

LEGISLATIVE ASSEMBLY OF QUEENSLAND

**LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE**

**Meeting with the Queensland Ombudsman  
23 November 2004**

**December 2004**

**Report No. 47**

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

## **51<sup>ST</sup> PARLIAMENT**

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<b>MEMBERS:</b>	Mr Andrew Fraser MP, Member for Mount Coot-tha
	Mr Ronan Lee MP, Member for Indooroopilly
	Mr Mark McArdle MP, Member for Caloundra
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## **COMMITTEE CONTACT DETAILS**

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

<b>REPORTS</b>	<b>DATE TABLED</b>
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
44. Meeting with the Queensland Ombudsman ~ 11 May 2004	17 June 2004
45. Annual Report 2003/2004	19 August 2004
46. A preamble for the Queensland Constitution?	30 November 2004

<b>PAPERS</b>	<b>DATE TABLED</b>
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

PAPERS (continued)	DATE TABLED
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
A preamble for the Queensland Constitution?	17 June 2004

## **CHAIR'S FOREWORD**

This is a report on the second general meeting of the Legal, Constitutional and Administrative Review Committee of the 51st Parliament with the Ombudsman and representatives of the Ombudsman's office. The report relates to the committee's continuing role of monitoring and reviewing the performance by the Ombudsman of functions set out in the *Ombudsman Act 2001* (Qld).

The committee has received detailed information about the way in these functions are carried out, particularly in relation to the investigation of administrative action taken by agencies and the improvement of the quality of decision-making and administrative practices in agencies. We are pleased to be informed that sound initiatives in these areas identified in the committee's previous report to Parliament continue and, in fact, are being strengthened and built upon.

I thank the Ombudsman, Mr David Bevan; the Deputy Ombudsmen, Mr Frank King and Mr Rodney Metcalfe; the Manager, Corporate Services Unit, Mr Shaun Gordon; and the Manager, Advice and Communication Unit, Ms Dilka Whish-Wilson; and other staff of the Ombudsman's office involved in providing information to the committee. The committee is appreciative of the timely and co-operative way that that information, which includes written responses to questions on notice, was provided.

My thanks 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.

[Original Signed]

**Dr Lesley Clark MP**  
**Chair**

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**APPENDIX B - TRANSCRIPT OF MEETING**

## 1. BACKGROUND

The functions of the Queensland Ombudsman, as provided in the *Ombudsman Act 2001* (Qld), include the investigation of administrative action taken by agencies and the improvement of the quality of decision-making and administrative practices in agencies. The *Ombudsman Act* further provides that the Ombudsman is an officer of the Parliament. Accordingly, the Ombudsman 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 section 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 *Ombudsman 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 *Ombudsman 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;
- forwarding to the Ombudsman, prior to each meeting, written questions on notice concerning the committee's special functions;
- the Ombudsman providing written responses to those questions;
- considering those written responses; and
- meeting the Ombudsman, and some senior officers of the Office of the Ombudsman, to further discuss the questions and ask additional questions without notice.

Following each of its biannual meetings with the Ombudsman, the committee reports to the Legislative Assembly on matters the matters it has discussed with the Ombudsman.

## 2. THIS REPORT

The sixth general meeting of the committee and the Ombudsman was held on 23 November 2004. The meeting followed the tabling of the *Queensland Ombudsman 2003-2004 Annual Report* and matters the committee discussed with the Ombudsman included some matters arising out of the annual report.

Prior to its meeting with the Ombudsman on 23 November 2004, the committee had:

- by letter dated 21 October 2004, forwarded to the Ombudsman written questions on notice: these questions and the responses to them provided by the Ombudsman by letter dated 12 November 2004 appear as **appendix A**;



- considered the Ombudsman's responses;
- examined the Strategic Plan for the Office of the Ombudsman for the 2004-2008 period, a copy of which was forwarded to the committee by the Ombudsman by letter dated 30 September 2004;
- examined the transcript of the *Estimates Committee A – Premier and Cabinet, and Agencies* hearing conducted on 13 July 2004, at which the Premier, assisted by the Ombudsman, provided information about the activities of the Office of the Ombudsman; and
- considered the *Queensland Ombudsman 2003-2004 Annual Report*, tabled on 9 November 2004, a copy of which was forwarded to the committee in accordance with section 87 of the *Ombudsman Act* by way of letter dated 27 October 2004.

At the meeting on 23 November 2004, the committee discussed those publications and that information with the Ombudsman and senior officers of the Ombudsman's Office. That meeting was transcribed, and the transcript appears as **appendix B**.

During the meeting, issues discussed with the Ombudsman included:

- complaint statistics for the 2003-2004 financial year and the period between the end of that financial year and the meeting;
- a continued reduction during that period of time in the number of outstanding complaints more than 12 months old;
- improved analysis and reporting on complaints data, and the recording of more demographic information at the complaint intake stage;
- social research about complainants, including a survey of complainants;
- a multicultural communication strategy being developed in conjunction with other independent complaint agencies;
- the Good Decisions Training program designed to help agencies improve their administrative practices;
- the Corrections program and, in particular, strategies to raise awareness of the Ombudsman among prisoners;
- assistance given to agencies to improve complaint handling procedures, including the Effective Complaints Management Project;
- information provided to complainants once a complaint is finalised;
- the power conferred on the Ombudsman by the *Ombudsman Act* to dismiss complaints which are vexatious or frivolous;
- the nature of formal and informal investigations;
- recommendations made to agencies to improve practices and procedures, including formal recommendations under section 50 of the *Ombudsman Act*;
- budgetary issues for the Office, including an anticipated request for additional on-going funding to support training for agencies and continued development of the office's case management computer system, *Catalyst*;
- administrative arrangements, regarding interaction between the Office of the Ombudsman and the Office of the Information Commissioner; and
- a statement by the Premier made in the Legislative Assembly concerning the appointment of a separate Information Commissioner.

### **3. COMMITTEE COMMENTS**

The committee acknowledges the way in which the Office of the Ombudsman continues to resolve complaints in a timely and effective way, including a continuing reduction in the number of complaints not resolved within 12 months of the time at which they were made. Clearly, the Office fulfils an important role in achieving administrative justice on behalf of the people of Queensland.

In particular, the committee is impressed with the research being undertaken about the nature of complaints and complainants. This means that, to the maximum extent possible, complaints may be resolved in the most appropriate and efficient manner, and so as to produce better outcomes for both public administration and those who make complaints. Further, systemic maladministration may be identified, analysed and addressed satisfactorily at an earlier stage.

The quality of administrative practice in Queensland public sector agencies continues to benefit from strategic and soundly-based contributions from the Office of the Ombudsman. The improved organisational capacity of the Office itself has allowed it to provide well-designed proactive advice, recommendations and training programs to effect improvement in public administration in Queensland.

The committee is also pleased to note the steps taken by the Office of the Ombudsman to increase public awareness of its functions and to improve the accessibility of its services to all members of Queensland communities.

# **APPENDIX A**

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

# **MEETING WITH THE QUEENSLAND OMBUDSMAN**

**23 NOVEMBER 2004**

## **QUESTIONS ON NOTICE**

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### **COMPLAINT STATISTICS**

1. Please provide the committee with the 2003-04 complaint statistics 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.
2. In relation to finalised complaints:
  - a) in what proportion of these was there a finding of some form of maladministration; and
  - b) how frequently were recommendations for improvements in public administration made, and were these recommendations then implemented?
3. The committee notes that the Office's Strategic Plan 2004 to 2008 provides for Output Measures and Targets for the 2004-05 financial year.
  - a) How do the above complaint statistics compare to the Output Measures and Targets for the 2003-04 financial year?
  - b) Please describe the way in which the complaints statistics from 2002-03 and 2003-04 were utilised in the setting of the Output Measures and Targets for the 2004-05 year.

### **ANALYSIS OF COMPLAINTS DATA**

4. In the Overview to the Response to Questions on Notice for the 11 May 2004 meeting with the committee, there was reference to analysis of the complaints data relating to 16 large State and local government agencies that generate high numbers of complaints, and that reports had been provided to each agency containing the results and, where appropriate, recommendations for improvements to agency practices. Please outline whether these, and any similar subsequent recommendations, have been implemented by the agencies involved.

### **EFFECTIVE COMPLAINTS MANAGEMENT PROJECT**

5. The committee notes that a key priority in the Office's 2004-05 Budget is the completion of Phase 1 of this project by monitoring and encouraging the implementation of recommendations made to the 11 complaint-handling agencies involved in the project.

- a) Please outline the progress towards completion of Phase 1.
- b) Are these agencies now meeting recognised standards for good complaints management?
- c) What will Phase 2 comprise, and when will it commence?

#### **BETTER DECISIONS PROJECT**

- 6.
  - a) Has the final report of this project been completed? If so, please describe the recommended framework for identifying the key features of an effective decision-making system.
  - b) Please describe the use that will be made of this recommended framework.

