

LEGISLATIVE ASSEMBLY OF QUEENSLAND

**LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE**

**Meeting with the Queensland Ombudsman  
12 April 2002**

**May 2002**

**Report No 34**

# **LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE**

## **50<sup>TH</sup> PARLIAMENT**

|                             |  |
|-----------------------------|--|
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## **CHAIR'S FOREWORD**

This report puts on the public record this committee's first general meeting with the Queensland Ombudsman and includes information provided by the Ombudsman in response to questions on notice asked by the committee prior to the meeting. As this report reveals, the office of the Ombudsman is currently going through some significant and positive changes.

On behalf of the committee, I thank the Ombudsman, Mr David Bevan, the Deputy Ombudsmen, Mr Frank King and Mr Rodney Metcalfe, the Manager, Corporate Services, Mr Tony Johnson and other staff of the Ombudsman's office involved in providing information to the committee, for their time and cooperation. The comprehensive response to the committee's questions on notice and the contributions of the respective officers in the meeting with the committee demonstrate the willingness of the Ombudsman's office to be, and be seen to be, accountable to Parliament.

My thanks also to members of the committee who participated in the meeting, members of the committee's secretariat for their assistance in organising the meeting, and Hansard for transcribing the proceedings.

Karen Struthers MP  
**Chair**

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### APPENDIX B TRANSCRIPT OF MEETING

## 1. INTRODUCTION

The last year has seen substantial changes in the Office of the Queensland Ombudsman.

On 17 September 2001, Mr David Bevan took up office, taking over from Mr Fred Albietz, who had served as Queensland's 'Parliamentary Commissioner for Administrative Investigations' for over 11 years.

The commencement on 3 December 2001 of new governing legislation for the office in the form of the *Ombudsman Act 2001* also resulted in numerous changes. These changes included an official change in title of the office from 'Parliamentary Commissioner for Administrative Investigations' to 'Ombudsman', and statutory recognition of the Ombudsman's role to improve the quality of decision-making and administrative practice in agencies. This role complements the Ombudsman's traditional function of investigating administrative actions of agencies.

The Ombudsman plays a vital role in ensuring the accountability and effective administration of government. For this reason the Ombudsman reports, and is accountable, to Parliament. The Legal, Constitutional and Administrative Review Committee (the committee or LCARC) is a conduit through which this accountability occurs. One of the committee's four general areas of responsibility is administrative review reform which includes considering legislation or provisions of legislation about matters including review of administrative decisions. In addition, the committee has a number of specific functions prescribed by the *Ombudsman Act* which relate to the Ombudsman. In particular, s 89 of that Act provides that the LCARC's functions under the Act include:

- to monitor and review the performance by the Ombudsman of the Ombudsman's functions under the Act;
- to report to the Assembly on any matter concerning the Ombudsman, the Ombudsman's functions or the performance of the Ombudsman's functions that the committee considers should be drawn to the Assembly's attention;
- to examine each annual report tabled in the Assembly under the Act and, if appropriate, comment on any aspect of the report;
- to report to the Assembly any changes to the functions, structures and procedures of the office of the Ombudsman the committee considers desirable for the more effective operation of the Act.

The committee has prepared this report in accordance with these functions. In particular, this report examines issues arising from the Ombudsman's 2000/2001 annual report<sup>1</sup> and the strategic plan for the Office of the Queensland Ombudsman 2001/02-2004/05.<sup>2</sup>

## 2. RELEVANT RECENT HISTORY

A brief summary of relevant recent history of the Ombudsman's office is outlined below.

- **May 1998:** The Premier tabled in Parliament a report by Professor Kenneth Wiltshire AO on the inaugural strategic review of the Queensland Ombudsman.<sup>3</sup>
- **July 1999:** The LCARC of the 49<sup>th</sup> Parliament (the former committee) reported on its review of Professor Wiltshire's strategic review.<sup>4</sup> Broadly, that committee:
  - agreed with the reviewer that a number of specific measures should be undertaken to enhance administrative review in Queensland;

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<sup>1</sup> Queensland Ombudsman, *2000/2001 27<sup>th</sup> Annual Report to Parliament*, Brisbane, October 2001.

<sup>2</sup> A copy of this strategic plan is available at <[www.ombudsman.qld.gov.au/strategic/index.html](http://www.ombudsman.qld.gov.au/strategic/index.html)>.

<sup>3</sup> Professor Kenneth Wiltshire AO, *Report of the Strategic Review of the Queensland Ombudsman (Parliamentary Commissioner for Administrative Investigations)*, Goprint, Brisbane, May 1998.

<sup>4</sup> LCARC, *Review of the Report of the Strategic Review of the Queensland Ombudsman (Parliamentary Commissioner for Administrative Investigations)*, report no 14, Goprint, Brisbane, July 1999.

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- agreed with the reviewer that Parliament’s ties with the Ombudsman could be strengthened via LCARC;
  - recommended that an external *management review* of the Ombudsman’s office be undertaken;
  - stated that it proposed to examine each annual and other report made by the Ombudsman and presented to Parliament and, if the committee sees fit, to report to Parliament on any matter appearing in, or arising out of, those reports.
- **September - December 1999:** The Legislative Assembly carried a resolution calling on the Premier to conduct a management review of the Ombudsman’s office<sup>5</sup> and passed legislation<sup>6</sup> to give a clear statutory basis for such a review.
  - **March - April 2000:** The former committee met with the Ombudsman regarding the Ombudsman’s 1998/1999 annual report and reported to Parliament on that meeting.<sup>7</sup>
  - **June 2000:** The Premier tabled in Parliament a report by The Consultancy Bureau, the reviewers appointed to conduct the strategic management review of the office.<sup>8</sup>
  - **July 2000:** The former committee reported to Parliament on the strategic management review.<sup>9</sup>
  - **June - August 2001:** This committee sought a progress report from the Ombudsman on implementation of the recommendations of the strategic review and the strategic management review, and reported to Parliament on the Ombudsman’s progress report.<sup>10</sup>
  - **November 2001:** In debate on the Ombudsman Bill 2001, the Premier suggested that the committee meet with the Ombudsman every year to examine the effectiveness of the office and subsequently report to Parliament. The Premier also suggested that LCARC’s report would be more useful if it was tabled shortly before the estimates process. This suggestion received support from the Leader of the Opposition.<sup>11</sup>
  - **November - December 2001:** The Legislative Assembly passed the Ombudsman Bill 2001 and the Act commenced.

At its meeting on 19 February 2002, the committee considered, in the context of the above events, how it might best fulfil its statutory functions regarding the Ombudsman. In order to fulfil its functions in relation to the Ombudsman it is essential that the committee be continually informed about the operations of the Ombudsman’s office, and have the opportunity to regularly raise issues with the Ombudsman.

In this regard, the committee agreed to:

- aim to hold two general meetings with the Ombudsman each year;
- time these meetings so that one follows the tabling of the Ombudsman’s annual report and the other precedes the estimates process;

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<sup>5</sup> Agreed to on the motion of Mr G Fenlon MP. See Queensland Legislative Assembly, *Parliamentary Debates (Hansard)*, 15 September 1999 at 3854-3855.

<sup>6</sup> *Parliamentary Commissioner and Freedom of Information Amendment Act 1999* (Qld).

<sup>7</sup> LCARC, *Meeting with the Queensland Ombudsman (Parliamentary Commissioner for Administrative Investigations) regarding the Ombudsman’s Annual Report to Parliament 1998-1999*, report no 21, Goprint, Brisbane, April 2000.

<sup>8</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*, vols 1 and 2, The Brisbane Printing Place, June 2000.

<sup>9</sup> LCARC, *The Report of the Strategic Management Review of the Offices of the Queensland Ombudsman and the Information Commissioner*, report no 26, Goprint, Brisbane, July 2000.

<sup>10</sup> LCARC, *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, Goprint, Brisbane, August 2001.

<sup>11</sup> Queensland Legislative Assembly, *Parliamentary Debates (Hansard)*, 7 November 2001 at 3477-3478.

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- ask the Ombudsman written questions on notice on a variety of issues and require written answers to those questions before the meeting;
- meet with the Ombudsman and ask follow up questions without notice; and
- report to Parliament on these proceedings and include in the report the written questions on notice, answers to those questions and a transcript of the meeting.

The committee further agreed to hold its first general meeting with the Ombudsman on Friday, 12 April 2002, noting that this timing would serve the dual role of reviewing the Ombudsman's most recent annual report and informing the estimates process.

### **3. THIS REPORT**

In accordance with the procedure agreed to by the committee on 19 February 2002 and outlined above, the committee:

- asked the Ombudsman written questions on notice by letter dated 8 March 2002: questions and answers appear as **appendix A**;
- considered the Ombudsman's response to those questions dated 4 April 2002; and
- met with the Ombudsman and senior officers of the Ombudsman's Office on 12 April 2002 to discuss issues arising from the Ombudsman's 2000/2001 annual report, the 2001/02-2004/05 strategic plan for the office, and the Ombudsman's response to the committee's questions on notice. A transcript of that meeting appears as **appendix B**.

Key issues the committee raised with the Ombudsman throughout this process included:

- recent changes to the organisational structure of the office;
- current and future priorities of the office;
- strategies to fulfil the Ombudsman's role to improve the quality of decision-making and administrative practice in agencies;
- office resources; and
- complaint handling timeframes and resolution of outstanding complaints.

### **4. COMMITTEE COMMENTS**

It is apparent from the information provided by the Ombudsman that the office is making substantial progress in implementing strategies to improve the quality of decision-making and administrative practice in agencies. At the same time, the efficient and effective resolution of complaints clearly remains a priority of the office, with various strategies to improve the timeliness of complaints handling being trialed. The strategic review and the strategic management review of the office has evidently informed many of these initiatives.

The implementation of many of these strategies has also necessitated internal restructuring within the office. The most significant structural changes include:

- the establishment of a dedicated Assessment and Resolution Team for at least a 6 month trial period;
- a new investigative team structure involving three investigative teams—the Community Services and Corrections Team, the Industrial and Development Team, and the Local Government and Infrastructure Team—and a Major Projects Team; and
- the establishment of an Advice and Communication Unit.

It is anticipated that these changes will bring about improvements in complaint handling timeframes, an issue which the committee recognises is an important one in the community.

More information about the new office structure and the roles of each of these teams and units is provided in the attached pages, particularly appendix A at pages 3-8 and attachments 5, 6 and 7 to that appendix.

The committee looks forward to discussing the progress and impact of the changes currently being implemented when the committee next meets with the Ombudsman towards the end of the year.



## APPENDIX A ~ THE COMMITTEE'S QUESTIONS ON NOTICE AND THE OMBUDSMAN'S RESPONSES

### **COMMITTEE QUESTION 1 (LEGISLATION)**

In November 2001 the *Ombudsman Act 2001* came into force, replacing the *Parliamentary Commissioner Act 1974*.

- To what extent have changes to the legislation governing the operations of the office of the ombudsman necessitated changes to the procedures or priorities of the office?
- What is the process for, and progress to date of, implementation of such changes?

## **1. LEGISLATION**

### **1.1 CHANGES TO PROCEDURES AND PRIORITIES RESULTING FROM NEW ACT**

#### **1.1.1 Improving Administrative Practice**

The main change made by the *Ombudsman Act 2001* is the recognition of the Ombudsman's role to improve the quality of decision-making and administrative practice in agencies. The Act gives this role equal standing with the Ombudsman's traditional role of investigating the administrative actions of agencies in the following provisions:

- ◆ Section 5 Objects of Act;
- ◆ Section 6 How objects are to be achieved;
- ◆ Section 12 Functions of Ombudsman.

To discharge this new responsibility, the Office needed to redirect some of its resources. As the Office has a very limited discretionary budget, it has been necessary to redirect resources from the investigative area.

The process of re-aligning resources has to be a gradual one so as not to have a significant adverse impact on the Office's complaints handling function. The principal vehicle for co-ordinating and delivering services in discharge of this new responsibility is a new unit called the Advice and Communication Unit that will initially comprise three officers.

The Office's current commitment to its new role is dealt with in greater detail later in this response.

#### **1.1.2 Improving Complaint Processes**

The imperative for achieving efficiencies in the handling of complaints is indicated in s.5 that provides that one of the Act's objectives is:

*"(a) to give people a **timely**, effective, independent and just way of having administrative actions of agencies investigated;"*

This provision has highlighted the need for the Office to make further efficiencies in its complaint handling processes. The principal strategies for achieving these efficiencies are:

- ◆ Creating an Assessment and Resolution Team to provide a centralised intake and assessment process and to undertake informal resolution of complaints. The team's role is dealt with in greater detail later in this response;
- ◆ Redesigning the investigative team structure to achieve a more logical division of work handled by each team;
- ◆ Reviewing work practices throughout the Office to enhance consistency and timeliness;

- ◆ Redeveloping the Office's case management and records management database. A specific allocation of \$300,000 had been made by government during the 2000/2001 financial year and a project is well advanced for the acquisition of a new system.

Further details are provided on these strategies later in this response.

## 1.2 PROCESS FOR, AND PROGRESS ON, CHANGES

The process for implementing changes in the Office has involved the creation of three key working groups:

- ◆ Advice & External Liaison Group;
- ◆ Work Practices Group;
- ◆ Information Technology Redevelopment Committee.

The Advice & External Liaison Group developed a draft Operational Plan for improving administrative practice in agencies and improving access to the Office's services. The draft plan assumes the creation of a specialist unit co-ordinating the delivery of services in this area. That unit is the Advice & Communication Unit referred to above. The draft Plan will be used as the basis for the unit's operational plan by the newly appointed Manager of the unit.

The Work Practices Group examined options for improving the Office's intake and assessment process and produced a report on the basis of which the Office has created a centralised intake and assessment unit.

The Work Practices Group next considered the investigative team structure of the Office and the types of work dealt with by those teams. The group produced a second report that was considered at a day long workshop attended by the Ombudsman, the two Deputy Ombudsmen, four Assistant Ombudsmen and the Manager of the Corporate Services Division. As a result of that meeting, a new team structure was developed and this structure is to take effect from 8 April 2002.

Staff were extensively involved in the change process and kept informed of significant decisions.

The Information Technology Redevelopment Committee is discussed under "Office Priorities".

### **COMMITTEE QUESTION 2 (STRATEGIC REVIEW AND STRATEGIC MANAGEMENT REVIEW RECOMMENDATIONS)**

On 17 July 2001 the then Ombudsman, Mr Albietz, provided the committee with a progress report on the implementation of the recommendations contained in the *Report of the Strategic Review of the Queensland Ombudsman*<sup>1</sup> (the strategic review) and the *Report of the Strategic Management Review of the Offices of the Queensland Ombudsman and the Information Commissioner*<sup>2</sup> (the strategic management review).

- In his progress report Mr Albietz identified eight recommendations of the strategic review and 33 recommendations of the strategic management review to be implemented by the office of the ombudsman in 2001/2002. What is the progress on the implementation of these recommendations?
- Mr Albietz also identified three strategic review recommendations, and six strategic management review recommendations, implementation of which he proposed to defer or not undertake. What is the current status of these recommendations?

<sup>1</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/comdocs/legalrev/Wiltshire%20Strategic%20Report-Ombudsman%20for%20internet.PDF>>).

<sup>2</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>>).

## 2. STRATEGIC REVIEW AND STRATEGIC MANAGEMENT REVIEW RECOMMENDATIONS

### 2.1 SR RECOMMENDATIONS & SMR RECOMMENDATIONS SCHEDULED FOR IMPLEMENTATION IN 2001/2002

The current status of implementation of these recommendations is shown in Attachments 1 and 2 respectively.

### 2.2 SR RECOMMENDATIONS & SMR RECOMMENDATIONS PREVIOUSLY DEFERRED OR CLASSIFIED "NOT TO BE IMPLEMENTED"

Decisions have been made to implement several recommendations in the "not to be implemented" group. The current status of this group and the deferred group is shown in Attachments 3 and 4 respectively.

#### **COMMITTEE QUESTION 3 (OFFICE STRUCTURE)**

Page 7 of the *Office of the Queensland Ombudsman Strategic Plan 2001/02 - 2004/05* (the strategic plan) lists *Review of office structure* as one of the priorities of the office for 2001-2002. Please provide details of:

- the process for reviewing the office structure;
- progress to date in reviewing the structure, including details of any proposed changes to the office structure, to the extent that such proposals have been finalised; and
- the anticipated timeframe and process for implementation of any changes to the office structure.

Please include details of the functions of:

- the *Advice and External Liaison Unit* referred to on page 4 of the strategic plan; and
- the *Manager, Advice and Communication* advertised in *The Courier Mail* on Saturday, 2 February 2002.

## 3. OFFICE STRUCTURE

### 3.1 PROCESS FOR REVIEWING OFFICE STRUCTURE

In October 2001 I established two working groups relevant to the review of the office structure.

#### Work Practices Group

The Work Practices Group was established to review methods of operation in the Queensland Ombudsman's Office and to make recommendations to:

- ◆ standardise and improve work practices across the two divisions of the Office;
- ◆ address differences in workloads between teams and between individual officers;
- ◆ reduce the number of current complaints to an acceptable level taking into account available resources and the requirement to deal with complaints in a timely way;
- ◆ make resources available for other activities such as major projects, identifying and addressing systemic issues and providing an advice and awareness service.

The Group's methodology involved:

- ◆ reviewing recommendations of the strategic review and the strategic management review;
- ◆ reviewing current practices in the Queensland Ombudsman's Office;

- ◆ reviewing the practices of other relevant organisations such as the Criminal Justice Commission (now the Crime & Misconduct Commission), the Health Rights Commission and other Ombudsman offices;
- ◆ consulting with staff at all levels on relevant issues.

The initial task undertaken by the Work Practices Group was to review the intake and assessment process for new complaints. During the course of the review the new *Ombudsman Act 2001* commenced on 3 December 2001, giving the Office a new statutory role to provide advice and other assistance to agencies to improve the quality of decision-making and administrative practice in agencies.

The Office has proceeded on the basis that the government has not committed itself to providing additional funding for this new function and that it had to be resourced from the existing budget. The Work Practices Group therefore considered it vital that the Office's complaint handling processes be improved so that sufficient resources could be made available for activities directed towards improving administrative practice in agencies.

### ***Intake and Assessment***

The Work Practices Group reconsidered recommendation 18 of the strategic review that reads as follows:

*"The Ombudsman's Office should embark on a fresh approach to case management focussing on early intervention to identify complaints which do not require a full investigation. To this end an intake unit should be re-established in the Office with sufficient powers delegated to the officers involved to judge complaints capable of speedy resolution and to take the appropriate action. All staff should be given the opportunity to take part in rotations to the intake unit and none should serve longer than six months at a time. The potential for the intake unit to be on line to a network of Ombudsman contact officers should be explored. The duties and responsibilities of the telephonists/receptionists would need to be redefined once the intake unit were established but, in any event, more consistency should be pursued in the manner in which individual staff respond to callers through the switchboard. The UK experience should be looked to as a model."*

The Work Practices Group also considered the following recommendations of the strategic management review:

6. *The initial point of contact for all telephone, written and walk in complaints should remain at reception.*
7. *A roster be generated to ensure that at all times during office hours an administrative review officer is available promptly to advise complainants who present at the Office's premises.*
9. *Written complaints be directed to respective Assistant Commissioners who complete complexity coding, breach assessment and signing classification within one working day of receiving each complaint.*
81. *The current practice of managing new complaints in teams be maintained.*

In relation to the concept of a centralised intake unit, the strategic management review said that *"Because of the specialist nature of the teams, it would be difficult to replicate the breadth of experience needed to deal with the full spectrum of complaints in a small intake unit for the whole office"*.

