



QUEENSLAND
ombudsman

QUEENSLAND OMBUDSMAN
ANNUAL REPORT 2002-2003

BUILDING A BETTER PICTURE

THE THEME OF THIS ANNUAL REPORT - BUILDING A BETTER PICTURE - REFLECTS THE PROGRESS WE HAVE MADE IN 2002-2003 TOWARDS OUR GOAL OF MAKING A SIGNIFICANT CONTRIBUTION TO IMPROVING PUBLIC ADMINISTRATION IN QUEENSLAND.

THE PIECES OF THE JIGSAW REPRESENT ASPECTS OF OUR CORE BUSINESS OF INVESTIGATING COMPLAINTS AND ASSISTING PUBLIC AGENCIES TO IMPROVE THEIR PRACTICES. THEY ALSO SYMBOLISE CHANGES WE HAVE MADE TO OUR OWN PROCESSES TO ENABLE US TO CARRY OUT THIS DUAL ROLE.

THE PICTURE OF PUBLIC ADMINISTRATION WE ARE WORKING TOWARDS IS A SYSTEM UNDERPINNED BY QUALITY PROCESSES THAT PROMOTE FAIR AND RESPONSIVE DECISION-MAKING.

LETTER OF TRANSMITTAL

The Hon Peter Beattie MP
Premier of Queensland and Minister for Trade
Parliament House
George Street
Brisbane Qld 4000

Dear Premier

I have pleasure in submitting to you for presentation to Parliament the 2002-2003 Queensland Ombudsman Annual Report.

This has been a year of integration and consolidation, driven by the substantial changes to our structure and business processes that I introduced in my first year of office last year. This report demonstrates the benefits of these changes to the Queensland people, the public sector and our staff.

Our centralised intake and assessment unit has delivered the efficiencies I predicted, including more timely management of investigations and significant improvements in the finalisation of old cases.

Dedicating resources to the investigation of serious cases of maladministration has proven a successful strategy, resulting in systemic change within several state and local government agencies and, consequently, achieving benefits for the community.

We have undertaken several collaborative initiatives with other agencies to improve administrative decision making generally. These have been well received across the public sector and have generated some useful strategies, models and resources to assist agencies to effectively manage and reduce complaints.

The introduction of a new computerised case and records management system has improved reporting and trend analysis capability, providing useful information for agencies about their complaints and practices.

It is significant that these results were achieved during an unprecedented period of rapid change in the Office. This is attributable to the professionalism and commitment of the staff.

Yours sincerely



D J Bevan
Ombudsman

ABOUT THIS REPORT

PURPOSE

This report presents information about the activities, achievements and initiatives of the Queensland Ombudsman for the financial year ended 30 June 2003.

It has been prepared to meet the needs of our diverse stakeholders, including the community, the Legal, Constitutional and Administrative Review Committee (LCARC) and other Members of Parliament, state and local government organisations, students, researchers and our own staff.

It is our major accountability mechanism, providing Parliament and LCARC with the necessary information to assess our performance against the objectives stated in our *Strategic Plan 2002-2006* and as required by the *Financial Administration and Audit Act 1977*.

USING THIS REPORT

The structure of this report meets the mandatory requirements outlined in the *Annual Report Guidelines for Queensland Government Agencies 2002-2003* and is presented in five sections to make it easier for you to find what you are looking for.

Section 1: Overviews - provides background about the Office, performance highlights for the 2002-2003 financial year, the Ombudsman's review and a look at the people responsible for delivering essential services and products to the Queensland community and public sector.

Section 2: Our Investigations - summarises the nature and outcomes of cases that focus on systemic issues of major concern to the community, that are significant for their sensitivity and complexity, and that highlight our ability to change things for the better.

Section 3: Performance - presents a summary of the strategies we have used to achieve our goals, how we performed and what we aim to achieve in the next financial year. It also points to specific strategies and outputs that have contributed to a significant overall improvement in our performance under each goal area.

Section 4: Management and Accountability - discusses our systems, structure and people and how we are strengthening our service delivery, meeting our responsibilities and finalising the implementation of a strategic management review of the office conducted in 2000.

Section 5: Financials - provides the financial statements of the Office along with a summary of our financial position.



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THE OMBUDSMAN'S REVIEW

The unprecedented level of change this Office has experienced this year, building on the groundwork laid in the previous reporting period, presented a number of challenges. It is therefore pleasing to report that through significant changes to our structure, technology and the way we deliver our services, we have made considerable progress on many fronts. Importantly, we have established a solid model for continuous improvement and for achieving significant benefits for the community and public sector agencies.

AN IMPROVEMENT FOCUSED STRUCTURE

We have aligned our structure and processes to meet the objectives set out in our *Strategic Plan 2002-2006*, which reflects the intent of our governing legislation, and specifically our role to both investigate the actions of public agencies and help them to improve their decision-making and administrative practices.

Implementing a new office structure resulted in better service and outcomes for our key stakeholders. I am particularly pleased that we have made considerable inroads into finalising the more complex complaints, particularly those more than 12 months old. This is largely due to streamlining our processes by establishing a new centralised intake and assessment unit and three investigation teams that focus on more complex matters.

The Advice and Communication unit was established to take carriage of many new initiatives addressing our expanded improvement and advisory role. Key organisational priorities are being delivered by this new function, a major one being the *Complaints Management Project*, being implemented in collaboration with state and local government agencies, to help improve their complaint handling processes.

A continuing challenge for us is to maintain our strong performance in managing all cases, while focusing our efforts where it really counts.

A significant improvement in our capacity to do this was achieved by dedicating resources to a Major Projects team that focused on serious cases of maladministration. Two major reports will be published in the next financial year which, we expect, will lead to improvements in agency practice and importantly, long-term benefits for the community.

TECHNOLOGY THE CATALYST FOR CHANGE

A key milestone in our change process was the introduction, in December 2002, of our new case and record management system. We named it *Catalyst* in recognition of the impact it would have on all our operations. Uptake of the system was accelerated through upgrades to all computers and software and our staff received training, which supported a relatively smooth implementation of the new system. Now, *Catalyst* is the cogwheel of our vehicle for improving the quality of Queensland public sector administrative practice and decision-making. It has allowed us to take a more scientific approach, using information from our investigations to identify trends, emerging and systemic issues and to be proactive in recommending changes to prevent recurrent maladministration.

One of the benefits of the new system is that it provides for a comprehensive categorisation of all complaints data, however the complaint is received. The functionality of our previous system was limited to recording complaints made in writing or in person rather than by telephone. I am pleased to say this means we can present a more complete picture of the services we provide. The downside of this is that in some cases, we will not be able to provide information in a way that allows for statistical comparison of workload and achievements against previous reporting periods.



