

# **T R A N S C R I P T**

## **I N T E G R I T Y   A N D   O V E R S I G H T   C O M M I T T E E**

### **P e r f o r m a n c e   o f   t h e   V i c t o r i a n   I n t e g r i t y   A g e n c i e s   2 0 2 2 / 2 3**

Melbourne – Monday 11 November 2024

#### **M E M B E R S**

Dr Tim Read – Chair

Hon Kim Wells – Deputy Chair

Ryan Batchelor

Jade Benham

Paul Mercurio

Rachel Payne

Dylan Wight

Belinda Wilson

## WITNESSES

Marlo Baragwanath, Ombudsman,

Dan Nicholson, Deputy Ombudsman, Operations,

Andrew Adason, Deputy Ombudsman, Prevention,

and Sheetal Kapoor, Chief Financial Officer, Office of the Victorian Ombudsman.

**The CHAIR:** I declare open this public hearing for the Integrity and Oversight Committee's review of the performance of the Victorian integrity agencies 2022/23. I would like to welcome any members of the public watching the live broadcast and in the public gallery.

I acknowledge my colleagues participating today and just note apologies from the Member for Mildura. On my far left, we have got Rachel Payne from the upper house; Deputy Chair Kim Wells; me, Tim Read, as Chair; Ryan Batchelor, an upper house MP; and Belinda Wilson, Dylan Wight and Paul Mercurio, all from the lower house.

On behalf of the Integrity and Oversight Committee, I acknowledge First Nations peoples, the traditional owners of this land, which has served as a significant meeting place for the First People of Victoria. I acknowledge and pay respects to the elders of First Nations in Victoria past and present and welcome any Elders and members of communities who may visit or participate in the Committee's public hearing today.

To the witnesses, there are some formal things I have to cover, so bear with me. Evidence taken by this committee is generally protected by parliamentary privilege. You are protected against any action for what you say here today but obviously not if you repeat the same things anywhere else, including on social media. Those comments will not be protected by this privilege. Any deliberately false evidence or misleading of the Committee may be considered a contempt of Parliament.

All evidence given today is being recorded by Hansard, and you will be provided with a proof version of the transcript once that is available. Verified transcripts will be placed on the Committee's website. Broadcasting or recording of this hearing by anyone other than Hansard is not permitted.

I welcome, from the Office of the Victorian Ombudsman, Marlo Baragwanath, the Ombudsman; Dan Nicholson, Deputy Ombudsman, Operations; Andrew Adason, Deputy Ombudsman, Prevention; and Sheetal Kapoor, Chief Financial Officer – all giving evidence at this hearing. We would welcome your brief opening comments, which will be followed by questions from the Committee.

**Marlo BARAGWANATH:** Thank you, Chair. I would also like to begin by acknowledging that we meet today on the unceded lands of the Wurundjeri people of the Kulin nation, and on behalf of the Ombudsman's office I pay my respects to their Elders past and present and recognise their enduring connection to the land.

As you know, I am joined today by Dan, Andrew and Sheetal. I am conscious that we are here today to discuss the Ombudsman's 2022/23 annual report, but you will of course appreciate that none of us were part of the Ombudsman's executive at that time, meaning we may have to take some questions on notice.

I commenced my term on 30 March this year feeling acutely aware of the trust placed in the Ombudsman's office. It is a unique mandate to act as a fair and independent bridge between the public and the public institutions that serve them. Of the integrity agencies, the Ombudsman is the most community-facing, dealing with people in all their complexity day in and day out. In this regard, I did want to acknowledge the leadership of Deborah Glass, who set a high bar. Under her leadership, the office tabled 99 reports in Parliament and made over 600 recommendations for administrative improvements. Deborah, very fortunately, largely cleared the decks in terms of major investigations, which as a new leadership team we are incredibly grateful for, as it allows us to have a fresh start.