The report continued *"The Strategic Review recommended that the Office consider establishing an intake unit to screen all incoming complaints and inquiries and undertake early resolution action where appropriate. Section 12.3.2 of this Report confirms the effectiveness of intake units, but concludes that the team based structure in the Office could achieve similar efficiencies without comprising [sic] team structure, and without allocating a very small number of people to intake work which can become quite repetitive and monotonous for those concerned"*.

However, the strategic management review expressed the following rider:

*"If the team structure within the Office, after a fair trial and consolidation period, does not produce at productivity levels expected, then an intake unit for the Office could be reconsidered, as would the team structure within the Office".*

The Work Practices Group reviewed the work practices of the following bodies by way of onsite or telephone discussions:

Anti-Discrimination Commission  
Health Rights Commission  
Criminal Justice Commission  
Victorian Ombudsman's Office  
New South Wales Ombudsman's Office  
Office of the Commonwealth Ombudsman

As a result of the review undertaken by the Work Practices Group, an intake and assessment unit (called the Assessment & Resolution Team) has been established and will be trialed for a six month period and then evaluated. The trial commences on 8 April 2002. The Assessment & Resolution Team has the following features:

- ◆ The team leader is a senior officer, namely an Assistant Ombudsman, to reflect the importance of the functions of the unit;
- ◆ The reception function has been relocated from Corporate Services Division to the Assessment & Resolution Team;
- ◆ Two officers at the A03/4 level operate as intake officers to deal with matters which can be resolved by giving information to the complainant or straightforward informal resolution processes. The New South Wales Ombudsman's Office employs officers in a similar capacity;
- ◆ Several investigators will be redeployed to the Assessment & Resolution Team to deal with more significant matters that are potentially capable of informal resolution;
- ◆ The team's investigative complement includes officers who have specialist knowledge of some of the main areas of complaint such as WorkCover, employment, corrections and local government.

Attachment 5 shows the composition of the team.

It is anticipated that the Assessment & Resolution Team will provide the following benefits:

- ◆ Allow for more consistent application of assessment criteria;
- ◆ Provide a speedier intake and assessment process;
- ◆ Allow officers in the investigative teams to concentrate almost exclusively on investigating the more significant matters;
- ◆ Allow serious administrative deficiencies to be identified sooner.

### ***New Investigative Team Structure***

After the Work Practices Group submitted its report on the intake and assessment process, it reviewed the Office's team structure and the work handled within each team.

At that time, the Office was divided into two divisions, the State Government & Public Authorities Division and the Local Government Division. The LGD comprised two investigative teams each led by an Assistant Ombudsman. The SG&PAD comprised three investigative teams, including the Corrections Team. Again, each of those three teams was led by an Assistant Ombudsman.

Notwithstanding its name, the LGD also undertook investigations into complaints against State agencies and the complaints dealt with did not necessarily also relate to local government.

The Work Practices Group formed the view that the team based investigative structure was working well and was of value to the Office. This assessment was consistent with that of the strategic management review as follows:

*"Teams are beginning to work well, and there have been substantial management and accountability benefits from establishing the team structure. They should be retained, provided the productivity levels continue to improve and flexibility can be maintained, allowing resources to be moved between teams and when the need arises."*

The Work Practices Group proposed a four team structure and this structure has been adopted by the Office.

The Office structure established as a result of the change process is set out in Attachment 6. Complaints about particular agencies are dealt with by the teams in accordance with Attachment 7. The distribution of agencies was selected having regard to the following considerations:

- ◆ Agencies whose administrative decisions are of a similar kind or whose operations overlap or intersect are grouped under one team;
- ◆ Significant complaint types are dealt with by the one team regardless of the agency against whom the complaint is made. For example, all employment related complaints will be dealt with by the one team.

### Advice & External Liaison Group

This group was established to develop strategies for the Ombudsman's Office to:

- ◆ deliver an advice and awareness service to agencies to promote high standards of administrative decision making and fair and effective internal complaints handling processes;
- ◆ improve access by members of the community to its services;
- ◆ extend the reach of the Office by raising its profile with the Queensland public and the Queensland public sector (including local government).

The Group's methodology involved:

- ◆ Reviewing recommendations of the strategic review and the strategic management review;
- ◆ Reviewing initiatives taken or commenced;
- ◆ Consulting with staff at all levels;
- ◆ Examining strategies implemented by other relevant organisations.

The formation of the group was partly in response to recommendations made in the strategic review and the strategic management review. Again, during the course of the project, the new *Ombudsman Act 2001* commenced, formalising the Ombudsman's role of improving administrative practice in agencies.

The group developed a draft plan on the assumption that a small unit would be formed within the Office to finalise the plan and co-ordinate its implementation.

The following examples are provided of the activities recommended by the Advice & External Liaison Group:

### ***Improving Administrative Practice***

- ◆ Working with individual agencies to improve their internal complaints management processes. In this regard the Office has entered into a co-operative arrangement with the Department of Local Government and Planning to develop Complaints Management Guidelines for local governments. Officers from the two agencies are currently providing training on the model to local governments throughout Queensland;

- ◆ Publishing information sheets on aspects of good administrative practice drawn from the Ombudsman's investigations;
- ◆ Providing training on good administrative practice to agencies;
- ◆ Tabling reports in Parliament on the results of investigations of significant public interest;
- ◆ Undertaking research on complaints data to identify trends and providing the results to agencies;
- ◆ Undertaking projects with relevant agencies such as the Crime & Misconduct Commission;
- ◆ Establishing information sharing arrangements with other Ombudsman offices.

***Improving Accessibility to the Ombudsman's Services***

- ◆ Liaising with community advocacy groups;
- ◆ Providing training for staff in dealing with disadvantaged groups such as non-English speaking persons, persons with disability and Aboriginal and Torres Strait Islander persons;
- ◆ Developing an informative web page, incorporating, if practicable and secure, provision for making on-line complaints;
- ◆ Developing a GovNet page on the Ombudsman's Office.

### ***Raising the Profile of the Ombudsman's Office***

- ◆ Tabling reports on issues of significant public concern;
- ◆ Advertising the Office's services, particularly in regional areas;
- ◆ Arranging for articles on the Office's work to be placed in regional, free and ethnic press;
- ◆ Addressing conferences, seminars and community groups.

### ***Improving Communication with Public Sector Agencies***

- ◆ Entering into co-operative arrangements with agencies on projects to improve administrative practice;
- ◆ Establishing a network of liaison officers;
- ◆ Providing articles for newsletters and other publications issued by major agencies and the Local Government Association of Queensland;
- ◆ Publishing a newsletter (perhaps bi-annually) to agencies.

## **3.2 FUNCTIONS OF THE ADVICE & COMMUNICATION UNIT**

Based on the recommendations of the Advice & External Liaison Group, the functions of this unit are to:

- ◆ Develop on-going plans of activities to be undertaken in pursuit of two of the Office's goals, namely,
  - improving the quality of administrative practice in Queensland agencies; and
  - improving community awareness of and access to the Office's services;
- ◆ Lead the implementation of those plans;
- ◆ Provide agencies with training and other assistance to promote good administrative practice;
- ◆ Develop and promote models for agencies (or categories of agencies) for effective complaints management systems;
- ◆ Produce and disseminate informative publications on issues relating to good administrative practice;
- ◆ Undertake trend analysis of complaint data and provide the results to relevant agencies to assist them in developing complaints reduction strategies;
- ◆ Liaise with other review agencies and agencies with related functions to share information, undertake joint projects and avoid duplication;
- ◆ Develop a network of liaison officers in agencies;
- ◆ Ensure that systemic and other serious administrative failures identified in investigations are effectively communicated to relevant agencies together with recommendations for strategies to prevent similar failures occurring;
- ◆ Develop effective methods for providing information, and supervise the provision of information, to agencies, the general community, and to disadvantaged or other special groups, about the Office's services and how to access those services;
- ◆ Supervise the development and maintenance of relevant and current information on the Office's web site and identify opportunities for improving its usefulness;
- ◆ Provide expert advice and support to staff on advancing business activities in which specialist communication or promotional strategies are required.

## **3.3 FUNCTIONS OF MANAGER, ADVICE & COMMUNICATION**

The position of Manager, Advice and Communication, has been filled. The key responsibilities of that position are:



- ◆ Prepare an annual business plan directed at achieving the Office's goals of improving the quality of public administration in Queensland agencies and improving community awareness of and access to the Office's services.
- ◆ Identify and negotiate the provision of financial, human, physical and information resources necessary to achieve the outcomes approved in the unit's business plan.
- ◆ Provide strategic leadership in the management and on-going evaluation of all functions within the unit.
- ◆ Personally lead and implement significant initiatives from the unit's plan of activities, giving priority to those that are strategic, complex or sensitive.
- ◆ Consult and negotiate with agency employees (including senior executives) and representatives of key customer groups in the delivery of the unit's products and services.
- ◆ Guide and overview research directed at identifying trends and patterns within complaint data to inform further investigative action by the Ombudsman or to assist agencies in developing complaint reduction strategies.
- ◆ Monitor trends and issues of significance in the community to identify and recommend opportunities for proactive involvement by the Ombudsman in the improvement of public administration.
- ◆ Communicate with and influence the management of the Office in determining strategic directions and priorities for the unit and, in relation to the unit's functions, for the Office.
- ◆ Coordinate the production and distribution of all forms of corporate communications by the Office, including but not limited to, the Annual Report, web site, brochures, newsletters and other publications, agency guidelines and external presentations.
- ◆ Provide regular reports to Office management on the progress against the unit's plan of activities and overall performance.
- ◆ Lead, manage and develop the staff of the unit (and others temporarily assigned) providing guidance and coaching in undertaking their roles and on-going assessment and feedback on performance.

It is also anticipated that the unit will initially comprise an officer at the A05/6 level with expertise in research, including data analysis, or public administration, and a publications officer at the A03/4 level.

The Manager will not be expected to undertake all activities related to improving administrative practice in agencies, but will co-ordinate such activities across the Office.

Therefore, although the unit is only small, it is anticipated that it will be able to leverage its activities so as to have a significant impact.

#### **COMMITTEE QUESTION 4 (RESOURCES)**

Page 5 of the *Queensland Ombudsman 2000/2001 Annual Report to Parliament* (the annual report) notes that there was a reduction of four investigative staff in the office because financial resources were insufficient to retain those staff and accommodate incremental salary increases for staff appointed in 1998/1999. Despite this reduction in staff, the backlog of complaints was reduced to its lowest level in 12 years (p 9 annual report).

Do you consider the current level of resourcing sufficient to enable the office to:

- effectively fulfil the functions of the office required by the *Ombudsman Act*;
- implement proactive and preventative measures to improve administrative practice (referred to on page 4 of the strategic plan); and
- further reduce the backlog of complaints in coming years? What do you consider to be an acceptable level of cases carried forward from one year to the next?

#### **4. RESOURCES**

#### 4.1 EFFECTIVELY FULFIL FUNCTIONS

As is apparent from the information provided in this response, extensive changes have been implemented to the Office's structure and business processes. In addition, resources have been redirected from the investigative area to the advice and awareness functions. The assessment was made that the Office would not be able to fulfil its extended functions under the *Ombudsman Act 2001* while maintaining the previous structure.

In 1998/99 the budget of the Queensland Ombudsman was increased by 56% to M\$5.2. At that time, the Office engaged additional investigative staff. As reported by the former Ombudsman, Mr Albietz, in the 2000/2001 Annual Report incremental salary increases and rising costs meant that some of those investigative staff could not be retained for this financial year.

It is not my intention to seek additional funding for the Office's new role of improving administrative practice. However, there are two areas of cost increases that would impact substantially on the Office's outputs if not provided for by way of increasing the Office's budget. They are:

- ◆ An increase in the costs of leasing office accommodation as a result of the expiry of the current lease on 30 June 2002. The Department of Public Works, on behalf of the Office, has recently concluded negotiations with the building owner to take up the option for renewing the lease after exploring a number of alternatives. All options involved significant rent increases. Cabinet Budget Review Committee (CBRC) has been asked to approve an additional \$50,000 for this item in 2002/2003 increasing to \$93,000 by 2005/2006;
- ◆ The Office also has to find funds to meet depreciation costs for the new case management system. The system to be completed by September 2002 is expected to be valued at \$300,000 and depreciated over five years at \$60,000 per annum. Under current funding arrangements this depreciation must be met from within the existing budget limits. CBRC has been requested to approve an additional \$45,000 to cover this item in 2002/2003 and \$60,000 per annum through to 2005/2006.

I am of the view that the current level of funding with the above augmentation will enable the Office to implement proactive and preventative measures to improve administrative practice and to further reduce the number of unfinalised complaints.

Without the additional funding, investigator staffing would have to be reduced initially by two and eventually by three positions. This would increase the backlog of complaints by 300 to 450 cases each year.

#### 4.2 PROACTIVE & PREVENTATIVE MEASURES TO IMPROVE ADMINISTRATIVE PRACTICE

Proposed activities of this kind are discussed earlier. The initial specific commitment of resources to these activities is the establishment of the Advice and Communication Unit. Other personnel will assist in carrying out particular activities. This may have some negative impact on investigative activity which will be closely monitored. However, as mentioned, the Office is not seeking an increase to its budget for the next financial year for these activities.

#### 4.3 BACKLOG REDUCTION AND CASE LEVELS

During the strategic management review the Office reported that a desirable caseload was 800 current files. Based on intake and closure rates current at the time it was estimated that this could be achieved in approximately two and a half years. The strategic management review team agreed that a caseload of 800 current files was a realistic figure. However, they recommended that with the use of alternative avenues for case referral and more informal resolution the target of 800 files on hand be achieved (in 18 months) by 31 December 2001.

The Office also nominated to the reviewers a preferred target of 30-35 complaints per investigator. The reviewers reported that this accorded with "target levels confirmed with other jurisdictions as highly desirable". On this basis the reviewers calculated that the number of investigators involved in complaint resolution should be 25, including Assistant Ombudsmen, a reduction of five from the complement at the time

of the review. The reviewers recommended that those investigative resources be redeployed into the advice and awareness role.

Since that time, the number of current complaints has fluctuated as shown in the following table:

|                                   | <i><b>Complaints</b></i> | <i><b>Files</b></i> |
|-----------------------------------|--------------------------|---------------------|
| <b>Backlog as at 30 June 2000</b> | <b>1206</b>              | <b>963</b>          |
| July                              | 1352                     | 1075                |
| August                            | 1574                     | 1258                |
| September                         | 1435                     | 1141                |
| October                           | 1695                     | 1364                |
| November                          | 1681                     | 1365                |
| December                          | 1520                     | 1162                |
| January 2001                      | 1790                     | 1461                |
| February                          | 1721                     | 1378                |
| March                             | 1631                     | 1293                |
| April                             | 1769                     | 1338                |
| May                               | 1598                     | 1213                |
| <b>Backlog as at 30 June 2001</b> | <b>1069</b>              | <b>809</b>          |
| July                              | 1333                     | 1012                |
| August                            | 1407                     | 1077                |
| September                         | 1500                     | 1140                |
| October                           | 1500                     | 1136                |
| November                          | 1337                     | 1011                |
| December                          | 1134                     | 857                 |
| January 2002                      | 1117                     | 858                 |
| February                          | 1136                     | 878                 |
| March                             | 1093                     | 845                 |

The 2001/02 budget provided for 28.5 FTE investigators although with a number of positions currently vacant the number at 31 March 2002 was 24.9. The Office is budgeting for the 2002/03 financial year on the basis of 25 investigative staff, the number recommended by the strategic management review.

However, of the 25 investigative staff proposed in the new structure for the 2002/03 financial year, three will be deployed in a new unit called Major Projects. That unit's personnel will be increased as priorities demand for particular projects. Therefore, there will only be 22 officers, at the most, handling the day to day complaints. On the basis of officer caseloads of 30-35 files, this suggests a total caseload for the Office at any time of approximately 700 to 750 complaints. As mentioned, it is anticipated that the centralised intake and assessment process will result in efficiencies that will compensate for the reduced number of investigators dealing with general complaints. The impact of the new arrangements will be closely monitored over the coming months.

The strategic management review also suggested that investigating officers should each close, on average, 180 complaints per year. With 22 officers dealing with general complaints, this equates to a yearly intake of approximately 4,000 complaints. Although the Office received approximately 4750 complaints last year, it is anticipated that under the new structure officers will be able to deal with a similar volume of complaints in the forthcoming financial year.

The Office still has a significant number of older matters. Additional staff have been appointed on a temporary basis of 3 to 6 months for the specific purpose of dealing with these matters.

**COMMITTEE QUESTION 5 (OFFICE PRIORITIES)**

Page 7 of the strategic plan identifies the office's priorities for 2001/2002.

- What do you anticipate will be the progress in implementing these priority strategies by the end of the financial year?
- If the budget for the office is retained at its current level in 2002/2003 what high priority projects would you expect to be able to undertake next financial year?

**5. OFFICE PRIORITIES****5.1 ANTICIPATED PROGRESS IN IMPLEMENTATION BY 30 JUNE 2002****★ *Replacement of the Case Management System***

A Project Manager was appointed and the task currently being undertaken is the finalisation of the functional specifications leading to the calling of tenders. The project plan anticipates the issuing of tender documents in early May with tender evaluation taking place in late May and early June.

Providing the projected time lines for the functional specifications and the tender procedures are met, a contract should be signed prior to 30 June 2002.

In July 2002, the successful contractor will carry out system development with implementation scheduled for September 2002.

**★ *Review of Office Structure***

As indicated, the Office structure has been reviewed and the new structure will be implemented on 8 April 2002. The structure will be trialed for a period of 6 months.

On or before 30 June 2002, a mid-trial evaluation of the effectiveness of the new model will be conducted and refinements made at that time.

**★ *Review of Work Practices with emphasis on early intervention, informal resolution and streamlining of processes***

This issue is addressed separately under the heading "Early Intervention and Informal Resolution".

**★ *Establishment of an Advisory & Liaison Service***

This matter has been comprehensively addressed already. By 30 June 2002, it is anticipated that the Advice & Communication Unit will comprise the Manager and two other officers and will be fully operational. An operational plan for the activities of the Unit for the next financial year will be developed by 30 June 2002.

**★ *Formalisation of key HRM policies***

Arrangements have commenced to engage an HRM specialist on a temporary basis to document the Office's HRM policies and terms and conditions of employment. It is anticipated that significant progress will have been made by 30 June 2002.

**★ *Establishment of a training plan with emphasis on leadership and management development***

A Training Committee has been established chaired by the Manager, Corporate Services Division. Training activities scheduled to take place before 30 June 2002 include:

- ◆ Management training for officers at A08 (Assistant Ombudsman) and A07 level;
- ◆ Dealing with difficult people;

- ◆ Raising the standard of computer skills across the Office in preparation for the introduction of the new case management system;
- ◆ Presentation skills for officers giving speeches.

A formal training plan will be finalised during the next financial year.

★ ***Establishment of an informative and user-friendly website***

This is one of the tasks of the Manager, Advice & Communication. It is anticipated that by 30 June 2002 work will have commenced on the development of the website. Some preparatory work has already taken place as discussed in Attachment 1 in relation to recommendation 6(b).

