

LEGISLATIVE ASSEMBLY OF QUEENSLAND

LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

**Meeting with the Queensland Ombudsman
11 May 2004**

June 2004

Report No 44

LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

51ST PARLIAMENT

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Copies of this report and other Legal, Constitutional and Administrative Review Committee publications are available on the Internet via the Queensland Parliament's home page at: [**<www.parliament.qld.gov.au/committees/legalrev.htm>**](http://www.parliament.qld.gov.au/committees/legalrev.htm).

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LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

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

REPORTS	DATE TABLED
29. Annual report 2000-01	2 August 2001
30. Progress report on implementation of recommendations made in the <i>Report of the strategic management review of the Offices of the Queensland Ombudsman and the Information Commissioner</i>	8 August 2001
31. Review of the Members' oath or affirmation of allegiance	25 October 2001
32. Freedom of Information in Queensland	20 December 2001
33. The Electoral (Fraudulent Actions) Amendment Bill 2001	27 March 2002
34. Meeting with the Queensland Ombudsman – 12 April 2002	14 May 2002
35. Annual report 2001-02	23 August 2002
36. The Queensland Constitution: Specific content issues	27 August 2002
37. Meeting with the Queensland Ombudsman – 26 November 2002	12 December 2002
38. Meeting with the Queensland Ombudsman – 29 April 2003	6 June 2003
39. The role of the Queensland Parliament in treaty making – Review of tabling procedure	17 July 2003
40. Annual report 2002-03	21 August 2003
41. Review of the Queensland Constitutional Review Commission's recommendations regarding entrenchment of the Queensland Constitution	27 August 2003
42. Hands on Parliament – A parliamentary committee inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic processes	11 September 2003
43. Meeting with the Queensland Ombudsman (25 November 2003) and final report on implementation of recommendations made in the <i>Report of the Strategic Management Review of the Offices of the Queensland Ombudsman and the Information Commissioner</i>	17 December 2003

PAPERS	DATE TABLED
Truth in political advertising (Issues paper)	11 July 1996
Privacy in Queensland (Issues paper)	4 June 1997
The preservation and enhancement of individuals' rights and freedoms: Should Queensland adopt a bill of rights? (Issues paper)	1 October 1997
Upper Houses (Information paper)	27 November 1997
Inquiry into issues of Queensland electoral reform (Background paper)	25 November 1999
The role of the Queensland Parliament in treaty making (Position paper)	25 November 1999
Freedom of Information in Queensland (Discussion paper)	8 February 2000
Four year parliamentary terms (Background paper)	11 April 2000
Review of the Queensland Constitutional Review Commission's recommendations relating to a consolidation of the Queensland Constitution (Position paper)	27 April 2000
Inquiry into the prevention of electoral fraud (Issues paper)	8 September 2000
The Queensland Constitution: Specific content issues (Issues paper)	18 April 2002
The Queensland Constitution: Entrenchment (Proposals for Comment)	27 August 2002
Hands on Parliament - A parliamentary committee Inquiry into Aboriginal and Torres Strait Islander Peoples' Participation in Queensland's Democratic Process (Issues paper)	12 December 2002

CHAIR'S FOREWORD

The Legal, Constitutional and Administrative Review Committee of the 51st Parliament continues the role of monitoring and reviewing the performance by the Ombudsman of functions set out in the *Ombudsman Act 2001* (Qld).

My fellow committee members and I are pleased to be informed by the Ombudsman of the significant progress that has been made in the investigation of administrative action taken by agencies and, notably, in improving the quality of decision-making and administrative practices in agencies, since the last report presented by the previous committee to the previous parliament.

I thank the Ombudsman, Mr David Bevan, the Deputy Ombudsmen, Mr Frank King and Mr Rodney Metcalfe, the Acting Manager, Corporate Services, Ms Dianne McFarlane and other staff of the Ombudsman's office involved in providing information to the committee including the Office's response to the committee's questions. The committee is grateful for the cooperative spirit with which that information and those responses are provided.

My thanks also go to the committee members and staff for their participation in these proceedings, and to Hansard for the transcription of the meeting with the Ombudsman.

Dr Lesley Clark MP
Chair

TABLE OF CONTENTS

	<u>Page No</u>
1. BACKGROUND	1
2. THIS REPORT.....	1
3. COMMITTEE COMMENTS.....	2
APPENDIX A - THE COMMITTEE'S QUESTIONS ON NOTICE AND THE OMBUDSMAN'S RESPONSES	
APPENDIX B - TRANSCRIPT OF MEETING	

1. BACKGROUND

Under the *Ombudsman Act 2001* (Qld), the role of the Queensland Ombudsman includes investigating administrative action taken by agencies and improving the quality of decision-making and administrative practices in agencies. The Ombudsman is described by the *Ombudsman Act* as an officer of the Parliament and is required to report to Parliament by way of reporting to the Legal, Constitutional and Administrative Review Committee ('the committee' or 'LCARC').

LCARC has a general responsibility in relation to the reform of administrative review procedures in Queensland. In respect of the Ombudsman, specific functions are also conferred on the committee by s 89 of the *Ombudsman Act*. These specific functions include:

- to monitor and review the performance by the Ombudsman of the Ombudsman's functions under the *Ombudsman Act*;
- to report to the Legislative 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.

In order to perform these functions, the committee has established a continual, open dialogue with the Ombudsman. This process includes:

- holding two general meetings with the Ombudsman each year;
- timing these biannual meetings so that one is held following the tabling of the Ombudsman's annual report, and the other preceding the estimates process;
- prior to each meeting, forwarding to the Ombudsman written questions on notice concerning issues relating to the committee's special functions, and requiring written responses to those questions for the committee's consideration; and
- following up the responses to those questions on notice by meeting with the Ombudsman and asking further questions without notice.

Following each biannual meeting with the Ombudsman, the committee reports to the Legislative Assembly on matters concerning the Ombudsman discussed prior to, and at, the meeting.

2. THIS REPORT

The fifth general meeting of the committee and the Ombudsman was held on 11 May 2004. The meeting preceded the 2004 estimates process. The committee discussed budgetary issues with the Ombudsman among other matters.

Prior to 11 May 2004, the committee had:

- by letter dated 8 April 2004, forwarded to the Ombudsman written questions on notice: these questions and the responses to them provided by the Ombudsman on 4 May 2004 appear as **appendix A**; and
- considered the Ombudsman's responses.

At the meeting on 11 May 2004, the committee, the Ombudsman and senior officers of the Ombudsman's Office, discussed in more detail issues arising from the questions on notice and the Ombudsman's response. A transcript of that meeting appears as **appendix B**.

During this process of dialogue, the following issues were discussed with the Ombudsman:

- the timeliness of complaints resolution;
- the *Catalyst* complaints and records management system and the improved capacity of the Office to analyse and report on complaints data;
- a review of the investigative team structure;
- assistance being given to agencies to improve complaint handling procedures, including the Effective Complaints Management Project, and the preparation and issue of publications such as, *Developing Effective Complaints Management Policy and Procedures*;
- the Better Decisions Project to improve administrative decision-making;
- the co-operative project, with other complaint agencies, to promote multicultural access to, and awareness of, services;
- recommendations made to agencies to improve practices and procedures, including formal recommendations under s 50 of the *Ombudsman Act*;
- surveys of complainants conducted to ascertain satisfaction with the outcome of complaints;
- progress towards a completed package of human resource policies; and
- budgetary issues for the Office, including budgetary limitations in relation to proposed advice and awareness activities and printing and production.

3. COMMITTEE COMMENTS

The committee commends the Ombudsman's Office on the timely and efficient way in which it is assessing and resolving complaints. Encouragingly, where formal recommendations were made to agencies under s 50 of the *Ombudsman Act*, the acceptance rate of those recommendations was high.

The committee is also pleased to acknowledge the many significant initiatives being developed by the Office to improve the quality of decision-making and administrative practices in agencies. In particular, the committee is impressed by the Effective Complaints Management Project, a unique project which aims to:

- improve agencies' internal complaint handling procedures;
- raise standards of administrative decision-making; and
- improve standards of service to the community.

The Office is currently in what might be described as a consolidation phase following recent significant changes in structure and operations. The committee looks forward to meeting with the Ombudsman again at the end of the year to further discuss the operation of the Office.

APPENDIX A

- **Questions on notice**
- **Ombudsman's responses**

QUESTIONS ON NOTICE

COMPLAINT STATISTICS

1. Would you please provide updated complaint statistics for the financial year to date, including:
 - (a) complaints received and finalised;
 - (b) the proportion of cases finalised within 12 months of lodgement;
 - (c) the proportion of cases at the end of the reporting period which were more than 12 months old;
 - (d) the average time taken to deal with complaints;
 - (e) the proportion of cases resolved informally; and
 - (f) the proportion of cases where early intervention occurred.