For 2022/23, the annual report reflects both the breadth and depth of the work. We received over 18,000 jurisdictional complaints, maintaining high standards by closing over 93 per cent of those within 30 days. Our early resolution team continues to assess, prioritise and resolve complaints quickly and informally,

often preventing small issues from escalating into larger ones. To give you a bit of a sense of the volume of work, they answered 28,618 phone calls and spent nearly 3500 hours speaking with Victorians about their complaints, providing advice and outcomes. Reconnecting the parties and facilitating communication was the most common remedy achieved, which aligns with the most complained-about issue we received, which relates to poor or delayed communication.

Corrections topped the list of most complaints, with an increase of 18 per cent on the year before, attributable in part to staff shortages in corrections reducing out-of-cell hours, and prisoner complaints about health care were also up by over 26 per cent, which no doubt led to the commencement of an own-motion investigation into healthcare provision for Aboriginal people in Victorian prisons, which was tabled in Parliament early this year.

Victoria's councils were the second-most-complained-about agency, with complaints about financial issues standing out. Rates hardship cases accounted for 34 per cent of these, and the rising cost of living is likely to continue to be a factor. In our most recently tabled annual report, which we tabled a couple of weeks ago, local government have now topped the list. The sector will always be a rich source of complaints, as we have all got a council and they deliver a significant number of services to us, but, pleasingly, since the *Local Government Act* was amended in 2020 requiring councils to have proper complaint-handling policies and process, year on year we get fewer complaints about councils' actual complaint handling, which is a perennial issue in our data. So that gives me a lot of hope and reinforces the importance of preventative functions in preventing maladministration and complaints. You will see us out and about in the coming years working to convince the Victorian public sector to love their complaints as an essential mechanism for improving service.

Another significant development was the introduction of webchat. We had 434 contacts via webchat, which contributed to the accessibility and was very helpful for simple approaches. The conciliation function that we started a couple of years ago also continued to grow – 50 complaints conciliated with a 98 per cent resolution rate – and it is pretty effective for complex cases where the relationship between the parties has to be an ongoing relationship, such as housing and tenants.

We tabled nine reports. Notable among these was the joint investigation with IBAC in 'Op Watts', which showcased how integrity bodies can work together. As you know, Op Watts contained recommendations which led to the recent passage of the Parliamentary Workplace Standards and Integrity Bill. Another significant focus area for us was social housing, both community and public housing. The investigation that we conducted included recommendations aimed at enhancing the capacity of housing providers to manage complaints effectively, which, particularly in light of the housing and cost-of-living crisis, we will probably remain focused on and continue to get complaints in relation to that.

Human rights continue to be a vital aspect of our work, and we had 2722 complaints that touched on human rights. The office continues to be the State's human rights complaint handler and investigator. In the whistleblower space, the office finalised 110 public interest complaints involving 294 allegations, 68 of which were finalised using our enquiries powers without the need for a formal investigation. I would have to say that, having experienced the PID [public interest disclosure] scheme at both IBAC [Independent Broad-based Anti-Corruption Commission] and the Ombudsman, and in my time in the public service, it is clear that it is extremely complex both for whistleblowers and the VPS [Victorian public service]. While the intention is to protect the confidentiality of those involved, it gives the agencies little discretion, and the restriction on communicating outcomes leads to significant frustration. I think that consideration needs to be given to whether the Act could be amended to better achieve its aims.

In terms of supporting our people, pleasingly our People Matter Survey saw a decrease of 12 per cent in terms of the stress experienced by staff. Our office, particularly the frontline staff, continue to grapple with demanding situations, challenging complainant behaviour and increasingly complex complaints, which have a tangible impact on their overall wellbeing. It is clear that often by the time people reach our office trying to seek a resolution they are extremely frustrated, which poses a significant risk to the welfare of our people. We have continued to emphasise psychosocial safety, workplace safety and staff wellbeing, with pleasing results in 2024.

