



**Complaints to the Ombudsman: resolving them early**

July 2018

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**The Victorian Ombudsman respectfully acknowledges the Traditional Owners of the lands throughout Victoria and pays respect to them, their culture and their Elders past, present and future.**

# Letter to the Legislative Council and the Legislative Assembly

To

**The Honourable the President of the Legislative Council**

and

**The Honourable the Speaker of the Legislative Assembly**

Pursuant to sections 25 and 25AA of the *Ombudsman Act 1973* (Vic), I present to Parliament my report *Complaints to the Ombudsman: resolving them early*.



Deborah Glass OBE

**Ombudsman**

24 July 2018

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# Foreword

My office is well known for its investigations, many of which generate headlines about some serious or systemic failing in public administration. But my office does much more than investigate. And for most of the 40,000 people who contact us each year, an investigation is not what is needed. They have a problem, they want it fixed, and quickly.

This report describes the work of my office in resolving complaints early. Of course, not all complaints are either suitable for early resolution, or able to be resolved to a complainant's satisfaction. But many complaints can be resolved with a phone call, a few enquiries to an agency to clarify the situation, or an explanation provided to a member of the public.

The Early Resolution Team now deals with about 85 per cent of approaches to my office, closing most within 30 days.

The cases in this report illustrate this approach. They describe unfair fines being withdrawn and overpaid council rates being refunded following the intervention of Ombudsman staff – usually the result of some human error that can be easily rectified.

The early resolution approach not only involves complaints that some would see as minor. In one of the cases in this report an unfair housing maintenance debt of over \$20,000, owed by an Aboriginal victim of family violence, was waived and new accommodation found for her by the Office of Housing.

Sometimes, complaints to my office raise systemic issues that can also be resolved by early resolution rather than investigation. A complaint about a TAFE's poor communication identified that 24 students had been affected, and the TAFE made ex gratia payments to all of them. A series of complaints about VicRoads from holders of overseas licences resulted in VicRoads changing its overseas licence verification process.

I thank the agencies named in this report, and the many others we deal with daily, for their willingness to engage informally with my office to resolve complaints.

Sometimes, it takes the gentle nudge of the Ombudsman's elbow to ensure agencies do the right thing.

Deborah Glass

**Ombudsman**

# About early resolution

The Ombudsman's purpose is to ensure fairness for Victorians in their dealings with the public sector, and to improve public administration.

For the most part, the complaints we receive can be resolved informally, without the need for a formal investigation. Neither the person complaining nor the authority usually want a long, exhaustive investigation to establish the facts. It is in everyone's interests to achieve resolutions that minimise delay and focus on practical outcomes.

In 2016-17 the Ombudsman received 40,692 contacts from members of the public. With increasing contacts and along with the public's expectation of fast resolution, the emphasis on resolving complaints efficiently through simple means has become a crucial part of our work.

In 2016, we reviewed our systems to understand how we can resolve complaints faster and more effectively; and in October that year, we created an Early Resolution Team.

Early resolution is an approach to assessing complaints which prioritises identifying and resolving them at the first possible opportunity. This team focuses on resolutions, working flexibly toward informal outcomes.

The objective of this approach is to deal with a complaint quickly and to prevent issues becoming more complex. Our staff are encouraged to think creatively about resolving disputes. In practice, this means working collaboratively with agencies – often on the phone – and making assessments about the prospects of resolving matters without the need for an investigation.

This team now handles about 85 per cent of approaches to the Ombudsman.

Complaints that are dealt with through early resolution may result in:

- a remedy for a member of the public
- agreed arrangements between the person with the complaint and the authority to progress the matter
- improvements to the authority's administrative practices that strengthen how it performs its functions and prevent unnecessary future complaints.

Sometimes, early resolution is not available or appropriate, including where:

- The Ombudsman decides not to deal with the complaint on discretionary grounds provided under the *Ombudsman Act 1973* (Vic).
- The matter needs deeper consideration and analysis.
- The matter should be investigated or will require the use of the Ombudsman's coercive powers to obtain evidence.
- The matter is not suitable for informal resolution and the Ombudsman decides to investigate to reach a formal opinion on whether an authority has made an error under the Ombudsman Act. Broadly, this means that the authority has acted in a way that is contrary to law, unreasonable or wrong.<sup>1</sup>

You can find our policy on early resolution on the Ombudsman's website at: [www.ombudsman.vic.gov.au/early-resolution-of-complaints](http://www.ombudsman.vic.gov.au/early-resolution-of-complaints).

This 'case book' provides real-life examples of some of the approaches we used, and resolutions we reached, through early resolution.<sup>2</sup> They are examples of how the Ombudsman can help resolve complaints and improve public administration with less time and resources than an investigation.