I am particularly pleased that we have made considerable inroads into finalising the more complex complaints, particularly those more than 12 months old.

TARGETED SOLUTIONS FOR BETTER ACCESS

We continued to take our services to regional Queensland through the regional trips program. Our focus on resolving complaints on location rather than taking complaints has led to a more timely response. As well, the inclusion of an online Complaints Form on our website has made doing business with us easier for people who prefer to use the Internet. Usage figures show there was a significant rise in visits to our site following its relaunch in November 2002 and visits to the site continue to rise steadily.

We also improved our service to prisoners by establishing a *Prisoner Phone Link* service.

COLLABORATING TO MAINTAIN BALANCE AND EFFICIENCY

A big challenge for us is to balance the way we continue independent and responsive investigations of agencies on the one hand with helping them to improve their decision-making and administrative practices on the other. We are managing this by building good relationships with the agencies and, wherever appropriate, working co-operatively with them to come up with appropriate solutions and programs.

As a small organisation with a big task, we are conscious of the need to achieve efficiencies in the way we deliver our services. For instance, this year we commenced a joint communication project with other accountability agencies such as the Crime and Misconduct Commission, Health Rights Commission, Anti Discrimination Commission (Qld) and the Commission for Children and Young People, focusing on minimising

duplication and maximising opportunities to increase awareness of and access to our services.

Initiatives such as our web based Bulletin Board were introduced to encourage communication and information sharing among Australian Ombudsmen about significant issues and initiatives. This avoids wasting resources on activities that have been or are being undertaken in another office and allows us to pool resources for a better outcome.

THE RIGHT PEOPLE FOR THE JOB

All these changes and initiatives have been underpinned by considered workforce planning and developmental initiatives to help our staff not only deliver the best possible performance, but also to accept personal accountability for their actions.

The result of this careful alignment between our people, our structures and our systems is that we work as one team and one office, recognising the important role we play in the community's well being. The performance results and achievements outlined in this report are a testament to the success of this realignment strategy and above all, the dedication and professional skill of the people in this office.

USING DATA AND RESEARCH IN THE YEAR AHEAD

In 2002-2003 we were involved in a number of research projects, which provided valuable information about Queenslanders' awareness of our role and satisfaction with our services, as well as a broader understanding of current complaint-handling practices within the Queensland public sector.



>> DAVID BEVAN, QUEENSLAND OMBUDSMAN

This provides benchmarks for measuring whether recent changes to our processes and systems have increased public awareness and client satisfaction and helps us to identify key priority areas for next year. We will corroborate this information with analysis of data from *Catalyst*, and use it to develop strategies for improving administrative decision-making across the public sector.

We look forward to another productive year as our new structure, work practices and research tools help us to build a better picture and deliver the outcomes the community deserves. My staff and I remain committed to achieving the best we can for the Queensland community in their dealings with public agencies.

D J Bevan
Ombudsman

AGENCY OVERVIEW

WHAT WE ARE HERE TO DO: OUR MISSION	To promote high standards of administrative practice and decision-making in Queensland public agencies for the benefit of the community			
WHAT WE AIM TO ACHIEVE: OUR GOALS	Administrative justice - achieving administrative justice for members of the community in their dealings with Queensland public agencies	Improved administrative practice - making a significant contribution to improving the quality of administrative practice in Queensland public agencies	Public awareness and access - ensuring a high level of awareness of our services and that they can be readily accessed by all members of the community	Progressive, client-focused organisation - demonstrating best practice and responsiveness in the performance of our functions
HOW WE DELIVER SERVICES TO QUEENSLANDERS: GUIDING PRINCIPLES	Being a service and value oriented organisation			
	Service that provides: <ul style="list-style-type: none"> • fair and independent advice and investigations in a timely manner • confidentiality • clear explanations about what we can and cannot do • regular updates on the progress of our consideration of complaints • a clear explanation of our final decision and any recommendations we make • reasonableness and accessibility regardless of people's background and circumstances 		Service delivered by people committed to: <ul style="list-style-type: none"> • fairness, independence and objectivity • efficiency and effectiveness • responsiveness and accountability • honesty • reasonableness in decision-making • respect for all opinions and people • courteous service to all members of the community 	

ROLE AND FUNCTIONS

The role of the Queensland Ombudsman has evolved and expanded since the Office was established under the former *Parliamentary Commissioner Act 1974*.

Operating today under the *Ombudsman Act 2001*, the Office provides a key investigative service for Queenslanders who believe they have been adversely affected by a decision or action of a state or local government agency or its staff.

We can investigate a decision or action made by, in, or on behalf of a state or local government agency, including statutory authorities, to determine if it was:

- taken for an improper purpose
- taken on irrelevant grounds
- taken contrary to law
- unreasonable
- unjust or oppressive
- improperly discriminatory
- based on a mistake of law or fact
- made without giving reasons
- wrong.

Our jurisdiction does not extend to investigating matters concerning:

- Ministers and Cabinet, courts and judges, legal advisers to the Crown, or the Auditor-General
- police in operational circumstances
- Commonwealth or interstate departments or agencies
- private individuals or businesses.

A second important, and complementary, role of improving the quality of decision-making and administrative practice in public agencies was recognised in the new Act. We believe that our current and future activities in relation to this role can achieve significant long-term benefits for the community.

The key challenge for the future is to meet our responsibility of improving administrative practice in public agencies while continuing to independently investigate their activities and decisions.

When things go wrong, we can independently investigate and make recommendations for the action or decision to be remedied.