As to the future, just briefly touching on that, a modern Ombudsman should have a well-developed and resourced prevention and capacity-building function to complement the work of complaints and investigation. Dan and Andrew represent the opposite sides of that same coin. In the future, we will work to address the

evolving needs of the community and to strengthen our capacity for proactive engagement and public sector education.

We have continued to build relationships with Community Legal Centres and other service providers and delivered 24 presentations about our role. Our newly created Prevention Division, which Andrew leads, will lead work using insights and data to help the public navigate the complaints system and also make better complaints. We will also work with the public sector to enable all public bodies to respond more effectively and realise the return on investment of a good complaints system. Also, we delivered 63 educational workshops in 2022/23 to 1000 public sector participants on good complaint handling, conflicts of interest and dealing with complex behaviour. We also want to expand our use of conciliation as a restorative approach, in sharing the lessons from our investigations more widely to help authorities learn and improve.

On a final note, in her closing remarks at last year's hearing Deborah commented that although the Ombudsman's budget continued to be supported by the Treasurer's commitment to make up the shortfall in annual allocation, it would be for her successor to advocate for decisions about funding to be more transparent. The Ombudsman, IBAC and VAGO [Victorian Auditor-General's Office] have been advocating since 2022 for a more independent and transparent process for our respective budgets, and I will continue to advocate for that during my tenure in the role. Thank you.

**The CHAIR:** Thank you very much. Let us go to some questions. Why don't we start with Rachel Payne?

**Rachel PAYNE:** Thank you for presenting to us today. My questions are in relation to proportions of workload. In the short, intermediate and long term how does the VO see the role of complaint handling as a proportion of its workload? Is it increasing, decreasing or staying the same? I am cognisant that you did raise this in your opening remarks, but if you could expand on that, that would be great.

**Marlo BARAGWANATH:** Over the last few years the number of complaints that we have got in the door has been roughly 18,000–18,400 one year, and less than that another year, but it has basically bobbed around that level for the last few years and it does not show any signs this financial year of decreasing by any great extent. I think the issue that we have got is probably increasing complexity of some of the complaints that we get in the door and people who might be complaining about multiple agencies or multiple issues with an agency. So there is that complexity issue that I think will continue to come to pass. Then also there is the complexity of the people that you are dealing with, whatever personal issues that they have that you are assisting them to navigate. That is one thing. I think over time, though, we have recognised that we need to focus more on prevention – i.e., educating the public service to better handle their complaints – because people should not have to come to our office. They should be able to get their complaint resolved with the public service agency that they are complaining about at the time. So we will still be driven by the 18,000 complaints that we get in the door, but we will be working to either secure additional resources or repurpose resources to work on the prevention function to lift capability in the public sector. Dan and Andrew, I do not know whether anyone wanted to add anything to that.

**Andrew ADASON:** I was just going to add: increased capacity in the public sector but also in the community to make more effective complaints, so hopefully better complaints going in, and they are going to be easier to deal with for the public sector.

**Marlo BARAGWANATH:** I think part of the other frustration that people have is the complaints system is quite complex. There are a number of different bodies, and a number of us have slightly overlapping jurisdictions. I am not talking about integrity agencies; I am talking about other complaints-handling bodies, and then you also have the industry ombudsmen. The frustration that people have is because they are trying to work out, 'Where do I go to get this complaint resolved?' We want to try and help people to navigate that system more effectively and be really clear about who does what and where we all sit in the complaints-handling regime.

**Rachel PAYNE:** I am assuming a lot of the calls that you would receive are referral-based as well, that people are contacting you looking for where best to complain.

**Dan NICHOLSON:** Yes. We get quite a few complaints that are appropriate for another complaint-handling body outside our jurisdiction, but also a pretty significant proportion of the complaints we get are what we call premature complaints, where you would be better off going to the original agency, like the local

government first and then coming back to us later. You would hope over time, if we can make the system easier to navigate, you would get fewer complaints out of jurisdiction and fewer premature complaints. But at the same time, if you raise awareness of our services, you would hope to get an increase in complaints, particularly from more marginalised sections of the community.

