



LEGAL AFFAIRS AND SAFETY COMMITTEE

Members present:

Mr PS Russo MP—Chair
Ms SL Bolton MP
Ms JM Bush MP
Mrs LJ Gerber MP
Mr JE Hunt MP
Mr JM Krause MP

Staff present:

Ms R Easten—Committee Secretary
Ms K Longworth—Assistant Committee Secretary

PUBLIC HEARING—OVERSIGHT OF THE QUEENSLAND OMBUDSMAN (OFFICE OF THE QUEENSLAND OMBUDSMAN)

TRANSCRIPT OF PROCEEDINGS

MONDAY, 9 MAY 2022

Brisbane

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The committee met at 9.33 am.

CHAIR: I declare open the public hearing for the committee's oversight of the Queensland Ombudsman. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander people, whose lands, winds and waters we all share.

My name is Peter Russo, the member for Toohey and chair of the committee. The other committee members here with me today are: Mrs Laura Gerber, member for Currumbin and deputy chair; Ms Sandy Bolton, member for Noosa; Ms Jonty Bush, member for Cooper; Mr Jason Hunt, member for Caloundra, who is joining us via teleconference; and Mr Jon Krause, member for Scenic Rim, who is also joining us by teleconference.

Under the Ombudsman Act 2001 and the standing rules and orders of the Legislative Assembly, the committee has oversight responsibility for the Queensland Ombudsman. The committee's oversight functions include monitoring and reviewing the performance by the Queensland Ombudsman of its functions, reporting to the Assembly on any matter concerning the Queensland Ombudsman that the committee considers should be drawn to the Legislative Assembly's attention, examining the Queensland Ombudsman's annual reports, and reporting to the Legislative Assembly any changes to the functions, structures and procedures of the Queensland Ombudsman that the committee considers are desirable for more effective operation of the Queensland Ombudsman or the Ombudsman Act 2001.

The purpose of today's public hearing is to hear evidence from representatives of the Queensland Ombudsman as part of the committee's oversight. Only the committee and invited witnesses may participate in the proceedings today. Witnesses are not required to give evidence under oath, but I remind witnesses that intentionally misleading the committee is a serious offence. These proceedings are similar to parliament and are subject to the Legislative Assembly's standing rules and orders. In this regard I remind members of the public that, under the standing orders, the public may be admitted to, or excluded from, the hearing at the discretion of the committee.

The proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and will be subject to my directions at all times. The media rules endorsed by the committee are available from the committee staff if required. All those present today should note that it is possible you might be filmed or photographed during the proceedings by the media and images may also appear on the parliament's website and social media pages. I ask everyone present to turn their mobile phones off or to silent mode.

PYKE, Ms Angela, Deputy Ombudsman, Office of the Queensland Ombudsman

REILLY, Mr Anthony, Queensland Ombudsman, Office of the Queensland Ombudsman

ROBERTSON, Ms Leanne, Director, Corporate Services, Office of the Queensland Ombudsman

ROSEMANN, Ms Louise, Principal Adviser, Public Interest Disclosures, Office of the Queensland Ombudsman

CHAIR: Good morning. I invite you to make a short opening statement, after which committee members will have some questions for you.

Mr Reilly: Thank you for the opportunity to make an opening statement. I would also like to acknowledge the traditional owners of the land on which we meet today. Thank you also for introducing my colleagues who are here today.

Our office strives to be an agent of positive change for fair and accountable public administration in Queensland. We do this in three ways: by investigating administrative actions, usually following a complaint; by helping agencies to improve their administrative practices through information, training and advice; and also by oversighting the system of public interest disclosures. I will comment on each

of these areas briefly. I should note that, while my comments are primarily about the 2021 year, as addressed in our 2021 annual report, I will also refer to some events that have occurred since that report was published.

During 2021 the office continued to receive and investigate complaints about state government departments and statutory authorities, local councils and public universities. We received 10,758 contacts, of which 7,051 were treated as complaints and 1,066 were investigated. These service levels are similar to the number reported for the 2019-20 year—namely, 11,074 contacts, of which 7,207 were treated as complaints and 1,113 were investigated.

The timeliness of our complaints and investigation services remains strong. For example, the average time to complete preliminary assessments of complaints was 3.2 days, compared to a target of 10 days. Also the proportion of investigations completed within the target time frames was 84 per cent in 2021, compared to a slightly higher 89 per cent for the previous year, 2019-20. Outcomes from our investigations were also consistent with 2019-20. The proportion of investigations resulting in a rectification action was 14 per cent, compared to 15 per cent for 2019-20. In both years 100 per cent of recommendations were accepted by the relevant agency.

