

LEGISLATIVE ASSEMBLY OF QUEENSLAND

LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

**Meeting with the Queensland Ombudsman
29 April 2003**

June 2003

Report No 38

LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

50TH PARLIAMENT

CHAIR:	Ms Karen Struthers MP, Member for Algester
DEPUTY CHAIR:	Miss Fiona Simpson MP, Member for Maroochydore
MEMBERS:	Mrs Liz Cunningham MP, Member for Gladstone
	Mr Peter Lawlor MP, Member for Southport
	Mr Ronan Lee MP, Member for Indooroopilly
	Ms Rachel Nolan MP, Member for Ipswich
	Mrs Dorothy Pratt MP, Member for Nanango
RESEARCH DIRECTOR:	Ms Kerry Newton (from 5 May 2003 to present)
A/RESEARCH DIRECTOR:	Ms Sarah Lim (from 27 January 2003 to 2 May 2003)
PRINCIPAL RESEARCH OFFICER:	Ms Sarah Lim (from 5 May to present)
EXECUTIVE ASSISTANT:	Ms Tania Jackman

COMMITTEE CONTACT DETAILS

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

The committee's contact details are:

Legal, Constitutional and Administrative Review Committee
Parliament House
George Street
BRISBANE QLD 4000

Telephone: (07) 3406 7307
Facsimile: (07) 3406 7070
E-mail: lcarc@parliament.qld.gov.au

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

		DATE TABLED
26.	<i>The Report of the strategic management review of the Offices of the Queensland Ombudsman and the Information Commissioner</i>	19 July 2000
27.	Review of the Queensland Constitutional Review Commission's recommendation for four year parliamentary terms	28 July 2000
28.	The prevention of electoral fraud: Interim report	14 November 2000
29.	Annual report 2000-01	2 August 2001
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

PAPERS

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

CHAIR'S FOREWORD

On 29 April 2003 the committee held its third general meeting with the Queensland Ombudsman. This report details matters raised with the Ombudsman before, and at, this meeting. As this report reflects, a number of positive outcomes are now evident as a result of the office's recent implementation of new structures and processes.

My thanks extend to the Ombudsman, Mr David Bevan, the Deputy Ombudsmen, Mr Frank King and Mr Rodney Metcalfe, the Manager, Corporate Services, Mr Tony Johnson, Manager, Advice and Communication, Ms Christine Henderson and other staff of the Ombudsman's office involved in providing information to the committee. Once again, the time and effort of the Ombudsman and his officers has greatly assisted the committee.

I also thank committee members and staff for their time and participation in the meeting process, and Hansard for transcribing the meeting.

Karen Struthers MP

Chair

TABLE OF CONTENTS

1. BACKGROUND	1
2. THIS REPORT	1
3. COMMITTEE COMMENTS.....	2
APPENDIX A ~ THE COMMITTEE’S QUESTIONS ON NOTICE AND THE OMBUDSMAN’S RESPONSES.....	I
APPENDIX B ~ TRANSCRIPT OF MEETING	II

1. BACKGROUND

The role of the Queensland Ombudsman includes investigating administrative action taken by agencies and improving the quality of decision-making and administrative practices in agencies. Given the Ombudsman's role regarding the executive arm of government, the Ombudsman is described as an officer of the Parliament. The Legal, Constitutional and Administrative Review Committee (the committee or LCARC) is a specific avenue through which the Queensland Ombudsman reports to Parliament.

LCARC's role regarding the Ombudsman is reflected in the committee's general area of responsibility about administrative review reform and its specific functions under s 89 of the *Ombudsman Act 2001* (Qld). That section provides that LCARC's functions include:

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

These functions require that the committee has a continual, open dialogue with the Ombudsman. To this end, the committee has agreed to:

- aim to hold two general meetings with the Ombudsman each year;
- time these meetings so that one follows the tabling of the Ombudsman's annual report and the other precedes the estimates process;
- ask the Ombudsman written questions on notice on a variety of issues and require written answers to those questions before the meeting;
- meet with the Ombudsman and ask follow up questions without notice; and
- report to Parliament on these proceedings and include in the report the written questions on notice, answers to those questions and a transcript of the meeting.

2. THIS REPORT

The committee held its third general meeting with the Ombudsman on 29 April 2003. In accordance with the procedure outlined above, the committee:

- asked the Ombudsman written questions on notice by letter dated 27 March 2003: questions and answers appear as **appendix A**;
- considered the Ombudsman's response to those questions received on 17 April 2003; and
- met with the Ombudsman and senior officers of the Ombudsman's Office on 29 April 2003 to discuss issues arising from the Ombudsman's response to the committee's questions on notice and otherwise. A transcript of that meeting appears as **appendix B**.

This process has allowed the committee to examine certain issues with the Ombudsman and put that examination on the public record prior to the 2003 estimates process.

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

- implementation of the office's new case and records management system, Catalyst, which became operational on 3 December 2002;
- improvements in the percentage of complaints finalised within three months of receipt and closure rates of complaints more than 12 months old;
- the effect of the restructure of the office, particularly the positive impact of the establishment of the Assessment and Resolution Team;
- the provision of 'feedback reports' to agencies;
- activities being undertaken by the Advice and Communication Unit, particularly the Effective Complaints Management Project which forms part of the office's activities to improve administrative decision-making and practices;
- the current status of investigations involved in the Workplace Electrocution Project;
- results of the review of the prisoner PhoneLink initiative;
- internal review of Ombudsman decisions;
- corporate service and human resource matters including a new performance planning and review scheme, documentation of the office's human resource policies and procedures, staff training and the shared corporate services project; and
- budgetary issues relating to the office.

3. COMMITTEE COMMENTS

The information provided by the Ombudsman, together with the discussion at the meeting on 29 April 2003, confirms the positive impact that the considerable effort by the office to implement new structures and processes is having. The new case and records management system, Catalyst, appears set to provide a great range of information and services. This should not only further enhance the efficient and effective functioning of the office but also have a positive impact on the quality of administrative decision making in Queensland.

The Ombudsman has advised the committee of certain aspects of the office's operation which will be subject to further review and evaluation. The committee looks forward to discussing these reviews with the Ombudsman at subsequent meetings.

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



Response to Questions on Notice

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

29 April 2003

Submitted 17 April 2003

Index

	Page
Overview	1
1 Catalyst complaints and record management system	2
2 Complaints statistics	4
3 Informal resolution	6
4 Feedback reports	8
5 Office restructure evaluation	10
6 Office Priorities – Complaints Management Project	11
7 Workplace Electrocution Project	13
8 Complaints by prisoners	14
9 Internal review of decisions of the Ombudsman	18
10 General budgetary issues	19

Overview

Over the last six months, we have continued to implement the many changes on which we briefed the Committee at our meeting in November 2002. We are now close to the end of this transitional phase and the benefits of our new structures and processes are becoming apparent.