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<sup>1</sup> *Ombudsman Act 1973* (Vic) s 23.

<sup>2</sup> Names of people referenced have been changed.

# Quick fix

Sometimes, with just a phone call or an email, we're able to achieve a 'quick fix' to a problem. This often happens in cases where the problem should not have reached our office in the first place. We encourage authorities to identify where things went wrong and work proactively to address problems as they arise, resolving them independently.

## Preventing an unwarranted licence suspension

### What was the problem?

Steven received three speeding fines from Victoria Police after his identity documents were stolen and his vehicle number plates copied. Because of these fines, Steven's driver licence was going to be suspended.

Steven applied to Fines Victoria to review the fines. Almost a month later, Fines Victoria told Steven it had lost his paperwork and he would need to start the process again. Steven re-sent the documents and was told he would have an outcome within 20 days. Steven was concerned he would not receive a response before his licence was suspended; among other things this would affect his ability to take his 97-year-old father to medical appointments and other services.

### What did we do?

We contacted Fines Victoria and asked it to expedite the review process so a conclusion could be reached before the suspension was due to start.

### What was the outcome?

The next day Fines Victoria let us know it had placed the fines on hold and it would withdraw them.

Case study

**Where a delay has occurred that is outside a member of the public's control, authorities should take action to progress a decision or to remedy the delay. This often resolves the matter, and the complaint is not taken any further.**

“

*I've submitted all the reports to [them] ... Well, you know, I've got a 97-year-old father who relies upon me to drive him around and take him to medical appointments. And my licence is due to go in 10 days and I'm getting no satisfaction out of these compliance people.*

*I mean, I've wasted so much time on this. I'm an innocent victim in this. No one wants to listen to me and no one takes my case sympathetically.*

Steven's complaint to the Ombudsman

## Redirecting enforcement action

### What was the problem?

Matthew owns an automotive business and purchased a vehicle for business purposes. His business was issued a fine by the Traffic Camera Office and Matthew noticed the offence date was prior to his business purchasing the vehicle. As the vehicle was registered in the business name, a higher penalty of \$3,109 was issued instead of the ordinary penalty rate for an individual.

Matthew provided the Traffic Camera Office, and then Civic Compliance Victoria, with proof his business did not own the vehicle at the time the offence occurred. Both agencies declined to withdraw the fine because Matthew did not nominate the person who was driving the vehicle at the time, even though he did not know that information.

### What did we do?

We reviewed the same evidence Matthew provided to the Traffic Camera Office and Civic Compliance Victoria, and we thought it was clear Matthew's business was not responsible for the fine. We contacted Civic Compliance and requested it reconsider the evidence as enforcement against Matthew seemed inappropriate.

### What was the outcome?

Civic Compliance conducted an interstate record check and identified the responsible individual. It withdrew the fine and re-issued it to the right person.

**Many authorities develop business rules to guide the application of laws they administer. Business rules provide certainty and consistency in decision making, but when applied without considering individual circumstances can lead to unfair outcomes. Authorities should be prepared to consider individual circumstances and offer appropriate solutions that still meet legislative requirements.**



*The vehicle was not in my possession until the 16th of January 2017 ... I have no idea why due to this I have been issued the fine [for an offence on 9th January].*

Matthew's complaint to the Ombudsman



## A cool decision

### What was the problem?

Two prisoners sharing accommodation at Fulham Correctional Centre had requested a fan as it was summer and quite hot. They had been waiting a month for the fan – the prison told them it had been ordered but could not say when it would arrive.

### What did we do?

We called the prison and it acknowledged the prisoners were waiting too long. The prison explained there had been a delay in the procurement process. We asked the prison to take action to progress the order.

### What was the outcome?

Once the matter was brought to the attention of prison management, they progressed the order and the prisoners were provided with a fan.

**Small things can make a difference in ensuring that people in enclosed environments are treated humanely. Sometimes, a simple call to an authority can be enough to prompt it into action and make a change.**

## Reconsidering the removal of a tax exemption

### What was the problem?

After receiving an exemption for many years, Abdul received an unexpected tax bill from the State Revenue Office (SRO) for liabilities dating back five years. His circumstances had not changed in recent times and the sudden bill caused considerable distress.

### What did we do?

We asked the SRO to find out why the exemption had been removed. It advised the assessment removing the exemption was triggered by a phone call from Abdul about the use of various properties by his daughter, her family and himself.