In May 2021 the office published an investigation report called *Fire ants report: an investigation into the timeliness of responses to notifications of suspected fire ant activity*. Our annual report for 2021 also included a special report on COVID-19 complaints. In February 2021 we published the first of our casebooks, which report on a selection of investigation outcomes. Case studies are published as a tool for shared learning that helps build greater knowledge in agencies to improve decision-making and administrative processes. Our second casebook, the 2022 casebook, was published a few weeks ago, in May 2022. We hope they will be a continuing series each year to ensure that people are aware of the work we are doing and can see some of the outcomes that are being achieved.

I will turn now to our administrative improvement program. Our improvement program is built on an integrated, multilayered strategy that provides a range of supports and resources for improving administrative processes. The strategy includes newsletters, videos, checklists, guides, training, officer networks and advisory services and the above casebooks.

In October 2021 we released our new Good Decisions video. The animated video lasts for around five minutes and provides an introductory overview of the elements of good decision-making. We are hopeful that agencies will use this widely to show their staff as an introduction to good decision-making. The video was viewed 1,856 times up to 5 May 2022. The video is integrated with our existing suite of Good Decisions material such as our new Good Decisions checklist. The Good Decisions checklist was published on the internet in September 2021. The checklist covers the principles of decision-making and the steps to correctly prepare, develop, make and communicate a decision. Between September 2021 and May 2022 the checklist was downloaded from our website over 1,000 times.

In September 2021 we also published a checklist for programs with eligibility criteria. As you know, access to many government programs is subject to eligibility criteria. Using learnings from our investigations, we have developed a list of tips and traps to help agencies improve the design and implementation of those programs. As with all of our resources, the video and checklists are available on our website for all to use.

We continued to provide training in the areas of administrative decision-making, complaints management, public sector ethics and public interest disclosures. In 2021 we delivered training to 1,718 public sector offices at 97 training sessions on the above topics. Our training outputs were lower in 2021 than in 2019-20. This is because when COVID-19 entered our lives in early 2020 all of our training was delivered face-to-face in meeting rooms. COVID-19 disruptions and restrictions effectively torpedoed our ability to continue to provide training through this model as the pandemic progressed. We started to transition to online delivery and we have completed that transition—at least to its first phase—and now provide all of our training in this mode. We hope to be able to rebuild our training numbers in the year ahead. Enrolments are currently quite strong, so that is good.

Importantly, the quality and effectiveness of our online training remains high, with over 90 per cent of participants who provided feedback about the training reporting that it had improved their capability in the area they were being trained in. To build skills and knowledge across the sector in complaints handling, we also recently established our new complaints handler network. The network meets quarterly with officers who are involved in complaints management in agencies being a part of the network and aims to improve complaints handling across agencies. The complaints handler network uses the same model as our successful public interest disclosure network, which has the same

mode of operation. It has been operating for many years, which is a convenient segue to our oversight of the system of public interest disclosures, which I will refer to as PIDs.

As the oversight agency for the Public Interest Disclosure Act 2010, we support agencies in managing PIDs. We do so through providing information and training, publishing standards, providing advice and managing an annual self-assessment audit process. In 2021 there were 1,766 reported PIDs, which was a small increase of 1.3 per cent compared to the previous year. In 2020 the office coordinated the first PID self-assessment audit, which enabled agencies to self-assess their compliance with the act and standards. The audit enabled our office to collect data on compliance with the act and standards and identify training needs and resource gaps. The results of the self-assessment audit were detailed in the public interest disclosures oversight report section that was contained in our annual report 2021. That is on our website. Pleasingly, the self-assessment responses showed good progress towards compliance requirements. In late 2021 we administered the second self-assessment audit and, pleasingly, again the audits show further improvement in PID management capacity across a number of key indicators such as appointment of a PID coordinator.

Before concluding I will mention a few other matters. In relation to our funding we anticipate we will be reporting a small underspend for 2021-22. We also continue to have constructive discussions with Queensland Treasury officers about financial issues for our office as they arise.

