

LEGISLATIVE ASSEMBLY OF QUEENSLAND

LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

Meeting with the Queensland Ombudsman (24 May 2005); meeting with the Queensland Information Commissioner (24 May 2005); and report on matters raised in a Ministerial Statement by the Premier and Minister for Trade on 23 March 2005

June 2005

Report No. 49

LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

51ST PARLIAMENT

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LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

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

REPORTS	DATE TABLED
29. Annual report 2000-01	2 August 2001
30. Progress report on implementation of recommendations made in the <i>Report of the strategic management review of the Offices of the Queensland Ombudsman and the Information Commissioner</i>	8 August 2001
31. Review of the Members' oath or affirmation of allegiance	25 October 2001
32. Freedom of Information in Queensland	20 December 2001
33. The Electoral (Fraudulent Actions) Amendment Bill 2001	27 March 2002
34. Meeting with the Queensland Ombudsman – 12 April 2002	14 May 2002
35. Annual report 2001-02	23 August 2002
36. The Queensland Constitution: Specific content issues	27 August 2002
37. Meeting with the Queensland Ombudsman – 26 November 2002	12 December 2002
38. Meeting with the Queensland Ombudsman – 29 April 2003	6 June 2003
39. The role of the Queensland Parliament in treaty making – Review of tabling procedure	17 July 2003
40. Annual report 2002-03	21 August 2003
41. Review of the Queensland Constitutional Review Commission's recommendations regarding entrenchment of the Queensland Constitution	27 August 2003
42. Hands on Parliament – A parliamentary committee inquiry into Aboriginal and Torres Strait Islander peoples' participation in Queensland's democratic processes	11 September 2003
43. Meeting with the Queensland Ombudsman (25 November 2003) and final report on implementation of recommendations made in the <i>Report of the Strategic Management Review of the Offices of the Queensland Ombudsman and the Information Commissioner</i>	17 December 2003
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
47. Meeting with the Queensland Ombudsman – 23 November 2004	21 December 2004
48. Publication of Committee Proceedings – 22 February 2005	10 March 2005

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

PAPERS (continued)	DATE TABLED
The Queensland Constitution: Specific content issues (Issues paper)	18 April 2002
The Queensland Constitution: Entrenchment (Proposals for Comment)	27 August 2002
Hands on Parliament - A parliamentary committee Inquiry into Aboriginal and Torres Strait Islander Peoples' Participation in Queensland's Democratic Process (Issues paper)	12 December 2002
A preamble for the Queensland Constitution?	17 June 2004

CHAIR'S FOREWORD

This is a report on:

- the third general meeting of the Legal, Constitutional and Administrative Review Committee of the 51st Parliament with the Ombudsman and officers of the Ombudsman's office;
- a meeting of the Legal, Constitutional and Administrative Review Committee of the 51st Parliament with the Information Commissioner; and
- consideration by the Legal, Constitutional and Administrative Review Committee of the 51st Parliament of matters raised by the Premier and Minister for Trade in a Ministerial Statement on 23 March 2005 regarding the possible unauthorised disclosure of information and/or political activity by staff of the Office of the Ombudsman and/or Office of the Information Commissioner.

Meeting with the Ombudsman

The committee meets biannually with the Ombudsman. The meeting on 24 May 2005 was the seventh biannual meeting and was timed to precede the forthcoming estimates process. Each meeting, and subsequent report, relates to the committee's ongoing role of monitoring and reviewing the performance by the Ombudsman of the functions set out in the *Ombudsman Act 2001* (Qld).

Since our last meeting, the Office of the Information Commissioner has been separated from the Office of the Ombudsman. The committee was informed by the Ombudsman that the separation has not impacted on the operational activities of his Office, nor have significant budgetary implications arisen for his Office as a result of the separation.

The Ombudsman has provided the committee with detailed information about the way in which the functions set out in the *Ombudsman Act* have been conducted since our last meeting with him. The committee was pleased to be advised of the many significant activities being undertaken to continue to improve the quality of decision-making and administrative practices in agencies.

A submission by the Ombudsman for additional funding in the recent round of budget negotiations was unsuccessful. This follows a similar unsuccessful bid for an increase to the 2004-2005 budget. The committee notes the Ombudsman's intention to offer the Good Decisions Training Program on a cost recovery basis, but also notes the Ombudsman's concern about the extent to which this measure will address budgetary concerns.

I thank the Ombudsman, Mr David Bevan; Deputy Ombudsman, Mr Rodney Metcalfe; Acting Deputy Ombudsman, Mr David Schulz; the Manager, Corporate Services Unit, Mr Shaun Gordon; the Manager, Advice and Communication Unit, Ms Adeline Yuksel; and other staff of the Ombudsman's office involved in providing information to the committee. The committee appreciates the timely and co-operative manner in which information, including written responses to questions on notice, was again provided.

I also thank Hansard for the transcription of the meeting.

Meeting with the Information Commissioner

I thank the Information Commissioner, Ms Cathi Taylor, for meeting with the committee on 24 May 2005.

The committee is pleased to note that the continual, open dialogue established with the Office of the Information Commissioner prior to its separation from the Office of the Ombudsman continues.

We look forward to fulfilling our new committee functions in accordance with the provisions of an amended *Freedom of Information Act 1992* (Qld).

Ministerial Statement of 23 March 2005

During the meetings on 24 May 2005, the committee discussed with the Ombudsman and the Information Commissioner matters raised by the Premier and Minister for Trade in a Ministerial Statement of 23 March 2005 regarding the possible unauthorised disclosure of information and/or political activity by staff of the Office of the Ombudsman and/or Office of the Information Commissioner.

My thanks are extended to the committee members for their contribution to the meetings, and to the committee's staff for their assistance with the meetings.

Dr Lesley Clark MP

Chair

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1. BACKGROUND

1.1 MEETING WITH THE OMBUDSMAN

The functions of the Queensland Ombudsman, as set out in the *Ombudsman Act 2001* (Qld), include investigating administrative action taken by agencies and improving 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 must 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 s89 of the *Ombudsman Act*, including:

- 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; and
- 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*.

Under s88(3) of the *Ombudsman Act*, the Treasurer must consult with the committee in developing the proposed budget of the Ombudsman for each financial year.

Section 83 of the *Ombudsman Act* requires a review of the Ombudsman's functions, and of the Ombudsman's performance of those functions, at least every five years. The Governor in Council appoints an appropriately qualified person to undertake such a review, and decides the terms of reference for the review. The Premier must first consult with the committee and the Ombudsman about such appointment and terms of reference.

In order to meet the functions and requirements set out in the *Ombudsman Act*, 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 with 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 biannual meeting with the Ombudsman, the committee reports to the Legislative Assembly on the matters it has discussed with the Ombudsman.

1.2 MEETING WITH THE INFORMATION COMMISSIONER

Prior to 31 May 2005, legislative arrangements regarding the Office of the Information Commissioner and the committee were piecemeal. They included:

- s85 of the *Parliament of Queensland Act 2001* (Qld) which states that the committee has responsibility regarding ‘administrative review reform’ and ‘legal reform’, and s86 of the *Parliament of Queensland Act* which provides that the committee’s area of responsibility for administrative review reform includes considering legislation or provisions of legislation about ‘access to information’;
- a role, under s67 of the *Freedom of Information Act 1992* (Qld), in the suspension and removal of the Information Commissioner; and
- power, under s101 of the *Freedom of Information Act*, to request a report from the Information Commissioner – a provision that had never been utilised.

In addition, ss108A-108AB of the *Freedom of Information Act* mirrored s83 of the *Ombudsman Act*, and required a review of the Information Commissioner’s functions, and of the Information Commissioner’s performance of those functions, at least every five years. These provisions required appointment of an appropriately qualified reviewer and determination of the terms of reference by the Governor in Council, following consultation with the committee by the Attorney-General.

In May 2005, a bill to amend the *Freedom of Information Act* was introduced into the Parliament by the Attorney-General and Minister for Justice. That bill was subsequently enacted as the *Freedom of Information and Other Legislation Amendment Act 2005* (Qld), and was assented to on 31 May 2005.

The *Freedom of Information Act* now contains a new s108C which provides that, in respect of the Information Commissioner, the committee has functions equivalent to those set out in s89 of the *Ombudsman Act*. In addition, ss108A-108AB regarding strategic review of the Information Commissioner continue. However, the *Freedom of Information Act* does not contain an equivalent of s88(3) of the *Ombudsman Act*.

The committee met with the Information Commissioner on 24 May 2005. At that time, the amendments to the *Freedom of Information Act* had not commenced.

1.3 MINISTERIAL STATEMENT OF 23 MARCH 2005

In a Ministerial Statement on 23 March 2005, the Premier and Minister for Trade raised concerns about the possible unauthorised disclosure of information and/or political activity by staff of the Office of the Ombudsman and/or the Office of the Information Commissioner. These concerns arose in the context of reporting by the media, in particular the *Courier-Mail*, on the appointment of Ms Cathi Taylor to the position of Information Commissioner on 24 February 2005, following the separation of that Office from the Office of Ombudsman. In particular, the *Courier-Mail* reported, on 23 March 2005, that the Premier had “called on staff in Ms Taylor’s office to not leak material about her”.

The Premier requested the matters raised in the Ministerial Statement be considered by the Ombudsman, the Information Commissioner, the committee and by the Parliament itself.

Section 84(1) of the *Parliament of Queensland Act* provides that the main role of a statutory committee is to deal with issues within its area of responsibility. The committee may, as provided in s84(3), deal with an issue by:

- (a) considering it; and
- (b) reporting on it, and making recommendations about it, to the Assembly.

The committee determined that it would discuss the matters raised in the Ministerial Statement of 23 March 2005 during its biannual meeting with the Ombudsman on 24 May 2005 and during its meeting with the Information Commissioner planned for the same day; and that the committee would report on those matters raised in its report on its biannual meeting with the Ombudsman.

2. THIS REPORT

2.1 MEETING WITH THE OMBUDSMAN

The seventh general meeting of the committee and the Ombudsman was held on 24 May 2005. The meeting preceded the 2005 estimates process and the matters the committee discussed with the Ombudsman included budgetary issues.

Prior to the meeting, the committee had:

- by letter dated 19 April 2005, forwarded to the Ombudsman written questions on notice - the questions and the responses to them (provided by the Ombudsman by letter dated 16 May 2005) appear as **appendix A**; and
- considered the Ombudsman's responses.

At the meeting, the committee discussed in more detail with the Ombudsman and senior officers of the Ombudsman's Office issues arising from the questions on notice and the Ombudsman's responses. The meeting was transcribed, and the transcript appears as **appendix B**. The Ombudsman also took a question on notice, and the Ombudsman's response to that question on notice appears as **appendix C**.

The issues discussed with the Ombudsman at the meeting included:

- complaint statistics for the period 1 July 2004 to 13 May 2005, and in particular the following trends in comparison to the corresponding period in 2003-2004:
 - a 12% reduction in the number of complaints received and a 14% reduction in the number of complaints finalised; and
 - a 28% increase in the number of complaints older than 12 months;
- possible reasons for these variations in complaint resolution;
- the effect on complaint resolution of operational challenges experienced by the Office including:
 - a high staff turnover rate due to staff of the Office possessing skills which are valued highly by government agencies; and
 - following an unsuccessful submission by the Ombudsman in the 2004-2005 round of budget negotiations for additional funding, a movement of resources from the complaints resolution program to the administrative improvement program;
- reasons for the high staff turnover rate, and strategies being implemented to address the issue;
- reasons for an apparent disproportion of complaints being received from regional and rural Queensland including:
 - good public awareness of the Office's regional program; and
 - the existing complaints classification mechanism, which will undergo refinement to more accurately indicate the public agency about which a complaint is made;
- matters relating to local governments, including trends in the number of complaints received about local governments, initiatives being implemented by the Office in conjunction with local

governments, and the involvement of the Office in assisting local governments to meet a new requirement under the *Local Government Legislation Amendment Act 2005* (Qld) for a general complaints process;

- initiatives aimed at informing people from non-English speaking backgrounds about the functions of the Office;
- general budgetary matters, including the Ombudsman's intention to seek an increase in funding through the mid-year budget review process and to deliver the Good Decisions Training Program on a cost-recovery basis;
- the forthcoming strategic review of the Office of the Ombudsman, including the role of the Premier;
- the Ombudsman's jurisdiction regarding universities, and comparisons with recent increases in complaints about universities in other jurisdictions; and
- developments in significant activities undertaken by the Office during the reporting period, including the Complaints Management Project, the Good Decisions Training Program, the Regional Program, the Better Decisions Project, client satisfaction surveys and *Catalyst* (the Office's case management computer system).

