

Our reference: A2374717

24 October 2023

Dr Warren Mundy  
The Independent Review of the National Legal Assistance Partnership

By email: [submission@nlapreview.com.au](mailto:submission@nlapreview.com.au)

Dear Dr Mundy

**Independent Review of the National Legal Assistance Partnership 2020-2025**

Further to our meeting earlier this month to discuss your review of the National Legal Assistance Partnership 2020-2025 (NLAP Review), my team identified a number of complaints which may assist your review.

The purpose of the Office of the Commonwealth Ombudsman (the OCO) is to:

- provide assurance that the agencies and entities we oversee act with integrity and treat people fairly; and
- influence systemic improvement in government administration.

We aim to achieve our purpose by:

- independent and impartial review of complaints and disclosures about government administrative action
- influencing government agencies to be accountable, lawful, fair, transparent, and responsive
- assisting people to resolve complaints about government administrative action; and
- providing a level of assurance that law enforcement, integrity and regulatory agencies are complying with legal requirements when using covert, intrusive and coercive powers.

The OCO identified that 14 complaints had been made since 2018 which referenced a legal assistance service provider (LSP):

- In 10 cases, the OCO suggested the complainant seek legal assistance from a LSP, as it appeared that the complainant needed legal advice.
- In 2 cases, the complainant or complaint was referred to the OCO by a LSP. In 1 case, it was within our jurisdiction and we had the power to investigate the complaint. For the other case, the preliminary assessment was that the matter appeared to be within our jurisdiction, but the case was closed without being investigated due to a lack of response from the referring LSP.
- In the remaining 2 cases, the complainant sought advice from a LSP but their matter was not resolved. The complainant then independently approached the OCO (i.e. without being referred by the LSP). In 1 case, the matter was out of our jurisdiction, as the agency subject to the complaint was not a prescribed authority within the meaning of the *Ombudsman Act*

1976. In the other case, we resolved the complainant's matter by engaging with the relevant agency – case study below refers.

The OCO further identified a matter which provides a useful case study of the interaction between the OCO and LSPs.

**Case study: Application to waive student debt**

The complainant, C, was approached outside their local Centrelink office and offered a free course to help find work. C completed the course assuming it was free. C was later told they had incurred a \$30,000 debt from the course. C believed they were targeted outside Centrelink and exploited due to their financial vulnerability and work insecurity.

C reached out to their local community centre who referred them to a LSP. When they contacted that LSP, C was referred to another LSP instead. The LSP then recommended C contact a local charity for assistance.

On the recommendation of a friend who had experienced a similar situation, they made a complaint to the OCO seeking a fair resolution of the issue. The OCO investigated the matter under its statutory function as the Vocational Education and Training Student Loans Ombudsman and made recommendations which resulted in the provider waiving C's debt.

Our data suggest that if we identify a complainant who would benefit from obtaining legal advice (for example where their potential remedy lies outside our jurisdiction), we refer them to a LSP. At the same time, it may be that LSPs could refer more matters to the OCO, as being matters within our jurisdiction rather than matters where legal advice is required. Effective referrals may help improve the efficiency of the administrative law system and the experience of people navigating that system.

Yours sincerely



Iain Anderson  
Commonwealth Ombudsman

*Influencing systemic improvement in public administration*