SIGNIFICANT EVENTS AND MILESTONES

1974	Queensland Ombudsman/Parliamentary Commissioner for Administrative Investigations is established under the <i>Parliamentary Commissioner Act 1974</i> to investigate complaints by the public about the administrative actions of government departments, authorities and local councils, and to recommend remedies where appropriate. The Office opens with a total staff of 13
1975	The Office receives 904 cases in its first year of operation
1978	The Office commences a program of visits to regional areas designed to discuss regional problems with local residents and to try to resolve those problems locally; the program continues today.
1980	14 staff, 1177 new cases received.
1985	16 staff, 1405 new cases received.
1989	The Fitzgerald Inquiry generates unprecedented scrutiny of government practices and a consequent increase in complaints- 2089 new cases received
1990	21 staff, 2330 new cases received.
1991	Office is restructured into two divisions dealing with State and Local Government issues separately, with investigative specialisation introduced. The <i>Judicial Review Act 1991</i> is passed, codifying principles of good administrative behaviour and identifying improper exercises of power, and heightening awareness within the State public sector of the need for good administrative practices.
1992	The Information Commissioner's Office is established as a separate statutory office, under the <i>Freedom of Information Act 1992</i> , with the Parliamentary Commissioner for Administrative Investigations - the Ombudsman - as the State's first Information Commissioner.
1995	27 staff, 3686 new cases received.
1998	Strategic Review of the Office recommends implementation of initiatives regarding the strategic direction of the Office, including a closer relationship with the relevant Parliamentary Committee, more publicity regarding the Office's functions, and more promotion of complaint handling systems within agencies. The Office is restructured, creating five investigative teams to focus on key complaint generating areas of the public sector.
1999	The <i>Parliamentary Commissioner Act 1974</i> review begins with a focus on formalising appropriate investigative powers, facilitating informal investigations and recognising the Office's role in helping agencies to improve decision-making and complaint handling.
2000	52 staff, 4539 new cases received. Strategic Management Review of the Office leads to implementation of initiatives regarding the management of investigations, in particular more emphasis on early intervention, informal resolution and demand management.
2001	New legislation - <i>Ombudsman Act 2001</i> - is introduced, formally recognising the Office's dual roles of investigating and remedying complaints, and assisting agencies to improve the quality of decision-making and administrative practice in the public sector.
2002	The Office is restructured, establishing an Advice and Communication unit to manage its extended advisory role, an Assessment and Resolution team to streamline complaints intake and handling, and a Major Projects team to conduct major investigations and prepare reports for Parliament.
2003	A new computerised case and records management system is operational, providing greater reporting capabilities on systemic complaints and capability in terms of the Office's improvement-focused responsibilities.



>> INVESTIGATOR, WAYNE BOLTON, HAS SEEN SOME SIGNIFICANT CHANGES SINCE JOINING THE QUEENSLAND OMBUDSMAN'S OFFICE. "NEW TECHNOLOGY AND EXTENDED STATUTORY RESPONSIBILITIES HAVE LED TO A GREATER EMPHASIS ON SERVICE AND BEING VALUES DRIVEN. IT IS CHALLENGING TO MAINTAIN OUR INDEPENDENCE WHILE ENSURING GOOD CLIENT SERVICE AND HELPING AGENCIES TO IMPROVE THEIR PRACTICES, BUT THE REWARD, IN TERMS OF ACHIEVING ADMINISTRATIVE JUSTICE FOR PEOPLE, IS ALWAYS THERE."

2002-2003 AT A GLANCE

CATALYST GOES LIVE

A new case and records management system - *Catalyst* - was launched in December 2002. Apart from helping us to monitor the progress of the complaints we handle, its ability to collect more meaningful data increased our capability to conduct trend analysis and therefore, provide meaningful feedback to agencies along with well-informed recommendations for improvement (See p29).

ART IS HERE TO STAY

The new complaints intake unit, the Assessment and Resolution team (ART), which centralises the Office's intake and assessment function, has proven to be a cost-effective strategy, providing a more timely and consistent service. It allowed us to concentrate on finalising older and more difficult cases and we are pleased to report a substantial reduction in cases more than 12 months old from 37 per cent of total cases open at 30 June 2002 to 16 per cent at the end of this financial year. In real numbers the achievement is even more apparent - a reduction from 504 to 81 complaints (See p24).

A MODERN, COMPREHENSIVE GUIDE FOR INVESTIGATORS

We have substantially completed our new Investigations Manual to increase our focus on choosing the most appropriate investigative or resolution strategy and on implementing the strategy in a speedy and consistent way.

FAR-REACHING CHANGES TO PUBLIC ADMINISTRATION

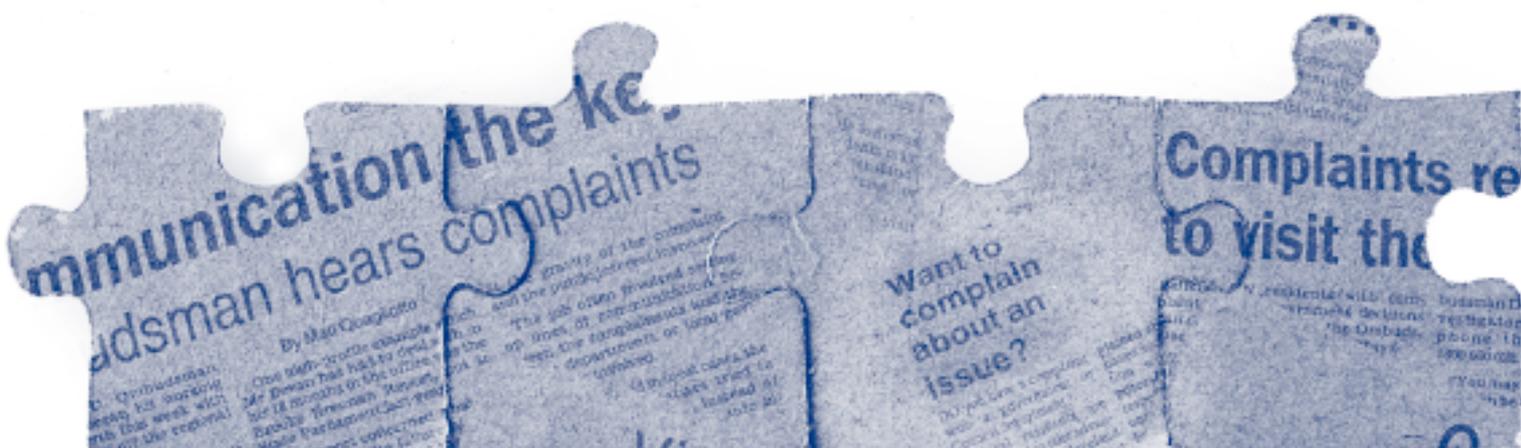
The Major Projects team has investigated some matters of significant and systemic maladministration, including investigations into workplace electrocutions and the circumstances leading up to the death of a 10-week-old baby. These investigations are of vital importance in terms of improving the way in which the responsible public sector agencies approach and hopefully prevent these situations in the future. Dedicating resources to this function means we can make recommendations that will improve the quality of decisions made by agencies about issues that matter to the community, and even save lives (See p12-29).

PARTNERING INITIATIVES TO IMPROVE COMPLAINTS MANAGEMENT

We commenced a project called the *Complaints Management Project* and established a liaison group comprising representatives from ten state and local government agencies. We have developed a number of resources to assist them in developing customer-focussed complaints management systems tailored to their business needs (See p29).

MATCHING OUR WORKFORCE TO THE CHALLENGES AHEAD

We are reaping the benefits of several initiatives taken this year to improve how we do business. The implementation of team operational plans has helped to focus activity around our priorities. Our people are also now fully trained to implement our new performance management system, which was completed for roll out in the 2003-2004 financial year (See p41).



