

19 September 2014

RECEIVED
22 Sep 2014
Finance and
Administration Committee

Mr Steve Davies MP
Chair
Finance and Administration Committee
Member for Capalaba
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Davies

Submission in response to the Queensland Plan Bill 2014

I thank you for the opportunity to provide a submission on the Queensland Plan Bill 2014 (the Bill), which I understand was referred to the Finance and Administration Committee, Legislative Assembly of Queensland, following its First Reading on 26 August 2014.

The Office of the Health Ombudsman has undertaken a review of the Bill, and I offer commentary in response to the following clauses:

- Government response to the Queensland Plan (clause 8, section 3)
Under clause 8, section 3 the government response to the Plan may:
 - (a) state the core outcomes to be achieved by a stated public authority; and
 - (b) require a particular strategy or action to be taken by a stated public authority; and
 - (c) state the timeframe within which an outcome is to be achieved or a strategy or action is to be taken.
- Policy, program and service alignment with government (clause 10)
Clause 10 requires the chief executive of a public authority must ensure a public authority's policies and programs and the services it delivers to be consistent with the strategic direction of the government response to the Plan.
- Annual report—public authorities (clause 13)
Under clause 13, the chief executive of a public authority must ensure the public authority's annual report for each financial year includes a statement about the authority's progress, during the financial year, in developing policies and programs, and delivering services that are consistent with the strategic direction of the government response to the Plan.

The Bill defines a 'public authority' as a 'department' or 'statutory body'. The Office of the Health Ombudsman was established under the *Health Ombudsman Act 2013* and is a statutory body under the *Financial Accountability Act 2009*, and as such is considered a public authority for the purposes of

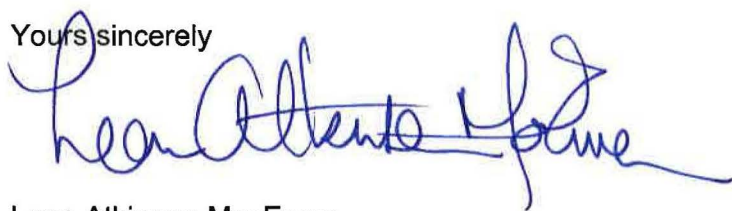
the Bill. The statutory position of Health Ombudsman is considered to be the 'chief executive' for the purposes of the Bill.

As presently drafted, clauses outlined above are inconsistent with section 28(2) of the *Health Ombudsman Act 2013*, which provides that the Health Ombudsman is not subject to direction by anyone about how to perform the functions of this statutory office, save for limited Ministerial direction.

I appreciate that these clauses were likely included to reflect the government's commitment to ensuring the views of Queenslanders are acted upon in a coordinated and measurable way. While I consider it may be appropriate for my position and office to have regard to the Plan's priorities, it would be inappropriate to impose requirements relating to the Plan on me given the imperative that I act independently, impartially and in the public interest as Queensland's Health Ombudsman.

Therefore, I strongly encourage the committee to amend to these clauses so as to ensure the independence of statutory bodies and statutory office holders like myself.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Leon Atkinson-MacEwen', with a stylized flourish at the end.

Leon Atkinson-MacEwen
Health Ombudsman