

# CRIME AND MISCONDUCT COMMISSION

GPO Box 3123  
Brisbane Qld 4001

Level 2, North Tower  
515 St Pauls Terrace  
Fortitude Valley, Qld

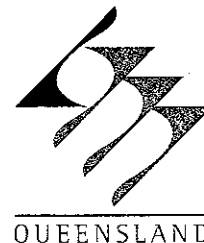
Tel: (07) 3360 6060  
Fax: (07) 3360 6333

Toll Free:  
1800 061 611

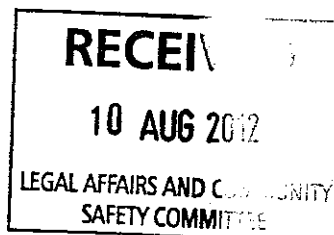
Email  
mailbox@cmc.qld.gov.au

www.cmc.qld.gov.au

Strategic Review of the  
Office of the Qld  
Ombudsman  
Submission 008



Your Reference: 11.9.3.c  
Our Reference: AD-12-0212 / DK  
Contact Officer: Dianne McFarlane



10 August 2012

Mr B Hastie  
Research Director  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
**BRISBANE QLD 4000**

Dear Mr Hastie

## **RE: REVIEW OF THE OFFICE OF THE QUEENSLAND OMBUDSMAN**

I wish to thank the Committee for the invitation to make a submission in relation to its strategic review of the Office of the Queensland Ombudsman (the Ombudsman).

Over the past 10 years the Crime and Misconduct Commission (CMC) and the Ombudsman have developed a close working relationship. This relationship is built on well understood and complementary jurisdictional boundaries. Our respective legislation underpins the need to work co-operatively and to liaise and co-ordinate activities to avoid duplication of investigative activity (s 59 *Crime and Misconduct Act 2001* and s 15 *Ombudsman Act 2001*).

Liaison between our agencies occurs at a number of levels ranging from the involvement of the CMC Chairperson and the Ombudsman on the Integrity Committee, to quarterly meetings at senior officer level to consider ongoing Local Government issues. These quarterly meetings also involve the Department of Local Government and the Queensland Audit Office. The purpose is to share information about recent, current and future activities to identify opportunities to enhance each agency's strategic and operational engagement with the local government sector. The CMC has determined that we will continue to play a significant role in maintaining public confidence in local government, and will continue to explore effective means to identify areas of misconduct risks. Our liaison with the Ombudsman is an important proactive strategy in this regard.

More regular contact occurs between officers of both agencies involved in receiving and dealing with specific complaints. Contact occurs in particular on a day to day basis when dealing with serious adverse health incidents (as signatories to a Memorandum of Understanding with a number of other oversight and investigatory agencies), and complaints generally, in line with a liaison and information sharing agreement in place since 2008.

### **Complaints management**

#### *a) Possible outsourcing of initial contacts*

Like the Ombudsman, the CMC spends considerable time and resources on telephone contact with complainants who are complaining about matters that are determined to

not be within the CMC's jurisdiction. While it is accepted that this time could be better spent on dealing with more serious allegations of misconduct, the CMC would suggest that detailed consideration be given to recommendation 9 to explore opportunities for a call share arrangement with other agencies. The CMC is of the view that any short term cost advantages need to be considered against the associated key risks presented by outsourcing complaints management. Particular risks include the potential for an inadequate level/quality of service impacting adversely on the Ombudsman's public profile, and under-estimated costs effectively diluting any business case for outsourcing.

#### *b) Updating Complaints portal*

The CMC supports the need for an upgrade of the complaints portal [www.complaints.qld.gov.au](http://www.complaints.qld.gov.au) (recommendation 10). When it was launched in 2009 it was a joint initiative of the Queensland Ombudsman; the Anti-Discrimination Commission Queensland; the Commission for Children, Young People and Child Guardian; the Commonwealth Ombudsman; the Health Quality and Complaints Commission; and the CMC. It was seen as an efficiency measure to improve people's understanding of the types of complaints each agency dealt with, thereby reducing the number of complaints that we needed to refer to other agencies.

The portal was particularly aimed at people from multi-cultural backgrounds. A related brochure is available in 15 languages, identified at the time as the priority language groups among our target audiences. Costs were shared by the agencies.