★ ***Implementation of a new performance management system for staff***

Management is currently considering a model for a new performance management system. It is anticipated that a new system will be implemented by 30 June 2002.

## **5.2 HIGH PRIORITY PROJECTS ANTICIPATED FOR NEXT FINANCIAL YEAR**

The priorities for the next financial year are as follows:

- ◆ Completion of the redevelopment of the Office's complaints management and records management system;
- ◆ Completion of the electrocutions project;
- ◆ Two or three other major investigative projects which will be the subject of reports to Parliament;
- ◆ Allocating resources specifically to the finalisation of files more than 12 months old;
- ◆ Implementing an operational plan for the Advice & Communication functions, including a project to join co-operatively with major agencies to develop effective, internal complaints management processes for those agencies;
- ◆ Bedding down the new structure and business processes of the Office.

### **COMMITTEE QUESTION 6 (TARGETS)**

Page 7 of the strategic plan provides that:

*Targets relating to the revised performance measures outlined in this plan will be set where appropriate for 2002-03 onwards.*

- What process will be/has been used to formulate the targets?
- When do you envisage that the targets for 2002/03 and beyond will be formulated?

## **6. TARGETS**

### **6.1 PROCESS USED TO FORMULATE TARGETS & WHEN THE 2002/03 AND BEYOND TARGETS WILL BE FORMULATED**

The process of formulating targets for 2002/03 onwards will be undertaken in two phases:

- ◆ For those that form part of the Ministerial Program Statement (MPS) the task will be undertaken in April 2002 during the preparation of that document for submission to the Premier;
- ◆ For those that do not appear in the MPS the task will take place during the update of the Strategic Plan in June/July 2002.

The process will involve an assessment of:

- ◆ the impact of the budget outcome on Office outputs;
- ◆ the functionality of the new Office structure;
- ◆ the impact on investigative resources of the new statutory obligation to provide assistance to agencies on good administrative practices specifically through the Advice and Communication Unit;
- ◆ the resource implications of the expected increase in public awareness of the role and functions of the Office;
- ◆ the requirements of reporting in terms of the national benchmarking project.

The process will also involve a consideration of how meaningful targets can be best set and measured for relevant outputs. It should be noted that a number of the performance measures identified in the Strategic Plan, by their nature, do not lend themselves to setting quantitative targets. Nevertheless, the outcomes against these measures would be reviewed each year and any significant variations would be commented on in the Annual Report.

#### **COMMITTEE QUESTION 7 (BENCHMARKING PROJECT)**

Page 10 of the annual report states that:

*The Office participated in discussions with other Ombudsman's Offices designed to bring the (National Benchmarking and Performance Indicators Project) to fruition.*

Please provide details of the progress of this project.

## **7. BENCHMARKING PROJECT**

### **7.1 DETAILS OF PROGRESS**

This project is being co-ordinated by the Office of the Commonwealth Ombudsman but, as at December 2001, had been in abeyance for some time. By letter of 17 December 2001 I wrote to that office confirming my Office's participation in the project.

The Commonwealth Ombudsman has advised that the New South Wales, Northern Territory, South Australian and Victorian Ombudsman Offices have now also indicated their willingness to be involved in the project.

The Commonwealth Ombudsman forwarded a list of proposed definitions relevant to the benchmarking exercise and a list of proposed tables. The tables constitute a wide range of statistics relating to such things as:

- ◆ number of complaints received;
- ◆ number of complaints finalised;
- ◆ number of complaints outstanding at the end of the financial year;
- ◆ time taken to finalise complaints;
- ◆ age profile of complaints;
- ◆ complaints finalised per full time equivalent employee;
- ◆ average cost to deal with complaints.

The benchmarking exercise also divides complaints into two categories - those that can be dealt with in one day, and others.

The Commonwealth Ombudsman has requested other Ombudsman offices to provide statistical information. That information has been provided by my Office to the extent such information is available. My Office cannot currently provide a substantial part of the information sought by the Commonwealth Ombudsman because of the limitations of the Office's complaints management database. However, this information will be

available once the new database is implemented. Several other States have also advised the Commonwealth Ombudsman that they cannot presently provide information in the format sought.



**COMMITTEE QUESTION 8 (INTERNET SITE)**

Page 5 of the strategic plan provides that one of the strategies to achieve goal 3 *Public Awareness and Access* involves *the establishment of an informative and user friendly web site for the Office with the capability to provide for on-line complaint lodgement*. What is the progress of the establishment, and anticipated timeframe for the implementation, of this web-site?

**8. INTERNET SITE****8.1 DETAILS OF PROGRESS**

Advice on the progress of the establishment and anticipated timeframe on the implementation of an Office web-site is given in the response to recommendation 6(b) of the strategic review in Attachment 1.

This is one of the tasks of the Manager Advice & Communication. It is anticipated that by 30 June 2002 work will have commenced on the development of the website.

**COMMITTEE QUESTION 9 (EARLY INTERVENTION AND INFORMAL RESOLUTION)**

Page 7 of the strategic plan identifies *Review of work practices with emphasis on early intervention, informal resolution and streamlining of processes* as a priority. Page 9 of the annual report states that of complaints received and finalised between 1 November 2000 and 30 June 2001, 70% featured early intervention and 88% of the complaints on which opinions were formed were resolved informally. (Although, page 23 of the annual report refers to the fact that the informal resolution figure may be somewhat high as it excludes files still open at the end of the period.)

- To what extent have these figures favourably impacted on office workload and timeliness in complaint resolution?
- Please provide more up-to-date figures on the impact of early intervention and informal resolution policies, if such figures are available.
- Have the early intervention and informal resolution policies been further refined or changed since their commencement on 1 November 2000?

**9. EARLY INTERVENTION AND INFORMAL RESOLUTION****9.1 THE EXTENT TO WHICH EARLY INTERVENTION (EI) AND INFORMAL RESOLUTION (IR) RATES HAVE IMPACTED FAVOURABLY ON OFFICE WORKLOAD AND TIMELINESS IN COMPLAINT RESOLUTION**

As indicated by a number of the tables in Part D of the 2000/2001 Annual Report (e.g. 1, 7(b), 7(c)), the Office has been able to reduce its backlog and improve the timeliness of complaint resolution since 1998/1999. The downward trend in backlogs is continuing in this financial year as shown in the table at 4.3 of this response. Timeliness of resolution has also improved as shown in the following table:

**Timeliness/Speed of Closure as at 4.4.2002 (%)**

|                     | <i>0-3M</i> | <i>3-6M</i> | <i>6-9M</i> | <i>9-12M</i> | <i>12M+</i> |
|---------------------|-------------|-------------|-------------|--------------|-------------|
| 1999/2000           | 55          | 73          | 82          | 88           | 12          |
| 2000/2001           | 73          | 85          | 91          | 93           | 7           |
| 2001/2002 (to date) | 78          | 86          | 90          | 94           | 6           |

A number of factors have contributed to this trend, including:

- ◆ a significant increase in investigative staffing in May 1999;
- ◆ the increasing experience and expertise of that staff since then;
- ◆ new and/or changed policies such as those relating to the investigation of minor matters, EI and IR (formal EI and IR policies were adopted in November 2000 and emphasised to staff subsequently);
- ◆ a greater emphasis on requiring complainants to seek a remedy directly with the agency before intervention by the Office;
- ◆ introduction of teams and greater delegation of authority;
- ◆ the number and type of complaints received.

It is difficult, as stated at pp22 and 23 of the Report, to attribute improvements to any one factor. Nevertheless the consensus is that the introduction of formalised EI and IR policies has been beneficial to the Office, complainants and agencies alike.

## **9.2 UP TO DATE FIGURES ON THE IMPACT OF EI AND IR IF AVAILABLE**

The Office's Annual Report for 2000/01 indicated that 70% of matters opened and closed between 1 November 2000 and 30 June 2001 featured EI, and 88% featured IR. The Report flagged that these rates may flatten out over time as more files are closed as the calculations, of necessity, analyse only closed files (whether IR has been successful cannot be gauged until a matter has been finalised). Currently, of all matters opened and closed since 1 July 2001 by the Office 81% have featured EI and 91% IR.

Again, as stated above it is difficult to quantify the precise impact attributable to the adoption of EI and IR policies.

## **9.3 ANY CHANGES TO THE POLICIES SINCE COMMENCEMENT ON 1 NOVEMBER 2000**

The policies have not changed in substance. The only change has been the inclusion of another computer code to identify that small number of cases where intervention is not necessary. This change was included in the policy e-mailed to the Committee's Research Director on 2 August 2001. The policies appear to be working well and have met with staff approval.

### **COMMITTEE QUESTIONS 10 & 11 (VISITS PROGRAM)**

10. Page 27 of the annual report discusses changes to the regional visits program made since the previous year. Page 10 of the annual report states that the target number of working days spent on trip programs for 2000/2001 was 184 days. In contrast, the actual number was 159 working days. What was the reason for the difference between the target and actual number of working days?
11. Page 5 of the strategic plan lists *Review of the regional visits program to improve access and awareness in regional areas* as a strategy to achieve goal 3 *Public Awareness and Access*. Please provide details of:
  - the extent to which this review also relates to visits to correctional centres;
  - the process for conducting the review of the regional visits program;
  - the progress to date in reviewing this program; and
  - the anticipated timeframe for finalising the review and implementing any changes to the regional visits program.

## **10. & 11. VISITS PROGRAM**

## **10.1 DIFFERENCE BETWEEN TARGET AND ACTUAL WORKING DAYS**

The figure of 184 days nominated as the target number of working days for the trip program for 2000/01 was an estimate of the working days required to undertake a comprehensive trips program for both regional and corrections matters. 159 days were actually spent.

With the adoption of certain changes to the visits program (see pages 27 & 28 of the 2000/01 Annual Report) persons who telephoned this Office following advertisement of a trip had their complaint dealt with, if possible, at the time. If the complaint related to an agency outside jurisdiction, the complainant was referred to the appropriate agency and contact details provided. In addition, complainants who had not at that time taken their complaint up with the particular agency were requested to do so and to recontact this Office if they remained aggrieved following consideration of their complaint by the agency.

The major reasons for the difference between the target and actual working days were:-

- ◆ no contact from persons in an area proposed to be visited and no existing files in that area on which further information or an inspection was required;
- ◆ cancellation of one trip because complaint numbers from the relevant area in May 2000 did not justify two officers being absent from the Office for five days each and there were, at the time, no complaints from this area which required on-site discussion or inspection to be undertaken. A trip to this area is planned for May/June 2002.

## **11.1 CORRECTIONAL CENTRES**

The Office's approach to the handling of correction matters is presently under review. The correctional centres visits program is included in this review. I am meeting with the Director-General, Department of Corrective Services, Ms Helen Ringrose, on 8 April 2002 to discuss possible changes in my Office's approach to the review of complaints from persons detained and the functions performed by my officers during trips to correctional centres.

As part of the review of the Office's corrections program, consideration will be given to the effectiveness and fairness of the Department's grievance policy and internal review mechanisms. In some Ombudsman jurisdictions, prisoners are able to telephone the Ombudsman. This option will be explored for prisoners in Queensland correctional centres. The new Assessment and Resolution Team would receive and assess such calls. Matters assessed as requiring investigation would be managed in the Community Services and Corrections Team.

I anticipate the focus of visits to correctional centres will change from complaint intake and assessment to complaint resolution - that is, during visits investigators will complete the examination of outstanding matters, interview officers and prisoners as required, inspect facilities and check for compliance with any earlier undertakings given. As resources permit, the Office will undertake a greater monitoring and compliance role.

It is intended to visit all correctional centres twice a year as at present. However, I anticipate that there will be some reduction in the total number of days my officers spend at correctional centres in view of the change of emphasis from complaint intake to complaint resolution.

## **11.2 PROCESS FOR CONDUCTING REVIEW OF REGIONAL VISITS PROGRAM**

The process for review of the regional visits program is by internal consultation between senior officers to ensure an effective and efficient arrangement for complainants, agencies and for this Office. This is an evolving process. Input from the new Manager, Advice & Communication, will be required to ensure media advertisements and media contact are designed to provide maximum exposure and therefore awareness of this Office.

### 11.3 PROGRESS IN REVIEWING PROGRAM

Changes have been made to public advertisements of regional visits, and press releases reflect the changes made as referred to in the Annual Report.

### 11.4 TIMEFRAME FOR FINALISING REVIEW AND IMPLEMENTING CHANGES TO REGIONAL VISITS PROGRAM

Any changes to be made to the visits program are scheduled to be finalised and in place by 30 June 2002, and by that time a new procedure will have been finalised and issued.

#### **COMMITTEE QUESTION 12 (WORKPLACE ELECTROCUTION PROJECT)**

Page 11 of the annual report states that two reports have been published in relation to the *Workplace Electrocution Project*, the first on 12 February 2001 and the second on 10 April 2001. At page 7 of the annual report, the former ombudsman noted that he expects his recommendations will result in 'a thorough review and procedural overhaul and restructure of the investigative and prosecutorial functions of the relevant agencies'. Please provide details of the progress of:

- the implementation of the recommendations contained in the first two reports; and
- the other investigations forming part of the *Workplace Electrocution Project*.

## 12. WORKPLACE ELECTROCUTION PROJECT

I am constrained in responding to this question by s.92 of the *Ombudsman Act 2001* because seven of the ten investigations in this project are ongoing. Three investigations have been finalised. The Sokol and Kirmos investigations were the subject of reports to the Department of Industrial Relations under s.24 of the then *Parliamentary Commissioner Act*. Copies were also given to the complainants pursuant to s.25 of that Act to inform them of the results of the investigation. Although they were not public reports, they received some media coverage. The third investigation has been the subject of a report to the Department under s.50 of the *Ombudsman Act*. A copy of that report was also provided to the complainant pursuant to s.57 of that Act. That report has not been the subject of any media comment to this time.

### Background

- ◆ The Workplace Electrocution Project (WEP) was commenced by the former Ombudsman after this Office had received a number of serious complaints regarding the way in which the former Department of Employment, Training and Industrial Relations (DETIR), specifically the Division of Workplace, Health & Safety (WHS) within DETIR, and the former Department of Mines and Energy (DME) specifically the Electrical Safety Office (ESO) within DME, had investigated and prosecuted or failed to investigate and prosecute, a number of electrical workplace deaths throughout Queensland over a period of some years.
- ◆ The WEP involves 13 electrical fatalities arising from ten separate incidents.
- ◆ One of the objects of the WEP is to determine whether WHS and ESO had adequately complied with their legislative responsibilities in the past, and if not, how the situation could be improved.
- ◆ Both the Sokol report (Part 1) and the Kirmos report (Part 2) revealed significant inadequacies in the management and conduct of investigations and prosecutions undertaken by WHS and ESO over an extended period.
- ◆ Recommendations were made in both the Sokol and Kirmos reports to address the maladministration identified.
- ◆ Shortly after the formation of the current Parliament, WHS and ESO were both placed within the newly created Department of Industrial Relations (DIR).

### 12.1 PROGRESS OF IMPLEMENTATION OF RECOMMENDATIONS IN FIRST TWO REPORTS

### **12.1.1 The Sokol Report**

The Sokol Report made 14 recommendations in all, 7 each to WHS and ESO. All recommendations were accepted and have either been implemented or are presently the subject of implementation by DIR. There were some identical recommendations made to both WHS and ESO.

The key plank of the reform package was a recommendation for a comprehensive management and strategic review of both WHS and ESO. The former Ombudsman recommended that the reviewer address:

- ◆ the structure of WHS and ESO, including the delegation and allocation of responsibility and the appropriateness of the current classification of positions;
- ◆ the adequacy of staff and other resources within WHS and ESO to enforce the WHS Act and Regulations and the Electricity Act and Regulations, including whether, specifically, matters developed and earmarked for prosecution had been or were being discontinued because of resourcing difficulties;
- ◆ current investigation methodologies and processes;
- ◆ management systems and processes used by WHS and ESO, including internal and external performance indicators to monitor efficiency and effectiveness and internal communication and sharing of information on operations and performance, especially as between the audit and investigative teams;
- ◆ the competency of existing staff employed in compliance/enforcement roles within WHS and ESO, so as to determine whether all such officers possessed the appropriate skills, knowledge and training to undertake investigations, with any identified deficiencies being addressed by specific training and professional development;
- ◆ the lack of awareness of the quality system supposedly in place and the appropriate intervals at which compliance with it should be audited;
- ◆ any other matters which impacted upon the economy, efficiency and effectiveness of investigations, prosecutions and audits.

Mr John Crittall (with Mr Ray Dempsey assisting in relation to the ESO) was appointed to conduct this review. Mr Crittall completed his review and published the results in a public report in July 2001. He made a significant number of further recommendations, many of which were either complementary to, reinforced or mirrored the recommendations made in the Sokol and Kirmos reports.

### **12.1.2 The Kirmos Report**

The Kirmos Report made 17 recommendations in all, 7 to WHS and 10 to ESO.

All recommendations were accepted and have either been implemented or are presently the subject of implementation by DIR. Generally, the recommendations made were similar to those in the Sokol report with the addition of further recommendations to address the issues of "authorised persons" and investigative overlap between ESO and electrical supply entities.

### **12.1.3 Overall implementation to date**

As mentioned, all recommendations made in the first two reports have been or are being implemented. Two of the major recommendations related to the inadequacy of safety legislation, namely, the Workplace Health & Safety Act and the Electrical Safety Act. Substantial progress has been made on implementing those and other major recommendations as follows:

- ◆ A working group is currently reviewing the Workplace Health and Safety Act 1995 and developing new regulations to reflect changes in the labour market and contemporary regulatory needs, and to ensure optimum compliance with the legislative requirements;
- ◆ A new Electrical Safety Bill 2002 is being drafted. The bill will provide stand-alone legislation for further enhancing electrical safety in homes and at workplaces;
- ◆ A new Legal and Prosecutions Services Unit was established in March 2002. The Director of this Unit will authorise prosecutions under the WHS Act and Electricity Act;

- ◆ WHS will investigate all electrical incidents involving fatalities and grievous bodily harm, whether in the workplace or domestic premises, to ensure a consistent approach to investigations.

#### 12.1.4 Ombudsman Liaison Committee (OLC)

The OLC has been established to facilitate discussion between senior officers of the DIR and this Office in relation to the implementation of the reform process. The OLC comprises my Assistant Ombudsman who is managing the WEP, members of the Major Projects team within this Office, the Director-General of DIR or his representative, the General Manager WHS and two of his senior Directors, senior staff from the ESO, and Mr Crittall, the Ministerial reviewer.

The OLC meets on a monthly basis.

### 12.2 PROGRESS OF OTHER INVESTIGATIONS OF THE WORKPLACE ELECTROCUTION PROJECT

As I have said, the WEP consists of 10 parts. The scheduled completion date for the investigations is shown in the table below.

| Part No. | Date of accident | Scheduled completion date |
|----------|------------------|---------------------------|
| 1        | 30.03.98         | Issued 12.02.01           |
| 2        | 05.03.97         | Issued 10.04.01           |
| 3        | 14.08.99         | Issued 27.02.02           |
| 4        | 09.10.95         | April 2002                |
| 5        | 13.08.98         | April 2002                |
| 6        | 13.01.97         | April 2002                |
| 7        | 23.03.97         | June 2002                 |
| 8        | 10.04.98         | June 2002                 |
| 9        | 05.08.98         | June 2002                 |
| 10       | 21.01.98         | June 2002                 |

#### 12.2.1 Third Report

The third Report was provided to DIR on 27 February 2002. 13 recommendations were made, most of which specifically concerned the circumstances of the case and which had not been made previously in either the Sokol or Kirmos reports.