Aspects of the meeting relevant to the Ministerial Statement of the Premier and Minister for Trade on 23 March 2005 are discussed in section 2.3 below.

2.2 MEETING WITH THE INFORMATION COMMISSIONER

Following the committee's meeting with the Ombudsman, the committee met with the Information Commissioner, Ms Cathi Taylor. This was the first meeting of the committee and the Information Commissioner since Ms Taylor's appointment in February 2005 following the separation of the offices of the Ombudsman and Information Commissioner.

In future, following amendments to the *Freedom of Information Act* identified above in section 1.2, the committee may meet biannually with the Information Commissioner so as to carry out its functions set out in s108C of that Act.

Prior to the meeting on 24 May 2005, the committee had, by letter to Ms Taylor dated 11 May 2005:

- noted that existing legislative arrangements regarding the committee and the Information Commissioner were limited; and
- advised the Information Commissioner that, at the meeting on 24 May 2005, discussion with the committee would largely be limited to:
 - matters within the committee's existing legislative functions;
 - the proposed strategic review of the Office of the Information Commissioner; and
 - the Ministerial Statement made on 23 March 2005 in which the Premier raised concerns about the possible unauthorised disclosure of information and/or political activity by staff of the Office of the Ombudsman and/or Office of Information Commissioner and referred these concerns to the Information Commissioner, the Ombudsman and the committee for consideration – and that the committee would discuss the Information Commissioner's response to those issues, including any steps taken by the Office of Information Commissioner to investigate the issues and any results of those investigations.

The committee's meeting with the Information Commissioner was not transcribed. Matters discussed with the Information Commissioner included:

- that the Office had resolved 250 complaints to date in 2004-05 and was on target in terms of complaint resolution for the 2004-2005 year;
- four formal decisions delivered since Ms Taylor's appointment, none of which had been subject to judicial review;
- that the Office was on target to ensure that no more than 20% of unresolved complaints were greater than 12 months old;
- the informal and flexible resolution of disputes and, in particular, that approximately 90% of cases had been resolved in this way in the 2004-05 year to date;
- new resources available on the Office's website, including an FOI co-ordinator's e-kit and a subject index to formal decisions;
- that the Office had received positive feedback for its website and intended to further improve its functionality and content;
- a link to the Office's website included on the Local Government Association of Queensland Inc website along with FOI information relevant to local governments;
- FOI training provided to some local governments;
- the Office's collaboration with the FOI and Privacy unit in the Department of Justice and Attorney-General to ensure complementary activities;
- various surveys conducted by the Office which had delivered positive responses but identified continuing concerns regarding the timeliness of decisions;
- a decision-writers' course run by Monash University which some staff would attend;
- IT training being delivered to staff of the Office;
- the FOI Annual Report, which had been tabled earlier that day;
- the involvement of the Information Commissioner in consultation about the draft Freedom of Information and Other Legislation Amendment Bill 2005 (Qld);
- the effect of some of the amendments in that bill;
- the forthcoming strategic review of the Office of the Information Commissioner, and Ms Taylor's hopes that the review would recommend strategies to improve the timeliness of resolutions and the clarity of decisions;
- a possible seminar for Members of Parliament about the *Freedom of Information Act*;
- the preparation of an FOI information sheet for electorate officers; and
- the role of the FOI and Privacy Unit in the Department of Justice and Attorney-General, including provision of an FOI co-ordinator's manual, web-based information, training and research functions.

In relation to the Ministerial Statement of 23 March 2005, the Information Commissioner informed the committee that:

- as the Office of the Information Commissioner continued to share corporate services with the Office of the Ombudsman, the same inquiries were conducted across both offices and in accordance with advice from the Crime and Misconduct Commission;
- those inquiries did not reveal any evidence that staff in the Office of the Information Commissioner had been responsible for the unauthorised disclosure of information and/or political activity;
- the Information Commissioner advised the Crime and Misconduct Commission that those inquiries had not identified any misconduct; and

- the Ombudsman would advise the Premier and Minister for Trade of the resolution of this matter.

2.3 MINISTERIAL STATEMENT OF 23 MARCH 2005

During the meeting on 24 May 2005, the committee discussed with the Ombudsman matters raised by the Premier and Minister for Trade in a Ministerial Statement of 23 March 2005 regarding the possible unauthorised disclosure of information and/or political activity by staff of the Office of the Ombudsman and/or Office of the Information Commissioner. Immediately following the meeting with the Ombudsman, the committee met with the Information Commissioner and discussed with the Information Commissioner the Ministerial Statement.

Prior to these meetings, the committee had considered:

- the Ministerial Statement, which appears as **appendix D**;
- the newspaper articles tabled by the Premier in relation to the Ministerial Statement; and
- the Ombudsman's responses to a question on notice regarding these matters (see page 13 of **appendix A**).

The committee discussed with both the Ombudsman and the Information Commissioner the steps taken by each Office to investigate the issues raised in the Ministerial Statement. As the Offices share corporate services, the same inquiries were conducted across both Offices. The inquiries were conducted in accordance with advice from the Crime and Misconduct Commission (CMC).

In both instances, the Ombudsman/Information Commissioner:

- formed a view that the matters referred to by the Premier in the Ministerial Statement supported a suspicion of official misconduct on the part of a public officer (though not necessarily an officer of either Office);
- referred this suspected official misconduct to the CMC for its consideration (as required by s38 of the *Crime and Misconduct Act 2001* (Qld));
- had the matter referred back by the CMC, with the CMC:
 - noting that there was insufficient evidence to conclude that the source must have been from either Office; and
 - asking the Ombudsman/Information Commissioner to take 'reasonable steps' to try to ascertain whether an officer of the respective Office was the source of the unauthorised disclosure;
- caused certain inquiries to be conducted within the respective Offices – these inquiries did not reveal any evidence suggesting that any officer had been the source of the unauthorised release of information to the media;
- wrote to the CMC advising of the results of the inquiries conducted and seeking its advice as to whether, in the circumstances, it considered any further inquiries warranted;
- were asked respectively by the CMC to conduct additional specified inquiries and advised by the CMC that, if those inquiries were unproductive, it was unlikely that further inquiries would advance the matter;
- made those specified inquiries, which did not advance the matter; and
- informed the CMC that the additional specific inquiries had been unproductive.

The Ombudsman advised the committee that he would communicate to the Premier the procedure adopted by his Office and its outcomes. The Information Commissioner informed the committee that,

at the same time, the Ombudsman would inform the Premier of the parallel procedure and equivalent outcome in relation to the Office of the Information Commissioner.

3. COMMITTEE COMMENTS

3.1 MEETING WITH THE OMBUDSMAN

The committee is informed by the Ombudsman that the recent creation of the separate Office of the Information Commissioner has not impacted on the operational activities of his Office.

The committee acknowledges the many significant activities undertaken by the Office of the Ombudsman to improve the quality of decision-making and administrative practices in Queensland public sector agencies. Administrative practice in these agencies continues to benefit from the work of the Office.

The committee is pleased that the Office continues to increase public awareness of its functions and to improve the accessibility of its services to all Queenslanders, particularly those in regional and rural areas and from non-English speaking backgrounds.

The committee recognises the timely and effective manner in which the Office continues to resolve complaints while noting, however, the reduction in the number of complaints finalised, and particularly the increase in the number of complaints more than 12 months old, in comparison to the corresponding period in 2003-2004.

The committee notes the concerns raised by the Ombudsman in relation to the impacts, particularly on complaint finalisation rates, of a high staff turnover and the movement of resources to the administrative improvement program. In this regard, the committee also notes the concerns of the Ombudsman regarding his unsuccessful bids for increased funding. Despite being advised of an intention to now offer the Good Decisions Training Program on a cost recovery basis, the committee acknowledges the Ombudsman's concern about the extent to which this source of funding will address the operational challenges currently facing the Office.

3.2 MEETING WITH THE INFORMATION COMMISSIONER

The first meeting of the committee with the Information Commissioner was conducted in the absence of clear legislative provision about the relationship between the committee and the Information Commissioner. Nevertheless, the committee is pleased to report that the continual, open dialogue established with the Office prior to its separation from the Office of the Ombudsman continues.

Following the amendment of the *Freedom of Information Act*, the committee looks forward to fulfilling its functions under and meeting the requirements of that Act. The clear desire of the Information Commissioner to facilitate the committee's role is welcomed.

3.3 MINISTERIAL STATEMENT OF 23 MARCH 2005

In accordance with s84 of the *Parliament of Queensland Act*, the committee has given consideration to the matters raised in the Ministerial Statement by the Premier on 23 March 2005.

The committee is satisfied that the Ombudsman and Information Commissioner have considered these matters seriously, with some deliberation, and in accordance with requirements of the *Crime and Misconduct Act*.

The investigations undertaken in both Offices have been comprehensive and, on the advice of both the Ombudsman and Information Commissioner, have satisfied the Crime and Misconduct Commission that all reasonable efforts have been made to identify possible unauthorised disclosure of information and/or political activity by staff of the Office of the Ombudsman and/or Office of the Information Commissioner. Those investigations have not identified any indication of possible unauthorised disclosure of information and/or political activity by a public officer of either Office.

The committee is satisfied that the matter has been given full and appropriate consideration by both the Ombudsman and Information Commissioner.

As proposed in the Ministerial Statement by the Premier on 23 March 2005, these matters may now receive the consideration of the Parliament itself.

APPENDIX A

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

MEETING WITH THE QUEENSLAND OMBUDSMAN

24 MAY 2005

QUESTIONS ON NOTICE

COMPLAINT STATISTICS

1. Please provide the committee with the 2004-05 complaint statistics to date including:
 - a) complaints received and finalised;
 - b) the proportion of cases finalised within 12 months of lodgement;
 - c) the proportion of cases at the end of the reporting period which were more than 12 months old;
 - d) the average time taken to deal with complaints;
 - e) the proportion of cases resolved informally; and
 - f) the proportion of cases where early intervention occurred.
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. Complaint statistics for 2003-2004 indicate that the proportion of complaints received from outside Brisbane was 75%. Does this indicate disproportionate difficulties with public administration in regional and rural areas?
4. The committee recently provided you with a copy of correspondence from the committee to a person who raised concerns with the committee about delays by the Office of the Ombudsman in the investigation of two complaints.
Please inform the committee whether there are any particular, broader issues in the operation of the Office which might be causing delay in investigating matters at present.

GENERAL BUDGETARY ISSUES

5. What are the significant budgetary issues for the Office in the current round of budget negotiations?
6. Following the last meeting of the committee and the Ombudsman, the Office was unsuccessful in seeking additional budgetary funding for new initiatives.
 - a) Please describe the impact on those programs of the refusal of the Office's budget request.
 - b) Will the proposed training programs for public agencies now be delivered on a partial/full cost recovery basis?

