

# LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

## PROGRESS REPORT ON IMPLEMENTATION OF RECOMMENDATIONS MADE IN THE *REPORT OF THE STRATEGIC MANAGEMENT REVIEW OF THE OFFICES OF THE QUEENSLAND OMBUDSMAN AND THE INFORMATION COMMISSIONER*

REPORT NO. 30, AUGUST 2001

### 1. INTRODUCTION

On 21 June 2000, the Premier tabled in the Legislative Assembly the *Report of the Strategic Management Review of the Offices of the Queensland Ombudsman and the Information Commissioner* ('the review report').<sup>1</sup>

The review report was referred to the Legal, Constitutional and Administrative Review Committee ('the committee' or 'LCARC') pursuant to the *Parliamentary Commissioner Act 1974* ('the PC Act') and the *Freedom of Information Act 1992* ('the FOI Act').<sup>2</sup>

The former committee reported to Parliament regarding the review report in July 2000 (report no 26).

(The background to the strategic management review and the former committee's involvement in that review is detailed in report no 26.)

In that report, the former committee stated that it looked forward to working with the offices of the Ombudsman and Information Commissioner to ensure that the benefit of the conduct of the review is fully maximised.

The current committee was appointed on 3 May 2001 and soon thereafter familiarised itself with the background to the strategic management review. The new committee also noted:

- the various statutory responsibilities which the LCARC has regarding the Ombudsman and Information Commissioner;
- the review report identified a role for the LCARC in monitoring implementation of the review recommendations; and
- the Premier has encouraged the committee's involvement in overseeing the offices' activities in implementing the review recommendations.

The committee now reports to Parliament on the offices' progress in implementing the review recommendations.

### 2. THE STRATEGIC MANAGEMENT REVIEW REPORT

The terms of reference for the strategic management review required the reviewer to undertake a comprehensive management review of the Offices of the Ombudsman and Information Commissioner to generally assess and provide advice and recommendations about the economy, effectiveness and efficiency of the offices.<sup>3</sup>

Specific matters which the review terms of reference required the reviewer to focus on included current and alternative approaches to case management, office structure and the delegation of responsibility, management systems and processes, human resource management issues, administrative systems and processes, and funding arrangements.

<sup>1</sup> The Consultancy Bureau Pty Ltd (commissioned by the Queensland Government), *Report of the Strategic Management Review of the Offices of the Queensland Ombudsman and the Information Commissioner*, The Brisbane Printing Place, June 2000 (available at: <<http://www.premiers.qld.gov.au/review/index.htm>>).

<sup>2</sup> See the PC Act, s 32(13) and the FOI Act, s 108A(13).

<sup>3</sup> The review terms of reference are reproduced as attachment 1 to volume 1 of the review report.

The review terms of reference also required the reviewer to consider the extent to which the Ombudsman's Office had implemented the recommendations of the inaugural strategic review of that office which was conducted by Professor Wiltshire in 1997/98.<sup>4</sup>

Volume 1 of the review report concerns the Office of the Ombudsman and contains 97 recommendations.

The reviewer essentially recommended a change in philosophy and approach for the Office of the Ombudsman moving from what the reviewer sees as an emphasis on the formal investigation of individual complaints to 'more informal, systemic and demand management approaches'.<sup>5</sup>

The reviewer also reported that the Office had implemented a number of Professor Wiltshire's strategic review recommendations<sup>6</sup> and taken a number of other positive initiatives during the review.<sup>7</sup>

In his response to the report, the Ombudsman expressed some reservations regarding the recommended change in approach to the extent that, as the reviewer suggests, less emphasis should be placed on investigating the actual merits of decisions, particularly where professional judgments are involved.<sup>8</sup>

Nevertheless, the Ombudsman confirmed the office's willingness to commit to many of the review recommendations to improve efficiency, economy and overall performance.<sup>9</sup>

Volume 2 of the review report concerns the Office of the Information Commissioner and contains 25 recommendations which essentially propose that the office adopt a number of new approaches, processes and practices with a view

to favourably influencing productivity, response times and costs within the office.