The SRO offered to look into this issue further and asked Abdul for documents that showed his family's potential entitlement to an exemption. Abdul was reluctant to provide these documents. We explained to Abdul that it was reasonable for the SRO to ask for evidence, and encouraged him and the SRO to work out a way for him to submit his documents that met his need for confidentiality and concerns about the safety of the records.

### What was the outcome?

With our reassurance, Abdul delivered his documents to the SRO which re-examined his circumstances. It confirmed he was entitled to an exemption for all five years, issued revised assessments, and refunded overpaid amounts.

**When both parties are prepared to find ways to work together to resolve a complaint, it can result in a quicker outcome.**

# Encouraging dialogue

Where we can, we encourage people who complain to us to talk to authorities to try to clarify and resolve the issue. This dialogue can often make things clearer.

## A genuine commitment to fix a mistake

### What was the problem?

Tanvi contacted the Ombudsman about Brimbank City Council's decision to refer his rates account to a debt collector for enforcement. Tanvi said he had paid these rates on time via a bank transfer. He said he disputed the matter with the debt collector, but when he was overseas, his son received a final notice and paid the rates again, along with a penalty.

Tanvi contacted the council about the double payment and the council asked him to send in evidence of the payments. He said that he did not think he should have to do this, that it was a breach of privacy and the situation was causing him 'extreme stress'. Tanvi refused to provide this evidence to the council as it was 'their fault... and they need to investigate'.

### What did we do?

We decided not to make enquiries with the council. Rather, we encouraged Tanvi to engage with the council one more time, explaining that our focus is to resolve a problem informally and in a practical way. We told Tanvi that while it was clear there had been a mistake, the council's request for information showed a genuine commitment to resolve the issue. We said if the Ombudsman was to take on this matter, we would ask for the same information from him. We suggested that Tanvi could provide a redacted version of his bank statement to the council.

### What was the outcome?

Tanvi accepted our advice and provided the evidence to the council. The council issued him a cheque for the additional rate payment and interest associated with the error.

Case study

**In circumstances of minor error, the Ombudsman encourages members of the public to engage productively with an authority. In doing so, we are aiming to shift the dialogue from being focused on the authority having made a mistake to achieving a solution that is reasonable to all parties.**



*I have sent an email to Brimbank City Council beginning of this week stating my issue in writing and requested for the return of my funds. I have since then received the cheque in the mail with amount of \$1,327.39. Thank you so much for your assistance in this matter.*

Tanvi's response to the Ombudsman



*Our review confirms that your 2014 land assessment was paid in full. The \$878 liability has therefore been removed and our system has been updated accordingly. Please find attached a copy of your fully paid 2014 land tax assessment.*

*We confirm that an \$878 credit remains in our system in relation to the 2014 land tax assessment for [your father's] Estate. A bank cheque has already been issued to you in the name of the Estate for that refund.*

Resolution letter from the  
State Revenue Office to  
Joseph

Case study

## Facilitating communication to fix an ongoing problem

### What was the problem?

Joseph had two accounts with the State Revenue Office (SRO): his own and one as executor of his father's estate (Joseph and his father had the same name). With two similar accounts and the transfer of a number of properties between the estate and Joseph, an issue arose about the amounts payable on each account. Joseph paid the amounts owed, asked for funds that had been allocated to his account to be reallocated to the estate's account, and objected to a penalty.

The SRO allowed the objection but due to an oversight, did not process the refunds. After initial intervention by the Ombudsman, the SRO apologised to Joseph and processed the refunds. It issued a cheque to the estate. Joseph, who kept detailed records, thought the cheque was for the wrong amount. Also, he was unable to reconcile an amount credited to him with his records.

Joseph wanted to make sure he was paying the right amount of tax. He was concerned the SRO may not have his information right and this might create problems in the future. Joseph wanted to meet with the SRO as he did not have access to a phone and he wanted to show them his records to clarify the situation.

### What did we do?

Joseph travelled from regional Victoria to visit our office to tell us about his concerns. We called the SRO to let it know that Joseph wanted to make sure his and his father's tax was paid and it was the right amount of tax. We suggested the SRO meet with Joseph so he could show them his documents and resolve his concerns.

### What was the outcome?

The SRO met with Joseph. They explained that the cheque refund to the estate was correct and updated its records about the amount Joseph was unable to reconcile for his own account. By taking the time to meet with Joseph, the SRO could explain to him how it came to the refund amount, and provide him the assurance that his information for future assessment was correct.

**To avoid confusion, it is important for authorities to explain how they have made a decision. Sometimes, talking with people face-to-face enables the parties to explore the issues and resolve problems more effectively than engaging in paper-based communication.**

# Applying discretion

Former Victorian Ombudsman, Norman Geschke once said:

While at times discretion has been exercised where it should not have been, these instances are far outweighed by those where discretion and flexibility has not been exercised where it should have been.