CREATION OF SEPARATE OFFICE OF INFORMATION COMMISSIONER

7. Please provide details of any budgetary implications for the Office of the Ombudsman arising from the creation of a separate Office of Information Commissioner. In particular:
- a) does the Corporate Services Unit of the Office of the Ombudsman continue to provide services to the Office of Information Commissioner;
 - b) how is the third Deputy Ombudsman position being funded; and
 - c) has the return of the third Deputy Ombudsman position to the Office made an office restructure necessary?

MINISTERIAL STATEMENT OF 23 MARCH 2005

8. In a Ministerial Statement made in the Assembly on 23 March 2005, the Premier raised concerns about the possible unauthorised disclosure of information and/or political activity by staff of the Office of the Ombudsman and/or Office of Information Commissioner, and referred these concerns to yourself, the Information Commissioner and the committee for consideration.
- a) Please provide a response to these issues.
 - b) Please outline any steps taken by the Office to investigate these issues and the results of those investigations.



Response to Questions on Notice

Meeting with
Legal, Constitutional and
Administrative Review
Committee

24 May 2005

(Submitted 16 May 2005)

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Overview

The period since my meeting with the Committee in November 2004 has been an extremely busy one for the Office during which we allocated more of our resources to our role of helping agencies improve their decision-making and administrative procedures.

Operational highlights

Our most significant activities since the last meeting with the Committee include:

- Our development of the Good Decisions Training Program to help officers in public agencies improve their decision-making so as to provide a better service to the community and reduce the risk of decisions being challenged. We have commenced a trial of the training program. Six training sessions will be presented before 30 June 2005. We will use the learnings from these sessions to evaluate, fine-tune and cost the program.
- Our progress in assisting 11 public sector agencies to implement complaint management systems that comply with recognised national and international standards. A comprehensive report is currently being prepared on the project for use as a resource by any other agencies seeking to implement or improve their own complaint procedures.
- Our corporate improvement initiatives in undertaking, and analysing the results of three surveys. The first surveyed our own complainants to gauge their level of satisfaction with the service we provided. The second surveyed those complainants we had advised to try to resolve their complaints with the agencies they were complaining about. The purpose of this survey was to determine their level of satisfaction with the advice we gave them and with the agencies' handling of their complaints. Our third survey was of agency officers who deal with our Office to obtain their feedback on the way we do business. The results of all three surveys will be used to improve our level of client service and communication processes.
- Our ongoing work in improving the functionality of our complaints management system (*Catalyst*) particularly in the areas of case management and statistical reporting on complaints data. In March 2005, we appointed an officer to the permanent position of Senior Business Analyst to take responsibility for the system's ongoing development and improvement.

Operational challenges

This financial year is proving to be a challenging one for the Office as we strive to achieve an appropriate distribution of resources between our complaint resolution activities and activities to improve public administration. Our task has been made more difficult by the loss of 10 investigators (50%) to other agencies as well as the loss of two members of our senior management team, the Assistant Ombudsman, Assessment and Resolution Team, and the Manager, Advice and Communication Unit. Strategies have been put in place to address the impact of our low staff retention rate, which is discussed in detail in the body of my response.

A disappointment for the Office was the Cabinet Budget Review Committee's rejection of our submission for an increase to budget for 2005-2006. This decision will limit our ability to expand

our administrative improvement activities in the new financial year. In particular, we will be unable to offer our Good Decisions Training Program free of charge and as widely as we had intended, as to do so would affect our complaint resolution program. This issue is also discussed in detail later in my response.

Other issues

During the reporting period I ceased to hold the additional position of Information Commissioner with the appointment of Ms Cathi Taylor to that position. That event had a negligible impact on the operational activities of the Ombudsman's Office although it has increased the workload of the Corporate Services Unit, which continues to provide corporate support to the Office of the Information Commissioner through a "user pays" arrangement.

We are currently preparing the 2005 - 2006 strategic plan, which is the last plan in the current four year planning cycle. It is therefore timely that the strategic review of the Office will commence in early July as recommendations from the review will be considered in setting the Office's strategic direction from 2006 onwards.

David Bevan
Queensland Ombudsman

Complaint statistics

1. Please provide the committee with the 2004-05 complaint statistics to date including:

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

(a) Complaints received and finalised

Table 1: Complaints received and finalised 2004-2005 to 13 May 2005

Complaints brought forward from 30 June 2004	469
PLUS Complaints received during the year	6727
PLUS Complaints received before 30 June 2004 reconsidered	9
LESS Complaints finalised during the year	6569
Complaints under consideration at 13 May 2005	636

The number of complaints we finalised dropped 13.72% from 7614 for the period 1 July to 13 May 2003-2004 to 6569 for the same period in 2004-2005. Complaints received dropped 11.81% from 7628 to 6727. The number of complaints under consideration has increased from 539 as at 13 May 2004 to 636 as at 13 May 2005. Explanations for this increase are given later in this report.

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

Chart 1: Timeframes for the completion of complaints 2004-2005

Days	<10	<30	<60	<90	<180	<270	<360	>360
No.	4873	723	390	190	202	93	29	69
%	74.18%	11.01%	5.94%	2.89%	3.08%	1.42%	0.44%	1.05%
Accumulative %	74.18%	85.19%	91.12%	94.02%	97.09%	98.51%	98.95%	100.00%

Our performance in the time taken to finalise complaints decreased but only slightly (0.83%). In 2003-2004, 75.01% of the total number of complaints we received were handled within 10 days. In 2004-2005, that proportion was 74.18%.

In addition to the high percentage of complaints finalised within 10 days, 98.95% of complaints were finalised within 12 months – an improvement (0.47%) on 2003-2004, when 98.48% 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 13 May 2005

Days	<10	<30	<60	<90	<180	<270	<360	>360
No.	48	65	91	90	116	91	53	82
%	7.55%	10.22%	14.31%	14.15%	18.24%	14.31%	8.33%	12.89%
Accumulative %	7.55%	17.77%	32.08%	46.23%	64.47%	78.77%	87.11%	100.00%

The number of complaints older than 12 months as at 13 May 2005 was 82 compared with 64 as at 13 May 2004. More than 64% of complaints on hand were less than six months old.

The increase in complaints older than 12 months is discussed at page 8.

Case management strategies are in place to reduce our overall caseload, and the number of old cases, by 30 June 2005.

(d) Average time taken to deal with complaints

See Chart 1.

(e) Proportion of complaints resolved informally

Table 2: Intervention approach complaints finalised 2004-2005

Intervention Approach	Total	%
*Assessment Only	5352	81.47%
Formal Investigation	1	0.02%
Informal. Investigation - Other Approach	96	1.46%
*Informal Investigation - Resolution Approach	889	13.53%
*Preliminary Inquiry Only	231	3.52%
Grand Total	6569	98.52%

*Indicative of informal resolution activity

This year we resolved all but 97 cases (1.48% of cases) by informal approaches, which is a slight increase (0.47%) on the previous year's performance where formal investigative processes were used in 77 (1.01%) cases.

(f) Proportion of cases where early intervention occurred

Early intervention action was taken in approximately 80% (79.55%) of the complaints received in 2004-2005.

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 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.

2. *In relation to finalised complaints:*

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

Maladministration was established in only 19 of the 986 complaints we investigated in 2004-2005. This is principally because our focus is increasingly on trying to informally resolve complaints in nearly all cases.

Evidence of this approach is provided by the fact that we finalised 430 complaints 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:

- 47 were totally or substantially rectified by the agencies involved;
- 5 were partly rectified by the agencies involved; and
- 378 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.

In 458 investigations, we found that the action complained of did not involve maladministration. We discontinued our investigations in 79 cases (in nine cases because the complainant withdrew the complaint).

Chart 3: Outcomes of investigations

Discontinued	70
Maladministration - Established	19
No Maladministration Established	458
No maladministration finding necessary	430
Withdrawn by Complainant	9
Grand Total	986

Combining the categories of "Maladministration established" and "No maladministration finding necessary", in 449 cases, or 45.54% of finalised investigations, the complainant's situation was benefited in some way as a result of our intervention.

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 contrary to law
4. Irrelevant grounds or considerations
5. Reasons not given when they should have been
6. Action wrong.

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

- Complaints that are out of jurisdiction (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 (e.g. Commission for Children and Young People and Child Guardian or Health Rights Commission)
- Complaints where investigation is unnecessary or unjustifiable (e.g. where investigation would be resource intensive and would be unlikely to support the complainant's allegations).
- 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.

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

Sometimes the cause of 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.

From 1 July 2004 to 13 May 2005, we made 114 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. They addressed important areas such as:

- consumer protection
- education
- emergency services
- employment
- housing
- local government
- natural resources and mines
- roads.

Of the 114 recommendations made:

- 47 have been accepted and implemented,
- two have been accepted and an undertaking given to implement them as soon as practicable having regard to resource constraints and other priorities,
- three were directed to the Douglas Shire Council which has challenged our decision in the Supreme Court,
- 62 have been made recently and we are awaiting responses from the respective agencies.

We have finalised enhancements to our complaints management system (*Catalyst*) to assist us to record the recommendations we make and monitor their implementation. We have also revised our Office policy on recording and reporting on recommendations.

3. Complaint statistics for 2003-2004 indicate that the proportion of complaints received from outside Brisbane was 75%. Does this indicate disproportionate difficulties with public administration in regional and rural areas?

This is unlikely to be the case.

One of the Office's performance measures is the percentage of complaints received from outside the Brisbane area. This was a new measure developed in 2003-2004 to ensure that we are providing a service to all of Queensland and not just to the South East corner. Based on trends over time, the target for complaints from regional Queensland was set at 75%. The actual figure for 2003-2004 for complaints received from outside Brisbane was 76%.

For *Catalyst* reporting purposes, Brisbane is defined by the postcode range 4000 to 4179 inclusive. All other postcodes are deemed to be outside Brisbane.

Estimated populations for the Brisbane postcodes and the postcodes outside Brisbane are 1,357,179 (34.96%) and 2,524,858 (65.04%) respectively of Queensland's estimated total population of 3,882,037¹.

The most likely explanation for 65% of the population (people residing outside Brisbane) accounting for approximately 75% of complaints is our advertising campaign for our regional program.

Another reason for not relying on this data to conclude there is a problem with public administration in regional areas is that complainants' addresses, specifically their suburb, town or locality postcodes, are currently used as the basis for determining whether their complaint is from outside Brisbane or not. However, the origin of the administrative action complained about, whether in Brisbane or regional Queensland, is not captured by this measure (that is, if a person who resides in Cairns, complains about a decision made by the Brisbane City Council relating to an investment property at New Farm, the complaint is recorded as a regional complaint).

¹ (This concordance is based on population proportions of 2001 ERP at a CD level from SLA (ASGC 2001) to SED Source: Australian Bureau of Statistics, 3218.0.55.001 - Regional Population Estimates, Queensland).

We are currently undertaking further development of *Catalyst* to enable us to refine regional reporting. For example, we will be able to report on complaints received about each agency (including division, region and area if applicable) from complainants living within a local council area, and a Queensland electoral division and a region.

4. *The committee recently provided you with a copy of correspondence from the committee to a person who raised concerns with the committee about delays by the Office of the Ombudsman in the investigation of two complaints.*

Please inform the committee whether there are any particular, broader issues in the operation of the Office which might be causing delay in investigating matters at present.

As reported in my previous responses to the Committee's Questions on Notice, our complaint statistics show that, since approximately December 2001, finalisation rates improved dramatically to 30 June 2004. Although overall finalisation rates for this financial year are comparable with last year's (see response to Question 1(b)), the number of complaints more than 12 months old has increased. There were 82 complaints in this category as at 13 May 2005 compared with 64 as at 13 May 2004 and 37 as at 30 June 2004 (an all time low).