**Marlo BARAGWANATH:** So we think the prevention work will probably result in an increase in complaints but with the view that over time it will hopefully go down again.

**Rachel PAYNE:** Thank you.

**The CHAIR:** Thank you, all. We have got a bit to cover, so we will keep moving. Mr Wells.

**Kim WELLS:** Firstly, congratulations on your appointment.

**Marlo BARAGWANATH:** Thank you.

**Kim WELLS:** I suppose the obvious question would be: What are all the good things about this office compared to your previous job? But I will keep going.

**Marlo BARAGWANATH:** I will think about that.

**Kim WELLS:** Have you had a chance or has your department had a chance to look at the way other similar agencies review their complaint-handling processes? So if you had a look at the way – obviously you have got the experience from IBAC – the others do their complaint processing, are there ways that you can improve what the Ombudsman can do?

**Marlo BARAGWANATH:** The office regularly, and even in the few months that I have been there, deals a lot with our interstate counterparts. There is a lot of that discussion. The deputy ombudsmen I think meet fortnightly –

**Andrew ADASON:** Fortnightly.

**Marlo BARAGWANATH:** Yes, each fortnight – to discuss exactly those things, like good practices, good techniques, things that are working in other jurisdictions. To the extent possible, we try and compare data, and we actually should try and get data so we can compare and get across it more readily. In terms of other complaints-handling agencies, we have had numerous meetings with other Victorian-based complaints-handling agencies to see how they deal with issues. There are probably none that have the volume of complaints that we have, and, in actual fact, I find that they are more often looking at us for what solutions we might have to things like backlogs and the way the work flows through the organisation. We will have to replace our case management system in the not-too-distant future because it is coming to the end of its life, so we are very much going to have to look very closely at our workflows, our processes and what kind of system that we get. So we will be doing outreach in a more sort of formal sense, looking at other people's complaint systems, so to speak.

**Kim WELLS:** Sure.

**The CHAIR:** All right. Thank you. You mentioned moving more resources into prevention, and you also raised the issue of wanting a more independent and transparent funding process. I noticed that New South Wales just announced a charter of independence for integrity agencies, about three months ago, which seems to do some of that. Have you had a look at that model, and is that the sort of thing you are interested in?

**Marlo BARAGWANATH:** Yes and yes. It is a Treasurer's direction. It is a charter, and it has also been enshrined in legislation now. It is not dissimilar to the report that the IBAC, Ombudsman and VAGO tabled in 2022, save for an excerpt that, rather than having an independent committee that considers its budget, it is more that it is just a transparent process so that Budget bids get put in and you find out what the outcome is and what DTF's view of your Budget bid is so you can advocate. So yes, very interested in that degree of transparency.

**The CHAIR:** How would that improve, in the sense that this charter does not legislate a set amount of funding or anything? So what difference does it make, really?

**Marlo BARAGWANATH:** I think it is more just around the transparency, that everyone knows what the Budget bids were, what we think is the funding that we need, and our oversight committee understands what Budget bids we are putting in, because to date you have not had line of sight over those Budget bids so that we are all operating on the same page. So when I come to this committee and you say, ‘Marlo, why haven’t you done that?’ I will say, ‘Chair, you will recall that I put in a Budget bid and I was unsuccessful in relation to that.’ It is not a blank cheque by any stretch of the imagination, nor would we expect it to be, but it just provides that level of transparency for all of us sitting around the table in terms of my accountability and how we can deliver on our services.

**The CHAIR:** Do you think that the Victorian Ombudsman is adequately funded right now?

**Marlo BARAGWANATH:** No. We have picked up a number of functions over the last few years – particularly conciliation, the prevention and education function and complaints-handling reviews – with very little in the way of additional funding. We have had to rely on Treasurer’s advances to top up our funding in how many of the last few years, Sheetal?