Most public authorities develop internal policies to guide their officers' application of the laws they administer. However, when applied inflexibly, these policies and procedures can lead to a loss of judgement in circumstances where discretion should be exercised.

Examples where discretion should be applied include where:

- circumstances that give rise to a decision are beyond a member of the public's control, particularly in a compliance context

- a proposed decision would not reflect the purposes of the law
- a person is experiencing an underlying disadvantage that warrants discretion being applied.

When we assess whether a complaint is suitable for early resolution, we often look at whether any of these three factors are present and how discretion has been considered. Where it appears that an authority has applied its discretion inflexibly (or not at all), the Ombudsman is likely to intervene through early resolution.

Authorities are encouraged to develop business rules and guidelines that ensure the exercise of discretion reflects the purposes of the law, acknowledge genuine efforts of people to do the right thing, and provide concessions, where appropriate.



Illustration by : Kenton P Miller

## Reflecting the purpose of the law

### What was the problem?

Sally's driver licence required that she use an alcohol interlock device in any vehicle that she drove. These devices make random requests for breath samples and are fitted with a camera to record who is providing the sample.

When Sally's car was at a car wash, the device sounded twice and two violations were automatically recorded when she did not provide samples. The device's camera recorded a worker cleaning the boot of the car and a plastic cover over the driver's seat. After the car was given back to Sally, the device sounded again and she provided a clean sample.

Sally asked VicRoads to remove the violations because she was not in the car at the time. VicRoads said it would uphold the violations because, under the regulations, if it is unclear who is in possession of a vehicle when a device sounds, it can record a violation against the licence. This meant the device would stay on Sally's car for another six months, costing her at least \$1,110 in rental and administrative fees.

### What did we do?

Under the regulations, VicRoads could issue the violations but it was not required to do so. We called VicRoads and spoke with the Interlock team. We said the decision did not seem to reflect the purpose of the regulations: to ensure people with a device fitted to their car are not driving with alcohol in their system.

### What was the outcome?

VicRoads agreed to remove the violations as Sally had provided a clean sample when she returned to her car.

**Considering the purposes of a law when applying a discretion can strengthen the administrative decisions and actions of authorities.**

**In this case, VicRoads' initial decision to uphold the violations was legal, but not fair. Through asking a person at VicRoads to review the circumstances in line with the law's purpose, a fair outcome was achieved.**



*The photo evidence ... clearly shows a plastic seat cover on the unoccupied driver's seat ... I find it beyond ridiculous and extremely unfair that such a simple and innocent occurrence could lead to me, after an impeccable record for the first five months of this six month program, to now be made to start over again from the beginning at extraordinary cost, embarrassment and inconvenience. The camera in the car is placed there to ensure both fairness and reliability of a system that has proved to be anything but.*

Sally's complaint to the Ombudsman

## A just result

### What was the problem?

Andrew applied to the Magistrates' Court to review VicRoads' decision to suspend his driver licence. His appeal was delayed and before the court heard the matter, he had already served 19 days of the suspension. The court upheld VicRoads' decision and Andrew was sent another suspension notice with a new start date.

VicRoads declined Andrew's request to reduce the period to reflect the 19 days already served, saying its process is to issue a new notice after the court has heard a matter and made a decision. Andrew said the original notice did not say the suspension period would be put on hold until after the court's decision.

### What did we do?

We contacted VicRoads to explore a resolution. We explained that VicRoads' process of sending a new notice after a court made a decision made sense when a suspension date did not overlap with a court date. We noted the delay in the court hearing the matter was beyond Andrew's control and suggested it was reasonable for him to believe the suspension would apply as noted in the original notification letter.

### What was the outcome?

VicRoads agreed to reconsider the matter and decided to recognise the time Andrew had already served. It said it would train its staff so similar complaints are considered case by case, on their merits.

**In circumstances where a situation arises that is beyond a person's control, authorities can provide reasonable concessions, while ensuring their enforcement role is not compromised.**



*... VicRoads has decided... to amend the Notice of Suspension ... by reducing the associated suspension period by 19 days under s 40(2) of the Road Safety Act 1986 on the basis that the same offence triggered both suspension notices.*

*... VicRoads hopes this clarifies the situation and should you require further information, please contact VicRoads.*

Extract of letter from VicRoads to Andrew

## Encouraging fairness in the exercise of discretion

### What was the problem?

Mary parked in a one-hour parking area but as she has a disability parking permit she was legally allowed to park for double the standard time. Glen Eira City Council issued Mary a parking fine before the end of the two hours.