#### **WORKPLACE ELECTROCUTIONS PROJECT**

- 7. The committee notes that a key priority in the Office's 2004-05 Budget is the finalisation of a report for tabling in Parliament on the Workplace Electrocution Project and the outcomes that have been achieved. The committee notes that this project commenced in May 1999. When will this report be tabled?

#### **OTHER MAJOR PROJECTS INTO POSSIBLE SYSTEMIC MALADMINISTRATION**

- 8. A further key priority in the 2004-05 Budget is the continued undertaking of major projects into possible systemic maladministration of public agencies. Please outline any projects of this nature not previously reported to the committee.

#### **TRAINING PROGRAMS FOR PUBLIC AGENCIES**

- 9. Please describe the proposed development and promotion of training programs for public agencies on topics such as good decision-making and effective complaints management.

#### **GENERAL BUDGETARY ISSUES**

- 10. Are there any significant budgetary issues you wish to raise with the committee?

#### **HUMAN RESOURCE ISSUES**

- 11. Please describe the progress made in the compilation of a comprehensive package of Human Resource policies.
- 12. Please advise whether the training program for senior officers on management and leadership skills has been completed, and any outcomes from that program.

#### **CREATION OF SEPARATE OFFICE OF INFORMATION COMMISSIONER**

- 13. The committee notes the Premier's announcement that a separate Information Commissioner will be appointed. What do you envisage the practical effects of the separation of the Offices will be?



**QUEENSLAND**  
**ombudsman**

**Response to Questions on Notice**

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

**23 November 2004**

**(Submitted 12 November 2004)**

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## Overview

The Ombudsman's Office had its 30 year anniversary on 8 October 2004. To mark the occasion, we recognised the service of all officers who have been in the Office for more than five years. Three officers had more than 20 years service.

The event provided the opportunity to reflect on how much has changed in the way we carry out our responsibilities. It also highlighted that our core purpose is still to ensure people are treated fairly and reasonably in their dealings with Queensland's public sector agencies.

As I reported in our Annual Report, 2003-2004 was "a period of consolidation during which the changes we implemented [in 2002-2003] have continued to have a positive impact on the Office's performance".

As proof of this claim, I highlighted the progress made in bringing our complaint workload under control as evidenced by the fact that in September 2001 when I commenced as Ombudsman:

...there were more than 1700 open complaints of which at least a quarter were more than 12 months old. As at 30 June 2004, the Office held 469 open complaints and only 37 of those were more than 12 months old.

I also mentioned that:

... of the 9013 complaints finalised in 2003-2004, over 90% were finalised within two months of receipt and 98% were finalised within 12 months of receipt.

During the reporting period we also finalised the Baby Kate investigation and reported on the case to Parliament. One of our major recommendations was that an independent body be established to review child deaths in Queensland where the Department of Families (now the Department of Child Safety) has had some contact with the child. The Crime and Misconduct Commission adopted and built on that recommendation in its report *Protecting children: an inquiry into abuse of children in foster care*. The Child Death Case Review Committee is currently being established.

In relation to our Regional Visits Program, we made 66 visits to regional centres to receive and resolve complaints, exceeding our target for 2003-2004 of 61. We also improved our advertising strategy for those visits and monitored the number of complaints received from outside of the Brisbane area to ensure that we are making our services available State-wide. 76% of complaints were received from outside Brisbane.

During 2003-2004, the Complaints Management Project was our key strategy for helping agencies improve the quality of their decision-making and administrative practice, specifically in relation to how they deal with complaints. We also commenced conducting a survey of complainants in cases where our assessment was that they should first discuss their complaint with the agency the subject of the complaint. Our analysis of the data from the survey will be used to identify ways of improving agencies' current complaint handling processes. However, our capacity to implement new programs for carrying out this important role has been limited by the need to focus on the timely management of complaints.



In 2004-2005 we will commence delivering a major program in this area of responsibility called the *Good Decisions Training Program*. Details of this program are provided in response to Question 9 of the Committee's Questions on Notice. Recently, thirteen Assistant Ombudsmen and investigators received training from an external provider to prepare them for delivering the program to public sector officers, commencing in early 2005.

During the year our Assessment and Resolution Team and Advice and Communication Unit collaborated to gather and analyse demographic and public awareness information obtained from members of the public who made their complaints by telephone. The Advice and Communication Unit then used this information to help us to better target our public awareness strategies.

We have continued to make improvements to our complaints database to allow us to more effectively analyse complaints information. The main priority during the 2003-2004 year was for our investigators to work with the larger public sector agencies to review how we categorise their complaints in order to align our data fields more closely with their business units and operations. This will enable us to provide them with more useful analysis of complaints and recommendations for improving their practices. We are currently making the necessary changes to our database and to relevant complaints data entered since 1 July 2004. This will allow us to analyse the new data for the full 2004-2005 financial year.

In May 2004, we seconded a researcher to the Office for a six months trial. She has undertaken the survey (referred to above) of those complainants we referred back to agencies as well as a survey of other complainants to assess our own complaint services. She is currently conducting a survey of officers of agencies with whom we regularly interact in the course of dealing with complaints about their agencies to ascertain their level of satisfaction with our services and how we do business.

As I mentioned at the meeting in April 2004, we are working on a multicultural communication strategy with the other accountability agencies, specifically the Commission for Children and Young People and Child Guardian, the Crime and Misconduct Commission, the Health Rights Commission and the Anti Discrimination Commission. Our aim is to raise awareness of our respective roles and to improve access to our services for people whose main language is not English. Strategies undertaken in recent months include a radio campaign on community radio and the production and release of a joint brochure in five languages as well as English. The brochure, titled *It's OK to complain*, was launched to the Brisbane multicultural network in August 2004.

Finally, I must acknowledge the commitment of my officers to the pursuit of administrative justice for members of our community and their support for the many changes implemented in my first three years of office.

[Original Signed]

David Bevan  
Queensland Ombudsman

## Complaint statistics

1. Please provide the committee with the 2003-04 complaint statistics 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

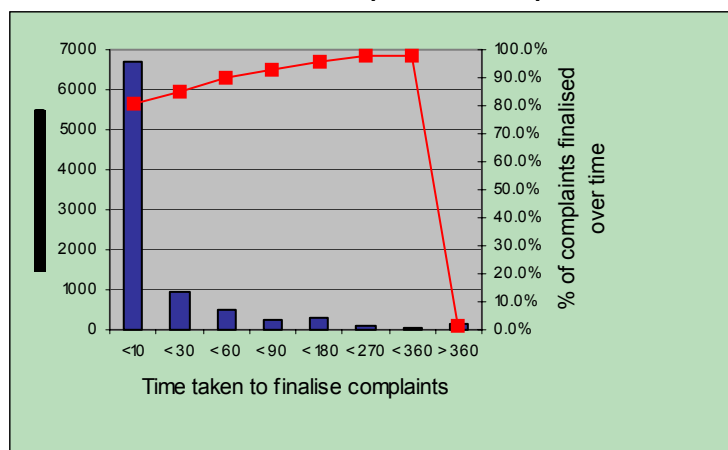
**Table 1: Complaints received and finalised 2003-2004**

Complaints brought forward	504
PLUS Complaints received during the year	8978
LESS Complaints finalised during the year	9013
Complaints under consideration at the end of the year	469

While the number of complaints we finalised dropped slightly (21) from 9034 in 2002-2003 to 9013 in 2003-2004, we continued to finalise more complaints than we received, although there was a slight increase in complaints received over the previous financial year (8740).

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

**Chart 1: Timeframes for the completion of complaints 2003-2004**

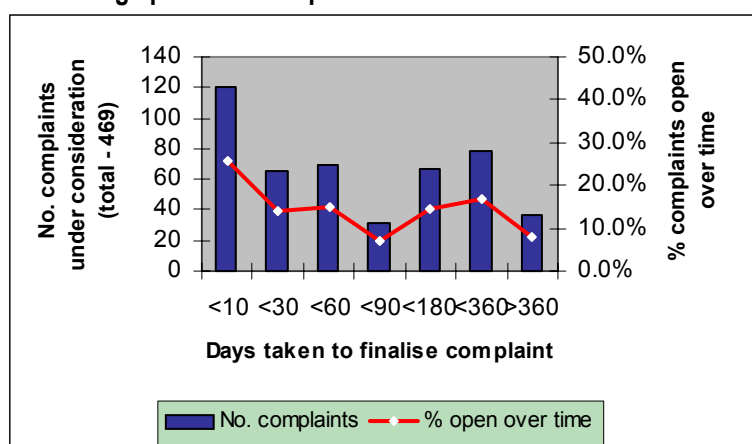


We continued to improve our performance in the time taken to finalise complaints. In 2002-2003 69% of the total number of complaints we received were handled within 10 days. In 2003-2004 that proportion increased to 81%.