In his response to the report, the Information Commissioner stated that he will accept and/or trial the reviewer's suggestions for improved performance.<sup>10</sup>

A number of the reviewer's recommendations and observations regarding the Information Commissioner's office are relevant to the committee's review of the FOI Act. The committee is currently considering these recommendations and observations, together with the Information Commissioner's response to the review report, in detail in the context of its FOI review.

### 3. PROGRESS IN IMPLEMENTING THE REVIEW RECOMMENDATIONS

On 4 June 2001, the committee wrote to the Ombudsman requesting a written progress report on the offices' implementation of the recommendations of the strategic review and strategic management review.

The Ombudsman subsequently provided the committee with a progress report comprising:

- a covering letter dated 17 July 2001 summarising the extent to which the recommendations have been implemented;
- a response to the strategic review recommendations;
- a summary of changes/decisions arising from agency and complainant satisfaction surveys conducted in 1998;
- a response to the strategic management review recommendations concerning the Ombudsman's office; and
- a response to the strategic management review recommendations concerning the Information Commissioner's office.

The Ombudsman's summary letter is attached as **Appendix A** to this report. The committee is tabling the remaining documents with this report.

The committee is not in a position to assess first-hand the extent and impact of implementation of the recommendations of both reviews. Nevertheless, the committee is pleased to note that both offices report substantial progress in

<sup>4</sup> Queensland Government, *Report of the Strategic Review of the Queensland Ombudsman (Parliamentary Commissioner for Administrative Investigations)*, GoPrint, Brisbane, May 1998 (available at: <<http://www.parliament.qld.gov.au/Committees/>>)

<sup>5</sup> Review report, volume 1 at xi.

<sup>6</sup> Review report, volume 1 at 125 and attachment 10. The reviewer recommends that the Office implement the remaining strategic review recommendations: recommendation 90 at 126.

<sup>7</sup> Review report, volume 1 at 16.

<sup>8</sup> See section 3 of the Ombudsman's response which appears in volume 1 of the review report prior to the attachments.

<sup>9</sup> Review report, volume 1 at 16, 143 and the Ombudsman's response at 7, 13, 18, and 23.

<sup>10</sup> Review report, volume 2, Information Commissioner's response at paras 2, 11 and 21.

implementing the recommendations while continuing to improve timeliness and reduce backlogs.

The Ombudsman reports that the Ombudsman's office has developed and implemented new policies in the areas of early intervention, informal resolution, strategic planning, delegation of authority and refocussing of trips. The Ombudsman also reports progress in "demand management" areas such as the development of guidelines for agencies with respect to complaint management systems, good administrative practices, best practice internal review, and responding efficiently and effectively to Ombudsman inquiries.

In the Information Commissioner's Office, the Information Commissioner reports that developments include policies promoting early intervention, informal resolution, and problem solving strategies, staff training in plain English writing and alternative dispute resolution, plain English information sheets, appointment of agency liaison officers, more conferences with applicants and agencies (both face-to-face and by telephone), use of more detailed performance indicators as management tools, more structured internal communications, and extension of delegations of authority.

#### **4. WHERE TO FROM HERE?**

The term of the current Ombudsman/Information Commissioner, Mr Fred Albietz, expires on 13 August 2001. Mr Albietz has been the Ombudsman since 1991 and was Deputy Ombudsman for 11 years prior to that appointment. The committee wishes Mr Albietz all the best on his retirement.

The Premier has recently consulted the committee about his proposed appointee to the position.<sup>11</sup> The committee has unanimously endorsed the Premier's proposed appointee:

- for an initial term of three years; and
- on the basis that, following the new Ombudsman's second year in office, the new Ombudsman report to this committee on the implementation of the review report recommendations.

The committee looks forward to working with the new Ombudsman in monitoring the

effectiveness of the review recommendations as they are implemented. In this regard, the committee intends to meet with the new Ombudsman early in the new Ombudsman's term.