The biggest impact on our operations during this period has been the implementation of our new case and records management system, Catalyst. The functionality of this system will provide key operational benefits in the long-term. As is expected with the introduction of any major information technology infrastructure, a significant amount of work has been required to customise the system to our business processes and to migrate data from our old system.

One of the benefits of Catalyst is that it enables us to present a complete picture of the services we provide by recording all complaints to the Office, however made. Our previous system was largely limited to recording complaints made in writing or in person rather than by telephone. This change in recording reflects new provisions about complaint-handling in the *Ombudsman Act 2001* and current practices in reporting within other Ombudsman offices.

I am also pleased to report that our performance in resolving complaints has continued at a high level. The focus during the reporting period has been on:

- Reviewing and adjusting the operations of our new complaints intake unit, the Assessment and Resolution Team. The initiative of centralising the intake and assessment function has proved to be a cost-effective strategy, providing a more timely and consistent service.
- Finalising the more complex complaints particularly those more than 12 months old. Our three investigative teams have succeeded in reducing this body of complaints by approximately one-third since 1 July 2002.

Our other new business unit, the Advice and Communication Unit, has undertaken several activities to enhance access to the Office for ethnic groups as well as planning and co-ordinating our Effective Complaints Management Project. The project involves our officers working with representatives of ten State and local government agencies to improve their complaint handling processes.

We have also made a concerted effort to enhance staff motivation and professional development by undertaking a structured in-house training program encompassing topics such as mediation, business writing, presentation skills and stress and performance management. Training has also been provided to all staff on Catalyst.

In addition, we have developed a new performance management system and all supervisors and other staff have been trained in its operation.

We anticipate that performance of the Office will continue to improve as officers become more familiar with the operation of Catalyst and the full impact of our new business processes is realised.

D J Bevan
Ombudsman

1. Catalyst complaints and record management system

According to earlier advice, the Catalyst complaints and record management system was due to 'go live' by the end of 2002.

(a) When did the system become fully operational?

Catalyst became operational on 3 December 2002. Details of all contacts received from members of the public since that time have been entered into the system. Current financial year complaints data recorded in the old complaints database has also been transferred to the new system and audited. This means that Catalyst now holds details of all complaints open at any time in this financial year.

We are encouraged by the system's performance to date, particularly with the stability of its performance during the initial months of significant data entry.

The first stage of the implementation has focused on investigative case and records management. The second stage will involve records management for administrative files and will be implemented next financial year.

We have been working with the developers since 3 December 2002 to complete the development of all features provided for in the contract. Limited development and system modifications are still required but these are progressing satisfactorily. It is anticipated that formal acceptance of the contract will occur shortly, after which the maintenance component of the contract and warranty period will commence.

(b) Has there been opportunity to assess the impact of the system on the functioning of the office?

An assessment of the impact of the system on the functioning of the Office will be conducted approximately 12 months after its full implementation, possibly early in 2004. It should be noted that Catalyst is a key tool in supporting the considerable changes introduced to our organisational structure and work practices since April 2002.

Our preliminary view of the impact of the new system is as follows:

- **Workflow:**

Catalyst has been designed to support our new workflow processes, including our initial assessment process in the Assessment and Resolution Team (ART). Officers are required to record the investigative and other steps they take to resolve complaints. These processes enable case management reporting and tracking of investigations.

- **Recording:**

An immediate benefit of Catalyst has been the ability to directly input and categorise all contact details, particularly oral inquiries. Oral inquiries comprise a significant part of the Office's work and were not usually recorded under the previous system.

- **Issue Classification:**

To achieve greater accuracy and consistency in recording and reporting we have developed a classification system for complaints about each of the main agencies. In relation to complaints about local governments, we are using a classification system

called the Keyword for Councils: a Thesaurus of Local Government Terms, developed by the State Records Authority of New South Wales. Some examples are provided in our response to Question 4(a).

- **Reporting:**

Catalyst contains strong reporting features that are being developed to provide a range of reports for internal and external purposes. For example, we can now record greater details of complaints across regions, area offices and business units of agencies. We will increasingly use this information for complaint analysis and trends to assist agencies in the improvement in their public administration.

- **Records Management:**

Electronic files are now the primary method of storing information. Hardcopy files are only created for the more detailed investigations. Critical case documents are scanned into Catalyst on receipt and sent electronically to case officers for attention. These procedures have resulted in considerable savings in file creation and archiving.

- **Electronic transmissions:**

Catalyst allows email and faxes sent by our officers to be saved directly into the electronic case documents.

- **Knowledge Bases:**

Catalyst can store large volumes of information (such as precedents and contact details for agencies) to assist investigators dealing with particular types of complaints.

2. Complaints statistics

Would you please provide complaints statistics for the period since your annual report 2001-2002 was finalised, including:

- (a) The current caseload
- (b) The age of current matters
- (c) The average time taken to deal with matters
- (d) The number of matters resolved informally

(a) & (b) The current caseload/The age of current matters

Table 1 below presents an overview of our current caseload, including the age of current matters. As at 31 March 2003, we had 752 current complaints. The figures in Table 1 show a significant decrease in complaints older than 12 months (204 as at 31 March 2003 compared with 304 as at 30 June 2002).

Table 1: Age profile of open complaints as at 31 March 2003 and 30 June 2002

Months since receipt	Number of Complaints		Percentage of total		Progressive %	
	31 March 2003	30 June 2002	31 March 2003	30 June 2002	31 March 2003	30 June 2002
0-3	345	188	46	23	46	23
3-6	127	142	17	17	63	40
6-9	55	67	7	8	70	48
9-12	21	119	3	15	73	63
12+	204	304	27	37	100	100
TOTAL	752	820				

(c) The average time taken to deal with matters

Table 2 shows the age profile of complaints finalised this financial year. There has been a substantial increase in the percentage of complaints finalised within three months of receipt. This is attributable to the operation of the ART.

Table 2: Age profile of complaints closed as at 31 March 2003 and 30 June 2002 by percentage

Year	0-3 months	0-6 months	0-9 months	0-12 months	12 months +
2001-02	73%	83%	87%	91%	9%
2002-03	82%	87%	90%	92%	8%

Comparison of the number of complaints received this financial year with the number received in previous financial years is not possible for the following reasons:

- the classification system utilised by our new case management system is not directly comparable with our previous system.
- the new system records all complaints made to the Ombudsman, whether by telephone, in person, or in writing. The former system mainly recorded written complaints. The new system will therefore provide a far more accurate picture of our work.