CATALYST COMPLAINTS AND RECORDS MANAGEMENT SYSTEM

2. In answer to the former committee's question on notice 5 for your meeting with the former committee on 25 November 2003, you advised that the project to extend Catalyst to all non-case related administrative files had been delayed. Would you please provide an update on this project?
3. In answer to question on notice 6(b) for your meeting with the former committee on 25 November 2003 you outlined some transitional issues that had arisen in the introduction of *Catalyst* which you anticipated would be dealt with in the next few months and that business improvements from *Catalyst* would be substantially realised this year. Will you advise as to any other issues that have arisen and provide an overview as to business improvements that are being realised by *Catalyst*?

OFFICE RESTRUCTURE EVALUATION

4. In answer to question on notice no 8 for your meeting with the former committee on 25 November 2003, you advised that the investigative teams had not been operating with a full complement of staff due to resourcing issues and, therefore, no review of the investigative team structure had yet been carried out. Are you able to provide an update on this matter?

EFFECTIVE COMPLAINTS MANAGEMENT PROJECT

5. Can you advise of progress in the Effective Complaints Management Project?

GENERAL BUDGETARY ISSUES

6. What are the significant budgetary issues for the Office in the current round of budget negotiations?
7. Has a denial of last year's additional funding request of \$60 000 continued to have an impact on the Office?

HUMAN RESOURCE ISSUES

8. Will you provide an update on the human resources policies and procedures project?

RECOMMENDATIONS

9. Since the Ombudsman's annual report for 2002/2003:
 - (a) how many recommendations has the Ombudsman made to an agency to improve the agency's practices and procedures; and
 - (b) what number of those recommendations have been accepted?

OUTCOMES OF COMPLAINTS

10. In what ways does the office attempt to establish complainants' satisfaction with the outcome of their complaints?



Response to Questions on Notice

**Meeting with
Legal, Constitutional and
Administrative Review
Committee**

11 May 2004

(Submitted 4 May 2004)

Index

Overview	1
Complaint statistics	3
<i>Catalyst</i> complaints and records management system	5
Office restructure evaluation	8
Effective complaints management project.....	8
General budgetary issues	10
Human resources issues.....	12
Recommendations	13
Outcomes of complaints.....	14

Overview

Significant progress has been made in key areas and projects since my report to the previous Committee in November 2003. The highlights are:

- We completed the last of the eight investigations comprising the Workplace Electrocution Project in April 2004 and provided a detailed report on the investigation to the Department of Industrial Relations. The report contained 11 recommendations and the department has agreed to implement all of them. Work has commenced on a report summarising the entire project that will be presented to the Speaker for tabling in Parliament.
- We carried out substantial work to consolidate and enhance the Office's new case and records management system. The system has improved our capacity to analyse and report on complaints data enabling us to provide more useful information to agencies about complaint trends.
- We analysed complaints data relating to 16 large State and local government agencies that generate high numbers of complaints. We provided reports to each agency containing the results of the analysis and, in some cases, recommendations for improvements to agency practices.
- We evaluated the complaint handling systems of eight of 10 major complaint-generating agencies taking part in our Effective Complaints Management Project. Reports on the evaluations were provided to those eight agencies with recommendations for improvements to their systems to ensure they meet recognised standards for good complaints management.
- Our Advice and Communication Unit issued several publications to help agencies improve complaint handling practices and procedures including a publication titled *Developing Effective Complaints Management Policy and Procedures*.
- The Assessment and Resolution Team continued to assess complaints in a timely and efficient manner. As at 31 March 2004, the number of current complaints was 463, which is considered to be a manageable number. We also improved the timeliness of complaints resolution. More than 98% of complaints finalised this financial year were less than 12 months old.
- The number of open complaints more than 12 months old has also stabilised at about 16% since 30 June 2003. At that date there were 81 complaints in this category. As at 31 March 2004, there were 75. We are confident that this number will fall further by 30 June 2004.
- We commenced a project in co-operation with other complaint entities to promote awareness of our services to people in the community from non-English speaking backgrounds. One of the strategies being employed is radio discussions on community radio. We have completed four radio segments and the other complaint entities will now take their turn.
- We submitted a final report to the previous Committee on the implementation of the Strategic Management Review of the Office in 2000.

- We continued to make recommendations to agencies to improve their practices and procedures. Up to 31 March 2004 we had made about 120 recommendations to agencies which they agreed to implement in almost all cases. Forty-seven of those were formal recommendations under section 50 of the *Ombudsman Act 2001* and the rest were informal recommendations.
- We continued our regional visits program to give all Queenslanders access to the Office's services. To March 2004, 49 centres had been visited. Sixteen more visits are planned before 30 June.
- We also continued our program of visits to the State's correctional centres and provided reports to the Department of Corrective Services on the results of audits of systems and processes at those facilities as well as on significant complaint trends.
- My officers participated in training provided to officers of the Department of Families as part of the department's *Training Initiative*. We also provided training to officers of the Department of Tourism, Fair Trading and Wine Industry Development as part of a project undertaken with that department and the Department of the Premier and Cabinet to develop a best practice framework for guiding administrative decision-making.
- We have recently appointed a research officer for a trial period to explore ways to conduct more sophisticated analysis of complaints data and to design and co-ordinate the conduct of surveys.
- In the HR area, we have finalised several new policies as part of our project to compile a comprehensive package of HR policies. We have also selected a management consultant to conduct a training program for senior officers on management and leadership skills. The program commences this month.

In summary, the period has been one in which we continued to consolidate changes we have made to our structure and business process and continued to see the benefits of these changes.

[Original Signed]

David Bevan
Queensland Ombudsman

Complaint statistics

1. Would you please provide updated complaint statistics for the financial year to date, including:

- (a) complaints received and finalised;
- (b) the proportion of cases finalised within 12 months of lodgement;
- (c) the proportion of cases at the end of the reporting period which were more than 12 months old;
- (d) the average time taken to deal with complaints;
- (e) the proportion of cases resolved informally; and
- (f) the proportion of cases where early intervention occurred.

(a) Complaints received and finalised

Table 1 shows details of complaints received and finalised in the 2003/04 financial year to 31 March 2004.

Table 1: Complaints received and finalised 2003/04

Complaints received during the year	6712
Complaints finalised during the year	6757

The Ombudsman Act empowers the Office to accept oral as well as written complaints. For the purposes of recording details of complaints in our electronic case and records management system, *Catalyst*, a complaint is defined as an expression of dissatisfaction or grievance about a matter within or not within the Ombudsman's jurisdiction. *Catalyst* records all complaints from members of the public however received. The above figures include all complaints recorded this financial year to 31 March 2004.

1419 of the 6712 complaints received were not within our jurisdiction.

(b) Proportion of complaints finalised within 12 months of lodgement

Table 2 shows the number and percentage of complaints finalised in 2003/04 (whenever received), within the periods shown in the table. More than 98.5% were finalised within 12 months of lodgement.

Table 2: All complaints finalised 2003/04

Calendar Days to resolve	10	30	60	90	180	270	360	>360	Total
Number of Complaints	5069	674	363	188	233	87	47	96	6757
% of Total	75.02%	9.97%	5.37%	2.78%	3.45%	1.29%	0.70%	1.42%	100.00%
Progressive %	75.02%	84.99%	90.37%	93.15%	96.60%	97.88%	98.58%		

(c) Proportion of complaints at the end of the reporting period which were more than 12 months old

Table 3: Profile of open complaints at 31 March 2004

Age of Complaints under consideration	< 12 Months	> 12 Months	Total
Number of Complaints	388	75	463
%	83.80%	16.20%	100.00%

Of the 463 complaints under consideration at 31 March 2004, 75 or 16.2% were more than 12 months old at that date. Comparatively 81 or 16% of the 504 complaints under consideration at 30 June 2003 were more than 12 months old at that date. While the percentage remains static around 16% there has been an overall reduction in both the number of complaints under consideration and those more than 12 months old during this reporting period.

(d) Average time taken to deal with complaints

See Table 2.

(e) Proportion of complaints resolved informally

Informal processes are used to resolve the vast majority of complaints. There are various intervention methods which can apply to complaints resolved informally. Table 3 shows the approaches used to resolve all complaints finalised during the current financial year to 31 March 2004 and the number and percentage of complaints dealt with using each approach. Of the approaches listed, "informal investigation – other approach" and "formal investigation" are not considered to be informal processes. The terms are explained below the table.

Table 3: Intervention approaches of all finalised complaints

Intervention Approach	Total	Proportion
Assessment Only ¹	5566	82.37%
Preliminary Inquiry Only ²	183	2.71%
Informal Investigation - Informal Resolution Approach ³	943	13.96%
Informal Investigation - Other Approach ⁴	61	0.90%
Formal Investigation ⁵	0	0%
Major Project ⁶	4	0.06%
Grand Total	6757	100.00%

- 1 Complaints not investigated but advice given to complainant about appropriate avenue for resolving complaint.
- 2 Preliminary inquiries are conducted to decide whether a complaint should be investigated.

- 3 This approach involves informal steps such as telephone calls, discussions with agency representatives, examination of agency files and site inspections.
- 4 This approach involves electronic recording of interviews or requiring a detailed written response from an agency. This approach is also generally used in major projects.
- 5 Formal investigation means an investigation in which the Ombudsman has used the compulsory powers under part 4 of the Ombudsman Act.
- 6 A complex investigation that may be the subject of a report to Parliament.

