

plant to run down. In the past three years, expenditure totalling nearly \$1 lm had been spent on capital enhancements. That expenditure included new chillers, a state-of-the-art dicer/slicer, an automated meat packing line—the only one in the country—and up-to-date computerised tracking and scanning systems.

In the days immediately following the appointment of the administrator, it was interesting to hear some of the ill-informed comments by the Premier and the Deputy Premier. I have a public letter that was written to the Premier and the Deputy Premier from some 300 employees of the plant. It was their reaction to the ill-informed comments at that time. I want to read it into the public record—

“This is an open letter in response to claims made by some people that South Burnett Meat Works plant is run down and poorly managed.

The plant, over the past 5 years, has had in excess of \$11 million spent on it. This has meant a new kill floor, new boning room, new chillers, new yards and a state-of-the-art dicer/slicer machine with an automatic packing line (the only one of its kind in Australia). Other upgrades have been up to date computer system for scanning and tracking of product along with computerised refrigeration including variable speed mechanisms to reduce shrinkage and a modern container loading facility with the ability to load containers direct onto rail.”

Debate, on motion of Mr Seeney, adjourned.

MINISTERIAL STATEMENT

Strategic Review of the Queensland Ombudsman

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier) (5.57 p.m.), by leave: I recently received the report to the Parliament of the strategic review of the Queensland Ombudsman conducted by the Legal, Constitutional and Administrative Review Committee. I have considered that report and have decided to provide an interim response to one of the report's recommendations. That recommendation concerns the establishment of a management review of the Office of the Ombudsman.

I agree with the committee that such a review is timely, because it has never been undertaken before and because it will complete the strategic review process. Such a review would ensure consistency between this

office and the management reforms that have been introduced throughout Queensland's public sector.

I accept that this office operates under a considerable workload and does a good job. However, every effort needs to be made to ensure an orderly and thorough processing of all claims and complaints. This Government gave a commitment to increase funding to the office to help the Ombudsman achieve this goal, and I am pleased to say that that commitment was delivered in our first Budget.

I also accept the committee's recommendations regarding the need to bring the Office of the Ombudsman closer to the State Parliament, because the Ombudsman is an officer of the Parliament. I invite the committee to discuss ways such a management review could be progressed under the auspices of the Parliament and in a way that respects the independence of the office. I will ensure that my department provides appropriate technical and administrative support.

HEALTH SERVICES

Miss SIMPSON (Maroochydore-NPA) (6 p.m.): I move—

“That this Parliament censures the Government for its cover up in regards to its secret agenda to cut back and privatise health services in this State.”

This is a deadly serious motion which the coalition, in moving, does not take lightly. People do not like being lied to and they do not like things being done in secret, as this Government has been doing. I certainly would have liked to have been a fly on the wall when the Premier was talking with health unions this week.

Quite simply, the onus is on the Government to table the Cabinet documents that will prove or disprove its story that it was not serious about the radical rationalisation plans for Queensland Health, including plans for the privatisation of services, that the Premier, his Health Minister and Treasurer took to Cabinet under their signatures on 28 June. The problem for the Government's credibility is that the trail of lies told in the past few days, the backflips and conflicting stories between senior Government Ministers means that not all of its excuses could possibly be correct. The other problem for the Government is that a number of the extreme options among the 26 strategic recommendations are already under way in the regions, such as closures of outpatient clinics, closures of beds, and the



QUEENSLAND GOVERNMENT

PREMIER OF QUEENSLAND

Tabled on

Mr Robert Doyle
Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Doyle

Legal, Constitutional and Administrative Review Committee Report No 14

I enclose the response to the Legal, Constitutional and Administrative Review Committee Report No. 14 – *A review of the report of the strategic review of the Queensland Ombudsman*. I submit the report to you for tabling in the Legislative Assembly out of session

Yours sincerely

[Original Signed]

TERRY MACKENROTH
ACTING PREMIER

(Handwritten signature)

Response to the Legal, Constitutional and Administrative Review Committee Report No 14,
July 1999 – Review of the *Report of the Strategic Review of the Queensland Ombudsman*
(Parliamentary Commissioner for Administrative Investigations)

On 26 August 1999, the Premier made a Ministerial Statement to Parliament in which he provided a preliminary response to this report. The Premier accepted the Legal, Constitutional and Administrative Review Committee's (LCARC) recommendation that there be a strategic management review of the Office of the Parliamentary Commissioner for Administrative Investigations (the Ombudsman). The Premier also accepted the recommendation to bring the Ombudsman closer to the State Parliament.

On 15 September 1999, a motion was carried by the Legislative Assembly calling upon the Premier, to conduct a strategic management review of the Ombudsman. Parliament also called upon the Premier, to consider, in this response, appropriate ways to monitor the implementation of management reforms by the Ombudsman following the conclusion of the strategic management review. In particular, Parliament called on the Premier, to consider this in relation to the LCARC's recommendations on the Ombudsman's budget process and the LCARC's role in monitoring and reviewing the Ombudsman's office.