EXECUTIVE TEAM



DAVID BEVAN

This was David's second year as Queensland's Ombudsman and Information Commissioner. His prior experience, including as Director, Official Misconduct Division, at the former Criminal Justice Commission, primed him well for the challenges of bedding down a new structure, implementing IT solutions to support the way we manage and use data and generally improving work processes in the Office. Looking ahead, David's focus will be on utilising our new case and records management system for better analysis and issues identification and driving changes to administrative decision-making practices across the public sector. David holds degrees in Arts and Law and was admitted as a barrister in 1973.



RODNEY METCALFE

Deputy Ombudsman since 1995, Rod currently heads up the Local Government and Infrastructure team and the Assessment & Resolution team (ART). The ART has delivered a more consistent and timely initial response to complainants through a streamlined, centralised assessment process. This was a major achievement for the Office this year. In 2003/2004, Rod will continue his work in developing programs to assist local governments to improve administrative practice. This is a task he is well equipped for, with 20 years' legal and senior management experience in a local government and qualifications in local government studies. Rod was also a legal officer in the Royal Australian Air Force. He holds a degree in Law and was admitted as a solicitor in 1970.



FRANK KING

Frank brings extensive legal and public sector experience to his position of Deputy Ombudsman, to which he was appointed in 1991. His previous roles include legal, finance and policy advice positions at the Departments of Justice, Treasury and Attorney General, as well as private practice as a solicitor. This year Frank led our *Complaints Management Project*, which aims to assist 10 major state and local government agencies to upgrade their complaints management systems. As Deputy in charge of the Major Projects, and Corrections Community Services and Industrial and Development teams, he was also heavily involved in significant investigations conducted by the Office. In the year ahead, Frank will focus on finalising the first phase of the *Complaints Management Project*, progressing a number of major investigations and integrating the new investigations manual into work practices. He holds degrees in Arts, Commerce and Law and was admitted as a solicitor in 1972.

SENIOR MANAGEMENT GROUP



CRAIG ALLEN In his three years as Assistant Ombudsman, Craig's **Local Government and Infrastructure team**, team has made some significant achievements in investigations of the decisions and actions of local governments and some state agencies including the Environmental Protection Agency and the Departments of Natural Resources and Mines, Transport and Main Roads. Craig has a business degree in Public Administration with majors in Law and Local Government.



TONY JOHNSON Tony joined us in 2001, bringing valuable private sector skills along with 20 years' public sector corporate services and financial audit experience gained at the Queensland Audit Office and Queensland Treasury. This year, his **Corporate Services unit**, supported a number of major initiatives including implementation of *Catalyst*, shared services arrangements, a performance management framework and training programs. Tony holds a degree in Commerce and is an associate fellow of the Australian Human Resources Institute.



PETER CANTWELL Peter has been an Assistant Ombudsman since 1999, and has led the **Major Projects team** since its creation in 2002. The team has made substantial progress on the Workplace Electrocution Project and another child death investigation this year. Peter has extensive experience, including as a partner in a major law firm, and has increased our capacity to take on investigations of significant importance and benefit to the public sector and the community. He holds an honours degree in Law and was admitted as a solicitor in 1982.



PAUL LEO An Assistant Ombudsman since 1999, Paul brings 20 years' public sector experience as an industrial inspector, auditor and a senior investigator to his role managing our **Industrial and Development team**. Due to the excellent relationships his team has established with key agencies, our formal or informal recommendations to those agencies for corrective action to be taken were either totally or substantially accepted. Paul holds qualifications in commerce, business management and industrial relations and safety.



CHRISTINE HENDERSON Christine has led the newly established **Advice and Communication unit** (A&C) since 2002 and focussed this year on a number of initiatives to manage our expanded role of improving administrative practice and decision making across the public sector. Christine's extensive public sector experience and qualifications in business communication were essential to establishing this important function. In a short period, A&C managed the development of a new website for the Office and coordinated the *Complaints Management Project*.