When Mary returned to her car, she noticed that her window was open and her permit had blown off the windscreen.

Mary requested the council review the fine because her permit allowed her to park in the area for up to two hours. The council decided to uphold the fine because the permit was not displayed on the windscreen.

### What did we do?

A request for a review of a fine can be declined if the permit was not displayed at the time of the alleged offence. We called the council and discussed Mary's circumstances; this seemed to be an isolated event as she did not have a history of being fined for parking without a permit on display. We asked whether, given Mary's entitlement to stay longer, the council would review the fine again.

### What was the outcome?

The council agreed; it explained that while issuing the fine was lawful, it accepted it should withdraw the fine because Mary did have a disability parking permit.

**People can sometimes make mistakes, such as failing to secure a permit on their windscreen. In these situations, authorities should consider whether it is reasonable to penalise someone for a human error.**

## Special circumstances

### What was the problem?

A Community Legal Centre contacted us about their client Emma, who had been issued with 10 infringements for road tolls. The legal centre had made a 'special circumstances' application to Fines Victoria, requesting it withdraw the infringements on the basis that Emma was homeless and living with a mental illness.

### What did we do?

We contacted Fines Victoria to clarify whether it had assessed the request as a 'special circumstances' application. Fines Victoria acknowledged that Emma's homelessness and mental health had contributed to the offences. It said it did not approve the legal centre's request because of the number of outstanding fines in Emma's name.

We highlighted to Fines Victoria that the *Attorney-General's Guidelines to the Infringements Act 2006* require fines to be revoked if special circumstances exist.

### What was the outcome?

Fines Victoria agreed to revoke all 10 infringements and, instead, issue Emma with a warning.

**For people experiencing hardship, the impact of an authority not applying discretion can compound their circumstances.**

# Influencing policy

The outcome of an individual complaint can result in policy changes that have an ongoing impact. While complaints handled through early resolution take a short time to resolve – sometimes a few days and normally less than a month – they can have a lasting impact.

## Supporting cultural consideration

### What was the problem?

Abigail, an Aboriginal woman who was in public housing, requested a transfer to another housing property. The Department of Health and Human Services asked Abigail to provide more information so it could consider her request. When the information was not provided, the department inspected her property and assumed Abigail had abandoned it because she was not present at the time and the property was damaged.

Over the next few weeks, the department applied to the Victorian Civil and Administrative Tribunal (VCAT) to evict Abigail and dispose of her belongings. Abigail did not attend the hearing and in her absence, VCAT issued an order in favour of the department, requiring Abigail to pay over \$20,000 in property damage.

Abigail's case worker at an Aboriginal Co-operative contacted our office and told us:

- At the time the department issued its notice of intention to evict Abigail, her child had recently passed away in the property and she was grieving.
- The department was aware of a history of domestic violence at the property and the property had been damaged as a result of domestic violence.
- Abigail had left the property temporarily and when she returned to the property, she found it had been cleared and she had been evicted. She was homeless and had been living on the street and in motels funded by the Co-operative.
- The department said it did not know the location of Abigail's physical property, which included photos of her child.

### What did we do?

We contacted the department to discuss and explore how this case could be resolved.

### What was the outcome?

Within two weeks, the department:

- placed Abigail on a priority housing list
- waived Abigail's debt of \$20,052.64, in line with its domestic violence policy
- offered Abigail a 50 per cent reduction in rent for three months, as compensation for having disposed of her physical property.

The department also said:

... internal reflection on this case identified system enhancements whereby staff will, where possible, undertake cultural consultation prior to progressing with abandonments, evictions or debts being raised in all complex cases involving Aboriginal tenants.

Case study

**Authorities bear a responsibility to be mindful of the circumstances their clients face, and to take those circumstances into account when deciding whether to take enforcement action.**



# Resolving systemic issues informally

Where we receive several complaints about an issue, we can look at each case individually, or if the complaints raise systemic concerns, we can decide to investigate. Where we consider a practical resolution can be achieved, we can also take an early resolution approach by engaging with the authority directly and informally.



*[The TAFE] has pushed my career back by six months as they are sending myself and class mates out on final clinical placement at the end of March, therefore I cannot apply to study my bachelor of nursing until June/July of next year.*

Student A  
complaint to the  
Ombudsman

Case study

## A TAFE's nursing diploma: seven complaints

### What was the problem?

Students enrolled in a nursing diploma that was meant to finish in November 2016 were told their placements would not take place until March the following year. The students studied in metropolitan Melbourne through Bendigo Kangan Institute of TAFE and the placements had been arranged in regional Victoria.

