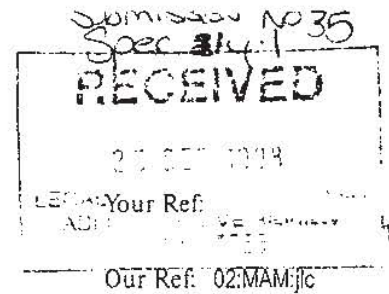




COUNCIL  
OF THE  
SHIRE OF CARDWELL  
TULLY 4854  
NORTH QUEENSLAND



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21 September 1998

The Chair  
Legal, Constitutional and Administrative  
Review Committee  
Legislative Assembly of Queensland  
Parliament House  
George Street  
BRISBANE Qld 4000

*Attention: Mr Gary Fenlon MLA*

Dear Sir

**RE: STRATEGIC REVIEW OF THE OMBUDSMAN**

Please find hereunder, some comment relative to the above in response to your letter dated 14/8/98.

As suggested, I have poised my response to correspond to the recommendations and utilise the same numbers.

At the outset I must record that my few dealings with the Ombudsman and staff have generally been extremely good and that the "neutrality" achieved has lead to ongoing positive relations.

- R1** Annual Reports are already in an acceptable format and well received. They are succinct and do not lay blame but state the facts.
- R2** Public Administrative practices are governed by legislation, local laws, regulations, policies, procedures, etc. Strategies should be sorted out between agencies and the governing body and not the Ombudsman. Certainly a recommendation should be made, viz. in the case of a Local Government issue then to the responsible Department.

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All Correspondence to be addressed to: Chief Executive Officer, Cardwell Shire Council,  
Postal Address: P.O. Box 401, Tully, Queensland, 4854  
Office Address: Civic Centre, 38-40 Bryant Street, Tully, Queensland, 4854

Enquiries: Jo Cooksley

Telephone: (07) 4043 9125  
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## **Strategic Review of the Ombudsman**

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- R4** The Office of the Ombudsman should be seen to be and be value for money to the general public. It seems that this review is little short of an attempt to justify an increase in budget, staffing levels and less emphasis on the important role of producing results for the individuals.
- R6** The overview is agreed to but not Clause (d). Productivity on the ground will speak more than any proposed quarterly newsletter. Clause (f) seems to indicate that after 24 years the message has not been received. Perhaps some advertising to reach the majority rather than lectures to minority groups might be in order.
- R8** By the time you train a Mayor, Councillor or CEO, a new person will have been elected or employed. On-line via the LGAQ net or Internet would appear appropriate so that a databank can be established on systematic issues, cases, precedents, etc.
- R9** This seems somewhat of an overkill. We are already "over administered".
- R12** Rather than expand the role, perhaps Governments should look at reducing certain legislation which the large majority of Australians do not agree with and thus make the "total system" more acceptable to the people of the day.
- R13** This is again an attempt to build an empire. If a problem appears to exist, refer it to the appropriate agency or Department where the expertise is held and request a determination therefrom.
- R15** This recommendation quotes the New Zealand guide should be used, yet we are not even privy to the outline of such guide.
- R17** Agreed
- R18** The Ombudsman's Office should be looking at reducing operational costs and considering ways of giving a better service for less cost or at least the same. It may be possible to appoint voluntary town agents. We do have a substantial amount of "grey power" throughout our State. Any such scheme would require acceptance by both parties and in fact is already almost in existence (except for the voluntary part) with the Community Justice Program.
- R19** Agreed – provided it is done electronically.

As an overview it appears that staff are not totally suitable in all cases and perhaps too much emphasis is being placed on qualifications and not enough on experience. From my knowledge of complaints made to the Ombudsman, most people have "everyday" complaints that require some logic and common sense or experience and sometimes legal knowledge.

**Strategic Review of the Ombudsman**

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It is considered that the Ombudsman's Office should in fact, be the first avenue for complaint before it is permitted to progress to the Criminal Justice Commission. There appears to be too easy an opportunity to take "everyday matters" straight to that authority and if a major overhaul of both areas of responsibility was undertaken, with the result of a possible merger between both, many of the perceived problems outlined in the review would disappear.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mallyon', with a large loop at the end of the signature.

**MAL MALLYON**  
**CHIEF EXECUTIVE OFFICER**