(d) The number of matters resolved informally

We are presently unable to provide accurate figures of the proportion of complaints dealt with informally. This is one of the few remaining “implementation issues” for Catalyst. However, we know that informal resolution is attempted in a high proportion of cases. This is explained in greater detail in our response to Question 3.

3. Informal resolution

We are aware of the efforts of the office to have matters resolved informally and we applaud this strategy. However, it is possible that some matters could involve sensitive or difficult issues.

What factors are taken into account when deciding that a matter is suitable for informal resolution? Does the office have a 'checklist' for determining whether a matter might be appropriate for informal resolution?

The statutory bases on which inquiries and investigations are undertaken are set out in ss.22 and 24 of the Act. These provisions recognise three forms of inquiry, namely, preliminary inquiry, informal investigation and formal investigation.

Formal investigations are investigations where the Ombudsman exercises any of the compulsory powers under Part 4 of the Act. All other inquiries are classified by the Act as 'informal investigations.'

Informal resolution is a category of informal investigation and refers to investigations in which we have not:

- recorded interviews or taken formal statements, or
- asked an agency to provide a formal written response to the complainant's allegations or a list of issues of concern we have identified.

Informal resolution (IR) involves steps such as phone contact, meetings and discussions with parties, and file and site inspections.

While we do not have a formal checklist to guide whether IR should be used as a strategy to deal with a particular matter, our IR policy provides that:

- IR is to be attempted 'wherever possible';
- the decision as to whether IR is possible or appropriate in a specific case is left to the investigator's judgment, in consultation with, and subject to any instruction by, the relevant Deputy or Assistant Ombudsman with overall responsibility for the case.

We have three levels of priority for investigating complaints, depending on their seriousness, sensitivity and complexity. Priority One complaints must be finalised by the Ombudsman, Priority 2 complaints by a Deputy Ombudsman and Priority 3 complaints by an Assistant Ombudsman.

This means that more sensitive and difficult cases receive high-level supervision and input to ensure the correct investigative approach is followed.

In practice, cases that feature one or more of the following are likely to be assessed as a high priority and as requiring an investigative approach of a more formal nature (though not necessarily use of compulsory powers):

- death or serious bodily harm
- substantial financial considerations

- significant public interest
- policy issues which are unlikely to be resolved through discussion at below chief executive level
- systemic issues, particularly those with cross-agency implications
- matters where it is unlikely the relevant parties will cooperate with the investigation.

In relation to cases in the above categories, it is particularly important that:

- relevant details of the complaint and investigation are properly recorded so that there is no confusion or misunderstanding as to what a party said (for example, admissions, undertakings etc)
- affected parties have an opportunity to know of and comment on relevant critical matters (natural justice)
- parties are required to explain their positions 'on the record' so that they can be tested.

However, it should not be assumed that all sensitive or difficult matters are unsuited to IR. It is used when it is thought to offer a more efficient and effective way of resolving a matter than a more formal, and usually lengthier, investigative approach.

For example, a complaint alleging that an agency decided a large tender contrary to accepted tendering guidelines could be difficult and sensitive, given the extent of detail and commercial interests involved. However, an IR approach may be taken initially, involving discussion with agency officers, perhaps leading to an undertaking by the agency that tenders will be recalled and that the matter will be decided afresh strictly in accordance with the guidelines. In the absence of evidence of any deliberate wrongdoing or ongoing systemic problem, no further investigation may be required.

On the other hand, if it is too late to obtain this undertaking or the agency won't cooperate, we may have to formally interview officers of the agency or require the agency to provide a formal report responding to specific questions.

If IR is unsuccessful, we always have the option of proceeding along more formal lines. The approach adopted depends on the circumstances of the case.

4. Feedback reports

Prior to our meeting on 26 November 2002 you advised that feedback reports were being provided to major agencies to provide trend analysis of complaints, major or emerging issues, suggestions for improved decision-making and internal complaint review and information about the office.

(a) How have these reports been received by agencies? Will these reports be made on a regular basis? Will there be follow-up with the agencies?

Feedback reports were provided to the following agencies between November 2002 and February 2003:

Queensland Health	Department of Industrial Relations
Department of Families	Office of Fair Trading
Department of Corrective Services	WorkCover Queensland
Education Queensland	Gold Coast City Council
Department of Natural Resources & Mines	Maroochy Shire Council
Queensland Transport	Redland Shire Council

In addition, feedback reports are provided to Brisbane City Council half yearly.

All of the reports provided an analysis of complaints data relevant to the particular agency. Because the data was extracted from our previous complaints management system (OSS), only limited analysis and identification of trends were possible.

The reports also referred to current and proposed activities of the Office such as our Effective Complaints Management Project and highlighted issues about good administrative decision-making.

Most of the reports were presented to heads of agencies by the Ombudsman personally and were well received.

It is intended to provide these reports annually and in some cases more frequently. Reports produced from our new complaints management system, Catalyst, will include a greater level of trend analysis because Catalyst breaks complaints down to three levels as well as identifying the relevant location or work unit. Complaints are now recorded by Keyword, Activity and Subject. The system is demonstrated in Table 3:

Table 3: Complaint classification

Complaint	Keyword	Activity	Subject
Department of Corrective Services	Visits	Relationship status	Application of guidelines
Health	Medical records	Access	Refusal
Local government	Water supply	Fees and charges	Rate assessment
	Laws and enforcement	Infringements	Parking

(b) Does the office still use 'Agency breach codes' to provide feedback to agencies?

The agency breach codes have been substantially revised and reduced in number. Previously there were 65 breach codes under 7 main headings. This made it extremely difficult to classify complaints in a consistent manner.

We still use the seven main headings as these reflect the categories of defective administrative action described in s.49(2) (a) to (g) of the Ombudsman Act. Such action is generally referred to as 'maladministration'. Most complaints fall into the category of administrative action that is 'unreasonable, unjust, oppressive, or improperly discriminatory' (s.49(2)(b)). Therefore, this category has been divided into eight sub-categories. The principal categories and the sub-categories are shown in the following table:

Table 4: Categories of administrative action

Ombudsman Act 2001 section	Category	Sub-category
49(2)(a)	Contrary to law	
49(2)(b)	Unreasonable, unjust, oppressive, improperly discriminatory	<ul style="list-style-type: none"> • Decision contrary to weight of evidence • Guideline/policy not applied • Inadequate consultation • Inadequate investigation • Privacy/confidentiality breached • Procedural fairness not afforded • Undue weight given to agency's convenience • Unreasonable delay
49(2)(c)	Rule of law, Act or practice that is unreasonable, unjust, oppressive or improperly discriminatory	
49(2)(d)	Improper purpose or irrelevant grounds or considerations	
49(2)(e)	Reasons not given	
49(2)(f)	Based on a mistake of law or fact	
49(2)(g)	Wrong	

5. Office restructure evaluation

Prior to our meeting on 26 November you advised that a further evaluation of the Assessment and Resolution Team (ART) and investigative teams arrangement would take place in late December or early 2003. Has this review been conducted and, if so, what are the results of this review?