I have identified one factor that has undoubtedly been substantially responsible for this increase in old matters - namely, staff turnover. The rate of staff turnover has become a matter of critical importance to the operational effectiveness of my Office in the last 12 months. In this period, the Office has experienced an unprecedented turnover of investigative staff. The investigative staff establishment for the Ombudsman's Office is 20 full-time equivalent positions at the AO 6/7 level. Since May 2004, nine investigators have been either seconded to, or secured permanent higher appointments in, public sector agencies. Another investigator was involved in a life-threatening motor vehicle accident in January 2005 and is yet to return to work and another has commenced maternity leave.

In addition, an Assistant Ombudsman, who had been the team leader of the Assessment and Resolution Team since its inception, retired in September 2004. The team's second in charge is one of the officers currently seconded to another agency.

This represents more than a 50% turnover of the investigative workforce of my Office within a period of 12 months and has created significant challenges in managing the performance of my Office to the extent that it is unlikely that some investigative performance targets will be met for the 2004-2005 financial year.

I make the following comments about the high turnover rate:

- On the positive side, it demonstrates that my investigators are highly sought after by other agencies for the investigative and analytical skills they acquire in performing work in the Ombudsman's Office. Former officers frequently comment on the value of their experience in the Office.
- On the negative side, a high staff turnover rate inevitably affects performance because of the loss of continuity, experience and corporate knowledge and the need for senior officers to spend more time supervising and mentoring new staff members.

- The trend is unlikely to slow down in the near future because of the ongoing demand in the public sector for officers with these skills. One of the main reasons for this demand is that public agencies now have primary responsibility under the Crime and Misconduct Act for dealing with complaints of misconduct about their own officers. This means that agencies have to improve their capacity to deal with such matters. Their response to this is to recruit officers with the requisite skills. The Ombudsman's Office is one of the few public offices whose staff possess these skills.
- The Ombudsman's Office is very small compared with most public sector agencies. Larger agencies, with larger funding bases and more flexible staffing structures, are able to offer positions at a higher level.
- This may indicate that to improve retention rates we need to raise pay levels of our investigators. For example, of the officers who left in the last 12 months, four AO6 officers were seconded at the AO8 level (two of the four have been permanently appointed at that level), two AO6 officers were seconded at the AO7 level, and one AO7 officer was seconded at the AO8 level. I will be suggesting to the consultants undertaking the strategic review of the Office that they consider and make recommendations on investigators' salary levels.
- We have done our best to respond to the problems caused by staff turnover by identifying potential officers among high placed but unsuccessful applicants for investigator positions. This minimises the delay between an officer leaving the Office and the arrival of the replacement. However, recruitment processes are resource intensive especially for officers in managerial positions who have to sit on recruitment panels.

Another significant issue that has impacted on complaints finalisation rates is the movement of human and other resources from the complaints resolution program to the administrative improvement program. This is addressed in greater detail under the next heading.

General Budgetary Issues

5. *What are the significant budgetary issues for the Office in the current round of budget negotiations?*
6. *Following the last meeting of the committee and the Ombudsman, the Office was unsuccessful in seeking additional budgetary funding for new initiatives.*
 - (a) *Please describe the impact on those programs of the refusal of the Office's budget request.*

As the Committee knows, in the current round of budget negotiations, I sought additional funding of:

- \$300,000 to support the delivery of the Good Decisions Training Program; and
- \$60,000 for the ongoing maintenance and development of the *Catalyst* case and records management system.

On 4 February 2005, the Director-General of the Department of the Premier and Cabinet advised me that the Cabinet Budget Review Committee had decided not to progress my request for additional funding.

We made a similar unsuccessful bid for an increase to our 2004-2004 Budget. The previous Committee also supported this bid. The last increase to the Office's budget was in 1999.

In the absence of an increase to our budget, I have had to divert resources from our complaints resolution program to fund the activities we undertake to deliver our other statutory responsibility of helping agencies improve their decision-making and administrative practices (our administrative improvement program).

The main activities we have undertaken in this area in the reporting period are:

- The Complaints Management Project - 15 officers (mostly investigators) have been involved part-time in this project over the last 12 months. The objectives of the project are to assist 11 public sector agencies to implement complaint management systems that comply with recognised national and international standards; and
- The Good Decisions Training Program - 16 officers (mostly investigators) have been involved part-time in the preparation of this program over the last six months. 14 of these officers have participated in training sessions to equip them to present the program. One training session has been delivered to an agency and five more are planned before 30 June 2005.

Resources have also been diverted from our complaints resolution program:

- to establish and maintain the Advice and Communication Unit. This Unit, which was established in 2002, is responsible for developing and implementing our outreach and access program, such as our media activities to support our regional program. The Unit comprises the Manager, a part-time Research and Projects Officer, a full-time Publications Officer, a part-time support officer and a temporary part-time Information and Communication Officer; and
- to fund the positions of Senior Business Analyst and Systems Administrator to support the Office's case management system.

It was inevitable that the diversion of these resources from our complaints resolution program would eventually affect our complaints resolution program despite the wholesale improvements we have made to our organisational structure and business processes for managing complaints.

I note that one of the proposed terms of reference of the Strategic Review of the Office is:

The level of resourcing available to the Office and whether this resourcing is adequate and appropriately used to discharge the functions and objectives of the Office.

I welcome the consultants' review of the level and use of resources as I firmly believe that a significant increase to the budget of the Office is now justified. I have become increasingly

concerned that current funding levels will prevent the Office from undertaking further initiatives to improve public administration without adversely affecting the complaints resolution program.

I also advise the Committee that I intend to seek an increase in the funding of the Office through the mid-year budget review process commencing in October. Once again, I would be grateful for the Committee's support during that process. I will provide the Committee with a copy of my funding proposal in due course to allow the Committee to properly consider its merits.

(b) Will the proposed training programs for public agencies now be delivered on a partial/full cost recovery basis?

We are planning to deliver the Good Decisions Training Program to six agencies before 30 June 2005 to pilot the program. During this period we will be refining the training based on feedback from presenters and participants and assessing the human resource and other costs of delivering the training.

Because of the Cabinet Budget Review Committee's decision not to support our funding proposal, we expect that we will have to deliver the training on a cost-recovery basis to reduce the impact on our complaints resolution program. As well as human resource costs of officers preparing for, delivering and coordinating the training, costs attributable to the training program include the printing of course material, room hire and refreshments, and any travel and accommodation expenses incurred in delivering the training in regional areas.

Creation of Separate Office of Information Commissioner

7. Please provide details of any budgetary implications for the Office of the Ombudsman arising from the creation of a separate Office of Information Commissioner. In particular:

(a) does the Corporate Services Unit of the Office of the Ombudsman continue to provide services to the Office of Information Commissioner;

There are no significant budgetary implications for my Office as a result of the separation of the Office of the Information Commissioner (OIC). The amount of appropriation transferred to the Information Commissioner was determined after consultation with members of my Corporate Services Unit as well as the Director-General of the Department of Justice and Attorney-General and her Director of Finance. The new Information Commissioner and I signed an agreement for the amount of appropriation transfer on 7 April 2005. I attach a copy of this agreement for your information (**Attachment 1**).

As a cost effective solution to the OIC's ongoing need for corporate support, the Corporate Services Unit of my Office continues to perform the corporate service function for that Office.

(b) how is the third Deputy Ombudsman position being funded; and

During my discussions with the Director-General of the Department of Justice and Attorney-General both before and after 24 February 2005, she made it clear that the funding associated with the position occupied by Mr Sorensen in the Information Commissioner's Office would follow Mr Sorensen. That is, if the new Information Commissioner indicated that she wished to retain his services, the funding would be transferred to the budget of the Information

Commissioner. If she indicated that she did not wish to retain his services, the money would remain in the Ombudsman's budget.

Subsequently, the Information Commissioner advised me that she did not require Mr Sorensen's services and he commenced duty in the Ombudsman's Office on 28 February 2005. As Mr Sorensen's original appointment in November 1992 had been as Deputy Parliamentary Commissioner for Administrative Investigations (Freedom of Information), he commenced duty in my Office at the Deputy Ombudsman level. The arrangement with the Director-General also allowed for the funding for Mr Sorensen's position as Deputy Ombudsman to remain with my Office on a recurrent basis.

(c) has the return of the third Deputy Ombudsman position to the Office made an office restructure necessary?

I have not undertaken a restructure of the Office following Mr Sorensen's transfer to perform duties as Deputy Ombudsman. One of the main reasons for this is the impending Strategic Review of the Office. However, certain responsibilities have been re-allocated to Mr Sorensen commensurate with his remuneration level and experience. For example, Mr Sorensen:

- has taken responsibility for briefing and instructing Queen's Counsel in proceedings commenced in the Supreme Court by the Douglas Shire Council challenging my decision that part of the ferry fee charged for the trip across the Daintree River constitutes an unlawful tax. This is a significant case because it is the first time the Ombudsman's opinion has been challenged in this way and the decision will have significant ramifications for local governments;
- is supervising the finalisation of two major projects;
- is co-ordinating our responses to FOI applications seeking access to documents held by the Office and providing expert legal advice to officers processing those applications; and
- is acting as special legal adviser to the Office on issues involving questions of statutory interpretation and administrative law.

Mr Sorensen will also be undertaking additional duties over the next six months (as required) as a result of Deputy Ombudsman Frank King's participation in the Senior Executive Service Mobility Program. Mr King will be taking up a position in the Department of Justice and Attorney-General (JAG) for that period and Mr David Schulz, Executive Director, Research and Executive Services from JAG will be performing Mr King's role.

Ministerial Statement of 23 March 2005

8. In a Ministerial Statement made in the Assembly on 23 March 2005, the Premier raised concerns about the possible leaking of information and/or political activity by staff of the Office of the Ombudsman and/or Office of Information Commissioner, and referred these concerns to yourself, the Information Commissioner and the committee for consideration.

(a) Please provide a response to these issues.

(b) Please outline any steps taken by the Office to investigate these issues and the results of those investigations.

After reviewing the Premier's letter and enclosed material, I formed the view that it supported a suspicion of official misconduct on the part of a public officer (though not necessarily an officer of my Office or an officer of the Office of the Information Commissioner). Accordingly, in compliance with my obligation under s.38 of the *Crime and Misconduct Act 2001*, I referred the matter to the Crime and Misconduct Commission (CMC) for its consideration.

The CMC subsequently referred the matter back to me and, in doing so noted that there was insufficient evidence to conclude that the source must have been from either my Office or the Office of the Information Commissioner (as asserted by the Premier). The CMC, while acknowledging the difficulty of investigating matters of this kind, asked that I take "reasonable steps" to try to ascertain whether an officer of my Office was the source of the leak.

I have since caused certain inquiries to be conducted within the Office. Those inquiries did not reveal any evidence suggesting that any of my officers had been the source of unauthorised information to the media.

On 3 May 2005, I wrote to the CMC advising it of the results of the inquiries I had conducted and seeking its advice on whether, in the circumstances, it considered that any further inquiries were warranted. On 10 May 2005, the CMC asked that I conduct additional specified inquiries and advised that, if those inquiries were unproductive it was "unlikely that any further inquiries will advance the matter". Those inquiries have been undertaken and did not advance the matter.

Other Significant Activities

Complaints Management Project

In previous reports to the Committee I have outlined the nature and purpose of the Office's Complaints Management Project. Essentially, in phase 1 of this project my Office is working with 11 selected State and local government agencies to assist them to introduce complaint handling systems that meet recognised national and international standards.

This is one of the projects being undertaken by my Office to discharge my obligation under the Ombudsman Act to assist to improve administrative procedures within agencies.

Good progress has been made since my last meeting with the Committee. In particular, six agencies now have appropriate complaints handling policies and four of those agencies have

also developed appropriate complaints handling procedures. In those four cases the new complaints systems are up and running.

