



LEGAL AFFAIRS AND SAFETY COMMITTEE

Members present:

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

Staff present:

Mrs K O'Sullivan—Committee Secretary
Dr S Pruiam—Assistant Committee Secretary

PUBLIC HEARING—OVERSIGHT OF THE QUEENSLAND OMBUDSMAN

TRANSCRIPT OF PROCEEDINGS

Thursday, 1 June 2023

Brisbane

THURSDAY, 1 JUNE 2023

The committee met at 2.02 pm.

CHAIR: Good afternoon. I declare open this public hearing for the committee's oversight of the Queensland Ombudsman. My name is Peter Russo, member for Toohey and chair of the committee. 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. With me here today are: Laura Gerber MP, member for Currumbin and the deputy chair; Sandy Bolton MP, member for Noosa, via videoconference; Jonty Bush, member for Cooper, via teleconference; Jason Hunt MP, member for Caloundra, via videoconference; and Jon Krause, member for Scenic Rim.

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 desirable for the 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. This hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee. These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. I ask everyone present to turn mobile phones off or to silent mode.

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

REILLY, Mr Anthony, Queensland Ombudsman and Inspector of Detention Services, Office of the Queensland Ombudsman

ROBERTSON, Ms Leanne, Executive Director, Corporate Strategy, Office of the Queensland Ombudsman

CHAIR: I welcome witnesses from the Office of the Queensland Ombudsman. I invite you to make an opening statement, after which committee members will have some questions for you.

Mr Reilly: Thank you for the opportunity to make an opening statement. Thank you also for your acknowledgement of country. I also acknowledge the traditional owners of the land on which we meet today. I would like to introduce my colleagues who are in attendance today: Angela Pyke, Deputy Ombudsman, and Leanne Robertson, Executive Director, Corporate Strategy. Our office strives to be an agent of positive change for fair and accountable public administration in Queensland. We do this by investigating administrative actions of agencies, helping agencies to improve their administrative practices and overseeing the system of public interest disclosures. From 1 July 2023, the office will also have the function of reporting to parliament about our inspections of detention services.

The past year has been one of change, policy activity and growth for the office. One driver of change has been the passing by the Legislative Assembly in late 2022 of the Inspector of Detention Services Act. The act's purpose is to promote and uphold the humane treatment and conditions of

detainees and prevent harm. The act establishes a new role—the Inspector of Detention Services—which is to be undertaken by the Queensland Ombudsman. The key functions for the role are to conduct inspections of detention services and then report to parliament on the outcomes of those inspections. Prior to its passage, we were consulted by the government about the contents of the bill and the funding needed to support the new function. The act will fully commence on 1 July 2023, having partially commenced on 9 December 2022 to support an establishment period for the new function.

During this establishment period, we have been busy preparing for commencement, including: establishing a small implementation team to set up the new function; commencing recruitment of the full inspection team, and I note that the full inspection team includes two detainee engagement roles that are identified for Aboriginal and Torres Strait Islander applicants; making good progress on developing inspection standards, including consultation with stakeholders; commencing development of memorandums of understanding with other agencies to support provision of information for inspections; observing inspections by interstate detention inspectors in Western Australia and New South Wales, which I did with another officer; setting up a section of our office's website to provide public information about the function; and attending to various business support matters such as leasing office premises, setting up information technology and establishing financial arrangements. As a consequence, I am confident that we will be in a good position to commence the new function from 1 July.

Another driver of change has been Professor Peter Coaldrake's *Review of culture and accountability in the Queensland public sector*. The review made a number of recommendations relevant to this office, including: the strategic review of the office by the committee be conducted every five years rather than seven years; the government activating its review of public interest disclosure legislation; integrity bodies' independence being enhanced by the involvement of parliamentary committees in setting their budgets and contributing to key improvements; and the Ombudsman being provided with the authority to investigate complaints against private organisations carrying out functions on behalf of the government.

Since the Coaldrake report was published, we have been engaged by the government about the implementation of the report's recommendations, including those relating to our office, particularly through our membership of the Integrity Reform Stakeholder Reference Group meeting that both the Deputy Ombudsman and I have been attending. The Integrity and Other Legislation Amendment Act 2022 implemented the review's recommendation about the time frame for strategic reviews.