In addition to the high percentage of complaints finalised within 10 days, 98% of complaints were finalised within 12 months – an improvement on 2002-2003, when 95% of complaints were finalised within 12 months.

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

**Chart 2: Age profile of complaints under consideration at 30 June 2004**



The number of complaints older than 12 months fell from 81 at 30 June 2003 to 37 at 30 June 2004. This represents an approximate 80% decrease in older cases over the past two reporting periods. These “old” cases comprised only 8% of total cases open at 30 June 2004. More than 60% of complaints on hand were less than three months old.

**(d) Average time taken to deal with complaints**

See Chart 1.

**(e) Proportion of complaints resolved informally**

**Table 2: Intervention approach complaints finalised 2003-2004**

Intervention Approach	Number of Complaints	%
*Assessment Only	7355	82%
Informal. Investigation - Other Approach	80	
*Informal Investigation / Resolution Approach	1356	15%
Major Project	4	
*Preliminary Inquiry Only	218	2%
Grand Total	9013	99%

\*Indicative of informal resolution activity

This year we resolved 99% of cases by an informal approach, which is an improvement on the previous year's performance of 95%.

## (f) Proportion of cases where early intervention occurred

Early intervention action was taken in approximately 82% of the complaints received in 2003-2004.

An early intervention action is an action that is completed on a case within 14 calendar days from the date the complaint is received and substantially progresses the resolution of the complaint or finalisation of the case.

The types of actions defined as early intervention actions are quite discrete and include preparing and forwarding documents to the complainant, a third party to the complaint, or the agency being complained about; and discussion with the complainant, a third party to the complaint, or the agency involved; and obtaining approval to close the case.

### 2. In relation to finalised complaints:

#### *(a) in what proportion of these was there a finding of some form of maladministration; and*

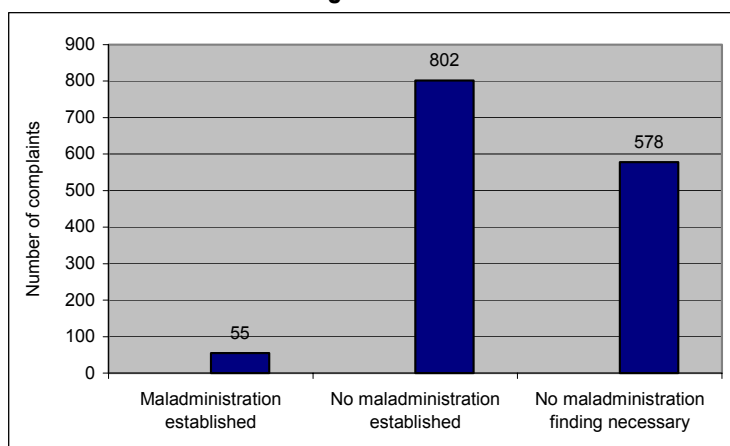
Of the 1583 complaints investigated in 2003-2004, maladministration was clearly established in 55.

578 complaints were finalised on the basis that, as a result of our intervention, the complainant's concerns were addressed without our having to make a finding of maladministration. Of these cases:

- 148 were totally or substantially rectified by the agencies involved;
- 71 were partly rectified by the agencies involved; and
- 359 were finalised by an explanation or advice from our Office to the person making the complaint, based on either our own knowledge of the issue or information provided by the agency.

No maladministration was detected in 802 investigations, and a further 148 investigations were discontinued before finality.

**Chart 3: Outcomes of investigations**



Combining the categories of “Maladministration established” and “No maladministration finding necessary”, a positive outcome was achieved for complainants, or we gave complainants information to resolve their concerns, in 633 cases, or 44% of finalised investigations.

A range of administrative decision-making problems was identified in the cases where our investigations led to a finding of maladministration, with the main ones (in descending order) being:

1. Action unreasonable, unjust, oppressive or improperly discriminatory
2. Action based on a mistake of law or fact
3. Action wrong
4. Action contrary to law
5. Reasons not given when they should have been.

For various reasons we do not investigate a significant proportion of complaints made to the Office. These complaints include:

- Out of jurisdiction complaints (e.g. complaints about private individuals or entities, Commonwealth or interstate public sector agencies, police in operational circumstances, Ministers and Cabinet, courts or tribunals)
- Complaints more appropriately dealt with by other independent complaints agencies
- Complaints where investigation is unnecessary or unjustifiable
- Complaints where the complainant:
  - has known about the problem for more than 12 months before contacting us, or
  - has another right of review that has not been used or finalised, or
  - has not first attempted to resolve the problem directly with the relevant agency.

We frequently ask people to first take their complaints directly to the agencies concerned (if they have not already done so) because they have not exhausted the options for resolving the issue on their own. Often going back to the agency provides the quickest resolution of their issues. We are assisting agencies to improve their procedures for handling these complaints through the Complaints Management Project and our complaints reports to agencies that analyse their complaints data.

In referring people back to the agency they are complaining about, we advise them of what to expect from the agency and on the best approach for their particular issue. In some cases we contact the agency to put the complainant in touch with the right person, which helps to elevate the priority of the matter within the agency.

This year we participated in a program of cross-agency briefings for the intake staff of complaints agencies. The program was designed to increase officers’ understanding of the roles of other agencies, avoid duplication and assist with inter-agency referrals of complaints.

In 2004-2005, we will be surveying complainants whom we referred back to agencies for internal review in 2003-2004. The research will help us to find out firstly, how they felt about being referred back to the agency and, secondly, whether they were satisfied with the service and response they received from the agency. We will refine our referral process and make recommendations to agencies based on this research.



*(b) how frequently were recommendations for improvements in public administration made, and were these recommendations then implemented?*

Sometimes individual complaints can be traced back to an underlying, or “systemic”, problem with how an agency administers its responsibilities. A systemic problem is one where some deficiency in the agency’s administrative processes, rather than an error in judgment by an officer, is causing or contributing to complaints.

Causes of systemic problems include:

- inadequate or unclear legislation and policies,
- inadequate training, supervision or internal controls,
- inadequate record keeping,
- inadequate communication within agencies and between agencies and the public, and
- delegations to levels lacking the required competence.

In 2003-2004 we made 160 recommendations to a wide range of agencies. Most of these recommendations were directed at improving some deficiency in public administration detected through investigation of complaints and addressed important areas such as:

- child protection
- electrical safety
- environmental protection
- medical safety
- local government fees and charges, and
- consumer protection.

Of those 160 recommendations:

- 139 were accepted fully
- one was accepted partially
- one was modified by mutual agreement
- three became redundant by virtue of a change of agency policy which removed the problem
- six were accepted and are in the process of implementation
- three are the subject of negotiation
- four are awaiting a response, and
- three were not accepted.

Of the three recommendations not accepted:

- after considering the agency’s response, we agreed one recommendation was unnecessary because existing agency procedures were adequate, and
- we are currently considering the other two (which relate to one complaint) in light of the agency’s response.

We recently developed a new Office policy on recommendations that draws officers’ attention to the need to:

- make a recommendation for improvement in public administration whenever a systemic problem is identified
- consider whether a recommendation for improvement in public administration should be made whenever an individual complaint is rectified
- ensure that such recommendations are specific and targeted so that, for example, agencies agreeing to review a particular policy know exactly what that review needs to address
- negotiate with agencies a reasonable timeframe for implementation of recommendations once those recommendations have been accepted, and
- follow up to ensure that accepted recommendations are implemented as agreed.

Furthermore, the Office's complaints management system (*Catalyst*) was recently enhanced to assist in the recording and implementation of all recommendations.

3. *The committee notes that the Office's Strategic Plan 2004 to 2008 provides for Output Measures and Targets for the 2004-05 financial year.*

(a) *How do the above complaint statistics compare to the Output Measures and Targets for the 2003-04 financial year?*

**Table 3: Performance targets for 2002-03, 2003-04, 2004-05 and actual performance for 2002-03 and 2003-04**

<b>OUTPUT: INDEPENDENT REVIEW OF COMPLAINTS AND APPEALS ABOUT GOVERNMENT ADMINISTRATION</b>				
<b>MEASURES</b>		<b>2002-03</b>	<b>2003-04</b>	<b>2004-05</b>
<b>QUANTITY</b>				
Complaints finalised or resolved	<b>Target</b>	<b>*4000</b>	<b>9000</b>	<b>9000</b>
<small>*New complaints database introduced recording oral complaints for the first time</small>	<b>Actual</b>	9034	9013	
<b>QUALITY</b>				
Proportion of sustained cases rectified	<b>Target</b>	<b>95%</b>	<b>95%</b>	<b>95%</b>
	<b>Actual</b>	95%	98%	
Proportion of cases resolved informally compared to cases resolved by formal investigation	<b>Target</b>	<b>85%</b>	<b>85%</b>	<b>85%</b>
	<b>Actual</b>	95%	99%	
Proportion of cases where early intervention occurred	<b>Target</b>	<b>85%</b>	<b>90%</b>	<b>90%</b>
	<b>Actual</b>	69%	82%	
Proportion of recommendations for improvements to administrative practice accepted by agencies	<b>Target</b>	<b>new measure</b>	<b>90%</b>	<b>90%</b>
	<b>Actual</b>	n/a	99%	

