



T. Barnes

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The Research Director
Legal, Constitutional and Administrative Review Committee
Parliament House
George Street
BRISBANE QLD 4000

STRATEGIC REVIEW OF THE QUEENSLAND OMBUDSMAN

Background

It is a great deal of pleasure that I find myself in the position of being able to write a submission on a topic that has affected me personally. I do however make a few pertinent points that I believe may be of significance for many of us, the public, who do not fully understand the report. Unfortunately I found the report is not written in user friendly language and thus I, as may others, have difficulty comprehending some of the paragraphs. An example is synergies, I can't locate the word in any of four dictionaries I have at my disposal. This may mean incorrect interpretations on my part and, if this is the case, possibly the explanations need refining to allow us, the not as well educated, to understand them.

My personal dealings with the Ombudsman have been through a dispute with our council and our neighbourhood with regard to water. My file number at the Ombudsman's office is E97982206 and I am more than happy if your committee wish to review it. It shows first hand how the Ombudsman is lacking in power and shows how little effect his office has on Local Government Authorities.

As requested I shall discuss the recommendations by number but this may mean my misinterpreting some of the clauses. Should this occur I would appreciate your assistance by providing me with a simpler, clearer and more concise explanation.

7.6.1 The Status, Powers, and Image of the Ombudsman

I quote from page 14 - **The people of Queensland are entitled to be treated legally, fairly and respectfully in their dealings with government authorities. The purpose of the Ombudsman's Office is to ensure that happens.**

This does not always occur due to the lack of power or limitations of power held by the Ombudsman.

R.6.

It is interesting to note that this section makes recommendations for the education of all and sundry but does not deal with the lack of ability of the Ombudsman to deal with agencies that do not comply with his requests/recommendations. This in turn does little to improve the Ombudsman's standing and image within the community.

It is also unclear of how the Ombudsman's Office should react to a specific complaint. I refer to page 11 that deals with Section 24 (1) of the Act.

Of the seven (7) sub paragraphs listed I believe our complaints, of which there were many, should have been dealt with under sub – para (b). The Ombudsman's answer came back stating that the council had done everything lawfully. . I do not, nor do the other complainants, dispute this but the manner the council used to proceed was, in our opinion, **unjust, unreasonable, oppressive or improperly discriminatory.**

The Ombudsman also requested specific details and information to be given to residents, by council, which did not occur. The Ombudsman is now investigating why council did not conform to his request but is powerless to force council to comply. What a waste of taxpayer's money.

Solution

The Ombudsman should be given powers that would enable his office to make government authorities accountable. In this day and age no authority should be allowed to make decisions against the will of the people. The federal government has an upper house for checks and balances local authorities need something or someone as well.

Guidelines to follow

There appears to be a problem with procedures to follow prior to and after complaining to the Ombudsman. There should be a list of guidelines to follow. An example I would use is my own.

With my problem I contacted many organisations to enable me to proceed using the correct channels. After no joy from council I contacted the following organisations without success:

- a. local state member,
- b. local federal member,
- c. Dept of Natural Resources,
- d. Grey Power,
- e. Seniors Association, and
- f. Lockyer Catchment Centre.

All of the above organisations, with the exception of Grey Power, told me that it was a local government issue.

I then, as a representative of our area, contacted the Ombudsman. His advice was for us to write to his office stating our complaint. Many of us did this and we were thrilled when the Ombudsman made an appointment to come to my house for an interview with six of us. Mr Metcalfe informed us, on the day, that he could only help us if the council had not followed the correct administrative procedures. His ensuing decision was not in our favour.

I would question, under the Act, whether the correct course of action was taken by the Ombudsman's Office.

Is there an appeal process? If not, why not?

I deal, as a Welfare Officer in the R.S.L., with government departments such as the DVA. There are, at times, decisions made that are questioned and these are appealed. Another representative reviews these appeals.

Solution

An appeal process should be made available for the complainant. This would allow the complainant an opportunity to give further details as required. It may also enable them to request the review/appeal under different grounds.

Summary

In closing I would like to say that although the Ombudsman's decision was not in my favour I did appreciate the time they spent with our complaint, albeit still continuing.

I would stress that his powers have to be greater than they currently are and that an avenue of appeal should be made available.

It would also be of assistance to the public if they were made aware of what he can and can't do in relations to complaints. It is very hard to comprehend that someone, who is there to protect your rights, can't right an injustice on moral, expenditure or decency grounds.

Regards,

A handwritten signature in black ink, appearing to read 'Terry Barnes', with a long horizontal flourish extending to the right.

TERRY BARNES.