

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
BUDGET ESTIMATES 2011-2012

Prime Minister and Cabinet Portfolio

Department/Agency: Office of the Commonwealth Ombudsman
Outcome/Program: Office of the Commonwealth Ombudsman
Topic: AFP IDG complaints – process for handling

Senator: Senator Rhiannon

Question reference number: 75

Type of question: Written

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Number of pages: 1

Question:

How does ... [the Ombudsman's office] decide on which [AFP] complaints it looks at?

Answer:

The *Ombudsman Act 1976* gives us a broad discretion about which complaints we will investigate. One of the circumstances where we can and do routinely decline to investigate is where the person has not yet complained to the agency concerned. In such cases, we refer them back to that agency to seek a resolution.

If a person has already been to the AFP we will take into account a number of considerations before deciding to investigate a complaint, such as:

- does the complainant has a right to have the matter dealt with by a tribunal or court;
- is there is another more appropriate body which can investigate the complaint
- does the complainant have a sufficient interest in the subject matter of the complaint
- did the circumstances giving rise to the complaint arise more than a year ago (this can impact on the availability of evidence to investigate)
- is it an employment related matter that is more appropriately dealt with by the line management in the AFP.