**Sheetal KAPOOR:** Since budgetary independence in 2019.

**Marlo BARAGWANATH:** Since budgetary independence in 2019. The Treasurer has always given that commitment that we will not go without, but it makes it very difficult to plan going forward and to adequately perform functions such as prevention, which I consider vital. It makes it very difficult – particularly, as I said, when I am going to still have 18,000 complaints coming through the door whether I like it or not, and we will have to deal with those whilst also trying to improve administration to potentially decrease those over time. So no, I do not think we are adequately funded.

**The CHAIR:** Thank you. Ryan Batchelor.

**Ryan BATCHELOR:** Your 2022/23 annual report just got tabled, so I might go to that.

**Marlo BARAGWANATH:** 2023/24?

**Ryan BATCHELOR:** 2023/24, sorry. It was just tabled. It is the most relevant document, so I might go to that. On page 61, in your timeliness section on your output performance statement, it says that you closed only 37 per cent of your investigations in the year compared to a benchmark of 80 per cent, which is half, and that that was impacted by the parliamentary referral relating to the politicisation of the public sector, which absorbed significant resources and meant that other investigative work was not completed within the expected timeframes. I am wondering if you could elaborate a little bit on what that meant for the things that did not get done and did not get finished. What sort of things did not get concluded? There have been two further parliamentary referrals this year, both in June. What impact is that going to have on your ability to answer the complaints from the general public?

**Marlo BARAGWANATH:** It generally has less of an impact on complaints because we have got a separate complaints team and an investigation team, so the complaints generally still keep going. In terms of whether or not investigations were stopped or discontinued while the politicisation investigation was going on, because it went over a couple of years, I would have to come back to you on that. The experience we are having this year with the two that we are getting in – as you are probably aware, we do charge the Parliament for those investigations, so there is additional resourcing that we try to get on board. At the moment, we are in the process of trying to recruit some additional investigators to backfill the positions of the investigators that are working on the parliamentary referrals. The issue with that, though, is that it is very hard to recruit quickly – it is very hard to recruit people of the sufficient quality that we are looking for given the sensitivity of our investigations. It is not like that happens quickly or readily. It does tend to put a lot of strain on us in terms of keeping all the balls in the air at once and keeping going with all the other investigations.

**Ryan BATCHELOR:** What does that mean? When an investigation is not complete, if your benchmark is not being met, what does it mean in practical terms for the work that you are doing?

**Marlo BARAGWANATH:** It would generally mean, if we were in the middle of an investigation, we would not want to discontinue it, but it might move at a fairly glacial pace. It means that it will not be resolved as quickly as it otherwise would. In some circumstances, it may be that you choose to refer an investigation out

to the agency because you have confidence that it would be able to do it and then review the outcome of it. If it is more likely to result in things that we are making inquiries into, it will not proceed to a full investigation. In actual fact we have had a discussion about a few matters that we are interested in. We had not quite hit the threshold that we thought we would investigate, but we think we might, and we do not know what we are going to do unless we can get additional investigators on board. That is sort of what it means. It means things go uninvestigated.

**Dan NICHOLSON:** A lot of the volume in our investigations is in the public interest complaints space, and we have no discretion to not investigate those, so that means that it can take us longer to assess those and investigate them than it may otherwise do.

**Ryan BATCHELOR:** So public interest complaints would be the things that are slowed down because of the work that Parliament has given you?

**Marlo BARAGWANATH:** Yes.

**Dan NICHOLSON:** Yes. Even though, as Marlo said, we do get reimbursed, it does limit our ability to do own-motion work, and, from our recent consultations with stakeholders, government and outside, people think that own-motion work is really valuable in dealing with systemic issues, and it just realistically slows down our ability to do that or means that we can do less own-motion work.

**Ryan BATCHELOR:** Just to clarify that, Marlo, you said earlier that you essentially charge the Parliament.

**Marlo BARAGWANATH:** At the end of the year, yes.

**Ryan BATCHELOR:** At the end of the process you ask for additional resources to cover the costs, but, despite having the funding, it still has an impact on the workload because of –

**Marlo BARAGWANATH:** It does. Resourcing.

**Ryan BATCHELOR:** resourcing, personnel and that sort of thing. What impact do you think that you are going to have on your benchmark this year, [with] these two extra referrals at this point?

