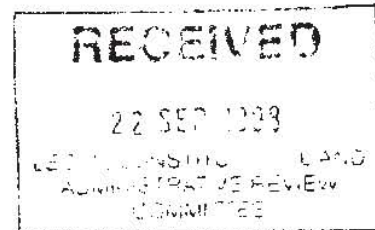


Submission No 31
Spec 14.1



Minister for Primary Industries



16 SEP 1998

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

Dear Mr Fenlon

STRATEGIC REVIEW OF THE OMBUDSMAN

I refer to your letter dated 13 August 1998 concerning the Parliamentary Legal, Constitutional and Administrative Review Committee's review of the findings and recommendations of the *Report of the Strategic Review of the Queensland Ombudsman* which was tabled in the Legislative Assembly on 6 May 1998.

Thank-you for inviting my Department to lodge submissions on the recommendations made in the strategic review report. The Department's submission is attached.

In accordance with your request, a copy of your invitation to lodge submissions has been referred to all 96 statutory authorities within my portfolio. The statutory authorities have been requested to lodge any submissions directly with the Committee.

I trust the Department's submission will assist the Committee's review. Please contact the Department's Administrative Review Coordinator, Mr Neil O'Brien, on telephone number (07) 323 93865 or facsimile (07) 323 93879 if you wish to discuss the submission.

Yours sincerely

Henry Palaszczuk MLA
Minister for Primary Industries

SUBMISSION OF THE DEPARTMENT OF PRIMARY INDUSTRIES ON THE RECOMMENDATIONS MADE IN THE *REPORT OF THE STRATEGIC REVIEW OF THE QUEENSLAND OMBUDSMAN* WHICH WAS TABLED IN THE LEGISLATIVE ASSEMBLY ON 6 MAY 1998

BACKGROUND

In April 1998, Professor Kenneth Wiltshire presented his *Report of the Strategic Review of the Queensland Ombudsman* to the then Premier the Honourable Rob Borbidge MLA.

The strategic review report was tabled in the Legislative Assembly on 6 May 1998.

This submission details the views of the Department of Primary Industries in relation to the recommendations made in the strategic review report.

COMMENT ON RECOMMENDATIONS

- R.1 Supported.
- R.2 Supported.
- R.3 Supported.
- R.4 Supported.
- R.5 Supported.
- R.6 Strongly supported.

Government agencies could facilitate any awareness program by publishing the function and role of the Ombudsman in Statements of Affairs which are published on a yearly basis. This Department already includes this kind of information in its Statement of Affairs and includes Ombudsman functions and roles in its continual administrative review training program which is offered to Departmental officers and statutory authorities in the Primary Industries Portfolio.

The provision of Information Kits to government agencies would be a positive step in educating and guiding agencies during the Ombudsman investigatory process. Too little support is provided to government agencies during the investigatory process and this would be one way of redressing this issue. The Ombudsman's investigatory staff should be less formal in their dealings with agencies. Closer personal contact with agencies is encouraged.

A quarterly newsletter providing information about systemic issues, etc, would also be beneficial in educating agencies on Ombudsman expectations and could be an efficient way of proactively dealing with issues.

- R.7 Strongly supported. At present, Ombudsman staff only correspond with agencies. No personal contact is encouraged. The Ombudsman's investigatory staff should be less formal in their dealings with agencies and closer personal contact with agencies is encouraged.

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- R.8 Strongly supported. It is essential that the Ombudsman develop a formal Departmental contact officer network. Personal contact should assist the Ombudsman in achieving its objectives.
- R.9 Strongly supported. The Ombudsman should become more client focussed by providing this service to government agencies. This cooperative approach would foster an improved relationship between agencies and the Ombudsman.
- R.10 Strongly supported. The establishment of formal internal complaints handling mechanisms within agencies would be a positive step towards providing members of the community with a "one stop complaint shop". However, this Department does not have the resources currently available to it to implement such a mechanism. If agencies are to implement a formal complaint system, agencies should receive appropriate funding.

At present, the Department has appointed its Administrative Review Coordinator, Mr Neil O'Brien, as the Department's contact officer for Ombudsman complaints. A complaint monitoring system is maintained to ensure Ombudsman investigations are dealt with in an effective and efficient manner.

This Department supports the notion of publishing all Ombudsman investigations in its annual report.

- R.11 Supported. A secondment program between the Ombudsman and agencies would be a positive career development program for employees of the Ombudsman and agencies.
- R.12 Supported. Client Satisfaction Surveys with complainants enable the Ombudsman's effectiveness to be ascertained. By adopting a less formal approach with agencies, the Ombudsman should be able to ascertain agency satisfaction with Ombudsman procedures as investigators and agency contact officers would have closer liaison than currently exists.
- R.13 Strongly supported. The Ombudsman should be more proactive in identifying systemic issues. This Department would appreciate receiving advice from the Ombudsman on systemic issues causing complaints and would cooperate fully with the Ombudsman in modifying associated administrative practices.
- R.14 The Department holds no position on this recommendation.
- R.15 Supported. Some investigations seem protracted and the existence of performance indicators to identify causes of the delay would seem appropriate.
- R.16 The Department holds no position on this recommendation.
- R.17 The Department holds no position on this recommendation.
- R.18 Strongly supported. The speedy resolution of complaints and early intervention to prevent a protracted investigation is encouraged. Administrative and operational costs associated with Ombudsman investigations would diminish if the Ombudsman resolved complaints quicker.
- R.19 Supported. The use of precedents, though, must not override any requirement to treat each case on its merits.

- R.20 The Department holds no position on this recommendation.
- R.21 The Department holds no position on this recommendation.
- R.22 The Department holds no position on this recommendation.
- R.23 Supported.
- R.24 The Department holds no position on this recommendation.
- R.25 The Department holds no position on this recommendation.
- R.26 The Department holds no position on this recommendation.
- R.27 The Department holds no position on this recommendation.
- R.28 The Department holds no position on this recommendation.
- R.29 Strongly supported. Currently the Ombudsman also performs the role of Information Commissioner. It would seem appropriate for the Ombudsman to continue to provide appellate functions for administrative discretion.

There has been a suggestion that a Privacy Commissioner will be appointed in Queensland at some stage in the future. It would be appropriate for the Ombudsman to also perform this function.

All functions performed by the Ombudsman should be the subject of regular reviews. The Office of the Information Commissioner would benefit from a review similar to the strategic review of the Ombudsman as the community and government agencies are experiencing problems similar to those identified in the Ombudsman review.

- R.30 Supported.