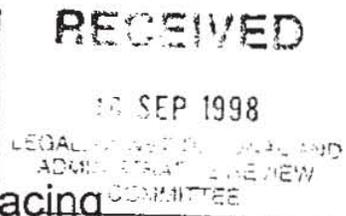




Department of Tourism, Sport and Racing



Spec. 14.1  
Submission No 6

Our File Ref           Sharon Toohey

Your File Ref

Contact Officer       Mark Jones  
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14 September 1998

Mr Gary Fenlon MLA  
Chair of the Legal Constitutional and Administrative Review Committee  
Parliamentary Annexe  
George Street  
BRISBANE QLD 4000

Dear Mr Fenlon

RE: STRATEGIC REVIEW OF THE OMBUDSMAN

I refer to your letter concerning the above and advise that I have circulated Professor Kenneth Wiltshire's Report entitled "Strategic Review of the Queensland Ombudsman (Parliamentary Commissioner for Administrative Investigations)" to the various sections of the Department of Tourism, Sport and Racing and have received the following as comments:

The Queensland Tourist and Travel Corporation noted that:

"The Cabinet Handbook has a ruling requiring all departments and agencies to consult with the Ombudsman on all policies and legislation relating to citizens' grievances and other relevant matters in giving their advice to Cabinet. This has not been happening and it is timely that all departments are reminded of their responsibilities in this regard.

In conjunction with the Ombudsman, it is considered appropriate that units of government to establish internal complaint handling procedures consistent within the Ombudsman's office. The system should have a regular "flagging" mechanism for evaluation of the effectiveness and timeliness of complaint handling. All State and Local government agencies should show all Ombudsman cases in their annual reports."

The Division of Racing remarked that:

"...The image of the Ombudsman needs to be enhanced so that the importance of that office is given a much higher profile in the public area. At the present, the Office of the Ombudsman occupies a generic role amongst the maze of public appeal administration processes and decision makers.

...The Ombudsman should adopt an active role in assisting agencies by drawing to their attention any systematic deficiencies relevant to administrative processes and providing advice to their improvement. This, in turn, should eventually assist the Ombudsman by leading to a reduction in the number of matters requiring investigation.

It is evident from the comments made by Professor Wiltshire that a valid need exists for a change in existing work practices and a change in the future direction of the Office of the Ombudsman.”

The Sport and Recreation Division observed that:

- “Emphasis should be placed on agencies having appropriate complaint mechanisms established.
- Ombudsman’s Office should be requested to implement Managing for Outcomes as all other Government agencies .
- Consideration be given to agencies paying the costs of the Ombudsman’s Office in the event that an investigation is warranted. This would promote effective complaint resolution practices and a pro-active approach by agencies in the review of their systems/practices.
- Support the promotion of responsibilities, systems and the development of information kits for the Ombudsman’s Office.
- If the Ombudsman’s Office is to be consulted on all new policy initiatives, this may become a resource issue. Agencies should be encouraged to have a client focus and complaint mechanism within procedures.
- Client surveys should be undertaken as a means of measuring performance.”

The Queensland Academy of Sport reported that:

“The report appears to recommend quite a significant change of direction and emphasis for the Office of the Ombudsman - from investigating complaints to influencing the Public Sector Management. It is debatable whether this expanded role is desirable.

The issues with the Office appear to be of a management nature, and do not necessarily indicate the need for a change of strategic direction.

Specific comments - Executive Summary:

Clause 3 - “fundamental purpose of the Office has not changed” - seems to be contradicted with some later statements.

Clause 8 - argues for a change from one less orientated to individual complaint - more pro-active, systematic and preventative, which makes a major change of focus for the Office.

Summary of recommendations:

R6 - Information on the power and the limitations of Office is important.

R7 - If the Office works more closely with State Departments and Government agencies as a consultant and advisor, would the general public feel their grievances could be compromised?

R13 - "Own motions/Investigations" - presents similar issues as above.

R14 - It is important to get the core business well known and well managed before the Office is encouraged to undertake a new role.

R29 - An overall review of the roles and responsibilities of all administrative appeal mechanisms should precede any changes to the Ombudsman's Office."

In conclusion, the Liquor Licensing Division mentioned that it "...would be of benefit if there were more personal contact between the Ombudsman and individual agencies".

Thankyou for granting the Portfolio of Tourism, Sport and Racing an opportunity to comment on this matter.

Yours sincerely



Mark Jones  
A/CABINET LEGISLATION & LIAISON OFFICER