**Marlo BARAGWANATH:** Good question.

**Ryan BATCHELOR:** You are at 40 per cent. Are you going to be at 80 per cent, or do you think you will be somewhere in the middle?

**Marlo BARAGWANATH:** I do not think we will hit 80. I think we will hit more than 40 per cent. Looking at the two parliamentary referrals, I think one of them we will manage to complete within 12 months. One of the others might go over that timeframe. I would also have to say that, [regarding] the BP3 [Budget Paper Number 3] measure of completing investigations in 12 months, I do not think is a particularly robust measure because of two things: one, I think some investigations should be done a lot more quickly, and I think some investigations due to their complexity and the number of people involved would probably take longer, so I think we need to look at that measure, which we will do as part of our strategic planning. In terms of this year, I think we will come close but probably not hit 80 per cent.

**Ryan BATCHELOR:** Thanks, Chair.

**The CHAIR:** Let us go to Belinda Wilson.

**Belinda WILSON:** Thank you. This is obviously your first appearance before us in your new role, seven months in. Perhaps you can give us an overview of what you think the role of the Ombudsman is and how you will know you are doing a good job as the new Ombudsman.

**Marlo BARAGWANATH:** I thought the Committee would tell me whether I was doing a good job! Anyway, I see the value in this role. I know a lot of people love our reports, and they are incredibly important things. As I said, this is the integrity agency that is the community-facing one. The value in this, which I would hope all MPs highly value, is that we deal with complaints that might otherwise be going into your offices. We are the interface between government and people from every walk of life. We are the translating service for

government. We are the ones that try and get an outcome for people or try to explain things that have happened in their lives when they do not understand they have happened. I think the inherent value is in dealing with those complaints and helping people navigate government who may have no experience of government. I think that is probably one of the most powerful things.

I will be looking at things like the complainant-satisfaction rate – that will probably be something that we are looking at over time quite closely. We are intently focused on it and what we can do to better service the people that come to the office. But I do think as well, and I say this as a regulator by background, prevention is the main game, to my mind. I see the role – and in actual fact stakeholders are calling out for this – as improving complaints handling across government and also ensuring that people understand the value of complaints, in that it will help you improve your service, it will help whatever satisfaction ratings you have, it will ensure that you do not have people running off to complain to your minister or writing letters to the paper and all of that sort of stuff. It is trying to get them to understand their own data, their own trends and the way that they are dealing with people and whether they are understanding those sorts of things.

I am very interested in the complainant-service aspect and the prevention aspect, and then of course we want to be well regarded for rigorous and thorough investigations with good recommendations. Some people would say for agencies such as this you would want to be aiming for 100 per cent of your recommendations being accepted. I do not. I would like to think that most of the recommendations that we draft will be accepted, but from time to time there will be things that we think are so important that we make the recommendation even in the knowledge that it may be difficult for government to implement for whatever reason. We want rigorous and thorough investigations with a fairly high acceptance rate of our recommendations; that is probably my benchmark for success.

**Belinda WILSON:** Great. Do you have any ideas about how to better engage with agencies that you are dealing with, and is there room for two-way communication in areas of improvement with those agencies? I mean, you are dealing with lots of them.

**Marlo BARAGWANATH:** Yes, definitely. We have been really fortunate, I think, since we have been in the role, that everyone has opened their doors and is very happy to speak to us about observations they have had about the office and things that they are struggling with. I think it is really important for us to understand the context that other agencies are working in and the constraints and issues that they are having, because that helps inform our work. We are very happy to take feedback on our work – what works well and what does not work well. Historically, the office has always sat down with an agency that it has investigated at the end of an investigation to say, ‘How was it for you?’ and try and learn from the process, and we will continue to do that to the extent that we can. But I would like to have more regular meetings with some key stakeholders over time.

