

LOCAL GOVERNMENT
ASSOCIATION
OF QUEENSLAND INC.



Local Government House
60 Edmondstone Road Mayne Qld 4006
PO Box 2230 Ferntide Valley BC Qld 4006
Phone (07) 3334 2222 Fax (07) 3252 4473

Submission No. 46

16th October 1998

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

Dear Mr Fenlon

Strategic Review of the Ombudsman

I refer to your letter dated the 13th August 1998, regarding the "Strategic Review of the Ombudsman". Apologies for the delay in our reply, however we trust that our comments can still be considered in the Review.

Our primary comment is with respect to recommendation R.29. Of particular concern to Queensland Local Government is the ability of some ratepayers to go "complaints shopping". This is especially with respect to the Planning Court and its processes. Over the years, the LGAQ has been made aware of circumstances where, if a ratepayer is unhappy with a ruling of the Planning Court, the complaint can be taken to the Ombudsman. This is but one example of the concerning duplication of administrative review.

Essentially, the Association believes that if there is a process established to address a certain type of complaint, then the matter should not be referred to the Ombudsman subsequent to an outcome being reached in this first instance. This position does not attempt to deny citizens' right of complaint, it simply seeks the removal of their ability to have the matter reviewed several times over, wasting State and Local Government time and resources.

Another comment in respect to this recommendation is that the research, reporting and responses required in relation to matters being handled by the Ombudsman, is a substantial imposition on Local Government resources. This is particularly the case where the Ombudsman's office takes up issues which could have been dealt with by a more appropriate authority.

One example of this is in respect to rates recovery practices. The Association is of the view that if a defaulting ratepayer has a problem with the legal processes involved in the recovery of a debt, they should address their grievances to the Court when the summons is issued, rather than wait until the sale of property is threatened to satisfy the warrant.

Another example is where an employee's position within a council is made redundant and the incumbent officer is dismissed. While the respective council may argue that it has the responsibility and authority to make and manage the business of Council, it is still reasonable to expect that the former officer's recourse was to raise the matter as an industrial issue if they considered they were aggrieved by council's actions.

Another recommendation of interest is R.11 regarding a program of secondments. While the practicalities of this program will need to be examined, it does highlight the need for increased ready access by the Ombudsman to expertise that will facilitate a more expedient resolution to matters of complaint.

Thank you for seeking the Association's input on this matter.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Greg Hallam', written over the typed name and title.

GREG HALLAM
EXECUTIVE DIRECTOR

gjh:bb