From the original six partner agencies, the site has expanded to now include links to additional independent complaint agencies, including the Information Commissioner, the Energy and Water Ombudsman, and the Office of Fair Trading.

Website statistics for the last financial year indicate that 12,701 people visited the site in 2011-2012.

The CMC is aware that both the portal and the brochures are scheduled to be reviewed and evaluated in 2012, and we will work with the Ombudsman and the other complaints agencies to ensure this cost effective initiative is maintained to best practice.

#### *c) Complaints Management Authority*

While we welcome any recommendation which would provide the necessary power and authority for the development and setting of complaint management standards, and the possible establishment of a Complaints Management Authority within the Office of the Ombudsman, the CMC notes that there are a number of oversight agencies, including the CMC who have responsibilities in this area.

For example, the Public Service Commission has responsibility for setting standards in relation to complaints management, and the CMC has statutory power to review or audit the way in which a public official deals with a complaint or a class of complaints of official misconduct [s 48 of the *Crime and Misconduct Act 2001*].

If recommendations 12, 13 and 14 were to be implemented the CMC would recommend consultation take place between the Ombudsman and the CMC to ensure our organisations do not duplicate effort and resources.

#### **Non-government sector (NGO)**

The CMC notes that recommendation 15 of the review report is to allow interested persons the opportunity to make complaints to the Ombudsman's Office about an administrative decision by an NGO in receipt of significant Government funding.

This recommendation is supported in principle, in light of the recent changes to the integrity arrangements and powers conferred on the Auditor General's Office to undertake audits on an NGO in receipt of significant Government funding.

The consequence of implementing this recommendation, in tandem with the audit functions, would not only provide a checking mechanism for the proper expenditure by the NGO (i.e. was the money spent where it was intended to go?), but could also facilitate the resolution of grievances arising out of administrative decisions made by the NGO with respect to the allocations associated with that funding.

### **Engagement with Indigenous people and communities**

The CMC supports the recommendation to build on the Ombudsman's current activities to engage with Indigenous people and communities. In developing the CMC's own *Indigenous engagement strategy* this year, we recognised that delivery of the activities and actions included in the strategy is essential to improved relationships and outcomes for Indigenous people and communities.

One area we would welcome greater collaboration is in establishing networks of officers across Integrity Agencies and other stakeholders to develop a program of joint prevention and education activities, including awareness programs for Indigenous Councils.

Outreach programs are an integral part of the CMC's complaints identification and resolution processes, the intended purpose of which is to raise awareness about official misconduct and to provide information to all Queenslanders about how to make complaints. This work is an aspect of the CMC's two Indigenous Liaison Officer roles. A program by the Ombudsman's Office of systematic regional visits designed to raise awareness and address complaints informs and empowers regional populations. The proposal to improve the information needs of Indigenous Communities through employment of Indigenous staff is supported (refer recommendations 26 and 27).

### **Targeted audits**

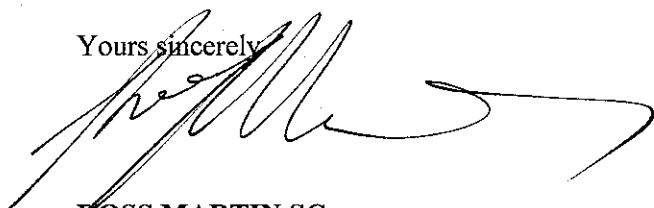
We note with interest the comments in the review report about pro-active steps that the Ombudsman could take where there is a judgment that administrative actions / processes supporting the delivery of a government program may give rise to an unnecessarily high level of complaints in the future (recommendations 34 - 36).

The issue arising is whether the Ombudsman's remit should be broadened to audit the service delivery aspects of such a program.

While the report acknowledges the potential for overlap of jurisdictions and the need for clarity in the Ombudsman's role, the CMC is of the view that should such a position be ultimately taken, it would be beneficial for it to be supported by statutory guidance as to how the various agencies co-operate and co-ordinate their activities.

I trust this submission assists the Committee in its review. Thank you again for the opportunity to contribute.

Yours sincerely



**ROSS MARTIN SC**  
Chairperson