Committee Recommendation 1

The Committee recommends that the Premier, as the minister responsible for the *Parliamentary Commissioner Act 1974* (Qld), amend that Act to broadly define the term 'strategic review'. In particular, the Committee recommends that a strategic review should include, but not be limited to, a review of:

- the purpose and role of the Office of the Ombudsman and provide advice and recommendations on the strategic direction of the Office; and
- the performance of the Office, including management and administrative processes and procedures, to ensure that its activities and objectives are being carried out economically, efficiently and effectively.

Response to Committee Recommendation 1

The Government will amend the *Parliamentary Commissioner Act 1974* at the next opportunity to remove any doubt about the terms and scope of a strategic review of the Office of the Ombudsman. Any proposed amendment will be drafted in light of section 11A of the *Parliamentary Commissioner Act 1974*, which preserves the Ombudsman's independence in so far as the conduct of investigations is concerned.

Committee Recommendation 2

In relation to review recommendation 1, the Committee proposes to examine each annual and other report made by the Ombudsman and presented to Parliament and, if the Committee sees fit, to report to Parliament on any matter appearing in, or arising out of, those reports.

Review Recommendation 1

The LCARC should engage in a more substantial scrutiny of Annual Reports and any other reports of the Ombudsman each year, particularly regarding the quality of public administration in the State and any major systemic issues which are raised. Such scrutiny and the results of discussions on these matters with the Ombudsman should form a significant component of a report of the LCARC to Parliament.

Response to Committee Recommendation 2

Noted. This is essentially a matter for the LCARC. However the Government supports the LCARC's intention to examine the reports and to report to Parliament on any matter arising out of those reports.

This may be an appropriate opportunity for the LCARC to consider the recommendations of the proposed strategic management review and to monitor any management reforms implemented by the Ombudsman.

Committee Recommendation 3

In relation to review recommendation 2, the Committee encourages the Ombudsman to continue to:

- (a) identify, investigate and rectify administrative deficiencies where they become apparent to the Ombudsman from both individual complaints and other sources; and
- (a) include in the Ombudsman's reports to Parliament a wide range of material of a strategic nature.

Review Recommendation 2

The Ombudsman, in reports to Parliament, should convey material of a more strategic nature to the LCARC including trends in public administrative practices, systemic issues for accountability arising from these trends, the extent to which developments in the public sector are impinging upon the intended directions of the corporate plan of the office, explanations of significant changes in the performance of the Office as revealed in a new range of performance indicators, the range of proactive measures which have been initiated to meet the changing administrative behaviour in the public sector, and the impact of these trends and patterns on the resourcing of the Office of the Ombudsman.

Response to Committee Recommendation 3

Noted. This is a matter for the Ombudsman's internal management and it may be appropriate that the LCARC raises this with the Ombudsman.

Committee Recommendation 4

The Committee agrees with review recommendation 3 to the extent that the Ombudsman should, at the beginning of each new Parliament, and at such other times as the Committee and Ombudsman consider appropriate, meet with the Committee to discuss the Office's corporate (or strategic) plan and the projected future direction that the Office is taking. However, the Committee does not recommend that provision be made for structured input from the LCARC into the design of each of the Office's corporate (or strategic) plans.

The issue of the Office's performance indicators and evaluation mechanisms is discussed in chapters 6 and 7.

Review recommendation 3

The Ombudsman should, at the beginning of each new Parliament, engage the LCARC in a discussion about the corporate plan of the Office and the projected future directions it is taking. Provision should also be made for structured input from the LCARC to the design of each new corporate plan and its associated performance indicators and evaluation mechanism.

Response to Committee Recommendation 4

Noted. This is a matter for the Ombudsman's internal management and it may be appropriate that the LCARC raises this with the Ombudsman. This may be an appropriate opportunity for the LCARC to consider the recommendations of the proposed strategic management review and to discuss the implementation of management reforms with the Ombudsman.

Committee Recommendation 5

The Committee does not endorse the revised process for the handling of the estimates of the Office of the Ombudsman as set out in review recommendation.

However, the Committee believes that the LCARC should have a meaningful role in relation to determining the funding for the Ombudsman's Office in accordance with the consultation requirement in s 31 of the *Parliamentary Commissioner Act 1974* (Qld).

The Committee will continue its discussions with the Treasurer as to how, within the current legislative framework, the current Ombudsman's budget consultation process might be improved.