Our office was very heavily impacted by the February and March floods due to the flooding of our building in Albert Street. The water came over the botanic gardens and went through the building. As a result, the electric power was cut off to the building which affected our data centre, our ability to process complaints for a little over a week, and the ability of people to go to the office. The break in normal work processes has a lot of ongoing impacts, particularly in terms of timeliness. This will affect our timeliness outcomes when we report on the current 2021-22 year. To give you a heads-up, it will have an impact.

As you know, the Inspector of Detention Services Bill is before the parliament. Should parliament approve the bill, we will look forward to taking on this new role. I look forward to my new title with 'Inspector of Detention Services' added. Our preparation for the new function is well underway. We are waiting to see if it goes through parliament. Thank you.

Mrs GERBER: Thank you for the brief. I wanted to talk briefly about managing the complaints that you have received about the office. On page 21 of the annual report, it notes that there were 22 service delivery complaints and that the complaints ranged from poor customer service to inaccurate information, unfair treatment or tone. The report notes that there were five matters that were substantiated. Can you elaborate on those for the committee?

Mr Reilly: The five matters that were substantiated: I do not recall the facts of those individually. Do you recall them, Angela?

Ms Pyke: No, I do not, but I am happy to take that question on notice and provide the detail to the committee.

Mrs GERBER: Thank you, Angela.

Mr Reilly: Thank you.

Ms BOLTON: Mr Reilly, with regard to those five complaints that have been taken on notice, have there been any changes to how complaints against an ombudsman are being handled now?

Mr Reilly: This question arose last year due to an inquiry I made with the committee. I believe I am factually correct in saying that there have been no new complaints against me personally. I think that is right.

Ms Pyke: That is correct.

Mr Reilly: I can put that on record; I do not need to ask for a further briefing. It is consistent with my advice that it is unusual. The complaints tend to be about the office, rather than me as an individual. That said, there are three ways in which a complaint can be managed. If it is a complaint that involves an allegation of corrupt conduct, under our complaints policy it continues to be referred to the Crime and Corruption Commission; that is a very important form of external review. If it is not about corrupt conduct—if it is about something else, say the way I delivered a service to a person or something like that—there are two options. One option is that I can refer it to the Deputy Ombudsman, if appropriate, to have a look at. There might be a number of factors. The second option is that the committee provided me with advice about a means through which I could refer it to an independent investigator to have a look at it. That would be in circumstances where it is not appropriate for me to refer it to the Deputy Ombudsman.

Ms BOLTON: How is it determined whether it would be referred to an independent assessor?

Mr Reilly: It would be case by case. For example, if the Deputy Ombudsman had previously been involved in the matter, there would be a conflict, I would think, so it would not be appropriate. If the matter was of a significant nature, it may not be appropriate. But if it was a minor matter and the deputy was not conflicted, I think it might be appropriate. Otherwise, the independent investigator would be a good option. At the end of the day, I would have to make that assessment but, as I have offered to the committee, I am happy to report those to the committee, if that is the preference.

Ms BOLTON: Thank you.

Ms BUSH: Thank you everyone for coming this morning and for the work that you do. My interest is in the investigation complaint space. According to your report, around 65 per cent of complaints or referrals are considered to be premature and referred back to the person to take up with the agency. I am interested in what that looks like for that complainant. Obviously, they are raising it with you because they are not satisfied with that agency. How do you then support them in having that conversation with the primary agency?

Mr Reilly: Would you like to answer that, Angela? I will hand over.

Ms Pyke: It will depend on the issue but, generally, we provide the complainant with as much information as we can about the agency that they need to go back to and how to navigate the complaints management system. In a lot of instances, it is just that they are not aware that that is available to them, but we provide a lot of support and information to them. We will provide links to websites, forms and phone numbers and we will provide assistance on what they need to provide to the agency and what to expect from the agency before coming back to us. We do not just send them away on a frolic on their own. We assist them to get an outcome—that is the idea.

Ms BUSH: What about clients who are particularly vulnerable, who may not have the skills or capacity to do that work, or who may have issues with reading?

Ms Pyke: We have the option of making a direct referral into the agency's complaint management system, which we do in those instances. Where there are certain elements of the complaint that we believe need to be brought to the agency's attention, we are able to do that as well. We do that quite regularly.

Ms BUSH: Great, thank you.

CHAIR: How long were you unable to work from your premises in Albert Street because of the recent floods?

Mr Reilly: I have some information. I think there are two answers to that. The first thing is physical access to the building. I think we were able to get into the building—was it a week later?

Ms Pyke: A week and two days.