I expect that by 30 June 2005, most of the agencies in the project will have good quality complaint handling systems in place. I propose to prepare a report on phase 1 at or about that time and will provide a copy to the Committee.

I then propose to move on to phase 2 of the project. This will involve publicising the complaint handling models developed during phase 1 and encouraging all public sector agencies (including local governments) to adopt or adapt a model that best fits their requirements.

I note that under the Local Government Legislation Amendment Bill 2005 (introduced into Parliament on 19 April 2005) each local government (including Brisbane City Council) is to establish a process for resolving complaints by affected persons about its administrative actions by no later than 1 March 2006.

I am working with the Department of Local Government, Planning, Sport and Recreation to update guidelines issued in 2001 by that department and my Office to local governments to assist them in this process.

Regional program

We have continued our visits to regional Queensland to take and resolve complaints. Since 1 July 2004, we have visited 55 centres. Ten of those have been visited twice. Our Strategic Plan indicated we would visit 61 centres this financial year.

Good Decisions Training Program

In addressing the Committee's question about the budget, I referred to the resources involved in preparing the Good Decisions Training Program. Considerable work has been undertaken in preparing the training material and ensuring that our officers who will be presenting the training are familiar with the material and have the necessary presentation skills.

The program is in the pilot phase which will continue until 30 June 2005. During this phase we will be presenting six sessions to public sector officers. One training session has already been presented to officers of the Commission for Children and Young People and Child Guardian. Feedback from the participants was extremely positive.

In the new financial year, we will be promoting the training throughout the public sector and, as mentioned earlier, making it available on a cost recovery basis.

We also intend to make the training available in conjunction with our regional program.

Better Decisions Project

We have continued our involvement in the Better Decisions Project being undertaken by the Department of Tourism, Fair Trading and Wine Industry Development. The delay in finalising the report of the project has been caused by staffing changes in the department.

Recently we reviewed a further draft of the report and have submitted our suggested amendments to the department. A meeting has been scheduled with departmental officers on 31 May 2005 to discuss the report.

Client satisfaction surveys

In my last report to the Committee, I advised that we had seconded a researcher to the Office for a six month trial. That position has now been made permanent on a part-time basis. One of the responsibilities of that position is to conduct surveys relevant to the Office's functions.

This financial year we have conducted three surveys principally for the purpose of finding out what people think of the services we provide and how we can improve our level of service. The survey results were analysed by our Research and Analysis Project Officer.

Complainant Satisfaction Research

The complainant satisfaction research was based on our analysis of the data provided by a survey of people who were complainants to our Office in 2003-2004. The research identified a range of opportunities for improving complainant satisfaction such as better management of complainant expectations, improving accessibility to investigators, improving investigators' client service skills, taking more time to explain to complainants any options available for resolving their complaints, and more effective communication of reasons for final decisions.

The Office has developed an action plan to ensure the issues identified in the research are addressed. A number of issues relate to strategies already in progress within the Office while other initiatives are planned for implementation in the near future – for example:

- providing client service training to investigators, and
- engaging a consultant to review our standard documentation for consistency and plain language.

Referred to Agency Research

We frequently ask people to try to resolve their complaints directly with the agencies concerned (if they have not already done so). Often this course of action provides the quickest resolution of their issues and means that agencies are taking responsibility for rectifying their own poor decisions. We have continued to assist agencies to improve their procedures for handling these complaints through our Complaints Management Project and complaints reports to agencies that analyse their complaints data.

When we refer 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 trying to resolve 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.

In 2004-2005, we surveyed complainants in this category whom we referred back to agencies for internal review in 2003-2004. The purpose of the research was to find out firstly, how they felt about our response that they try to resolve their complaints with the agency and, secondly, whether they were satisfied with the service and response they received from the agency.

The Referred to Agency research identified four initiatives for process improvement. These were to:

- review our standard written and oral responses to complainants in this category to ensure they are given a clear and consistent understanding of our response, the process the agency should follow, and in what circumstances they should contact our office again;
- provide training to intake officers to ensure they have the necessary skills to effectively explain to people why we are referring them to the agency;
- provide agency contact information to complainants wherever possible; and
- review our publications to ensure our policy is adequately and consistently explained.

The Office is addressing these issues by:

- engaging a consultant to review the documentation we send to this group of complainants, for plain language and consistency;
- providing client service training for intake officers;
- developing a knowledge database that will enable our intake officers to provide a greater range of information to complainants about the top 15 complaint generating agencies; and
- reviewing print and electronic publications to ensure they contain clear and consistent messages.

Agency Research

We conducted a survey of:

- general managers of the Department of Corrective Services, and
- liaison officers of agencies that had been the subject of five or more complaints to our Office in the last financial year.

The survey achieved a 76% response rate from agencies and an 80% response rate from liaison officers.

Overall the results show a high level of satisfaction with the service and processes employed by our Office. 87.5% of respondents indicated satisfaction with our investigation process, while 97.8% were satisfied with the informal resolution process. Satisfaction with the overall service provided by staff was also very high at 98%.

A number of opportunities have been identified for improvement such as:

- providing agencies with more feedback on the progress and outcomes of investigations,
- developing information request checklists to ensure agencies are provided with key particulars, and
- reviewing our communication strategy in relation to agencies to ensure greater penetration for our publications.

The final report is currently being prepared.

Developments in *Catalyst* since November 2004

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

As pre-empted in November 2004 a Senior Business Analyst position (A07 level) has now been incorporated into the permanent establishment of the Office. The position was filled on 24 March 2005.

The purpose of this position is to analyse our business policies and processes to identify potential efficiency gains through the *Catalyst* system and to identify, develop and implement improvements to the *Catalyst* system for accurate case and records management and reporting.

Catalyst and associated business improvements since November 2004 include:

- **Recommendations** - Enhancements to recording and implementation monitoring of recommendations.
- **Recommendations Policy** - Revision of our Office policy on recommendations recording and reporting by our Senior Business Analyst is nearing completion. When completed, the revised policy document, underlying procedures, and work practices will reflect "best practice" for recording and reporting on recommendations made, accepted and implemented, solely from within *Catalyst*.
- **Complaint Statistics by geographical region/electorate/locality/postcode** - When completed, current development of the *Catalyst* reporting system will enable us to refine regional reporting for example - complaints received by Agency (including Division, Region and Area if applicable) from complainants living within a local authority area, local government region, Queensland electoral division and region.
- **Data Verification Project (DVP)** - A combined approach to the review of agency structures and classifications and data review covering complaints received 1 July – 30 November; 1 December to 28 February 2005 and for each month thereafter to 30 June 2005. Debrief and training for ART staff on each set of review data, and preparation of "Knowledge Bank" reference material on agencies.
- **Investigation case plan for cases received post 1 January 2005** – An investigation case plan and associated case management actions and tasks are now attached to all cases where a decision to investigate has been made.
- **Queued Calls** - A Queued Calls Tab on the *Catalyst* home screen has been developed. All Reception Cases i.e. telephone intake calls that are on hand awaiting a return call will be queued in chronological order (date and time) until the caller has been contacted and the nature of the contact determined e.g. Complaint, Inquiry etc.
- ***Catalyst* Automated Reporting System (CARS)** – An automated complaint report production system has been developed. This tool will be applied to various reports enabling them to be run in accordance with predetermined schedules.

- ***Catalyst* User Guidelines** – Revised guidelines for Creating Contacts, Cases, and adding additional related cases for existing Contacts in *Catalyst* and Issue outcome recording have been rewritten in simple language to assist day-to-day *Catalyst* users.

Workplace Electrocution Project

Work has continued on the final report summarising this project.

We expect to finalise the report by 30 June 2005. As I advised the Committee in my response for our meeting of 23 November 2004, the focus of the report is the changes made to the electrical safety and workplace health and safety systems in Queensland as a result of our investigations and the effectiveness of those changes.



**MACHINERY-OF-GOVERNMENT CHANGE:
APPROPRIATION FUNDING TRANSFERS FROM THE OFFICE
OF THE QUEENSLAND OMBUDSMAN TO THE OFFICE OF
THE INFORMATION COMMISSIONER**

INTRODUCTION

The Governor in Council approved an Executive Council Minute *Public Service Amendment Regulation (No. 1) 2005*, amending the *Public Service Regulation 1997* to declare the "Office of the Information Commissioner" as a public sector unit. Ms Cathi Taylor was appointed the Information Commissioner from 24 February 2005, and has been declared the accountable officer from that date.

The following information relates to the establishment of the Office of the Information Commissioner and the transferring of assets, liabilities, revenue, capital and recurrent funding from the Office of the Queensland Ombudsman (the Ombudsman) to the Office of the Information Commissioner (Information Commissioner).

All figures shown have been rounded up or down to the nearest hundred dollars.

ASSETS

The assets as identified in Attachment 1 are transferred from the Ombudsman to the Information Commissioner. The following amounts for depreciation purposes against those assets, will also be transferred from the Ombudsman to the Information Commissioner:

24 Feb to 30 June 2005	2005-2006	2006-2007	2007-2008
6,000	11,000	7,300	NIL*

* 2007-2008 is NIL amount, as all transferred assets will be \$0 book value at this stage.

LIABILITIES

Attachment 2 is an Aurion Report detailing Recreation and Leave Loading balances as at 24 February 2005. An amount of \$47,589.58 will be drawn from the Ombudsman's bank account and deposited into the Information Commissioner's bank account. The Ombudsman's balance sheet will record a reduced liability of \$47,589.58.

REVENUE

The only revenue generated by the Office of the Information Commissioner is via a minimal cost-recovery process for delivery of training programs in Freedom of Information procedures. For the period 1 July 2004 to 24 February 2005, the Office of the Information Commissioner generated \$1400.00 in revenue, which has been absorbed by the combined Office. An FOI training course was delivered on 1 April 2005, resulting in an additional \$1100.00 of revenue, which will be deposited directly into the Information Commissioner's bank account and will not be processed into the Ombudsman's accounts. Hence, there is NIL revenue to be transferred.

CAPITAL

No capital funding will be transferred between the Offices for the 2004-2005 financial year. From 2005-2006 onwards, \$20,000 per year that would have been allocated to the Ombudsman for capital purposes, will be re-allocated to the Information Commissioner for capital purposes. This re-allocation of capital will also require depreciation to be re-allocated, as set out in the following table:

ITEM	24 Feb – 30 June 2005	2005-2006	2006-2007	2007-2008
Equity amounts to be transferred	NIL	20,000	20,000	20,000
Output appropriation amount to be transferred	NIL	6,700	13,300	20,000

RECURRENT FUNDING

The table below reflects the amounts previously allocated to the Ombudsman, which are to be re-allocated to the Information Commissioner on a yearly basis. For the period 24 February 2005 to 30 June 2005, representing 34.52% of the financial year, the following will be re-allocated:

ITEM	24 Feb - 30 June 2005	2005-2006	2006-2007	2007-2008
Employee Expenses	296,700	859,400	861,800	861,800
Supplies & Services	65,400	189,400	189,400	189,400
Depreciation	6,000	17,700	20,600	20,000
Revenue	NIL	NIL	NIL	NIL
Shared Corporate Services Unit cost*	29,700	86,000	86,000	86,000
Total appropriation amount to be transferred	397,800	1,152,500	1,157,800	1,157,200

* Salaries and on-costs of 6 FTE Corporate Service Unit is \$430,000. 20% of \$430,000 equals \$86,000. Amounts for Shared Corporate Services Unit are to be paid back to Ombudsman from Information Commissioner at monthly 1/12 rate.