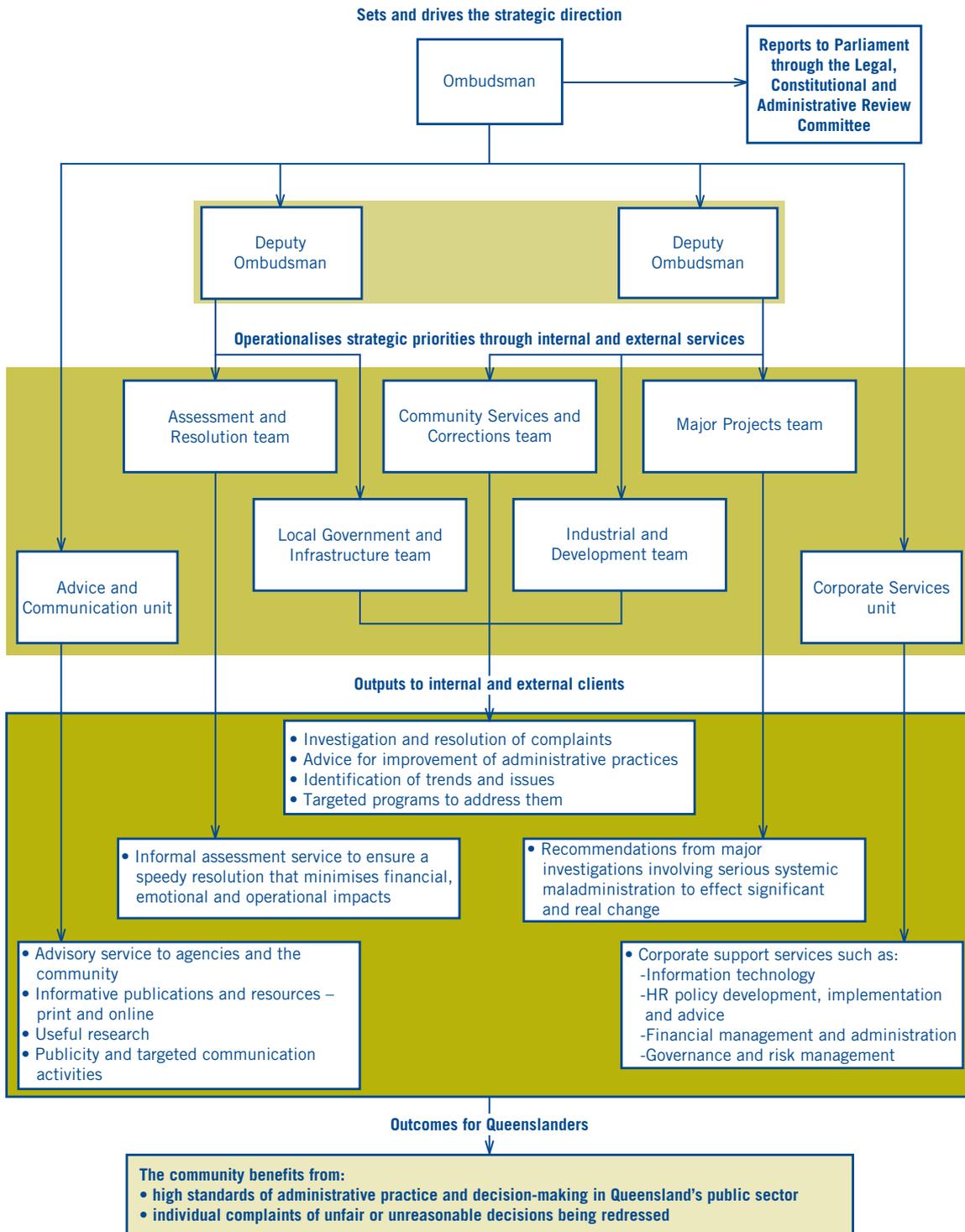


TREVOR GEAR Leading the newly created **Assessment and Resolution team** (ART), this year Trevor has played an important role in implementing new business practices. He was also instrumental in the integration of *Catalyst* throughout the office, and reviewed business processes to ensure the new system provided workflows that made full use of the capabilities of the new system. Having many years of experience in large public sector organisations and a social work background has been important in managing this considerable change process. Trevor holds a degree in social work.



GREG WOODBURY As an Acting Assistant Ombudsman, Greg has led the **Community Services & Corrections team** since December 2002. His 20 years' of experience as a partner of a Brisbane law firm and a solicitor in private practice has been integral to our success this year in finalising a substantial number of cases that were older than 12 months. Greg was admitted as a solicitor in 1979.

The key challenge for the future is to meet our responsibility of improving administrative practice in public agencies while continuing to independently investigate their activities and decisions.



OUR INVESTIGATIONS

KEY PROJECTS

WORKPLACE ELECTROCUTION PROJECT - DEPARTMENT OF INDUSTRIAL RELATIONS (DIR)

Overview

The Workplace Electrocution Project (WEP) commenced in May 1999 after we received a number of serious complaints about the Division of Workplace Health and Safety (WH&S) and the Electrical Safety Office (ESO). The complaints alleged repeated failures by those agencies to properly investigate, and where appropriate prosecute, in cases where workers and members of the public had been electrocuted.

In all, the Project has since examined the actions of the two agencies in relation to 9 separate incidents involving 12 electrical fatalities between 1995 and 1999.

Our investigations have highlighted areas of significant concern about the way serious electrical incidents in Queensland have (and have not) been investigated. To date, we have made 81 recommendations to improve administrative practices in this very important area.

We finalised investigations of three fatalities prior to 2002-2003 (parts 1-3) and a further eight (parts 4 - 11) in 2002-2003. Only one matter remains for completion in 2003-2004. Shortly after that we will present a report to Parliament summarising the incidents, the results of investigations, the outcome of recommendations, and the improvements that have been made in electrical safety in Queensland since the WEP commenced.

For this Report, outlined here are the basic incidents, the initial agency

responses to them, and the complaints made to us in the parts of the project completed in 2002-2003.

PART FOUR

Background

An employee of an electrical distribution entity was fatally electrocuted undertaking a high voltage switching operation on a suburban street pole. As an intended safety measure, the metal handle of the switch that he was operating was earthed by connection to a steel cable, which ran down the side of the pole and into the ground. The cable was also connected to other equipment on top of the pole. The cable had become live earlier in the day because of a fallen high voltage power line. As a result, the switch handle had itself become part of the high voltage circuit and upon operating it, the employee received a severe electric shock and died instantly. He was 24 years old.

Response by agencies

WH&S conducted an investigation. Two principal issues that arose were the appropriateness of the earthing system in place at the site and the use of protective equipment by the employee. The WH&S inspector who investigated the incident initially formed a view that the electrical distribution entity had breached certain statutory obligations. However, WH&S decided not to prosecute. That decision was apparently based upon certain technical and other advice that WH&S had received during its investigation.

The ESO made some inquiries but its assessment of the incident was limited to obtaining a copy of a report from the electrical distribution entity which owned and operated the infrastructure involved. The ESO did not independently

investigate the incident or consider whether any legislation had been breached.

Accordingly, neither agency took enforcement action.

Inquest

A coronial inquiry was held into the cause and circumstances of the death. On the basis of the evidence presented, the coroner found, among other things, that no person should be committed for trial for any indictable offence.

The complaint

The employee's parents did not accept the findings from the various investigations and inquiries and asked us to review the investigations undertaken by the WH&S and ESO.

Essentially, they complained that:

- the investigations were, for a number of reasons, inadequate and incompetent, and prosecution action should have been instituted
- the ESO had a conflict of interest because it relied on a report prepared by the electrical distribution entity whose infrastructure was (or should have been) under investigation.

We have made 81 recommendations to improve administrative practices in this very important area.

PART FIVE

Background

A 16 year old youth was fatally electrocuted when he inadvertently came into contact with a metal pole that was supporting a security light in a caravan park. Immediately prior to the incident, three other residents had also received electric shocks from the same metal pole, which consisted of a galvanised pipe set in a cement block in the ground. A double insulated light fitting situated on top of the pole was connected to wires inside the pole. One of the wires (the active wire) had become caught between the edge of the light fitting and the metal pole and another wire (the neutral wire) had corroded and broken. This caused the pole to be energised with an electrical current. When the youth made contact with the energised pole, he created an earth and received a fatal electric shock.

Response by agencies

WH&S investigated the incident. While there was clear evidence that non-compliance with the appropriate electrical safety standard in relation to earthing was the fundamental cause of the fatality, WH&S took no prosecution action.

The ESO did not independently investigate the incident. Accordingly, neither agency took enforcement action.

Inquest

A coronial inquiry was held into the cause and circumstances of the death. On the basis of the evidence presented, the coroner found, among other things, that no person should be committed for trial for any indictable offence.

The complaint

The father of the youth complained to us that:

- the WH&S investigation should have resulted in a prosecution for breaches of workplace health and safety legislation
- the ESO did not investigate the incident despite possible offences under relevant electricity legislation
- the ESO should have prosecuted the caravan park owner for breaches of electricity legislation
- the ESO should not have ceased disciplinary action against the electrician who performed the electrical work on the pole
- the ESO provided incorrect information about the incident to a number of persons and bodies.

PARTS SIX AND SEVEN

Background

Two workers, a crane operator and a labourer, were fatally electrocuted at a construction site.

The crane operator had left the cabin of his crane to move a parked vehicle that was in his way. While he was away from the crane, the boom of the crane inexplicably swung around and made contact with nearby live overhead power lines. Consequently, the crane became energised. Unaware that this had happened, the crane operator was electrocuted when he attempted to re-enter the cabin of the crane to secure the boom.