#### **Karen Struthers MP Chair**

#### **LCARC MEMBERSHIP – 50<sup>TH</sup> PARLIAMENT**

Mrs Karen Struthers MP (Chair)  
Miss Fiona Simpson MP (Deputy Chair)  
Mrs Liz Cunningham MP  
Mr Peter Lawlor MP  
Mr Ronan Lee MP  
Ms Rachel Nolan MP  
Mrs Dorothy Pratt MP

#### **STAFF**

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#### **CONTACTING THE COMMITTEE**

Copies of this report and other LCARC publications are available on the Internet via the Queensland Parliament's home page at: [<http://www.parliament.qld.gov.au/committees/>](http://www.parliament.qld.gov.au/committees/).

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<sup>11</sup> This is required by the PC Act, s 5(6).

## LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

REPORT	DATE TABLED
1. Annual report 1995-96	8 August 1996
2. Report on matters pertaining to the Electoral Commission of Queensland	8 August 1996
3. Review of the Referendums Bill 1996	14 November 1996
4. Truth in political advertising	3 December 1996
5. Report on the Electoral Amendment Bill 1996	20 March 1997
6. Report on the study tour relating to the preservation and enhancement of individuals' rights and freedoms and to privacy (31 March 1997—14 April 1997)	1 October 1997
7. Annual report 1996-97	30 October 1997
8. The Criminal Law (Sex Offenders Reporting) Bill 1997	25 February 1998
9. Privacy in Queensland	9 April 1998
10. Consolidation of the Queensland Constitution – Interim report	19 May 1998
11. Annual report 1997-98	26 August 1998
12. The preservation and enhancement of individuals' rights and freedoms in Queensland: Should Queensland adopt a bill of rights?	18 November 1998
13. Consolidation of the Queensland Constitution: Final Report	28 April 1999
14. Review of the <i>Report of the Strategic Review of the Queensland Ombudsman</i> (Parliamentary Commissioner for Administrative Investigations)	15 July 1999
15. Report on a study tour of New Zealand regarding freedom of information and other matters: From 31 May to 4 June 1999	20 July 1999
16. Review of the Transplantation and Anatomy Amendment Bill 1998	29 July 1999
17. Annual report 1998-99	26 August 1999
18. Issues of electoral reform raised in the Mansfield decision: Regulating how-to-vote cards and providing for appeals from the Court of Disputed Returns	17 September 1999
19. Implications of the new Commonwealth enrolment requirements	2 March 2000
20. The Electoral Amendment Bill 1999	11 April 2000
21. Meeting with the Queensland Ombudsman (Parliamentary Commissioner for Administrative Investigations) regarding the Ombudsman's <i>Annual Report to Parliament 1998 – 1999</i>	19 April 2000
22. The role of the Queensland Parliament in treaty making	19 April 2000
23. Issues of Queensland electoral reform arising from the 1998 State election and amendments to the <i>Commonwealth Electoral Act 1918</i>	31 May 2000
24. Review of the Queensland Constitutional Review Commission's recommendations relating to a consolidation of the Queensland Constitution	18 July 2000
25. Annual report 1999-00	19 July 2000
26. <i>The Report of the strategic management review of the Offices of the Queensland Ombudsman and the Information Commissioner</i>	19 July 2000
27. Review of the Queensland Constitutional Review Commission's recommendation for four year parliamentary terms	28 July 2000
28. The prevention of electoral fraud: Interim report	14 November 2000
29. Annual report 2000/01	2 August 2001

PAPERS	DATE TABLED
Truth in political advertising (Issues paper)	11 July 1996
Privacy in Queensland (Issues paper)	4 June 1997
The preservation and enhancement of individuals' rights and freedoms: Should Queensland adopt a bill of rights? (Issues paper)	1 October 1997
Upper Houses (Information paper)	27 November 1997
Inquiry into issues of Queensland electoral reform (Background paper)	25 November 1999
The role of the Queensland Parliament in treaty making (Position paper)	25 November 1999
Freedom of Information in Queensland (Discussion paper)	8 February 2000
Four year parliamentary terms (Background paper)	11 April 2000
Review of the Queensland Constitutional Review Commission's recommendations relating to a consolidation of the Queensland Constitution (Position paper)	27 April 2000
Inquiry into the prevention of electoral fraud (Issues paper)	8 September 2000