All recommendations made have been accepted and have either been implemented or are presently the subject of implementation.

### 12.3 REPORT TO PARLIAMENT

Pursuant to the provisions of Section 52 of the *Ombudsman Act 2001*, I intend to provide a progress report to the Speaker detailing the outcome of the WEP (from inception to the completion of Part 4). I have advised the Honourable Gordon Nuttall MP, Minister for Industrial Relations, to this effect.

#### **COMMITTEE QUESTION 13 (IMPLEMENTATION OF RECOMMENDATIONS)**

Page 9 of the annual report states that:

*All but one of the formal recommendations made to agencies for action on specific complaints were accepted and were either implemented or in the process of implementation at 30 June 2001.*

- Please provide details, to the extent that you are able to make the information public, of the recommendation which was not implemented.
- Do you propose to give the Premier the report containing the recommendation, and report to the

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Legislative Assembly in relation to the matter, pursuant to s 51(4) of the *Ombudsman Act*?

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### 13. IMPLEMENTATION OF RECOMMENDATIONS

#### 13.1 RECOMMENDATION NOT IMPLEMENTED

The recommendation referred to was one made to a local government and concerned a subdivisional issue. The recommendation was that Council reply to a letter that the complainant's solicitors had written concerning that and a range of other issues. However, at about the time that that recommendation was made, the complainant's solicitors indicated that their clients were intending to pursue the matter through a court. Accordingly, the issues that were referred to in their earlier letter to Council were more appropriately ones for the court to determine. Given this development, it was not necessary for the former Ombudsman to pursue the matter.

#### 13.2 REPORT TO PREMIER AND LEGISLATIVE ASSEMBLY

Given the answer in 13.1, it is not proposed to give the Premier or the Legislative Assembly any further report in relation to the recommendation that was made.

#### **COMMITTEE QUESTION 14 (PROPORTION OF CASES RESOLVED TO THE BENEFIT OF THE COMPLAINANT)**

Page 3 of the strategic plan identifies '*Proportion of cases resolved to the benefit of the complainant*' as a performance measure for goal 1 – *Administrative Justice*. The value of this figure as a measure of the performance of the office of the Ombudsman is unclear given that it is not the role of the ombudsman to act as advocate for either complainants or agencies. Further, as noted by the strategic management review, there are a number of possible reasons for trends in this indicator. [The strategic management review (at page 139) considered that this indicator should be maintained, although desirably it would fall over time if demand management strategies are having their desired impact.]

- How does the proportion of cases resolved to the benefit of the complainant provide an indicator of the performance of the office?
- Will the target represent an increase or a decrease in the proportion of cases resolved to the benefit of the complainant?

### 14. PROPORTION OF CASES RESOLVED TO THE BENEFIT OF THE COMPLAINANT

#### 14.1 WHY IS THIS AN INDICATOR OF THE PERFORMANCE OF THE OFFICE?

It is correct to say that at the time the Ombudsman receives a complaint the position adopted by the Office is one of neutrality. However, if the Ombudsman's inquiries establish that maladministration has occurred within an agency as a result of which the wrong suffered by the complainant should be put right, the role changes. This is recognised in s.50(1)(b) of the *Ombudsman Act 2001* whereby if the Ombudsman considers that action can be, and should be, taken to rectify, mitigate or alter the effects of, the administrative action, the Ombudsman may give the principal officer of the agency a report stating the action the Ombudsman considers should be taken and the reasons the action should be taken.

Under s.51(2) the Ombudsman may ask the agency's principal officer to advise within a stated time:

- (a) the steps taken or proposed to be taken to give effect to the recommendations; or
- (b) if no steps, or only some steps have been or are proposed to be taken, the reasons for not taking all the steps necessary to give effect to the recommendations.

Under subsection (3) if the principal officer fails to take the recommended steps within a reasonable time, the Ombudsman may give the Premier a copy of the report and a copy of any comments made by the principal officer.

Under subsection (4) the Ombudsman may also give another report to the Speaker for tabling in the Legislative Assembly.

In such a case, I think it can be fairly said that the Ombudsman is acting as an advocate for the complainant. In other cases the Ombudsman is essentially acting as an advocate for good administrative practice. For example, under s.50(1)(c) if the Ombudsman considers that any practice in accordance with which the relevant administrative action was taken should be varied, the Ombudsman may give a report to that effect to the principal officer. In such a case, the recommendation may have no impact on the personal circumstances of the complainant but may lead to better decision making within the agency.

However, I acknowledge that with the Ombudsman's new statutory role to improve administrative practice in agencies, this performance measure is something of a two edged sword. On the one hand, if the Ombudsman's investigations result in a very small percentage of complaints being resolved to the benefit of complainants, one might rightly question the value of that service. On the other hand, if that figure is particularly high, it may indicate that the Office is not effectively discharging the statutory role of improving administrative practice.

It needs to be understood that where a complainant receives a benefit as a result of the Office's intervention, the agency also benefits in that its maladministration is corrected or its effect is rectified or mitigated. However, investigations alone will not have a significant impact on overall standards of administrative practice in public agencies. The Office's new approach is to co-ordinate its investigative and advisory activities.

#### **14.2 WILL THE TARGET REPRESENT AN INCREASE OR A DECREASE IN THE PROPORTION OF CASES RESOLVED TO THE BENEFIT OF THE COMPLAINANT?**

This figure has not changed significantly in the last three financial years. I expect the target to remain the same for at least the next financial year because the Office's activities to improve administrative practice will not have a significant effect within that time.



**REPORT BY OMBUDSMAN  
ON STRATEGIC REVIEW  
RECOMMENDATIONS PREVIOUSLY IDENTIFIED AS  
DUE FOR IMPLEMENTATION IN 2001/02**

|      | RECOMMENDATION  | PROGRESS ON IMPLEMENTATION  |
|------|---|---|
| 3    | The Ombudsman should, at the beginning of each new Parliament, engage the PLCAR in a discussion about the corporate plan of the Office and the projected future directions it is taking. Provision should also be made for structured input from the PLCAR to the design of each new corporate plan and its associated performance indicators and evaluation mechanism. | Arrangements have already been made with LCARC to meet on two occasions each year to discuss the corporate/strategic plan of the Office and other issues. I note the Committee's position that it does not support the recommendation that provision be made for structured input from the Committee into the design of each such plan.   |
| 6(b) | <p>There should be a concerted drive to make the community and government agencies more aware of the role, including powers, and limitation on powers, of the Queensland Ombudsman. This should ideally include:</p> <p>(b) An Ombudsman home page on the Internet.</p>   | <p>A home page exists (<a href="http://homepage.powerup.com.au/~ombudsman/">http://homepage.powerup.com.au/~ombudsman/</a>) and presently contains:-</p> <ul style="list-style-type: none"> <li>• 1999/2000 26th Annual Report</li> <li>• 2000/2001 27th Annual Report</li> <li>• Strategic Plan 2001/02-2004/05</li> </ul> <p>Substantial work on a website has been undertaken. Features of websites of other like bodies have been examined and a decision made on what should be included.</p> <p>Discussions have been held with officers of the Queensland Audit Office and Crime and Misconduct Commission re problems they encountered in developing their sites. Discussions have also been held with web-hosting organisations.</p> <p>Further development of the Office's site will follow the commencement in April of the Manager, Advice and Communication.</p> |
| 6(c) | Information kits for agencies.  | <p>As indicated to the committee previously, the Office has prepared draft guidelines re administrative decision making, internal review, and responding to Ombudsman inquiries. These guidelines are being, and will be, reworked in discussions with selected major agencies and will be finalised and promulgated to agencies in the form of information kits (or the like) by the Advice and Communication Unit soon to be created within the Office.</p> <p>This unit will also consider the preparation of a draft client services charter.</p> <p>In conjunction with the Department of Local Government and Planning the Office launched a</p>  |

|      | RECOMMENDATION   | PROGRESS ON IMPLEMENTATION   |
|------|--|--|
|      |  | publication entitled <i>Complaints Management Guidelines for Local Governments</i> in November 2001. The Department and this Office have since provided follow up training to approximately 100 local government officers, with three further training sessions planned for May 2002.  |
| 6(d) | Preparation of newsletter  | <p>Arrangements have been made with the Local Government Association of Queensland (LGAQ) for electronic distribution on Q-NET of any general newsletters concerning local government. The first newsletter (Attachment 8) was forwarded to LGAQ on 28 March 2002 for electronic distribution.</p> <p>Further attention will be given to this recommendation by the Manager, Advice &amp; Communication who will supervise the production of other publications.</p>   |
| 12   | The Client and Agency Satisfaction Surveys should be carried out every two years as a minimum by the Office of the Queensland Ombudsman. The results should be used to inform and modify the approach and practices of the Office, and serve to highlight areas for further research, especially the extent to which agencies are implementing Ombudsman's recommendations. The Office also should establish a separate annual random sample follow through with complainants to monitor the extent of agency acceptance of Ombudsman recommendations. Such a measure of the outcomes of the Office should be used to fashion further action such as joint seminars with agencies, provision of more information about the Office, further explanations for reasons for decisions, etc. The results of the surveys and the outcomes monitoring should be synthesised in the annual report and provided in full to the PLCAR. | <p>The previous surveys were conducted in 1997/98 and further surveys are proposed. However, given the extensive changes that arose from those surveys, together with the other changes in procedure and policy arising from subsequent reviews in 1998 and 2001 and the change in Ombudsman in 2001, I believe it is appropriate to defer further surveys for the time being to enable the changes to be "bedded down". In my view it would be inadvisable to seek feedback when changes are still in the process of being made.</p> <p>The Advice and Communication Unit of my Office will consider the timing, conduct and content of the next survey during 2002/03.</p> |
| 15   | The Queensland Ombudsman should construct a new set of performance indicators for the Office in consultation with the PLCAR and the Queensland Treasury. Such performance indicators should encompass the full workload of the Office, reflect its qualitative nature, address the complexity of complaints being handled, measure the time involved in handling complaints, the need to share the burden of response between the Ombudsman and the agency which is the subject of the complaint, identify cases which have experienced "legitimate" delay, and ensure that timeliness remains a key element for cases which require urgent resolution because of impending impacts on complainants. The New Zealand model should be used as a guide.  | The Office's performance indicators have been reviewed in light of the subsequent strategic management review (2001) and the proposed National Ombudsman Performance Indicators project (still in discussion).   |

|    | RECOMMENDATION   | PROGRESS ON IMPLEMENTATION  |
|----|--|---|
| 16 | The new performance indicators should be incorporated into a new reporting regime for the PLCAR and be incorporated into the annual report. They should, in more detailed form, accompany the Ombudsman's estimates in each year's budget round. | <p>The Office's current performance indicators are contained in the Strategic Plan for 2001/02 - 2004/05, which the Committee already holds.</p> <p>Preliminary discussions have been held with Treasury about including an expanded range of performance indicators in the 2002/03 estimates (Ministerial Portfolio Statements - MPS). Treasury's view is that it is not necessary or desirable to include in the MPS all of the performance measures and related targets from the new Strategic Plan. Rather, a small selection of key indicators will be included for 2002/03 to measure the impact of particular new strategies.</p>  |
| 21 | The Queensland Ombudsman should introduce formal training/staff development program particularly for new recruits.   | <p>Given the limited turnover in investigative staff, it is not really practicable to have a formal training program for "new recruits".</p> <p>New staff are led through the Office's induction and training manuals by mentors. For all investigative staff, on the job training is provided informally (but regularly) via team discussions, mentoring, interaction with supervisors, and in house training sessions on specific topics. For example, all relevant staff have recently been given formal training on the new <i>Ombudsman Act 2001</i>.</p> <p>I have appointed a three person training committee to consult staff and management and advise me on training options. This committee will canvass the options raised in the Report.</p> |

**REPORT BY OMBUDSMAN  
ON STRATEGIC MANAGEMENT REVIEW  
RECOMMENDATIONS PREVIOUSLY IDENTIFIED AS  
DUE FOR IMPLEMENTATION IN 2001/02**

|    | RECOMMENDATION  | IMPLEMENTATION STATUS   |
|----|---|---|
| 1  | The strategic direction and operating philosophy of the Office fundamentally change, so that priority is afforded to improving the quality of public sector administrative practice, as well as continuing to achieve administrative justice for individuals. | <p>The Office has adopted a new strategic and operational plan which gives primary emphasis to improving the quality of public sector administration. This reflects the new <i>Ombudsman Act 2001</i> in particular ss.5, 6 and 12.</p> <p>As part of a restructure of the Office I have created an Advice and Communication Unit which will have responsibilities for developing, co-ordinating and implementing strategies directed at improving the quality of administrative practice in Queensland agencies. In pursuance of this responsibility the unit will provide agencies with training and other assistance to promote good administrative practice, develop and promote models for agencies for effective complaints management systems, produce and disseminate informative publications on issues relating to good administrative practice, undertake trend analysis of complaint data and provide the results to agencies to assist them to develop complaints reduction strategies and ensure that systemic and other serious administrative failures identified in investigations are effectively communicated to relevant agencies together with recommendations for strategies to prevent similar failures recurring.</p> <p>This unit will commence operation on 15 April 2002 when the Manager, Advice and Communication takes up duty.</p> |
| 8  | The Office's case and record management system incorporate a facility to record and track incoming correspondence and telephone generated complaints.   | <p>This is one of a number of recommendations relating to redevelopment of the Office's case and management database/system. This project is well under way. I have appointed a Project Manager and an IT Redevelopment Committee (staff consultative advisory committee) which is in the final stages of planning system specifications. I anticipate that the Office will be going to the market shortly to call for tenders for development of software. The new system will incorporate a facility to record and track incoming correspondence and telephone generated complaints, as recommended.</p> <p>At this stage, it is anticipated that the new system will come on line in the first half of the 2002/2003 financial year.</p>   |
| 12 | The Office adopt the Draft National Performance Indicators currently being trialed by Australian Ombudsmen for recording and reporting complaint and file counts.   | <p>The Office is contributing to the development of a national Ombudsman performance indicators scheme. The scheme is still in the development stage and I have indicated my willingness to participate in the scheme.</p> <p>Some data proposed for the scheme cannot currently be retrieved by this Office and several other Ombudsman Offices. The data will be retrievable when the new case management system is</p>   |

|    | RECOMMENDATION  | IMPLEMENTATION STATUS   |
|----|---|---|
|    |   | implemented.  |
| 14 | The Office develop a case management system with the capacity to report on file status, elapsed time at each key stage, and the average cost of closing complaints.   | See recommendation 8 above. As recommended, the new system will have a capacity to report on file status, elapsed time at each key stage, and the average cost of closing complaints.   |
| 18 | The Office form a small project team and seek a highly experienced systems officer/project leader to develop user requirements for a new case management and records management system and implement a proven system.   | As noted in relation to recommendation 8, I have formed a small project team comprising relevant staff and recruited an experienced external Project Manager and they are currently developing user requirements for a new case and records management system.  |
| 22 | The revised case and record management system keep a record of the number of complaints resolved by informal means, so that the Office can monitor its progress towards having significantly fewer matters resolved through formal means.   | See recommendation 8 and others related. The proposed case and records management system will enable the informal resolution of complaints to be monitored.   |
| 23 | The Office liaise with the project team established within the Department of the Premier and Cabinet, other central agencies and associations and major complaint generating agencies to further whole of Government customer service initiatives and select a range of demand management initiatives likely to improve customer service and response to complaints in agencies and reduce the incidence of complaints being referred to the Ombudsman. | <p>This recommendation is in two parts.</p> <p>Firstly, my Manager, Corporate Services Division and other senior officers have liaised with Access Queensland within the Department of the Premier and Cabinet (now within the Department of Innovation and Information Economy) to explore the Office's role in the whole of government customer service initiatives being developed by that agency and subsequently established a presence on the Services Locator.</p> <p>Secondly, the Office has identified a range of demand management initiatives and is currently in the process of developing those with selected agencies. These initiatives include guidelines for administrative decision making, internal review and the design of complaint management systems, particularly in local governments. In particular, the Office collaborated with the Department of Local Government &amp; Planning to produce complaints management guidelines for local governments which was launched by the Honourable the Minister for Local Government &amp; Planning in November 2001. The Office is currently conducting joint training with local government personnel to ensure that the guidelines are implemented effectively.</p> <p>I have also held preliminary discussions with the Chair of the Crime and Misconduct Commission (CMC) about ongoing liaison in both investigative and preventive activities. The Ombudsman's role to improve administrative practice in agencies complements the CMC's role to build the capacity of agencies to investigate and prevent misconduct.</p> |
| 31 | The Office involve all staff in the annual revision of its Strategic and Operational Plan which would then be used as a basis for setting team and individual performance targets.  | See recommendation 1. The Office did involve all staff in the revision of the Strategic and Operational Plan and following that process a plan was developed and approved. The next phase of setting team and individual performance targets will be implemented having regard to the new organisational  |

|    | RECOMMENDATION  | IMPLEMENTATION STATUS   |
|----|---|---|
|    |   | structure. The setting and monitoring of targets will be facilitated by the new case management system.   |
| 33 | Staff and management develop and implement revised performance measurement systems which are linked to the Office's Strategic and Operational Plan, and utilise a full range of case related indicators.              | See 31 above.   |
| 34 | The Queensland Ombudsman participate in the National Performance Indicators project and introduce the suggested range of draft indicators for reporting performance information.                                      | See 12 above.   |
| 35 | Internal indicators discussed in 7.6 be implemented progressively over a period of six to twelve months.  | See 31 above. The new case management system currently in development will have the ability to calculate the internal performance indicators recommended.   |
| 36 | Corporate and Research Division develop performance agreements with operational divisions in both Offices.  | This has not yet occurred. The former Director, Corporate & Research Division, left the Office early in 2001/2002. A new Manager, Corporate Services Division was appointed in September 2001 with a backlog of projects. Developing performance agreements with operational divisions in the Office has received approval in principle but is not a current priority because of improvements in service delivery by that Division. |
| 37 | External indicators recommended in 7.7 and consistent with draft National Performance Indicators be implemented progressively over a six to twelve month period following full consultation with investigative teams. | See 35 above.   |
| 43 | The Office maintain the information technology infrastructure necessary to support off-site access to Office databases.   | See 8 above. The question of off-site access to the Office's network and complaints management system is currently under review by the IT Redevelopment Committee.  |
| 45 | Financial management milestones and performance indicators be developed as part of the annual budget cycle and monitored at each Management Committee meeting.  | Financial reports are provided to the monthly Management Committee meetings. The average cost of dealing with complaints will be measured as part of the National Ombudsman Performance Indicators project.<br><br>Performance reports will be available on a monthly or yearly basis when the new complaints management system is operational.   |
| 47 | Personnel administration performance indicators be identified and monitored at each Management Committee meeting.   | This recommendation arose from problems identified in the service delivery of the Corporate Services Division at the time of the review. Those problems have been addressed by the new Manager, Corporate Services Division, and no fresh concerns have been raised with the Management Committee.  |
| 48 | The Office adopt a computerised record management system fully integrated with the case management system.  | See 8 above.  |