The crane then caught fire. A labourer who was in close proximity to the crane was handed a fire extinguisher and directed to put out the fire "as best he could". He was also electrocuted when he moved too close to the now energised crane. He didn't actually touch the crane but was a victim of "step potential" whereby a person

standing too close to a high voltage source can be electrocuted by current passing through the ground.

Response by agencies

WH&S investigated the incident. It recommended that "no further action" be taken, despite having identified breaches of the WH&S legislation.

The ESO did not independently investigate the incident. Accordingly, neither agency took enforcement action.

Inquest

A coronial inquiry was held into the cause and circumstances of both deaths. On the basis of the evidence presented, the coroner found, among other things, that no person should be committed for trial for any indictable offence.

The complaint

The widows of the deceased men complained to us that WH&S and the ESO had not adequately investigated the incidents.

PARTS EIGHT TO ELEVEN

Background

The deaths in these parts of the WEP did not involve employees in their workplaces. Instead they involved members of the public who had been electrocuted by fallen power lines near their residences following storms. Part 8 dealt with the death of a young boy. Parts 9 to 11 concerned a triple fatality of a mother, child and neighbour.

Part 8 incident

A live high voltage power line spanning a river running through a residential area snapped during a cyclone and fell onto trees on the riverbank. A maintenance crew from the local electrical distribution entity subsequently cut power to the

OUR INVESTIGATIONS



>> ASSISTANT OMBUDSMAN, PETER CANTWELL (L) HEADS UP THE MAJOR PROJECTS TEAM, AND WITH INVESTIGATOR ANGELA RITCHIE AND SENIOR INVESTIGATOR, ROBERT MCINTYRE (R), CONDUCTS MAJOR INVESTIGATIONS THAT WE REPORT ON TO PARLIAMENT.

damaged section of the high voltage line and then left the scene. However, some time later, the broken high voltage line fell from the trees and came into contact with normal suburban live low voltage power lines running below. These lines had not been de-energised. Although the high voltage line had been de-energised it now carried an electrical current because it was in contact with the live low voltage power lines. The end of it was in floodwater below.

Later that day an 11 year old boy was electrocuted when he came into contact with the broken high voltage power line while walking in the floodwater.

Parts 9 - 11 incidents

A tree branch had fallen and brought down low voltage power lines on the footpath outside certain residences during a severe storm. The lines became entangled with tree debris resulting from the storm. A mother and her young child whom she was carrying were fatally electrocuted when they accidentally made contact with the fallen lines among the debris on the footpath outside their home. The woman's neighbour was then fatally

electrocuted when he went to help.

Response by agencies

Part 8 incident

Neither WH&S nor the ESO independently investigated the incident. WH&S considered the matter to be outside its jurisdiction because, in its view, the incident did not occur at a "workplace". The ESO did not consider any possible breaches of legislation and only assessed a report that had been prepared by the relevant electrical distribution entity whose infrastructure was involved in the death.

Accordingly, neither agency took enforcement action.

Parts 9 - 11 incident

Neither WH&S nor the ESO independently investigated the incident. Again, WH&S was of the view that the incident did not occur at a "workplace" and therefore was not within its jurisdiction. The ESO attended the site but did not consider any breaches of legislation arose from the incident.

Accordingly, neither agency took enforcement action.

Inquest

Part 8 incident

The coroner found evidence of criminal negligence under s.289 of the Criminal Code. However, he exercised his discretion not to commit any person for trial, due to the "emergency of the cyclone and the unusual situation at the time".

Parts 9 - 11 incident

The coroner found no evidence which would justify any person being committed for trial for an act of criminal negligence or any other indictable offence.

The complaints

The families of those electrocuted complained to us that the incidents should have been investigated and that the investigative agencies concerned failed to carry out their statutory obligations.

Opinions overall

The totality of the information gathered by our Office during the WEP reflected poorly on the effectiveness of WH&S and the ESO in relation to the investigation of serious electrical incidents at the relevant period. The overall impression was one of chronic investigative inaction and in the exceptional cases where action was taken, such action was neither thorough nor competent.

A common theme throughout the WEP was a demonstrated lack of a co-ordinated and complementary approach to electrical safety investigations between WH&S and the ESO.

Recommendations

We have made 81 recommendations to date. I am pleased to say that DIR has readily accepted all of them and they either have been implemented or are in the process of being implemented.

The most significant recommendation was that an appropriate independent person conduct a comprehensive management and strategic review of WH&S and the ESO, with terms of reference to include -

- resources required to enforce legislation
- investigation methodologies and processes
- formal staff training and guidance
- management systems and processes utilised to monitor efficiency and effectiveness and internal communication and sharing of information on operations and performance
- competency of existing staff in performing investigations, and
- awareness and auditing of internal quality systems.

Outcomes

A comprehensive review of WH&S and the ESO was conducted as recommended. This led to further complementary recommendations for improvement.

The Queensland Government passed new stand-alone electrical legislation, namely the *Electrical Safety Act 2002* and the *Electrical Safety Regulation 2002*, both of which became operative on 1 October 2002. Amongst other things the Act established a Commissioner for Electrical Safety who is required to advise the Minister on electrical safety matters.

DIR established a separate and better resourced Legal and Prosecutions Unit, a new electrical safety inspectorate, and a new training regime for inspectors.

The ESO was moved from the then Department of Minerals and Energy to the Department of Industrial Relations to facilitate closer cooperation with WH&S in the investigation of electrical fatalities.

More on the WEP will be provided in our "wrap up" report to Parliament in 2003-2004.

SIGNIFICANT CASES

PAYMENT FOR LEGAL COSTS

Background

Under the relevant fishery plan, the Department of Primary Industries set limits on the number of days persons can fish in a particular area. The complainants appealed to the Fisheries Tribunal against a decision limiting their fishing days. Their appeal was unsuccessful. However, the Tribunal recommended that the Department pay the complainants' legal costs in the appeal, on the basis that:

- much of the uncertainty that led to the appeal, and indeed the appeal itself, could have been avoided if the plan had been drafted more carefully; and
- as this was a test case, the Tribunal's decision may well save the Department the considerable expense of further similar appeals.

However, the Tribunal's recommendation was not binding and the Department did not act on it.

Key findings

When we inquired with the Department of Primary Industries, it sought Crown Law advice. Subsequently, departmental officers recommended against payment and the Director-General accepted that recommendation.

When we reviewed the material on which the decision was made, we determined that relevant considerations had not been properly identified or given appropriate weight in the briefing note to the Director-General.

Recommendation

We recommended that the Department conduct another review of its decision.

Outcome

After further consideration, the Director-General approved an ex-gratia payment of approximately \$24,000 to the complainants for their legal costs.