<b>TIMELINESS</b>				
Proportion of cases finalised within 12 months of lodgement	<b>Target</b>	<b>95%</b>	<b>95%</b>	<b>95%</b>
	Actual	95%	98%	
Proportion of open cases at the end of each reporting period that are more than 12 months old	<b>Target</b>	<b>15%</b>	<b>10%</b>	<b>10%</b>
	Actual	16%	8%	
<b>LOCATION</b>				
Number of regional centres outside of Brisbane visited to receive and resolve complaints	<b>Target</b>	<b>new measure</b>	<b>61</b>	<b>61</b>
	Actual	67	66	
Proportion of complaints received from outside of Brisbane	<b>Target</b>	<b>new measure</b>	<b>new measure</b>	<b>75%</b>
	Actual	n/a	76%	

*(b) Please describe the way in which the complaints statistics from 2002-03 and 2003-04 were utilised in the setting of the Output Measures and Targets for the 2004-05 year.*

Targets in the Output Measures are what we believe are appropriate and can be realistically achieved, having regard to available resources and historical data including data from the last two financial years.

For the last two financial years we have recorded all complaints received, both oral and written.

“Proportion of complaints received from outside of Brisbane” is a new measure to show we are providing a service State-wide.

## Analysis of complaints data

*4. In the Overview to the Response to Questions on Notice for the 11 May 2004 meeting with the committee, there was reference to analysis of the complaints data relating to 16 large State and local government agencies that generate high numbers of complaints, and that reports had been provided to each agency containing the results and, where appropriate, recommendations for improvements to agency practices. Please outline whether these, and any similar subsequent recommendations, have been implemented by the agencies involved.*

We made recommendations for improvement to agency practices in fifteen of the sixteen Complaints Reports to State and local government agencies in 2002–2003. Most of the recommendations were for general improvements to agencies practices. The identification of



trends in complaints will only be possible after Catalyst has been operating for a number of years to provide relevant comparable data.

The following aspects were covered in the 2002-2003 Complaints Report (in some cases more than one recommendation was made to a particular agency):

- (a) use our complaints data in conjunction with (the agencies) own complaints data to identify systemic problems in service delivery and then develop appropriate complaint reduction strategies **(ten agencies)**
- (b) take steps to continue to enhance complaint handling including having an efficient internal review process **(three agencies)**
- (c) refer a complaint to our Office if the department believed we could assist in the resolution of the complaint **(two agencies)**
- (d) have a nominated liaison officer for our officers to contact to help resolve complaints **(two agencies)**

Of the ten agencies falling within (a), six are involved in our Complaints Management Project. These agencies are preparing new Complaints Management Policy and Procedures that will improve their internal complaint handling.

The other four agencies will be encouraged to implement an appropriate complaints management system in Phase two of this project.

Each Complaints Report for 2002-2003 was discussed with the Director General, Chief Executive Officer or authorised agency officer with a view to steps being taken to reduce complaint numbers. In 2003-2004, for the ten agencies within (a), one agency received the same number of complaints as in the previous year, one agency had an increased number of complaints and in the other eight agencies complaint numbers decreased. This may be indicative of some steps being taken to reduce complaint numbers in these agencies.

In relation to the three agencies mentioned in (b), each of these is involved in the Complaints Management Project. Procedures for an effective internal review process are proposed to be covered in their Complaints Policy and Guidelines.

The point mentioned in (c) has been made to officers of the two agencies as part of our *Good Decisions Training*. We are also aware that one of these agencies (Queensland Housing) advises complainants they can refer their complaint to our Office (and provides contact details) if they remain dissatisfied with the agency decision. We are following up this recommendation with the other department involved (Child Safety).

Appropriate liaison officer contacts now exist in the relevant two departments (see (d)). We have followed up with all agencies to ensure that these arrangements exist to facilitate our obtaining of information and the handling of correspondence.

In two of our 2002-2003 reports, we also noted that communication issues underlie many complaints to our Office concerning those agencies. Although we did not make any specific recommendation to these agencies on this subject, we are aware, from discussion with agency officers in the course of the Complaints Management Project, that this is a topic being considered and addressed.

## Effective Complaints Management Project

5. *The committee notes that a key priority in the Office's 2004-05 Budget is the completion of Phase 1 of this project by monitoring and encouraging the implementation of recommendations made to the 11 complaint-handling agencies involved in the project.*

*(a) Please outline the progress towards completion of Phase 1.*

Phase 1 of the Project has involved working with 11 public sector agencies, including three local governments, to:

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

With the exception of one small council, which was a late addition to the project, my Office completed the first two tasks and made numerous recommendations to the participating agencies in or before April/May 2004. Since then my officers have been working with their counterpart liaison officers in the agencies to progress the implementation of those recommendations.

Common recommendations have been that agencies should:

- make information readily available to the public about how to make a complaint
- identify a complaints handling model appropriate for their agency
- document and implement formal complaints management policies and procedures
- develop or enhance a centralised complaints database to assist complaint resolution and business improvement
- train staff in complaint handling.

Although agencies have responded positively to the recommendations, implementation of them, particularly across large agencies, has involved considerable discussion. In some cases, several drafts of new policies and procedures have been prepared and discussed.

Issues that have arisen have included:

- frequent change of agency personnel/liaison officers
- structural change within agencies placing the project on hold for lengthy periods (e.g. Department of Corrective Services)
- the need for agencies to consult a wide range of stakeholders and to achieve consensus
- resource implications of implementing a best practice model
- misunderstandings as to what is required, given that many liaison officers have no prior experience in complaints handling
- delays in developing databases suitable for recording and managing complaints
- the pressure of competing duties of agency officers.

The current position is that one agency has implemented a good quality complaints management policy and procedure, with other recommendations such as training and development of an appropriate complaints database to be finalised in the next few months. In 2 cases implementation of recommendations has been delayed by significant internal structural changes. In all other cases our officers are optimistic that policies and procedures which meet the required standard will be implemented in the next 3 months or so, with implementation of other recommendations to follow shortly thereafter.

To assist agencies to develop a complaints database appropriate to them the Office proposes to conduct a presentation/seminar in late November at which several types of systems will be demonstrated. Topics to be covered will include electronic complaint handling and tracking, reporting for business improvement, "fit" with existing agency resources and systems, and indicative costing.

*(b) Are these agencies now meeting recognised standards for good complaints management?*

As indicated in (a), implementation of recommendations designed to bring about good complaints management systems is progressing. However reports from liaison officers indicate that a number of participating agencies have improved their practices as a result of their involvement in the project to date, with further improvement to follow when all recommendations are implemented.

*(c) What will Phase 2 comprise, and when will it commence?*

As advised previously, phase 2 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.

Phase 2 will commence when phase 1 is substantially completed, i.e. when the majority of the agencies participating in phase 1 have their systems "up and running". It is important that the results of phase 1 be analysed so that the best systems can be identified and promoted, and any identified problems avoided in phase 2.

At this stage we cannot nominate a particular starting date because much remains to be done in phase 1 which is not within our control. However, the commencement of phase 2 does not depend on all of our recommendations being implemented. We simply need several complaints models from which other agencies can choose in phase 2.

## Better Decisions Project

6. (a) *Has the final report of this project been completed? If so, please describe the recommended framework for identifying the key features of an effective decision-making system.*

The Better Decisions Project (BDP) is a project of the Department of Tourism, Fair Trading and Wine Industry Development (DTFTWID) and is being jointly led by the Strategic Evaluation and Review Unit and the Legal Services Unit of DTFTWID. The Department of Premier and Cabinet and the Queensland Ombudsman's Office are joint sponsors of the project.

The final report of the project has not been completed although a draft report has been prepared and provided to various stakeholders for consultation. The delay has been substantially caused by the Department's project officer leaving. The Department recently appointed a legal officer who will complete the final report.

- (b) *Please describe the use that will be made of this recommended framework.*

The Better Decisions Framework examines administrative decision making at a systems level, focusing particularly on decision-making systems with regulatory functions such as registration and accreditation programs, occupational and business licensing, and enforcement of legislation.

The framework is primarily intended to be a reference for officers involved in the design and establishment of new administrative decision making systems, and officers participating in substantial reviews of existing decision making systems.

The extent to which components of the framework apply to individual administrative decision making systems will depend on the nature, purpose and characteristics of the particular decisions and decision-making processes. For this reason, the framework is intended as a general reference only. It is not intended to be an exhaustive guide to the many diverse matters that affect both the development and ongoing operation of administrative decision-making systems.