Mr Reilly: A week and two days, but the lifts were not working for a while after that, or there was only one lift—I cannot remember. We arranged for people to continue to work from home—which we can do now because we have become good at working from home through COVID—but our servers were still affected, and it took some time to get them back up because they are on site in the building. We have a project underway to get them out of the building and to utilise external data service centres or the cloud to store our data, which will overcome this problem in the future. So we had to get into the building, get the servers going and then we were able to resume.

The problem then was that we had a backlog. I should say that people were still able to make a complaint to us because our website was still going. People can lodge a complaint through a web form, so we still had sight over what was coming in. Angela and the team were keeping an eye on those complaints to make sure there was nothing that was urgent or that needed to be attended to straightaway. It was okay; we were pretty comfortable with what we saw coming in.

There was a backlog of complaints that we then had to deal with. We gave the staff another week to get on top of the backlog before we were back to business as usual. It might have even been a bit longer than that. Do you want to add anything, Angela?

Ms Pyke: When we could not access the building there was a period where the phone lines were down, because we did not have our computer systems; that was for a period of about a week and two days. When services resumed, we kept the phones off for a further few days—I can give you the dates, if you prefer—to enable staff to assess and triage the complaints and process them, to assist in getting over that backlog. During that time when the phones were able to be turned back on, the prisoner phone link was put on as a priority. Then, for the period of the following week, we had reduced phone hours—again, except for the prisoner phone line; that was up and running the whole time. Then we resumed full phone hours on 17 March.

CHAIR: I understand that this question may be too hard to answer but, because of that delay of a couple of weeks, do you have any idea of the impact on your response times, or will that just roll out as you catch up?

Ms Pyke: It depends on the matters. Obviously, in the beginning, the backlog was in our intake area, as all those complaints were processed. Some of those matters were out of jurisdiction and dealt with and some were maintained by the office and either dealt with by preliminary assessment or moved through to our investigation resolution area for further investigation or assessment. The backlog moved down the office, so to speak, as the work flow moved.

Again, some of those matters were resolved and have now left the office, but we also need to take into account that we had approximately 120 investigations on foot at that time that were unable to be progressed. There was a backlog. In terms of the overall effect, by the end of quarter 4 we will have definitely well and truly recovered.

The other thing that we experienced during that time that I think should be noted is that as we were experiencing delays and issues so were other agencies. We are still experiencing delays with agencies in those flood-affected areas. I think as there are weather events happening in Queensland today, our responses with some of those councils will be further delayed. This does impact our time frames, too. We are working hard and playing above our grade as best as we can to process in the office, but we are also impacted by external factors.

CHAIR: Will the infrastructure be moved out of Albert Street? Could you help us to understand that process?

Mr Reilly: I always think of computers as being connected by pipes to the servers, which are the central data storage. It used to travel via wires but nowadays it travels through the air. It is really important that centralised data centres are functioning and are secure. We have a project underway at the moment to work on getting them out of the building. We already have some out of the building. For example, we upgraded to M365. I do not know if you want to talk about this, Leanne?

Ms Robertson: I am happy to. Prior to the flood event, we were already working towards that. As the Ombudsman said, we have already moved some of our services off premises. We are in the process of determining security arrangements in the longer term. We have a position in principle that we will be moving it to a cloud-based approach. We are getting some advice on how best to do that for our office services.

CHAIR: Is there a timeline?

Ms Robertson: We think it will be done by the end of the calendar year.

Mr Reilly: Before the next summer. Because in summer in Queensland every year there is something—a fire, a cyclone, a flood—that is the aim, yes.

CHAIR: Can this infrastructure move be catered for under the current financial—

Mr Reilly: It is a good question, Chair. We are getting into the detail of that. We think possibly, yes. One of the reasons is that there have been some adjustments to our rental costs. There has been negotiation through the government around the leasing costs of that building. We are hopeful that we can retain some savings and that will assist to offset some of the additional costs. It may emerge that we could do with some assistance as the year progresses. We do tend to have good, constructive conversations with Treasury officers about our needs as we move through.

CHAIR: You spoke about the underspend.

Mr Reilly: We had a small underspend this year mainly because of staff turnover and also the difficulty at the moment in recruiting staff. It is taking a while to get staff. Turnover just generates a natural underspend because you get vacancies and it takes a while to fill those vacancies and you save money. That is really the main reason. I do not know if you want to add anything?

Ms Robertson: No. I think that is just our approach.