The recommendation for a review of the Public Interest Disclosure Act was implemented on 23 November 2022 when the then attorney-general announced that the review had begun. We have assisted the PID Act review team in a number of ways such as providing statistical information about public interest disclosures. We have also been extensively engaged by the review team in relation to operational and policy issues arising during the review.

I turn now to provide information about the performance of our current statutory functions. I should note that while my comments are primarily about the 2021-22 review, which is covered in our annual report, I will also refer to some events that have occurred since July 2022. During 2021-22 the office continued to receive and investigate complaints about agencies. We received 10,398 contacts, of which 6,662 were treated as complaints and 1,106 were investigated. These service levels were similar to the number reported for the 2020-21 year.

Interestingly, our performance reporting for 2022-23—so that is so far this financial year—indicates that demand for our services is increasing. For example, we received 7,845 contacts in the first three-quarters of this year, an increase of 1,144 when compared with the same period in 2021-22. As I foreshadowed at last year's meeting, the timeliness in 2021-22 of some of our services was affected by the March 2022 floods, during which our office building was flooded. This was most clearly reflected in the annual report in the average time to complete preliminary assessments of complaints, which increased from 3.2 days in 2020-21 to 6.3 days in 2021-22. I am pleased to advise the committee that the average time for preliminary assessments for the period July 2022 to March 2023 has reduced to only 4.5 days, despite the increased demand for services I referred to earlier.

In 2021-22 the office made 180 recommendations for improvements to agencies through its investigations, of which 99 per cent were accepted by the relevant agency. The outcomes of a selection of our investigations were published in our second investigations *Casebook 2022* published in April 2022. Since its release, the 2022 *Casebook* has been downloaded or viewed over 1,100 times. In April 2023 we published our *Casebook 2023*.

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

As well as targeting public sector agencies, we aim to improve the understanding of the community and community organisations about how to raise their concerns about government actions. I informed the committee last year about our new *Good decisions* video and checklist, both of which were released during the 2021-22 reporting year. Since its release, the video has been downloaded or viewed over 4,700 times. In November 2022, the office published its *Learning from experience* report, which analysed 20 years of Ombudsman reports to identify insights about the issues that most commonly cause problems in administrative practices and procedures. As well as distributing the report through our newsletters and website, I sent a copy to the heads of Queensland state public sector agencies and presented to a meeting of local government CEOs about the report.

During the 2021-22 year we also commenced our complaints handlers networks with the aim of improving the management of complaints across state and local governments. Each of the two networks meet quarterly, with attendance of around 100 officers at the state government network and 30 to 40 at the local government network. We have also implemented new initiatives to improve community understanding about how to raise concerns. In March 2023 a staff member and I presented three webinars to electorate officers about our services and the broader complaints landscape. Fifty-five electorate officers from across Queensland attended the sessions. As an officer of the parliament, I was pleased with the high attendance and positive feedback. I hope the webinars prove useful to your officers in ensuring that your constituents are able to raise concerns about government actions. Staff members also assisted me to conduct a webinar about our services through the Queensland Community Legal Centres webinar program.

Most recently, the office published a range of community access videos that were co-designed by people who live with disability. The videos assist people to understand who the Queensland Ombudsman is, why it exists, how and when it should be engaged with and what individuals can expect from that process. The new videos have been viewed over 1,000 times since they were published only six weeks ago.

We also continue to provide training for public sector officers. At last year's committee meeting I spoke to you about how we hoped to be able to rebuild our training numbers following disruptions caused by COVID. I am pleased to advise that that hope has been fulfilled. In 2021-22 we significantly increased our training services, delivering 175 sessions to 3,145 officers. This compares to 97 sessions and 1,718 officers in the year before and also exceeded our target of 3,000 attendees. At last year's committee meeting, interest was also expressed about our regional program. In 2021-22, 40 per cent of complaints to our office were from outside South-East Queensland, up from 38 per cent in the year before. Over the past year, the Deputy Ombudsman and I have visited a number of regional communities including Townsville, Rockhampton, Mackay, Roma and Woorabinda. We variously met with local members of parliament and their electorate officers, local governments and community organisations.