A further evaluation of ART to 31 December 2002 has been undertaken building upon the mid-trial review some months earlier.

In relation to the three investigative teams arrangement, it has not been possible to evaluate their overall operational effectiveness because vacancies and secondments meant that two of the three investigative teams did not have a full complement of investigators from 1 July to 31 December 2002. The trial of these teams has therefore been extended to 30 June 2003 and an evaluation will be undertaken after that date.

Based on the further evaluation of ART, the Ombudsman and Deputy Ombudsmen made the following decisions about ART:

1. The implementation of ART has been a successful initiative providing whole-of-office benefits. In particular, it has delivered a more consistent and timely initial response to complainants and has enabled investigative teams to concentrate on finalising the more complex files.
2. ART will be a permanent part of our organisation, with its existing basic structure remaining.
3. The Prisoner PhoneLink and the regional visit program have a substantial impact on ART's resources and ART's role in both areas will be further considered.

6. Office Priorities – Complaints Management Project

Page 11 of your Strategic Plan 2002-2003 identifies one of your office priorities for 2002-03 is to undertake a complaints management project for agencies. What is involved in this project and what steps have been taken to implement the project?

The Effective Complaints Management Project forms part of our activities to assist agencies to improve administrative decision-making and practices, a role identified by the *Ombudsman Act 2001*. In fact it is by far our largest activity in performing this responsibility to date.

The project has been designed in two phases. The first phase formally commenced on 28 March 2003 when the Ombudsman and other officers gave a briefing on the project to liaison officers from 10 State and local government agencies. The project involves those agencies reviewing their existing complaints arrangements and working with nominated officers from our Office to develop systems that suit their business needs and also meet best practice standards for effective complaints management.

The second phase will involve encouraging as many public sector agencies as possible to implement effective complaints management systems based on the most relevant system of the agencies that participated in phase one.

In the lead up to the launch of phase one, the Ombudsman met personally with the Directors-General and Chief Executives of the ten agencies to explain the project and obtain their commitment to it. We also:

- Prepared a project plan
- Conducted an extensive literature review
- Liaised with other Ombudsman offices and persons involved in complaints management in the public and private sectors
- Prepared a series of 14 Fact Sheets on Effective Complaints Management summarising the essential features of best practice models (available on our website and in hard copy)
- Explored various models for complaints handling
- Participated in a Crime and Misconduct Commission survey of units of public administration to determine whether agencies had formal complaints systems and whether those systems complied with recognised standards.

The agencies included in the first phase of the project are:

- Queensland Transport
- Queensland Health
- Department of Families
- Department of Industrial Relations
- Department of Corrective Services
- Department of Natural Resources and Mines
- Education Queensland

- WorkCover Queensland
- Gold Coast City Council
- Maroochy Shire Council

Over the forthcoming months, our investigative staff, supported by the Advice and Communication Unit, will work with these agencies to conduct an audit and assessment of their current complaints arrangements and develop recommendations for amendments to existing processes or for new complaints management systems.

We also intend to hold lunchtime forums at which speakers involved in complaints handling in public and private sector organisations will share details of the systems operating within their organisations.

The approach being taken with this project has generated considerable interest. Work previously undertaken in this field by Ombudsman offices has largely involved creating generic guides and manuals for agencies. Our approach involves working in partnership with the ten agencies listed above to develop systems that meet their specific needs. This will reduce duplication of effort and ensure the systems developed meet recognised standards.

7. Workplace Electrocution Project

Prior to our meeting on 26 November 2002 you provided information about the progression of the investigations involved in the Workplace Electrocutions Project. You advised that scheduled completion dates had been affected by several factors. You further advised that a report on the project would be made to the Legislative Assembly but that the timing of the report was also affected by longer than anticipated completion times.

(a) What is the current status of the investigations involved in the Workplace Electrocutions Project?

The Workplace Electrocution Project (WEP) consists of the investigation of 10 separate incidents that resulted in the death by electrocution of 13 people. Our investigations focussed on the adequacy of the investigations into those deaths by the Division of Workplace Health and Safety and the Electrical Safety Office within the Department of Industrial Relations (DIR).

In our previous response to the Committee, we advised that we had finalised reports on five investigations and sent those reports to the Director-General of the Department (parts 1-5). We also advised that we were awaiting responses from the Director-General in relation to our recommendations in three of those reports (parts 3, 4 and 5).

Since that time:

- the Director-General has responded to our reports on parts 3, 4 and 5; and
- we have finalised our investigations in relation to parts 6, 7, 8, 9, 10 and 11.

The current status of the project is that:

- parts 1 to 11 have now been finalised
- part 12 has been removed from the project because the complainants have not responded to our inquiries and we do not consider that the circumstances warrant our continuing our investigation as an 'own motion' investigation
- part 13 remains to be completed, and that investigation is well advanced.

DIR has accepted all recommendations made in the 11 parts finalised to date and has either implemented those recommendations or is in the process of doing so. No further investigative action is required in respect of those matters.

(b) Can you advise when you will give a report on the project to the Speaker for tabling in the Assembly?

A report summarising all parts of the WEP will be provided to the Speaker once part 13 has been finalised. It is difficult to specify when this will be, given that any person adversely named in our reports must be given a reasonable period to respond. However, work has already commenced on the public report and we expect it to be substantially completed by 30 June 2003.

8. Complaints by prisoners

At our meeting on 26 November 2002 we discussed the Prisons Program, which was due for review after a 6-month trial. Is any information available at this stage from the review about the impact and value of the program? What trends have been identified in prison complaints?

The Transcript of Proceedings of the meeting with the Committee on 26 November 2002 (pages 3-5) mentions that we intended to review the prisoner PhoneLink after a trial of six months. Therefore, our response refers primarily to the PhoneLink initiative rather than the broader prisons program.

We reviewed the PhoneLink following its first six months of operation (1 August 2002 to 31 January 2003). The system commenced on a limited basis across a selection of correctional centres in July 2002.

Overview

The PhoneLink allows prisoners ready access to ART officers to make complaints. It operates daily for two 2 hour sessions. Each correctional facility provides access to the PhoneLink for its prisoners for two sessions a week.

Previously prisoners wishing to make a complaint to us had to wait for our six-monthly visit to their correctional facility or use the confidential Blue Letter system. While our visits still occur, they are no longer focussed on complaint intake but on inspecting and monitoring facilities and treatment as well as resolution of any outstanding complaints. Interviews are still conducted where appropriate.