One of the other things that Andrew particularly is working on is gathering our data so we can package it up and give it to agencies to say, ‘This is what we are seeing about you. Does this resonate with you? Is this the way you understand what is happening?’ or ‘What are the issues or constraints that may be causing that kind of feedback?’ in an effort to try to get them to improve. We cannot be everywhere.

**Belinda WILSON:** Yes, so looking at what you were saying about corrections and different sectors, it is helping them improve in those areas.

**Marlo BARAGWANATH:** Exactly, yes. That is the thing. They hold the levers in their own organisation. We do not; we are not there all the time. But you want to be able to give them the information to help them work on what they can do. As I said, people have been really receptive. It has been good.

**The CHAIR:** Thank you. Let us go to Dylan Wight.

**Dylan WIGHT:** Thank you. Thanks for appearing today. You spoke earlier about your complaints portal coming towards its end of life and the fact that you would go and discuss with other agencies and investigations what is best practice across those other agencies. Has that work begun? And, more broadly, where is the agency at in respect of developing a new complaints portal?

**Marlo BARAGWANATH:** The case management system?

**Dylan WIGHT:** The case management system complaints portal, sorry.



**Marlo BARAGWANATH:** Yes. The performance audit I think recognised that our case management system Resolve is coming to its end of life. I think it has got one further upgrade. We are quite busily looking at what we can do. I will let Dan talk about it a bit more. The only thing I am quite concerned about – we need to proceed with caution, and it is part of our annual plan this year to scope up what it is we will need – is that the system we have at the moment is really heavily customised. Now, that is really important because we have frontline complaint staff who are making decisions, effectively, and we want to make sure that they have got a system that supports them and leads them through that decision-making process and is as easy to use as possible. It will be difficult to replace it because it is so highly customised, but Dan can talk about scoping it out.

**Dan NICHOLSON:** That is it. We know it is getting towards end of life, and we need to have a road map. We want to be wary of losing that customisation we have because our basic system with complaints is that when you call the person you speak to on the phone is the person who will take your complaint right through and resolve it, and having really good workflows in our systems is what enables that to happen pretty effectively. The New South Wales Ombudsman is midway through replacing their case management system, so we will have the opportunity to learn from them, but we just have to be cautious because our budget is small, so we have got to tread carefully.

**Dylan WIGHT:** I appreciate the customisation of it would be incredibly important. It is not like taking something off the shelf or just going and borrowing something from another agency, and I appreciate that. Where is the agency at with it, though? Is that road map being developed?

**Marlo BARAGWANATH:** This year.

**Dylan WIGHT:** So it is happening?

**Marlo BARAGWANATH:** It is in the annual plan for this year, so we should have a road map developed by the end of the financial year, and then we will spend the next year looking at options and securing budget and all of those sorts of things.

**Dylan WIGHT:** Okay, sure. Thanks.

**The CHAIR:** Great. Let us go to Paul Mercurio.

**Paul MERCURIO:** Thank you. A lot of information has just come over here. My head is spinning. I have a few different questions, but from just listening to all of that information, I am worried about your staff. How are their health and wellbeing, and what are you doing to make sure they are safe, they are protected and they can do their job? What is the culture like?

**Marlo BARAGWANATH:** I would have to say I keep wandering around the office, in the months that I have been there, waiting for someone to tell me, ‘The joke’s on you. We’re actually not that happy.’ It is a really happy and cohesive organisation. It probably helps that there are only 108 of us. We are all on one floor, so everyone can see everyone every day. So, yes, it is a very happy, cohesive and very supportive workforce.