(f) Proportion of complaints where early intervention occurred

In terms of our policy, early intervention means:

- (a) intervention with the complainant, an agency or some other relevant external party within ten working days of the receipt of the complaint by the Office; and
- (b) intervention in a way that has the effect of commencing an investigation/review or concluding the matter.

The Assessment and Resolution Team carries out this function in the great majority of complaints.

As shown in Table 2, during this financial year to 31 March 2004 a total of 5069 (75.02%) complaints were finalised within 10 calendar days of receipt. In terms of our policy these were clearly the subject of early intervention.

In all, more than 81% of the cases finalised were the subject of early intervention.

***Catalyst* complaints and records management system**

2. *In answer to the former committee's question on notice 5 for your meeting with the former committee on 25 November 2003, you advised that the project to extend Catalyst to all non-case related administrative files had been delayed. Would you please provide an update on this project?*

The final *Catalyst* implementation phase involving the extension of electronic records management to non-case related administrative files has not been further progressed. The reasons for this were outlined in the report to the Committee on 25 November 2003, that is:

- Our priority with *Catalyst* has for some time been to bed down the initial implementation, data cleansing for certain anomalies from the initial migration of data from the previous system and developing a range of management and operational reports.
- The Corporate Services Unit has been attending to other more urgent priorities including, for example, HR policy development, shared services arrangements and the new enterprise agreement.

- Because of budget constraints, we have been unable to engage the external expertise in records management required to assist us plan and execute the project.

At present we are concentrating on further developing *Catalyst* for case management and reporting purposes and on upgrading to the new version of Resolve which is expected to become available from early May.

The implementation of electronic administrative records management will be a key initiative for 2004-05 following this upgrade.

3. *In answer to question on notice 6(b) for your meeting with the former committee on 25 November 2003 you outlined some transitional issues that had arisen in the introduction of Catalyst which you anticipated would be dealt with in the next few months and that business improvements from Catalyst would be substantially realised this year. Will you advise as to any other issues that have arisen and provide an overview as to business improvements that are being realised by Catalyst?*

The reporting year has been one of consolidation and finetuning of our new business system. *Catalyst* is now a key resource in our business and reporting processes. In the past 6 months the focus of the *Catalyst* Development Committee has been:

- Ensuring that critical data fields are mandatory (that is, the user must make a selection from a set list) to ensure accurate and consistent reporting.
- Developing and running a group of regular validation reports to check the integrity of the data entered.
- Reviewing, in conjunction with key agencies, the data recorded in *Catalyst* about their organisational structures and the way we categorise their complaints to enable us to produce more useful reports analysing their complaints data
- Modifying *Catalyst* to allow for the collection of data from complainants about how they became aware of the Ombudsman's Office to identify groups within the community in relation to whom we need to raise awareness of our role.
- Developing workflow and documentation to support registration of faxes and e-mails directly into and from case documents. This is the final step to complete the implementation of full electronic management of case documentation.

In addition, *Catalyst* is currently being enhanced in a number of areas to improve business processes including:

- Consolidating key reporting requirements for the purposes of the Annual Report, Team Operational Plans, Ministerial Portfolio Statements, LCARC, internal performance planning and general research.
- Documenting workflow to manage requests by complainants for a review of our decision on their complaint and making the necessary changes to *Catalyst*.
- Developing security groups to restrict access to more sensitive files.
- Progressively making available in *Catalyst* information about the larger agencies to assist Inquiry Officers to give consistent and detailed advice to complainants.
- Reviewing, in conjunction with the vendor, our implementation of the operational features of *Catalyst* to determine whether we are making best use of the system. This review will ensure a smooth transition and utilisation of the enhancements available in the next version of the system.

- Developing a contacts database in *Catalyst* to provide for mail out lists for annual report, surveys, publications etc
- Upgrading to the latest Resolve Version 6.6.

We are also carrying out a training needs analysis for office users of *Catalyst* in conjunction with a scheduled refresher and/or additional training program.

Catalyst's functionality is increasingly being recognised and utilised. It has been a very stable product which has assisted in its integration into our standard Office practices.

Catalyst makes available extensive information for analysis that can be used to guide the Office on where best to direct its activities such as identifying agencies in need of assistance to improve their complaint handling and other administrative practices.

The following provides an overview of the business improvements being realised by *Catalyst*:

- Direct recording of all case activity into electronic case file such as contacts with office and action taken.
- Listing all previous contacts in relation to the one complainant, giving officers ready access to relevant details of complaints etc, where further contact is received from that complainant.
- The maintenance of files in electronic form. Incoming documentation is electronically scanned and attached to the file. This provides instant access across the Office to all case details without the need to retrieve the physical case file.
- Email and faxing facility from within an electronic case file.
- Complaint issues classified according to a comprehensive system that has been developed taking into account the function of each agency.
- Complaints about local government classified according to a system called the Keyword AAA for Local Councils enabling standardised data collection across all local governments for comparative analysis.
- Ability to report meaningfully on full range of complaint and agency data not previously collected.
- Comprehensive internal reporting at team and officer level.
- Standardised workflow design supporting consistent work processes across whole of Office.
- Accurate measurement of time frames for dealing with complaints according to stages of investigation and complaint priority.
- The ability to move statistical data from *Catalyst* to Excel to allow for reporting and research purposes.
- Ability to collect and report on data to inform the Advice and Communication Unit, allowing more focused communication strategies for promotion of the Office.
- Ability to support regional visits program by providing complaints data according to locality (postcode).

Nearly all of the *Catalyst* development initiatives that have contributed to business improvements since we reported to LCARC in April 2003 have been carried out in-house resulting in considerable savings in outsourcing costs. These achievements are largely attributable to our *Catalyst* Development Committee comprising the Assistant Ombudsman ART, the *Catalyst* Acting System Administrator and an investigator with business analysis

skills. The investigator has been temporarily relieved of investigative duties and appointed to the role of Senior Business Analyst for a further six months.

Office restructure evaluation

4. *In answer to question on notice no 8 for your meeting with the former committee on 25 November 2003, you advised that the investigative teams had not been operating with a full complement of staff due to resourcing issues and, therefore, no review of the investigative team structure had yet been carried out. Are you able to provide an update on this matter?*

The Office has maintained three investigative teams as part of its structure since the last meeting with the Committee. A final decision has not been made for several reasons including on-going resourcing issues.

The structure developed in early 2002 envisaged that ART and each of the three investigative teams would have an Assistant Ombudsman and a senior investigator and that two of the investigative teams would have four investigators each and ART and the Industrial and Development Team three investigators each. Since that time it has been necessary to:

- place an extra investigator in ART to deal with the high volume of work processed by that unit; and
- redeploy an investigator in a temporary business analyst role for the Office's complaints and records management system, *Catalyst*. His role includes developing and documenting procedures for the use of the system including its reporting capabilities. It is currently estimated that the project will take at least a further six months to complete.

Our management group reviewed the investigative team structure at a recent workshop and discussed a range of considerations for and against the three investigative team structure. Following the discussion, I indicated that I would decide by late May 2004 whether to formalise the three-team structure.

Effective complaints management project

5. *Can you advise of progress in the Effective Complaints Management Project?*

5.1 Aims

As indicated in my advice to the previous committee, the Office's Effective Complaints Management Project aims to -

- improve agencies' internal complaint handling procedures;
- raise standards of administrative decision-making; and
- improve standards of service to the community.

Another expected outcome for agencies is a reduction in complaints of a recurring nature.

5.2 Background

The *Ombudsman Act 2001* explicitly gave the Ombudsman a role of improving public administration in Queensland. Research indicated that most government and local government agencies did not have appropriate procedures for handling complaints from their clients and the public generally. The project arose out of these 2 factors.

Phase 1 of the Project has involved working with 10 public sector agencies, including two local governments, to:

- evaluate their current complaints handling systems or arrangements (if any) against accepted criteria for effective complaints management, and
- develop strategies to improve those systems.

An 11th agency, a small local government, was recently included in the project in order to develop a model suitable for the many similarly sized councils in Queensland.

5.3 Progress to date in Phase 1

Complaints handling by agencies

Since my previous advice to the Committee in November 2003 the Office has:

- evaluated existing agency complaint management arrangements for 8 of the 10 original participating agencies using a comprehensive audit and assessment checklist developed by the Office¹;
- provided a report of our evaluation to each of those 8 agencies, commenting in detail on their existing complaint handling systems and making recommendations to bring them into line with best practice; and
- developed and published a document entitled *Developing Effective Complaints Management Policy and Procedures* to assist participating agencies to develop or refine their complaints handling arrangements.

With the exception of the small local government recently included in the project, we are now in the implementation stage of phase 1, in which agencies are considering our recommendations and working with us to implement changes as quickly as possible.

To this end we are maintaining contact with these agencies to provide ongoing assistance and we have asked agencies to report to us by the end of each month on progress made in implementing our recommendations.