A prisoner with a grievance who uses the PhoneLink speaks with an ART inquiry officer or investigator who has specific knowledge of corrections issues. The officer makes a preliminary assessment of the complaint. If considered appropriate, the officer can contact the Department's head office or the relevant correctional facility to discuss the complaint or obtain documents.

If a call coincides with a scheduled prison visit, an appointment can be arranged to enable resolution action to be taken by the officers undertaking that visit.

Feedback

Feedback from centre managers indicates that access to our services through the prison telephone system is considered to be a major step forward in that prisoners have more frequent and more direct access to the Office to air grievances. This can prevent grievances from escalating and disrupting prison life.

Some prisoners may believe that the new arrangements provide less opportunity to have interviews with our staff. However, prisoners who use the telephone facility obtain a more timely service. Additionally, prisoners can still write to the Ombudsman using the confidential Blue Letter system.

Complaints data for all centres will be analysed to assist the Department to address complaint trends or internal administrative practices and procedures that lead to complaints by prisoners.

Promotion

A range of communication activities accompanied the introduction of the PhoneLink service. These included:

- Posters and announcements by the centres about the service's introduction
- Brochures providing advice for prisoners making a complaint (we are planning a specific brochure for Aboriginal people and Torres Strait Islander people)
- Development of a new complaint form for prisoners
- Meetings with Prisoner Advisory Committees during centre visits to discuss the new procedures.

Trends

The table below sets out the number of PhoneLink calls received by month for the period August 2002 to March 2003. It shows that the greatest use of the service occurred in the first three months of its operation. Calls for the first quarter of this year show an average usage of approximately 60 calls per month.

It should be noted that a contact via the PhoneLink does not necessarily involve a new complaint. Prisoners also use the service to clarify issues, seek advice or to check the progress of specific matters.

Table 5: Prisoner PhoneLink calls by month

	Aug 02	Sept 02	Oct 02	Nov 02	Dec 02	Jan 03	Feb 03	Mar 03
Monthly Calls	97	108	86	70	29	63	52	62

Impact and value

Our review has identified that the PhoneLink is making a useful contribution in our efforts to provide an efficient and effective complaints service for prisoners. It is also delivering the following benefits:

- complaints are being assessed in a timely manner and prisoners can be advised to use the internal grievance process where appropriate
- complaint assessment is undertaken before interviews at correctional centres are arranged so that these interviews focus on more serious individual issues and on systemic issues
- serious and systemic issues requiring attention can be identified earlier
- inmates with limited literacy skills, who are unlikely to lodge written complaints, can speak to our officers via the PhoneLink rather than wait up to six months for a centre visit.

Conclusion

We provided a report to the Acting Director-General of the Department of Corrective Services on the PhoneLink service, recommending that it continue.

We appreciate the Department's positive response to our recommendation and its ongoing commitment to support the funding of the service.

We intend to further promote the PhoneLink and to review whether inmates of any of the larger centres are disadvantaged in their access to the service in that access for each centre is limited to four hours per week.

Corrections Complaint Trends

Regarding the broader prisons' program, in the nine months to 31 March 2003, 514 complaints have been received from or on behalf of prisoners. The following table lists the major categories and the number of complaints in each category and sub-category.

Table 6: Corrections Complaints

Keyword	Activity	Subject	Number
Property	Loss	Inadequate investigation [10]	22
	Compensation	Refusal [4]	
	Policy	Allowed items [8]	
Health Services	Dental Services	Waiting list, quality of service [2]	34
	Meals	Special diet [1]	
	Medical Services	Adequacy of Treatment, detox regimes, waiting lists [26]	
	Medication	Delays in receiving medication. non supply, refusal [5]	
Visits	Refusal	Refusal, reasons, reviews [24]	54
	Non Contact	Reasons, harshness of decision, reviews [17]	
	Intercentre	Impact, relationship status, reasons, reviews [13]	
Post Prison Community Based Release	Home Detention	Conditions, delay, suspensions [7]	67
	Parole	Application Processing [13] assessment [8] conditions [2] refusal [12] revocation [4] suspension [9]	
	Release to Work	Access [6] eligibility [2] revocation [4]	
Sentence Management	Early Release	Refusal [4]	175
	Leave of Absence	Delay, resettlement, revocation, compassionate, conditions [25]	
	Remission	Application processing, reasons, psychological reports, procedural fairness [28]	
	Reviews	Frequency [5]	
	Security Classification	Progression, reviews, appeals [33]	
	Sentence Calculations	Accuracy, release dates [22]	
	Transfers	Emergency, appeals, inter-centre, farm, interstate [58]	

We are unable to provide a comparison with the 2001-02 financial year as our former database did not record this information.

However, we have noticed a drop in complaints involving urine testing for drugs, searches, and the breaching of prisoners for misbehaviour. This follows our work with centres to ensure greater compliance by officers with policies and procedures relating to these issues.

9. Internal review of decisions of the Ombudsman

At our meeting on 26 November 2002 we discussed internal review of decisions where complainants express dissatisfaction with a particular outcome.

(a) How often are decisions varied on internal review?

Our former complaints management system did not fully record this information. We are currently implementing our new system, Catalyst, which has the facility to record the fact that a complainant has asked for a matter to be reviewed and also the eventual outcome of the review. Therefore, we will be able to provide statistics on reviews in the future.

(b) Where a decision is varied in favour of the complainant, what steps are taken to follow up the matter with the officer who made the final decision?

A complainant may ask for a review because he or she is dissatisfied with:

- a decision not to investigate their matter;
- a decision to discontinue an investigation; or
- the outcome of the investigation.

While investigating officers have considerable autonomy in how they investigate a complaint, at critical stages during an investigation their supervisor, an Assistant Ombudsman or a Deputy Ombudsman, will review progress and advise on action to be taken.

Furthermore, investigating officers have limited authority to make decisions about the outcome of investigations. Such decisions are usually made by an Assistant Ombudsman, and in sensitive or contentious cases, by a Deputy Ombudsman or the Ombudsman himself.

If on review it appears that the officer was at fault, a more senior officer will counsel him/her about good investigative practice and decision-making. Any repeated errors of this type could be dealt with as a specific training issue or under the diminished work performance policy.

Every request for review is considered by an officer more senior to the officer who made the original decision. The reviewing officer assesses whether the complainant has provided a reasonable basis for suggesting the decision was wrong (e.g. by providing new and relevant information). In some cases this may lead to further investigations being conducted.

10. General budgetary issues

We are aware that the office is in the process of finalising its budget for 2003-04 in accordance with the State Budget development process. Are there any budgetary issues that you wish to draw to our attention?

A submission seeking additional funding of \$60,000 from 2003-04 onwards was presented to the Cabinet Budget Review Committee (CBRC) in February this year. This funding was sought to extend the activities of the advice and communication function. I subsequently advised the Committee of the proposal to enable informed consultation on the Office's budget to take place between the Committee and the Treasurer as required by s.88(3) of the *Ombudsman Act*.