Yes, the work that we do, particularly with the frontline complaints handling, can be really taxing. We have done a lot of work in terms of things like vicarious trauma. We have a psychologist that is on site once a week on Wednesday for a few hours, just wandering around the floor checking in on people and seeing how they are going, and people can have a private discussion with her if they choose to do that. She also chairs roundtable discussions with people talking about issues that might be affecting them in their work. We have a really active and great OH&S committee that are really alive to these issues. We have managers that are trained in spotting the signs of vicarious trauma. Realistically, we cannot do our work without our people, so if there is a problem with the people, that gets the biggest priority to some extent, because we need them to do the work. So there are a whole host of programs that are in place.

Also, as I said, there are just really supportive colleagues. If someone can hear that their colleague has had a really taxing time on the phone, they also know that they can get the manager to jack in to the call and listen to it and then have a conversation with them immediately thereafter. But you actually find the team are often gathering around their colleagues going, ‘That sounded like it was really hard. Are you okay? What’s going

on?’ Dan, I do not know whether there is anything else you would add. There is a really lovely and supportive culture, but, yes, it is hard work.

**Paul MERCURIO:** I bet. What would be the single greatest pressure on the staff, if there is one single one?

**Marlo BARAGWANATH:** It is probably the volume and the human complexity – yes, volume and human complexity.

**Dan NICHOLSON:** I would say the increased complexity in the way some of our complainants present, and that is getting more difficult over time.

**Marlo BARAGWANATH:** Yes, and anecdotally people talk about frustration levels increasing post COVID. We are not the only agency that would probably say that, but that has probably been the experience.

**Paul MERCURIO:** Okay. Thank you.

**The CHAIR:** Thank you. Ombudsman, in your intro you mentioned the public interest disclosure scheme being overly complex, with excessive privacy or secrecy or something, and flagged that it might benefit from some legislative reform. Would you like to flesh that out a little bit?

**Marlo BARAGWANATH:** There are a few things for us. So there are a few different aspects to the scheme. There is a lot of double handling obviously between the VO [Victorian Ombudsman] and IBAC, because people can come to other agencies and then they have to get sent to IBAC and IBAC will then often send them back to us – the final assessment at IBAC will send them back to us. So that is difficult for the people who are the disclosers on the other end kind of being shuffled between two organisations. When it then comes back to us, as Dan said, when they are referred to us, we do not have any discretion; we are required to then look at it. Oftentimes we will use our enquiries power to look at something to really dig into whether or not it meets relevant thresholds, because often it does not. It is hard to speak openly about some of the stuff that we might see, obviously given the nature of the scheme. That takes an incredible amount of time and oftentimes we will then decide it does not meet the threshold. So you have someone who has kind of been told along the way, ‘It is going back to the Ombudsman’s office,’ and then we are saying, ‘Well, no, it does not meet our threshold.’ Some of the other issues, Dan?

**Dan NICHOLSON:** I was just going to say, if you look at the annual reports, I think that we received over 500 public interest complaint allegations over two years, and two were substantiated out of those 500. Now that does not reflect that there was nothing going on in all those matters, it just reflects that there is a lot of churn back and forth with all these allegations. In many cases, we may have started an investigation that allowed the agency most affected, the department or the council, to investigate. So there was actually something going on, but we do not have a proper referral power or a proper oversight power of that investigation, so there is a lot you can do to enable that to work more smoothly but also to give all of us better insight into what is happening in the public sector. So there is the referral power, the power to mediate and conciliate complaints – we are finding that very effective – and just a bit more discretion to not investigate matters that are relatively minor and in the scheme of all the things that an Ombudsman could be looking at are not the best use of our resources.

**Marlo BARAGWANATH:** And often do not have a systematic issue that would really up the value of investigating it, if that makes sense. They can be quite discrete issues. So there are a few things there, and we will discuss those with government, just in terms of having a look at it, because I think it would probably add a lot of efficiency to the scheme.

**The CHAIR:** Thank you very much. We are running low on time. Does anyone have any burning questions, otherwise what we might do is send you some more written questions on notice. I would like to thank the four of you again for appearing before us, and we will close the hearing for a break now and resume shortly.

**Witnesses withdrew.**