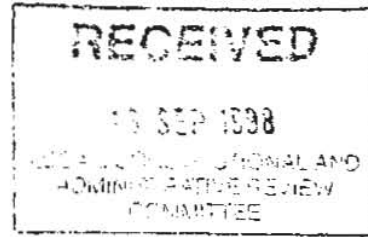


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Spec 14-1

17 September 1998



Mr Gary Fenlon, MLA
Chair
Legislative Assembly of Queensland
Legal, Constitutional and Administrative Review Committee
Parliament House
George Street
BRISBANE Qld 4000

Dear Sir

STRATEGIC REVIEW OF THE OMBUDSMAN

Council submits the following comments in relation to Professor Ken Wiltshire's report, "Strategic Review of the Queensland Ombudsman" :-

GENERAL COMMENTS:

- For the Ombudsman's Office to become more preventative and proactive in its investigations and to be able to adequately address systemic issues, the Office will require even greater resources.
- In principle, strategies fostering a greater emphasis on the Office of the Ombudsman working along side government agencies are supported by Council. However, this presumes a degree of goodwill which may be compromised should the Office be forced into taking a more reactive stance. Communication and tact will obviously be important.
- Rationalism of administrative appeals processes is supported if there is no net diminution of individual rights to complain.

COMMENTS ON RECOMMENDATIONS :

Recommendation 6 :

This recommendation is imperative to the future of the Ombudsman's Office. Council's experience is that the public has a completely false perception of the role of the Ombudsman. There is a tendency for the public to wield the threat of going to the Ombudsman in order to achieve a course of action irrespective of the fact that they may be incorrect or have no legal standing. A clear projection of the roles and powers of the Ombudsman in the community would no doubt educate people and Local Governments and therefore reduce the number of "groundless" applications for review to the Ombudsman.

ALL COMMUNICATIONS TO
BE ADDRESSED TO
CHIEF EXECUTIVE OFFICER
LOGAN CITY COUNCIL
PO BOX 226
WEDDIBURGH QLD 4114

TEL: (07) 308 0014
FAX: (07) 308 0014



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Recommendations 7 & 11:

These recommendations are considered essential for Local Government and the community as the net effect will be improved public policy. Council would welcome a more consultative and advisory approach from the Ombudsman as a mechanism for improving future policies and procedures and assisting in the review of existing policies. The concept of having seconded personnel who are "in touch" with Local Government functions will also promote a more quality approach to the advice provided from the Ombudsman and therefore enhance the public policy process.

Recommendation 14:

Council supports the recognition that the primary purpose of the Office should still be in developing a greater consultancy/advisory function to its roles and responsibilities, that is in addressing maladministration.

Recommendation 28:

Council believes that this recommendation should not be underestimated and is linked strongly to the importance of educating the community and public bodies as prescribed in Recommendation 6. The retention of "Ombudsman" in other titles would continue to mislead the public and lessen their perception on the Ombudsman's true roles and activities.

If you require any clarification or assistance in relation to the comments provided, please contact Mr Gary Kellar, (07) 3826 5239.

Yours faithfully



G R Kellar
CHIEF EXECUTIVE OFFICER