5.4 End of Phase 1

Our intention has been to complete phase 1 by the end of this financial year. However as indicated previously this depends on the cooperation of the agencies involved and the priority that they give to implementation of our recommendations. My Office cannot direct agencies to implement our recommendations within a specified time particularly when significant resources

¹ The other 2 agencies have, as a result of this project, prepared new draft policies and procedures which we are currently evaluating and which we will be discussing with those agencies shortly.

may be involved in implementation – for example, the development of a centralised complaints database.

Also, our evaluation of existing agency complaint handling arrangements indicates a wide variety of arrangements, with some agencies' systems requiring far more developmental work than others.

Therefore, it is not possible to predict when all participating agencies will finalise and implement their revised policies and procedures. However, we will continue to monitor and encourage implementation of our recommendations.

5.5 Phase 2

When phase 1 of the project is completed, or substantially completed, phase 2 of the project will commence. As advised previously this will involve:

- preparing and publishing a report, based on phase 1, containing information about best practice complaint management systems; and
- encouraging as many public sector agencies as possible to implement an appropriate complaints management system.

General budgetary issues

6. What are the significant budgetary issues for the Office in the current round of budget negotiations?

The Office has not requested any additional funding for the financial year 2004/05 over and above approved enterprise bargaining increases. In making this decision, we noted the advice received from Queensland Treasury that CBRC will not be considering funding bids for other new policy proposals as part of the 2004/05 Budget, apart from a limited number of urgent and unavoidable funding issues across Government that might require CBRC consideration.

As the Committee knows, last year we sought additional funding of \$60 000 for advice and awareness activities. Our submission was unsuccessful notwithstanding the Committee's support. We have managed to adequately carry out our core responsibilities within budget as a result of changes to our structure and business processes that enhanced performance and by limiting expenditure on the proposed advice and awareness activities (including research) specified in our unsuccessful submission last year.

Projections of salaries and related expenses for a fully funded establishment for the next financial year indicate approximately a 7% shortfall on budget. With these line items comprising approximately 80% of the Offices' expenditure this will make for a tight budget year. The shortfall will be made up by managing recruitment to staff vacancies.

Another area of concern to the Office budget is the budget allocation in relation to printing and production. The amount allocated in our budget for printing includes the costs of reports to Parliament on Major Projects as well as a modest number of other publications from the Advice and Communication Unit.

Over the past two financial years, allocation of budget to this line item has been considerably increased from \$25,000 in 2001/02 to \$50,000 in 2003/04.

7. *Has a denial of last year's additional funding request of \$60 000 continued to have an impact on the Office?*

Last year's budget request for \$60,000 was based on extending and progressing particular initiatives driven by the Advice and Communication Unit. Despite the Cabinet Budget Review Committee's decision not to provide the additional funding, we have continued to commit some resources to the initiatives linked to this submission.

We have been able to complete a number of these projects within our existing budget. However, this has only been made possible by carefully reviewing the publication strategies of each project and by general budget savings.

Examples of cost-saving publication strategies are as follows:

Strategy (from current strategic plan)	Status	Comments
Publication of resources for our Complaint Management Project	Partially completed – Fact Sheets in print and electronic format and other publications in online version only	A postcard was produced to point target audiences to online resources to limit the number of printed copies produced.
Production of further public reports to Parliament on investigations into matters of high public interest that involve serious systemic maladministration	Completed	Production of the <i>Baby Kate Report</i> was managed within existing funds. The print run was very low and we docutched the internal pages (lower quality but adequate) to keep costs down. We maintained a policy of referring people to the online version when they requested a copy of the report.

It is difficult to assess whether the publication strategies we have adopted to limit costs have had an adverse impact on our goal of ensuring a high level of awareness of our services and that they can be readily accessed by all members of the community.

We have also been unable to fully resource a research and analysis function. This is one of the functions of the Advice and Communication Unit but cannot be carried out within the current resourcing of that Unit because of the Unit's other priorities. In order to develop the research function, we have recently recruited a temporary Research and Analysis Project Officer for an initial period of three months.

Human resources issues

8. *Will you provide an update on the human resources policies and procedures project?*

An index of 52 proposed HR policy and/or guidelines documents was originally compiled and prioritised. As a result of combining the Office Security Policy and Guidelines into one document and including the Overtime Policy in the Hours of Work Policy, the index has now been reduced from 52 to 50.

A temporary Human Resources Policy and Development Officer commenced work on the project in mid March 2003 on a six-month secondment. This secondment was recently extended to June 2004. Finance was made available for the continued secondment of this position by the termination of another temporary contract within the Corporate Services Unit.

The Office has at all times taken a consultative approach and involved staff and union representatives in the development of its policies. While this adds value in a number of ways it also extends the time involved.

The following five items were in place at the commencement of the project:

- Induction manual
- Code of Conduct (Ombudsman)
- Code of Conduct (Information Commissioner)
- Grievance management policy
- Hours of work arrangements

The following 15 policies have been completed since March 2003:

- Probation
- Performance management policy
- Performance management guidelines
- Workplace health and safety policy
- Workplace health and safety guidelines
- Smoke free workplace
- Diversity (which includes equal employment opportunity)
- Workplace harassment and bullying
- Recruitment and selection policy
- Recruitment and selection guidelines
- Managing diminished performance
- Discipline
- Part time employment
- Higher duties and relieving
- Office security

Two policies were earmarked for special negotiation under our new enterprise agreement. They have been the subject of discussion with staff and are currently awaiting a response from the union. They are:

- Hours of Work
- Extra leave for proportionate salary

A package of leave policies is in draft form and will be released for staff consultation in the near future. These policies are:

- Sick leave
- Recreational leave
- Long service leave
- Special leave
- Bereavement leave
- Carers leave

The following policies are currently being drafted:

- Working from home
- Appeals
- Delegations
- Study and Research Assistance Scheme

Of the recommendations made in the Strategic Management Review about implementing HR policies, the Working from Home policy is the only outstanding issue and is being actively researched and developed. Although a formal policy is yet to be implemented, applications are currently considered on a case-by-case basis and a number of employees have availed themselves of this flexible working arrangement.

Recommendations

9. *Since the Ombudsman's annual report for 2002/2003:*

- (a) *how many recommendations has the Ombudsman made to an agency to improve the agency's practices and procedures; and*
- (b) *what number of those recommendations have been accepted?*

(a) Number of recommendations to improve practices and procedures

In the period 1 July 2003 to 31 March 2004, the Ombudsman provided five reports under s.50 of the *Ombudsman Act 2001* to the principal officers of agencies. These reports contain a total of 47 recommendations to improve the practices or procedures of the agencies concerned.

Another report under s.50, recently sent to an agency, contains 4 recommendations of the type described.

In less serious cases, where a formal s50 report is not required, Deputy or Assistant Ombudsmen also make 'informal' recommendations in correspondence to agencies to help them improve practices or procedures.

For the period 1 July 2003 to 31 March 2004, a total of 76 'informal' recommendations of this type were made.

(b) Number of recommendations accepted

Forty-four of the 47 recommendations made in the s.50 reports issued between 1 July 2003 and 31 March 2004 were accepted by the principal officers concerned. The other three

recommendations (all in one report) became redundant because, following receipt of our report, the agency decided to cease operating the scheme to which the recommendations related.

We are awaiting a response to the recommendations made in the recently issued report referred to in response 9(a).

Of the 76 'informal' recommendations, 70 have been accepted, two have been implemented in part, and we are awaiting a response from the agencies concerned to the other four.

Further discussion between this Office and the agency concerned is taking place on the implementation of the two recommendations partly implemented.

Outcomes of complaints

10. In what ways does the office attempt to establish complainants' satisfaction with the outcome of their complaints?

The most obvious way to establish the degree of satisfaction of complainants with the service provided by the Ombudsman's Office is by way of periodic surveys though it must be borne in mind in formulating survey questions that complainant satisfaction is influenced in a high proportion of cases by the outcome of the complaint.

In February 1998 the Office conducted a survey of complainants in which they were asked for:

- their responses to a range of questions primarily directed at ascertaining satisfaction levels with various aspects of the service provided by the Office,
- a rating of what was most important to them out of a range of choices, and
- suggestions for improvement.

I am advised that as a result of that survey numerous changes were made to the Office's operations at that time.

We will shortly be commencing a research project based on surveys of complainants and agency staff for the purpose of:

- Assessing levels of satisfaction among people who have had a complaint dealt with by our Office in the last 12 months.
- Identifying the specific areas in which we are performing well and areas for improvement – e.g. efficiency, staff attitude/knowledge, referrals to other agencies, accessibility.
- Learning how people heard about us, whether they thought our services were easy to find/access and how they would prefer to deal with us.
- Gaining some useful demographic information about our complainants.

The data from the surveys will be used to:

- Identify initiatives to improve our performance.
- Identify other information we need to record in *Catalyst*.
- Revise and improve awareness and access strategies.