Review Recommendation 4

The following process is recommended for handling the estimates of the Office of the Ombudsman -

- *The Ombudsman submit the estimates of the Office to the LCARC for each financial year.*
- *The LCARC review with the Ombudsman the performance of the Office for the current year and the resource requirements for the year in prospect.*
- *The LCARC to retain its powers to call upon Treasury for advice and analysis, to assist the Committee where necessary in its assessment of the performance of the Office, or to seek clarification of viewpoints and to provide a forum for an exchange of such viewpoints between the Ombudsman and the Treasury.*
- *The LCARC, on behalf of the Parliament, to recommend to the government, specifically the Cabinet Budget Committee, the level of resources to be made available to the Office of the Ombudsman for the year in prospect by means of endorsing or amending the estimates supplied to the Committee by the Ombudsman, and taking into account the Committee's reflections on the circumstances of public administration in Queensland, as reflected in the Ombudsman's reports.*
The Cabinet Budget Committee to take account of the LCARC recommendations in its personal deliberations with the Ombudsman in the normal manner each year, as part of the review of budget estimates.

Response to **Committee Recommendation 5**

Noted. The Government supports the LCARC's rejection of the revised process for the handling of the estimates of the Office of the Ombudsman as set out in review recommendation 4. Ultimately the development of the State Budget reflects the Government's position on the competing priorities before it. The Government notes the LCARC's intention to work within the current legislative framework and supports this process. This may be an appropriate opportunity for the LCARC to consider the recommendations of the proposed strategic management review and to discuss the implementation of management reforms with the Ombudsman.

Committee Recommendation 6

The Committee recommends that the Premier, as the minister responsible for the *Parliamentary Commissioner Act 1974* (Qld), amend that Act to provide that the LCARC's functions include:

- to monitor and review the exercise by the Ombudsman of the Ombudsman's functions under that Act or any other Act;
- to report to the Parliament, with such comments as it thinks fit, on any matter pertaining to the Ombudsman or connected with the exercise of the Ombudsman's functions to which, in the opinion of the Committee, the attention of Parliament should be directed;
- to examine each annual and other report made by the Ombudsman, and presented to Parliament, under that Act or any other Act and, if the Committee sees fit, to report to the Parliament on any matter appearing in, or arising out of, those reports; and
- to report to the Parliament any change that the Committee considers desirable to the functions, structures and procedures of the Office of the Ombudsman.

Further, the Committee recommends that these functions may be exercised in respect of matters occurring before or after the commencement of the section.

However, the Committee also recommends that the *Parliamentary Commissioner Act* specify that the Committee is not authorised to:

- investigate particular conduct brought before the Ombudsman by way of complaint;
- reconsider or review a decision to investigate, conciliate or review, not to investigate, conciliate or review or to discontinue investigation, conciliation or review of a particular complaint or decision; or
- reconsider or review reports, findings, recommendations or decisions in relation to a particular investigation, complaint or decision or in relation to particular conduct the subject of a report under section 24(6) of that Act.

The Committee notes that this might require some consequential amendment to s10(2) of the *Parliamentary Committees Act 1995* (Qld).

Response to Committee Recommendation 6

~~The~~ Premier addressed this recommendation in his Ministerial Statement to Parliament on 26 August 1999. The Government supports bringing the Office of the Ombudsman closer to State Parliament. The Ombudsman is an officer of the Parliament and, with consideration given to the doctrine of separation of powers, this is an appropriate measure. The Government will amend the *Parliamentary Commissioner Act 1974* at the next opportunity.

Committee Recommendation 7

The Committee endorses review recommendation 5 and recommends that the Premier, as the minister responsible for administrative reform, ensure that departments and agencies are aware of and educated in relation to the *Cabinet Handbook* requirement.

Review Recommendation 5

All departments and agencies should be reminded of the Cabinet Handbook ruling to consult the Office of the Ombudsman on all policies and legislation relating to citizens' grievances and other relevant matters, in giving their advice to Cabinet, along with the Ombudsman's advice.

Response to Committee Recommendation 7

Accept. I will write to all Cabinet Legislation and Liaison Officers to ensure that all departments and agencies are aware of this *Cabinet Handbook* requirement. The Premier will also request his department, in the Cabinet process, to scrutinise Cabinet Submissions for this requirement.

Committee Recommendation 8

The Committee endorses review recommendation 6.

Review Recommendation 6

There should be a concerted drive to make the community and government agencies more aware of the role, including powers, and limitation on powers, of the Queensland Ombudsman. This should ideally include:

- (a) *New brochures more appealing in presentation and written in simpler language.*
- (b) *An Ombudsman home page on the Internet.*
- (c) *Information Kits for State and local government departments and agencies outlining the procedures and criteria used by the Ombudsman; an ideal internal review mechanism for agencies for their own complaints: a model internal investigatory process on receipt of contact about a complaint from the Ombudsman; components of a client services charter which would meet the requirements of the Ombudsman.*
- (d) *A short quarterly newsletter, from the Ombudsman's Office directed primarily at state departments and agencies and local governments providing regular information about systemic issues occurring in the public sector, new legislative or procedural arrangements introduced by government affecting the*

operations of the Ombudsman, and other items related to administrative review which have relevance for the Ombudsman and government administrators in general.

