done to do achieve change here?'. I invited a number of people around the table there — Public Transport Victoria, the public transport ombudsman and those who had a direct interest in this — to say, 'What can be done to really improve things here?', and the recommendations stemmed from that meeting.

**Ms SYMES** — Okay. Cool.

**Ms THOMSON** — Can I ask a follow-up question to that again? Is there the likelihood that an agency would seek feedback again as they are implementing recommendations that you have suggested around the progress of their implementation, where they might say, 'You recommended this, but we're going to adjust it to do X, Y and Z', although they have already responded to you formally? Is there that kind of informal of response as well to those recommendations?

**Ms GLASS** — Both formal and informal — so indeed in the recommendations report the agency can say whatever it likes in response to the recommendations, and they may well say, 'Well, we did this instead, because we think that addressed the problem more directly', because something may have moved on. That is entirely open to them to put forward. Bear in mind that I cannot enforce my recommendations, but what I can do is monitor and report.

**The CHAIR** — Just following on from that, in paragraph 30 you have said, 'I may continue to request updates on the progress'. What determines that? Is it resourcing?

**Ms GLASS** — Well, it really depends how systemic it is. It may well be that the problem has moved on. Legislation, for instance, may have removed a problem. It may no longer be current. Again, you will see this I hope soon when I table my next report into recommendations, because I intend to ensure that I am monitoring everything over the last four years.

**The CHAIR** — Excellent.

**Mr GIDLEY** — Ms Glass, if I can turn to another part of the committee's inquiry — that is, assessing the methodologies used by the Victorian Ombudsman in identifying issues for investigation leading to own-motion inquiries. Since your red shirts report was tabled, there have been other examples of —

**Ms SYMES** — I do not think that is the correct name of the report, Mr Gidley.

**Mr GIDLEY** — Chair, I did not interrupt other members of the committee. I would appreciate the same courtesy being extended to me.

**The CHAIR** — You are referring to the March 2018 report?

**Mr GIDLEY** — That is correct.

**The CHAIR** — Perhaps use the title, please.

**Mr GIDLEY** — Certainly, Chair — the March 2018 report. There have been other examples of potential Labor electorate office staff being used as field organisers during the 2014 state election campaign. For example, the Deputy Leader of the Government in the Legislative Council admitted post your report being tabled that one of her full-time or part-time —

**Ms THOMSON** — I do not think you can ask this question.

**Mr GIDLEY** — who has been working with her since 2008 was part of an ALP pooled staff team. There is evidence there that he was doing everything which you identified in your Ombudsman's report as being done, but because he was full-time or part-time he was not subject to the investigation. Now that concerns me, and I ask with reference to own-motion inquiries, at what stage would your office start to look at these types of issues supplementary to your March report to undertake an own-motion inquiry if you found it was warranted?

**Ms GLASS** — I think it is important to bear in mind that my jurisdiction does not include members of Parliament or their staff, except in very limited circumstances, and those circumstances are twofold. One is if it is a protected disclosure referred by IBAC and, two, as now confirmed by the High Court, if it is a matter referred from Parliament itself. So I have no basis for launching any kind of own-motion investigation into members of Parliament or their staff.

**Mr GIDLEY** — Ms Glass, just to follow up on that, just so I understand correctly your response there, even if there is activity which has been conducted which you were not able to examine in your previous referral that is identical, you would not be able to undertake that unless there was another referral?

**Ms GLASS** — Correct.

**Mr GIDLEY** — Thank you.

**Mr NOONAN** — I have got a couple more. I am just interested in again the recommendations that you make, and I was wondering what your view is about the appropriateness to publicly comment on the progress of individual recommendations perhaps when asked by the media or others to do so — when you may do that and when you may not.

**Ms GLASS** — I do get regularly asked by the media to comment on things. What I am keen to ensure is that I am commenting on matters within an evidence base that I have put already before Parliament and the public, and I will generally confine myself to those matters.

**Mr NOONAN** — I am talking specifically about individual recommendations from reports. You have a process of reporting back every two years, but there are circumstances where you may have offered comment to the media on individual recommendations of particular reports. I am just wondering about the framework that you apply in relation to making a decision to do so.

**Ms GLASS** — I think each case is on its merits. It will depend on the circumstances; it depends on whether I think I have something useful to say that directly derives from something that I have put into the public domain.