## Workplace Electrocution Project

7. *The committee notes that a key priority in the Office's 2004-05 Budget is the finalisation of a report for tabling in Parliament on the Workplace Electrocution Project and the outcomes that have been achieved. The committee notes that this project commenced in May 1999. When will this report be tabled?*

I advised the Committee earlier this year (meeting with Queensland Ombudsman – 11 May 2004 report number 44, June 2004) that the last of the investigations comprising the WEP had been completed on 8 April 2004. I also advised the Committee that the report contained 11 recommendations and that DIR had agreed to implement all of them.

One of those recommendations required the DIR to review some aspects of the original investigations of the incident by WH&S and the ESO. DIR has advised that a report will be provided by the end of November 2004.

Another recommendation required DIR to obtain legal advice about an issue. I understand that DIR has recently received that advice which will be relevant to recommendations I am considering making in my final report.

A further recommendation was that the Commissioner for Electrical Safety review a number of other significant issues including whether the Electrical Safety Act, the Electrical Safety Regulation and any of the codes of practice issued under the Electrical Safety Act required amendment in light of the opinions I had expressed in my report. I am waiting for the Commissioner's advice.

It would be premature for me to complete my final report summarising the WEP until the outcome of these recommendations are known. However, it has been substantially completed in draft form and will be presented to the Speaker for tabling in Parliament once I am satisfied that all major recommendations have been implemented.

The focus of the report is on comparing the system of electrical safety and workplace health and safety in Queensland at the time of the fatalities with the current system to assess the effectiveness of the changes. Therefore, the timing of the report is not critical.

### **Other major projects into possible systemic maladministration**

*8. A further key priority in the 2004-05 Budget is the continued undertaking of major projects into possible systemic maladministration of public agencies. Please outline any projects of this nature not previously reported to the committee.*

Two major projects are being conducted by the Major Projects Unit. We have also identified a number of potential major projects. However, the confidentiality provisions of the Ombudsman Act (ss.25(2)(a) and 92) prohibit disclosure of any details of investigations.

A report on at least one of these investigations will be tabled in Parliament this financial year.

### **Training programs for public agencies**

*9. Please describe the proposed development and promotion of training programs for public agencies on topics such as good decision-making and effective complaints management.*

The *Good Decisions Training Program* is our key vehicle for providing training to public agencies in 2004-2005. The program was developed in response to a need identified through major projects such as the Brooke Brennan and baby Kate investigations, other research including analysis of our complaints data, and a very positive reaction to the limited decision-making training we have delivered to date. That training has been provided to:

- Child care officers as a result of the Brooke Brennan and baby Kate investigations; and
- Investigators in the Office of Fair Trading in the course of the Better Decisions Project.

Subsequently, we decided in March 2004 to formalise our training initiative and create a practical presentation supported by accurate training material reflecting contemporary best practice. The training will be delivered by investigators, who have been trained to deliver the workshop program.

We have completed development of a half-day interactive training program comprising:

- A brief description of our role and powers, how we investigate complaints about the participating agency and how it should respond.
- An explanation of the principles of good decision-making
- Discussion of the use officers can make of a decision-making checklist
- Workshopping a number of agency-specific examples and scenarios to demonstrate the applicability of the decision-making concepts discussed.

A PowerPoint presentation and training content have been reviewed by an academic who is an expert in administrative law.

As discussed above, 13 Ombudsman officers have been trained in how to present the program as well as facilitation techniques for workshops.

The next steps include:

- Developing supporting materials such as the participants' handbook and the presenters' manual
- Developing and implementing the marketing and communication strategy
- Identifying target agencies
- Producing a schedule for delivery of the training
- Designing program evaluation
- Coordinating delivery of the training from February 2005.

Recently, a trial run of the new content and format of the *Good Decisions Training* was presented to Department of Housing officers and received a very positive response. Feedback from this trial has been incorporated into the final training program.

We intend seeking additional funding from Treasury for this program (see response to Question 10). We will provide the Committee with a copy of our detailed submission in due course and seek the Committee's support.

## **General budgetary issues**

### *10. Are there any significant budgetary issues you wish to raise with the committee?*

Although the Offices' budget position as at 31 October 2004 is a deficit of approximately \$50,000, it is expected that the Office will be operating within budget by the end of the financial year.

However, the current situation shows that no funding is available for significant new initiatives including the following:

### **Training**

As mentioned, we are about to make available a major training program to all public agencies in discharge of our statutory responsibility to take action "*to improve the quality of decision-making and administrative practice in agencies.*"

There is strong interest from several agencies to date and we are planning to commence delivering training early in 2005. It is anticipated that the additional resources needed to manage current workloads in the Office as well as deliver the *Good Decisions Training* will be approximately 3 x AO6 officers or \$250,000.

A further \$50,000 is anticipated to be required to cover expenses mainly associated with printing and production of participant handbooks, advertising or promotional material and evaluation/refinement of the program.

It is also planned to deliver the training throughout regional Queensland to officers of State and local government agencies. Therefore, some additional travel and accommodation expenses will be incurred.

## ICT

Additional funding over the coming financial years will be sought for the recurrent budget to allow for continued development of the case management computer system, *Catalyst*.

As *Catalyst* continues to be developed to meet the business needs of the Office, a modest increase in the recurrent budget to meet the escalating costs of software, contractors, network and infrastructure costs will be required.

The original budget request for *Catalyst* was \$300,000 for capital, \$70,000 for an additional FTE (Project Manager), and \$50,000 for recurrent maintenance, support and development. The budget allocation granted in 2000-01 was \$300,000 capital expense for initial set-up, with the Project Manager position and ongoing costs to be funded internally.

Since implementation in December 2002, the Office has internally funded the maintenance and ongoing development of *Catalyst*.

The main expenses currently associated with maintaining and developing *Catalyst* are:

- Licensing, software and contractors
- A permanent Systems Administrator position (A04 level)
- A temporary Senior Business Analyst position (A07 level).

It is expected that the need for the Senior Business Analyst position will continue and that the position will be incorporated into the permanent establishment of the Office.

The Office has not had a substantial increase to its recurrent budget (apart from EB increases) since 1999. However it is now necessary to seek additional funding to cover some of these costs.

It is estimated that the increase we will be seeking to the recurrent budget associated with *Catalyst* costs will be approximately \$60,000 for each financial year.

## Accommodation

The accommodation lease for the tenancy at 288 Edward Street expires on 30 June 2006. Other accommodation options will be explored before the lease expires. In any event, it is highly likely that additional funding will be required for the 2005-2006, 2006-2007 financial years to meet increases in leasing rates and a one-off cost for the initial fit-out of a tenancy.

## Human resources issues

### *11. Please describe the progress made in the compilation of a comprehensive package of Human Resource policies.*

The implementation of a full HR policy framework began in March 2003. This project arose as a result of recommendations from the Strategic Management Review of the Office in 2000. The HR framework is tailored to suit the Office environment and is based upon contemporary public sector HR environments. The project is expected to be completed by 30 June 2005.

All policies classified as priority one have been completed.

**Table 4: Status of HR framework**

HR Policy	Category	Status
Secondments between Agencies	Workforce management	Approved
HR Delegations	Workforce management	Approved
Recruitment & Selection	Recruitment, Selection & Induction	Approved
Recruitment & Selection Guidelines	Recruitment, Selection & Induction	Approved
Induction Manual	Recruitment, Selection & Induction	Approved
Probation	Employee Relations & Entitlements	Approved
Probation Performance Plan	Employee Relations & Entitlements	Approved
Part Time Employment	Employee Relations & Entitlements	Approved
Hours of Work	Employee Relations & Entitlements	Approved
Higher Duties and Relieving	Employee Relations & Entitlements	Approved
Sick Leave	Employee Relations & Entitlements	Approved
Recreation Leave	Employee Relations & Entitlements	Approved
Long Service Leave	Employee Relations & Entitlements	Approved
Bereavement Leave	Employee Relations & Entitlements	Approved



Extra Leave for Proportionate Salary	Employee Relations & Entitlements	Approved
Code of Conduct (Ombudsman)	Performance Management	Approved
Code of Conduct (Information Commissioner)	Performance Management	Approved
Performance Management	Performance Management	Approved
Performance Management Guidelines	Performance Management	Approved
Managing Diminished Performance	Performance Management	Approved
Discipline	Performance Management	Approved
Workplace Health & Safety	Work Environment & Climate	Approved
WH&S Guidelines	Work Environment & Climate	Approved
Office Security	Work Environment & Climate	Approved
Smoke Free Workplace	Work Environment & Climate	Approved
Diversity	Work Environment & Climate	Approved
Workplace Harassment & Bullying	Work Environment & Climate	Approved
Grievance Management	Work Environment & Climate	Approved
Staff Reward & Recognition	Performance Management	Approved
Appeals against Decisions	Work Environment & Climate	Draft
Working from Home	Employee Relations & Entitlements	By June 2005
SARAS	Staff & Organisational Development	By June 2005
Workplace Rehabilitation	Work Environment & Climate	By June 2005
Job creation, analysis and evaluation	Workforce management	By June 2005
Position Descriptions	Workforce management	By June 2005
Family Leave	Employee Relations & Entitlements	By June 2005
Carers Leave	Employee Relations & Entitlements	By June 2005
Emergent/Compassionate Leave	Employee Relations & Entitlements	By June 2005
Special & other leave	Employee Relations & Entitlements	By June 2005
Christmas Closure leave	Employee Relations & Entitlements	By June 2005
Training & Development	Staff & Organisational Development	By June 2005
Reasonable Adjustment	Work Environment & Culture	By June 2005
Employee Assistance Program	Work Environment & Culture	By June 2005
Personnel Records	HR Info Systems & Reporting	By June 2005
Temporary Employment	Employee Relations & Entitlements	By June 2005