Mr KRAUSE: The new role the Ombudsman is picking up in another short while is the Inspector of Detention Services. I would like to ask if a commitment of funding has been made in relation to that role or if you are going to have to get out the begging bowl to government?

Mr Reilly: Thank you for that question. I know it was quite a topical issue in the hearings conducted by the committee. A commitment of funding has been made, and I have advised the department of justice that I consider it to be sufficient to perform those functions. I think there is a strategic review in the bill after four or five years. We will know by then if more resources are needed. That review will be a good opportunity to check in on that. I am pretty confident that the allocation of funding is sufficient—or the promised allocation.

Mr KRAUSE: Is four or five years not too long a period before we have a review?

Mr Reilly: It might be, but there are also annual accountability processes that occur such as this meeting. As the inspector, effectively the CEO of that new function, I will be advocating to government if I am concerned that the funding is not sufficient on an ongoing annual basis, and I will report to this committee about that. I think the envelope of funding that has been discussed with me with the department of justice should be sufficient.

I do not think we will truly know the full cost for probably two years after we start. The reason is that the first year is really an establishment or set-up year. We have to hire teams and develop the new standards against which we inspect and also do a lot of community engagement, particularly for groups like Aboriginal and Torres Strait Islander people. Then we move into what will probably be the end of the first year and into the second year which is really about getting the inspections going. Then the reports will start churning out about 12 months after that. I have already had some informal consultation with colleagues in other states who do this work, and the process from starting an inspection through to publishing a report is about 12 months. The cycle of work will really gear up in that second year. By the third year it will be full tilt.

I know that might sound like it takes a little while, but it is just that there is some time to set up, then some time to kick off inspections and start building up to producing reports. It is sort of this take-off phase. I think probably by that third year we will start to know if the resources are not going to stretch to get the job done.

Mr KRAUSE: Recently one of your fellow independent commissioners, the Information Commissioner, put out a report—I hope I am correct in that—saying that machinery-of-government changes were causing a lack of transmission of information to the public because things got lost in transmission. There has been some controversy around detention services in the past number of years. What are you going to do in terms of ensuring that those matters that are transferred to you are not lost in the transfer of the role from where it sits now into your office?

Mr Reilly: There are a couple of different functions the office has. One is inspecting adult prisons; one is inspecting youth justice detention centres; another is inspecting some watch houses. There is a fourth role, which is having a broader review function, where the inspector can roam a bit more freely to look at issues across the state. There is also a very important ongoing detainee engagement function.

In terms of things having to come from government agencies across to us, we have good existing relationships with agencies like Corrective Services, the department that youth justice is in and also the Police Service, although we do not have a formal operational review role there because of our current act. I am confident that we will be able to work with them to have information coming across to us well.

As has been my experience in how investigations in relation to youth justice or corrective services currently work, the agencies are very cooperative and supportive of our role, although sometimes things do take a while to come through. I am not sure that will really be an issue. In a sense it is not a greenfield site, the inspection of detention services, because the Ombudsman's office has been doing external inspections of prisons for years, and Corrective Services and Youth Justice have internal inspectorates, but in a sense there is probably not a lot to hand over to us as we start. There will be some things, but I am not sure that is a key factor. I may not fully understand that aspect of the question. Does that help answer the query?

Mr KRAUSE: Yes, thank you, it does. I am satisfied with that, but if there is anything that anybody wants to be add that would be appreciated too.

Mr Reilly: I should say, too, that we have done initial preparations for this new function and I have engaged with some colleagues in other states, but I do respect the fact that it is a bill and it has not gone through parliament yet. I respect the role of parliament, so we are waiting to see if it comes through and see if parliament approves. We are looking forward to the new role if it does come through.

Ms BOLTON: Mr Reilly, in your opening remarks you spoke regarding reports, and one of those I believe was regarding COVID-19 complaints. Can you please outline the types of complaints and what recommendations came from that?

Mr Reilly: In our annual report for 2020-21 we had a two-page report on COVID-19 complaints. Queensland Health got the most complaints, which is understandable, because they were doing a lot of heavy lifting affecting a lot of Queenslanders for a long time. As I observed in the report, there were 178 complaints about Queensland Health, which is unsurprising given its central role in deciding and

implementing a range of public health responses to the pandemic. The second largest number of complaints was about the administrative actions of Queensland Corrective Services—27. That is as they put the prisons into shutdown, which did affect the daily lives of prisoners and prison officers.