|    | RECOMMENDATION  | IMPLEMENTATION STATUS  |
|----|---|--|
| 52 | Staff performing reception duties receive training in dealing with difficult situations.  | Training has been scheduled for relevant officers in April and May 2002.   |
| 61 | The Assistant Commissioner, Corrections Team arrange to access data on-line in consultation with the Department of Corrective Services.   | This issue is to be discussed with the Director-General, Department of Corrective Services, on 8 April 2002.   |
| 62 | The Assistant Commissioner, Corrections Team in conjunction with the Deputy Commissioner, SGPAD, initiate discussions with Queensland Corrections and the Department of Corrective Services about developing a more coordinated response to prisoners' complaints management to ensure all internal review mechanisms are performing to their full potential. | The Office has held discussions with the Department of Corrective Services regarding the management of prisoners' complaints and in particular adopting the general practice of prisoners utilising the internal complaints management processes before they contact the Ombudsman's Office. This Office will monitor complaints regarding the Department's internal review system to ensure that it is working effectively.   |
| 63 | If staff remain outside the Public Service, then the Office formalise arrangements with the Office of the Public Service Commissioner or other "best practice" human resource agencies to receive updated information and implement enhanced human resource management policies and practices.  | <p>The Office is advised of all updates to Public Service directives and has ready access to HR policies and practices of other comparable agencies. Therefore, no formal arrangement is required with another agency.</p> <p>The Manager is also in the process of recruiting a human resources professional for a period of six months to document the Office's HR policies.</p>   |
| 65 | All staff who cease employment with either Office be invited to participate in an exit interview.   | Staff who have ceased employment with the Office since December 2001 have been invited to participate in an exit interview by the Manager, Corporate Services Division.  |
| 67 | The Ombudsman ensure that all officers participate in the formal performance planning and review process linked to work outputs.  | <p>A draft performance planning and review policy has been prepared and considered by management. It will be considered further by management before being placed before the Staff Consultative Committee for comment.</p> <p>The policy is to be implemented for the 2002/03 financial year.</p> <p>As indicated in relation to recommendation 69, I have created a staff based training committee which is conducting a training needs analysis with a view to producing a strategic training plan. It is anticipated that this plan will be finalised and training in accordance with it will commence this financial year.</p> |
| 68 | Office managers avail themselves of management development opportunities with senior executives from other agencies whenever practical.   | <p>I have created a staff training advisory committee which will further examine this matter in the near future.</p> <p>Two senior officers have participated in the Public Sector Management Program. The possibility of officers participating in another agency's training for managers was explored but it was more practicable for the Office to directly engage the same training provider.</p>  |
| 69 | The Office conduct a training needs analysis based on team discussion with a view to producing a training strategic plan and instituting program delivery during 2000/01.   | The staff training advisory committee has developed an initial training program in consultation with staff. A full training needs analysis will be conducted in the next financial year.   |

|    | RECOMMENDATION  | IMPLEMENTATION STATUS   |
|----|---|---|
| 72 | The Office adopt the same practices as the rest of the Public Service for rewarding officers for out of hours work.   | I propose to adopt this recommendation. A relevant policy will be prepared.   |
| 73 | The Office develop a policy which encourages and supports part time employment.   | The Office has not yet developed a specific policy in relation to part-time employment. This will be done as part of the project to document HR policies. Each case is considered on its merits. All requests received to date have been negotiated successfully with the officer concerned. Three officers are currently working under part-time arrangements.   |
| 74 | Officers at Assistant Commissioner level and above be provided with the discretion to allow staff to work from home, from time to time when circumstances warrant.  | <p>This issue has not arisen in the Office since I assumed duties as Ombudsman. The issue may no longer be significant because of changes to work practices. The Staff Consultative Committee is presently considering the matter and will make a submission to management if there is sufficient support from staff.</p> <p>However, several arrangements of this kind have operated or are operating in the Office of the Information Commissioner for officers with specific family commitments.</p> <p>A formal "working from home" policy will be drafted as part of the project to document HR policies. The project will commence shortly.</p> |
| 76 | The Office induction process include a series of key steps to be achieved by all new appointees. This process would be monitored by the appointees' immediate supervisors.  | The Office's induction process is being redeveloped. It is anticipated, given current workloads in the Corporate Services Division, that the new process will be implemented in 2002/2003 when the restructure is in place and the new duties of staff have been "bedded down".   |
| 77 | The Office develop a comprehensive policy covering recruitment, selection and relieving standards, such policy reflecting contemporary HRM practice in the Queensland Public Sector.  | The Office's current recruitment, selection and relieving standards are based upon and reflect contemporary HRM practice in the Queensland public sector, particularly the relevant directives issued by PSC and the Minister for Industrial Relations. A comprehensive policy fleshing out those directives will be developed by an HR professional who will be recruited for six months.  |
| 79 | A modest reallocation of funding occur during 2000/01, progressively redirecting resources from investigative effort as caseloads reduce, to fund demand management initiatives, development and human resource officer positions, training and development initiatives, and the new case and record management system. | See recommendation 1 and others relevant.   |
| 87 | An experienced Project Leader with requisite IT capability be contracted to manage the development and implementation of new or enhanced case management and record management and financial management systems within the Office.  | See 8 and others relating to IT.  |



|    | RECOMMENDATION  | IMPLEMENTATION STATUS  |
|----|---|--|
| 95 | The Office evaluate and, where necessary, modify service levels in accordance with the findings of a complainants' satisfaction survey conducted at two yearly intervals. | I have deferred the conduct of external surveys temporarily to allow the restructure of the Office to be completed. I believe it would be more appropriate to conduct a complainant satisfaction survey, say, 12 months after the new structure of the Office has had an opportunity to "settle in". |

**REPORT BY OMBUDSMAN  
ON STRATEGIC REVIEW  
RECOMMENDATIONS PREVIOUSLY IDENTIFIED AS  
DEFERRED OR NOT TO BE IMPLEMENTED**

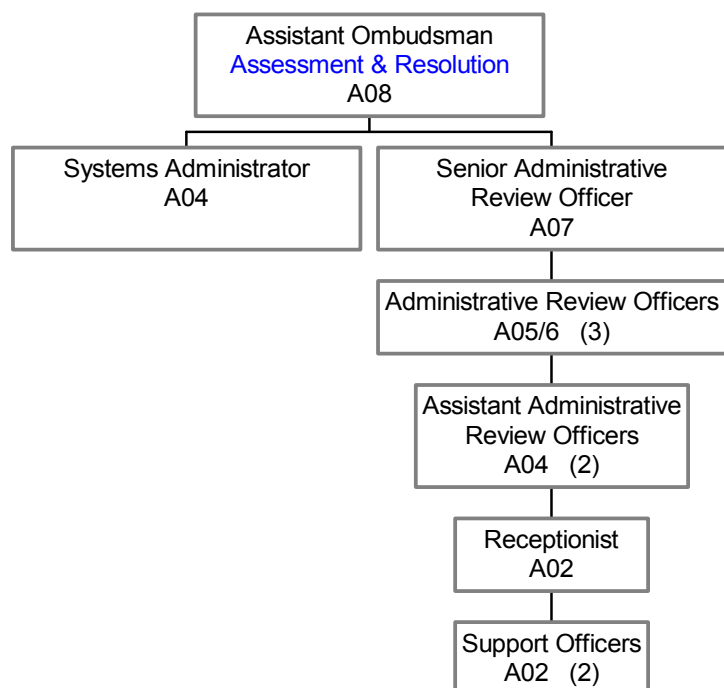
|    | RECOMMENDATION  | IMPLEMENTATION STATUS   |
|----|---|---|
| 6  | The Ombudsman create a separate and dedicated community relations/education officer position to be responsible for the Office's renewed efforts at enhancing community and agency awareness of the Ombudsman's role and powers (and limits on those powers).  | <p>I have reviewed this recommendation. As part of a restructure of the Office, I have created and filled the of position of Manager, Advice and Communication. This person will head up a small unit (3 persons) which will be responsible for enhancing awareness in both the community and government agencies of the role and powers of the Office.</p> <p>In particular the unit will co-ordinate the following types of activities:</p> <ul style="list-style-type: none"> <li>• Provide agencies with training and other assistance to promote good administrative practice</li> <li>• Develop and promote models for agencies for effective complaints management systems</li> <li>• Develop effective methods for providing information to agencies, the general community and to disadvantaged or other special groups about the Office's services and how to access those services</li> <li>• Develop and maintain the Office's web site and identify opportunities for improving its usefulness.</li> </ul> |
| 14 | The Queensland Ombudsman should remain open to entrepreneurial opportunities and pursue those which can make good use of the expertise of the Office but which do not cause any fundamental distraction from the main purpose of the Office.  | <p>The newly created Advice and Communication Unit (see above) will explore any realistic opportunities that may exist, either internationally or domestically as suggested in the Report, for entrepreneurial/commercial activity. In particular the newly created Advice and Communication Unit will, amongst other things, provide expert advice and support to management and staff on advancing business activities in which specialist communication or promotional strategies are required.</p> <p>However as noted in the Report any expansion into this area needs to be properly planned and resourced and not detract from the Office's fundamental purposes of reviewing and improving public administration in Queensland.</p>   |
| 18 | The Ombudsman's Office should embark on a fresh approach to case management focussing on early intervention to identify complaints which do not require a full investigation. To this end an intake unit should be re-established in the Office with sufficient powers delegated to the officers involved to judge complaints capable of speedy resolution and to take the appropriate action. All staff should be given the opportunity to take part in rotations to the intake unit and none should serve longer than six months at a | <p>I have reviewed this recommendation. As part of a restructure of the Office I have decided to establish an Assessment and Resolution Team, largely along the lines suggested in the recommendation. This unit will handle all incoming complaints, inquiries etc, and be staffed by officers chosen for the breadth of their knowledge of various agencies and their ability to deal with matters quickly, informally and effectively. The unit will commence operations on 8 April 2002.</p> <p>It is proposed that officers will be rotated through the team at six to twelve months intervals.</p> <p>The Office has developed a network of contact</p>   |

|  | <b>RECOMMENDATION</b>   | <b>IMPLEMENTATION STATUS</b>   |
|--|---|--|
|  | time. The potential for the intake unit to be on line to a network of Ombudsman contact officers should be explored. The duties and responsibilities of the telephonists/receptionists would need to be redefined once the intake unit were established but, in any event, more consistency should be pursued in the manner in which individual staff respond to callers through the switchboard. The UK experience should be looked to as a model. | officers in major agencies with whom liaison occurs. E-mail is one of the methods of communication used. |

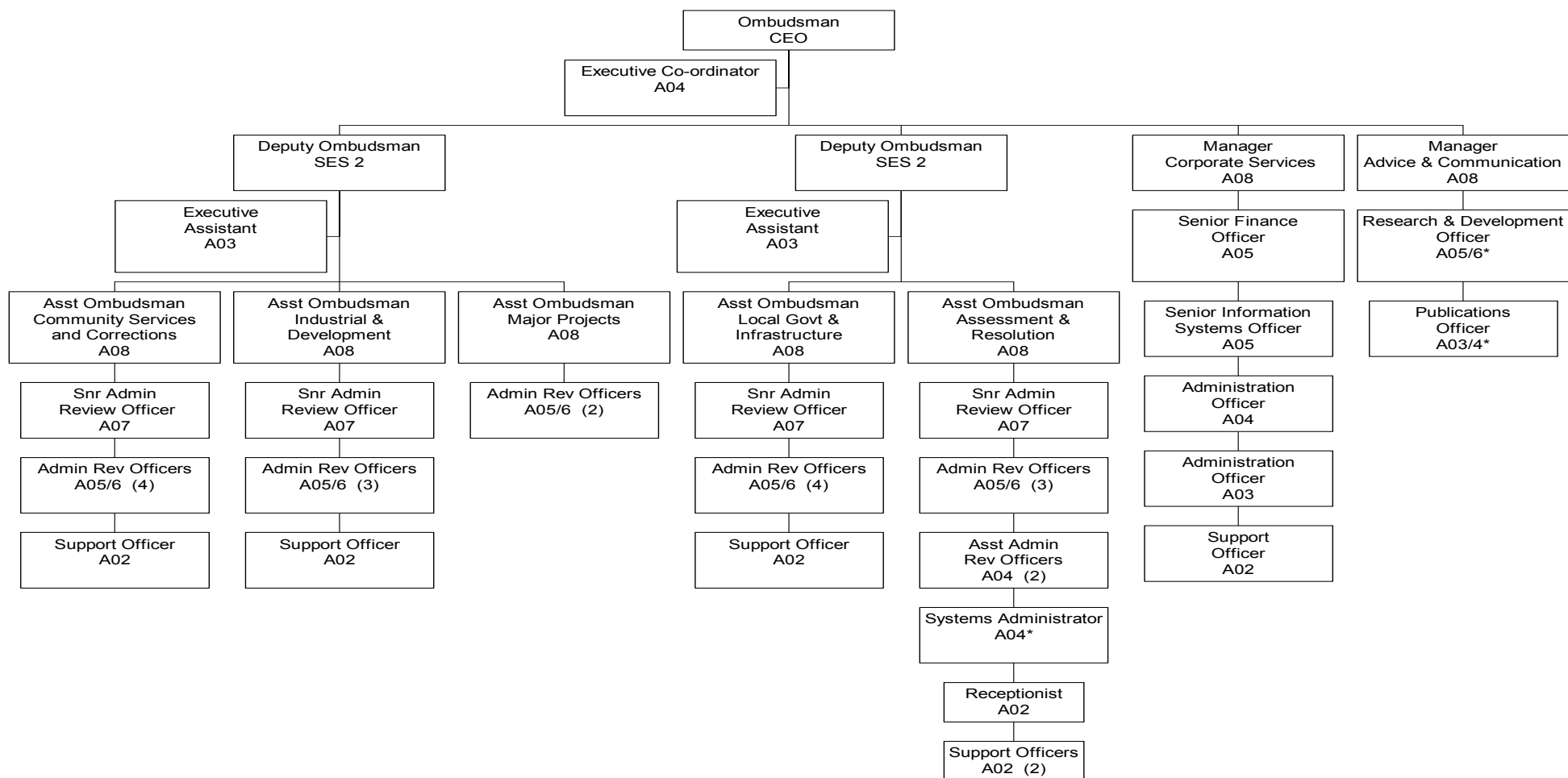
**REPORT BY OMBUDSMAN  
ON STRATEGIC MANAGEMENT REVIEW  
RECOMMENDATIONS PREVIOUSLY IDENTIFIED AS  
DEFERRED OR NOT TO BE IMPLEMENTED**

|    | RECOMMENDATION  | IMPLEMENTATION STATUS  |
|----|---|--|
| 13 | Complaints received in writing or by interview which are clearly out of jurisdiction should not be made up as complaint files but counted separately.   | <p>I am currently implementing the recommendation that out of jurisdiction matters not be made up as complaint files. They will be given file numbers, but kept in batched lots.</p> <p>This procedure will commence on 8 April 2002 within the Assessment and Resolution Team which also commences on that day.</p> <p>Complaints which are clearly out of jurisdiction have always been counted separately.</p>  |
| 25 | An appropriately skilled development officer be engaged to assist Deputy Commissioners in the development of practice guidelines, conduct awareness raising, training and development programs for agency staff involved in dealing with complainants and with the Ombudsman's Office in resolving complaints relative to their agency. | The new position Manager, Advice and Communication, has been filled. The Manager will co-ordinate the delivery of these services. Details are provided elsewhere in this response.   |
| 32 | Assistant Commissioners be included in the Management Committee for the Office with separate monthly meetings for Ombudsman and Information Commissioner teams if necessary.  | This has been substantially implemented. Two of the five Assistant Ombudsmen attend Management Committee meetings on a rotational basis. The Manager, Advice and Communication will also attend these meetings.  |
| 84 | The Office upgrade two Administrative Assistant positions (A02) to Administrative Review Assistants A03/A04, redesignate two A03 Investigative Assistant positions to Administrative Review Assistants (A03/A04) and appoint sufficient additional A02s to have one in each team.   | <p>The proposals outlined in the recommendation relate to the previous team structure which has recently been designed and includes the new Assessment and Resolution and Advice and Communication teams. During the restructure, due consideration was given to the roles and classifications of support positions at levels A02, 3 and 4 and certain variations made.</p> <p>The classifications shown in the organisational chart (Attachment 6) are appropriate for the new structure. Job descriptions for A02, 3 and 4 level support positions are to be formally updated.</p> |
| 94 | The Office of the Information Commissioner and the Office of the Ombudsman establish a joint demand management advice and awareness function within the Ombudsman's Office to include development of initiatives such as practice guidelines, information services, education and training initiatives for agency personnel.            | I have created an Advice and Communication Unit within the Ombudsman's Office to deal with the types of matters mentioned in recommendation 94. The unit will initially focus on the Ombudsman's Office activities but is available to assist the Office of the Information Commissioner as well, subject to the Ombudsman remaining the Information Commissioner.   |
| 97 | The Office review the philosophy and scope of its investigation of complaints to ensure that they focus on administrative action and do not investigate the merits of a complaint where professional discretion forms the   | <p>The Office has prepared a policy which highlights the need for officers to exercise caution when investigating complaints against decisions where professional judgments are involved.</p> <p>However, in exceptional cases, the Office is obliged</p>  |

|  | <b>RECOMMENDATION</b>         | <b>IMPLEMENTATION STATUS</b>   |
|--|-------------------------------|--|
|  | basis of the agency decision. | to review such decisions. For example, an agency may make a decision based on professional advice and a complainant may complain that the decision is unreasonable or wrong and provide a report from another professional contrary to the agency's professional advice. |

**ASSESSMENT AND RESOLUTION TEAM**

## Office of the Ombudsman Organisation Structure - from 8 April 2002



### Investigative Team Structure

#### Community Services & Corrections Team

- Aboriginal & Torres Strait Island Policy
- Arts Qld
- Corrective Services
- Disability Services Qld
- Education
- Electoral Commission of Qld
- Emergency Services (Police, Fire & Rescue, Ambulance)
- Families
- Health
- Housing
- Justice & Attorney-General
- Legal Aid Qld
- Public Trust Office

#### Industrial & Development Team

- Employment & Training
- Industrial Relations
- Innovation, Information, Technology, Sport & Recreation
- Premier & Cabinet
- Public Works
- Q Build
- QBSA
- State Development
- Tourism, Racing & Fair Trading
- Treasury (incl OSR)
- Work Cover

#### Also:-

- all employment related complaints wherever originating
- all issues relating to tendering & contracting

#### Local Government & Infrastructure Team

- Environmental Protection Agency
- Local Governments
- Local Government & Planning
- Main Roads
- Natural Resources & Mines
- Primary Industries
- Qld Rail
- Transport



# ***"Ombudsman News"***

**ISSUE 1 - 2002**

Firstly, may I introduce myself to local government in Queensland. Since being appointed to the position of Queensland Ombudsman in September 2001, I have been looking for ways to improve communication between my Office and public agencies, including local governments. I have also been considering how my Office can help local governments improve client service by adopting better administrative practices.

With the introduction of the new Ombudsman Act 2001 the statutory responsibilities of the Ombudsman's Office have expanded. My Office is no longer an investigatory body only. It now has a specific developmental role to improve the quality of decision-making and administrative practices in the Queensland public sector.

I intend to communicate regularly with local government throughout Queensland via LGAQ Net, thanks to the co-operation of the Local Government Association of Qld. These communications will be in the form of the ***"Ombudsman News"*** and will briefly discuss issues identified during investigations by my Office that are of particular significance to local governments.

I am looking forward to meeting this year with as many councillors and senior officers of local governments as I can.