Other Allowances	Employee Relations & Entitlements	By June 2005
Deployment & Redundancy	Employee Relations & Entitlements	By June 2005
Separation	Employee Relations & Entitlements	By June 2005
Medical Incapacity	Performance Management	By June 2005
Work & Family	Work Environment & Culture	By June 2005
Resolving Conflicts of Interest	Work Environment & Climate	By June 2005

*12. Please advise whether the training program for senior officers on management and leadership skills has been completed, and any outcomes from that program.*

Six members of the Ombudsman's Senior Management Group have participated in the Institute of Public Administration Australia's program called *Voice and Spirit of Leadership: Leadership Strategies Program*. The IPAA program was chosen because of its breadth and the relevance of the content to our Office.

It was based in a public sector context and focused on contemporary leadership theory and organisational strategy. The learnings for officers were primarily about building interpersonal skills, learning about group and team dynamics, intervening in and supporting change and creating a learning work environment that motivates staff. There were three components to the training:

- 5-week e-learning component – in which officers responded to questions using a web journal
- 3-day workshop – face-to-face delivery
- 8-week e-delivery and working with reflective partners to support transferral of learnings into the workplace.

The main outcome of the training is a Leadership Project Plan developed by each participant, outlining how they will apply their learning objectives in the workplace and specifically, in the implementation of a project they each undertake that benefits the Office.

Other outcomes include the formation of a Senior Officers Group which meets monthly to discuss strategic priorities, operational issues and develop solutions and proposals for consideration by the Ombudsman.

The Deputy Ombudsmen will be participating in the same or a similar program in 2004-2005.

## **Creation of separate Office of Information Commissioner**

*13. The committee notes the Premier's announcement that a separate Information Commissioner will be appointed. What do you envisage the practical effects of the separation of the Offices will be?*

We are unable to comment on this issue as the only information we have about the proposal is the information provided by the Premier to Parliament when he announced it.

The following information is provided to assist any discussions the Committee may have on the matter in due course.

The Office of the Ombudsman and the Office of the Information Commissioner function independently of each other. The only exceptions to this are:

- The Ombudsman is also the Information Commissioner
- The Corporate Services Unit of the Office of the Ombudsman also provides services to the Office of the Information Commissioner
- The Offices operate on funds jointly provided by Parliament – that is, funds are not appropriated separately to each Office.

The approved staff establishment at 30 June 2004 was:

1	Deputy Information Commissioner (SES2)
1	Assistant Information Commissioner (S02)
2	Assistant Information Commissioner (A08)
2	Senior Administrative Review Officers (A07)
3	Administrative Review Officers (A06)
1	Executive Officer (A04)
1	Legal Research Officer (A03)
1	Administrative Assistant (A02)

# **APPENDIX B**

## **Transcript of meeting**

This is a transcript of private and confidential evidence taken before the committee and should not be copied or republished in any way without the express authority of the committee.

Any unauthorised publication of this Hansard may constitute a contempt of Parliament. If the transcript becomes the subject of any request under the Freedom of Information Act, the committee should be notified.



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

## **Members:**

Dr L.A. Clark MP (Chairperson)  
Mr A.P. Fraser MP  
Mr R.O. Lee MP  
Mr M.F. McArdle MP  
Mr A.I. McNamara MP  
Mr I.P. Rickuss MP  
Miss F.S. Simpson MP

## **MEETING WITH THE QUEENSLAND OMBUDSMAN**

### **TRANSCRIPT OF PROCEEDINGS**

**Tuesday, 23 November 2004**

**Brisbane**

## TUESDAY, 23 NOVEMBER 2004

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The committee commenced at 1.12 p.m.

**The CHAIR:** We do have a couple of apologies. Ronan Lee apparently is having his wisdom teeth out. All our best wishes go to him for that horrible experience. Fiona Simpson, unfortunately, also gave an apology. She has other business to attend to. We only have the hour now, as you know, for our lunch break, so we are going to have to move through this fairly quickly. I would like to have more time but people do have other commitments, I believe.

**Mr Bevan:** Is that an hour for both offices?

**The CHAIR:** That is a pretty big ask.

David, in your capacity as Ombudsman, I indicate that we all have a copy of your response to our questions and we have studied that. I might ask you, in your capacity as Ombudsman, if you could make a short opening statement and then we will go into our questions from there.

**Mr Bevan:** Thank you very much and thank you for the opportunity to meet with the committee. If I could just make a couple of comments about the office's performance in the 2003-04 financial year. As highlighted in the overview to our report to the committee, the year was a period in which we consolidated changes to our structure and the way we do business, and these changes continue to improve our performance in the handling of complaints. I would just highlight the fact that at the end of the financial year we had 469 complaints on hand compared with 514 in the previous financial year. Of those 469, only 37 were more than 12 months old—compared with 81 as at 30 June 2003 and approximately 300 at 30 June 2002.

Other highlights include our report to parliament on the Baby Kate investigation, our regional complaints program which included 66 visits to regional areas, and our multicultural access and awareness project—all referred to in the overview to our response to the committee. We also took steps to enhance our capacity to analyse and report on complaint data, by aligning our complaint categories in our database more closely with the requirements of individual state government agencies and local governments. We are also recording more demographic information at the complaint intake stage and we have engaged a social researcher to undertake research, including a survey of our complainants, a survey of the complainants we refer back to the agency they are complaining about as our initial response, and a survey of officers in agencies with whom we frequently have contact in the course of investigating complaints.

In September and October of 2004, the months just gone, we sent reports to 14 of the main complaint generating agencies, analysing their complaints data. As you would expect, they are the agencies that provide services direct to the public; therefore, they have the greatest direct contact with members of the public and attract the greatest number of complaints. If I can just give you a brief complaints update for the period since the end of the financial year: as we report in our annual report, complaints about the state public sector generally were up by eight per cent in the financial year just gone. Complaints about local councils dropped by six per cent. Agencies that showed significant increases in the state area included the former Department of Families, perhaps for obvious reasons—there was so much publicity of the two inquiries by ourselves and the CMC—the Department of Health, the Department of Housing and Queensland Transport. From 1 July to 19 November, this month, we have received 1,894 complaints about state departments and public authorities, and when that is compared with the figure for the corresponding period last year there is a reduction of four per cent, so it is not continuing to go up which is somewhat reassuring, and the complaints about local councils in the recent period are pretty well on a par with the same period last year.

We have mentioned our multicultural communication strategy. I talked about that at our meeting in April and said we were working with other accountability agencies on a multicultural communication strategy, the aim being to raise awareness of our respective roles and to improve access to our services for people whose main language is not English. We developed a communication strategy which included the radio campaign and advertising on Radio 4EB, which I spoke about at our last meeting, as well as participating in multicultural events. We have now published the group's joint brochure titled 'It is OK to Complain', and that has been published in five languages, and we have formed a community reference group and sought their advice on a range of matters including the content, design and languages. We have brought along the English version for the committee to have a look at, which Dilka can hand around. There is another publication in that which I will talk about shortly.

Acting on the advice of that reference group, we have translated the brochure into five languages and we launched the brochure to the Brisbane Multicultural Network in August at the Greek Club, and the president of the Ethnic Communities Council hosted that function. That was followed by a launch specifically for the Chinese community earlier this month, at which I was one of several speakers. That function was attended by one government minister, several other MPs including a previous chair of this committee, Karen Struthers.

We are also working with Brisbane City Council's community development team to target some small new refugee communities in Brisbane. The council received some funding from Multicultural Affairs Queensland to run information sessions for these communities, focusing on their rights and responsibilities, and we will be participating in information sessions along with the other complaint agencies.

Recently we held a display at the multicultural festival at Roma Street Parkland. That provided great exposure and generated a lot of requests for our brochures as well as questions about our agencies, mainly from people who work with these communities.

