



Your Ref: A300396
Our Ref: AR:cm
Date: 17 April 2018

Facsimile: (07) 3238 3340

The Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000

Dear Committee Secretary

Strategic Review of the Office of the Queensland Ombudsman

Thank you for inviting Legal Aid Queensland to comment on the report on the Strategic Review of the Office of the Queensland Ombudsman.

The Office of the Queensland Ombudsman investigates complaints concerning administrative actions by Legal Aid Queensland. The vast majority of complaints are received from unsuccessful applicants for legal aid following the refusal of their applications by Legal Aid Queensland, and the exhaustion of Legal Aid Queensland's internal and external review processes. Ombudsman enquiries may also relate to Legal Aid Queensland's investigation of complaints about our services and any other administrative action that we may take as an outcome of an investigation. The Ombudsman's office also provides training to Legal Aid Queensland staff in relation to good decision making, complaint management and managing unreasonable conduct.

Legal Aid Queensland values its good relationship with the Ombudsman's Office, and commends the quality of the training provided by the office.

Legal Aid Queensland and the Ombudsman's Office have already established a protocol which provides for a single point of contact in Legal Aid Queensland for the purpose of Ombudsman enquiries and investigations. We note the protocol works well and has been an effective strategy for liaison between our offices.

We have reviewed the report of the Strategic Review of the Office of the Queensland Ombudsman and support the recommendations made in the report.

Further to the recommendations of the review report, we submit that consideration should be given to amending section 45 of the *Ombudsman Act 2001*. Section 45 provides that the State or an agency is not entitled to claim privilege in response to a request by the Ombudsman for production of documents. Documents relating to legally aided persons are subject to legal professional privilege under the *Legal Aid Queensland Act 1997*. The Ombudsman's office regularly seek access to such documents and we submit that section 45 should be clarified to provide that legal professional privilege of legally assisted persons is not waived by the provision of privileged information by Legal Aid Queensland to the Ombudsman's office pursuant to an enquiry or investigation.

The Committee Secretary

11 April 2018

If you require any further information, please contact Craig May, Principal Policy Officer, [REDACTED]
[REDACTED]

Yours sincerely

[REDACTED]
Anthony Reilly
Chief Executive Officer
Legal Aid Queensland