CURRENT BUDGET DEFICIT

As at 28 February 2005 (4 days after the appointment of the Information Commissioner and creation of the new department of the Office of the Information Commissioner) the combined operational budget of the Ombudsman and Information Commissioner was \$27,400 in deficit. It is not unreasonable to expect that the operations of the Office of the Information Commissioner would have contributed to this deficit. However, it is proposed that any budget deficit will remain with the Ombudsman's Office for the full financial year, and will be raised in discussions with Treasury at the appropriate end of financial year calculations.

SIGN-OFF

We acknowledge and agree that these figures are correct and fair, and represent the total appropriation amounts to be transferred from the Office of the Queensland Ombudsman to the Office of the Information Commissioner.

[Original Signed]

.....
David Bevan
Ombudsman

7 / 04 / 2005

[Original Signed]

.....
Cathi Taylor
Information Commissioner

7 / 04 / 2005



QUEENSLAND
ombudsman

**MACHINERY OF GOVERNMENT TRANSFER
DEPARTMENTAL SIGN-OFF FORM
Actual Balances Transferred**

Transferring Department Name: Office of the Queensland Ombudsman
Receiving Department Name: Office of the Information Commissioner

Functions transferred: All functions and responsibilities related to the role of the Information Commissioner as set out in the *Freedom of Information Act 1992*.

APPROPRIATION TRANSFER	2004-2005 ACTUAL
CONTROLLED	
Output revenue	397,800.00
Other own source revenue	NIL
Total Revenue	397,800.00
Total Expenses	397,800.00
Total Assets	71,896.06
Total Liabilities	47,589.58
Appropriated Equity injection	NIL
Appropriated Equity withdrawal	NIL
Appropriated Equity transfer	NIL
Non-appropriated Equity	24,306.48
TOTAL EQUITY	24,306.48

[Original Signed]

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David Bevan
Ombudsman
7 / 04 / 2005

[Original Signed]

.....
Cathi Taylor
Information Commissioner
7 / 04 / 2005

APPENDIX B

Transcript of meeting with the Ombudsman



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, 24 MAY 2005

Brisbane

TUESDAY, 24 MAY 2005

Committee met at 1.20 pm.

BEVAN, Mr David, Ombudsman

GORDON, Mr Shaun, Manager, Corporate Service Unit

METCALFE, Mr Rodney, Deputy Ombudsman

SCHULZ, Mr David, Acting Deputy Ombudsman

YUKSEL, Ms Adeline, Manager, Advice and Communication Unit

CHAIR: I welcome the Ombudsman and his officers. I invite David to begin as usual with an opening statement.

Mr Bevan: We have provided answers in response to questions the committee has raised and we have also raised some other issues. Just by way of preliminary comment, I will make mention of a few of our projects and a couple of other issues. The first is the Good Decisions training program. A trial is being conducted with a number of agencies between now and the end of June—namely, the Office of the Commissioner for Children and Young People and Child Guardian, the Department of Child Safety, the Office of the Adult Guardian and a couple of councils, the Caboolture Shire Council and the Kilcoy Shire Council.

Rather than recruit specific trainers, we have opted to provide the necessary training to our own team leaders and investigators to present the program. There is value in multiskilling our own officers there. From July onwards we intend to make the program available across the public sector and, in view of our unsuccessful application for additional funding for delivering the program, we will be providing the training on a cost-recovery basis. If the level of demand exceeds our available resources, we will prioritise the requests, taking into account the types of decisions made by the particular work units in the agencies that are requesting the training as well as the number of complaints my office receives about those work units in the agencies.

Our second major project in the area of improving administrative practice is the complaints management project. As I reported in my response, we have made substantial progress on that project since our last meeting. Four of the 11 agencies involved in the first phase now have in place complaint-handling policies and procedures which comply with recognised national and international standards for good complaints management. Two other agencies have completed the overarching policies and are now working on implementing the procedures.

One agency that has not been able to significantly advance the project is the Department of Corrective Services. As you are aware, that department has been undergoing a business model review as a result of the new minister and director-general taking responsibility for that department. Nonetheless, we are having ongoing contact with that department and we will meet as soon as practicable with the new Chief Inspector of Prisons when he commences in July 2005. That officer has a number of responsibilities which are relevant to our prison program, including responsibility for managing the official visitors program. We are keen to ensure that there is no duplication in complaint handling by us and the official visitors program, and improving liaison with that group is one of the issues we are keen to discuss with the chief inspector.

Our response also refers to three surveys which we have conducted this financial year to improve our performance. The first is a complainants satisfaction survey—that is, a survey of our own complainants—the second is a survey of complainants we refer back to agencies and the third is a survey of the public sector agencies we deal with. Each survey has produced information that we can use to improve our own services to the community. For example, as one of our responses to the survey of our complainants we are providing our intake officers and investigators with client service training in June, and in the new financial year we will engage a consultant to review our correspondence for consistency and plain language.

There are some factors which have been impacting on our performance. Of course it comes down to resources. We have had a very busy six months since our last meeting and my report indicates, I believe, that we are still performing well against most of our performance indicators. But my report also mentions an increase in open complaints including those more than 12 months old, which is an area I have focused very heavily on since I took office. One of the reasons for this is that during the year we have gradually put more resources into our activities to improve the decision making and procedures of agencies. This financial year's activities of that nature include the complaints management project and Good Decisions

training I referred to, as well as the reports we prepare analysing complaints data for the main agencies which generate complaints. We have also put a lot of resources into auditing the complaints information stored on our database to improve the accuracy and consistency for the purpose of analysing that information. Resources for these activities have inevitably been drawn from the investigations area. That is all I wanted to raise in relation to resources and performance.

The second issue is one that I addressed in a fair amount of detail in our response and that is the high level of turnover of staff within the office. I have always taken a whole-of-public-sector approach to requests by other agencies to second my officers. I support my officers sharing with other agencies the skills and experience which they have acquired in my office. However, the volume of staff currently on secondment or who have left the office this financial year is now having an adverse impact on our performance. We are putting in place some strategies to encourage the retention of staff. One is that we are looking at a graduate recruitment development program. There is a program like that operating in the Queensland Audit Office and it speaks very highly of it. We have also introduced an award and recognition program, we have developed a health and wellbeing program and we are interviewing all of our officers as they leave to find out why they are leaving and whether there was anything we could have done to encourage them to stay. We have also commissioned consultants from QUT to undertake a staff survey for us, which will also give us information relevant to this issue.

The financial year has actually seen quite a substantial reduction in complaints received. There has been a reduction of 873 over the corresponding period last financial year. We have done some analysis of that decrease. As I said, complaints are down 873, or 11½ per cent. Three hundred and five of those relate to matters which were outside our jurisdiction—that is, private bodies and Commonwealth agencies. We have not yet ascertained why those complaint numbers are down, but that is probably not as significant for us in that they are outside our jurisdiction in any event and we simply refer those people to the agency which deals with their issue. About 170 were accounted for by some improvements we made to our database, which now allows officers to take action on a case that has already been closed whereas previously they had to open a new case.

Local government complaints are down by three per cent. The big mover there is the Brisbane City Council, where complaints are down by 71, or 30 per cent—down from 249 to 178. The most significant area of complaints is in the law enforcement area, including parking, where complaints are down from 88 to 53. Parking complaints are down by about 20. That is a particular area in which the new Lord Mayor campaigned. State agencies' complaints are down by 12 per cent. Some of the big reductions are in the complaints by prisoners, which are down by 100. We have received over 1,000 of those complaints, but they are down by 100. The Department of Families has ceased to exist and was substantially replaced by the Department of Child Safety. Complaints in that area are down by 80, or 17 per cent. Complaints about the Department of Housing are down by about 48, or 18 per cent. That department has a new appeal and review unit which commenced last financial year, so that may explain the reduction there. Those are all the preliminary comments I wanted to make at this stage. I am happy to answer any questions.

CHAIR: In relation to those reductions that you have just described, is this the first year that complaints have actually reduced?

Mr Bevan: They may have reduced very marginally in the last financial year by 10 or 20.

Mr McARDLE: The reductions were certainly not as substantial as they are for this financial year.

CHAIR: Do you put that down to the work you have been doing at the agency level? We would like to think so.

Mr Bevan: We would like to claim that, but we think it is too soon to do so. With our complaints management project, obviously this is phase 1. We do have other strategies—first of all, ensuring that other agencies right across the state have systems which comply with the relevant standards and, secondly, ensuring that we conduct periodic audits to find out whether it is working as it should. It is all very well to have good policies and procedures, but if you do not commit the resources and you do not provide training to the officers who are working in the area then the system will still not work well. We intend to conduct ongoing audits of how effectively those systems operate.

CHAIR: I know that obviously you are concerned about resources, and I will come to that in a moment. Given the changes in legislation that will require local authorities to have their own formal complaints mechanisms and procedures, no doubt you will be involved in supporting local government to establish those and that will take additional resources, but hopefully at the end of the day there will be a reduction in complaints for you to handle. To what extent will the resources of your office be required to assist local authorities meet the requirements of legislation to have procedures in place by 2006?

Mr Bevan: We did some work with the department some time ago in producing a model or guidelines for that. Perhaps Mr Metcalfe could respond to that as he specifically deals in that area and has had some ongoing conversations with the department about these proposed changes.

Mr Metcalfe: When the draft bill was prepared we saw the specific requirements to be placed on local governments for 2006. We then met with senior officers from the Department of Local Government, Planning, Sport and Recreation and with senior officers from the Local Government Association. We suggested a combined approach to the preparation of a model policy and guidelines, probably on a two-tier basis—for larger local governments and then smaller regional local governments. As we have pointed

out in some responses to the committee previously, we specifically included Boonah in the complaints management project for that purpose. We had included the Gold Coast and Maroochy local councils, which are larger, and we have included the Boonah local council so that we have the whole spectrum represented. That work has already commenced in relation to that specific requirement. We think the predominant responsibility for that will be with the department of local government and we can provide our experience flowing from the complaints management project, bearing in mind that we and the department produced guidelines back in 2001 which were placed before local governments for complaints management generally.

Mr Bevan: One of the reasons we started the complaints management project was that, even though we assisted the department in preparing the guidelines, over a period of a year or two, not much action had actually occurred within the local councils to take note of the guidelines and change their own procedures. That is why we felt we had to have greater involvement with those local councils to encourage them to implement good systems.

CHAIR: I was quite shocked to understand the extent of the staff reductions, with a 50 per cent loss in investigative officers. It is really good to hear the strategies you are putting in place to address that. Obviously you are seeking to recruit more. David, when are you hoping to get back to full staffing of investigative officers? That is obviously a big gap you have there at present.

Mr Bevan: We are pretty well there as far as people in seats, because we have tried to manage it so that there was as little changeover time as possible. But the big difficulty is in losing key people and losing experienced people. It always takes a while for the people who replace them to come up to speed.

CHAIR: So the vacancies have been filled, but they are not yet fully productive in that sense? They have not the experience yet?

Mr Bevan: Yes, that is correct. There may be one position we have not filled. I will just defer to the manager of corporate services on that—

Mr Gordon: No.

Mr Bevan: No, we are running at establishment.

CHAIR: So your concern is that you might not be able to have such good resolution rates. One would hope that there will not be a significant change there, given that you now have the complement of staff on board.

Mr Bevan: Yes, we certainly hope there will not be any ongoing significant reduction in our performance in the complaints area, but it is not the only issue which is impacting there. As I said, the other issue, of course, is that as we try to discharge that other broad obligation under the act to help agencies improve their decision-making and administrative practices we have to move resources out of the investigations area. In terms of servicing the far more sophisticated case management system we have now, that has required two officers to be deployed to that function as well.

Miss SIMPSON: I want to ask about the case management system. If you are going to be providing assistance to other agencies as to how they manage complaints, part of that is protocol, but the other part is the resources they have. You have probably got a fair insight into what sort of databases and administrative systems they are running. Is that something that your office also provides support or advice on?

