



Speech by

**GARY FENLON**

**MEMBER FOR GREENSLOPES**

---

Hansard 8 December 1999

**PARLIAMENTARY COMMISSIONER AND FREEDOM OF INFORMATION AMENDMENT BILL**

**Mr FENLON** (Greenslopes—ALP) (9.10 p.m.): I rise to support the Parliamentary Commissioner and Freedom of Information Amendment Bill 1999. This particular legislation before the House arises from a report of the Legal, Constitutional and Administrative Review Committee into a strategic review of the ombudsman which was conducted in the past couple of years. I congratulate the Premier on his promptness in responding to at least two of the recommendations of the LCARC report in terms of bringing this legislation before the House.

This legislation is part of the natural evolution of events emanating from the strategic review of the ombudsman. That was conducted in 1997-98 by Professor Ken Wiltshire and commenced under the auspices of the previous coalition Government and the then chair of LCARC, the member for Burleigh, through the process of consultation that was required. A great deal of effort has gone into the review process to date, and I look forward to the Premier's responses to the remaining issues addressed in the all-party committee report.

The strategic review was timely in that it was the first conducted in the 25-year life of the Office of the Queensland Ombudsman. A fundamental finding of LCARC was that the strategic review was essentially limited in its scope to the extent that section 32 of the Act constrained the capacity to look into everyday management, operational and procedural matters affecting that office. In the same sense that the original strategic review was timely, so too is the need—again for the first time in the 25-year life of this office—to conduct a management review of that office. That was, in fact, a direct result of LCARC's recommendations in its report into the strategic review.

These processes are of utmost importance to the integrity of public administration in Queensland. The Office of the Ombudsman stands at the pinnacle of public administration in Queensland while also being an officer of the Parliament. The Office of the Ombudsman is charged with fundamental responsibilities which effectively set the standard and, therefore, also must lead by example for the entire public sector. Now the committee is involved in a procedure which has been established in consultation with the ombudsman, the Office of the Premier and the Office of the Attorney-General to conduct this management review. That is intended to start in the new year and proceed over a period of three months. The fundamental purpose of this legislation is to ensure that that review is conducted on a proper legal footing and that the results of that review are then brought back before this Parliament.

That current procedure is established through the medium of a consultative reference group which consists of representatives of the parliamentary committee, the Ombudsman's Office, the Information Commissioner section of that office and also the Premier's and Attorney-General's offices. The first of those meetings has already occurred, commencing the foundations of that process. There is a process under way to appoint consultants who will be undertaking a very professional job, I expect, of proceeding with the review of that office. That is well under way and I am very hopeful that all of the time frames, especially with the passing of this piece of legislation, will be satisfied through the work that is currently being undertaken.

It is also very logical and important at this stage to incorporate the Information Commissioner into this process, given that the same person wears both hats: Information Commissioner and Ombudsman. The legislation before the House does contemplate that future strategic reviews will have

legislative foundation which will enable both of those offices to be reviewed when the one person occupies both positions: Ombudsman and Information Commissioner. This legislation is necessary to enable the review to proceed.

Another issue which has attained some prominence and public attention in the past is the issue of backlogs and delays in handling of complaints. With an increasing number of complaints, both offices have struggled to reduce an increasing backlog of outstanding matters over the years. In its first Budget, the Beattie Government increased funding for the Ombudsman's Office and maintained this increased level of funding in the 1999-2000 Budget. With recruitment of new staff in both the Office of the Ombudsman and the Information Commissioner now substantially complete, it is time to look at how the offices can most effectively use their new resources.

It is also important to proceed with these amendments because they will clarify existing law. As the previous speaker mentioned, this legislation is a relatively new development in the great sweep of history in this State in that we are fundamentally still using the original legislation which was put in place 25 years ago, and more recently the legislation relating to the Information Commissioner. We do have an important job to carry out to ensure that that legislation can in the future meet the modern requirements of proceeding with effective oversight by the parliamentary committee, which is of utmost importance, as well as having an appropriate and measured involvement from the Executive arm of Government. The strategic review, as I indicated, will proceed in the coming year.

Finally, I would like to indicate to the Ombudsman and Information Commissioner, and to the staff at those offices, the importance of this review in establishing a great foundation for the next 25 years of those offices and in fostering the very important role of and close relationship between the parliamentary committee and those offices. As we know, the Ombudsman and Information Commissioner is reaching the end of his term. I am sure I join with the Parliament in wishing him the best for the rest of his term and his future. This legislation and the review that will emanate from it will be very important in establishing a strong foundation for the offices that remain when the ombudsman departs from his current positions.

It is also a very important opportunity for the staff at that office to grasp every opportunity that they can to ensure that its future is based upon a very sound and professional foundation. They will have at their immediate disposal highly competent and qualified external reviewers. I give the staff every assurance that I am able to, in my position as Chair of LCARC, that we will support the staff of the ombudsman and the Information Commissioner all the way through this process. I encourage the staff to take this opportunity, and make the very best of it, to build a great future in those offices and to take advantage of any direct communication that they wish to have with those reviewers. They should feel confident that they will be listened to very closely by those reviewers and the committee. That is a very important foundation on which we should all proceed. I support the Bill.

---