David Bevan  
Queensland Ombudsman

## **CASE STUDY**

### **BACKGROUND**

A Council determined to introduce a charge for registration of rental accommodation premises and adopted a registration fee as a general charge at its budget meeting.

### **ISSUES OF COMPLAINT**

I have identified the main issues of complaint and commented on each.

#### **Complaint - the registration fee was unlawful and unreasonable**

- The Council had lawful authority under s974 of the *Local Government Act 1993* (LGA) to fix and impose the registration fee. The ordinary rule is that a licence fee may compensate the issuing authority for the cost of the licensing administration system.
- The fundamental obligation in fixing a charge is to ensure that the moneys recovered offset the administration of the particular services system involved, and not amount to a general raising of revenue.
- In determining the amount of the fee, a local government is not required to be mathematically precise. However there must be a strong correlation between the fee and the expenses. In other words the revenue raised must be within a reasonable range of the expenses. In addition, the Council could validly base the annual fee on costs incurred over a 3 year period.

- The Council appeared to have been aware of the principles of fixing a general charge and based a series of reports and costing exercises on its program around those principles. However, the principles were not met in the initial year of operation.

#### **Complaint - inspections not conducted frequently**

- The intent of the program was to conduct at least one inspection per registered premise in the three year rolling program, which commenced after the initial year.
- Council's costing of the program was predicated on the achievement of the target of one inspection per premise during the three year program, leaving aside the initial year.

#### **Complaint - the fee was in conflict with State laws**

- It was alleged that the registration fee was inconsistent with State laws such as provisions contained in the *Building Act 1975*, the *Integrated Planning Act 1997*, the *Fire and Rescue Authority Act 1990*, the *Residential Tenancies Act 1994*, and the *Standard Water Supply and Sewerage Law*.
- Section 31 of the *Local Government Act 1993* (LGA) provides that if a State law and a local law (whether it is made before or after the State law) are inconsistent then the State law prevails over the local law to the extent of the inconsistency.
- There did not appear to be any inconsistencies that rendered the local law invalid.

### **OUTCOMES FROM THE INVESTIGATION**

The Council co-operated with my Office in accepting all of my recommendations to address the problem.

#### ***The First Outcome***

- The Council was asked to refund to those persons who paid the registration fee in the initial year an amount calculated at a percentage of the original fee (that percentage representing the difference between the revenue received by Council in the initial year and the cost of administering the program in that year).
- The Council agreed with this recommendation and extensively advertised details of the refund and how to obtain it.

#### ***The Second Outcome***

The Council agreed to implement a number of administrative improvements including:

- to obtain and consider a report on any **new** general charge planned to be introduced.
- to work on an internal pricing and costing initiative to assist it to more effectively review its general charges on a regular basis.
- to develop Key Performance Indicators for the program that will be reported on and assessed by the Council on a quarterly basis.



# ***LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE***

**MEMBERS:**      **Ms K. L. STRUTHERS** (Chair)  
                     **Miss F. S. SIMPSON** (Deputy Chair)  
                     **Mrs E. A. CUNNINGHAM**  
                     **Mr P. J. LAWLOR**  
                     **Mr R. O. LEE**  
                     **Ms R. G. NOLAN**  
                     **Mrs D. R. PRATT**

## **MEETING WITH THE QUEENSLAND OMBUDSMAN**

### **TRANSCRIPT OF PROCEEDINGS**

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of the Chief Reporter, Parliamentary Reporting Staff.)*

**Friday, 12 April 2002  
Brisbane**

## **WITNESSES**

**Mr David BEVAN**—Queensland Ombudsman

**Mr Frank KING**—Deputy Ombudsman

**Mr Rodney METCALFE**—Deputy Ombudsman

**Mr Tony JOHNSON**—Manager, Corporate Services

—

The Committee commenced at 9.03 a.m.

**The CHAIR:** We will get under way. I give thanks to David and the team. It is certainly a very comprehensive response to our questions that you have provided and it certainly helps us meet the responsibilities that we have to the parliament. So we are very, very pleased to see those positive changes that you have described there and that are in operation. We are certainly pleased to have a good record of that now. Thanks for the opportunity to meet with you today to expand and get into some of these issues in more depth.

As I was saying before the meeting, it is probably good if we have an opening comment from you, David, and then have a good look at the structure. That then will lead us to get a good understanding of some of the new teams and things that you have got working in the Ombudsman's office. I welcome Ronan. We have just done some introductions—David Bevan, Frank King. David is going to start with an opening remark and then we will have a look at the structure of the office and then we can open up some good discussion. Thanks, David.

**Mr Bevan:** Thank you very much for those opening comments. This was a useful exercise for us just to document where we are at the moment and how much has occurred in recent months. The gentlemen with me, as you are aware, are Frank King and Rodney Metcalfe, my two deputies, and Tony Johnson is the manager of the corporate services division. Tony took up office just after I commenced in September. So we are both new boys on the block.

As evident from our response to the committee's questions on notice, the Ombudsman's office is currently undergoing significant changes to its organisational structure, its business processes, its goals, and the activities that it undertakes in pursuit of its goals. The office has always had an important role in Queensland's public sector accountability system and that role has been strengthened by the new Ombudsman Act, which recognises the office's lead role in improving administrative practice. Our response to the questions on notice provides the details of the changes taking place and, therefore, it is my intention at this time just to provide a brief overview of those changes.

Firstly, in relation to organisational structure, again this meeting is quite a timely one in that the new structure took effect from Monday this week—from 8 April—and the necessary changes to office accommodation for the various working units took place in the previous week and over the weekend. The main changes to structure, as indicated in our response, are the establishment of the Assessment and Resolution Team to centralise the intake and assessment process and undertake the informal resolution of complaints in straightforward cases; redesigning the investigative teams to provide for three teams, namely, the Community Services and Corrections Team, the Industrial and Development Team, and the Local Government and Infrastructure Team. A more logical division of work has been identified for each team based on complaint types and the agencies to which complaints relate.

A small unit has been established to deal with major investigations and other projects, some of which may become the subject of reports to parliament. We have established the Advice and Communication Unit, the principal functions being to plan and coordinate activities undertaken to improve the quality of administrative practice in Queensland agencies and, importantly, to improve community awareness of and access to the services of the Ombudsman's office, and the newly appointed manager commences duty next Monday.

In relation to our business processes, the major changes have been the establishment of the Assessment and Resolution Team, which I mentioned before, and the redesign of the office's complaints and records management system. When that system comes online later this year, it will underpin the changes already being implemented to standardise and streamline methods of operation and to give greater delegation of responsibility to the Assistant Ombudsmen. The new computer database will also provide efficiencies in complaints and records management, comprehensive reports on performance, and allow for trend analysis.

In relation to the office's goals, we maintain our goal of achieving administrative justice for members of the community in their dealings with state and local government agencies and we will continue to deal with legitimate individual grievances by way of investigation or informal resolution. However, greater emphasis will be placed on the office's goal of making a significant contribution to improving the quality of administrative practice in Queensland agencies. As mentioned, the Advice and Communication Unit will play a key role there, principally one of

coordination. It will not be expected to undertake all of the activities that we undertake to improve administrative practice.

A third goal of the office is to ensure that there is a high level of community awareness of our services and that the services are readily accessible. Again, the Advice and Communication Unit will play a key role in raising public awareness of the office. One of the specific tasks of the unit is to establish an informative and user-friendly web site for the office with the capability of enabling complaints to be made online. The office is finetuning its regional visits program to improve the speed and level of service delivery in regional areas and also, again, to promote awareness of our services.

Our fourth goal is to achieve best practice in the performance of our functions and to be progressive, responsive and client focused. In the pursuit of that goal, in addition to the business improvements that I have already mentioned, the office is taking part in the national benchmarking exercise with other Ombudsman offices.

So these changes have meant that it has been necessary to realign activities in pursuit of those goals. The major changes to activities will be reflected in the work undertaken by those three new units—the Assessment and Resolution Team, the Major Projects Unit and the Advice and Communication Unit. In pursuing the office's goal of improving administrative practice, the Advice and Communication Unit will undertake or coordinate activities, such as working with agencies to improve their internal complaints management processes, and I have already spoken to several CEOs about this proposed project and I have had a favourable response; producing and disseminating publications on issues relating to good administrative practice—and an example of such a publication appears at attachment 8 in our response; it is shortly to be disseminated to local governments. I do not think that that has quite happened yet—

**Mr Metcalfe:** No, it is about to happen.

**Mr Bevan:** We have provided it to them for that purpose, using the email system of the Local Government Association of Queensland. I have had several meetings with that association. Again, I have been promised a high level of support in our endeavours in this area.

The unit will also be undertaking trend analysis of complaints data and ensuring that serious administrative failures identified during investigations are effectively communicated to relevant agencies together with preventive strategies for the future. I think that is an area where we can improve on what we have been doing in the past. We have done good things in terms of individual investigations, but as far as drawing the lessons from those investigations and also providing those lessons to as wide an audience as possible throughout the public sector, that is where we need to improve. Finally, we are providing information to agencies, the general community and to disadvantaged and other special groups about the office's services and how to obtain access to those services.

There are a couple of other issues: firstly, accommodation. Our lease on our current building expires on 30 June of this year and we are presently finalising negotiations for our future accommodation. Taking into account a whole range of issues, including cost and accessibility to community members, we have decided to take up the option to renew the lease on our present premises. One issue considered there was our share arrangement with the Commonwealth Ombudsman. The Assistant Ombudsmen occupy premises that are subleased from us in our building. They share reception costs, thus providing citizens with basically a one-stop shop for complaints about state and Commonwealth agencies. I am keen to continue this arrangement as is the Commonwealth Ombudsman.

The report talks about our corrective services program and mentions that I was to meet with the director-general of Corrective Services, which I did last Monday. We discussed various issues. As a result of those discussions, the DG has agreed to work with us to improve internal review processes within that department and nominated an officer to liaise with my office for that purpose. She also agreed to consider a formal submission from us on prisoners being given access to the secure telephone system used within the prison and to use it for the purpose of making complaints to the office. At the moment, we visit each prison throughout the state twice a year, but there is not a lot of availability of telephone access between prisoners and the office. Most such contacts are made on prisoners' behalf by relatives and friends. In at least some other states, prisoners are able to contact the Ombudsman's office directly by phone. So we will be

putting up a formal submission to the DG on that. She also offered to print any articles that we develop on good administrative practice in the department's newsletter and invited us to have input into policy development and again gave us a contact officer there with whom we can liaise. The one issue that she did not agree with, which is also mentioned in our response, is that we had sought online access to departmental records. At this stage, she is not comfortable with that, because of concerns about security.

Finally, in relation to funding, my response details two areas of costs for which an increase in the budget is sought. The increase relates to the costs of leasing our office accommodation when the current lease expires and depreciation costs relating to the new complaints management system when that comes online in approximately September of this year. Without this funding, further investigative positions will have to be sacrificed to meet the shortfall. This will significantly increase the number of unfinalised complaints. I seek the committee's support for our submission in relation to funding during the committee's consultation with the Treasurer as required by section 88(3) of the Ombudsman Act. Thanks very much. They are my opening remarks.

**The CHAIR:** Thank you, David. That is a good way of opening up and raising a number of those issues. Apparently in the last 12 months or more there has been significant progress in the office and particularly some apparent change since you took up that position. So you do not seem to have been a slouch. You seem to have hit the ground running. So well done. It is good that you appear to have a lot of support from your team, too. I just wonder whether we might go to that structure diagram. I know that the members have a copy of that in the response paper—attachment 6 at the back. I do not know if members at this stage want to ask any questions or whether we might invite David just to add anything to give us a clear picture so that we know what those changes are and what benefits are likely to be drawn from the unit.

**Mr Bevan:** First of all, if I can just say that the level of support has been overwhelming across the office—primarily, of course, from my senior team, and some of those officers are here today, but right across the office and there has been an extensive level of consultation and involvement of officers at all levels in the changes that are taking place. Attachment 6 shows the overall structure of the Ombudsman's office. Then if you look at the three investigative teams, which are mentioned there, the Community Services and Corrections Team, which is on the left-hand side; the next one, industrial and development; and then going across one, the Local Government and Infrastructure Team. The type of work undertaken by those teams is detailed at attachment 7. As I say, we have tried to get a more logical blend of, first of all, agencies whose complaints are dealt with by particular teams. Then as you will see with the middle team, the Industrial and Development Team, that team will also deal with all employment related complaints wherever originating and all issues relating to tendering and contract as well.

I can say something about the Major Projects Unit. At this time that unit is working on a couple of major investigations. Our response refers to the electrocutions project, which is obviously the main one and a very resource intensive project. The difficulty for the people working on that team has been that in the past they also had a workload of ordinary cases. That meant that they found it hard to prioritise the very significant work they had to do on the major projects. So now more generalised work has been put into these three investigative teams and the Major Projects Unit is concentrating on those major projects.

**The CHAIR:** If I could open up with a question just to warm us all up. It is very apparent that you are shifting focus to some of the more systemic approaches, and it is pleasing to see that and hear that. From the public's perspective, in our role as elected members we tend to hear from the aggrieved people. I am personally still hearing of individual cases—and I do not like to use individual cases as a sign of more systemic problems—but there are still a couple of people who have raised with me in recent times the issue of time delays. I just wondered whether you are confident that in shifting resources to some of these other activities you and your staff will still maintain improvements in response times to managing complaints, because that is the core and the fundamental thing that the public wants to see happen. In relation to all these other things, they do not see that. We as members in our discussions know very clearly the importance of the changes you are putting into place and the importance of interdepartmental cooperation and other more preventative and systemic ways of dealing with issues. I just wonder whether you feel

that both the level of resourcing you have and the changes you have made will continue to bring improvement in the time frames in which complaints are managed.

**Mr Bevan:** Clearly time limits is a big issue for all complaints handling bodies. That has been my experience over a long period of time. In relation to the changes we have put in place here, one of the improvements we hope to achieve of course is in time limits. The purpose of, first of all, implementing the Assessment and Resolution Team is to take out from the consideration of the investigators a whole range of matters which do not need the investigative response. So at the moment investigators have been required to deal with initial complaint inquiries. They have been required to deal with follow-up calls from complainants as well as investigate more significant matters and conduct informal resolution. It makes it very hard for those officers to prioritise their work when the phone is ringing and new complaints are coming in. So those new complaints are now coming into the Assessment and Resolution Unit where that initial assessment work is being done. Matters which can be resolved informally and which are not complex matters can be attended to in that unit.

As I say, that only came into operation from Monday this week. I visited them yesterday and they are very busy, but they are also very confident that they are keeping on top of the work at this time. There are not a lot of matters going through to the teams, but I am also aware that we have a backlog of old matters and they are the ones we are currently focusing on. We make some reference in our response to the fact that right at this time—that is, coming towards the end of the financial year—we have some additional funds remaining as a result of a number of people leaving earlier in the financial year. They left just before Christmas unexpectedly. So we do have some funds. We are putting on some additional people specifically for the purpose of targeting those old matters. One officer has started already and there is another to start on Monday.

Also, I am very aware that complainants who are aggrieved with the amount of time being taken by the office investigating their matters are likely to go to their representatives, and we do still get quite a number of submissions on behalf of complainants from members of parliament. You are always going to get those, even for the new matters, but I am certainly mindful of trying to reduce the number of such representations in respect of the older matters.

**The CHAIR:** That is an issue, but before I go to that are there any other issues on timeliness?

**Mrs LIZ CUNNINGHAM:** The chair is right. If we get any approaches, it is from constituents either with fresh matters or, more particularly in this instance, ones that have taken a considerable amount of time. We usually get pulled up at the grocery store or at a function. I am a bit worried. You have touched on a matter that I was going to raise, but there seems to be an aggregation of events that are outlined in different sections of your report—which I have to commend you for, too; it was excellent.

**Mr Bevan:** Thank you.

**Mrs LIZ CUNNINGHAM:** You have lost some staff. You have redirected your focus not completely away from complaints investigations, but that has been tempered by this change in focus to process. You have newer matters coming in, and I can understand that from 8 April you may be able to get on top of the complaints because of that new way of filtering. But I do wonder about the outstanding matters. You have said that you will review the new structure in six months, but that six months on top of the two-year issue is a long time. Will you be reviewing those outstanding matters sooner than the six months, just to make sure that they are processing?

**Mr Bevan:** They are actually being reviewed now. Yes, we have been identifying the matters. Each matter is being reviewed. In two categories there are still unfortunately a number of matters which are older than two years. Obviously, they are the first ones we need to review to see where they are going and then there are the ones which are more than 12 months old.

**Mrs LIZ CUNNINGHAM:** There are about 1,000 outstanding matters, aren't there?

**Mr Bevan:** No. It is about 845 files, I think.

**The CHAIR:** Do you know all the names?

**Mr Bevan:** For this time of the year, as you will see from the table we provided, that is a fairly healthy position. We are hopeful that the number is going to continue to come down. But,



as I say, in bringing those numbers down, we have to ensure that we are not just dealing with the easy matters but that we are dealing with those more complex and older matters as well.

**Mrs LIZ CUNNINGHAM:** You have gone from 28 to 22 officers, but you still believe that you will be able to get on top of those cases?

**Mr Bevan:** Yes. We have to remember that as well as the 22 there are the three officers doing the Major Projects Unit, which is still complaint work but of course it is more complex work in which you would expect that there is a public interest in our putting additional resources into the investigations.

**Ms NOLAN:** I am interested in the initial handling of complaints on the part of that Assessment and Resolution Team. The context in which I come to it is that this committee has talked about what you do with complaints that you consider to be vexatious. We have talked about that in a number of contexts—that is, FOI and even the work that we do in our own offices. We have all moved away from simply being able to, I guess, toss out complaints on the basis of an initial assessment that they are vexatious. What do you do with complaints that you feel will go nowhere? Do you have a way of turning those complaints around fairly quickly before they get to investigative officers? How do you substantiate those kinds of decisions?

**Mr Bevan:** Certainly they are a category of complaints which are to be dealt with by the Assessment and Resolution Team. That team applies criteria to the assessment of complaints. Once we get our database in place, that will all be recorded on the database so you will be able to see which criteria were applied to the assessment of any particular case. Under the act we can dismiss complaints which are frivolous or vexatious, but the other criterion that we have to apply with limited resources is whether or not there is any likelihood that we are going to be able to productively investigate a matter.

Sometimes you have to tell a complainant, 'No, we can't take this matter up as we don't think there's any likelihood at all that we're going to be able to substantiate your complaint and therefore we can't allocate scarce resources to it.' The related issue there for the resources of the office with more complex matters are complainants where you do investigate and they are still not happy with the outcome and who just write in time and time again and refuse to accept that outcome. Eventually with those people, after you have done one internal review of it by a more senior officer, again you have to say, 'Look, there's no purpose in our putting any more resources into responding to your correspondence unless you can provide some additional cogent information.'

**Miss SIMPSON:** With regard to older and outstanding matters, do you have a quantity of how many are actually over the two-year mark at this stage that you are trying to resolve?

**Mr Bevan:** Over the two-year mark, yes. It is just over 100, which is a little under an eighth of our complaints, which I accept is not a desirable level of complaints in that category. We will be working to finalise a lot of those before the end of the financial year.