Mr Bevan: Yes, we have been aware of that. It was a very significant issue during the complaints management project. We got to a point where we made our recommendations back to the agencies, which generally included the recommendation, 'You need to centrally record complaints data; otherwise you cannot analyse that data and identify business improvements.' Some of the agencies have come back and said, 'It is a significant expenditure of resources to implement a new case management system.'

We have provided a display of a number of systems to the agencies that were involved in the project a few months ago to show them what is available out there. We have demonstrated our own system. A number of agencies have actually taken up our own system—not necessarily in the project—such as the Commission for Children and Young People and Child Guardian. They have now implemented a system that is similar to ours. One of the other departments is looking at that system as well.

Some of the big agencies can develop a system in-house. That has been done by the Queensland Health. But their system is just coming online now. In the last month or two they have been trialling that. So by no means would they have all their complaints data recorded centrally at this time.

Mr McARDLE: On the high turnover rate, it appears at the top of page 9 that it is likely not to slow down in the near future because of ongoing demand. Does that have an impact on morale within the office? I would have thought that the high turnover rate with supervisors not being able to do the work that they are required to undertake, and yourself as well, would be a factor. Is there a morale factor creeping into the office as well?

Mr Bevan: That is a difficult one. I think an amount of turnover is good. It is good for the office and good for morale. You do need to get in new blood, to put it that way, and have people who are going out into agencies and using the skills they have acquired to hopefully improve areas of operations of those agencies. But when it gets up to that very high level, yes, I think it can certainly impact on the officers who

remain behind because they have to take up the slack. They get additional requirements placed on them. It becomes very difficult for the team leaders also and the supervisors, because it is far more difficult for them to manage their workload.

Mr McARDLE: Are you seeing work hours blow out because of this extra workload placed upon the current serving officers?

Mr Bevan: For the team leaders, yes. I believe a lot of them are performing additional hours and taking work home—that sort of thing—but perhaps not so much for the other officers. We have HR systems whereby if people work extra hours they are not remunerated but they can generally take hours in lieu. It is not so much there, but it is certainly putting pressure on the organisation from the team leaders down.

CHAIR: Do you get very much feedback when you talk to the staff as they are leaving about their reasons for leaving in terms of anything that you might do differently?

Mr Bevan: In most cases it is simply because they have been offered positions at higher levels. With a small organisation, we do not have many options there. The other point to make is that these officers are going into related areas. They are going into areas such as the Commission for Children and Young People and Child Guardian. Not just in the last year but over the last couple of years, four of our officers have gone to that organisation because of the skills that they have acquired in investigations and audit and review.

Also, you would be aware that there is greater emphasis being placed on agencies to get their own house in order and take responsibility for investigating and dealing with official misconduct and other misconduct. That is recognised in the Crime and Misconduct Act. So they have to now acquire their own expertise to deal in-house with the types of complaints that they might previously have sent to the CMC.

Mr McNAMARA: The jump in complaints over 12 months old has risen to 28 per cent. You indicate in your answers that the bulk of the reason for that jump is staff turnover but that some part of it is also attributable to the decision to allocate resources towards capacity building as opposed to complaints resolution.

Mr Bevan: Yes.

Mr McNAMARA: How much? Is it five per cent? It is 10 per cent? It is 48 per cent? In the long run, a continued blow-out in the complaints resolution rates would not really be sustainable, would it?

Mr Bevan: No, it is not. We hope to bring that number down substantially by the end of the financial year. It is very difficult for me to put a figure on the amount of resources that we are allocating to those improvement focused activities, because it is spread out right across the office. For example, with the Good Decisions training, because we thought that it would be good to multiskill our officers and have them as the experts on investigations going out and telling agencies how they should be making decisions to avoid complaints, we have had 14 of those investigators involved to a greater or lesser extent in that program. Some were involved, perhaps to the extent of 25 per cent of their time, in providing some of the training and also developing the resources, and the others were involved just in terms of participating in the training and also helping to review the material and providing input there.

Mr McNAMARA: But you would still say that staff turnover is the primary reason for the blow-out?

Mr Bevan: I would say that it is the primary reason for this financial year, yes.

CHAIR: As you said, some of people leave to take up higher-paid positions. This is one of the issues that you hope might actually come out in the review. Obviously, it is also related to the budget. Perhaps we might talk about those two issues. Dealing with the budget first, I see that at budget review time you are proposing to put in a further submission. Could you give us a bit more background in terms of what form that is going to take? Do you have any clear idea as to what you are going to be requesting at that time? I notice you have asked if we could support you, which obviously the committee will consider. In terms of cost recovery, can you flag for us what you are anticipating there after July for the Better Decisions training? What are you anticipating to make in terms of revenue there to assist with the budget situation?

Mr Bevan: One of our officers in the advice and communication area—another new appointment to the office who actually has some background in training—is presently costing the program for us. They are working out how much it has cost us to put together the material and then to deliver the training. As we have indicated in our response, we have had some external assistance there. As well, there is cost involved each time we provide training to a new agency or a new unit in an agency, because we try to speak to their training officers and to develop case studies that are relevant to that particular agency or that particular unit. There is quite a bit of work involved for the officer or officers who are delivering the training. The training is being provided by two officers, and we are hoping for groups of about 20 to 25 maximum. We think we need two officers to provide that training.

We will have a firmer figure on that after we have gone through the current group of training sessions in the pilot program. So certainly by the end of June, or early July, we will be able to give the committee more information on that. But the time frame for the midyear review—

Mr Gordon: In terms of the midyear review, applications would start around October and probably be finalised in November. So that would just be agencies going to Treasury and submitting their midyear budget reviews.

Mr Bevan: We will provide our intended submission to the committee well before that so you can consider it.

CHAIR: At this stage of your thinking, would it be full cost recovery?

Mr Bevan: It is going to depend on what that amount is.

CHAIR: Yes, as to whether agencies are likely to pay it.

Mr Bevan: Exactly. We have some initial indications from some agencies that they will pay, but what their commitment will be, how widespread they will allow the training to extend, is a big question. That will depend on cost.

CHAIR: The last time you factored \$300,000 to support the Better Decisions training. Presumably, you will be wanting that same quantum. Would it be any less?

Mr Bevan: Again, it would depend on how it all rolls out and whether there are other initiatives which we want to pursue in that area of good decision making rather than in the investigations area.

Miss SIMPSON: Perhaps to follow on with the review, I have noted your correspondence about the draft terms of reference.

Mr Bevan: Yes.

Miss SIMPSON: While the final terms of reference were changed, I was interested in your feedback as to whether they addressed your original concerns.

Mr Bevan: I don't think I've been provided with a copy of that.

Mr RICKUSS: How is it going with the smaller councils?

Mr Metcalfe: I think it is working fairly effectively. It is early days yet, because it was not until early to mid March that that actually came on board. We have not really been able to test that as a consequence, but all the indications are that, even though the actual number of complaints is up slightly, there was a specific reason for that. They have an overall package of systems in place now to better deal with those and other sorts of complaints.

Mr RICKUSS: What about the bigger councils? They have always had a complaints department, anyway.

Mr Metcalfe: They have, but we have homed in specifically on the two councils within the project. They are the Gold Coast and Maroochy councils. We have made it quite plain, in discussions that the Ombudsman has had with the Local Government Association and me, through local government managers that this is a specific project to try to improve their business capacity in undertaking these complaints reviews. As we have said, the numbers are down just over three per cent so at least it is moving in the right direction. Last financial year the numbers for local government were also down. So over the last two years the trend has been down each year.

Mr Bevan: Yes. From recollection, I made some reference to term of reference (c), and I think that may have been addressed. That was in relation to the impact of my ceasing to hold the appointment of Information Commissioner. My idea was that that did not really impact on the operations of the Ombudsman's office. On a quick reading of this, I think that has now been addressed. My recommendations in relation to reporting, which I think you referred to, have not found favour. Obviously I raised those issues from the perspective of the independent nature of the office and my status as an officer of the parliament. All I can do is raise the issues.

CHAIR: I thought there was some change in the reporting process.

Mr Bevan: It refers to the fact that copies of those reports are provided to the Ombudsman prior to them being finalised, and the Ombudsman may provide comments within 21 days, but that was in the previous draft. That is a requirement of the act. I would not anticipate that the fact that the reports are provided to the Premier, including the draft report, will impact on the independence of the consultant's report.

Mr FRASER: David, last time I seem to recall that you were looking at a program targeting people from a non-English-speaking background in particular which you had identified as having a low rate of contact with the office. Do you have an update about how that progressed over the financial year?

Mr Bevan: Certainly. I will let Adeline say a few words about that. It is in her area.

Ms Yuksel: Sure.

Mr Bevan: At the last meeting I informed the committee that we had launched that joint brochure with the other independent complaint agencies.

Mr FRASER: Is that called 'Know your rights'?

Mr Bevan: Yes. We had also had a specific launch for the Chinese community one Saturday which I understand was reported in the Chinese newspapers. We have some other strategies that we intend to roll out in the not too distant future which I will let Adeline talk about.

Ms Yuksel: The brochure is actually called the *It's OK to complain: your rights are our concern*. It has been printed in 11 languages. We are now developing a process with other complaint bodies to
Brisbane

promote the brochure, and that will be distributed throughout Queensland through multicultural agencies to language workers and multicultural Queensland as well. We are also working with other complaint bodies to participate in community events such as NAIDOC Week and Multicultural Week. In the next financial year—that is, in the next six months—we are hoping to target at least two multicultural communities. Our surveys show that the Chinese-speaking community is one of our largest source of complainants coming from a non-English-speaking background. The second is the Vietnamese community and the third is the Arabic-Spanish communities. We are now in the process of looking at strategies to target the Vietnamese community and one of the others.

Mr Bevan: So we have the information available. It is—we just have to make sure that it is reaching the targeted audience.

Mr FRASER: So do you have an idea yet that over this 12 months whether that has started to flow through to the bottomline of the number of complaints?

Mr Bevan: We have had a number of complaints but still only small numbers. I was looking at the numbers recently just before I did an interview with 4EB ethnic radio. You might recall that last year all of the agencies who were involved in the project did a series of interviews on 4EB. We also had an advertising campaign on 4EB, so I did a follow up interview for that. For that purpose I looked at complaint numbers from people from non-English-speaking backgrounds and the numbers were still low. Even though we say on our web site people can access the translating and interpreting service free of charge, we have also had little use of that facility.

Mr FRASER: I know that one of the issues you addressed was the proportion of complaints received outside of Brisbane. I think you attributed that to the effort that you are undertaking in your regional program. I suppose you would receive a higher degree of public and media attention when you turn up in a country town as opposed to turning up at Everton Park.

Mr Bevan: Yes.

Mr FRASER: Do you think that there is a link between the Mr Bevan is coming to town story and—

Mr RICKUSS: It is rather exciting out in the bush.

Mr FRASER: I grew up in one of these towns. I remember when the ads were in the paper—not everyone would, I suppose.

Mr Bevan: Certainly with the regional program there is quite a lot of media which attaches to that. First of all, we advertise in advance when we are going to be in town. We do that jointly with the Office of the Commonwealth Ombudsman if those officers are going to be accompanying us on the trip. You may be aware that they sublease some of our office space. They have a Queensland office. We provide reception services to them as well, so it is a one-stop shop. We try to do that on regional trips as well. We do not have joint interviews but, whenever possible, we advertise jointly. We also try to get a story in the paper before we go to a particular area. When we are in the area we also regularly do interviews with both radio outlets and local newspapers. We probably get a lot more coverage in the regional areas.

Mr FRASER: You would not have been on B105 recently, I suppose.

Mr Bevan: No, I have not, but I was on the ABC earlier in the week. It was early in the morning, I was told. I think it was yesterday?

Ms Yuksel: Yes.