An informative annual report which, each year, reiterated the role and powers of the Ombudsman, and highlighted any systemic trends in the public sector giving rise to complaints to the Ombudsman.

(f) More lectures and papers given by staff of the Office to professional groups and seminars dealing with public sector issues, to make them more aware of the Ombudsman's role and powers.

In addition, the Committee recommends that:

- the Ombudsman create a separate and dedicated community relations/education officer position to be responsible for the Office's renewed efforts at enhancing community and agency awareness of the Ombudsman's role and powers (and limits on those powers);
- the Premier, in conjunction with the Ombudsman, establish measures to widely disseminate information on the various avenues of administrative review available to the public; and
- the Minister for Education ensure that appropriate information about administrative review, including the role of the Ombudsman, is included in school curricula.

Response to Committee Recommendation 8

Decision Deferred. The Government notes the matters that relate to the Ombudsman's internal management. It may be appropriate for the LCARC to raise these with the Ombudsman. In relation to other matters dealt with in this recommendation, the Government is awaiting the conclusion of the recently commenced interdepartmental review of administrative decisions. This review is expected to be completed before the end of June 2000. This recommendation will be considered as part of that review and a decision will be made as part of that process.

Committee Recommendation 9

In relation to review recommendations 7 and 9, the Committee recommends that the Office of the Ombudsman should work more closely with State Government departments and agencies, and local governments. However, the Committee believes that the Ombudsman's appropriate role is to give advice, as requested, to State and local government on legislative and policy initiatives in relation to public administration. This relationship should not extend to the Ombudsman having any formal involvement in the decisions of advisory groups determining administrative policy.

Review Recommendation 7

The Office of the Ombudsman should work more closely with State departments and agencies, and local governments, more in the nature of consultant and adviser.

Review Recommendation 9

The Office of the Ombudsman should be invited by government units to participate as an observer and adviser on reference groups established to design new policy initiatives, with a view to making them client oriented and minimising the potential for administrative indiscretion and maladministration.

Response to Committee Recommendation 9

Noted. This is a matter for the Ombudsman's internal management. It may be appropriate that the LCARC raises these matters with the Ombudsman. The Government supports the policy intention of the recommendation.

Committee Recommendation 10

The Committee endorses review recommendation 8.

Review Recommendation 8

State and local governments should establish formal contact officers for Ombudsman complaints, such as officers to form a network whereby the Ombudsman can move to establish joint training seminars, advice on systemic issues and causes arising from complaints, client service charters, changes to policy, legislation and practice. The Ombudsman's Office should be on line to all of these contact officers.

Response to Committee Recommendation 10

Decision Deferred. The Government is awaiting the conclusion of the recently commenced interdepartmental review of administrative decisions. This review is expected to be completed before the end of June 2000. This recommendation will be considered as part of that review and a decision will be made at that time.

Committee Recommendation 11

The Committee endorses review recommendation 10. The Committee also notes the interdepartmental working group recently established by the Department of the Premier and Cabinet to consider, among other things, the development of consistent standards for internal review of administrative decisions. The Committee recommends that (as a possible outcome for the interdepartmental review) the Premier, as the Minister responsible for administrative reform, consider undertaking steps (for example, by inserting a direction in the *Cabinet Handbook*) to ensure that:

- departments and agencies implement internal complaint handling systems; and
- departments take steps to ensure internal review rights and/or procedures are provided for in legislation creating discrete administrative decisions (where appropriate).

In relation to the last sentence of review recommendation 10, the Committee recommends that all State Government departments and agencies and local governments 'show' all Ombudsman cases in their annual reports by including in those reports: (1) statistics on the number of matters they have had before the Ombudsman; and (2) a short summary of the types of matters complained about and how the agency addressed those types of complaints.

Review Recommendation 10

In conjunction with the Ombudsman, units of government should establish internal complaint handling procedures consistent with the Ombudsman's mandate to handle complaints of their own volition in the first instance, and also complaints referred by the Ombudsman. Such a complaint handling procedure should have a recording and tracking system and a regular flagging or bring-up mechanism for evaluation of the effectiveness and timeliness of complaint handling. All state and local government agencies should show all Ombudsman cases in their annual reports.

Response to Committee Recommendation 11

Decision Deferred. The Government is awaiting the conclusion of the recently commenced interdepartmental review of administrative decisions. This review is expected to be completed before the end of June 2000. This recommendation will be considered as part of that review and a decision will be made at that time.

Committee Recommendation 12

In relation to review recommendation 11, the Committee considers that the issue of a formal program of secondments—and the extent to which it is implemented—is ultimately an issue for the Ombudsman to decide and regulate.

