

CRIME AND MISCONDUCT COMMISSION

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Dr Lesley Clark MP
Chair
Legal, Constitutional and Administrative Review Committee
Parliament House
George Street
BRISBANE QLD 4000

Dear Dr Clark

RE: 2005-2006 STRATEGIC REVIEWS OF THE OFFICES OF THE QUEENSLAND OMBUDSMAN AND INFORMATION COMMISSIONER

Thank you for the opportunity to make submissions in relation to both reviews. The Crime and Misconduct Commission (CMC) has no submissions to make in relation to the review of the Office of the Information Commissioner. However, it has a small number of submissions relating to the review of the Office of the Queensland Ombudsman.

Recommendation 13

Recommendation 13 of the Report of the Strategic Review of the Office of the Queensland Ombudsman (the report) is that regional visits should continue to be embraced as an important forum for rural and regional communities and an opportunity to keep the communities informed about the Ombudsman's office and its role and functions.

The CMC also conducts regional visits and sees that these play an important role in communicating with rural and regional communities and agencies. The CMC sees significant benefits to communities and agencies accruing through the Ombudsman's office and CMC working cooperatively in conducting regional visits wherever practicable. Constructive discussions have already taken place with the Ombudsman to advance the matter.

The CMC supports the recommendation.

Recommendation 21

Recommendation 21 is that a directive should be issued under the *Public Service Act 1996* requiring departments and agencies to develop and implement, by a specified date, a complaints management system that complies with the relevant standards.

The CMC strongly supports this recommendation and understands that a draft directive has already been promulgated by the Public Service Commissioner. It is essential that any complaints management system acknowledges the specific obligations associated with reporting and dealing with official misconduct as set out in the *Crime and Misconduct Act 2001*.

Recommendation 67

Recommendation 67 is that the Ombudsman's office should consider entering into a Memorandum of Understanding with the CMC to document the arrangements and protocols that characterise the relationship between the two agencies. A good working relationship exists between the Ombudsman's office and the CMC. Notwithstanding, the CMC has no objection to entering into a Memorandum of Understanding so that the current arrangements and protocols might be documented for the future.

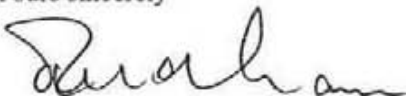
Legislative Issues

In section 8 of the report relating to legislative issues, the reviewer states that he has no objection to any of the amendments proposed by the Ombudsman as set out at pages 121 to 128 of the report. In this regard specific reference is made to the Ombudsman's recommendation that a provision be introduced in Queensland similar to the *Civil Liability Act 2002* (New South Wales) which provides that an apology made by or on behalf of a person in connection with any matter alleged to have been caused by the person does not constitute an express or implied admission of liability and is not admissible in any civil proceedings.

The CMC urges agencies to deal with allegations of official misconduct as expeditiously as possible. To this end, it encourages agencies to deal with those matters at the lower end of the spectrum by way of mediation or informal resolution. However, experience suggests that often an obstacle to this occurring is the reluctance of agencies in discussions with complainants to apologise for fear of it being interpreted as an admission of liability. The CMC sees that considerable resources would be saved and favourable outcomes to agencies and complainants achieved by maximising the speedy resolution of such complaints. Accordingly, it strongly endorses the recommendation made by the Ombudsman.

I trust these submissions will be of assistance. If you consider that you would benefit by the CMC addressing any further specific issues please do not hesitate to contact me.

Yours sincerely



ROBERT NEEDHAM
Chairperson