We will also be surveying people whom we advised to attempt to resolve their complaints in the first instance with the agency that made the decision complained about, to gauge their level of satisfaction with the agency's complaint handling methods. This information will also be used to inform our strategies for improving the complaints handling systems of specific agencies.

APPENDIX B

- **Transcript of meeting**



LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

MEMBERS: **Dr L. CLARK** (Chair)
 Mr A. P. FRASER
 Mr R. O. LEE
 Mr M. F. McARDLE
 Mr A. I. McNAMARA
 Mr I. P. RICKUSS
 Miss F. S. SIMPSON

MEETING WITH THE QUEENSLAND OMBUDSMAN

TRANSCRIPT OF PROCEEDINGS

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of the Chief Reporter, Parliamentary Reporting Staff.)*

**Tuesday, 11 May 2004
Brisbane**

The committee commenced at 2 p.m.

The CHAIR: Welcome back.

Mr Bevan: Thank you very much.

The CHAIR: Obviously, David, you have done this a number of times before.

Mr Bevan: Yes, I have.

The CHAIR: So you know, obviously, as part of this process we have to have a transcript. We actually have Suzanne from the committee office attending to that this morning on behalf of Hansard. That will be attached to our report.

First of all, thank you for your very comprehensive response to all of the questions on notice. The format I thought of adopting would be giving you an opportunity to focus on some highlights, perhaps from your executive summary, and then I propose to go through the questions basically one at a time, giving committee members the opportunity to ask supplementary questions or to give you the opportunity to elaborate on some of those issues. Does that sound okay?

Mr Bevan: Yes, that is fine.

The CHAIR: All right. We have just got until 3 o'clock and then we will have to disappear out the door. So we will not hold you up, either.

Mr Bevan: Thank you very much. Thank you for the opportunity to meet with you. If I could provide you with some further details of some of those matters which are summarised in the overview to our written response to the committee's questions, but before I deal with those, I just wonder whether it might be useful if I said a few words about the office structure. I have brought with me a photocopy of—

The CHAIR: Added to your report.

Mr Bevan: Yes.

The CHAIR: I have been prepared for that. I have seen how it all works. That is very helpful of you. Thank you.

Mr Bevan: As you can see from that, the office is really divided into a number of teams. The starting point for the receipt of complaints is the Assessment and Resolution Team, which receives and does the initial assessment of all complaints. It deals with many of the complaints there and then. Others, which require more detailed investigation, are referred through to one of the three investigative teams: the Community Services and Corrections Team, the Local Government and Infrastructure Team, and the Industrial and Development Team. What we have done with each of those teams is to try to give them responsibility for complaints relating to agencies that have some common features. There is some overlap perhaps as there is with local government and various state government agencies such as the Environmental Protection Agency, or the Department of Natural Resources and Mines. So we try to theme the complaint categories in the teams.

Then you will also see the major projects team. It is only a small team—three people in the team—and it works on a couple of the bigger matters. Those matters are likely to end in reports to parliament, as with the Brooke Brennan investigation and the Baby Kate investigation. We also have a small Advice and Communication Unit, which you will see on the left-hand side there. That has three officers, which has recently been augmented with a research officer. That is mentioned in the body of our report.

Just in saying a couple of things about the strategies that we have adopted in performance of our general role to help agencies improve administrative practices and procedures, I have briefed to the previous committee and I mentioned at our first meeting the complaints management project. That is a key strategy for assisting agencies to improve their decision making. It involves working with 11 public sector agencies—eight of those are state agencies, the other three are local councils—to evaluate their complaint handling procedures and then to help them to improve those procedures. To date, we have conducted an evaluation of the complaint handling systems of eight of those 11 agencies, and we have provided written feedback and recommendations to the heads of those agencies. My officers are now working closely with the agency representatives to encourage and assist them to implement our recommendations.

The main areas for improvement we have identified in the systems we have reviewed are inadequate or nonexistent policy and procedures for complaint handling, no centralised electronic database for recording complaints data and, consequently, a limited or no capacity to analyse complaint data. Therefore, agencies are unable to identify complaint trends or business improvement strategies, nor are they able to ensure an appropriate level of consistency in the way they handle complaints. Next, the lack of training for complaints staff on complaint handling, lack of resources—both human and technological to manage complaints—and, finally, complaint processes were poorly publicised so there is insufficient staff and community awareness of the complaint process. Our finding about inadequate policies and procedures was supported by other research undertaken for us indicating that only about 40 per cent of public sector agencies have documented complaint policy and procedures. Of these, only 25 per cent thought that their policy and procedures complied with the Australian standard for complaint management.

To assist agencies develop sound policies we have produced a publication called *Developing Effective Complaints Management Policies and Procedures*, copies of which we already provided to the

committee at our first meeting. After we provided our feedback reports to some of these eight agencies we also prepared articles for their internal newsletters to help promote the project. That has happened with three of the large agencies: Education, Health and Transport.

The next item I wanted to mention in a little more detail relates to our access and awareness strategies. It is our multicultural communication strategy. The combined commissioners and ombudsman group was established to jointly promote the various complaint services we offer with a particular focus on multicultural groups in the community who may not speak English or have any experience with independent complaint agencies. The agencies involved besides yourselves are the CMC, the Commissioner for Children and Young People, the Health Rights Commission and Anti-Discrimination Commission of Queensland. The strategies that the group has developed include some advertising on multicultural community radio about our respective roles and services as well as some radio interviews. Our office was the first cab off the rank. I have undertaken two radio interviews, which went for up to 50 minutes, and two of my officers have also done two of these radio interviews as well. The other agencies that were involved in this project will now follow suit. They will take their turn.

We have also almost finalised a joint brochure. It is in its final draft form. It contains information about each entity's role and contact details and will be translated initially into five languages besides English. We are looking for opportunities to work with other public sector agencies. For example, one of the larger councils is proposing to hold information forums for multicultural groups and has asked our group to be involved. The group has also agreed to seek demographic information from complainants at the intake stage—information such as background and how the complainants heard about our agency. In developing these strategies, we have established and consulted with a community reference group comprising representatives of multicultural advocacy and community organisations.

The next issue I wanted to touch on was our regional trip program, and again it also relates to community awareness of the Ombudsman's office. We took part in the Queensland householder survey last year which was conducted by the Office of Economic and Social Research. Our questions related to community awareness of our office, and the survey indicated that about 73 per cent of the population had heard of the Queensland Ombudsman's office—44 per cent of those through the media. We were somewhat surprised that only 34 per cent of people knew that our jurisdiction included investigating complaints about the decisions and actions of local councils compared to about 52 per cent who knew of our role to investigate complaints about state agencies.

The survey also showed that there were no regional differences in the level of knowledge of our office and its role. Therefore, our advice and communications unit has been focusing on ways to increase that level of awareness, particularly in relation to our local government jurisdiction. One of our key strategies for raising awareness in the community is through publicity generated by our regional trips program. We advertise in the local press that we are coming to a particular region and send posters to councils which they display in their public areas. We also closely monitor media coverage to see how broadly and effectively our messages are being delivered.

Our analysis of coverage we received over a six-month period last year showed that radio coverage was fairly limited, and research suggests that radio is the most effective medium for our types of services, particularly in regional areas. Consequently, we have done some finetuning of our media strategy for regional trips, such as altering the timing and wording of media releases about the trips, following up the media releases by writing to producers of radio programs, providing them with information about the office and offering to provide interviews about our role, including our trips program. This strategy has significantly improved the radio coverage of our trips program.

A few words about our prisons program: since my report to the committee in November 2003 our procedures for receiving complaints from prisoners via the prisoner telephone link have not changed. Each of the 13 correctional centres is rostered for one morning and one afternoon session each week and each of those sessions is for two hours. The roster is organised so that either two major centres or one major and two smaller centres have access to the prisoner phone link during that particular period. We received 609 calls from prisoners for the period from 1 July 2003 to 31 March 2004, with 447 of those being new matters and 162 being follow-up calls, which averaged 68 calls a month. To 31 March 2004 we visited 18 correctional centres. We propose to conduct eight more visits before 30 June 2004, and that will meet our target of visiting each of the 13 centres twice this financial year.

The other project we are involved in to generally help agencies to improve administrative practices is the Better Decisions Project, and that was initiated last year by the then Department of Tourism, Racing and Fair Trading in partnership with my office and the Department of the Premier and Cabinet. One of the main aims of the project is to improve administrative decision making by developing a framework that identifies the key features of an effective decision-making system. The framework has particular relevance to decision-making systems with regulatory functions such as registration and licensing programs. It is intended that the framework be a useful guide for agencies that are implementing new administrative decision-making systems or conducting substantial reviews of existing systems. At present we are in the process of assisting the preparation of the final report of the project.

In relation to Catalyst—our electronic case and records system—we have made significant progress in implementing the system and enhancing it. I do not intend to comment further on it at this stage because of our detailed response to the committee's question on the topic, which is question five.

Finally, in relation to our workload, we are continuing to focus on matters more than 12 months old and are pleased with the progress we continue to make in finalising those matters. The statistics on those matters and on our overall complaint numbers and finalisation rates are provided in our response. They are all the points I wanted to raise.

