

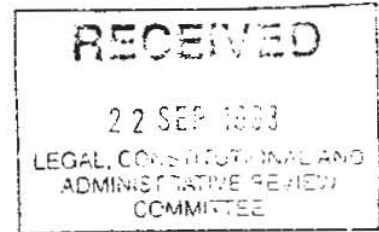


Queensland  
Board of Senior Secondary School Studies

Submission No 29  
Spec 14.1

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Mr Gary Fenlon MLA  
Chair  
Legal, Constitutional and Administrative Review Committee  
Parliament House  
George Street  
Brisbane QLD 4000

Dear Mr Fenlon

Thank you for the opportunity to comment on the recommendations of the recent strategic review of the Ombudsman's office.

The recommendations of the report of the strategic review of the Queensland Ombudsman:

- *Emphasise the development of a 'new relationship with government agencies' (point 11, executive summary) but do not explain how the Ombudsman will be seen to be, and will actually be, an impartial and dispassionate authority under the terms of this new relationship.* For example, recommendation 9 places the Office of the Ombudsman in the invidious position of being an 'observer and adviser on reference groups established to design new policy initiatives, with a view to making them client oriented and minimising the potential for administrative indiscretion and maladministration' and investigating complaints that will relate to these policies. If, as recommendation 7 suggests, 'the Office of the Ombudsman should work more closely with State departments and agencies, and local governments, more in the nature of consultant and adviser', the recommendations of the review do not offer any reassurance that, having made such an investment in the procedures and practices it will be called upon to investigate, the Ombudsman will be an impartial party. This issue would need to be resolved before confidence could be had in the recommendations, which present this 'new relationship' as a key to developing the role of the Office of the Ombudsman.

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- *Emphasise the need to streamline procedures for handling complaints and grievances to government departments and agencies and place the Ombudsman in the position of providing templates for all agencies, while not accounting for the differences between government bodies and the nature of the complaints they handle.* Recommendation 6(c) places the Ombudsman in the position of providing 'an ideal internal review mechanism for agencies for their own complaints' and 'a model internal investigatory process on receipt of contact about a complaint from the Ombudsman'. It is important that Government bodies have a clear and shared understanding of the *principles* involved, and that they are able to make sound judgments about how best to apply those principles in the very different contexts in which they receive complaints. It may be the case that the Ombudsman should take more of a role in promoting this understanding of key principles and the *range of possible strategies* for achieving them. However, as they stand, the recommendations seem not to take this point into account and could perhaps be read as providing a mandate for developing uniform procedures and processes for handling complex matters. In different situations important principles of justice and accountability are likely to be better achieved using different mechanisms, processes and practices. Not only that, but the differences between agencies in terms of their size and their responsibilities make it difficult to see how a single 'ideal internal review mechanism' or a 'model internal investigatory process' could or should be developed and how these will contribute positively to the future of the Ombudsman's Office.

I trust these points will be helpful to your work and the work of the secretariat.

If you or a member of the secretariat would like to discuss this submission any further, please do not hesitate to contact Dr Erica Bell (Manager Policy and Evaluation) on (07) 3864 0267.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Reg Allen', with a stylized flourish at the end.

Reg Allen (Dr)  
**Acting Director**