



Speech by
**Mr DENVER
BEANLAND**

MEMBER FOR INDOOROOPILLY

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PARLIAMENTARY COMMISSIONER AND FREEDOM OF INFORMATION AMENDMENT BILL

Mr BEANLAND (Indooroopilly—LP) (8.58 p.m.): The Opposition supports this Bill. In the main, it contains sensible amendments that have been asked for by the Legal, Constitutional and Administrative Review Committee in its report No. 14 of July 1999, to which the Premier made a partial reply on 26 August this year. This legislation follows an in-depth study by the Legal, Constitutional and Administrative Review Committee of a range of issues, particularly in relation to the ombudsman's office and the Information Commissioner's office.

I do not plan to speak at any length to this Bill, because it is one of the many to be dispatched to meet the end-of-year timetable crunch and that disgraceful use of the guillotine set down by the member for Chatsworth. For a number of reasons, I will not take up unduly the Parliament's time on this Bill, because it has been agreed to by the Opposition.

However, having said that, I want to refer to a couple of matters that are contained in the legislation. The amendments that are before the House relate to strategic review. In that regard, in his second-reading speech the Premier outlined that this legislation makes a number of minimal amendments. However, I want to refer to a couple of other important issues that relate to this legislation. In that regard, I would like to hear from the Premier as to what the Government proposes to do about them. One of those issues relates to recommendation No. 21 of the committee's report, which states—

"The committee endorses recommendation 28 (reproduced above in section 9.1.1) to the extent that, prospectively, government and the private sector should be discouraged from using the word 'Ombudsman' in entities they create. Where an entity is created with 'Ombudsman' in its title it should be ensured that the entity resolves complaints and disputes in an Ombudsman-like way; namely, in an independent, impartial, just, informal and speedy manner."

The committee recommended that the Premier, as the Minister responsible for the Parliamentary Commissioner Act 1974, introduce legislation to amend section 5 of the Act to change the name of the commissioner from "Parliamentary Commissioner for Administrative Investigations" to "Queensland Ombudsman". The committee also recommended that the Premier retitle the Parliamentary Commissioner Act as the Queensland Ombudsman Act and make other amendments that are necessary. I think that those are sensible changes. I might be mistaken, but I do not find those changes in the amendments. Perhaps the Premier has hidden them somewhere. I think that is a significantly important amendment.

We cannot turn back the clock. These days a lot of ombudsmen work in various areas, such as banking, a range of industry groups and Government areas and there are also various commissioners. The title of "Parliamentary Commissioner" is very wordy. From memory, Queensland was the first State to have an ombudsman. Incidentally, I remember well the person who promoted the idea. She was a branch member of the Liberal Party who went on to Federal office. She was a member of the Senate and later the House of Representatives. Therefore, it is recommended that we change the current wordy term to that of Queensland Ombudsman, which defines the title suitably and distinguishes him or

her from the Commonwealth Ombudsman and so forth. I would like to hear what the Premier proposes to do about that. It is an important matter.

The committee's recommendation 19 deals with the management review, which the Bill also encompasses under the provisions relating to the strategic review. I understand the reasons for that and, as I say, the Opposition supports it. We need to look at what other changes need to be made. This is not a matter that will weigh the Premier down unnecessarily. I am sure that one of his senior officers can quickly resolve the issues that are contained in the report but that have not been picked up. That will not take too much time from the Premier's busy schedule, but it needs to be done to tidy up the outstanding matters.

The parliamentary committee and the Department of the Premier and Cabinet have undertaken the strategic review process and are now moving to the management review process. That is very important. They are also working to tidy up some other aspects of the interrelationship between the Office of the Ombudsman and the parliamentary committee. We should bear in mind that the ombudsman is an officer of the Parliament, like the Auditor-General. There are many statutory officers such as the Director of Public Prosecutions, the Anti-Discrimination Commissioner and so on. However, those are not officers of the Parliament. The difference is that the ombudsman and the Auditor-General are officers of the Parliament and have to be treated differently. It is important that the legislation deals with that.

As I say, these amendments are limited to certain aspects only. Further time needs to be put into looking at the other aspects that need tidying up. It is important that we try to avoid this situation in the future. In this case, the Legal, Constitutional and Administrative Review Committee has been charged with the responsibility of overseeing some aspects of the role of the ombudsman. Therefore, the Government needs to ensure that we make other necessary changes to update this area. Clearly, this area needs to be updated in line with modern legislation.

LCARC has recommended that we go through the process of the management review. As offices of the Parliament, the Office of the Ombudsman and the Office of the Freedom of Information Commissioner, which are interlinked, do not get reviewed when departments are reviewed. We all know that from time to time the management systems, programs, styles and so on of departments are reviewed externally or internally. That is fair enough. For some reason, because of the position of the ombudsman, that has not happened. That is now being picked up and that is fair enough. We need to get on with that process. It is fair to say that a few matters are outstanding that need to be looked at and picked up.

The Office of the Information Commissioner is an important aspect of this legislation. I am not talking about freedom of information matters, but the role of the Freedom of Information Commissioner, how the commissioner processes applications and goes through the mechanical sides of things. Of course, both offices have had significant increases in staff in recent times, both under the former Government and under this Government. Because they are offices of the Parliament, the Parliament needs to be sure that they are effective in delivering on management programs and so on. That is why the Legal, Constitutional and Administrative Review Committee is involved, although of course it should not get involved in day-to-day management procedures. That would be totally wrong. The committee is not an executive committee; it is purely an oversight committee. There has to be a process for those offices to report to the Parliament on strategic reviews, management reviews and so forth. This legislation will put that process in place.

I look forward to considering the other amendments that the Premier might bring forward. I am sure that the Ombudsman's Office and the Office of the Freedom of Information Commissioner will both benefit from the processes of the strategic review and the management review that are looking at the effectiveness of their operations. They themselves will be able to look closely at the processes and procedures that they have adopted. After those initial reviews, a review will be conducted every five years. That seems sensible to me. That procedure needs to be put in place so that we do not go on for decades without having a review.

Ombudsmen and parliamentary commissioners come along and, with the best will in the world, they operate as best they can. However, like every organisation within Government, there needs to be accountability and appropriate management procedures in place. That must be overseen by the Parliament. That is the role of the parliamentary committee in conjunction with the Premier's Department and the Department of Justice, which is responsible for the Freedom of Information Commissioner. Obviously, an independent accounting firm will review the processes of management to ensure that they are up to scratch in terms of modern accounting and procedural practices. The Opposition supports the legislation.