Review Recommendation 11

The Ombudsman should institute a formal program of secondments, to and from the Office, with State government departments and agencies and local governments. Such secondments should receive formal endorsement and encouragement from the Office of the Public Service and local government associations as a recognised and valued avenue of career enhancement for officials. Home agencies should guarantee employment to returning secondees at a level equal to that which they held immediately prior to the secondment. As a guide, the Ombudsman should pursue a target of one-quarter of investigative staff to consist of secondees by 2003. The secondment program should be widely advertised throughout state and local government and feature on the Ombudsman's Internet home page.

Response to Committee Recommendation 12

Noted. This is a matter for the Ombudsman's internal management.

Committee Recommendation 13

The Committee does not necessarily endorse the strategic reviewer's analysis of the results of the 1998 client satisfaction and agency surveys. Nevertheless, the Committee endorses review recommendation 12. The Committee adds that, in preparing each new survey, the Office should look at improving the design of, and the response rate to, the survey.

Review Recommendation 12

The Client and Agency Satisfaction Surveys should be carried out every two years as a minimum by the Office of the Queensland Ombudsman. The results should be used to inform and modify the approach and practices of the Office, and serve to highlight areas for further research, especially the extent to which agencies are implementing Ombudsman's recommendations. The Office also should establish a separate annual random sample follow through with complainants to monitor the extent of agency acceptance of Ombudsman recommendations. Such a measure of the outcomes of the Office should be used to fashion further action such as joint seminars with agencies, provision of more information about the Office, further explanations for reasons for decisions, etc. The results of the surveys and the outcomes monitoring should be synthesised in the annual report and provided in full to the LCARC.

Response to Committee Recommendation 13

Noted. This is a matter for the Ombudsman's internal management. It may be appropriate for the LCARC to raise this with the Ombudsman.

Committee Recommendation 14

The Committee notes the difference in perception between the Ombudsman and the reviewer as to what constitutes an 'own motion' investigation. These differences aside, the Committee believes that the important underlying principle is that the Ombudsman's Office employs various strategies to ensure that systemic causes of maladministration are identified and rectified. The Ombudsman assures the Committee that this does occur.

Therefore, in relation to review recommendation 13, the Committee recommends that the Ombudsman:

- continue to identify where complaints are stemming from systemic causes and take necessary action to see that those administrative deficiencies are rectified. In appropriate cases, and where resources allow, the Ombudsman should do this by conducting own motion investigations;

- constantly review the effectiveness of, and be creative in developing, strategies to detect systemic causes of maladministration; and
- continue to ensure that any information gathered by the Office in relation to the causes of systemic issues, and any proposed new approaches or changes in patterns of administration is relayed to and employed by the departments and agencies concerned so as to rectify identified deficiencies.

Review Recommendation 13

*More frequent use should be made of the “Own Motion” Investigations. The Office should constantly identify areas where complaints are clearly stemming from basic systemic causes in sufficient numbers to warrant a research program conducted with the co-operation of the **agency/ies** concerned to **identify** the cause, propose new approaches, and change the pattern of administration in the area concerned. The team leader should be chosen for his/her expertise in the area involved but every **effort** should be made to give the maximum number of staff the opportunity to be part of such an investigation over the medium term. The research capacity to cope with this additional research function should be provided by an enhancement of the resources of the Office, especially on-line facilities.*

Response to Committee Recommendation 14

oted. This is a matter for the Ombudsman’s internal management. It may be appropriate for the LCARC to raise this with the Ombudsman.

Committee Recommendation 15

The Committee endorses review recommendation 14.

Review Recommendation 14

The Queensland Ombudsman should remain opkn to entrepreneurial opportunities and pursue those which can make good use of the expertise of the Office but which do not cause any fundamental distraction from the main purpose of the Office.

Response to Committee Recommendation 15

Noted. This is a matter for the Ombudsman’s internal management. It may be appropriate for the LCARC to raise this with the Ombudsman.

ommittee Recommendation 16

The Committee notes that review recommendation 15 is primarily directed at developing internal ‘performance indicators’ to be used by management to monitor staff performance and assist in case management. In this regard, the Committee recommends that the Queensland Ombudsman consider implementing new ‘performance indicators’ based on the New Zealand model. However, for the reasons noted above, the Committee does not recommend that the LCARC be involved in constructing a **new** set of internal or external performance indicators for the Ombudsman’s Office. Although, the Committee will take an interest in the performance of the Office in relation to the achievement of those indicators.

(In chapter 7, the Committee recommends that an external person might be able to assist with developing new internal performance indicators for the Office.)

Review Recommendation 15

The Queensland Ombudsman should construct a new set of performance indicators for the Office in consultation with the LCARC and the Queensland Treasury. Such performance indicators should encompass the full workload of the Office, reflect its qualitative nature, address the complexity of complaints being handled, measure the time involved in handling complaints, the need to share the burden of response behveen the Ombudsman and the agency which is the subject of the complaint, identify cases which have experienced “legitimate” delay, and ensure that timeliness remains a key element for cases which require urgent resolution because of impending impacts on complainants. The New Zealand model should be used as a guide.