CANCELLATION OF ACCREDITATION

Background

The complainant held an accreditation issued by Queensland Transport (QT) to provide public transport services. QT sent him a statutory notice to advise of its intention to cancel the accreditation because it was claimed that representatives of his company had repeatedly engaged in conduct that was damaging to the reputation of public transport. This was justified by reference to a 'public interest' test under transport legislation. Subsequently, the complainant's accreditation was cancelled and when he requested an internal review of the decision, the review panel confirmed QT's decision.

OUR INVESTIGATIONS



>> ASSISTANT OMBUDSMAN CRAIG ALLEN (THIRD FROM LEFT), DISCUSSING A MORE COMPLEX CASE WITH HIS TEAM MEMBERS (L-R) GRAHAM CAVE, REBECCA MCANALEN AND ED PERRY.

Key Findings

From our investigation, we formed the following opinions:

- The original notice was defective in that:
 - It incorrectly referred to an offence previously committed by the complainant as a 'disqualifying offence' which would have justified automatic cancellation of his accreditation
 - It referred to inappropriate conduct by representatives of the complainant's company whereas no company existed
 - Inadequate particulars were given to the complainant of the complaints made against him.
 - The original decision-maker did not independently consider the available information in the decision to cancel the complainant's accreditation.
 - The procedure followed by the review panel in making its recommendation was unreasonable in that:
 - It relied on unsworn complaints of persons who may have been biased against the complainant

- It did not seek to corroborate or test those complaints.
- The review panel made its decision based on irrelevant considerations of parking infringement notices (PINs) that had been waived or stayed.

Recommendations

We recommended that QT:

- Provide training to officers in the preparation of statutory notices.
- Amend its procedures to determine the status of any PINs before relying on them.
- Amend its procedures to highlight the obligation on delegates to independently consider the available relevant evidence, and exercise their discretion.
- Amend its procedures to warn decision-makers that uncorroborated allegations should not be given undue weight and should be tested wherever possible.
- Assist review panel members by preparing procedures for them to follow.

Outcomes

QT agreed to implement all our recommendations.

MOTORCYCLE SAFETY CERTIFICATION

Background

John purchased an imported second-hand motorcycle from a Queensland motor dealer in late 2001. He was killed while riding the vehicle two months later. A Coroner conducted an inquiry into the circumstances surrounding John's death and did not commit any person to stand trial or make any adverse comments about the practices of Queensland Transport (QT) or the conduct of any public officer.

John's parents subsequently complained to the Ombudsman alleging that:

- The vehicle had been registered without the mandatory Safety Certificate (SC)
- QT's investigation of their complaint regarding the sale of the vehicle had been inadequate in that it did not:
 - investigate whether the motor dealer in question had systematically contravened transport legislation resulting in the sale of other defective vehicles without SCs
 - consider whether the excuse relied on by the motor dealer was plausible or reasonable on the basis of the available evidence
 - conduct an audit of the motor dealer's operations after John's death despite having the power, and reasonable cause, to do so
 - properly inspect the motorcycle after the accident.

Key findings

- QT's investigation did not comply with departmental guidelines.
- Officers also failed to adequately investigate whether the dealer had committed offences under relevant legislation or contravened a statutory dealer registration scheme.
- Finally, QT had not sought an appropriate amendment to its legislation even though it believed

current legislation prevented prosecution action in some cases where persons provided significant false information to its officers.

Recommendations

We recommended that QT:

- Review the Department's vehicle inspection procedures
- Review the level of investigative skills of its staff and remedy identified deficiencies
- Re-examine the dealer's records to determine whether vehicles were sold without an SC inspection, and contact the owners to arrange an inspection where this has occurred
- Consider whether prosecution action against the dealer was warranted and whether the dealer should be required to show cause why its participation in the scheme should not be reassessed
- Investigate whether arrangements could be made with other relevant authorities for the exchange of information about administrative penalties imposed on accredited persons
- Consider changes to legislation to require vehicle inspectors to declare any adverse action taken against them by another authority
- Seek legal advice about the need for legislative amendment in relation to the provision of false or misleading information to its officers.

Outcomes

QT advised it would fully implement all the recommendations made. It also contacted John's parents to discuss the implementation of our recommendations and to express condolences for their loss.

RACING INDUSTRY GOVERNANCE

Background

During the 1990s the then Queensland Harness Racing Board (QHRB) placed



>> **COMMUNITY SERVICES AND CORRECTIONS TEAM (L-R) GREG WOODBURY, HELEN FITZGERALDS AND JUNE MORGAN MASTERING CATALYST - OUR NEW CASE AND RECORDS MANAGEMENT SYSTEM.**

a number of harness racing clubs into administration under the *Racing and Betting Act*. When the Board determined that the clubs were again able to manage their own affairs it brought them out of administration. However a person challenged the legality of the Board's actions in purporting to bring the clubs out of administration. This challenge, if correct, would have meant the clubs were legally still under administration and any decisions by their governing committees would be null and void.

Essentially the complainant claimed in relation to the clubs that contrary to the Act:

- The Board had not requested in writing the Minister's approval to cease the administrations and the Minister had not given such approval; and/or
- The Board was required by law to call a special general meeting for the election of office bearers by members of a club if that club was to be brought out of administration, and this had not occurred.

Key findings

The *Racing and Betting Act* governs the QHRB's powers to appoint an administrator to a club. Under the Act, the QHRB can vary the period of administration from time to time as it considers necessary in the circumstances. The Act refers to a Ministerial approval but this is confined to the appointment of an administrator, not the cessation of administration.

Therefore the Board had the power to act as it did. However, we noted that:

- Copies of any orders made by the QHRB and other relevant documents relating to these administrations could not be produced;
- Minutes of Board meetings did not contain adequate detail about the discussions, decisions, reasons and steps taken in these administrations; and
- The evidence suggested confusion on the part of the QHRB as to the meaning of the relevant sections of the *Racing and Betting Act*.

OUR INVESTIGATIONS

Recommendations

We recommended that before suspending a club in future the Board should:

- Obtain and act in accordance with appropriate legal advice; and
- Fully record in its minutes the decision, the reason/s for the decision, and the facts or material that formed the basis of the decision.

Outcomes

The new Board acknowledged the issues raised and accepted our recommendations.

DRAIN SERVING MORE THAN ONE PROPERTY

Background

Every year the Ombudsman receives several complaints about the cost of repairs to drains serving more than one property. A combined drain carries sewage from private premises to the public sewer. Under the Standard Sewerage Law, a local government may perform the repair work and fairly apportion the reasonable overall cost among the owners under the following conditions:

- if two or more premises in a local government's sewerage area are served by an existing combined drain and the drain is obstructed, in disrepair or damaged; and
- the owners of the premises cannot agree on the repair work.

