

## **INTEGRITY AND OTHER LEGISLATION AMENDMENT BILL 2023**

**Submission No:** 4  
**Submitted by:** Office of the Queensland Ombudsman  
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**Submitter Comments:**

Our ref: [REDACTED]

**SENSITIVE**

20 July 2023

Committee Secretary  
Economics and Governance Committee  
Parliament House  
George Street  
Brisbane Qld 4000

**By email:** [egc@parliament.qld.gov.au](mailto:egc@parliament.qld.gov.au)

Dear Committee Secretary

**RE: Submissions for the Integrity and Other Legislation Amendment Bill 2023**

The Office of the Queensland Ombudsman (the Office) welcomes the opportunity to make this submission to the Economics and Governance Committee (the Committee) on the Integrity and Other Legislation Amendment Bill 2023 (Bill).

**Background**

The Bill's policy objective is to implement certain recommendations contained in the *Let the sunshine in: Review of culture and accountability in the Queensland public sector* (Coaldrake Report).<sup>1</sup>

The *Integrity and Other Legislation Amendment Act 2022*, passed by Parliament in November 2022, has already implemented some of the other recommendations from the Coaldrake Report, including the suggestion to change this Office's strategic reviews back to every five years from every seven years.<sup>2</sup> That change will take effect after the next scheduled strategic review.<sup>3</sup>

**Expansion of the Office's jurisdiction to directly investigate NGOs**

Recommendation 13 of the Coaldrake Report provides<sup>4</sup>:

*The Ombudsman be provided with the authority to investigate complaints against private organisations carrying out functions on behalf of the government.*

To give effect to this recommendation, section 49 of the Bill proposes to insert a new section 12A into the *Ombudsman Act 2001* (Act).

The Office considers that the proposed section effectively implements the Coaldrake Report recommendation. The new section would expand the Office's existing jurisdiction and

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<sup>1</sup> Explanatory Notes page 1.

<sup>2</sup> *Integrity and Other Legislation Amendment Act 2022* (Qld) Part 4.

<sup>3</sup> *Ombudsman Act 2001* (Qld) s 113.

<sup>4</sup> Coaldrake Report page 3.

powers to allow the Office to directly investigate the administrative actions of non-government services providers (or NGOs) made on behalf of, or under contract with, agencies. Currently under the Act, the Office is limited to investigating how the government agency has addressed the issue that is subject of the complaint where an NGO is involved, but it cannot directly investigate or make recommendations to the NGO.

The new section also enables the Office to provide advice, training, information and other help about ways of improving the quality of the NGO's administrative practices and procedures as it relates to the performance of functions conferred by the government agency.

### **Increased funding for the expanded jurisdiction**

In the 2023-24 Budget, the government is providing the Office increased funding of \$5 million over 4 years with \$1.5 million per annum ongoing to enhance the Office's complaints and investigations management capacity. This funding relates to the expanded jurisdiction proposed in the Bill.

The Office will monitor any changes to its demand levels for services with the expanded jurisdiction in the Bill, and assess whether the current resourcing remains appropriate.

### **Increased involvement of the parliamentary committee**

The Office also notes and welcomes the Bill's proposed changes to increase the parliamentary committee's involvement in the administration and oversight of the Office. This includes the processes for additional funding proposals, the selection of key appointments and the tabling of the Office's annual report.

### **Previous consultation regarding the Bill**

This Office has previously been consulted by the government about the implementation of the Coaldrake Report recommendations, including this Bill. Consultation occurred through the government's Integrity Reform Steering Committee, in which the Deputy Ombudsman and I were members.

### **The Bill is supported**

In conclusion, the Office is supportive of the Bill as it relates to this Office.

If you require any further information or any other assistance, please do not hesitate to contact me by email [REDACTED] or by telephone [REDACTED]

Yours faithfully

[REDACTED]

Anthony Reilly  
Queensland Ombudsman and  
Inspector of Detention Services