

Government response to recommendations made by the Accountability and Oversight Committee (AOC) in its 2013-2014 and 2014-15 Reports into Victorian oversight agencies

Item	AOC Recommendation	Reference	Response	Comments
1	That the Victorian Government supports the continuation of the FOI Commissioner's Practitioners Forum, as a key annual training and evaluation exercise for FOI officers and government agency staff.	Recommendation 2, 2013-14 Report	Support	The Government continues to support the FOI Commissioner's Practitioner's Forum. As noted by the AOC in its <i>Report into Victorian Oversight Agencies 2014-15</i> , over 200 people from 110 different agencies attended the second FOI Practitioner's Forum, evidencing the positive level of engagement of Victorian government departments and agencies in that initiative.
2	That the Victorian Parliament amends Section 14(2) of the <i>Ombudsman Act 1973</i> to allow complaints to be made by means other than writing, such as verbally or electronically transmitted.	Recommendation 5, 2013-14 Report	Support	On 8 December 2015, the Government introduced the Integrity and Accountability Legislation Amendment (A Stronger System) Bill 2015 into Parliament. Amongst other reforms, the Bill proposes to amend the <i>Ombudsman Act 1973</i> to remove the requirement that complaints must be made in writing. The amendment would give the Ombudsman the discretion as to whether a complainant must provide a written statement in support of a complaint and, therefore, greater flexibility to receive and act upon complaints that are not made in writing.
3	That the Victorian Parliament amends Section 16E of the <i>Ombudsman Act 1973</i> to allow referral of complaints from the Ombudsman to IBAC to be made in ways other than writing, such as electronically transmitted.	Recommendation 6, 2013-14 Report	Support-in-principle	The Government notes that section 16E of the <i>Ombudsman Act 1973</i> does not expressly specify the means by which the Ombudsman must notify IBAC of corrupt conduct or police personnel conduct. However, to ensure that IBAC and the Ombudsman can work together efficiently, the Government will consider whether future legislative reform is required to clarify this issue in the context of its broad review of the Victorian integrity system.

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4	That the Victorian Government in consultation with the Accountability and Oversight Committee and the Independent Broad-based Anti-corruption Committee reviews the legislative requirement under the <i>Ombudsman Act 1973</i> that all protected disclosures cases must be investigated by the Victorian Ombudsman.	Recommendation 7, 2013-14 Report	Support	The Integrity and Accountability Legislation Amendment (A Stronger System) Bill 2015 proposes reforms that give the Ombudsman greater flexibility in dealing with protected disclosure complaints. Proposed amendments would enable the Ombudsman to refuse to conduct investigations of protected disclosure complaints in a broader range of circumstances, including where the Ombudsman considers that the conduct which is the subject of a protected disclosure complaint does not amount to either improper conduct or detrimental action. The Government is considering further reforms to the protected disclosure system, including the Ombudsman's role, as part of its broad review of the Victorian integrity system.
5	That the Victorian Government develops a seamless 'one-stop shop' framework to provide a single point of entry for people seeking to make a complaint about a public body.	Recommendation 8, 2013-14 Report	Support-in-principle	The Government agrees that a 'one-stop shop' framework could reduce complexity for people who wish to make a complaint about public bodies. The Government is supportive of the Ombudsman giving further consideration to enhancements that might be desirable to its existing frameworks to streamline the complaints system.
6	That the Victorian Government considers what powers the new Public Access Counsellor should have to ensure early engagement with, and prompt action by, agencies in relation to Freedom of Information requests.	Recommendation 2, 2014-15 Report	Support-in-principle	The Government has committed to giving the Public Access Counsellor the function of setting FOI professional standards to ensure agencies are aware of their obligations under the <i>Freedom of Information Act 1982</i> (FOI Act). While the content of the standards is to be determined by the Public Access Counsellor, the Government notes that the purpose of introducing such standards is to further support the objectives of the FOI Act by facilitating prompt access to government documents.

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7	That the Victorian Government should consider a range of possible measures to ensure that the new Office of the Public Access Counsellor has sufficient powers to obtain documents where there are grounds to believe that documents provided in response to an FOI request are incomplete.	Recommendation 3, 2014-15 Report	Support-in-principle	The Public Access Counsellor will retain all existing powers of the FOI Commissioner, including the requirement for agencies to assist the FOI Commissioner's conduct of a review. The Government is considering whether the Public Access Counsellor will require any additional powers to effectively perform its intended functions.
8	That the Victorian Government considers reviewing the Ombudsman's output targets to ensure greater consistency on how many approaches: <ul style="list-style-type: none"> received in each financial year are finalised in that year that are outstanding from the previous financial year are finalised by the end of the current financial year that remain outstanding overall at each financial year end. 	Recommendation 10, 2014-15 Report	Support-in-principle	<p>The Government supports-in-principle the need for the Ombudsman's output targets to be consistent and sufficiently informative of the nature and volume of approaches made to the Ombudsman.</p> <p>The Department of Premier and Cabinet is currently undertaking a review of the Ombudsman's existing output targets. As part of this process, the review will consider whether and how the Ombudsman's existing targets might be adapted to promote greater consistency and detail in the reporting of approaches to the Ombudsman.</p> <p>The Government will consider the appropriate formulation of the Ombudsman's output targets following the review and in the context of its broad review of the integrity system.</p>
9	That the Victorian Government implements reforms to address the Committee's recommendations in previous reports relating to the treatment of protected disclosures under the <i>Ombudsman Act 1973</i> .	Recommendation 11, 2014-15 Report	Support-in-principle	As part of its broad review of the Victorian integrity system, the Government is considering reforms to the protected disclosure system, including the Ombudsman's role in the context of that system.

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10	In order to enhance the collaborative efforts across the public sector, the Victorian Government implements reforms to ensure the confidentiality provisions in the <i>Ombudsman Act 1973</i> facilitate collaborative efforts to resolve complaints.	Recommendation 12, 2014-15 Report	Support	<p>The Integrity and Accountability Legislation Amendment (A Stronger System) Bill 2015 proposes reforms that, amongst other matters, allow the Ombudsman to share information with a greater range of integrity and law enforcement bodies, public authorities, and the public in certain circumstances. In particular, the reforms introduce a new section 16M(1)(c) into the <i>Ombudsman Act 1973</i> to permit the Ombudsman to disclose information to an authority where the Ombudsman considers that the provision or disclosure of the information is necessary to assist that authority to improve its administrative practices and procedures, and the Ombudsman is satisfied that the information does not include any information that is likely to lead to the identification of any person.</p> <p>As part of its broad review of the Victorian integrity system, the Government is also considering further reforms to allow the Ombudsman to work with other bodies to facilitate the resolution of complaints across the public sector.</p>