



Strategic Review of the
Office of the Qld
Ombudsman
Submission 009

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Office of the Registrar

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

**Re: Committee Review of the Strategic Review of the Office of the Queensland Ombudsman
– call for submissions**

We write in response to the call for submissions on the Strategic Review of the Office of the Queensland Ombudsman.

Whilst most of the recommendations seem reasonable, there are some which cause concern to our universities: Queensland University of Technology (QUT), Griffith University and the University of Queensland. These concerns are as follows:

1. Recommendations 10, 11, 12 and 13

10: The Ombudsman should address with the relevant agencies, the upgrade of the current www.complaints.qld.gov.au website to include relevant telephone numbers at least as well as a better organisation of brochures and other information that directly links on the site to the relevant agency.

11: Consideration might also be given by the appropriate Government agencies to the setting up of a central facility for receipt of complaints generally from individuals who feel they have been adversely affected by the way a Government service is delivered to them or affected by an administrative decision of an agency.

12: Consideration be given to amending the Ombudsman Act 2001 to provide the necessary power and authority for the Ombudsman to develop and set appropriate complaint management standards governing complaint management systems and for the monitoring thereof.

13: Consideration also be given to establishing a Complaints Standards Authority within the Office of the Ombudsman to develop, implement and monitor the standards set.

The publication of telephone numbers and brochures, the development of complaints management standards and the establishment of a Complaints Standards Authority might all be sensible in relation to local Government entities which have centralised complaints handling systems; however these recommendations may be less easily applicable to universities, which have different resources and infrastructure, to other public sector entities, to respond to complaints. The Ombudsman has previously advocated the development of a centralised approach to the management of complaints by universities; however, this raises significant concerns for our institutions. Our universities instead take successful localised approaches to the management and resolution of complaints generally, the vast majority of which are informally resolved without the need for escalation to more formal processes. Imposing a 'one size fits all' set of complaints management standards and practices, which are applicable to universities as well as other, very different, public sector entities, may unnecessarily formalise the currently successful approaches to complaints management undertaken by our universities.

2. Recommendation 29

29: The proposal by the Ombudsman for amendments to section 54 of the Ombudsman Act 2001 to allow publication of reports administratively in appropriate circumstances is supported.

The Review Report lacks guidance on the meaning of 'appropriate circumstances'. There is, therefore, concern that reports may be published by the Ombudsman without an entity's associated response, and report observations, recommendations or conclusions may be taken out of context by the general public. The Ombudsman has suggested in Appendix D of the report that the corollary to giving the Ombudsman this power is to amend the *Right to Information Act 2009* to exempt Ombudsman reports from the ambit of the RTI Act. It seems that these two recommendations in tandem provide considerably expanded powers to the Ombudsman without articulating what checks and balances there will be in the system to ensure this power is consistently used in the public interest.

3. Recommendations 6, 33, 36 and 56

6: The Ombudsman should ensure that any audits of complaint management systems in agencies include an examination of the effectiveness of complainant appeal processes.

33: The Ombudsman should give greater priority to an increased level of targeted compliance auditing of complaint management systems within agencies and councils, if necessary by reallocation of resources, with further thought being given to more focussed audits to give greater coverage in a reasonable time frame.

36: The Ombudsman should also explore with the Auditor-General the ramifications of and any concerns he may have regarding a role for the Ombudsman in reviewing service delivery of an agency from the perspective of minimising future complaints.

56: The proposals by the Ombudsman for various amendments to the Ombudsman Act 2001 as outlined in Attachment D are endorsed in principle.

Recommendations 6, 33 and 36 may suggest an expanded remit of the Ombudsman. Likewise, Attachment D suggests amending the legislation, through the insertion of a new section, 14A, to permit the Ombudsman to conduct a review of the administrative practices and procedures of an agency. The Attachment also suggests that the legislation be amended, through the insertion of another new section, 23A, to permit the Ombudsman to direct an agency to refrain from performing an administrative act for a specified period. The concern in relation to these recommendations and suggested amendments is the

implication that the Ombudsman is moving from a facilitating and advisory role to an auditing and enforcement role. Universities are already subject to the audit and compliance requirements of various external entities. To add another potential audit obligation, and further compliance obligations, would increase the burden on universities in accommodating such activities.

Furthermore, recommendation 56 is very broad, given the detail of Attachment D. Reassurance and clarification are, therefore, sought in relation to section 45 that the Ombudsman will not publicly disclose legal advice obtained by a public sector entity.

QUT, Griffith University and the University of Queensland have all observed that it can take a considerable amount of time for complaints to be considered by the Ombudsman's Office. Recommendation 23 speaks to the need for the Investigations Team to "continue to focus on the timely investigation of complaints, mindful of minimising a legalistic approach and keeping in mind the need for proportionality in the efforts and resources applied to resolving complaints". It could be argued in the university context that where trivial or straightforward complaints are investigated (for example students who have been refused further enrolment because of repeated poor academic progress), a disproportionate amount of resource is being expended by both the Investigations Team and the responding university, to close out these complaints. This results in time delays as well as the unproductive use of resources, and developing a more streamlined procedure for trivial or 'routine' complaints might ease the resource burden being experienced by the Ombudsman's Office. Our universities would be happy to work with the Ombudsman's Office to agree such procedures for the more routine complaints that are received.

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