A couple of comments about the good decisions training program—in our response to question 9 we talk about that program. Considerable work has gone into preparing the training material and providing training to our own officers so that they can competently and confidently deliver the training. It is a major new initiative for us in carrying out our broad statutory responsibility to help agencies improve their administrative practice. I have also indicated in our response to the committee that I will be seeking additional funding because our current funding is not sufficient to permit us to deliver this program without compromising our other key responsibility of investigating complaints about maladministration. We are currently preparing a submission to the Cabinet Budget Review Committee for a meeting in December, where it will be considering submissions on proposals and urgent funding issues as a first step in next year's budget process. We will provide a copy of that submission to the committee and would be grateful for your support for that submission.

With the complaints management project, we have made substantial progress with the project, and all 11 agencies are working on implementing recommendations we have made to them for improving their systems. Some agencies have been concerned about the cost of implementing our recommendation that their complaints system needs to have the capacity to record, analyse and report on the complaints data. For this reason, next week we will be hosting a meeting of liaison officers for those agencies for the project, at which several complaint databases will be demonstrated.

I mentioned just briefly the organisational structure at our last meeting. I advised the committee that we were still considering whether our long-term structure would incorporate two or three investigative teams. We have recently decided that the industrial and development team will be disbanded from 1 December and its officers redeployed because we believe it is more viable to have two larger teams than three smaller ones.

A couple of comments about our corrections program: first of all, towards the end of the last financial year we produced information about our office, specifically for Aboriginal and Torres Strait Islander prisoners, to raise awareness of our services among the group. We designed posters and pocket-sized brochures entitled 'Aboriginal and Torres Strait Islander Prisoners—is Something Bothering You?' and there are copies of that in the material with which you have just been provided. They were developed in consultation with a number of stakeholder organisations and were distributed with the assistance of the Department of Corrective Services. In the course of undertaking our current program of visits to custodial correction centres, we have, wherever possible, met with Aboriginal and Torres Strait Islander counsellors and prisoner representatives and have received positive feedback about the material.

A second point I wanted to make was that we have delivered to the department our complaints report. That is one of the agencies to which we have delivered these reports. We have also held preliminary discussions with the director-general of the department about the contents of the business model review report commissioned by the department which has recently been published. We reiterated our willingness to assist the department in implementing certain recommendations contained in that report, in particular those relating to the development of an effective complaint management process, and that will build on the work we have already undertaken with the department as part of the complaints management project. They are all the matters on which I wanted initially to brief the committee. I am happy to respond to any questions, of course.

**The CHAIR:** That is great. We certainly would like to congratulate you on the continued progress that the office has undertaken this year, and certainly your annual report is testament to the effective work of the office. Congratulations.

**Mr Bevan:** Thank you very much.

**The CHAIR:** You are certainly going in all the right directions. It is definitely good to see those cases that are 12 months and older coming down to just 37 after 30 June this year. That is really good as well. I was impressed too with the way that you have been working in the multicultural communities.

David, the committee actually is having a look at some issues in relation to youth participation in democracy and I just wonder: can you analyse your statistics to indicate how many young people are actually using the ombudsman's service, and is that the target group that you have spoken to as to how you might prepare some material specifically to educate them about the rights they have in relation to complaining about government decisions?

**Mr Bevan:** We have recently increased the amount of demographic information we are obtaining from complainants. I am not sure whether Dilka can respond to that, as to whether we capture the age group that the complainants were in. I do not think we do at the moment.

**Ms Whish-Wilson:** No. We capture cultural background and how they have heard about the office at the moment. I think that, based on some anecdotal advice really that we have had, we do not get a lot of complaints from young people but, as was pointed out, that may be—

**Mr Bevan:** That is the reason one should be targeting them, of course.

**The CHAIR:** Yes. Perhaps you might like to take that on board, to see whether that is something that would be—at least in terms of your statistical analysis—sensible, perhaps for a 12 month period, to get some sense of why young people are utilising the service that you offer, and then you could think about, if necessary, some strategies to make it produce the materials to at least let them be aware of your existence.

**Mr Bevan:** It is something that I will undertake to take back to the independent complaint agency group which we have on our multicultural communication strategies. Certainly, some of those agencies will be doing a lot more in that area, of course—the Children and Young People's Commission and Child Guardian, of course, would have a lot of initiatives in that area, but it is something which we may be able to address as a group and come up with a joint strategy there as well.

**The CHAIR:** That will be very helpful. I might ask committee members, initially on that but also in the area of complaints and the data there.

**Mr McNAMARA:** Mr Bevan, I am interested in the feedback that you give to bodies who are complained against, particularly in circumstances where the complaint is unsubstantiated or there is insufficient reason to justify investigation. Do they get told simply that the complaint is finalised? Do they get told it is finalised because there is insufficient evidence? I mean, how far do you drill down in giving the feedback in those circumstances?

**Mr Bevan:** We certainly give them more than simply indicating that the complaint has been dismissed because, in the course of dealing with the complaint, we are liaising with the agency anyhow, obtaining information from them. In our final report to the complainant, we provide full details and we often give the same amount of information to the agency—the deputies would back me on that—and on other occasions we may give an abridged version of that information back to the agency.

**Mr McNAMARA:** Do you have serial complainants? Do you have a group of people who are your regulars? Frequent flyers?

**Mr Bevan:** We certainly have people who make multiple complaints, yes. That is correct.

**Mr McNAMARA:** Do you have anything like the Supreme Court's vexatious litigant sort of approach? Do you reach a point where you take no further complaints, or is every complaint still dealt with on its face?

**Mr Bevan:** We certainly do have the power to dismiss complaints which are vexatious or frivolous. We have that power, but in the great majority of cases the person at least thinks they have an issue so we do an initial assessment, but the vexatious or those that we believe do not have any substance are dismissed at that point. We also have a wide discretion to dismiss complaints where we do not think that it is necessary or justifiable to investigate the matter.

**Mr McNAMARA:** I take it that is only a very small proportion though of your total complaints.

**Mr Bevan:** Yes. That would fall into the vexatious and frivolous category—that is correct.

**Mr McNAMARA:** Thank you.

**Mr RICKUSS:** There are quite a few people who do not feel satisfied with the response they get from you, not so much the response but the answer that they get from you, are there not? I have had quite a few people who feel that they have been hard done by where you have said, 'This is a legal matter,' or whatever it is. They then feel that they were led up the garden path, something was going to be done for them and it never happened. Do you get a fair bit of that sort of stuff? That is what I seem to back into my office.

**Mr Bevan:** It is inevitably the case that if people do not get the outcome that they are seeking, they tend not to be satisfied. When we conduct surveys, we try to focus on the level of service or type of service we are providing so that it is not influenced so much by the eventual outcome. I suppose, however, on the other side of that, in those cases where we find in favour of the person, the decision-makers in the agencies might not be very happy.

**Mr RICKUSS:** Yes. I notice on page 5 of your report, maladministration established is 55, no maladministration established is 802. Is that percentage of maladministration what you would expect? In New South Wales, if they did their reports, would it be that same sort of percentage, that it works out at about 4 per cent?

**Mr Bevan:** I do not have those comparative figures unfortunately and the agencies interstate are very different. They have different jurisdictions as well. But the other significant figure there is for those cases where, as a result of our intervention, the complaint has been dealt with and addressed and the complainant's grievance has been dealt with. They are matters where, as a result of our intervention, we do not have to progress to that point of making a finding of maladministration. Of course, with a focus on proceeding informally, there are more and more cases like that, and that is our response in a very high proportion of cases: to try to resolve the matter informally.



**Mr RICKUSS:** Yes, I must admit that when you get involved on the surface—especially with local councils and so on, they seem to become a little bit more active. I have five local councils in my electorate. It seems to spur them into action anyway for a while.

**Mr Bevan:** That is reassuring to hear.

**Mr FRASER:** On page 4, in answer to (e), it separates out the types of approaches that you take.

**Mr Bevan:** Yes.

**Mr FRASER:** I noticed that the asterisk says it is indicative of informal resolution activity. I wonder whether you could expand on what sort of tack was taken in the 80 cases that are mentioned as being 'informal investigation/other approaches.'

**Mr Bevan:** Yes, certainly. That is the distinguishing point: informal investigation/resolution approach. So informal investigation/other approach means that we have either interviewed persons formally or we have required the agency to respond to questions like sending them a formal request for information. It is, of course, a lot more resource intensive for them to have to respond formally to questions from us.

**Mr FRASER:** Right. But do you still categorise those 18 cases as being an informal process or—

**Mr Bevan:** Yes, solely because, under the act, formal investigations are those where we use our compulsory powers. Of course, we rarely use our compulsory powers because agencies provide the information we are seeking when they are asked for it.

**Mr FRASER:** So would it be fair to say that those 18 are perhaps the more substantive or serious cases that you come across then after the major projects?

**Mr Bevan:** Yes, I would say so. As a general category, that would be correct.

**Mr FRASER:** Thanks.

**The CHAIR:** Perhaps I might go to 'Effective complaints: marginal approach'. That is obviously very important, and I note the difficulties or barriers that seem to have arisen there that make progress slow, but it is encouraging that you now think that it could be within the next three months or so that some significant progress can be seen with this being implemented. I wonder if you might share with us which particular agencies it has actually so far implemented—what you regard as a good quality complaints management policy procedure?