In relation to the Queensland Health complaints, there is some information in there about how they grew. The largest number of complaints during 2020 was made by people seeking exemption from hotel quarantine, being a complaint about either an exemption refusal or a delay in obtaining a decision. Some reasons complainants sought exemptions included attendance at funerals, disability, children in quarantine, occupation, visiting sick relatives and recovery from surgery. We also received complaints about the conditions of hotel quarantine, such as fresh air and food, and the cost and how the applications for waiver of costs had been dealt with. Those sorts of complaints were periodic, because they only occurred when the border was shut and there was a period last year—September—when the border was closed, you might recall, and those sorts of complaints flared up again, which is understandable.

People's rights have been heavily impacted by these extraordinary, once-in-a-lifetime decisions. It was an amazing period, as we all know. The complaints by prisoners were about the imposition of lockdown, the health risks and the ability of prisoners to deal with some of that, because social distancing is much harder, of course, in a crowded prison environment.

We took an approach where we went and spoke to Queensland Health and explained to them the concerns that were being expressed to us, particularly when they got big surges of work and there were concerns about delay and how well people's concerns about decisions were being managed through their internal processes and so on. Angela led those discussions. Angela, if you want to add anything you are very welcome. We suggested some improvements that they could follow up on. Late last year—and it might be better asking Angela about it—we were concerned that the improvements had not gone as far as we would have liked when the surge hit again last year, so we had another round of discussions with them which I think are still ongoing. We are still talking to them about some of the concerns that were raised by people that came out of the border closures last year.

Ms BOLTON: Do we know whether those recommendations that were not adopted have been taken up as yet in preparation for the future?

Ms Pyke: We are actually waiting on our final response from Queensland Health at the moment. The liaison meetings that we have had with them have been quite encouraging and they have been able to demonstrate that they are taking them up. Going back to the previous year, the recommendations that we were suggesting to Queensland Health to take on board were more information on their website and better explanations to complainants about why decisions were made. Complainants felt that they were not being heard. Responses were quite a generic letter that they were getting back from Queensland Health. Complainants were feeling that their situation was not taken into account, which was not the case, and we certainly were not alleging that in any way, but understandably that is how they were feeling when they got a generic response from Queensland Health. We suggested putting more nuanced information back to the complainants. They were ringing the complainants and having a discussion with them on the phone and explaining their decision; however, the letter they were then getting was a bit scant in detail. All people on the phone were hearing was, 'No, you can't come back to Queensland,' or 'No, you can't visit your relatives in hospital.' After that they were not really taking in the reasons.

In our view, it is important to have written reasons in some way so that people can understand. That was taken on board and they did change their template letters and did work with us. It is not that they did not adopt it; it is just that in the next round then what happened was that those people who were there in 2020 all went back to their departments, a new round of people were then seconded in and we were kind of starting again somewhat. There have been some recommendations around documentation enabling knowledge transfer and things like that if the situation arises. It might be that, not necessarily in a COVID way—it could be another health issue that creates a stand-up task force or unit—that information can readily be captured and passed on to new people as they come in.

Ms BUSH: In relation to the closed environments of corrections and youth justice, can you remind me how you fulfil your powers and functions there? Is it individual complaint based? You do not have any visiting powers at the moment.

Mr Reilly: We receive individual complaints from people who are detained, whether it be in youth justice or an adult prison, and we respond to those as we respond to other complaints. Our individual complaint function exists as it always has and will continue to exist when the Inspector of Detention Services Bill comes in. It will actually be a useful source of intelligence, if you like, on what is going on in prisons for the inspector.

We supplement that with a routine of ongoing inspections of youth detention centres and adult prisons which have also been going for many years. They look at a range of issues that affect prisoners' lives. We supplement that again from time to time with a formal investigation into specific issues. Those are the three groups, if you like. We can formally make the inspections of the prisons an investigation which assists in terms of how we can utilise our powers, and also assist the authorities. We have clear powers to enter and there is confidentiality and so on. Those are the three ways we do it. There are some ongoing, large investigations as we speak into some issues with youth justice and our prisons.

Ms BUSH: Are the inspections all announced, scheduled, planned inspections as opposed to unannounced?

Mr Reilly: Yes.

Ms BUSH: How do you work with the prison population to help them prepare to potentially meet with you and report issues to you during those inspections?

