



Speech by

KAREN STRUTHERS

MEMBER FOR ALGESTER

Hansard 7 November 2001

OMBUDSMAN BILL

Ms STRUTHERS (Algeria—ALP) (3.35 p.m.): The public must have confidence that government departments and agencies are providing a service to the public, a service that is carried out in a fair, efficient and accountable manner. As others members have said, the public must have confidence that if things go wrong or if they get a raw deal, they have avenues to obtain administrative justice. In crude terms, the word 'ombudsman' means a helping hand. Essentially, that is what people need. They need to know who that helping hand is and how to access that help. I am pleased to see that the provisions in the bill will improve access to the Ombudsman's Office.

I support the bill and its aim to implement the major recommendations of the two strategic reviews of the office which were held in the last few years. The reviews covered a range of areas that needed improvement within the Office of the Ombudsman. Of particular interest to members of the public are improvements now being implemented to make the processing of complaints more timely, and other members have commented on this. In my office the main complaint I hear about the Ombudsman's Office is the timeliness issue. People do not hear back quickly enough and complaints take a long time to resolve. That is a particularly important issue. I know that the former Ombudsman and the new Ombudsman, David Bevan, have given significant attention to it. This is not simply a resource issue. It is about processes and how to better manage the enormous demand on the Office of the Ombudsman. I am pleased to see that improved practices have been implemented over the past few years.

Another area of concern is the legalistic nature of the work that is done, the reports that are produced and the decisions that are made by the Ombudsman's Office. It is important that plain English summaries will be given of many legalistic reports. I understand the need to target legal analysis where there may be a need for judicial review. Therefore, a full and comprehensive legal analysis is needed. However, in essence, the office has to remember that its primary clients are members of the public and they want things in plain English. They want to be able to read and understand the decisions made by the Ombudsman's Office.

There was also a significant shift in focus—and this has been noticed in the past couple of years—from individual complaints to identifying and tackling more systemic issues. That is not easy to do, but there are systems in place now. This issue was picked up in the two reviews. This allows for better identification of some of the common problems emerging in agencies so that they can be tackled as a group of problems, rather than individually as one of many hundreds of individual complaints.

Clauses 12(b) and (c) of the bill allow the office to consider the administrative practices and processes of an agency under investigation and to make recommendations about appropriate ways to address the effects of inappropriate administrative action or ways to improve those practices and procedures. That is an important change in focus in the legislation. In practice, it has essentially been happening, but this will strengthen that systemic approach. The Ombudsman may also provide information or other help to agencies on ways to improve their practices and procedures. Again that has been happening, but this enshrines it in legislation and strengthens that role. It gives endorsement and support to that role.

Simple things can occur to improve the demand on the office. For instance, let us say that an agency has a common practice of providing standard pro forma letters to a number of complainants, yet those letters do not give information about the reason for a refusal on a particular matter which

would allow people to pursue the complaint further. The Ombudsman's Office could simply identify the agencies issuing such letters and provide advice on how to better manage such things.

I commend the staff of the Ombudsman's Office. They have gone through a significant change management process over the past 18 months to two years. That is never easy; staff get a little uneasy about their job security, about what will happen to them and what it will mean for the administrative systems within the agency. It has certainly been a time of change. I commend them for the way they have handled that and the way they seem to have gotten behind the new Ombudsman, David Bevan. LCARC had a meeting with Mr Bevan today. We are very confident about his handling of the office and the changes he is implementing. In particular, he is consulting staff on some of the decisions made in the past and seeking their input. He seems prepared to make fresh decisions. It is important for a person in a leadership role to be able to do that. I take this opportunity to welcome publicly Mr David Bevan to the role. He has hit the ground running. He has had the FOI legislation and a whole range of other matters before him, including the Ombudsman's Bill we are dealing with today. It has certainly not been a smooth and easy ride. He has hit the ground running and he is doing the job well. He has demonstrated his commitment to identifying and implementing demand management strategies and improving communication, both within the Office of the Ombudsman and with external agencies and groups. That is an important thing for him to be doing. He seems very committed, particularly based on his experience at the CJC, to prevention of complaints and dealing with systemic problems, and this is also important.

I welcome the strengthening of the role of LCARC in managerial oversight of the Ombudsman's Office. Clause 89 of the bill is an important legislative strengthening of a practice that has to some extent been occurring but has not been clarified and strengthened in the way it ought to have been. Clause 89 of the new bill gives LCARC additional statutory responsibilities in relation to the Ombudsman. These seek to enhance and clarify our role as a committee and as a conduit to parliament to both provide support to the work of the Ombudsman's Office and oversight where we think improvements might be needed. We welcome this role. In our meeting with Mr Bevan today he also welcomed this role. He is keen to continue meeting regularly with us. That communication on a regular basis should help to iron out any problems before they grow to any great extent.

I am certainly looking forward to that ongoing contact with Mr Bevan and his staff. LCARC members and I take our responsibility very seriously in relation to the role of the Ombudsman. We are certainly keen for him to ensure that he links with external agencies and consumer advocacy groups and others so that there can be a rapport and better communication with those groups. That may then be a way of preventing problems from emerging. In particular, some of those systemic problems can be identified by those groups and relayed to him more readily.

I think that in the future the role of the Ombudsman should be a very public one. People generally know what the Ombudsman does, but it is important that they know who he or she is. At the moment, it is a he—Mr David Bevan. A good test of how well that role and office is working is the recognition of who he is and his public profile. He might not like this or the office itself might prefer to be a little hidden, but in my view this sort of important advocacy work and role should be very public. In my view, he is to be a consumer champion. People should know who he is and how to access his office.

Ms Boyle: That's a good idea. I don't think that's ever been done before.

Ms STRUTHERS: The member for Cairns is a very sensible woman; she agrees with me. Good on her.

Ms Keech: Aren't all women sensible?

Ms STRUTHERS: All women are sensible.

I wish Mr David Bevan and his staff well. They have a big job. They are dealing with thousands of complaints every year. The more they do their job well and the more they handle the systemic problems occurring in agencies, the better off the public of Queensland will be.