**Miss SIMPSON:** I was interested in your response. As other members have said, I was very impressed actually with the extensive response to questions on notice, which was terrific. Mention was made that you have also been talking to other agencies in grievance management to look at their procedures and recommendations. As I am aware, some of those agencies also have extensive backlogs. Even though I cannot ask you to comment upon what their problems are—I am not wanting to drop other agencies in it here without being able to have them represented—are there similar issues that are arising that you found in your organisational structure that other agencies have as far as types of conflicts, grievance management? Is this something that not only you have faced but other agencies are facing with having to deal with systemic problems? Perhaps I should rephrase that. The various agencies are dealing with grievance management, some of which also have problems with backlogs. Do you see that there is a link back more to the agencies that are the source of the grievances in the first place, or is the issue in the way that the responsible agencies are managing that?

**Mr Bevan:** Certainly in respect of the agencies from which the complaints originate, talking about those agencies first of all, I see a major project of our office over the next 12 months being to work with the main agencies—that is, the ones that are the source of most complaints—to improve their internal complaints handling processes. That is going to be a project which will be coordinated by the Advice and Communication Unit, but the officers who are

involved in dealing with complaints about those agencies will actually be working with the agencies, because they are the ones who have the knowledge of the agencies. I think they have the credibility to work with the agencies to improve their internal complaints management.

We have referred in our response to this particular document—and we did provide a copy of it to the committee—which is a document that we produced in cooperation with the Department of Local Government and Planning. It is about proper complaints management for local governments where you can provide one model which can be adapted to fit all. We are continuing to work with local government in actually providing training to local governments on internal complaints management, and Mr Metcalfe can talk a little bit more about that when I finish in that he has actually undertaken some of that training and some of his officers have provided the training also.

With the state departments and agencies, I do not think it is a case of the one model fits all. That is the message I am getting from talking to the directors-general. They want a model which fits the particular circumstances of their own agency. That is why, as I say, there will be an overarching project but then there will be all these subprojects working with each of the main agencies under that umbrella.

**The CHAIR:** I want to pick up on Fiona's point—and I think Peter is in line for a question, too—on this specific issue. It was documented in the response to your questions that something like 83 per cent of local governments did not have a complaints policy and 70 per cent did not have a documented complaints handling procedure. So obviously this work will be very useful. What is your assessment, though, of state government agencies? Do they have a better record than this?

**Mr Bevan:** Perhaps I can let Mr King answer that one. I can say first of all that the Western Australian Ombudsman has conducted a survey in recent times of just that issue in Western Australia. So that is something we could look at as well.

**Mr King:** The practice varies in the state. There are so many departments and authorities that it is very hard to generalise, and we do not have a survey of the type that has been done there. Our major complaint generating agency is Corrective Services. It has a fairly elaborate official visitors scheme whereby official visitors visit each prison at least twice a month for the purposes of dealing with prisoner grievances. So there is a fairly formal internal complaints handling system within prisons. The general managers of each prison are also mandated to deal with complaints, and they deal with a lot as well.

We get a lot of complaints from prisoners. A lot of them are intercepted through their own internal systems. The second largest single complaint generating agency would be WorkCover. With a lot of their matters Q-Comp is in existence. It is not an internal appeal as such. It is external, but it is a well-recognised and well-used path for grievances to be dealt with, particularly in relation to the run-of-the-mill compensation application decisions where people are denied workers compensation. David and I and officers have had meetings with the chairperson of WorkCover. That will be streamlined even more.

They do not want a model, per se. They want complaints management to be the responsibility of branch managers. Every staff member has to be complaint management conscious. It is not a matter of people making decisions and there being another body somewhere else and people thinking, 'I can make any old decision. I will flick it up there.' That is a reactive approach. They want all staff to be complaints management conscious. We are providing the guidelines, assistance and training to do that.

When you look at other agencies, I think it is fair to say that very few of them have a specific complaints management division or structure. The story I get from the ones I talk to is that it is a resource matter. Complaints management is not seen by agencies as being a high priority. They see that it is working tolerably well. If people have a problem, it goes to the regional director or to the officer in charge of that area and they deal with it on a one-off basis.

One of the best agencies is Natural Resources and Mines. They are very conscious of these things. They do not have a formal internal complaints management process. They have a process whereby officers have to deal with matters themselves. There is nothing particularly documented about it that I am aware of, but it is a process they have and it works pretty well. We get about 100 complaints a year. They might make 10,000 decisions a year. From their point of

view it becomes a cost-benefit analysis—how many resources they put into this when they have got other work to do, when the Ombudsman is getting only 100 complaints a year. They are probably getting some others as well, on top of that.

**The CHAIR:** That is a model in itself. Individuals being complaints management conscious seems to be a very effective model. I am not suggesting that every department ought to have a particular separate external body, but what you have described there—an integrated complaints management awareness and approach—seems to be a model for a lot of other agencies to use. As these new arrangements that you have gear up, I wonder whether your advice and information in communicating with other government departments can actually be suggesting some of these approaches—policies rather than models as such. It could be about making sure each agency has a very effective policy that might describe this sort of individual approach of individual officers—counter staff, intake people or whoever it might be—having this awareness and approach. That seems to be a positive avenue.

**Mr LAWLOR:** I agree with what Karen said about the education process, particularly in local authorities. For all other agencies that would seem to me to be one of the most effective ways of reducing the number of complaints to your office.

**The CHAIR:** I will give an example that struck me the other day. It took me a lot of time and it took officers of Energex—it may not be within your jurisdiction, but I use it as an analogy—a lot of time. A woman had put a lot of energy into a complaint, and a lot of other people had been involved in this complaint that went on for about six months. When I got to talk to her I found that her main beef was that she wanted an apology from an intake officer over the phone. If she had got that early on things would have been different. But it took all these people and all this stuff to resolve it. The matter related to getting access to an energy outlet on her acreage or something. It was a very strange issue. I would imagine that for a lot of people the source of their concern is how they have been aggrieved by rudeness or discourteous behaviour.

**Mrs LIZ CUNNINGHAM:** Unfortunately, the people who are discourteous like that are the least likely to say, 'I'm sorry. I didn't mean to upset you. I apologise.' They are the least likely. People get aggravated and it ends up in your office.

**Mr Bevan:** I support what you are saying. Obviously, if the agencies have effective internal complaints management processes in place it should reduce their complaints coming to us. Our practice is to refer complainants to the agencies, to ask them whether they have taken the issue up with the agency. Therefore, if the agency does have an effective internal complaints management process fewer complaints should come to us.

Whatever system the agency has in place needs to meet certain criteria. We are in the process of determining what those criteria should be. It does not matter what model is implemented, as long as it meets certain basic criteria. It has to be responsive. If an apology needs to be given, it should be given.

**Mr LAWLOR:** I refer to pages 11 and 12 of the report, the table setting out the backlog reduction and so on. I do not want you to take this comment the wrong way because, as with everyone else, I am very impressed with the report. How accurate is the figure for March 2002 of 1,093 and 845 for complaints and files? I do not mean that question to be a reflection on anyone. I presume the answer you will give is that it is an accurate figure. If we look at the bottom of page 11, at the figures for May to June 2001, we see an absolutely massive reduction—from 1,598 to 1,069. It is a similar situation with the files. There is a 33 per cent reduction in both numbers in one month. I would assume that that reflects tidying things up before the end of the financial year. If that is the case, the figures for March are probably overstated. Do you understand what I mean?

**Mr Bevan:** Certainly in the past there has been an emphasis on finalising as many matters as possible before the end of the financial year. I put in the figures for last year to demonstrate that. Go back to, say, June 2000, where we start at 963. Inevitably, as a result of doing that, in the next month, when officers are starting to get back into their more complex files, which they have not been able to attend to during June when they are trying to finalise the more straightforward matters, the numbers start escalating again. You can see that pattern. That is what I am trying to get on top of at the moment. Hopefully the figures you see there, which are

far more consistent, from December through to March, are an indication that the processes we are putting in place are starting to bite.

**Mr LAWLOR:** You are saying that those figures are high in the sense that they will be resolved fairly quickly between now and June but then they will escalate—hopefully not to the figures we have got there of the 1,700s—during the following year?

**Mr Bevan:** No. I am saying that if we continue with the business processes we have put in place that figure should continue to gradually come down. We will not have this downward trend in June and then an escalation after the end of June.

**Mrs LIZ CUNNINGHAM:** Which of the deputy ombudsmen looks after community services, industrial development and major projects?

**Mr King:** I do.

**The CHAIR:** What are the major projects? I know you have mentioned the electrocutions one. David mentioned in the response that there are three you will be reporting to parliament on. Can you give us an overview of what the major ones are and when you intend to be reporting?

**Mr Bevan:** It is a little difficult for me to give actual information about individual cases. The secrecy provision in the act is very restrictive. It is an issue we might have to address when looking at some amendments to the act.

**The CHAIR:** I am referring to major projects, though—not individual cases. Are you suggesting that some of the major projects are secret?

**Mr Bevan:** Any operational information about those major projects, including even identifying the subject matter of them. That is my concern with the present section of the act.

**Mrs LIZ CUNNINGHAM:** But you have identified the electrocutions one.

**Mr Bevan:** Yes, because it was already in the public arena. As we report in the response, with the first couple of investigations we provided a report to the department. We did not make a report public; we provided it to the department. Under the act we are obliged to report to complainants as well, so a copy went to the complainants. The matter then found its way into the media. There is a very active group called GRAVES in relation to these complaints as well. The act states that an officer of the Ombudsman who obtains information in an investigation must not disclose the information other than as part of the performance of the function. That is, the performance of the actual function in the course of which the information was obtained. It just seems to be very limiting on us as far as making any public comment about anything we do.

**Mr King:** We did mention major projects, as you are probably aware, in last year's annual report. There was a list of about 10 there. I do not know whether your question was directed at that or just generally speaking.

**The CHAIR:** Probably more generally the three that you intended to report on.

**Mr King:** I think you said we intended to report on three. We do not have three specifically.

**Mr Bevan:** Our work program for the next financial year would involve two or three public reports to parliament. That is as we foresee it. That is what we are budgeting for with that small group.

**Mr LAWLOR:** What input does the office have on the enforcement of some of the decisions or the agreements? The example you give at the back of your report is a good one. I believe it relates to the Gold Coast City Council. The process by which the council decided it would comply with the decision was that it would advertise: 'For those people who have been overcharged, please come in and we will give you a cheque.' That manner of refunding the overcharged fees effectively circumvents the decision. I have never seen the ad. I presume there is an ad in the local media. There are probably 300,000 or 400,000 ratepayers on the Gold Coast. The circulation of the *Bulletin*, for instance, is only 40,000. What I am saying is: why could it not have decided—it could go ahead with the advertising—to credit the accounts of ratepayers for the overcharged amount, for the properties that have not changed hands.

**Mr Metcalfe:** That was certainly an avenue that we investigated with the council. That was our first suggestion to them. The difficulty is that their database from the time that this arose has been lost in history and also cannot now be used effectively as against their current rating

database of owners. So they could not translate. We thought it would be a fairly simple matter for the council to use its former database and compare that with its present one. We were assured—we spoke with the most senior level of the council—that that was not possible.

**Mrs LIZ CUNNINGHAM:** Why was it not possible?

**Mr Metcalfe:** I cannot recall the exact technical reasons, but they have changed their database in relation—

**Mrs LIZ CUNNINGHAM:** As in their IT?

**Mr Metcalfe:** Yes, they have changed that.

**Mr LAWLOR:** That is a nice way of circumventing the whole situation, is it not?

**Mr Metcalfe:** But they went far beyond advertising purely in the *Gold Coast Bulletin*. There were A4-size advertisements twice in the *Gold Coast Bulletin* and in one of the local papers. There was an advertisement in the *Courier-Mail*, the *Australian*, the *Sydney Morning Herald* and the *Age*. In that way, we sought to ensure that it went far beyond the immediate people who would read the *Gold Coast Bulletin*. The other point is that advice was given by the council to the managing agents on the Gold Coast—many of the units on the Gold Coast are owned by persons overseas—so that they were able to make applications on behalf of either their local, interstate or overseas clients. We understand from conversations with the officers handling this that they have in fact had a substantial response to the advertisements which have been put out so that the majority of people have been in a position to come forward. We certainly take your point, but we did investigate that first of all.

**Mr LAWLOR:** I have had a couple of complaints about it. This is from people who did see the ad and did get their money back. But they commented on that fact. I do not know what a substantial response is, anyway. A substantial response to some bloke on the Gold Coast City Council might be five per cent.

**Mr Metcalfe:** It has not concluded as yet so we are going to audit that at the conclusion.

**Mr LAWLOR:** When did they change their database?

**Mr Metcalfe:** That has been progressive over a period of time. There was the amalgamation between the Gold Coast and the Albert Councils and each of those had separate databases at different times, so they have had to amalgamate those together and then they have progressed and adopted other software for their rating processes.

**Mr LAWLOR:** The particular complaint that I had related to fairly recent charges for rental accommodation. When I say 'fairly recent', it was in the last few years—long after the amalgamation. Surely some of these people would have been on the current database? Why could their rate account not have been credited?

**Mr Metcalfe:** The difficulty was in ensuring that all of the information was compatible, and it was not. We had made a recommendation in relation to a refund for one specific year only. It may well be that the person who contacted you had a complaint in relation to a subsequent year. What the council did, following our recommendation, is separate out the first year of the operation of this system. It was only that first year in respect of which a refund has been made. They have since proceeded on a triennial basis and that will conclude in August of this year. The latest information to us is that they are presently within 1.5 per cent of achieving their target up to August this year. We are going to do an audit at that time in relation to their three years. One of the difficulties is that the legal advice that both we and the Gold Coast Council received was that it is appropriate on a legal basis for them to charge a yearly fee even though they only make an inspection once every three years.

**Mr LAWLOR:** I understand all of that. I am in the same situation. I can tell you that they never inspect these places. I have paid the fee myself. I really do not care about it, but a lot of people do. Anyway, that is fine. Thanks.

**The CHAIR:** We will move on.

**Miss SIMPSON:** Returning to performance indicators, mention has been made of benchmarking with the Commonwealth, but you also have performance indicators for yourself that you have to meet with Treasury. Page 3 of attachment 1 of your report refers to performance indicators and whether they would be incorporated into the new reporting regime. From

discussions with Treasury, Treasury's view is that it is not necessary to have all of the performance indicators included in the Ministerial Portfolio Statements. I wanted to get a bit of an indication as to what sorts of things are likely to be reported and the things that are not. Will those that are not be available to us as a committee?

**Mr Bevan:** To answer the last part of your question first, yes, I will undertake to make that information available to the committee.

**Mr Johnson:** The exercise to look at next year for performance indicators starts next week. It is a fresh piece of paper. You can see from the Ministerial Portfolio Statements in the Information Commissioner's area that there are probably three-quarters of a page of items, which in the Treasury's mind is quite sufficient coverage of our interests. If you refer to the strategic plan, under the four goals there are probably eight performance indicators for each area—25 or 30-plus indicators. That is really in broad terms what Treasury is saying, and naturally we would agree. We need not go to that full extent of public reporting through the budget process. But in identifying those indicators in the strategic planning process, certainly they are the sorts of things that we would look at for internal or annual reporting mechanisms. I think an honest answer to the question is that that is something we will look at very seriously next week.

**Mr Bevan:** We are certainly interested in indicators which show that we are value adding. Things like the number of recommendations we make to agencies is one thing. But the percentage of those recommendations actually implemented, I think, is important as well. Certainly with the new database we will be in a position to easily record that.

**Mr Johnson:** Treasury is driven by target setting. The example David just gave is certainly something for which it is very hard to set a target in terms of numeric quantity in year 1. Obviously, in terms of a percentage indicator, there would be a very high result there. Some of these things are going to evolve. It will not take a long time, but right now here today it is virgin territory.

**Miss SIMPSON:** As you work with that project across the states to set national benchmarks, would you envisage that there would be a review with Treasury on how you report and incorporate some of those national benchmarks?

**Mr Bevan:** Certainly that is something we would be giving consideration to. As I said in the response, a lot of the information we could not provide to the Commonwealth. Some of the other state Ombudsman offices were in the same boat. At what point all of them will be able to provide the same amount of information is something of a moot point. But certainly we will be able to provide that information when the new database comes online later in the year. From there, as I also say in the response, the types of measures are fairly basic statistical things such as the number of complaints—they divide complaints into two categories—and the number of complaints in those categories received; cost measures, which simply involve dividing total costs by the number of complaints dealt with; and things like that. I do not think it is cutting-edge stuff. I would actually raise the issue of whether it should include measures of the type which I just mentioned, such as the number of recommendations which are taken up by agencies. That is something which will be considered, but they have not agreed to it as yet.

**Mr King:** Can I just add something on performance indicators? The big danger lies in the figures. The easy indicators relate to time and cost. An Ombudsman's office has to be effective as well. The trick is finding indicators that demonstrate effectiveness. David has mentioned the percentage of recommendations and that sort of thing. Other Ombudsman's offices are not too keen, at this stage, to put those in. There is still a bit of conversation going on about that. It is always a balance. You can do things quickly and get rid of things very quickly, but whether you are achieving anything for people is another thing.

**Mr Bevan:** It leads into that interesting argument about what the significance is of the number of cases which you substantiate. I see that as just part of our overall report card. Just off the top of my head, for the next financial year our report card would involve a couple of major projects and producing public reports on those. It would involve having an effective initial assessment of complaints and doing that within certain time frames. It would involve doing a reasonable number of investigations and substantiating a reasonable number of those investigations, as well as doing all of this other work in terms of improving good administrative

practice. That is more in the nature of the report card performance indicators which I would be looking to.

**The CHAIR:** I would have thought that last function would largely fall under the new Advice and Communication Unit. I think the manager starts next week. There are two other positions to be filled there. In today's session we have talked a fair bit about some of the work across government agencies. It is a tall order for a small band of people. I know you have indicated in your responses that they will be leveraging activities of other areas of the office. I suppose again the question is: are you confident that the resources allocated for that—the staff numbers—will be enough for the brief that they have? A critical area will be getting the administrative practices improved across other agencies.

**Mr Bevan:** It will be. Obviously, if we had a larger unit we could do more. But as I say, the way in which we have set it up, we are confident it can have a significant impact. The first job, or one of the very first jobs, will be for that person to develop a business plan for the unit as to what the unit is going to undertake and coordinate for the next financial year. One of those projects will be the one I spoke about before—improving internal complaints management across the major agencies.

**Miss SIMPSON:** What incentive is there for the agencies, other than the fact that they may have a bad record of managing grievances, to engage with you to improve their practices? Is it really a case of negotiation on your behalf to identify these areas and say, 'We can help you,' or is there any other way of the departments being brought into line to deal with their grievance management?

**Mr Bevan:** I think in general terms there is a commitment in particularly the major agencies to good administrative practice. That is indicated in the response to the recommendations we make. In almost every case our recommendations are implemented by agencies. Therefore, I think that is your starting point. I do not think you are dealing with CEOs who are reluctant to improve administrative practice. We see this as just one area of improving administrative practice.

**Miss SIMPSON:** At the outset you said that agencies or departments are saying to you that one size does not fit all as far as how they respond to grievance management; that for some it is very much at the front desk and they can have everybody involved in that process. For those that have systemic problems that you will be trying to address with agencies, what reporting mechanisms do departments have in, say, their annual reports? Is that just a voluntary thing that they include within their annual reports to outline what their grievance management process has been?

**Mr King:** I am not aware that they do report in their annual reports on that. There was a recommendation, I think, in the Wiltshire report that agencies report annually on their complaints system and that sort of thing. That is a matter for other agencies. We have not pushed that with them. What we are trying to do is improve their processes. It is a voluntary thing. It is a cooperative thing. We have mentioned that to them, but whether they run with it or not is not something that we just force on them.