The CHAIR: As you have mentioned last those matters of complaints and the outstanding number, I commend you for getting those down and certainly for the fact that you have something like 85 per cent finalised within a month. That is a credit to the organisation. I was wondering, however, about a couple of things. Do you have a target in terms of the percentage that you do get finalised within the month? Eighty-five is commendable, but are you aiming for higher? The second question is: for those ones that are taking longer than a year—I notice there are 96 in total that are referred to there, which are the complaints finalised and some 75 still open complaints—what kinds of matters are they that take that inordinate length of time? Is there anything that characterises those that can lend itself to better handling of those particular ones?

Mr Bevan: If we go back quite a while, if we go back a few years in the life of the organisation, the Ombudsman's office had a workload of well over 1,200 to 1,400 and above that, and of those there was a significant percentage—and I am not sure what this is now—of matters which were more than 12 months old. We have been whittling away at the overall number of matters as well as those matters which are more than 12 months old.

The CHAIR: I do recognise that. That is excellent work; I appreciate that.

Mr Bevan: It is true to say that they tended to be the more complex matters. In some cases, because they were complex, officers at that time had a range of work which involved the initial intake right through to trying to handle the more complex matters as well. As a result, I think they were tending to finalise the straightforward matters, dealing with the initial intake matters, and were not getting to those complex ones. That is why we restructured the office so we now have the intake and assessment being dealt with in the one area, which allows investigative teams to put more effort into finalising those more complex matters. I guess what I am leading up to is that there was a substantial backlog, I think to some extent because of the way the office was structured. The new structure is starting to bite and those matters are now being brought under control. So we are certainly looking to reduce those further by the end of this financial year as well.

The CHAIR: As you mentioned, at the moment you have 85 per cent finalised within the month. Is that about as good as one can get or do you strive for a higher level than that?

Mr Bevan: I suspect so for those matters which tend to be the ones dealt with in the assessment and resolution area, but we are also focusing on finalising the more complex ones, so handling them more effectively right from the time we receive them. We are managing the complaint process from the time of receipt right through to the time of finalisation so that using Catalyst we can monitor progress right through each stage of the investigation.

The CHAIR: Are there any questions on question one—the complaints statistics—from members of the committee?

Miss SIMPSON: Thank you very much for your presentation. It is good to hear some of the new initiatives that you are taking. This tells us how many complaints were received and finalised but not whether there has been much of an increase in the intake of complaints. The second part to that is that, with more people going online and using emails, are you seeing a change in the way you are doing business with people submitting more by email? If so, has that created an additional workload?

Mr Bevan: Certainly we are starting to get more complaints by email. We have on our web site a complaint form which people can download and then send on to us as well. Some people are making use of that, but I am sure that is going to increase as well. We are also using email a lot more in our responses to people, which I think also assists with our time frames. Rod is in charge of the assessment and resolution area. So perhaps he would like to comment on just the rate of receipt of complaints by the different methods.

Mr Metcalfe: I think the percentages have not changed substantially. We of course now receive complaints both orally and written, whereas prior to the present legislation they had to be in writing. So the actual number of complaints that we receive and record is quite substantially increased on what it was previously, and a fair proportion of the complaints that we do receive do in fact come in orally. I cannot give you an exact indication of the breakdown of the percentages. Probably they are fairly comparable this year with last year. There has certainly been no dramatic increase.

Mr Bevan: So up to the end of March, as you see there, we received 6,700 new complaints. Last year for the financial year I think it was 8,700—somewhere around that figure or a little bit above that figure. So that would seem to indicate it is a comparable rate of receipt of complaint this year.

Mr RICKUSS: There are only 1,400 there without jurisdiction. Do you find a lot of those are the verbal ones?

Mr Metcalfe: Yes, they are. A substantial proportion of those fall into the areas concerning police and also concerning banking and telecommunications, and in the latter cases they have their own

Ombudsman and we refer people on to them. In the case of complaints concerning the police, invariably we refer them back through the assistant commissioner for the appropriate area.

Mr Bevan: Unless there is some suggestion of more serious misconduct, in which case we can refer them to the CMC as well.

The CHAIR: Any other matters arising out of question one—statistics? Otherwise we might move on to question two, which relates to the Catalyst complaints and management systems. Are there any further questions anyone would like to ask in relation to that?

Miss SIMPSON: On page 5 you make mention that the Corporate Services Unit has been attending to other more urgent priorities including, for example, HR policy development, shared services arrangements and the new enterprise agreement. I wanted to ask some questions in regard to shared services and to pick up on that point. We have discussed this at previous meetings but to bring it into the context of this meeting, could you outline what the impact has been as far as the request for contribution towards shared services both from a financial point of view and also from a staffing point of view?

Mr Bevan: Yes. We are in a special cluster which comprises the Parliamentary Service and the Queensland Audit Office and the Governor's office. The host of that particular group is the Parliamentary Service. They are already providing some services to us. Some of those are the core services within the scope of the agreement, but they are also providing us with some IT assistance as well. So we have one full-time IT officer and then our backup is through the Parliamentary Service, where they have a number of officers who are now familiar with our system. So if our one officer is unavailable, then there is someone else to stand in who understands the system.

We have not progressed to the stage where we have moved any resources at this time to the Parliamentary Service, nor have we been asked to do so. As is often the case with a very small organisation, what we are really looking at is an arm and a leg of one person rather than a whole person. So we need to work through how we are going to redistribute resources as we progress with the shared services arrangements. But also, Dianne, the other services which have been provided are?

Ms McFarlane: There is financial services where we make some savings because we are using the Parliamentary Service's licence and the like, so that is helpful; payroll, in particular, which is working very well; and IT. They are the three main sources. They are giving us backup when people are on leave, and that is certainly a cost saving to the organisation in not having to backfill those positions. With IT, as David said, once a week we get people coming down and providing backup.

Miss SIMPSON: I am trying to recall from the previous discussion whether it was with the Ombudsman's office or with the Information Commissioner, but I thought there was an amount that was identified that you had to contribute back towards Treasury as part of the shared services initiative. What would the financial commitment and impact be?

Mr Bevan: Obviously long term the government has introduced this initiative because they believe there are substantial savings to be made. We are fairly small fry in the larger scheme of things. I could not estimate what savings would be contributed by our involvement in the particular cluster with the Parliamentary Service at this stage.

Miss SIMPSON: I had thought it was a portion of a person, but fine.

Ms McFarlane: We actually had to go through all of the agencies and go through, almost line item by line item, and allocate how many hours a person spent on those things. Somewhere across there you end up with, I think, either one and three-quarters or two staff from ours, which is right across all HR information systems and finance. As David said, it is not just one job that will go but somewhere out there we have said something like 1.75 to two people. At some point in time that will be the overall savings that could come from our office.

Miss SIMPSON: At this point that has not actually been confirmed and agreed to, so it is still more in the discussion stage, would you say?

Ms McFarlane: Yes, I think so. I think we have actually agreed to that, haven't we, David?

Mr Bevan: No. We did provide the estimate, as Dianne indicated, but it has not got to the point where we have been asked to actually provide those staff. We would need to do a fair amount of reorganisation, too, because, as Dianne says, it is half of one person.

Miss SIMPSON: You are hardly an office with an abundance of staff. Thank you for your answer.

The CHAIR: Obviously Catalyst has been an enormous success story in terms of what you are able to do now—moving to a totally electronic sort of methodology for case and complaint handling. Your answer, David, sets out in quite some detail the advantages you see to that. Would you like, please, to put on the record what in your view actually constitutes the most significant improvements to your business that you have been able to achieve with Catalyst?

Mr Bevan: For a start, there are a couple of aspects to it. First of all, as far as our investigations are concerned, it allows us to manage the progress of the investigation, as I mentioned before, and to get information on any particular matter at any time. So that is in respect of the investigative processes. It is really the reporting capability. We still have not developed that to its full potential. As indicated, that is why we have just recently appointed a research officer—someone with a social science background—so that

we can see what more sophisticated analysis we can undertake using Catalyst. I think they are the two main areas—the reporting functionality as well as the case management functionality.

The CHAIR: Are we likely to see in future annual reports new analysis of data that we have not able to see before?

Mr Bevan: Yes. That is certainly correct. For example, with local government we have particular complaint categories which have been developed in accordance with a recognised system developed in New South Wales called the Triple A Keyword system. That allows us to compare complaint types and numbers across all local governments. Those comparisons are not necessarily all that relevant in all cases, because there is no point in comparing Brisbane City Council with Boonah Shire Council. But with those limitations there are certain defined local government categories as well. Within those categories we can compare complaint numbers and types. That might be the sort of information which we would put into our annual reports.

Mr RICKUSS: Was Catalyst an off-the-shelf program you bought or was it half developed?

Mr Bevan: It is a hybrid system from two companies. I suppose in the development of it it was the interface of the two systems, which is the most difficult part of the development. The case management system is called Resolve, which is a system which is used by the New South Wales Ombudsman's office, and a recent version has also been implemented by the Commissioner for Children and Young People.