In the past year we have also resumed access to face-to-face training for the greater Brisbane area and those regions that our staff can easily drive to such as the Gold Coast and Sunshine Coast areas. Following our visits to regional centres, we have also decided to resume a program of face-to-face regional training roadshows, if you like, further afield in the year ahead. I recall that the CEO of the Rockhampton local government expressing interest in that and felt it would be good for to us get back out there, so we will.

I will turn now to public interest disclosures, or PIDs. As the oversight agency for the Public Interest Disclosure Act, we support agencies in managing PIDs. We do so in various ways such as information, advice, training and publishing standards. Our annual public interest disclosure report for 2021-22 that is in our Ombudsman office annual report reported that there were 1,466 reported PIDs, which is 229 fewer than in 2020-21. In late 2021 we administered the second self-assessment audit. The results were detailed in the report. Pleasingly, the second audit showed continuing improvement by agencies in a number of key indicators of public interest disclosure management capacity such as appointment of a PID coordinator and having a published PID procedure.

Before I conclude, I would like to provide the committee with some brief information about our workforce funding and systems. In relation to our workforce, in 2022 we completed our first strategic workforce plan. The results for our 2021 Working for Queensland survey were also very positive. I

am pleased to note that our results improved in the 2022 survey. Over the past year we have been working toward a new certified agreement with the office's employees. The employee ballot which closed last week strongly supported the proposed agreement. The office is now moving to finalise the process through the Queensland Industrial Relations Commission.

In relation to finances, I am pleased to report that our expenditure remained within budget in 2021-22 and we anticipate that to also be the case for 2022-23. Our discussions with Queensland Treasury about our funding continue to be constructive and helpful. On the systems front, the office has undertaken a digital transformation project to move to cloud-based services. This means we will no longer be reliant on the onsite data store of 53 Albert Street—a building that, as you are aware, is sometimes impacted by flooding. The transformation should enable us to ensure service continuity regardless of what happens to the Brisbane River or other events. This major change has been managed in a staged way with careful consideration of data security risks, and our independent advisory committee has been briefed throughout. I take this opportunity to thank the office's staff for their hard work over the past year and the contribution that they make every day to improving public administration in Queensland. Thank you.

CHAIR: Thank you. Laura, do you have a question?

Mrs GERBER: Thanks, Chair. Thanks, Mr Reilly. I wanted to ask you some questions in relation to your capacity as the Inspector of Detention Services. In your opening statement you mentioned that you have commenced hiring full inspection teams, I think you said, and a small recruitment process. Can you tell us how many positions you have currently filled in relation to the Inspector of Detention Services and the \$3 million budget that you have been given for that, and how many are yet to be filled?

Mr Reilly: I have appointed on a temporary basis a deputy inspector for six months to help us get through this initial establishment phase. We have established a small implementation team of six. There are two officers from the Ombudsman's office and four from other agencies with expertise in youth justice and adult corrective services, the aim being of them getting cracking on developing the inspection standards that we need to have in place. They have been doing a great job, and we have been consulting extensively with a range of agencies about those inspection standards. I am confident that in July we will be able to publish them. That has been a good outcome of having a team set up early. Our ability to support an implementation team to commence prior to 1 July was enabled by separate funding provided by the government. We did not have to dip into Ombudsman office resources to support that.

Mrs GERBER: Is that \$3 million in the budget?

Mr Reilly: No. I think for this year it was a much smaller amount.

Ms Robertson: The \$3 million would be the ongoing. We were allocated \$9.4 million over the first four years. We have had a partial year of funding this year.

Mrs GERBER: I misread that. I thought the \$9.4 million was for the Queensland Ombudsman and \$3 million was for the Inspector of Detention Services, but you have been given \$9.4 million to establish it in the first two years; is that right?

Mr Reilly: The 2022-23 Queensland budget allocated additional funding for the office of \$9.4 million over four years and \$3 million per annum ongoing. It is about \$3 million a year ongoing.

Mrs GERBER: There are six roles that have been funded out of that; is that correct?

Mr Reilly: In this first year. A few weeks ago we advertised for a whole range of extra functions that will become the inspection teams. They should be settled in in July or August. I think we have advertised 14 positions.

Mrs GERBER: There are 14 positions yet to be filled that are still being advertised?

Mr Reilly: Yes.

Mrs GERBER: How long are they being advertised for? When did you start advertising?

Mr Reilly: We advertised them, I think, a month ago.

