



Speech by

Hon. PETER BEATTIE

MEMBER FOR BRISBANE CENTRAL

Hansard 23 November 1999

PARLIAMENTARY COMMISSIONER AND FREEDOM OF INFORMATION AMENDMENT BILL

Hon. P. D. BEATTIE (Brisbane Central— ALP) (Premier) (12.31 p.m.): I move—

"That the Bill be now read a second time."

In a statement to this House on 26 August 1999, I indicated agreement with the recommendation of the report of the strategic review of the Queensland Ombudsman— tabled by the Legal, Constitutional and Administrative Review Committee—for a management review of the Office of the Parliamentary Commissioner for Administrative Investigations, generally known as the Ombudsman. The Committee had reviewed the inaugural strategic review of the Ombudsman's office that was conducted by Professor Kenneth Wiltshire in 1997 and concluded in 1998.

On 15 September 1999, this Parliament carried a resolution calling on me to conduct a management review of the Ombudsman's office, to be done as a strategic review, pursuant to section 32 of the Parliamentary Commissioner Act 1974. I subsequently tabled the Government's response to the report, endorsing my comments and consistent with the Parliament's resolution.

This review is timely. It will complete the strategic review of the Ombudsman's office and will allow for informed decisions about the resources required for the staff to do their job. As members would be aware, the Ombudsman also acts as the Information Commissioner and is charged with conducting external reviews of decisions relating to access to public sector documents made under the Freedom of Information Act 1992.

The Honourable the Attorney-General and Minister for Justice, the parliamentary committee and I agree that it is prudent and cost effective to expand the planned management review to encompass the office of the Information Commissioner. The offices are managed by the same accountable officer, they are combined for budgetary purposes and are supported by a single corporate and research division. With an increasing number of complaints, both offices have struggled to reduce a backlog of cases.

I am pleased to say that my Government increased funding to the Ombudsman's office in our first Budget and maintained the increase in the current Budget. With recruitment of new staff substantially complete, it is time to look at how the offices can most effectively use their new resources. Section 32 of the Parliamentary Commissioner Act 1974 requires a strategic review to be conducted of the Ombudsman's office at least every five years. A review is conducted by an appropriately qualified person appointed by the Governor in Council in accordance with terms of reference, which are also approved by the Governor in Council.

As the committee noted in its report on the inaugural strategic review, there is disparity in the views of the scope of a strategic review that can be conducted under section 32, particularly whether a strategic review can consider the management and procedural or operational aspects of the office. Curiously, there is no provision in the Freedom of Information Act 1992 that allows strategic reviews to be conducted of the Information Commissioner's office. The Parliamentary Commissioner and Freedom of Information Amendment Bill 1999 defines the term "strategic review" to put beyond doubt that such a review can be a management review and can involve an assessment of the efficiency, economy and effectiveness of the office.

The Bill also inserts a provision equivalent to section 32 into the Freedom of Information Act 1992 to authorise strategic reviews, including management reviews, of the office of the Information Commissioner. When the same person holds office as Ombudsman and Information Commissioner, the new provisions in the Freedom of Information Act 1992 will allow strategic reviews of both offices to be combined, with the agreement of the responsible Ministers.

I have also taken the opportunity to amend section 32 of the Parliamentary Commissioner Act 1974 to implement recommendation 26 of the committee's report. This will give the Ombudsman a greater degree of natural justice when the person conducting the review is preparing his or her report. Section 32 currently requires the reviewer to notify the Ombudsman of any "matters of significance" that the reviewer proposes to include in the report to allow the Ombudsman the opportunity to respond.

I propose to amend section 32 to require the reviewer to provide the Ombudsman with a copy of a draft final report. The Ombudsman would have 21 days in which to comment and the reviewer must incorporate the comments in the final report, by way of agreed amendments or by reproducing the comments in full. A corresponding provision is to be included in the Freedom of Information Act 1992.

I look forward to the outcome of the management review of the offices of the Ombudsman and the Information Commissioner, which I propose will commence in January. I further look forward to working with the Ombudsman and the parliamentary committee to consider the recommendations of the review and to implement any management reforms that may be appropriate.

I commend the Bill to the House.