Further, the Committee endorses the intent of review recommendation 16 and recommends that the new performance indicators should:

- form the basis of discussion at regular meetings of the Ombudsman and the LCARC;
- in a summarised form, be incorporated in the Ombudsman's annual report; and
- in a detailed form, accompany the Ombudsman's estimates in each year's budget round.

Review Recommendation 16

The new performance indicators should be incorporated into a new reporting regime for the LCARC and be incorporated into the annual report. They should, in more detailed form, accompany the Ombudsman's estimates in each year's budget round.

Response to Committee Recommendation 16

Decision Deferred. This is a matter for the Ombudsman's internal management and it may be appropriate for the LCARC to raise this with the Ombudsman. Following the conclusion of the strategic management review, which the Premier outlined in his preliminary response, the Office of the Ombudsman may choose to consider new performance indicators in light of this recommendation and the results of the forthcoming review. The Government will re-examine this recommendation after the completion of the strategic management review.

Committee Recommendation 17

The Committee endorses the general thrust of review recommendation 18 that early intervention strategies should, where possible, be used in the 'Ombudsman's Office. In this regard, the Committee encourages the Ombudsman to:

- exchange experiences regarding the use of early intervention strategies with comparative complaint-handling agencies; and
- report on the category of cases handled by early intervention to reflect the Office's efforts at case management and incorporate this category of cases in the Office's new performance indicators.

However, whether the Ombudsman wishes to establish a dedicated unit as part of the employment of early intervention strategies is, in the Committee's opinion, a matter for the Ombudsman. (In chapter 7 the Committee recommends that an external person might be able to assist in advising on the Office's use of early intervention.)

Review Recommendation 18

The Ombudsman's Office should embark on a fresh approach to case management focussing on early intervention to identify complaints which do not require a full investigation. To this end an intake unit should be re-established in the Office with sufficient powers delegated to the officers involved to judge complaints capable of speedy resolution and to take the appropriate action. All staff should be given the opportunity to take part in rotations to the intake unit and none should serve longer than 6 months at a time. The potential for the intake unit to be on line to a network of Ombudsman contact officers should be explored. The duties and responsibilities of the telephonists/receptionists would need to be redefined once the intake unit were established but, in any event, more consistency should be pursued in the manner in which individual staff respond to callers through the switchboard. The UK experience should be looked at as a model.

Response to Committee Recommendation 17

Noted. This is a matter for the Ombudsman's internal management. It may be appropriate for the LCARC to raise these matters with the Ombudsman.

Committee Recommendation 18

The Committee recommends that, as far as possible, the Ombudsman's Office should utilise informal complaint resolution and other alternative dispute resolution techniques to enhance the Ombudsman's role as intermediary and problem solver in disputes between citizens and government.

Response to Committee Recommendation 18

Noted. This is a matter for the Ombudsman's internal management. It may be appropriate for the LCARC to raise these matters with the Ombudsman.

Committee Recommendation 19

The Committee recommends that, as a matter of priority, the Premier, as the minister responsible for the *Parliamentary Commissioner Act 1974* (Qld), commission a person/s external to the Ombudsman's Office and the Executive Government to undertake an external management review of the Office of the Queensland Ombudsman. Further, the Committee recommends that the Premier commission this review under s 32 of the *Parliamentary Commissioner Act*.

This review, while assessing generally the Office's economy, efficiency and effectiveness, should:

where the Office has implemented strategic review recommendations in relation to management, organisational structure and complaint handling, examine the Office's implementation of those recommendations and determine whether the changes introduced achieve the desired objectives;

- where the Office has not implemented strategic review recommendations in relation to management, organisational structure and complaint **handling**, examine the necessity or desirability of the Office implementing those recommendations (especially in light of the increased **staffing** in the Office), with particular focus on:
 - management and administrative **processes** and procedures within the Office including internal communication and sharing of performance information;
 - Office structure including the delegation of responsibility and the appropriateness of current position classifications; CI
 - formal and informal staff training and guidance;
 - management issues arising as part of/as a result of the visits program;
 - human resource issues including the establishment of an external grievance appeal mechanism (apart from the Industrial Relations Commission);
 - complaint handling **methodology** and processes including case and demand management strategies (incorporating, in particular, the use of early intervention strategies);
 - the performance of management systems used in the Office to see whether they enable the Office to assess whether its objectives are being achieved economically, efficiently and effectively, including the appropriateness of the internal and external performance indicators used in the Office (and how the New Zealand model might be adopted and modified as suggested by the reviewer); and
- make recommendations in accordance with findings in relation to the above matters and any other matters which the review finds impact on the economy, efficiency and effectiveness of the Office.