Ms Robertson: The advertising was for three weeks. It has closed now. We have short-listed and are commencing interviewing next week for the additional positions.

Mrs GERBER: When did you start advertising for those positions?

Ms Robertson: April.

Mr Reilly: Yes, I think it was April. The fields have been very strong, which is great. Really good, strong fields full of lots of people with lots of diverse skills from Queensland and interstate, which is great. We are convening our panels at the moment and should have selection completed over the next four to six weeks, with people coming in by the end of July. The smaller implementation team that is already in place will transition past July so we have some continuity.

Mrs GERBER: When were those positions established?

Mr Reilly: They came in around February, didn't they?

Ms Robertson: Some in December.

Mr Reilly: Some in December.

Mrs GERBER: When did you appoint the deputy inspector?

Mr Reilly: I think I appointed her last week. She was formerly the Assistant Ombudsman for our state government team and had managed many prison inspections over many years. She was very happy to come across to the new function and help us get things up and running.

Mrs GERBER: That was an advertised position?

Mr Reilly: It was advertised internally because it is only a temporary appointment; it is for six months. When I come to the end of that temporary appointment, I will advertise it externally. My priority was to ensure continuity at the early stages and make sure that we were able to move forward steadily. I will advertise fully when the temporary position comes to an end.

Mrs GERBER: Your website also says that some staff from the Office of the Health Ombudsman might help or support with the inspector's functions. Do you envision that some of the Office of the Ombudsman staff will have to absorb some functions for the role of Inspector of Detention Services?

Mr Reilly: No. They are separate, and the act establishes them separately. I hold the functions under the Ombudsman Act and I hold the functions under the Inspector of Detention Services Act. When I delegate those functions to staff to enable them to perform the functions, the Ombudsman Act functions can only go to a certain group of people—

Mrs GERBER: Delegable authority; I understand.

Mr Reilly:—and be an inspector to the other group. There is no double-up. The officers will not merge into each other, if you like. Of course, though, we have a corporate services team for the whole office of the Ombudsman. That corporate services team supports all of our functions: our Ombudsman Act functions, our Inspector of Detention Services Act functions and our Public Interest Disclosure Act functions. That is the hub and they support the teams that deliver the services. That is how it works. The funding we have for the inspector function enables us to build the capacity of our corporate services team to meet the increased business support needs of having a whole new team and function to look after.

Mrs GERBER: You have said that you are confident that you will have the staff. Come 1 July, do you have a priority list in mind of the places of detention that you are going to inspect? How many do you expect that you might be able to visit, say, in 2023?

Mr Reilly: I think in the 2023-24 year our aim is to meet the requirements of the act—that is, that we inspect each of the three youth justice detention centres and that we inspect three adult prisons. That is the minimum we want to achieve in our first year. The reports may not be produced in the first year because it takes some time after an inspection to draft the report and to go through all the natural justice steps. That can take a couple of months at least. That might delay some of the reports and the later inspections coming out in that first year, but I think we would like to get the inspections themselves done. That is the aim. If we have the capacity, we will also endeavour to do some other work if we can, but because it is our first year I think that we may not be as efficient in doing the inspections as we might be in years 2 and 3 because we are learning how to do this.

Mrs GERBER: I appreciate that.

Mr Reilly: At least to meet those minimum requirements, I think, is what we have to do. It is something we have to do.

Ms BOLTON: Mr Reilly, you were talking about the increase in the first three quarters of 2022-23. Has there been any particular trend in terms of an increase in any particular agency sector?

Mr Reilly: I must confess that I have not analysed the data from that perspective. I often do that prior to the annual report. I am not sure if Angela has a comment on that.

Ms Pyke: I can advise that we did receive an influx of complaints in relation to Queensland Health COVID-related activities. In the current financial year, for example, they have been in relation to quarantine fee waivers. It takes some time from when the COVID directives were handed down to when the complaints on those particular directives then filter through to our office. We have had certain clumps of Queensland Health COVID-related complaints coming through the office at various times. I would say that was a trend. Apart from that, I could not say of any other particular trend that is of note.

Ms BOLTON: In the 2021-22 year, you said there were 180 agency recommendations and that 99 per cent had been accepted. Can you clarify whether accepting is actioning or if it is accepting and then to be actioned?