Ms Pyke: When we do the visits we have a visit program. Corrections and Youth Justice are aware when we are coming because it is quite an impost on the centres when we are there. We also ensure we are coordinating outside of their own internal inspection and audits; otherwise, people are just stepping on each other's toes. When we set the visit down, we work with the centre and the general manager to set in place an itinerary as to who we will be meeting with and when, and we do meet with the prisoner committees and have a discussion with them and receive feedback from them about issues they are experiencing and responses from the centre.

In terms of individual complaints, we stopped doing that when we went into the prisons a few years ago, the main reason being that we were getting tied up in taking complaints from prisoners and the complaints had not actually been through Corrections and the centre in the first instance. We were then taking the complaint and giving it to Corrections to deal with. When we are doing our visit program, we ensure there is information and posters up so that prisoners are aware how to contact us, what number we are on the phones, what the time periods are for that particular centre and also that they can write to us, which they do. It is more of an education. It is a better use of our time; otherwise, we are missing out on doing the actual inspection.

Ms BUSH: That makes sense to me. In relation to the complaints, then, that are received by a prisoner, presumably against QCS as the primary agency, they must be then accessing that vulnerable persons assistance that you have mentioned. However, given the power imbalance there, how do you support them to get that complaint recognised or heard?

Ms Pyke: When we are dealing with the complaint, it might have to go back to QCS; is that what you mean?

Ms BUSH: Yes.

Ms Pyke: We work with them as we do with any other vulnerable complainant. We take into account that they are in a closed facility, so time frames are generally blown out because of the time it takes to get the mail through the prison and then back to us. It can take a bit of toing and froing, if they are writing to us rather than phoning us, to actually get to the crux of the complaint in the first instance. Again, if they have not ventilated that with QCS, we can bring that to the general manager's attention like we would a direct referral with any other agency. The same mechanisms apply.

Mr Reilly: It is a really good question. One of the things we will be doing when we set up the inspectors is building some more strategies and capacity for how we work with prisoners. It will build on what the Ombudsman has been doing for many years and doing really well, but we think we can continue to build on it.

Ms BUSH: Even information sharing between the relevant sections of the act between the inspectorate role and the QO role and how that works will be very interesting at the next hearing, I am sure.

Mr Reilly: I will have to have two nameplates on the table.

Mrs GERBER: I wanted to ask you a couple of questions about the regional services program. Last year when you delivered your update to the committee you were under budget as well, and that was mostly attributed to COVID-19 and the staff not being able to travel into the regions to deliver part of that program. I note that this year you are under budget too, but only slightly, and that is attributed to staff. Your regional services program is not outlined in the annual budget this year. I wanted some information about it. Is it still happening?

Mr Reilly: No, it is not at the moment. It was only a few months ago that we still had COVID deeply affecting physical meetings between people and so on. It would appear that we are finally out of that phase of the pandemic where the risk of being unable to get together with people face to face

is constant, and that is what we were facing. It was not just whether there was an inability to meet with people face to face on the day; it was whether it was likely to occur in the future, so planned arrangements to visit and meet people were hard to plan forward because there was constantly this risk of going into lockdowns, which occurred again earlier this year, as you know.

With our regional engagement, we are starting to have a look now at what that looks like in the future. The online training is really interesting. It actually is not, in many respects, more accessible for people in regional areas. A trainer going out to a town and training a small number of people is accessible for that small group but not readily accessible for people who are dispersed across the whole state. Online training is really interesting, because it means that a lot of people from all over Queensland can access our training really easily. For example, organisations that are decentralised—meaning they have offices all over Queensland—can access training sessions for their staff from all over Queensland in one go. There are a lot of real benefits, in terms of regional engagement, in having a really strong and well-thought-through online role. That said, we know that we need to get back out to into the regions. We are looking at how we do that at the moment.

I was having a look at some of the strategic reviews on this a little while ago and there was a really nice and interesting recommendation in there which is that over a three-year period the Ombudsman should make sure they get around to all the major regional areas of the state, and that would mean probably three to four regional visits a year. I would probably personally go to most of them. I think Angela is keen to go as well. I love getting out to the regions. I used to really enjoy it in my former role and I have been missing it in the last two years. What we will probably do is start organising these regular visits to the regions, and we might package it up with putting on some training and putting on some information sessions. I am looking forward to travelling with a lot of them—going to meet local people involved in decision-making and having a talk about our role, chatting to the local councillors and local MPs if I can and that sort of thing. That is what we are looking to for the future. It has been a really disrupted period, the last two years. It has been really hard to plan a big visiting program, but I am looking forward to getting into it after July.