Response to Committee Recommendation 19

Accept. The Premier indicated his acceptance of this recommendation in his Ministerial Statement to Parliament on 26 August 1999. A strategic management review is currently being organised in consultation with the LCARC. The terms of reference will be considered in light of the motion passed by the Parliament on 15 September 1999, section 11 A of the *Parliamentary Commissioner Act 1974*, section 10(2) of the *Parliamentary Committees Act 1995* and the LCARC's first and sixth recommendations. The Premier will consider any recommendations made by the strategic management review.

Committee Recommendation 20

The Committee notes that the suggestion in review recommendation 27-that, in addition to the extra resources suggested in review recommendation 25 to bring information technology capacity up to date, the Office should be resourced to be able to recruit two more staff-has been addressed by the Ombudsman's Office 1998-99 budget.

Review Recommendation 27

In addition to the extra resources already flagged to bring the information technology capacity up to date, the Office should be resourced to be able to recruit two more staff but on condition that the reforms outlined in this Review are implemented. After this the resourcing of the Office should be indexed to the more realistic set of performance indicators which are developed.

Response to Committee Recommendation 20

Noted. This Government gave a commitment to increase funding to the Office of the Ombudsman and this commitment was delivered in the Government's 1998 - 99 Budget.

Committee Recommendation 21

The Committee endorses recommendation 28 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.

Review Recommendation 28

The government should cease using the word "Ombudsman" in the title of other appeal bodies and mechanisms and should also discourage the private sector from so doing.

The Committee recommends that the Premier, as the minister responsible for the *Parliamentary Commissioner Act 1974* (Qld), introduce legislation to:

- (a) amend s 5 of the Act to change the name of the commissioner from 'Parliamentary Commissioner for Administrative Investigations' to 'Queensland Ombudsman';
- (b) retitle the *Parliamentary Commissioner Act 1974* the *Queensland Ombudsman Act 1974*; and
- (c) consequentially amend the Act to recognise the change in the name of the commissioner.

Response to Committee Recommendation 21

Accepted Government will amend the *Parliamentary Commissioner Act 1974* at the next opportunity.

Committee Recommendation 22

The Committee endorses the thrust of recommendation 29. The Committee, however, would go further. What is needed is not another review of the State's administrative review system, but a government decision-and subsequent action on-the recommendations that have already been made by EARC and the PCEAR to reform the State's administrative review system. Accordingly, the Committee recommends that:

- (a) the government, in the near future, act to rationalise all of the administrative appeal mechanisms in Queensland with a view to streamlining, diminishing the complexity and cost of the administrative appeals machinery, and reducing the burden on the administration, whilst at the same time ensuring there is no net diminution of the rights of citizens to complain about administrative discretion; and
- (b) when new public sector developments occur which require an avenue of appeal from administrative discretion, the presumption should be in favour of incorporating the avenue into the functions of the Ombudsman's Office (or possibly a generalist merits review tribunal, should one be established) rather than creating a new single purpose review body.

Review Recommendation 29

Parliament and the government should conduct an overall review of all of the administrative appeal mechanisms in Queensland with a view to streamlining, diminishing the complexity and cost of the administrative appeals machinery, and reducing the burden on the administration, whilst at the same time ensuring there is no net diminution of the rights of citizens to complain about administrative discretion. When new public sector developments occur which require an avenue of appeal from administrative discretion, the presumption should be in favour of incorporating the avenue into the functions of the Ombudsman's Office rather than creating a single purpose channel and new body to oversee it.

Response to Committee Recommendation 22

Decision Deferred. The Government is awaiting the conclusion of the recently commenced interdepartmental review of administrative decisions. This review is expected to be completed before the end of June 2000. This recommendation will be considered as part of that review and a decision on this matter will be made at this time.

Committee Recommendation 23

The Committee recommends that all new legislation which involves the exercise of administrative decision-making or discretion should include a requirement that agencies notify people of their:

- rights to internal review by the agency (if appropriate); and
- their rights to external review (including their right to Ombudsman review);

when notifying them of a decision.

The Committee further recommends that the Premier, as the minister responsible for administrative reform, consider inserting a direction in the *Cabinet handbook* to this end.

Response to Committee Recommendation 23

Decision Deferred. The Government is awaiting the conclusion of the recently commenced interdepartmental review of administrative decisions. This review is expected to be completed before the end of June 2000. This recommendation will be considered as part of that review and a decision on this matter will be made at this time.

Committee Recommendation 24

The Committee endorses recommendation 30.

Review Recommendation 30 – Potential synergies should be explored between the numerous appeal bodies in Queensland in relation to commonality of training, research, library resources, and joint seminars to keep abreast of developments in the public sector in Queensland and elsewhere.

Response to Committee Recommendation 24

Decision Deferred. The Government is awaiting the conclusion of the recently commenced interdepartmental review of administrative decisions. This review is expected to be completed before the end of June 2000. This recommendation will be considered as part of that review and a decision will be made at this time.