**Mr NOONAN** — Whilst I have got the run, thanks, Chair — I am a new member to this committee, Ms Glass, so I am getting a good go today —

**Ms GLASS** — If you have an example to put to me, I am very happy to comment on it.

**Mr NOONAN** — No, I just wanted to ask you the broad question. When a government agency or authority rejects a recommendation, I just wonder what consideration is given to that internally, within your office. I did hear your comment loud and clear that your role is not to consider policy, but when you make a recommendation based on evidence and it is rejected I just wonder what the response is internally, whether you keep a bit of a watching brief on that particular issue — because you do not arrive at a recommendation without, in your view, the evidence — and whether that then becomes the subject of ongoing review I suppose, notwithstanding that it may be an individual recommendation or individual recommendations within a broader investigation.

**Ms GLASS** — Yes. If I can just clarify, I do consider policy of course. Virtually all my recommendations involve some consideration of government policy, and I will be recommending changes in government policy and indeed legislation from time to time. What I do not do is control government policy of course, so it is a matter for governments to determine whether they agree with me or not. But I think your question goes to another important point around what happens if governments do not agree and I still think it is important. Bear in mind that in the course of developing recommendations, I will initially put a draft recommendation and if an agency convinces me that that is not feasible, then actually I will change it. I will not stick to my guns if I think that a recommendation that I have originally drafted is not going to achieve the kind of change I think it should. That is part of the process I was discussing before. But if I think a recommendation is important — and I will give you an example of that: in my report last December into OPCAT and the women's prison, Dame Phyllis Frost, I recommended that the practice of strip searching the women should cease immediately. That recommendation was not accepted. I think it is the only one that has not been accepted for some considerable time, but I do intend to monitor that, and I will be reporting on that again in my next report on recommendations, because it is something that I regard as important.

**Ms SYMES** — I know you have said your next report on the implementation of recommendations is imminent, and you made inferences to things, but the vast majority of your recommendations have been implemented. From all of your recommendations — and I know it is probably a bit skewed, given the areas that you have investigated — are there particular areas of government that you have identified as needing more improvement than others, or agencies or local government areas that perhaps need a bit more extra help in being able to implement recommendations?

**Ms GLASS** — That is a really difficult question to answer. The reality is I have jurisdiction over some 1000 government agencies, departments, local councils and everything that sits within them, and I carry out a very small number of formal investigations every year and an even smaller number that are own-motion investigations. So it is in some ways a little unfair to suggest that some part of government is better than another part of government or worse than another part because —

**Ms SYMES** — I appreciate that as well, which is why I tried to frame it more in terms of whether there are areas that might need better support. Without answering the question that I have asked you, if you are an agency or a local government and you do not have the departmental machine that has got probably more of your legal experts or your whatever, is there extra help that might be required for some agencies or smaller bodies to actually implement the recommendations? Are some of the recommendations down to capacity, I guess?

**Ms GLASS** — Yes, that may well be the case. Recommendations will generally fall into the category that requires money and the category that requires changes in law or policy or indeed both. Sometimes they are changes that require will to make something happen. The sorts of recommendations that are the most problematic of course for some departments and agencies are those that require funding. With that I have certainly heard it said that they welcome Ombudsman recommendations that might allow them to get a bit more money to do something. So it is not true that all Ombudsman reports land on agencies in very negative terms.

**Mr GIDLEY** — Ms Glass, you have mentioned today the importance of just how precious your resources are, to coin a phrase, in terms of the limited resources of the Ombudsman and how obviously investigations need to be juxtaposed against that. There are two parts to the question. Have you found in your time that there are any further improvements in your own office that could be made to stretch the dollars even further? Then

second to that, have you found that there has been investment or expenditure which has gone to overcome hurdles or blockages that have been put in your way which otherwise could have gone to analysing the important work of government?

**Ms GLASS** — We are making those improvements all the time. We have a regular program of looking at efficiencies within the office. My challenge to my staff all the time is: how can we do more with what we have got; how can we be more efficient and more effective? An example of that is the creation a year or so ago of a new early resolution team for how we deal with complaints. That team now handles 85 per cent of the complaints to the office. This is about really handling things more efficiently in a more timely way.

We are always doing that, and we are always looking to see where we can achieve efficiencies, the use of technology to do things better, and we always will. I am very mindful that the resources of my office come out of the public purse. We have to use them wisely. That is a challenge we take up on a daily basis. I am sorry, the second part of your question, if you would care to repeat it?