A three-person unit, the Advice and Communication Unit, was established in April 2002 to plan and coordinate activity aimed at meeting our new legislative responsibility to help public agencies to improve decision-making and administrative practice, as well as improving community awareness of and access to the Ombudsman's services.

The unit is coordinating the Effective Complaints Management Project as detailed in our response to question six. In the longer-term, the project has the potential to lead to improvements in decision-making across the public sector and raise standards of service to the community.

Other key strategies in the advice and communication area include improving access for minority, ethnic and indigenous people and those with special needs, activities that had not previously been addressed by our Office in a comprehensive way.

The Advice and Communication Unit was established in 2002 without additional funding by diverting over \$200,000 from the core function of investigating maladministration to provide for the salaries of the three positions. This was made possible by a major restructure of the Office and significant improvements to our business processes. Supplies and services were provided in 2002-03 from existing resources.

However, our capacity to continue to fund advice and awareness activities in this way, without having a significant impact on the timeliness and effectiveness of complaint handling, is limited.

It is noted that the Committee supported this budget proposal in its consultations with the Treasurer and this is appreciated.

Advice was recently received from Treasury that our submission for additional funding was unsuccessful.



LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

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

MEETING WITH THE QUEENSLAND OMBUDSMAN

TRANSCRIPT OF PROCEEDINGS

*(Copyright in this transcript is vested in the Crown. Copies
thereof must not be made or sold without the written authority
of the Chief Reporter, Parliamentary Reporting Staff.)*

**Tuesday, 29 April 2003
Brisbane**

WITNESSES

Mr David BEVAN—Queensland Ombudsman

Mr Frank KING—Deputy Ombudsman

Mr Rodney METCALFE—Deputy Ombudsman

Mr Tony JOHNSON—Manager, Corporate Services

Ms Christine HENDERSON—Manager, Advice and Communication

The CHAIR: Mr Bevan, are you happy to talk while we are moving around?

Mr Bevan: Yes, I can do that. As you will see from our report, we have spent a lot of time since we met last time in implementing our new case management system, Catalyst. For the first time we can record details of all complaints, no matter how we receive them. The previous system was largely limited to recording written complaints. Now we can really report on a whole range of the work we are doing, so it gives us a better picture of our workload. It has a much greater reporting functionality than our previous system.

It also allows us to conduct analysis of complained about agencies in greater depth. Some examples of that are provided at page 8 of the report, which explains how complaints are recorded under three headings - 'Key Words', 'Activities' and 'Subjects'. So in relation to like agencies, such as local governments, this will allow us to compare complaints of a particular kind about one local government with complaints of that kind about another local government or about local governments generally. It allows us to see whether a particular agency is overrepresented. The location or work unit relevant to the complaint is also recorded so that, for example, we will be able to compare complaints about a particular prison facility with complaints about another prison facility.

As indicated in our written report, there are some implementation issues for Catalyst which are still being addressed. One of those was that an Assistant Ombudsman has been off lined - the Assessment and Resolution Team (ART) manager has been off lined to work on these issues, most of which are of an operational rather than a technical nature. So we do not need an IT person; we need an operational officer.

As indicated at our last meeting, an evaluation was to be conducted of the Assessment and Resolution Team. That has been done and a decision has been made to make the Assessment and Resolution Team a permanent part of our structure. We are satisfied that it is providing more consistent and faster initial assessment of and response to complaints, and it also enables the investigative teams to focus on investigating the files involving more complex issues.

The report also refers to the prisoner phone link, which uses the confidential Arunta telephone system and allows prisoners to make complaints direct to our office. The system was first trialled for six months and evaluated, and a decision has been made to continue to provide this service. The Department of Corrective Services has agreed to continue to fund the service. It gives prisoners at each facility access to our office for two two-hour sessions a week.

In the corporate services area we have developed a new performance planning and review scheme. All staff have received training on that system and it will be operational from 1 July. Substantial work has been carried out on documenting the terms and conditions applicable to officers of the Ombudsman's office and the Information Commissioner's office. A human resource officer has been engaged for six months to document the office's HR policies and procedures, which had not been done in any comprehensive way previously.

Staff have participated in a substantial amount of training. For example, all investigative staff and intake officers in the Assessment and Resolution Team have now undertaken a three-day mediation course - those who had not previously undertaken an equivalent course. They have also undertaken a one-day business writing course. All staff have also received training on the operation of Catalyst.

I am sure you would be aware of the government's shared corporate services project. Our arrangement is with the Parliamentary Service, which is acting as the host service provider for our cluster of independent agencies, which includes the Queensland Audit Office and the Governor's Office.

Finally, the Advice and Communication Unit is coordinating our largest project to date in discharge of our role to assist agencies to improve administrative practice. That is our project called Effective Complaints Management. It is discussed in detail at pages 11 and 12 of the report. Following an extensive literature review, the unit prepared a series of 14 information sheets on effective complaints management. A copy of those has been previously provided to the committee and is also available on our web site. We have brought some hard copies with us if any committee members would like to see them. Christine has those. I launched the project on 28 March at a briefing attended by representatives of the key state and local government

agencies who will be participating in the first phase of the project. Those information sheets will provide a useful resource for those representatives.

The Advice and Communication Unit has also conducted numerous activities to raise awareness of the office's role and to improve access to the office. With the committee's agreement, I will ask that the manager of the unit, Christine, brief you on the activities her unit has been conducting.

Ms Henderson: As David mentioned, this Effective Complaints Management project is certainly our biggest project. The fact sheets that you see in front of you actually have taken a considerable amount of work on our part. We have done extensive behind-the-scenes work to formulate these. They are largely based on the Australian standard for complaints handling, AS4269. Given our broad consultation and discussion with organisations in other jurisdictions in the public and private sector, we have broadened the essential elements that are contained in the Australian standard and tailored them specifically for the public sector. We expect to be updating those over time as our project progresses.

Another matter I would like to bring to the attention of the committee is some work we have been doing in the multicultural area. We have been undertaking a number of related activities to raise awareness of our role and improve access to our services for different members of the community. Previously, activities in this area have not been undertaken in a holistic way within the organisation. We are working with representatives from other Queensland complaints handling bodies on a joint initiative of the Community Engagement Division of the Department of the Premier and Cabinet to consider ways to enhance access for people from culturally and linguistically diverse backgrounds to the complaints process.

The first meeting was attended by agency, commission and some senior staff. It was held in February. It was agreed that communication officers from each of the agencies would meet regularly to examine and develop proposals to be presented to the senior executives of these agencies so that we can coordinate activities and share material and knowledge. This working group met earlier this month. I will be meeting again with them on Thursday to progress the initiative. We believe that this initiative will prove to be extremely fruitful for all parties involved.