Upon enrolment, the students had not been advised the placement dates and location were subject to change, and that this might impact their completion date.

Due to the deferred timing of the course and its location, some students missed out on employment and further study opportunities. One student had relocated interstate on the assumption the course would finish in November. The students were concerned about the additional expenses associated with accommodation and travel to the regional placements.

Seven students contacted us. We recognised the issue affected all 24 students enrolled in the diploma.

### What did we do?

The TAFE agreed to participate in a video conference with us. We reflected on the students' and TAFE's points of view and recognised the efforts the TAFE had already made to resolve the issue. This included the TAFE changing course information to ensure it clearly set out that course completion was subject to change and placements could be in regional areas. It had also committed to place those students who had employment and educational offers first. We discussed potential outcomes which the TAFE said it would consider.

### What was the outcome?

Ten days after the video conference, the problem was resolved. The TAFE decided to:

- Provide an ex-gratia payment of \$600 to all 24 students to contribute to the extra accommodation expenses that would be incurred by the students.
- Provide written confirmation that students had completed the course, pending formal accreditation for the students who needed that confirmation.
- Consider creating a Complaints Manager role to better manage student complaints.

**Dealing with complaints informally can lead to an expeditious and cost-effective resolution. In this case we achieved a resolution that provided a remedy to the students and improved the TAFE's complaints framework.**

## VicRoads' overseas licence verification process: 26 complaints

### What was the problem?

Holders of driver licences issued overseas can apply to VicRoads to convert their licence to a Victorian licence. Most applicants are required to have their licence verified by VicRoads and then take a driving test. The verification process involves VicRoads:

- checking for known security features
- completing online verifications
- liaising with embassies or local authorities.

VicRoads' verification process is intended to ensure Victorian licences are issued to applicants with necessary driving experience, so as to keep Victorian roads safe. There are several reasons why VicRoads might not be able to verify a licence, such as local conditions in other countries or where a licence is missing known security features and VicRoads is unable to obtain information from an issuing authority.

We received 26 complaints about the verification process around four themes:

- the information VicRoads provided applicants
- the timing of the applicants being told about certain requirements
- VicRoads' consideration of documents provided in support of applications
- the time VicRoads took to assess overseas driver licences.

Many people were frustrated that they did not find out about the verification process until they arrived at a driving test and learnt this needed to happen before they could take the test. In some cases, verification took up to three months and meant people had to make alternate, often inconvenient, transport arrangements or missed out on employment opportunities that required a commercial driver licence.

People wanting to verify their overseas licence were often provided different information about the supporting documents they needed to submit to VicRoads. Some were told by VicRoads that they needed a letter from their country's embassy or high commission verifying the validity of their licence. Others were told these letters would not support an application to verify an overseas licence. Complaints to our office showed VicRoads did not rely on these letters because it was often unable to confirm the assessment processes for each embassy or high commission.



### Case study 1: Inaccurate advice contributes to delay

VicRoads told Jayesh he needed to bring a letter from the Consulate General of India to his driving test. It took six weeks for the consulate to provide the verification letter to Jayesh. When he arrived at the test, VicRoads told Jayesh he could not complete the test because he also needed to give his licence to VicRoads for verification. After six weeks, VicRoads told him that it could not verify his driving history.

Overall, Jayesh spent three months preparing and applying for his licence to be verified before he was told VicRoads could not verify it. At the time, Jayesh was unemployed and said he needed a commercial driver licence for the jobs he was interested in. Jayesh said the time taken to verify his licence resulted in him missing out on job opportunities.



### **Case study 2: Three month wait to be told driving history could not be verified**

Hiran completed his road knowledge and hazard perception tests and only found out through his driving instructor after taking these tests that his licence would need to be verified before he could complete a driving test. Hiran submitted his licence for verification and VicRoads told him 12 weeks later that they were unable to verify his driving history.

Hiran expressed frustration at the process not being explained to him earlier, such as when he had booked his tests.



### **Case study 3: Poor communication results in wasted trip**

Arjun gave VicRoads his Indian licence for verification. While VicRoads had his licence, he moved to Queensland. After a month, VicRoads said his licence was ready to be picked up. Arjun asked whether it could post the licence to him but VicRoads said he had to pick up the card in person. Arjun assumed his licence had been successfully verified, so he booked flights and a driving test, which cost him nearly \$400. When he arrived in Melbourne, VicRoads told him his driving history could not be verified and he could not take the test. Arjun applied for reimbursement of the costs of the test, flights, accommodation, transport and loss of pay for the days he took off work. VicRoads offered to reimburse Arjun \$583.