**Mr GIDLEY** — Yes, certainly. With that in mind, just how precious those taxpayer dollars are and the enormous work that you have, have you found that you have needed to expend those resources to overcome any hurdles or blockages that you have confronted as part of your important work investigating government?

**Ms GLASS** — I think one of the most difficult aspects — and I raised this in my very first annual report — was the impact of the protected disclosure regime and some of the challenges in the interaction with IBAC that resulted in a lot of inefficiency that was built into legislation. What we have seen in the last few years is that that has improved. There have been changes in legislation that have made that process easier, but that is always an area where we are looking to ensure that we can be as streamlined as we can in the interaction of the whole integrity framework.

I think it is a very fair question. It is a difficult one to answer because it will always be a challenge for an office. You will always want to do more than you can. There will always be more stones you want to turn over than you have the resources to do, and at the same time you will be getting those complaints from the public and you will be getting those protected disclosures from IBAC. There was always going to be that balancing act between those different functions.

**Ms THOMSON** — Can I ask a follow-up question to that in relation to the balance of own investigations and public inquiries? Have you seen a change in the balance of those? Your decision to actively intervene, either based on complaints or based on concerns that you may have, versus the actual individual complaints that come in that need to be oversighted by the Ombudsman and investigated because everything needs to be treated with respect and concern — are you seeing a change in that at all?

**Ms GLASS** — There are some aspects of my work where I do not control the demand and where we have seen a pretty steady rise in the number of public complaints. I report on that in the annual report, and that is good. I see that as a good thing that is about greater awareness of the Ombudsman's office and, I am hoping, greater accessibility. I try to get out in regional Victoria and spread the message that I am not just the Ombudsman for Melbourne. I am keen to do much more of that, in fact, and I am hoping that I can do more to increase awareness, which will have an impact on complaints. Similarly with protected disclosures, that impact will be from increased awareness of IBAC, the IBAC regime and complaints to IBAC that come to my office. We have seen a rise in both of those areas.

The own-motion work I do is the one part of my office work that I can control, although it is obviously limited by my resources. It is up to me what I do and how I do it. I think one of the developments over the four years I have been in the role is that I see the amount of resource that goes into doing something such as a prisons report — the report I did into rehabilitation prisons — which took well over a year and a considerable number of staff. It is a valuable exercise, but it is incredibly time consuming, and I have got very limited resources to do work on that scale. So the juggling act is always how many topics do I think I can pick in any one year and what should they be, ideally finding areas that are a bit more contained than perhaps some of my earlier work.

**The CHAIR** — Just following up on your comments, and you have referred a number of times to your June 2016 report —

**Ms GLASS** — Yes, I even brought that.

**The CHAIR** — We are awaiting with great interest the next version, which will be coming out imminently, I am sure.

**Ms GLASS** — Yes.

**The CHAIR** — I suppose my comment, Ms Glass, is just in relation to the recommendations, and we have talked a lot about those. We have got the report here, and 69 per cent of them are either in progress or under consideration. I will be very interested to see the statistic that comes out in the next report. But aside from that, I guess — and it comes back to some of your earlier comments — are you really able to keep up with all the different reports that you have put out in terms of the agencies and monitoring that and making sure they are not fobbing you off, so to speak?

**Ms GLASS** — Yes. I think it is a really important part of the job. What is very important to me is that I am not simply tabling a report and letting it gather dust. I would not be doing my job if I did not follow up to see whether the recommendations that I have made are being implemented and indeed in key areas whether they are actually achieving the change I think they should. So I do see the whole aspect of following up on recommendations and considering whether the implementation — such as in the WorkSafe case — is achieving change is a critical part of the job.

**The CHAIR** — And when you subsequently go back to make those inquiries, are you getting cooperation from the agencies, departments and so on?

**Ms GLASS** — The Ombudsman always gets cooperation from agencies when she makes inquiries.

**The CHAIR** — That is a good answer. Ms Glass, can I thank you very much for your attendance here today. I think there might have been one question on notice, but we will check that and follow up with you about that one.

**Ms GLASS** — I would be very happy to provide any further information the committee wishes during your inquiry.

**The CHAIR** — I thank you very much for your attendance here today and for your work. I also thank the committee staff for organising the hearing, and of course the Hansard staff for coming across and helping us out. This now concludes the public hearing.