**Miss SIMPSON:** It might be interesting to do a summary of those—all of your annual reports come out at approximately the same time—who are conscious of addressing grievances at least at the level of their annual report.

**Mr Bevan:** I think that is a good point. It is probably something that we should be monitoring.

**Mr King:** The Financial Administration and Audit Act could always be amended to require that. That governs what goes into annual reports. That is a legislative thing.

**The CHAIR:** Could I ask about staff? You mentioned earlier that you were confident that all levels of the organisation are actually getting behind the changes. This is a big feat. One thing that will be important is keeping a positive outlook among staff as changes take effect. Some might be aggrieved and others will see the changes occurring as very positive. I noted that within Tony's area you are looking at getting someone for six months to focus on documenting the human resource policies of the office. I am not sure what will happen after that in terms of monitoring and implementation. In such a big area of activity and with such significant change occurring, both over the last 12 or 18 months and into the future, how you keep a good handle

on people's morale, sensitivities to change and the sorts of problems that might emerge are big issues. People will be working in new teams with new people. It seems as though that is a big area that needs monitoring to achieve the success and specific outcomes you are wanting.

**Mr Bevan:** I can make a couple of preliminary comments, and that is that I know the committee had an interest in a staff consultative committee. That is up and running now. That is one forum for the staff to funnel any of their concerns through. The committee meets with me and with Tony at regular intervals and can funnel up any of those types of issues. Also, as you can see from the way in which we have implemented these changes, there was extensive staff involvement through a number of committees. They were driven at the Assistant Ombudsman level and we then had other staff on as well. So they were involved not only in proposing the changes; they were also responsible for consulting with other staff on the changes as well and obtaining their input. In that sense it has been very much a joint effort.

Also, one of the aspects of training which we are looking at and will be implementing is team building. That is important when you put any new structure in place. We will be making sure that there is a good rapport among team members. Certainly it is my intention to keep a very close eye on those issues, particularly in the Assessment and Resolution Team, where there will be a very high volume of work. At different times it can be very busy there. It is a possibility that people can suffer from burnout in that sort of situation. I think it is very important that we monitor that. We do propose to rotate people through at six to 12-month intervals as well. Tony, do you want to add something to that in terms of training?

**Mr Johnson:** I think you might have covered that point on training pretty well. In relation to the longer term aspects of the question you asked, following the recommendations of the strategic management review the office reviewed the requirements of my position and decided to recruit somebody with a human resources/organisational development background. That led to my appointment. I suppose there has been a strengthened capacity to have that expertise in the office. Certainly probably three-quarters of my work in the last seven months has been supporting much of this change, as distinct from being overly involved in corporate services-type issues at a routine level. The work that lies ahead to develop, document and inform staff quite clearly of terms, conditions, policies and procedures is significant. We would not want to underestimate it. It is a small office, obviously, but we are part of a very big organisation—the Queensland public sector. Notwithstanding our independent position of employment under our own act, the approach has always been to model and mirror Public Service terms and conditions.

Having said that, I think we will aim for simplicity and something that is appropriate to an organisation of 50 people. The ongoing maintenance of issues is something that I am fairly conscious may lead to some further restructuring within corporate services to build in some more permanent capacity there. But I certainly do not want to pre-empt that just at this stage. I think we have got to build the foundation.

My observation since arriving is that, whilst the framework is not overly documented and a good number of staff are not fully aware of the terms and conditions that they work under, I can compare this with working in other similar types of organisations. Practices are not overly shoddy or piecemeal and staff are not being treated in a highly discriminatory way. We have a fairly open-door policy. We are not inundated with complaints from staff about their treatment. You get a couple of queries a month about finer points. Certainly in recent times we have been aiming to address those in a way where people are fully informed and aware of the backgrounds to decisions made.

**Ms NOLAN:** My question is about an area that we have not looked at before. I am really impressed with your concentration on Corrective Services issues. I think people in jail are, necessarily, pretty marginalised and have a lot of complaints about administration. However, there are other marginalised groups. I understand that for now your priority should be on getting through the work that you have got rather than on going out and finding more. However, do you have a strategy to identify marginalised groups who have administrative complaints? I am particularly interested in remote Aboriginal communities where people have a lot of dealings with government and a lot of bad experiences. In terms of your regional visits, I thought the only community that you had been to was Yarrabah. Do you have any plan for targeting those people and being of active assistance to them?



**Mr Bevan:** I am mindful of the fact that there are particular requirements and difficulties in the delivery of services to those sorts of communities. I addressed the Aboriginal Coordinating Council last year. That was the first time they had ever seen the Ombudsman. I think they were wondering initially what I was doing there until I explained that really their organisations are within our jurisdiction. But it is true to say, I think, that we get very few complaints about them. Although I do not know, I suspect that is because they are not aware of the services we offer. Yes, it is certainly a group that I have been thinking about and am aware of. It is something we are going to raise with the new Manager, Advice and Communication. I think anything we do there we would be doing in conjunction with the department—just looking at what sort of service we can provide and what sorts of needs they have.

**Ms NOLAN:** When you get through your backlog perhaps that could be a priority. Certainly there are other marginalised groups. Homeless people, for instance, could do with all of the help they can get, but they probably do not know where to start.

**The CHAIR:** Could I pick up on that indigenous issue. I think it is important that the priorities that an office like yours determines fit well with some of the topical policy issues within the state. For instance, the point Rachel has raised about the ACC is an important one. I wondered whether you had jurisdiction over the Aboriginal Coordinating Council. Given the topical issue this week of dealing with alcohol consumption in remote Aboriginal communities, it seems to me that there are significant complaints coming from members of communities about the workings of the ACC and the lack of support that many people are expressing to people who have been involved in the government consultations on these issues. But they would not necessarily—for cultural and a range of reasons—want to make a complaint. But if they did, as you are indicating, they may not know of the jurisdiction of and the role that the Ombudsman's office plays.

I wonder whether in your planning you might look at some of these topical areas. This will be one of the most significant issues for this government to tackle this year and in following years. I think it is really important that all resources that can possibly be allocated to these sorts of areas to ensure their successful implementation are allocated, and that includes the capacity for people to make a complaint and follow up concerns. I think that is a good point to have raised today. It is not for you to align yourself with government priorities, but it certainly seems that these issues will require energy across all areas of government. It is very important that, in particular, people in remote areas understand your role.

**Mr Bevan:** I certainly agree that it is an area we need to give greater emphasis to and we need to look carefully at what sorts of services they need from us and how we can best deliver them. The individual councils are within our jurisdiction and we do get complaints from time to time, but not very many or a substantial number.

**Mr Metcalfe:** No. Over the last couple of years we have visited other centres as well.

**Mr Bevan:** As well as Yarrabah.

**Mr Metcalfe:** Yes, in particular Cherbourg.

**Mr King:** I have led quite a few, including Lockhart River. The previous commissioner went to Aurukun and Mornington Island.

**Mr Metcalfe:** Palm Island.

**Mr King:** Palm Island. How can I put it? I do not think we were all that popular with the local administration.

**Miss SIMPSON:** The people who are more likely to promote the advantage of going through your office are more likely to be the people who are elected members and necessarily people within the administration. I am not saying all elected members. Obviously, you cannot be present in all places and even elected members have large electorates or large and diverse constituencies. I would suggest that there is always more that can be done to keep that line of communication with federal, state or local government or with people elected to various Aboriginal councils to keep them up to date with information about what you can do. Obviously, we will channel people through to those that can help. Obviously, you will also be in a position to help people with written responses. I guess one of the questions that arises in my mind from Rachel's

question is your ability to take verbal complaints from those who have literacy issues. How much of an impediment is that?

**Mr King:** Not at all now. We can take complaints orally.

**Mr Bevan:** Under the new act.

**Mr King:** Under the new act. We have developed a policy that, if it is a complex matter, we still require people to put it in writing. If they cannot write for themselves, we will do what we can to get an interpreter service or somebody who can write on their behalf. We do not want to take complex matters orally, because later on down the track they will say, 'I told you something and you didn't pursue it.' It is a simple matter. We do it all the time.

**The CHAIR:** To keep it in perspective, too, I am not suggesting that the Ombudsman's office is the answer to all of these issues. But there has certainly been significant concern about the role of, say, the Aboriginal Coordinating Council in relation to some of these important issues. That is a matter for government to deal with in a whole range of ways. I think the general point is that there are particularly marginalised groups, such as those in remote communities of the cape, that even if they knew about you would not necessarily use you because, 'You're a white man structure that is not really part of our system.' But to the extent that you are visiting, we certainly encourage you to continue that sort of thing and try and find ways of making links into those communities as best you can.

**Ms NOLAN:** Too often we see that it is the people who most need services and assistance who are the least likely to get it.

**Mrs LIZ CUNNINGHAM:** No, it is fairly mundane actually and fairly predictable from a regional representative—that is, I have to express concern about any proposal to reduce the number of trips. Some 184 was nominated as the target and 159 were actually done. I notice that one of the trips was cancelled because of the complaint numbers. It was felt that two officers could not be absent for five days. Firstly, I wondered why that absence was not just reduced, because for a lot of people face-to-face contact is much better than contact over the phone or writing in that abstract sense. Secondly, people in rural and regional Queensland, whether it is remote communities or coastal communities, have always suffered from a lack of services in the sense that it is concentrated in the south-east corner, and that includes access to ministers and the whole works.

With the pressures noted in other parts of your report, it is clear that there are going to be financial pressures but you feel that you can take the risk in that an area of saving would be trips. That would be counterproductive certainly from the perspective of those of us who represent rural and regional Queensland because of that lack of access to the Ombudsman's office. Some people communicate very poorly over the phone. Some hate using the phone and will give scant detail to get off it. Others need that face-to-face contact to be able to communicate effectively. Firstly, I wanted to question whether there is an active intention to reduce your number of trips and, secondly, to express my concern at any reduction in regional trips.

**Mr Bevan:** I think I mentioned at my last meeting with you that we were looking at the trips program, not for the purpose of reducing the number of trips but perhaps the number of days we spend sitting in council chambers taking complaints. That has been the focus of the changes which we are putting in place. What was happening was that even with complaints not within our jurisdiction a lot of time was taken up in explaining and saying to people, 'No, this is a complaint about the Commonwealth. You need to go to the Commonwealth Ombudsman,' or 'No, this is nothing to do with the state agency or a local government.' What I was keen to do was to spend the time on the trips resolving complaints, not on intake and assessment. I take your point, and it was an issue you raised last time in that some people are reluctant to make—

**Mrs LIZ CUNNINGHAM:** Sorry.

**Mr Bevan:** No, it was a good point. I have been very mindful of it. It is actually something I have related to my senior officers when talking about the trips program—that is, your concern that some people do not like talking over the phone or are reluctant to do that. I do not think we have got it right yet, but what we are trying to do is advertise in such a way that people do contact us. If they can, they can explain to us at that time what their matter is about. In many cases—and Rod can speak about this from his experience in doing a trip to Cairns recently—their matter can be resolved before we go on the trip. We only do the trips once or twice a year to particular areas,

so it means you are only providing that service at six-monthly intervals and then people have to wait for the resolution of their matters. We are looking for the best way to encourage people to contact us beforehand to see what we can do with their complaint before we embark on the trips but then still go on the trips, speak to any of the complainants of the kind you spoke about who are reluctant to give details over the phone but also with the other matters to actually be up there resolving the complaint either with the local council, with the local agency or speaking to any witnesses we need to speak to. Perhaps you could just elaborate on that, Rod, in respect of that particular trip you did to Cairns.

**Mr Metcalfe:** We found in Cairns that in fact we received more telephone inquiries on this occasion than we had telephone inquiries and interviews on the previous occasion, so people in the Cairns area specifically were not affected by contacting us in the first instance. We were then able to sift out those which were out of jurisdiction or which had not been to the agency in the first instance and then concentrate on those where an interview was required, and several were undertaken, and also on existing complaints where perhaps we needed some more detail from them or we needed an inspection to be undertaken or those matters where we have reached the situation where we needed to examine the council files or interview council officers. All of those were undertaken on that particular trip. The one that was cancelled was in fact a five-day trip. Because of the distance involved, it would have meant 10 working days for the two officers. That is going to be held in probably early June of this year in substitution. But we are very mindful of the points you have raised in relation to not only rural areas but also south-east Queensland. We are not going to diminish the overall trip numbers throughout the state.

**Mrs LIZ CUNNINGHAM:** Thanks. It is something I will keep harping on about, because it really is an important point. Can I ask one other unrelated question before we finish?

**The CHAIR:** I will just indicate to members, too, because they may have final questions, we will be breaking shortly and other officers will be joining David from the Information Commissioner's Office as part of this and we will not be having a *Hansard* record or anything like that. We will need to do that within the next five or 10 minutes to allow full and proper discussion on the Information Commissioner.

**Mrs LIZ CUNNINGHAM:** Just in this general role, page 8 of your report talks about improving your communication with public sector agencies, entering into corporate arrangements, establishing a network of liaison officers and there are another couple of dot points. I wondered whether you could see the perception—not necessarily the reality—in the public mind that that could be seen as a reduction of the independence of your agency. At the moment you are seen as the Ombudsman. You are not attached in any physical sense to any of the departments that you are charged to investigate on the basis of complaints. Could complainants feel that that independence and objectivity is somehow compromised because of your new liaison role and your role to address some of the systemic approaches of complaints within the departments you investigate?

**Mr Bevan:** I could foresee that that perception could arise. It would not be a legitimate perception, but I expect it could arise. Again, we have a separate unit which is driving this. It is not the investigative unit which is driving it. It is really looking at the broader issues of administrative practice rather than at individual complaints.

**Mr King:** Can I add something to that. Yes, we do want to be seen as independent of agencies. We do not want to be too close to them. It is not in our interest to be seen as too close to the people we are supposed to be investigating, but the practical reality is that for the benefit of the complainant good relationships with agencies are important. If we have bad relationships with agencies, the complainant is not going to get the result. You have to manage the relationships to get an outcome. A lot of it is relationship based. Some agencies think we go in too hard and that affects the relationship. Some people think we do not go in hard enough. We are always straddling that barbed wire fence. It is a good point.

**Mr Johnson:** I think, too, if you had a look you would see the Auditor-General similarly engaging in communications with their clients in a similar way, not identical, for the same reasons. It is just an essential part of working as an independent body; to be able to communicate effectively with those you have to review. That has been an established practice at the Audit Office for some time now.

**Miss SIMPSON:** I have a question going back to regional visits. I can appreciate how you are trying to target that and make it more effective. Because of the size of this state, if you are going somewhere you want to know that you have something to offer people when you actually do meet with them. You have identified that there needs to be a raised profile of the Ombudsman throughout various parts of the state. I have a concern that, if visits are wound back because there is not the initial complaint, that can act to decrease the awareness of the Ombudsman in the community. If the Ombudsman is visiting, people are at least aware. I am wondering what you can do to counteract the fact that, without that physical presence, people's awareness also decreases.

I know that you have this new role and long title that I will not repeat. That person is supposed to be undertaking ways as to how to reach people, but if you do not have the visits you will decrease people's awareness at the same time. It becomes a bit of a double-edged sword. How best can that be addressed? I still think that you need to be physically present in some form even if there are not complaints. Whether that is done by someone undertaking an educational role dealing with systemic issues with agencies and the educational aspects of agencies out in the regions, perhaps at the same time they should also be waving the flag publicly as to the role of the Ombudsman and presenting that role.

**Mr Bevan:** Certainly, we have started to do that in the course of providing advice and training on the local government complaints management guidelines. Rod has visited various centres such as Townsville, Mackay—

**Mr Metcalfe:** In fact, we did a pilot on the Gold Coast and then either myself or one of my senior investigators visited Gympie, Charleville, had a session in Brisbane, Cairns, Mackay and Rockhampton. We are just about to undertake sessions in Bundaberg and two in Townsville for the Townsville City Council and Thuringowa City Council. One of the other things we are seeking to do is also to meet with the regional managers of state government agencies at the same time. When I was in Mount Isa late last year, I met with the officers there. David has met with the officers in Townsville. I will soon be going between Mackay and Townsville to undertake this training. I will be meeting with the regional managers in Mackay. In that way, we are disseminating the information at another level, but we acknowledge the points that have been made by a number of committee members in relation to our actual presence in the areas.

**Miss SIMPSON:** People need to be aware of it beyond the agencies themselves, even if that is the function you are primarily doing when you are going in. Otherwise, the average person ceases to know that this is an avenue they can come to with legitimate administrative complaints.

**Mr Bevan:** Our new manager of that unit has a public relations background. We are very hopeful that she will be able to show us how to raise our profile in those areas.

**The CHAIR:** We need a new TV show about the Ombudsman. Someone could write a script for Grundy's or someone else.

**Mr Bevan:** We will put it into the business plan.

**The CHAIR:** I imagine your backlog will go up and your demand will go up.

**Mr Bevan:** Of course, that is the other issue for us. If we do raise our profile or course, it could increase the number of complaints as well.

**Mrs LIZ CUNNINGHAM:** But that is no reason not to raise your profile.

**Mr Bevan:** Absolutely.

**Mrs LIZ CUNNINGHAM:** You are in a bind, because if you do you will get more jobs but your budget will not stretch.

**The CHAIR:** Do members feel happy that they have canvassed all issues? David, do you and your staff feel like you have raised all the issues that you wanted to raise?

**Mr Bevan:** Yes. If not here this morning, at least in our response we think we have raised all the relevant issues.

**The CHAIR:** That is good.

**Miss SIMPSON:** Sorry, but I have one last question. I am interested about Internet access. I see you have a web page, but are you finding people seeking to lodge complaints by the Internet? Is that creating problems?

**Mr Johnson:** No.

**Mr Metcalfe:** That is a planned activity actually. It is not available as yet.

**Mr King:** I think a lot of them online are just an email. That is Internet. They do not need a home page or a web site to lodge a complaint. Like everybody else, we are just on email. We probably only get a handful a year through email.

**Miss SIMPSON:** That is interesting. Obviously they have not got you on their list yet.

**Mr Metcalfe:** I think that is increasing. The number of complaints that we are receiving direct via email is in fact increasing.

**Mr King:** But the problem with email complaints is that we require people to provide supporting documentation. They just cannot fire in an email with a complaint. We want to see the supporting documentation. Unless they are pretty cluey and can scan it in as an attachment and that sort of stuff, they are still going to use the telephone or the post.

**Mrs LIZ CUNNINGHAM:** Which is probably beneficial, because there are a few who can use the email.

**Miss SIMPSON:** My office is getting about 70 a day, but as most members here would probably find they are not necessarily personally addressed. It is still the issue of having them managed—

**The CHAIR:** But you are a high profile champion for the disadvantaged.

**Miss SIMPSON:** I am sure you are getting a few on your email list, too.

**The CHAIR:** We might wrap it up there. Again, thank you very much for the comprehensive written response and also the opportunity to talk with you further today. I can see some of our famous Parliament House low fat, low cholesterol scones on a tray outside. I would suggest that, if you have a few minutes to stay, please stay and have a coffee with us. Greg Sorensen and others are coming. Maybe we can take five or 10 minutes just to have a quick break and then we will go on to the Information Commissioner.

**Mr Bevan:** I thank the committee also.

**The CHAIR:** Thank you.

The committee adjourned at 10.33 a.m.