

Submission No 17  
Spec 14-1



**Office of the  
Public Service**

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Mr Gary Fenlon, MLA  
Chair, Legal, Constitutional and Administrative Review Committee  
Parliament House  
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Dear Mr Fenlon

### STRATEGIC REVIEW OF THE OMBUDSMAN

Thank you for the opportunity to provide comment on the recommendations made in the *Report of the Strategic Review of the Queensland Ombudsman* tabled in the Legislative Assembly on 6 May 1998.

The report is very comprehensive and the recommendations attest to a detailed understanding of current and future issues for the Ombudsman in Queensland. In particular, the Review adopted a modern "*proactive, systematic, preventative Ombudsman*" model as a benchmark against which to test the performance of the Office's activities. This sound methodology has facilitated a range of constructive recommendations that are focused on the ongoing achievement of improved practice in administration and service delivery by the Office.

I also have a number of more particular comments as follows:

#### Recommendations 11 and 26

I would like to offer my support to the proposal that the Ombudsman's Office utilise secondees from agencies across the sector. The Office of the Public Service would be available to assist with the development of implementation processes if so required.

I would also be very supportive of the introduction of an external grievance examination process as proposed in Recommendation 26. A similar model already exists in respect of Police promotions. (A Commissioner from the Criminal Justice Commission has the authority to hear appeals but stops short of determining the outcome and instead makes a recommendation to the Police Commissioner which may be accepted or rejected as the case may be. This model facilitates an appropriate level of independence in the examination of the matter under dispute while at the same time preserving the autonomy and authority of the Chief Executive).



Further to these comments, in the course of drafting the Public Service Bill, consideration was given to including the Office of the Ombudsman as a public service office in terms of the now *Public Service Act 1996*. However, the Parliamentary Commissioner objected to employees from within his Office being covered by the *Public Service Act* on the grounds that it would impact on the independence of the Office.

Nevertheless, the Ombudsman's Office does from time to time, seek Governor in Council approval to specify terms and conditions of employment for its employees as required by section 10(3) of the *Parliamentary Commissioner Act 1974*. Invariably, this is achieved by reference to provisions of the *Public Service Act*.

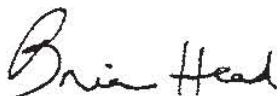
If the Office of the Ombudsman were included as a public service office, the *Public Service Act* would apply to the Ombudsman's Office and its public service employees (other than the Office of the Ombudsman) as if the Office were a Department and the head of the Office (i.e. the Ombudsman) were the chief executive of a Department. This would in turn apply standard public service management requirements on the Ombudsman's Office such as performance management, grievance procedures, ability to second, transfers between the Ombudsman's Office and other government departments and a range of other benefits to employees.

The Queensland Audit Office and the Electoral Commissioner of Queensland are both public service offices in terms of the *Public Service Act* and there has not been any suggestion that either the Auditor-General or the Electoral Commissioner have risked their independence by their officers being employed under the *Public Service Act*. In the case of the Ombudsman's office, it would be reasonable to expect that the independence of the Parliamentary Commissioner is maintained by the terms of *Parliamentary Commissioner Act 1974*.

#### **Recommendations 17, 18, 21 and 30**

The importance of providing staff with on-going formal training and development opportunities as identified in Recommendation 21 cannot be overemphasised. Such opportunities might include accessing relevant training already available from State Departments such as the Department of Justice's Alternative Dispute Resolution Branch. The Alternative Dispute Resolution services and training offered by the Department of Justice might also be utilised to assist with implementation of Recommendations 17 and 18 concerning "early intervention" approaches to case management and Recommendation 30 concerning potential synergies in respect of training, research, library resources and joint seminars.

Yours sincerely



**Dr Brian Head**  
**Public Service Commissioner**