Mr Reilly: It is accepting and then to be actioned. We have an internal group that monitors the implementation of significant recommendations. If the implementation is not going as we hoped, we follow up with the agency. We also have a number of liaison meetings with key agencies through which we talk about how the implementation of recommendations is going. That helps us to stay on top of things.

Ms BOLTON: Do we have any data on aged outstanding recommendations that have not been implemented—for example, recommendations from five years ago that have still not been implemented?

Mr Reilly: We can produce that if you wish to have it. I do not have it here today and I do not have that detail.

Ms BOLTON: I would appreciate that. Thank you

Mr HUNT: I understand the inspection standards are still in the developmental stage, but do you have an embryonic view of what you will be looking for and what you will be looking at?

Mr Reilly: Yes. The reason they do not exist yet is that I do not have the power to issue them yet. I cannot issue them until after 1 July. That is why we are preparing these at this stage, and it is going well. With respect to the standards, we have released a consultation set of standards to the public. We have decided as a starting point for our standards to use the Western Australian inspection standards for the adult correction services and the New South Wales standards for the youth justice area. The reason is that both of those are well-established sets of standards that have been in use for many years and seem to be doing a good job in those jurisdictions.

In terms of the issues we look at, I can run through some of those sorts of things. I should say that the standards are quite long so I may not hit every topic off the top of my head now but I can talk to you about them. One is that people should only be detained when they are legally able to be detained; that is really important. Another is that people are treated fairly and without discrimination. There are a number of standards that apply to groups such as women, children and Aboriginal and Torres Strait Islanders whereby the inspector can check that people are being treated fairly and without discrimination. Other things we look at are: use of isolation or solitary confinement; use of force; use of searches; the quality of accommodation provided to prisoners; and access to what you might call purposeful and rehabilitative activity while in prison such as programs, education and work.

Mr HUNT: With separate confinement, what would you be looking at there from a standards point of view?

Mr Reilly: This is a very important area for the inspector's work. Our starting point for that is probably the United Nations minimum rules for the treatment of prisoners. Those rules pretty much say that each prisoner or detainee, if I use that term, should have their own cell if they wish to have it. There are some prisoners who do prefer to be accommodated with other prisoners for various reasons, but there are prisoners who prefer to be accommodated alone. Those UN minimum standards will guide us in how we approach that issue. We will inspect each prison and each youth detention centre to see how the prisons or the youth detention centres are going in meeting that standard. Is that the issue or is it a different issue?

Mr HUNT: No. Separate confinement in a custodial setting can be—

Mr Reilly: I am sorry. My apologies, I misheard the question. That is solitary confinement, which is that people not be kept in a cell for too long during a day and have one or two hours out-of-cell time depending on which standard you apply. We will be looking at that. We have been looking at that issue as the Ombudsman's office for many years because the Ombudsman's office has had a program of inspections for many years and that is always a core issue. You can look at that through the information on prisoner records and prison records, you can also look at it through observations made during inspections and you can also check on it through interviews with detainees. The other

source of information is from other accountability agencies—for example, the Public Guardian has a visitor scheme for youth justice. All of those sources of evidence come together to enable us to build a picture of the extent of the use of solitary confinement and whether it breaches the requirements that are in the minimum standards. Those sorts of things will be clearly articulated in our own standards.

Mr HUNT: Separate confinement is the result of a disciplinary outcome that can go for up to seven days, which is distinct from a safety order inside a prison. Will there be a distinction between the two? Operationally speaking, there can be very little difference in the accommodation. In fact, detention units are often used to accommodate prisoners on a safety order, but that is for the prisoner's safety or the safety of other prisoners in the centre. Will there be a differentiation of the two?

Mr Reilly: People can be placed in solitary confinement under a number of statutory provisions and powers of the detention authorities. Sometimes that is for the protection of a person; they may seek to be put in solitary confinement for their own safety. Sometimes it is to prevent a person from being a risk to other detainees or prison officers—for example, following an incident. Sometimes it can result through resource constraints within a prison or youth detention centre that mean that cells are locked down for a period of time. For example, during COVID there were lockdowns used because of the health risk created by prisoners mingling a lot, and that had different impacts on how much out-of-cell time prisoners had. It was a very difficult time for prisoners and for prison authorities.