This complaint was resolved reasonably by VicRoads offering to reimburse Arjun for costs he had incurred. However, had VicRoads initially explained to Arjun that his licence had not been verified, he could have chosen whether to return to Victoria to collect it and VicRoads would not have needed to reimburse him.



### **Case study 4: Licence obtained after VicRoads agrees to contact overseas issuing authority**

Naveed applied to VicRoads for verification of his Pakistani driver licence. After VicRoads advised Naveed it could not verify his Pakistani licence, he requested a review and provided a letter from the high commission. This letter said his Pakistani licence was valid. VicRoads advised Naveed it does not rely on these documents and instead performs its own tests.

After the Ombudsman contacted VicRoads about Naveed's complaint, it agreed to contact the issuing authority in Pakistan about Naveed's driving history and they confirmed Naveed had a valid driver licence. As a result, Naveed obtained a Victorian licence.

## What did we do?

We 'batched' the complaints and met with staff from VicRoads' verification team to discuss the causes and how the process could be improved.

VicRoads explained it changed its procedures after receiving reports about fraudulent licences, and becoming concerned that some of the letters purporting to be from embassies and high commissions may be fraudulent. It acknowledged it did not fully anticipate and prepare for the resulting increase in staff workload which created long wait times for customers. It had been planning to take action to speed up the timeframes.

## What was the outcome?

VicRoads changed its overseas licence verification process. This included:

- Implementing a triage process in customer service centres so that overseas licences that had all necessary security features could be verified instantly.
- Introducing an up-front appointment where a customer's evidence of identity will be considered and advice will be provided on available licensing and permit options. This appointment will happen before any driving tests, to avoid people booking and paying for a test they can not undertake.
- Amending its publications to ensure consistent and accurate information is provided to the community.
- Engaging on a national level to raise issues relating to the verification processes of foreign consulates.
- Reconsidering the purpose of assessing documents from foreign consulates.

Several individual complaints were also resolved, with VicRoads agreeing to reimburse customers for expenses incurred as a result of wrong or limited advice it had given.

Six months later we contacted VicRoads to follow up on its progress in making changes. The Director, Registration and Licensing Practices, Standards and Solutions replied:

...[T]hese initiatives have improved the customer experience, time frames for verification, and stakeholder relationships - particularly with the Pakistan and Indian consulates.

...VicRoads subsequently submitted a proposal, to Austroads, for a national review of the overseas licence recognition processes. The Austroads board has approved this project, and VicRoads will lead this work from July 2018. Further, VicRoads has initiated a user-centred project to address the more systemic issues relating to overseas driver licence verification. This process, which will also consider the customer journey in changing over to a Victorian licence, will be led by VicRoads' service design group, located within my team.

VicRoads recognises that the process of verifying overseas licence credentials and authenticity of documentation is often stressful and frustrating for customers. We are committed to continuing to find sensible and practical solutions to alleviate these issues, and to achieve a better balance between customer needs and efficient, risk based checking ...

It is expected that both the VicRoads service design review and the Austroads review will consider more broadly the purpose and utility of consular verification, and the associated processes, and whether alternative arrangements would be more effective. VicRoads will also seek to design fully consistent processes between the overseas jurisdictions if possible.


**When making a change to a practice, it is important for authorities to evaluate potential impacts and to work proactively to minimise any negative impacts. Taking the time to prepare thoroughly for a change can enable an authority to anticipate likely ramifications, avoid issues escalating, and improve the experience for the community.**

Image 1: SBS website article, first published in August 2017

SBS URDU

Translation in English اردو

## VicRoads agrees to work through Pakistan High Commission to verify driver licences



(Getty Images)

**VicRoads will now approach the Pakistan High Commission to verify authenticity of driver licences issued in Pakistan. In return, the High Commission will provide proof of correspondence with local authorities in Pakistan to demonstrate transparency.**

By Zain Nabi

Published on Wednesday, August 30, 2017 - 13:51

File size 3.8 MB

Duration 8 min 19 sec

Tweet

Recommend 0

COMMENTS

Migrants in Victoria holding Pakistani driver licence will not have to contact the licence issuing authority back home to prove authenticity of their documents as the state's transport authority, VicRoads, has agreed to work through the Pakistan High Commission to serve this purpose.

Pakistan High Commissioner Ms Naela Chohan recently met with VicRoads Chief Executive John Merritt and Executive Director Registration and Licensing David Shelton to discuss the [difficulties Pakistani migrants have been facing](#) in getting a full Australian driver licence.