Mrs GERBER: After July?

Mr Reilly: Yes. I think things have finally settled, I hope, and we will get into it from there.

Ms BOLTON: Going back to the 2020-21 year, there was a really large increase in assessments done regarding human rights. I know that we are running out of time, but can you briefly outline the main reason for that increase, which was from 779 cases to over 2,000 in the 2020-21 year?

Mr Reilly: Which was that one? Can you point that out to me, sorry?

Ms BOLTON: I do not have a copy here but it can be taken on notice.

Mr Reilly: The question was that the complaints were—

Ms BOLTON: It involved a human rights element. It went from 779 cases to 2,159 in the 2021 year.

Ms Pyke: Can I just clarify that that is not complaints against the Human Rights Commission?

Ms BOLTON: Yes.

Ms Pyke: The Human Rights Act came into effect and we were obligated, under the Human Rights Act, to record our human rights complaints element on all the complaints that we receive. We might receive a complaint but it might affect more than one human rights element. Previously we were not recording that because we were not obligated to until the change in the acts, so that would be the increase, yes. From memory, I think the previous year was only six months.

Ms Rosemann: It came in on 1 January, so there would have been six months in the first year of reporting and 12 months in the second year of reporting.

Ms Pyke: That would have been the first full 12-month year.

Mr HUNT: My first question is a more broad and generic one. It has become clear to me that there are people who will go to the office who are not so much seeking an investigation as they are seeking an outcome which is exactly in line with the nature of their complaint, and anything less than that will be seen as faulty or corrupt or whatever. They will just keep coming back. It seems to me there is a handful of people who, until they get the exact outcome they desire, will keep the process rolling. I was wondering if there is a procedural handbrake, if you like, or does the office, by nature of its role, just have to keep responding and investigating et cetera, and does this cause a drain on resources?

Mr Reilly: We have policies which enable us to receive complaints from people who have used our services—and we will always consider these complaints carefully—and also they have an opportunity to seek internal review of how we have managed those complaints. When we make a decision about their matter, if they are not satisfied they are able to seek internal review of that as well. They have a number of ways of letting us know if they are not happy with the work we have done.

Some people are very persistent because they are very concerned about their problem and it is a big thing in their lives. We do owe it to them to take seriously their concerns, which we try and do; however, we also have a policy when people become frustrated and sometimes a bit aggressive with our staff about how we deal with that. That does enable us to say to complainants that they can only contact us, for example, in a certain way. If people are ringing a lot, taking up a lot of time when they ring, and their behaviour creates workplace health and safety issues for our staff, we might restrict them to writing, for example. We do have ways of trying to manage the interaction.

Ms Pyke: As Anthony pointed out, some complainants are quite persistent—not just with our agency but with other integrity agencies as well. We take every complaint and will assess every complaint regardless of who it is from. One of the first aspects when we get a complaint is to ensure we have not dealt with the complaint previously. If it is something that we have actually dealt with—it has been through our office and the review mechanisms have been exhausted—we will ensure the complainant understands that we will not be looking at it any further and refer them to our previous correspondence or assessments.

Mr HUNT: There comes a point when you do not have to allocate any more time and resources, having taken the complaint seriously and having taken on board that in the mind of the person making the complaint this is a very significant matter. There does come a point where you can and will lower the boom, so to speak, to say, ‘Look, this has gone as far as it is possible to go and I refer you to our previous response’?

Ms Pyke: That is correct. We just ensure, though, that each complaint is looked at closely in case it is not a new complaint or there is not a different element to the complaint that has not been dealt with before. If it has been dealt with by our office before, we will not look at it again.

CHAIR: That concludes the hearing. Was there one question taken on notice?

Ms Pyke: Kind of two.

CHAIR: Kind of two?

Mr Reilly: The five complaints—the ones that were substantiated.

Ms Pyke: And the human rights.

CHAIR: Are you able to provide those answers to the secretariat by Monday, 23 May?

Mr Reilly: Yes.

CHAIR: Thank you. That concludes this hearing with the Queensland Ombudsman. Thank you to the secretariat and Hansard staff. A transcript of these proceedings will be available on the committee’s parliamentary webpage in due course. I declare the public hearing closed. Thank you for your attendance.

The committee adjourned at 10.31 am.