Mr RICKUSS: Would it be of any advantage to some of these departments that have a lot of complaints?

Mr Bevan: It could be. I believe some of them are starting to look at that, because one of our recommendations to them is that they need to be capturing this complaints data and analysing it. In some cases with big systems they might be able to tack on that functionality to their existing systems. In other cases they might need a stand-alone system.

The CHAIR: David, in the sense of talking about three groups, you have said that you have your three investigative teams. I notice in your response to us that you were going to decide by late May—late this month—whether you were going to formalise that or move away from that. Is there anything you can share with the committee as to which way you are leaning at this point in time, or will you need to report on that later?

Mr Bevan: I am happy to say a few words about it. We did discuss it at a meeting of senior management of the office a little while ago. We looked at the pros and cons of having three or two teams. The three teams fit neatly in terms of the themed complaint categories for departments. On the other hand, for various reasons we do not seem to ever have the three teams fully staffed. So the teams only have four investigators and in one case three investigators, as well as the senior investigator and the team leader. So once you have one or two of the investigators not available for various reasons, as we often seem to have, their effectiveness seems to drop below the optimal. By the same token, there are some real benefits in having teams which specialise in particular areas. We were concerned that if the three become two you will lose that degree of specialisation. There were some other issues we discussed. My officers will help me out here, I am sure.

Mr King: Promotion opportunities. In a small office, if you have an extra team you have an extra supervisory level and people can aspire to some sort of promotion. There is the question of how many people can be somewhat effectively supervised. If the teams become too big, will the supervision be effective? They are the main issues that I think were exercising people's minds.

Mr Bevan: I think one of the issues for us increasingly is the fact that, as other public sector agencies are developing their capacity to deal with misconduct, as they are required to do these days, our investigative officers are becoming much sought after. So we are starting to find that there is a drain from our office of experienced investigators.

The CHAIR: I was going to ask why you are finding these vacancies. That is the explanation.

Mr Bevan: Yes. I think we have had a 12.5 per cent turnover rate this financial year, which obviously does cause problems for us, because there is always a lag time in recruiting to those positions. We have a recruitment exercise under way at the moment.

The CHAIR: Not really a measure of success that you would actually look for.

Mr Bevan: No. If you take the big picture approach, it is good for the public sector generally.

The CHAIR: We might move on to the effective complaints management project, which is a very significant one for your office. Thank you for the comprehensive response there in relation to that. Just for the record, I wonder if you could actually list the eight agencies and the three local governments that are an active part of that.

Mr Bevan: Yes. The three local governments are Maroochy, Gold Coast and Boonah. Boonah was the last agency added, only recently. That was so that we had a small local government, because we wanted to develop a complaints management system which suited small local governments because there are so many of them throughout Queensland. That was an issue brought to my attention when I had a meeting up in Cairns towards the end of last year with some CEOs of small local governments. The others are main agencies such as Queensland Transport; Health; Department of Natural Resources and Mines;

Department of Families, as it was known, which is still involved in the project; Education; and Industrial Relations. If we have missed any, we are happy to correct that when we receive the transcript.

The CHAIR: That is fine. I just think it is important so we know which ones have actually been part of this project. I notice you indicate that obviously stage 1 will be complete when the implementation of your recommendations is complete. You are indicating that there could be some delays there in relation to resources and you make mention of the development of the centralised complaints database. Obviously it is one of the critical elements of a complaints system being effective. Could you give us a bit more information about how that implementation is going with those agencies?

Mr Bevan: Frank is in charge of the project, so perhaps I could get him to report on the latest.

Mr King: I think the critical event for most of these agencies occurred in early April when we completed our assessment of their existing arrangements. We completed a feedback report in which we conveyed our comments on their arrangements and our recommendations for improvement.

As you have noted, one of the common if not universal recommendations was the development of some sort of database to enable the data that is captured to be used for business improvement, obviously with a view to reducing the incidence of complaint in the future. So that occurred in early April. The program is a monthly rolling one, where we have asked each agency participating to give us a report at the end of each month as to how they are going. We have just passed the first month—on 30 April—and everybody who has reported to us is keen and enthusiastic, but they have a fair bit of internal work to do in their own agencies to get the resources in place, to get the relevant approvals from the directors-general and that sort of thing. It is fair to say that the database issue is one we are getting fed back to us as one that will take a bit of overcoming, if I can put it that way. But apart from that, the signs are promising.

I think I can divide the project into two parts, really. It is actually providing people with a good complaints system. So if you do have a complaint against an agency there is a certain method of dealing with it. It is not haphazard or hit and miss; it is methodical and rational. The other phase, of course, is: what does the agency do with the data they get from this process and how do they use it? I think the first phase will be moving along quite well. It is the second phase that could drag the process a bit.

The CHAIR: Presumably the goal, though, is in fact on that first phase to ultimately have every agency with an appropriate complaints handling mechanism. I guess I was a bit surprised that 40 per cent of government agencies have that. In terms of the uptake of that outside of your particular project in those 10 agencies, what strategies do you have in mind as to how you can actually then extend that into other agencies?

Mr King: As the answer says, once we get this one substantially bedded down and we have learnt the lessons and we know the pitfalls and that sort of thing, then we propose to move on to another phase—look at another tranche of agencies probably further down the line. We might reach a critical point where agencies will say, 'We do not get that many complaints. The time and effort to put into this is not commensurate with the problem.' We have focused on the big agencies, with Corrections with 1,500 complaints a year and all the others having hundreds of complaints. They can see the point of dealing with those more efficiently and learning from them. We probably will reach a point further down the track where agencies will say that, 'break-even point has been reached and the cost of implementing this is greater than the cost of dealing with it.' That is not to say they should not have systems, because from the public's point of view the agency's cost is not the only criterion in the exercise. I think we will select another 10 agencies or so that are next down the line and see how we go with those.

Miss SIMPSON: I have a comment and a question. I guess, say, in dealing with an agency, what may start off as an inquiry can transition to being a complaint if the inquiry does not get dealt with in a timely way. How in this process of dealing with, say, local governments or the agencies do they distinguish between what has been an inquiry and when it becomes a complaint? Say local government gets an inquiry about something but it might take them three months to get back to somebody, so then it is a complaint and people keep ringing them back. How do you deal with that when you are assessing that? Isn't there an overlap in the systems of good customer service inquiry management?

Mr Bevan: Customer service versus complaints. If you phone up because there is a pothole out the front of your place and you want that fixed up, that is a customer service request. Then if no-one comes out for a month it becomes a complaint. That is a question of definition, of what is a complaint and what is a customer service inquiry. As part of putting good policies and procedures in place, I think it is important that agencies distinguish between the two. They still have to respond to both categories of inquiry but, as I say, it would be part of any good policy and procedure to clearly define your terms.

There is perhaps just one other point I should make. It is left hanging there. We have reviewed eight of the 10 complaints systems, so it begs the question: what has happened to the other two? The other two, without naming names, they decided that they would start from scratch, having seen our information about what needed to be contained in appropriate policy and procedure. They have really started from scratch. They are both developing an overarching policy first, which we have been assisting them with, and they will then develop their detailed procedures from there.

The CHAIR: Is there a problem with naming names?

Ms Newton: I guess it is a matter for David as to whether he wants it in the transcript or not.

Mr Bevan: We have named all the agencies who are involved in the project. As I say, I am not in a position to attribute blame or who has a worse system or anything like that, but it was always on the cards that we were going to agree with agencies that, rather than trying to fix up what you have got there now, you would be better off starting from scratch. In the case of these agencies, I think that they were intending to do that notwithstanding our project anyhow. So I am happy to name them, if you want me to, but there did not really seem to be any need.

The CHAIR: I do not see that there is any harm. I think it is commendable that they are prepared to actually do that.

Mr Bevan: Yes, certainly.

Miss SIMPSON: I am curious. Who are they?

Mr Bevan: Okay. Industrial Relations and WorkCover.

Miss SIMPSON: Thank you.

Mr RICKUSS: You do not intend to complete phase 1 by the end of the financial year?

Mr Bevan: With the proviso which Frank has just mentioned in terms of if agencies have to spend significant resources on implementing a computerised complaints management system, then that may not be reached, but we certainly should get to the point where they have good policies and procedures in place.

Our way of proceeding in stage 2 may not involve selecting another 10, either. It may be that we do a report of the systems which we have developed to date, because when we started this project and we were looking around for best practice systems we could not find any. There was a lot of material about what should be in a system, but we could not find any agency here or interstate which had what would be regarded as a best practice system. There were one or two in private enterprise and we have spoken to them and received quite a bit of assistance from them as well. But we were not pointed to any by our fellow ombudsman offices in other states.

The CHAIR: That is quite remarkable. So you are really breaking new ground. It is very exciting, what you are doing.

Mr King: No other Ombudsman's office has ever done it.