Committee Recommendation 25

The Committee recommends that the Premier, as the minister responsible for the *Parliamentary Commissioner Act 1974* (Qld), on the next occasion that the office of the Queensland Ombudsman is vacant, amend that Act so as to provide that the Queensland Ombudsman is not eligible to be reappointed if the total of his or her term as Ombudsman would be more than ten years.

Response to Committee Recommendation 25

Accept. The Government supports the policy intention of this recommendation. The *Parliamentary Commissioner Act 1974* will be amended to provide that the Queensland Ombudsman is not eligible to be reappointed if the total of his or her term as Ombudsman would be more than ten years, on the next occasion the *Parliamentary Commissioner Act 1974* (Qld) is amended or the office is vacant, whichever is the earlier.

Committee Recommendation 26

The Committee considers that s 32(9) and (10) of the *Parliamentary Commissioner Act 1974* (Qld) should continue to provide that, if the strategic reviewer proposes to include in the strategic review report a matter of significance, the reviewer must give the Premier and the Ombudsman written advice of the matter and an opportunity to provide a written response to the matter (to be subsequently published in the report).

However, the Committee recommends that the Premier, as the minister responsible for the *Parliamentary Commissioner Act*, amend s 32 to additionally provide that:

regardless of whether there is a 'matter of significance', the strategic reviewer must provide a copy of the draft strategic review report to the Ombudsman, notifying the Ombudsman that the Ombudsman has 21 days to respond to any matters contained in the report that that the Ombudsman considers significant; and

- the Ombudsman's subsequent response, if any, be:
 - in writing and of reasonable length; and
 - CI incorporated into the report as negotiated amendments and/or reproduced as an attachment.

Response to Committee Recommendation 26

Accept. This Government will amend the *Parliamentary Commissioner Act 1974* at the next opportunity.

Parliamentary resolution of 15 September 1999:

4) Further, that the House calls upon the Premier to give consideration to the appropriate way to monitor the implementation of management reforms by the Ombudsman following the conclusion of the strategic management review and that this issue be addressed in the Government's final response to the committee's report No. 14 to be tabled pursuant to section 24 of the *Parliamentary Committees Act 1995* (in relation to the committee's recommendations on the Ombudsman's budget process and committee's role in monitoring and reviewing the Ombudsman's Office)."

Response to paragraph 4 of the Parliamentary resolution of 15 September 1999

A strategic management review is currently being organised. The terms of reference will be considered in light of the motion passed by the Parliament on 15 September 1999, section 11A of the *Parliamentary Commissioner Act 1974*, sub-section 10(2) of the *Parliamentary Committees Act 1995* and the LCARC's first and sixth recommendations. The Premier will consider any recommendations made by the strategic management review. This review may raise issues that are matters for the Ombudsman's internal management and it may be appropriate for the current LCARC to raise these with the Commission. The Government has noted, in response to recommendations 2,4 and 5, opportunities for the LCARC to monitor the implementation of management reforms by the Ombudsman. The Government will re-examine this issue following the completion of the strategic management review.

LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

Review of Ombudsman

Mr FENLON (Greenslopes ÑALP) (11.30 a.m.), by leave, without notice: I move that Ñ

“(1) This House notes the Legal, Constitutional and Administrative Review Committee’s report No 14, Review of the report of the strategic review of the Queensland Ombudsman, and the Premier’s interim response of 26 August 1999 to recommendation 19 of the committee’s report which calls for a management review to be conducted of the Office of the Parliamentary Commissioner for Administrative Investigations (the Ombudsman).

(2) In light of the committee’s report and the Premier’s response, the House calls upon the Premier to conduct a strategic management review of the Ombudsman pursuant to section 32 of the Parliamentary Commissioner Act 1974.

(3) Further, the House calls upon the Premier to ensure that the terms of reference for the strategic management review that are submitted to the Governor-in Council for approval in accordance with section 32 of the Parliamentary Commissioner Act 1974N

(a) be prepared in consultation with the committee and the Ombudsman as required by section 32(5) of the Parliamentary Commissioner Act 1974;

(b) have regard to the matters noted in recommendation 19 of the committee’s report No. 14;

(c) provide for the committee to be provided with a copy of any interim report and the final report of the reviewer before tabling; and

(d) provision for the reviewer to liaise with the committee throughout the review process so that during that liaison the committee has the opportunity to comment on and make recommendations about the review.

(4) Further, that the House calls upon the Premier to give consideration to the appropriate way to monitor the implementation of management reforms by the Ombudsman following the conclusion of the strategic management review and that this issue be addressed in the Government’s final response to the committee’s report No. 14 to be tabled pursuant to section 24 of the Parliamentary Committees Act 1995 (in relation to the committee’s recommendations on the Ombudsman’s budget process and committee’s role in monitoring and reviewing the Ombudsman’s Office).”

Motion agreed to.