In terms of how they will be treated, the minimum standards for solitary confinement do not distinguish between the reason for the confinement. You should get decent accommodation and you should be allowed out-of-cell time regardless of the reason you are in solitary confinement. You should also have access to services and support while you are in solitary confinement regardless of the reason you are in solitary confinement. However, it is no doubt the case that the basis upon which you are placed into a solitary confinement situation will vary, depending on the situation. When we are inspecting, for example, whether legal requirements were satisfied in order for the person to be placed in that solitary confinement for that purpose, the legal prerequisites, if you like, or the documentation required may vary, depending on the power which has been exercised to put the person into solitary confinement.

Mrs GERBER: Following on from my line of question before, I want to bed down in relation to the small implementation team of six—the two from the Ombudsman and the four from other agencies. When were those people actually hired? When were the two from the Ombudsman hired, and when were the four from the other agencies hired?

Mr Reilly: Can I offer to provide those exact dates to you after the meeting?

Mrs GERBER: That would be great, thank you.

Mr Reilly: It was around Christmas, either before or shortly after, and it probably actually goes across a bit.

Mrs GERBER: I am happy for you to work out the dates and get them to me.

Mr Reilly: We will get that for you. They have been in the office about six months. We have made good progress on getting things set up.

Mr KRAUSE: It was a recommendation of the PCCC's report No. 108 of 2 December 2021 that the PID Act be reviewed. When did that commence?

Mr Reilly: The date I gave to the committee, which I hope is right, was 23 November 2022. It is being led by Justice Alan Wilson.

Mr KRAUSE: That was my next question. Do you know who else is part of that team?

Mr Reilly: I cannot give you the names off the top of my head, but I think they seconded in some officers to help out with it.

Mr KRAUSE: From the department?

Mr Reilly: I think from across government, not just the department.

Mr KRAUSE: Can you tell us when that review will be completed?

Mr Reilly: My understanding is that an extension was granted. On the website it says it is in a few weeks; it is 19 June. It is going to come out then.

Mr KRAUSE: You have obviously had input into that.

Mr Reilly: Yes, very much actually. I think Justice Wilson has appreciated the insights we have been able to offer through our monitoring program over the past years.

Mr KRAUSE: In terms of dealing with public interest disclosures, do you have any views about how the new regime should look if there are to be changes?

Mr Reilly: In 2017 the former ombudsman published a review of the Public Interest Disclosure Act. It was very lengthy with a long list of recommendations. I explained to Justice Wilson that we still supported that review. That was really the thrust of our views about the Public Interest Disclosure Act, what could improve or change.

Mr KRAUSE: Is that a public document?

Mr Reilly: Yes, that is a public document. I think it was tabled in parliament, if I recall. During the course of the review, there were some views about the things that we had recommended and we discussed them, we exchanged on different things. That 2017 review was a very good review and pretty much represents the position of this office.

Mr KRAUSE: As Inspector of Detention Services, do you have oversight of your role?

Mr Reilly: Do I have oversight of my role?

Mr KRAUSE: Who oversees you?

Mr Reilly: You do. I say that seriously. With the Coaldrake review happening and its recommendations about strengthening the role of parliamentary committees, that oversight may strengthen. Also the periods of strategic review will reduce, which is good, too. In regards to the next one, if my calculations are correct, I think what happens is that the first one still is seven years from the last one, so that will start late next year and will then be available or finalised in early 2025. That is really good timing, I think, because that means we will have a good first solid year of operations of the inspector, and that strategic review will be able to really look at how we are going in this new function: is it going okay, are we sufficiently resourced et cetera, et cetera. So the timing of that review is good, I think. Then it will be five years thereafter, as I understand it.

Mr KRAUSE: In your report, it is noted that you are an independent officer of the parliament. However, your report, which I have a copy of here, was sent to the Attorney-General for tabling. Is that not a contradictory position? It is only a technical thing, I suppose.

Mr Reilly: Thank you for that. I think it is under the Ombudsman Act we have to do that.

Mr KRAUSE: If you are an independent officer of the parliament, but you send it to the AG for tabling, should it not—

Mr Reilly: It is an interesting issue and certainly one to be raised with the government if you wish to do so.

Mr KRAUSE: Is there a statutory provision that it goes to the AG?

