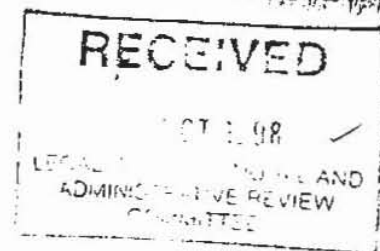




**QUEENSLAND CORRECTIVE
SERVICES COMMISSION**

09 October 1998

Mr Gary Fenlon MLA
Chairperson
Legal, Constitutional and Administrative Review Committee
Legislative Assembly of Queensland
Parliament House
George Street
BRISBANE Q 4001



Dear Mr Fenlon

In your letter to the Minister for Corrective Services dated 13 August 1998, you invited submissions addressing the recommendation of the *Report of the Strategic Review of the Queensland Ombudsman*. The Queensland Corrective Services Commission offers the following comments.

The Commission does not wish to comment on all of the recommendations of the report as some are clearly intended to identify administrative improvements to the service offered by the Office of the Parliamentary Commissioner for Administrative Reviews. In general, the Commission would support the direction of the review to provide a more effective service by the Ombudsman, to the general public and to government Departments and other agencies.

Specific comment is outlined below in relation to a number of the recommendations of the report:

Recommendation 5.

The Commission has established a process to ensure that the Ombudsman is included in consultation associated with the development of new policy or legislation. This recommendation is supported as an efficient mechanism to ensure that complaints which have been registered with the Ombudsman are reflected in policy or legislative changes as far as possible.

Recommendation 6.

As the Commission maintains a high level of contact with the Ombudsman, the additional information about the service is not seen as essential for this agency. However, the Commission acknowledges that this approach could be of assistance to prisoners, prisoner's families and stakeholder agencies.

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Recommendation 7.

As mentioned, the Commission works in close consultation with the Ombudsman, but would provide general support for the use of the agency in the provision of advice.

Recommendation 8.

As the QCSC consists of a range of specialised units, it would not be possible to establish a single contact point. At present the Commission has established a number of internal contact points to assist with the communication process with the Ombudsman. The Commission would in general support the recommendation, however each agency will need to develop mechanisms suitable to the organisation.

Recommendation 9.

Given the complex and highly specialised nature of the correctional system, the Commission would prefer to engage the Ombudsman in consultation once policy has been developed to the first draft stage, rather than including the Ombudsman in reference groups.

Recommendation 10.

The Commission has a range of grievance mechanisms which include Appeal processes and Official Visitors. Prisoners are advised of the available grievance processes at the point of induction to the correctional system. The Commission has some concern that the Ombudsman is currently, in some cases, duplicating efforts in resolving complaints. That is complaints are often referred to the Ombudsman prior to having utilised all internal avenues.

Recommendation 11.

The Commission acknowledges that it is of value to the Ombudsman to include staff who have some knowledge of different systems. Potentially this approach could be of value to the QCSC and the Ombudsman, however it may open staff of the QCSC to criticism from prisoners on their return to the agency if complaints have not been resolved to their satisfaction.

At present, secondments occur to the Ombudsman's office from prisoner advocacy agencies. In some instances, this is seen as a conflict of interest where the secondee can act from an advocacy viewpoint using the authority of the Ombudsman's office.

Recommendation 12.

As the Ombudsman's processes make considerable demands on the correctional system, it would be of value to have a regular feedback process to identify areas which could be improved.

Recommendation 13.

The Ombudsman has been focussing on the identification of systemic issues with the Commission to assist in dealing with blocks of complaints wherever possible. To date this has not included any research, however the issues are taken into consideration when policy reviews or initiatives occur.

Recommendation 18.

The Commission strongly supports this recommendation. It would be of value if a screening process was developed to establish whether:

- all internal grievance mechanisms had been utilised;
- similar complaints have been considered and dismissed; and
- a full investigation is required in individual cases.

Recommendation 24.

The Commission is of the view that the Ombudsman's visits to correctional centres generate additional complaints which may not warrant investigation by the Ombudsman. Prisoners view the process as opportunistic. Many of the complaints dealt with through the visit's process may have been attended to at a local level. The visit's system does not in general include sufficient time for the complaint to be researched and resolved and makes additional work for the correctional system after the event in gathering information to provide a response to the Ombudsman.

Recommendation 29.

The issue of duplication of complaints in relation to the correctional system would benefit from further investigation. The Commission receives complaints about the same issue from the same prisoner from a number of agencies. There is an obligation to provide a response in all cases. In many instances, the Ombudsman duplicates a grievance which has already received one or a number of responses.

In summary, the Commission has established a positive working relationship with the Ombudsman. However, there is a perception with staff of the Commission that the processes adopted by the Ombudsman are not as efficient and effective as could be possible.

In many instances the Ombudsman is duplicating services which are already available in a more direct fashion within the system. The Commission is of the view that the internal systems are not always fully utilised before the Ombudsman is engaged in the process.

Prisoners tend to utilise the services of the Ombudsman where they are unhappy with an administrative decision. The complaint is made as a mechanism to bring pressure to bear to change the decision and this is not always appropriate.

I hope these comments are of assistance to the current review of the findings and recommendation of the *Report of the Strategic Review of the Queensland Ombudsman*.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Rule', with a long horizontal flourish extending to the right.

PETER RULE
Acting/Director-General