**Mr Bevan:** Perhaps I could ask Mr King to respond to that particular question. As we say, though—if I can clarify that—within the next three months or so we expect they will have policies and procedures in place. It does not necessarily mean that they will have a centralised data management system which will allow them to centrally record and analyse complaints data.

**The CHAIR:** Which is the issue about the budget.

**Mr Bevan:** That is right.

**Mr King:** Your question was: which one has the—

**The CHAIR:** Yes.

**Mr King:** Queensland Health. There is a number of others not far behind.

**The CHAIR:** Yes. So they will generate a sufficient number of models then for you to make this determination as to which one is most effective?

**Mr King:** Yes. The idea is to develop a number of models so that in the next stage of the project we can show the other agencies that there are a number of choices here. You either adopt or adapt the system which most suits your own structure and business processes; then you are well down the track towards having a good system in place.

**The CHAIR:** Assuming that you have a central data collection mechanism.

**Mr Bevan:** I think there are two aspects to it. One is that, in any event, you need good policies and procedures in place. That will also help us in terms of referring complainants back to agencies—where they have not been to the agency in the first place—to ask the agency to review the decision. We would be able to say to the complainant that we are aware that the particular agency does have a policy and procedure for dealing with complaints which complies with recognised Australian standards for complaints management. That would then give the complainant greater confidence that the complaint would be appropriately reviewed by the agency.

**The CHAIR:** Any other issues about that project? I notice that a decisions project is also progressing well, and you indicated that the department you were referring to was Tourism and Fair Trading and Wine Industry Development which has recently appointed a legal officer—

**Mr Bevan:** That is correct.

**The CHAIR:** —to produce the final report. Are you anticipating that in the next few months?

**Mr Bevan:** Yes, in the next few months. Some of the information which has been developed in the course of that project has found its way into our good decisions training as well. That has been a little bit Brisbane

slow because the project officer for the project in the department left, but hopefully with this new appointment it will be back on track shortly and we can finalise something within the next few months.

**The CHAIR:** Right. I noticed in the annual report you have actually identified that there had been some deficiencies in the Office of Fair Trading investigations and you think that this project will actually address those issues as well and we will see a higher standard of reporting or investigative activity there with the Office of Fair Trading.

**Mr Bevan:** Yes. During the course of the Better Decisions project, our representative on the project—who is one of the our assistant ombudsmen—actually provided some training on good decision making to officers at the Office of Fair Trading as well. That was on good decision making and also on investigative practice. That is the sort of training, particularly the former, which we intend to provide on a fairly widespread basis when we get our program up and running in the new calendar year.

**Mr King:** David, may I add to that? You are referring to a particular case, I think, in the report.

**The CHAIR:** There were a couple in the annual report.

**Mr King:** As a result, the OFT itself has taken great steps to improve its practices in the areas that we identified. So between them and us, most of those problems will be addressed.

**The CHAIR:** Would someone else like to ask a question?

**Mr McARDLE:** Yes, very quickly. On page 16, on ICT, further funding, you refer to the senior business analyst and you refer to \$60,000 for one of the current budget funding items. Are they one and the same? Or was \$60,000 referable to the initial cost of Catalyst and the additional maintenance involved?

**Mr Bevan:** If I can let Mr Gordon respond to that question?

**Mr Gordon:** Thank you. No, the initial \$60,000 does not actually refer to the position. What the office has done is: with the implementation of Catalyst, essentially two staff members have been working on the continuous refinement of the software program. One of those officers was an investigator, the other a support officer, so we are talking about an administrative person. What the office has managed to do is still deliver our services whilst, I guess, redirecting those officers to work on the Catalyst system. So the \$60,000 we are talking about, additional recurrent expenditure, is associated with the Catalyst system. Up until this point in time, the office has managed to absorb the refinement costs of Catalyst, but I guess we have reached the point in our budget where we can no longer continue to absorb costs associated with Catalyst as well as do all of our other information technology stuff as well. So the great majority of the additional \$60,000 we are asking for is made up of contractor charges. These are the people who have created Catalyst, and when we ask for refinements and improvements of the system to be made, they are the people who come in and rewrite the software so that we can enhance our reporting capabilities.

**Mr McARDLE:** So in an ideal world you would seek the \$60,000 plus the analyst?

**Mr Gordon:** No. The office will continue, I guess, to absorb the fact that we have had an admin person and we have redirected them towards Catalyst.

**The CHAIR:** Since the budget has been raised, I might ask a question in relation to that too. I see the good decisions training is going to be some \$300,000 plus. It is certainly an excellent program. I see that you are planning to start it in February. Obviously, you are going to be needing to begin that in the budget for this financial year. How many training programs do you anticipate being able to offer prior to getting any new additional funding?

**Mr Bevan:** Well, we probably have not done that calculation at this point but, as I think was mentioned earlier, we have trained 13 officers in delivering the program. I would see that the training would be provided by two officers, one of them at the assistant ombudsman level, and there are four of those who have been trained. The other officer would be assisting at least in the near future. It is true that, until we do get additional funding and we are able to employ additional staff, those people will have to bear the brunt of the training. So we have to be careful not to have the consequence that our complaint numbers blow out while we are delivering that, so initially we will be hastening slowly. We are very confident that there will be an extensive demand for that sort of training. We have already had quite a bit of feedback from agencies, that they would like the sort of training we have trialled in a number of agencies already, as we have mentioned there, and always have received good reports back about the training from those agencies.

**The CHAIR:** So no doubt that is part of your submission then.

**Mr Bevan:** Yes.

**The CHAIR:** Then obviously, yes, we will be pleased to receive details of that from you and consider that support.

**Mr Bevan:** Thank you.

**The CHAIR:** You will need to get that to us fairly soon.

**Mr Bevan:** It does, yes.

**The CHAIR:** We might have to deal with that out of session actually, but I am sure that there is a way that we can make telecommunications work so we can facilitate that.

**Mr Bevan:** Excellent.

**The CHAIR:** Were there any other matters that people wanted to raise about the budget? Obviously, that is a significant issue. Any informal discussions you have had so far that lead you to hope that you might be successful?

**Mr Bevan:** No, I would not say so.

**The CHAIR:** All right, we are going in cold. Just briefly—and then we will have to move on—I just wondered whether, despite the confidentiality provisions of the act, you might be able to indicate to us with your other major projects in the broad areas that you might be investigating there? That is question 8 on page 14. We were hoping that you might be able to give us some information about the two additional major projects that were in your work program for the next financial year, but it seems as though perhaps you cannot tell us too much.

**Mr Bevan:** It is very difficult to provide any details without actually revealing the agency and the nature of the project, unfortunately.

**The CHAIR:** Something of a scale of your previous project with electrical safety issues?

**Mr Bevan:** It is not in the child safety area—we have branched out into other areas—and in many cases it is systemic rather than focusing in on a particular example or a particular complaint that is made to us. In the other case, our interest has been raised because of a particular complaint and it seems to indicate systemic issues within not just one agency but a number of agencies. Again, we are looking at communication, duplication of effort and coordination among those agencies.

**The CHAIR:** That sounds excellent. Are there any other questions?

**Mr McARDLE:** A very quick question. David, I heeded your comment on page 19 regarding the division of your caps, so to speak, but do your offices operate independently between the various roles you hold or is there duplication in regard to people filling similar roles under both organisational wings?

**Mr Bevan:** In the Ombudsman's office and Information Commissioner's office? They function entirely separately.

**Mr McARDLE:** No overlay between the two?

**Mr Bevan:** No. The only joint meeting we have is with the deputy for that office and one of the assistant information commissioners at a monthly management meeting which is looking at corporate governance type issues: finance, budgets, et cetera.

**The CHAIR:** Just on that point, did you catch the Premier's statement this morning in the House?

**Mr Bevan:** I am aware that he made a statement—

**The CHAIR:** He did.

**Mr Bevan:**—but I did not catch it, so I suspected—

**The CHAIR:** I have a copy of it.

**Mr Bevan:** Thank you very much. I knew you would know more than we did.

**The CHAIR:** He actually indicated that the new role for Information Commissioner will be advertised this weekend, 27 November and 4 December, so it is intended that a suitable appointee will be identified in early 2005, and that shortly after a motion of appointment for a separate Information Commissioner will be moved in the House. So that is progressing, if I may provide that for you.

**Mr Bevan:** Thank you very much.

**The CHAIR:** We do not have any other information to share with you about the review of either office, so I am sure you will be hearing about that in due course from the Premier.

**Mr Bevan:** In due course.

**The CHAIR:** Well, thank you very much. Maybe we can move on then and look at the Information Commissioner. Thank you very much, and congratulations again.

The Committee adjourned at 1.45 p.m.\_