Mr Reilly: I would have to double-check if there is. I have my act here; I can have a look, if you wish.

Mr KRAUSE: Maybe you could take it on notice.

Mr Reilly: We do comply with our legislation—that is always what we do—and we take it seriously. I have never had any feedback about it. I have always accepted it and passed it on. Ms Robertson and Ms Pyke, you are also independent officers of the parliament, or are you employed by the Public Service?

Ms Robertson: We are both employed by the Ombudsman. We are employed under the Ombudsman Act.

Mr KRAUSE: Not the Public Service Act, no.

Mr Reilly: There is the new Public Sector Act. When the Public Sector Act came into parliament, it amended our act to clarify that people in our office are not employed under the Public Sector Act, they are employed under the Ombudsman Act. The Inspector of Detention Services officers are also part of the Office of the Ombudsman. That is the collective whole, that is what joins us all together—we are all part of the Office of the Ombudsman. I have this additional title that means I am—

Mr KRAUSE: It is the Ombudsman cone of silence.

Mr Reilly: We take confidentiality very seriously and there are provisions in our act that tell us to take it very seriously, but of course we are always available to report to the committee.

CHAIR: Going back on the member for Scenic Rim's question about it was sent to the Attorney-General, I know some other reports are sent out from other bodies that we have oversight of, and one copy is sent to the committee and another copy is sent to the opposition. I am not sure if that happened in relation to this, but I know I have seen reports being provided to more than one entity. Is there any way we can check to see where it was sent, whether it was sent only to the AG, or was it sent to—

Ms Robertson: I am happy to check that. From memory, it is a feature of the Ombudsman Act, but we can clarify where those reports were submitted.

Mr Reilly: Can I clarify one thing in regards to the previous question, Mr Krause? Angela has just reminded me that she is also sworn in as the Acting Ombudsman, so if I need a holiday, Angela can step in.

Mr KRAUSE: My final question was about your IT services and that sort of infrastructure. Is that completely separate from the Queensland government public sector regime or is it done in conjunction with another government department?

Mr Reilly: No. We operate our own little system. We are a little government department. We operate our own little system. Of course, we do conform to government standards to make sure that we are adhering to good practice.

Mr KRAUSE: So you are sort of cut off from the rest of the government, though?

Mr Reilly: For example, our data is not held in some big department servers or something like that. I think we are on private—

Ms Robertson: We have recently moved to the cloud arrangement, but it is not within another government service; it is with a contract arrangement.

Ms BOLTON: Going back to the Coaldrake recommendations—you mentioned a couple of them—how many are still remaining and is there a time frame on the implementation of those?

Mr Reilly: I can only talk to the ones that are relevant to our office. Would you like me to—

Ms BOLTON: Yes. Sorry, I should have clarified that—in relation to your office.

Mr Reilly: There are two to go. There is the one about the functions of the committee. That is really probably more relevant to the committee, but it will impact on us because we will have to work with the committee in a new way, which is good. Then there is the one about our function of being able to investigate complaints about service providers who are contracted to provide services. The discussions about those things have been very active with us in recent months. I understand that the policy development processing in government is well progressed, but they are government policy processes, so I am not really in a position to comment further than that. The discussions have been active and detailed in recent months.

Ms BOLTON: In the report, it noted that there were 12 complaints. Two were partially substantiated. I think last year we spoke about the complaints process. One of the options provided was regarding an independent assessor. Has there been any need to use that independent assessor within the time frame of that report? Also, with the strengthening of the committee's role, will referrals from committees to that independent assessor be available?

Mr Reilly: First of all, in preparation for this meeting we consulted our service delivery complaint register, and I think we identified that there were no complaints against me as an individual, as the Ombudsman, so I can say there were none of those. There was, however, a letter I received in which I was accused of being part of a widespread network of corruption, and I referred that letter to the Crime and Corruption Commission. It did not have a service delivery complaint element; it was an assertion of my membership of that network. Sorry, Ms Bolton, what was the next question?

Ms BOLTON: It was in relation to the independent assessor. Last year you said the terms of the CCC and the independent assessor, yes.

Mr Reilly: If the need comes up to identify an independent assessor, my personal view is that I will contact the committee to discuss that and I will advise the committee of that need. I may propose, for example, to say, 'Here is an independent assessor who may be able to do this. Please let me know if you have any objections.' I think that is how I would proceed with it, although I have not had to do one yet. I think that is how I will proceed if the need arises.

