



Speech by

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**MEMBER FOR CAIRNS**

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Hansard 7 November 2001

#### **OMBUDSMAN BILL**

**Ms BOYLE** (Cairns—ALP) (3.24 p.m.): I am pleased to support the Ombudsman Bill 2001. It is indeed time for a review of the Ombudsman's Office. In Queensland, the position of Ombudsman was set up in 1974. Of course, since then there has been an increase the demand of the constituents of Queensland for greater participation in government processes, for an ability to object, to complain, or to at least call an inquiry when they are unhappy with a service. It is time for the position of the Ombudsman to be reviewed. Also, in light of many of the other mechanisms through which people can ensure that they have access to government and that government is accountable, it is necessary that the Ombudsman's position relative, for example, to the CJC, the Freedom of Information Act and the Anti-Discrimination Commission, be reviewed.

That word 'ombudsman' is special. I suspect that very many people throughout Queensland would be hard put to define the word 'ombudsman'; nonetheless, I believe that they have a good sense of what it means. To most people the Ombudsman is the person to whom they go when they think that they received a raw deal from the government, that the Ombudsman has the ability and the resources to investigate people's complaints and to say whether or not they were treated wrongly and whether or not there is some redress due to them.

Unfortunately, that is an ideal and that has not been the experience of many people who have dealt with the Ombudsman's Office over the years. Many of the Ombudsman's clients have experienced a level of disappointment, firstly because of the slowness of the Ombudsman's response. People who have been disturbed about the treatment that they received from a government department and who believe that they have been wronged experience fairly high emotion. They would really like something done about it this week, or at least this month. But to those people, having to wait six months or a year or even two years to receive redress certainly does not seem like good service.

However, some of the people who have come to see me in my office at Cairns have complained not only about the slow service but also that, in their view, the Ombudsman's Office has missed the mark. Sometimes, that may be because the constituent expected results that were never going to be delivered and/or they had false or unreasonable expectations. But sometimes, too, those people's hope of a resolution with the Ombudsman's Office was not delivered through some procedure such as conflict resolution or mediation. Instead, they received a bureaucratic response in legalese that they could barely understand.

The changes to the Ombudsman's Office that this bill makes have been well thought through. They follow three reviews that occurred over recent years. Within those reviews, there have been various opportunities for public participation and public consultation. The draft legislation has been available to people for their further comment. Therefore, there is no doubt that the changes are well based in that there has been ample time given for their consideration.

In my view, there is no doubt that there is a need for changes to the Ombudsman's Office. Firstly, as I have already mentioned, some of the clients of the Ombudsman have been dissatisfied with their service. Also, through my experience as a member of the Legal, Constitutional and Administrative Review Committee during the last term of parliament, I must say that I have gained a much wider perspective of the functioning of the Ombudsman's Office, of the very great importance of the office, of the seriousness with which an incumbent took his position, the work of all in the office and the difficulties in terms of both efficiency and effectiveness. In fairness to not only the then Ombudsman

but all of the staff of the office, there had been a dramatic increase in the number of matters put before them. Maybe staffing levels had not increased apace. So in the late 1990s the Premier and the parliament boosted the staff numbers of the Ombudsman's Office. That went some way towards improving the efficiency of the office.

But simply additional staff was not all that was needed. This was demonstrated to me very clearly when the committee visited New Zealand and looked at the equivalent Ombudsman processes of the New Zealand government. In the couple of years prior to our visit, that Ombudsman's Office had modernised its processes and had a very different way of approaching similar kinds of complaints about government functions. Interestingly, the process in that country was much more conversational: it was based much more on direct contact between the equivalent of the Ombudsman's Office and the complainant.

There was much more focus on the client and on getting an outcome as speedily as possible. This meant that the equivalent to the Ombudsman's Office moved more into mediation and backed away from what I saw to be a characteristic of our Queensland Office, which was a legalistic approach—a 'who is right and who is wrong' approach. Of course, as is typical of legalistic approaches, that is slow, painstaking and often, in the end, unsatisfying. The reviews certainly borrowed from the New Zealand experience in the hope that some changes would assist with the greater efficiency of the Queensland Office and improve the level of effectiveness of the office in terms of client satisfaction.

I am pleased to support what I recall as being a strong push from the then Ombudsman for some changes, particularly those that bear on structural issues—which are sometimes identified by one or more individual complainants—thus preventing similar complaints from arising in the future. I particularly welcome the provisions in the bill that relate to the need to be more proactive and preventive to identify systemic faults in the operations of agencies that give rise to complaints in the first place. This is a role that the Ombudsman's Office has undertaken for some time, but it has not been sufficiently emphasised either in the legislation or in the parliament. In my view it is a proper role for the Ombudsman's Office to adopt. In that way, it is not just a matter of dealing with one complaint at a time. For example, if it was discovered that a complaint handling process could be much improved in one or more government departments, it should be done. Led by the Ombudsman, that responsibility would be transferred to the appropriate department with a view, as time passes—optimist that I am—to minimising the number of complaints along those lines.

I concur with the Ombudsman's recommendation, which is now incorporated in the bill, that there should be more focus on demand management by helping agencies to resolve complaints through internal dispute resolution mechanisms. In 2001 it is not sufficient to say to the people of Queensland, 'If you don't like the way you are treated or if you think you're getting an unfair deal because something has not been proper or right in your dealings, an external agency called the Ombudsman will investigate it.' How much better if people can have the confidence to go direct to the relevant department or agency and have their complaint properly investigated and, hopefully, properly resolved. Perhaps that process will mean that they have done others in Queensland a favour by identifying a problem and resolving it. Not only is the individual satisfied, but similar problems are prevented from arising in the future. Of course we will still need the Ombudsman's Office, but giving it a more strategic, overseeing role will be a significant improvement.

I am a strong supporter of the clauses in the bill that more clearly define LCARC's role of monitoring and reviewing the efficiency and effectiveness of the Ombudsman's Office. It does not matter how committed a manager is to his or her job or how expert he or she is at it. In the year 2001 and the years ahead, managing is and will be a very difficult and dynamic job, whatever one's area of endeavour. It is appropriate that, through government, there is a mechanism to monitor and ensure that the latest and best management techniques are being used, even within the Ombudsman's Office.

I finish by commending the plain English provisions in the bill, and I am sure that plenty of people around Queensland will be pleased to hear about those provisions. For example, we are going to improve the public's access to the Ombudsman, particularly for those who cannot put their complaints on paper. Routinely I see examples of this in my office in Cairns. People come in and they tell me very clearly about the ordeals that they face. I say to them, 'Put it on paper.' They are embarrassed that they are not able to do so, for whatever reason—educational or otherwise. 'Putting it on paper' might be easy for me, but it is not so easy for many others. Nonetheless, those people are entitled to get their complaints through. We will make provisions for those who are illiterate, others whose first language may not be English or others who may have a disability.

It is good that we are going to focus on early intervention and informal resolution through what I hope will be a much more responsive system than we have had to date. I am pleased to support the Ombudsman Bill 2001.

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