Mr Bevan: There was a survey done in Western Australia about agencies and whether they had complaints management systems. That was rather interestingly conducted by the audit office over there, not by the Ombudsman's office. I cannot remember what the percentage of compliance was, but then there was a follow-up a number of years later and the percentage was lower because, on that occasion, the Auditor-General asked for copies of the policies and procedures of the agency itself.

Mr FRASER: Just when you mentioned that you would report perhaps at the end of phase 1, is that something that you propose to report separately to the parliament or something that would be incorporated into an annual report on the agency?

Mr Bevan: It could be either, and we have not really made up our mind on that yet.

Mr FRASER: I guess the reason I was asking was that when you make reference to the fact that obviously you do not have the power to compel within a time frame, it would seem to me that one of the options open to you was the naming and shaming option, which pretty much would effect that power anyway.

Mr Bevan: Yes. At this stage we are proceeding cooperatively and the agencies are cooperating.

The CHAIR: We appreciate ongoing dialogue with your office in relation to that matter.

Mr Bevan: Yes indeed.

The CHAIR: Moving on to questions 6 and 7, which are general budgetary issues; did you want to make any further comment on those matters? Has anyone some questions there? They are ones in addition to the ones that Fiona has raised.

Mr RICKUSS: It just says that last year they sought some 60 grand and it was rejected and that the projections for the salaries and related expenses were fully funded. It must be very tight.

Mr Bevan: Yes. As we say, it is a very tight budget year, and we would be making up the shortfall as a result of lags in the recruiting process. We hope not to have the same sort of turnover as we had this year. We expect that there will be a significant turnover nonetheless and that we will be able to remain on budget by those means.

Mr McNAMARA: Can I ask what your overall budget is for the year in dollar terms?

Ms McFarlane: I will get an accurate figure for you.

Mr FRASER: Maybe just while you are finding that, I know that you said that printing and production costs are of concern. Is it a concern that you are spending more?

Mr Bevan: It comes back to trying to do more in carrying out our responsibility to help agencies improve administrative practice, I suppose—the publications you need to get out there in order to do that. So publications such as the complaints facts sheets, the effective policy and procedures document—all of those cost money.

Mr FRASER: I was just going to ask the question in the context that it is not clear to me just from your answer whether it is a concern that you are spending this amount of money or that you want more money for that area. It says that it has jumped up, not whether that is good or bad from your point of view, I suppose.

Mr Bevan: We would like to spend more money in that area in talking more about good administrative practice, yes, and helping agencies to improve administrative practice.

Mr FRASER: Can I also just add on, though—I think over the page you mentioned that you had done more with less by printing internally pages to documents and referring to people online. For those of us who have bugbears about the amount of money that gets spent on printing, that seems to me to be commendable management practice.

Mr Bevan: Thank you.

The CHAIR: You might even be able to provide the text for brochures that are then produced in-house by the agency themselves.

Mr Bevan: Perhaps so.

Ms McFarlane: In answer to that question, it is about \$4.593 million.

Miss SIMPSON: Just if we are talking about printing, I was interested in your opening remarks about the combined brochure that you are looking to put together with other agencies, which I think is fantastic. It certainly is a tool for members of parliament when we are giving people some of their various options of where to go to. It would be terrific to have something that is collated. How long would it be before you are likely to have that together?

Mr Bevan: We would expect within the next month. Again, it would be available, I would expect, on each of our agency's web sites. We are also over the next few months going to refresh our own web site just to make it easier to navigate and providing more information type things. So we have had some good comments from other ombudsman offices about our web site as well.

Mr RICKUSS: It says here about the awareness activities. I notice that you said there were 2,000 fewer complaints.

Mr Metcalfe: No, I do not think so.

Mr RICKUSS: Was it 2,000 fewer or 2,000 more?

Mr Metcalfe: That was on a full-year basis, and the figures that we have given you are to the end of March. We expect in a full year—in this full year—it would be comparable to the last financial year.

Mr RICKUSS: No, no, I was just wondering about the awareness activities that you have carried out. Unfortunately you cannot measure it, I know—

Mr Bevan: We would expect to be able to measure whether our multicultural strategies are having an impact because, as I said before, each of the agencies involved in that project has agreed to keep similar data and we have not noticed any significant influx to this time. But, as I say, it is early days. We have done a number of radio interviews and we need to wait and see what happens there.

Mr Metcalfe: We are also recording, when a person contacts us, how they actually became aware of the office. That is both in relation to general contacts and also specifically in relation to regional visits. That will assist us in honing our communications policy both on a general and a specific basis for the future.

The CHAIR: I am conscious of the time and I have got three more questions to deal with: human resource issues, recommendations, and the outcome of complaints. I would particularly like to have a look at the recommendations and the outcomes of complaints, because obviously that is a very critical issue. I notice in your response to question No. 9 that that you talk about providing five reports under section 50 of your act. What agencies were they? You provided those reports to the principal officers of agencies. Which five agencies were those?

Mr Bevan: Certainly. The Department of Industrial Relations, you mentioned there—the workplace electrocution project. Rodney may be able to assist.

Mr Metcalfe: There were also some to Families and one to Mareeba council.

The CHAIR: There were five reports.

Mr King: Baby Kate.

Mr Bevan: Yes, the Baby Kate report, of course.

The CHAIR: That was one of those five.

Mr Bevan: Yes, it is one of those. I think the Environmental Protection Agency also was another, and Rod mentioned —

Mr Metcalfe: Mareeba.

The CHAIR: I notice the actual number of recommendations accepted was quite high, which was good. Some 47 recommendations were made and you talk about three other recommendations all in one report became redundant. Following the receipt of the report, the agency decided to cease operating the scheme to which the recommendations related. What scheme was that? What were the details there?

Mr Metcalfe: That was the report to Mareeba. We had made recommendations to them as to future practice if they maintained that particular fee. They decided to do away with the fee totally. So it was not necessary for them then to consider those recommendations for the future implementation of the fee. So those three became redundant.

The CHAIR: I see. That was a fee in relation to—

Mr Metcalfe: It was actually a licence fee in relation to on-site sewage treatment plants on a yearly basis.

Mr RICKUSS: It is one of your councils, Lesley.

The CHAIR: I did not realise that Mareeba was involved. It is that part of the world. Are there other comments that you would like to make in relation to the way that people respond to your recommendations?

Mr Bevan: No, but generally what we report there does appear to be the norm. There is a high degree of compliance, particularly once an agency—a CEO—receives a formal recommendation from the Ombudsman under the Ombudsman Act.

The CHAIR: I notice in the response to question 10, the outcome of complaints, you refer to a survey. That is going to be, obviously, a very valuable survey that will help you to identify initiatives to improve your performance, identify other information you need to record in Catalyst and revise and improve awareness of access strategies. So when do you hope that that data will be available and you will be able to analyse and report on that?

Mr Bevan: I mentioned before that we had just recruited a research officer and that will be one of the projects that that officer will be undertaking. So it is up to that officer to scope the project and to develop the survey, perhaps with some external assistance, and then to supervise the conduct of the survey. We are intending to do most of that in-house, but it is a little bit hard to. Certainly within the next six months we should have done it and analysed the data as well. But most of it will be done in-house.

The CHAIR: We have until one minute to 3. Are there other matters that committee members would like to raise?

Miss SIMPSON: I suppose this is just a comment about the human resource. It is quite an interesting fact that you have had people on temporary assignment when you have been able to gain meaningful work such as this in the HR department itself and there has been quite a significant review of your policies. It just strikes me that within your budgetary context it must be difficult to strategically employ people on a longer term. Some of these positions you are able to juggle and do on a short-term basis to achieve some of these goals, but you cannot actually employ people in the longer term to carry through. Is there a question about that? It just struck me that the human resource review of all the policies—there are quite a significant number of policies that have been reviewed. Enterprise bargaining has been going through, yet that is only a temporary position on secondment. Does that create a difficulty in your ongoing management?

Mr Bevan: Any time we have a special project like that, obviously there are resource implications and budgetary implications for us. The other area is with the continuing development of Catalyst where we have had to off-line one of our more experienced investigators who has very good IT skills as well to really be the project manager. He has quite a number of projects within that project in order to improve Catalyst to a point where we are happy with it. So yes, it is a drain, particularly on the investigative area, when that sort of thing happens.

In relation to the development of the HR policies and procedures, that has been possible because of a temporary arrangement which we had in place. The role being performed by that person has been divided up among other officers and that person has left the office now. So that has at least provided some of the funding for the temporary HR position.

The CHAIR: I would just briefly note that I was pleased to see that you have a working from home policy that you are developing. That is new. I would be very interested to see how that develops. Is there anything that you wanted to just add briefly in relation to that to update us?

Ms McFarlane: No, just that we have people who avail themselves of that, but we just need to get a policy and I guess make it available to people if they choose to. But it is certainly our next policy to get out and start consultation. It is in block draft at the moment, so it should not be too long.

The CHAIR: I would certainly be interested to hear more about that when you report back to the committee, because I think that is a challenge for many agencies both in the private and public sector. I commend you for tackling that one. Are there any other things that you wanted to raise? If not, thank you.

The committee adjourned at 3 p.m.