Other specific activities we have undertaken in this field include translations of our general information brochure into four languages - Chinese, Vietnamese, Spanish and Serbian. We have also undertaken extensive work to advise the communities of these publications, including stories in the Ethnic Communities Council publication and the Multicultural Affairs publication *Diversity Matters*. We have also, for example, sent brochures to the Spanish Club, just to let them know that they are available.

The Ombudsman has also addressed the Ethnic Communities Council of Queensland about the role and function of the Ombudsman. We are also beginning some liaison with Local Area Multicultural Partnership program officers, who are situated in local councils across Queensland. They are funded by the Department of the Premier and Cabinet and their role is to improve communication between government and ethnic communities.

We have also developed a policy for translation and information services so that if somebody from an ethnic background rings up we can put into place arrangements to help them. We are also going to be conducting cross-cultural training in August and September of this year for staff of the office who interface with members of the community. On 6 May Deputy Ombudsman Frank King will also represent the Ombudsman at an address to migrant community leaders at a function that is being organised by the Community Engagement Division.

I would like to turn now to some work we are doing with prisoners. We have produced a brochure to assist prisoners to better understand the steps they need to take in relation to lodging a complaint. The brochure also has a more user-friendly complaints form included. This was only recently provided to prisons. There is advice showing that 40 per cent of prisoners are now actually using this new complaints form, which is much more user friendly. We are also investigating ways that we can provide specific information for Aboriginal and Torres Strait Islander people.

When we met six months ago we had recently launched our new web site. We are averaging around 700 visits to the site each month. Our statistics show that around 30 per cent of visitors remain in the site for between two and 30 minutes. That means that the majority of

people are not just hitting on the site and then going off. The statistics also show that people are obtaining a lot of information about complaints and downloading the complaints form, which is provided on there as well.

Turning to media activity, we have continued to consolidate our media activity by seeking opportunities to promote the role and functions of the office as part of our regional trips program. We have secured strong coverage in many of the regional centres we have visited over the past months. We have also secured articles in a number of departmental and other government newsletters, such as Queensland Transport and Main Roads' Interface and *Locally Speaking*. We have also continued our production of *Ombudsman News* for local government, with an edition in March and a further edition planned for June.

The CHAIR: Thank you for those overviews. I will ask members to open up with any questions. I just might make a quick comment myself and again give you the feedback that there is very clear evidence of significant progress in the office. I just wondered, though, given that the test of our mettle was that we did not have success with the budget increase, even though we went in to bat for you, David -

Mr Bevan: I appreciate that.

The CHAIR: We failed. So that leaves you with a \$60,000 shortfall?

Mr Bevan: What we have been doing to date to fund the activities of Christine's unit is, as I have said in the report, to take funds from the other areas of the office. Obviously that is mainly from the investigative area. That is where we have found the staff and the money for the staff for Christine's unit previously, but as Christine's unit becomes more active, the work they do in terms of publications becomes quite expensive. For example, public reports cost approximately \$10,000. We were hoping for additional funding to fund those sorts of activities and an increase in those sorts of activities. We will just have to curb our activities accordingly, I suppose.

The CHAIR: So it will not necessarily have an impact in areas like Catalyst and the progress you are making there? I think on page 4 there are some figures on the age profile of complaints. You are not suggesting in any way that this funding shortfall will have any impact on the progress you are making in those areas? There is certainly a good sign of progress in relation to complaints that you deal with within three months. As you indicate in your report, the current system is partly compared with last year's. They are not a great set of figures this year. But that seems to be part of the reintroduction of the new system. Trying to get comparative figures is difficult. Are you satisfied that with the resourcing level you have you will continue making progress in the complaints handling area?

Mr Bevan: I would not say that I was satisfied, but I guess we just have to live with that reality and cut our cloth accordingly. I would not expect that it would have a significant impact on our ability to handle our workload of complaints.

The CHAIR: Do members have other questions or comments?

Miss SIMPSON: In regard to the shared service centre agreement, has it been presented to you what you are supposed to save as a result of that process?

Mr Bevan: Perhaps I can get Tony to deal with that question. He has been directly involved in the implementation for our cluster.

Mr Johnson: No, there has been no target dollar amount given to us. I think we run a fairly lean corporate services operation as it is. We neither see a great advantage in shared services nor a disadvantage. We are very happy to be part of the Parliamentary Service cluster that's for sure. In fact we initiated a lot of contact with them when this whole-of-government exercise came along. Treasury has been quite flexible in allowing us to put that arrangement together so we are not competing with the other larger clusters.

Miss SIMPSON: You took a pre-emptive action, did you?

Mr Johnson: To a fair degree. The office benefits from having very low cost finance and payroll systems compared with the typical government department. So the starting point for savings that the others might have through consolidation of very expensive systems is not one for our office who will be using effectively similar software for about the same cost.

Mr Bevan: We initiated some contact with the Parliamentary Service to get some assistance in the IT area. We have only one IT officer in the office. Obviously, there are some areas of expertise that the person does not have as a mid-ranking IT officer. That sort of expertise can now be accessed through the Parliamentary Service as well as help desk activities. That is working well for us at this stage.

Mr LAWLOR: On table 2 on page 4, looking at the age profile of complaints, there is a fairly significant reduction, as Karen has already alluded to, in the first figure, that being the nought to three months figure of nine per cent. There is not much movement in the others. Is it the case that as time goes on those nought to six, nought to nine and nought to 12 figures will be more valid comparisons, and will that reduction be factored into all of those other time frames? Is that how it works? If not, why is there not such a significant reduction in those other figures?

Mr Bevan: I think the nought to three months reflects the impact of the Assessment and Resolution Team dealing with the initial matters expeditiously. Then there is the other matter, which I have adverted to previously, and which is mentioned earlier on that page, or the number of older matters in the office. We have been doing a lot of work on trying to bring down those figures and now we have had some success there. They have been reduced by about a third since 30 June and we expect that improvement to continue. Over the next 12 months I would expect those higher percentages to also come down for between nine and 12 months and over 12 months. I would expect those figures to fall.

Mr LAWLOR: So the 204 down from 304 is cumulative?

Mr Bevan: Three hundred and four is just the number of matters as at 30 June last year which were 12 months or older and as at 31 March the number of matters more than 12 months old. So it is not necessarily the same group of matters. Obviously, those nine-months matters become more than 12 months old. But we have reduced the overall pool of numbers by a third. The cumulative figures are in table 2: 32 per cent finalised in more than three months and another five per cent finalised in between three and six months.

Ms NOLAN: Perhaps I misunderstood that. In table 1 the figure is 204?

Mr Bevan: As at 31 March.

