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Contact Officer: Mark Docwra [REDACTED]

6 April 2018

Ms Renee Easten
Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
BRISBANE QLD 4000

By email: lacsc@parliament.qld.gov.au

Dear Ms Easten

Re: Strategic Review of the Office of the Queensland Ombudsman

I thank the Legal Affairs and Community Safety Committee (the Committee) for inviting a submission from the Crime and Corruption Commission (CCC) concerning the Committee's inquiry into the 2017 review report concerning the statutory strategic review of the Office of the Queensland Ombudsman (the review).

The review report endorses the Ombudsman's role and function in investigating administrative actions of agencies and in assisting agencies to improve the quality of administrative practices and procedures as essential elements in the Queensland accountability and integrity system.¹ I similarly endorse the Ombudsman's value and good work in improving and maintaining robust public administration in Queensland.

The CCC and the Ombudsman have differing functions and responsibilities but maintain a valuable and productive relationship in promoting integrity in the public sector. Accordingly I would like to express the CCC's appreciation to Simone Webbe for providing the CCC with the opportunity to be consulted as part of the review.

The review report contains 72 recommendations. It is unnecessary to comment on the bulk of these recommendations which generally relate to internal management and practice within the Office of the Ombudsman. Rather I intend to limit comment to certain recommendations about which the CCC's experience may help inform the Committee's consideration about the operation and utility of proposed legislative amendments.

The review report contains a number of recommendations that generally align with comparable powers and principles contained in the *Crime and Corruption Act 2001* (the CC Act).² These provisions promote cooperation between the CCC and other agencies, to avoid duplication and to make optimal use of CCC resources in performing its assessment, investigative and monitoring functions. Embedding principles of this kind in the CC Act continues to be of great utility to the CCC in performing its work.

¹ Recommendation 1.

² Sections 35(2), 38(2), 40, 46(3)-(4), 47, 48 and 59, *Crime and Corruption Act 2001*.

The Committee might consider that similar arrangements, appropriately adapted to the Ombudsman's requirements, would be essential to the efficient and effective performance of the Ombudsman's important work.

In light of the above considerations I commend the review report recommendation 3 which strongly supports the Ombudsman's suggestion for legislative clarification to enable preliminary inquiries with agencies before commencing an own initiative investigation.

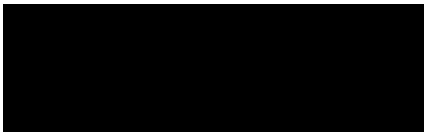
The review report recommendation 8 supports the Ombudsman's suggestion to amend the *Ombudsman Act 2001* to insert provisions giving the Ombudsman a formal discretion, following consultation with the agency, to refer a matter to an agency for investigation with a report-back mechanism about the results of action taken. The CC Act contains similar provisions enabling the CCC to refer matters to agencies, to investigate or otherwise deal with, subject to the CCC's monitoring role.³ The CCC monitoring role includes, among other things, the power to assume responsibility for the investigation of the matter if that is necessary to promote public confidence in the integrity of public administration.⁴ Based on CCC experience this is a useful mechanism to ensure agency resources are used efficiently and sufficient oversight of an investigation is maintained. I commend the Ombudsman's suggestions and recommendation 8 to the Committee.

The review report recommendation 22 strongly supports the reintroduction of proposed legislative amendments in relation to the Ombudsman that were contained in Part 6 of the Crime and Corruption and Other Legislation Amendment Bill 2017 of the 55th Parliament (the lapsed Bill). You would of course be aware that the Committee's Report No. 4 of the 56th Parliament recommended that the Crime and Corruption and Other Legislation Amendment Bill 2018 (current Bill) be passed and that the current Bill contains identical amendments concerning the Ombudsman to those in the lapsed Bill. I thank the Committee for its recommendation regarding the current Bill which would enable the Ombudsman to appropriately disclose information in the public interest.

The above recommendations along with review report recommendations 19, 23 and 25 complement and support the Ombudsman's existing obligations to liaise and enter arrangements with entities regarding their respective functions and avoid duplication in investigating administrative action.⁵ These recommendations will improve alignment of legislation and practice for Queensland integrity agencies (the Ombudsman, CCC and the Queensland Audit Office) and their oversight of the public sector. I commend these recommendations to the Committee and believe they will promote optimal use of public sector agency resources for the purposes of the Ombudsman.

I trust that the Committee is assisted by the above submissions.

Yours sincerely



A J MacSporran QC
Chairperson

³ Sections 46 – 48, *Crime and Corruption Act 2001*.

⁴ Sections 34(d), 47 - 48 and 57, *Crime and Corruption Act 2001*.

⁵ Section 15, *Ombudsman Act 2001*.