Mr Bevan: I think it was at about 5.30.

Mr FRASER: It was a pre-record obviously.

Mr Bevan: It was a pre-record.

CHAIR: I hope you do better than that with Pat Morris and ABC in Cairns.

Mr RICKUSS: Do you break down the Indigenous complaints at all?

Mr Bevan: We have started to do that. That is one of the benefits of the new complaints system. We now have the facility to record that sort of data. I think this is the first financial year in which we have started to do that. Officers are not doing that in all cases but we are hoping to improve the level at which they are complying with that.

Miss SIMPSON: I have a supplementary question with regard to the terms of reference of the review. As I understand, these are the final terms of reference that I have in front of me. The Premier will determine the matters the review is to address in the progress report. Before the report is finally published the Ombudsman may, within 21 days of receiving a copy of the progress report, provide comments on the progress report. However, the point is that the Premier still has the ability to determine the matters the review is to address in the progress report. I am just not quite clear as to whether this is a normal process that is used with the strategic review of the office or whether this is a new measure that we have have not seen before in the strategic review of the Ombudsman's office.

Mr Bevan: I would have to take that question on notice because I was not there for the last review of the office. I would have to obtain the corresponding documents and come back to the committee on that.

Miss SIMPSON: Sure. I am also not clear about how—

CHAIR: You just might mention the difference with the last time would be that the steering committee had that role. As you know, it is not proposed to have a steering committee.

Miss SIMPSON: That is a fair comment. I do not know the nature of how progress reports determine matters to be handled at each step and what sort of matters they would be following up.

CHAIR: The terms of reference spell out the issues that have to be covered in the review.

Mr Bevan: So do you still want me to come back to you on that?

Miss SIMPSON: Yes, I would be interested to know whether this has been part of the previous strategic review process of the Ombudsman's office.

Mr Bevan: We will provide a response on that to the committee.

Miss SIMPSON: Thank you.

CHAIR: I want to continue to talk about the review but more broadly. It is an opportunity, if one sees it in a positive light, for things that you feel do need attention and perhaps additional resources might flow or there might be suggestions for changes in structure to make it more efficient. Are there other things that you would like to flag with us that you will be using the review to further progress?

Mr Bevan: In terms of the broader issue of organisational structure, an issue which I am sure that the reviewers would turn their mind to—if not, I would certainly be interested in their views on it—is whether we will continue to deliver our services about improving administrative practice to agencies, whether we deliver that through the investigators and through the current organisational structure or whether we have a stand-alone unit to do that.

CHAIR: Yes, I was wondering whether you were considering a commercial arm or a training arm separate to that.

Mr Bevan: We have had to manage the allocation of resources to that particular responsibility very carefully. When I commenced, complaint levels were so high—they were over 1,500 and more than 300 of those were more than 12 months old. A lot of our focus has gone into reducing those complaint numbers. I thought that as at 30 June last year we did have it down to a point where we could afford to put more resources into the improvement focused activities, but I did not count on the large turnover rate impacting in the way in which it has. If we were to do that, we would have to do it in such a way that it did not have an adverse effect on the complaints performance as well. It is certainly an area which I would be interested in getting the reviewer's views on. I am more than happy for reviewers to look at our business processes and indicate whether they can see any efficiency gains that we can build into those processes. We have changed our processes a lot over the last three years, particularly by creating that initial intake and assessment area.

Mr FRASER: I have a quick question with regard to the answer you gave before about travelling sometime with the Commonwealth Ombudsman. Does that relationship extend to, I suppose, the big ticket items of the federal government—for example, the Banking Ombudsman and I think it is now the Telecommunications Industry Ombudsman.

Mr Bevan: No. We get complaints which are within the jurisdiction of those organisations, and we have contact details for those and our intake officers refer the people to those agencies.

Mr FRASER: So are you a one-stop shop for them as well or do they stand alone?

Mr Bevan: They stand alone, but just because we do get calls for them our officers have that information available and provide that to the callers.

CHAIR: I would like to turn to the issue of the ministerial statement in March in which the Premier made reference to a possible leaking of information. I understand that you referred to that matter in your report to us. At that stage, I understand from what you said, you had some reservations about it being on the public record, but I now understand that you are quite happy for this document that you provided to us to form part of our report that we table to parliament.

Mr Bevan: Yes, having reviewed the issues which I was raising there, I believe that they are no longer relevant. I have no objection to the committee publishing that with your report.

CHAIR: So it would appear from the information here then that the CMC is quite satisfied that the issue has been investigated as thoroughly as possible and that no evidence has been able to be provided to confirm the suspected leak. Is there anything else you would like to add to that?

Mr Bevan: What you say is correct about the CMC's advice to us. The only other thing I would say is that, as indicated in my report in referring the matter to the CMC, I referred it because I believed that there was a suspicion of official misconduct but not necessarily by an officer from either the Ombudsman's office or from the Information Commissioner's office because of the circumstances in which the information allegedly leaked was conveyed.

Mr McNAMARA: Do you have jurisdiction for complaints in relation to the administration of universities?

Mr Bevan: Yes, universities are under our jurisdiction, particularly complaints about maladministration.

Mr McNAMARA: Do you get many?

Mr Bevan: Rod can address that. He is armed with some statistics.

Mr Metcalfe: In the period from 1 July 2003 through to the beginning of May 2004 there were 58 complaints against a certain number of universities in Queensland, and the number for the corresponding period for this financial year was 63. So there was an increase of five in those comparable periods.

Mr Bevan: Other jurisdictions in other states are noticing an increase in that area. We have not noticed that and some of the other Ombudsman's offices have done some quite large investigations into complaints about universities. We have not, as yet, noticed a significant increase in those complaints.

CHAIR: Last time we met, David, you were still firming up some new major projects you were proposing to undertake. Is that still your intention? You were not able to give us any details at that stage. Is that something that has been put on the backburner a bit with the staffing issues?

Mr Bevan: We are still working on two major projects at the moment. There are a couple of other potential major projects. One is firming up for the new financial year. Again, it is an area which I would like to be able to put more resources into. But if we do that it becomes difficult to manage the volume of the standard complaints we receive. Certainly that area of focusing on systemic maladministration is one which I want to increasingly put resources of the organisation into.

Mr RICKUSS: I have one council in my electorate that does not have divisions. Every council is supposed to look after everywhere but nobody looks after anywhere; it certainly looks that way. I get a lot of complaints to my office about this, and I have to write to the CEO. Is that a maladministration type complaint that you could look at?

Mr Bevan: Do you mean the fact that they do not have divisions?

Mr RICKUSS: Yes, they do not have divisions. So the staff do not have anyone to tell them what they should be doing for different areas of the shire.

Mr Bevan: We would approach it more on the basis of what constitutes a good internal complaints system. That involves having people who know it is their responsibility to deal with the issues which are raised. It involves having details visible to members of the public about how your system operates as well as all those other features such as training for officers, escalating complaints up to more senior levels if they are more serious, recording complaints data and learning from that complaints data.

Mr RICKUSS: I will kick a few your way.

Mr Bevan: Thank you very much.

Miss SIMPSON: I received a ministerial letter recently about another appeal mechanism available for the complaints management of electricity. That is a fairly recent office. With the growth in recent years of different agencies putting their own systems in place and having officers to review complaints, has there been any consideration given to a whole-of-government review of how complaints are handled in agencies where that responsibility has been hived off to see whether some consistency in standards is being applied where it is not just a department handling the complaints but a separate organisation external to the department that is now able to handle specific complaints?

Mr Bevan: There was a survey conducted a couple of years ago by the CMC, and that survey included a number of questions that we asked it to include relating to the complaints systems in place in organisations and whether they met certain standards. I cannot remember whether that went to those sorts of bodies that you are talking about. Do you remember, Mr Metcalfe?

Mr Metcalfe: No.

Mr Bevan: Again, the second phase of our project is to promote good complaints management right across the public sector. We are hoping, from the first phase, to produce a report or what is really a resource available to agencies which they can use to review and implement systems which meet those recognised standards. In the broader sense, we would also be looking at any other public sector bodies to see whether they have systems in place. The organisation you are talking about in relation to electricity complaints is the Energy Consumer Protection Organisation. That has been going for a number of years.

Miss SIMPSON: When I got the letter from the minister saying that here is a new contact number I thought maybe it had changed. So I may have misunderstood its functions changing.

Mr Bevan: I think it has been located under a number of different departments, so it may have moved.

CHAIR: David, are there any other matters you wish to raise with us?

Mr Bevan: I do not believe so. It has been a busy time for us with the review, of course.

CHAIR: Yes, it certainly has. Hopefully that will be completed soon. Thank you very much.

Mr Bevan: Thank you.

Committee adjourned at 2.10 pm

APPENDIX C

Response to Question taken on Notice



26 May 2005

Dr Lesley Clark MP
Chair
Legal, Constitutional & Administrative
Review Committee
Parliament House
George Street
BRISBANE Q 4000

Dear Dr Clark

I refer to our meeting on 24 May 2005 and the question I took on notice regarding the Terms of Reference for the proposed Strategic Review of my Office.

Specifically, I was asked if the statement in those Terms that *"the Premier will determine the matters the reviewer is to address in the progress reports"* existed in the Terms of Reference for the Strategic Management Review undertaken in 2000.

For the 2000 review, a reference group was established comprising representatives of the Premier, the Attorney-General (because the review included the Office of Information Commissioner), the Parliamentary Committee and the Ombudsman. The reference group had the role of determining what matters the reviewer was to address in the progress reports.

In the first progress report, the reviewer provided a summary statement of existing arrangements (within the Office of the Ombudsman) against the Terms of Reference and highlighted key issues and/or areas requiring further assessment.

A second progress report advised of the progress of the review against the Terms of Reference. The Ombudsman provided comments to the reference group on this report.

I trust the above information is of assistance.

Yours sincerely

David Bevan
Queensland Ombudsman

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APPENDIX D

**Ministerial Statement by the Premier and Minister
for Trade on 23 March 2005**

MINISTERIAL STATEMENT

Palm Island, Freedom of Information

Hon. PD BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (11.51 am), by leave: I table documents relating to a recent FOI application from the *Courier-Mail* for documents held by my office and another from the opposition for documents held by my department relating to travel to Palm Island. I am also tabling additional material from my office relating to Palm Island. So there is additional material in addition to the FOI applications.

In the interests of openness, I am tabling the documents today. This should clear the air once and for all on this matter. My government has nothing to hide. The CMC investigated this matter, which resulted in a report which comprehensively set out the facts in this matter—and I will table another copy of that in a minute. There is no smoking gun. Put at its highest, a media statement was issued which the CMC found was misleading and the minister took the appropriate action and resigned, for which she should be acknowledged.

A newspaper article in today's paper refers to previous comments by me about leaks by public sector employees. As members know, I highly value open, accountable and transparent processes in government but, more importantly, public servants—

Opposition members interjected.

Mr BEATTIE: I would have thought after the Speaker's warning they would have improved their behaviour. More importantly, public servants, including those working for the Information Commissioner and the Ombudsman, should be impartial. This is a key element of our whole system of governance. By leaking material about the Information Commissioner, some people seem to have taken a partisan position. This undermines the efficient running of the office. It is an attack on the FOI process itself. These matters need to be considered by the Ombudsman, the Information Commissioner, the Legal, Constitutional and Administrative Review Committee and this parliament itself.

I table for the information of the House documents covered by the *Courier-Mail* application for documents held by the Premier's office relating to Palm Island. I table documents covered by the opposition application for documents held by the Department of the Premier and Cabinet relating to Palm Island travel. I also table additional information, a lot of which is procedural. I table a copy of the CMC's report. I also table a copy of newspaper articles which refer to the incidents of leaking that I referred to before. I regard this matter as closed and the government will now move on.