Ms NOLAN: So that is complaints closed. I was going to say that that would be greater than eight per cent, but that now makes sense.

Mrs LIZ CUNNINGHAM: You talked about the review of decisions made.

The CHAIR: What page are we on?

Mrs LIZ CUNNINGHAM: Page 18, internal review of decisions of the Ombudsman, and then the step four process down on that page where the process that was adopted by the investigating officer is examined, and if it is flawed, the actions that are taken.

One of the issues that has come up on a couple of occasions in our meetings by letter from complainants - and it has not specifically been a vicious complaint against the Ombudsman - has been a recorded dissatisfaction with the process of the Ombudsman's office and your letter to the complainant at the end. There was, I believe from what I can observe, some misinformation that came from other areas of government referring complainants who are dissatisfied with your decision back to this committee, and we did not have jurisdiction. So that set up its own frustration.

Can you see any mechanism that would be able to be carried out where people dissatisfied with your decision either rewrote their areas of dissatisfaction for you to review yet again or for another entity to review their areas of frustration, bearing in mind - and I have to acknowledge this - that a percentage of those people who are dissatisfied will have a longstanding complaint? Can you see any avenue which we could be recommending or thinking about to deal with their frustration?

Mr Bevan: I think if you put it in the context that the Ombudsman's office is the end of the line and the sorts of processes which we are recommending that agencies implement involve a two-stage review process within the organisation itself anyhow and we then provide the external review. The only way you can provide another review on top of that is to set up another body. Remember that in the end we only make recommendations; our decisions are not determinative.

The argument has always been that that is not justified for Ombudsman's offices. It is not a system that I am aware of elsewhere with other offices.

Mr King: No. Not as I understand it. We sent the committee some material, I think, on that which bears that out. There is nothing out there. There is always the Judicial Review Act that is technically available, but given that it is a Supreme Court matter it is beyond the resources of most people.

Mr Metcalfe: No-one is taking the Ombudsman in Queensland to judicial review, as they have done in other states.

Miss SIMPSON: The work that has been done I think is excellent in regard to some of the material you are putting out with organisations as far as their complaints management. How do you assess how effective they are in their own internal complaints program? How would you measure the effectiveness of the take-up of that advice? Is it the number of complaints that you receive, or are there other ways that you can measure how well those organisations are dealing with their own grievance mechanisms?

Mr Bevan: That is difficult in that if an agency has put into place a very visible, easily accessible complaints mechanism, it may very well be that initially complaints actually go up. Also, if, as we are asking them to do, they refer to the fact that there is external review available through our office, even complaints to our office could initially go up. We would hope that over a period of time they would deal with a higher percentage of complaints internally by having their own equitable and fair processes.

I suppose the other aspect to it all is that another project which we are looking at at the moment is more generally on good administrative decision making and internal fair processes, not just when making complaints but in the original decision making. We can see that if we can encourage our agencies to implement better practices there, that should reduce the number of complaints in the first instance.

Ms Henderson: On that question, with the agencies in the initial stage of the complaints project, we are currently asking them to fill out audit and assessment check lists which are based on international standards in partnership with us so that there is a series of statements that they have to make: 'yes', 'no' or 'sometimes' - that sort of thing. We are hoping that will help us to develop a communication program to go back in six months or one year's time and measure it again; review it against the same criteria 12 months down the line. So that is another measure.

The CHAIR: You mentioned in the response to the question, David, feedback to agencies that you presume goes to heads of agencies and getting a reasonable response. I guess following on from Fiona's point, the strength of your work as an office is really the effect you have on those agencies and the extent to which they improve in their practice. So those measurements are very critical to getting your sense of how you are going and also a body like us getting a good sense of that.

You have mentioned that heads of agencies are responding more. What is generally happening to that? This is probably the first round of feedback reports, is it? I think you have mentioned that councils get them half yearly and other agencies get them annually. You probably do not have a lot of experience to draw on, but are they sitting in cupboards, David?

Mr Bevan: I think the other point we make there is that those feedback reports were based on statistics drawn from our previous complaints management system, which had a limited capacity to be able to draw out trends and then for us to be able to provide those trends to agencies as well. The feedback reports from this year, once Catalyst is bedded down, should be far more useful to agencies, and they should then be able to feed the information back down to regional and district offices as well.

The CHAIR: In picking up trends across government, where are you seeing hot spots? Prisons and corrective services is probably one of those, given the special attention you pay to those areas. But are you picking up trends generally of departments where there are more complaints or more serious complaints?

Mr Bevan: Again, I think it is too early to say for us because we just have not done that sort of analysis of the system. We are still learning how to drive it. Certainly I hope to be able to

provide much more information about that at our next meeting. I hope to have it all bedded down by the time we need to report for our annual report.

Mrs LIZ CUNNINGHAM: On page 14 we see complaints by prisoners. You said that prisoners now get two phone sessions a week. In the feedback it says that some prisoners may believe that the new arrangements provide less opportunity to have interviews with staff. Given that previous to the phone set-up, the contact was six monthly visits, what reason were prisoners given for feeling that they have less opportunity? Is that the physical interviews with the staff?

Mr Bevan: Physical interviews. Quite often we send two staff to a particular prison. They would be there for a number of days taking complaints. They could see quite a few prisoners in that time. It was a very labour intensive process, and in a lot of cases they were matters which we would not have taken up anyhow. So now prisoners can phone us any time or any week, at least, and we can do an initial assessment of the complaint and often contact the prison facility involved and resolve the matter then. They do not have to wait for six months.

Mrs LIZ CUNNINGHAM: It is really the physical contact with you that they feel aggrieved about?

Mr Bevan: It is.

Mr LAWLOR: I suppose the ease with which they can now make complaints could lead to a blowout in the actual numbers of complaints, the figures. So I suppose you have to bear that in mind.

Mr Bevan: It could do, but we are not experiencing that at this time. It is certainly something we have under review.

Ms NOLAN: David, I understand that if you go out there and are really very easily accessible your experience has been that you get a lot of complaints that are not the real thing. Are you going to do some kind of comparison of the number of legitimate complaints that you get using the two mechanisms? Because it would also be a shame, if prisoners are not all that aware that they can ring you on those days, to see a decline in the number of legitimate complaints that you are getting.

Mr Bevan: Certainly we still interview prisoners when we go to prisons, but the assessment is done beforehand so we know which ones we need to follow up on. That gives us more time to review systems within prisons. Then after each visit we provide a report to the general manager of the prison on what we learnt in terms of the procedures and the areas which are giving rise to complaint but certainly we will continue to review the effectiveness of the telephone link and we also want to make sure that that is fairly available to all prisoners throughout the facilities.

The CHAIR: Thank you all. That is very comprehensive reporting. It certainly makes our job very easy, so thank you all for your contribution.