Ms BOLTON: We are not aware, within the Coaldrake recommendations for the strengthening of the role of committees, whether that would be one of the extra powers given for the committee to be able to access that assessor independently?

Mr Reilly: On my reading of the Coaldrake report, I did not see that recommendation in the recommendations, but I do not have any information available, I am sorry, on whether that issue is being considered as part of some other policy process.

Ms BUSH: Welcome back, Anthony and Angela. It has been a bit tricky to hear on the phone, so please do pull me up if these questions have been asked and answered. I had a question, Anthony, about PIDs and particularly I saw in the annual report an increase in the volume of anonymous PIDs that you have received. From an agency perspective, I am interested to know the trends you are seeing in that and what challenges that throws up for you in terms of managing them and being able to substantiate and progress those types of complaints. How is that being dealt with?

Mr Reilly: The challenge it would present to agencies in essence is that they cannot interview the discloser, so they cannot get more detailed information from the discloser about what is disclosed. However, if it is the case that the anonymous disclosure is extensive, then that may not present too much of a problem. If it is not, they would then, I assume, use the normal techniques that agencies use to investigate disclosures of problems in the agencies, such as engaging an external investigator or utilising a qualified internal investigator identifying relevant records and examining them, and then also identifying officers in the agency or members of the public who may be involved in the complaint. I have some connection to it and interviewing them about the issue. In terms of providing protection to an anonymous discloser, that is very difficult, of course, because you do not know who to protect. That can create issues.

Ms BUSH: Do you anticipate the need to do any work with agencies and with individuals in the Public Service particularly around reaffirming to them that they do have protections and that they can feel comfortable coming forward and identifying themselves in a disclosure?

Mr Reilly: The Ombudsman's office, through our intake service, provides initial advice to people about issues around public interest disclosures if they ring up about that issue. Then our small public interest disclosure team provides advice to agencies. We train agencies on their responsibilities and so on, and republish materials. I think that the review is interested in the issue of the extent of education needed across the public sector about public interest disclosure issues and how that might best be done to ensure that agencies are aware. Under our existing public interest disclosure standards, agencies are required to inform employees about public interest disclosure requirements and also to inform managers about their obligations, which are primarily to be aware of when they might receive a public interest disclosure and then to respond appropriately. Those requirements are already in place for agencies. For example, the agencies have to have a public interest disclosure policy and procedure which is freely available on their website. Our self-assessment audit that I referred to earlier shows that the number of agencies that have that is very high, and I think we have numbers about that in the annual report.

CHAIR: Yes, there is.

Mr Reilly: That is going well. I think there is probably awareness of public interest disclosures. Particularly as the years go by and more people have gone through our training or watched our videos that awareness grows. Many large agencies, of course, have their own awareness programs. There are significant resources put into public interest disclosure awareness alongside many other accountability and transparency issues within agencies that we do not necessarily count or are aware of, but we know they occur.

CHAIR: There were a couple of questions taken on notice. The first question is: over the past five years of the recommendations to agencies, which ones are still outstanding? The next one is to provide dates that staff for Detention Services commenced, or when they were hired. The last one is: provide advice as to why the Ombudsman's reports are tabled by the AG and where the reports are also circulated to, if they are. Are you able to provide your response to those questions taken on notice to the secretariat by close of business on Tuesday, 6 June so they can be included in our deliberations? I understand the secretariat are very accommodating of reasonable requests for extensions.

Mr Reilly: Yes. The five years of recommendations—can I qualify my answer to that to say that we monitor what you might call significant recommendations, but not every single recommendation made.

CHAIR: If you cannot answer the question because the data is simply not available or it is not an exercise that your office conducts, you just need to tell the committee.

Mr Reilly: We monitor it for many of them, but perhaps not every single one of them.

CHAIR: From my point of view, it is quite alright to state that. This concludes this hearing. Thank you to everyone who has participated today. Thank you to our hardworking Hansard reporters. A transcript of these proceedings will be available on the committee's webpage in due course. I thank all my committee members who have been here today and also to the hardworking secretariat staff for their support in conducting these public hearings. I declare this public hearing closed.

The committee adjourned at 3.02 pm.