Source: <https://www.sbs.com.au/yourlanguage/urdu/en/audiotrack/vicroads-agrees-work-through-pakistan-high-commission-verify-driver-licences>

# Members of our team

Image 2: The Ombudsman's office is open to the public from 9:00am-5:00pm (Mon-Fri)



Image 3: About 70 per cent of contact we receive from members of the public is over the phone



Image 4: Members of the Early Resolution Team are the initial point of contact for about 85 per cent of people who approach our office



Image 5: We finalised 22,458 matters in the 2016-17 financial year, two per cent more than the previous year



# Further information about the Ombudsman

To assist public sector agencies to handle complaints well, the Ombudsman has published guides outlining principles and practical steps for good complaint handling:

- *Complaints: Good Practice Guide for Public Sector Agencies* (September 2016)
- *Councils and complaints – A good practice guide* (February 2015)

These guidelines and more information about the Ombudsman, our office's policies and practices is available at: [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au)

## Making a complaint

People with a complaint about a Victorian Government department, statutory authority, agency or local council can contact our office to request assistance.

In the first instance people should attempt to resolve their complaint with the agency concerned. Public bodies should have complaints processes that can be used to resolve issues.

The Ombudsman's office can be contacted via the following methods:

### Online

Complaints can be submitted via our website at: [www.ombudsman.vic.gov.au/make-a-complaint](http://www.ombudsman.vic.gov.au/make-a-complaint)

### In person/by mail

People can visit or write to us at:

Victorian Ombudsman  
Level 2  
570 Bourke Street  
Melbourne VIC 3000

Our reception hours are 9:00am-5:00pm (Mon-Fri).

### Telephone

Our telephone numbers are: 03 9613 6222 and toll free 1800 806 314 (regional only). Whilst complaints can generally be made over the phone, sometimes we may need them to be put in writing.





# Victorian Ombudsman's Parliamentary Reports tabled since April 2014

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## 2018

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Ombudsman's recommendations – second report

July 2018

Investigation into child sex offender Robert Whitehead's involvement with Puffing Billy and other railway bodies

June 2018

Investigation into the administration of the Fairness Fund for taxi and hire car licence holders

June 2018

Investigation into Maribyrnong City Council's internal review practices for disability parking infringements

April 2018

Investigation into Wodonga City Council's overcharging of a waste management levy

April 2018

Investigation of a matter referred from the Legislative Council on 25 November 2015

March 2018

Investigation into the management and protection of disability group home residents by the Department of Health and Human Services and Autism Plus

September 2017

Enquiry into the provision of alcohol and drug rehabilitation services following contact with the criminal justice system

September 2017

Investigation into Victorian government school expulsions

August 2017

Report into allegations of conflict of interest of an officer at the Metropolitan Fire and Emergency Services Board

June 2017

Apologies

April 2017

Investigation into allegations of improper conduct by officers at the Mount Buller and Mount Stirling Resort Management Board

March 2017

Report on youth justice facilities at the Grevillea unit of Barwon Prison, Malmsbury and Parkville

February 2017

Investigation into the Registry of Births, Deaths and Marriages' handling of a complaint

January 2017

## 2017

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Investigation into the financial support provided to kinship carers

December 2017

Implementing OPCAT in Victoria: report and inspection of the Dame Phyllis Frost Centre

November 2017

Investigation into the management of maintenance claims against public housing tenants

October 2017

## 2016

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Investigation into the transparency of local government decision making

December 2016

Ombudsman enquiries: Resolving complaints informally

October 2016

Investigation into the management of complex workers compensation claims and WorkSafe oversight

September 2016

Report on recommendations

June 2016

Investigation into Casey City Council's Special Charge Scheme for Market Lane

June 2016

Investigation into the misuse of council resources

June 2016

Investigation into public transport fare evasion enforcement

May 2016

## 2015

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Reporting and investigation of allegations of abuse in the disability sector: Phase 2 – incident reporting

December 2015

Investigation of a protected disclosure complaint regarding allegations of improper conduct by councillors associated with political donations

November 2015

Investigation into the rehabilitation and reintegration of prisoners in Victoria

September 2015

Conflict of interest by an Executive Officer in the Department of Education and Training

September 2015

Reporting and investigation of allegations of abuse in the disability sector: Phase 1 – the effectiveness of statutory oversight

June 2015

Investigation into allegations of improper conduct by officers of VicRoads

June 2015

Investigation into Department of Health oversight of Mentone Gardens, a Supported Residential Service

April 2015

Councils and complaints – A report on current practice and issues

February 2015

Investigation into an incident of alleged excessive force used by authorised officers

February 2015

## 2014

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Investigation following concerns raised by Community Visitors about a mental health facility

October 2014

Investigation into allegations of improper conduct in the Office of Living Victoria

August 2014

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