In one case investigated, the repairs included diverting and relaying a private drain connecting to the combined drain. Part of the combined drain could not be accessed because of a 60cm thick concrete slab over it. It had to be diverted around the concrete slab, which meant the

private drain connecting to the house had to be extended to rejoin the new re-routed combined drain.

Brisbane City Council charged the cost of that private drain work to all the upstream property owners.

Key findings

The council's policy, which it applied in this case, was that the owners of all properties connected to a combined drain upstream from, and including, the point of repair, are required to pay an equal share of the costs of repairing that drain. While we accepted the administrative convenience of this policy, there does not appear to be any requirement in the Standard Sewerage Law that the cost of repairs be apportioned evenly among the relevant owners, and there may be instances where a departure from this policy is warranted so as to "fairly apportion" the relevant costs.

Recommendation

In this case, we took the view that it was not fair and reasonable to charge anyone for the private drainage work, other than those who had laid the concrete slab thereby necessitating the re-routing and reconstruction of the combined drain.

Outcome

The council accepted our analysis in this instance and refunded the complainant's share of the cost of the private drainage work, previously charged in error.

DRIVER LICENSING POLICY

Background

Previously, we investigated the Queensland Transport's (QT) policy for issuing replacement driver licenses, following claims that the system could easily be exploited, allowing people

to create multiple identities under assumed names. In last year's Annual Report, we advised that QT had agreed to conduct a trial audit of driver licence replacement processes and that we would reconsider the issues raised by the investigation, pending the result of the audit.

Outcome

In accordance with the Ombudsman's recommendations, QT's internal audit unit commenced a review to identify whether the incidents that led to our findings were isolated or widespread and systemic. The results and recommendations of this audit are currently being analysed by QT. The Ombudsman will be advised about the audit findings and recommendations, when the final report is completed.

RESUMPTION OF LAND

Background

We completed the investigation of a complaint referred to last year concerning the resumption of the complainant's properties by the Main Roads Department (MRD) for the Pacific Motorway. MRD initially offered \$300,000 compensation. Following mediation, it increased the offer to \$1.7m, which the complainant accepted. The complainant had sought much more than that and complained to us that he had been forced to accept the offer because MRD had unfairly drawn out negotiations and, consequently, for business reasons, it was no longer viable for him to have the amount decided by the Land Court.

Key findings

We did not attempt to assess the correct compensation, as that was a matter for the Land Court. We focussed on the administrative

dealings between the parties in negotiations, and in particular whether MRD had acted in accordance with proper valuation, legal and other advice available to it, or had "stalled" the claim to force the complainant to agree to a settlement.

Complex valuation and other issues were involved in assessing the compensation. These issues included:

- The correct valuation approach - a "before and after" approach as favoured by MRD's valuer, as opposed to what might be called a "reinstatement" approach favoured by the complainant's valuer
- The extent of enhancement to the complainant's remaining adjacent property that would arise from MRD roadworks arising from the resumption
- The determination of what could properly be included as "disturbance items".

Recommendations

We did not make any recommendations as we found no evidence that MRD had unduly drawn out negotiations in what was clearly a complex claim. We also noted that senior counsel had represented the complainant during negotiations.

Outcome

After examining detailed reports and submissions from both MRD and the complainant, including both sides' valuation reports and MRD's legal advice, we concluded that MRD had acted in good faith and in accordance with appropriate professional advice during settlement negotiations.

TWO-TIER MARKETING

Background

An investigation referred to in our last Annual Report into an alleged two-tier



>> ASSISTANT OMBUDSMAN PAUL LEO (STANDING) DISCUSSES CASE SPECIFICS WITH SOME MEMBERS OF HIS INDUSTRIAL AND DEVELOPMENT TEAM.

marketeeing program has been completed. The complainants claimed that they had been duped into purchasing an overvalued property, which they subsequently sold at a significant loss.

Essentially, the complainants said that the investment marketer, the real estate agent, financiers and others associated with the sale had all failed to act in good faith. In particular they claimed they had based their decision to purchase on false and misleading statements made by the agent. At the time, the *Auctioneers and Agents Act 1971* allowed people who could show that they had been affected by such misrepresentations to seek compensation from a fund set up under the Act.

The Auctioneers and Agents Committee (the Committee) had refused the complainants' claim on the ground that no lawful basis for compensation existed in the particular circumstances. This decision was supported by an Office of Fair Trading (OFT) investigation and recommendation.

Key findings

We established that the Property Agents and Motor Dealers Tribunal (the PAMD Tribunal, which replaced the Auctioneers and Agents Committee), did not have jurisdiction to re-hear a claim previously denied by the Committee. We then considered whether the OFT's recommendation to the Committee was correct. According to the complainants, the OFT investigation was so poor that it prevented their claim being fairly considered by the Committee.

Status

All relevant parties have now been interviewed and original files from both the OFT and the Committee have been examined. We have presented OFT with our findings about the quality of their original investigation and are awaiting its response. We will then be reporting back to the complainants.

PERFORMANCE SUMMARY

GOAL	STRATEGIES	PERFORMANCE IN 2002-2003	COMMENTS
<ul style="list-style-type: none"> Administrative Justice— Achieving justice for members of the community in their dealings with Queensland public agencies 	<ul style="list-style-type: none"> Review and refine our centralised complaint intake and assessment process 	<ul style="list-style-type: none"> Improved timeliness of complaints resolution with: <ul style="list-style-type: none"> - 89% of complaints finalised within three months of lodgement compared with 73% in 2001/2002 - 95% of complaints finalised within 12 months compared with 91% in 2001/2002 - the number of complaints more than 12 months old falling from 302 at the end of June 2002 to 81 at the end of June 2003 Finalised 9,034 oral and written complaints 	<ul style="list-style-type: none"> Establishment of the Assessment and Resolution team (ART) contributed substantially to a reduction in complaints on hand from 820 at June 2002 to 504 at 30 June 2003 (see p24) We cannot compare the number of complaints finalised this financial year with last year because we have implemented a new, more sophisticated case and records management system that classifies data differently from the old system (see p4)
	<ul style="list-style-type: none"> Use early intervention approaches to resolve matters as expeditiously as possible 	<ul style="list-style-type: none"> 69.1% of complaints were finalised this year within 10 days 	<ul style="list-style-type: none"> ART has ensured speedy assessment and resolution wherever possible. (See p23-25)
	<ul style="list-style-type: none"> Use informal resolution processes wherever possible 	<ul style="list-style-type: none"> Resolved more than 95% of cases by informal investigation approach 	<ul style="list-style-type: none"> The majority of cases finalised were resolved by informal investigation that secures faster and better outcomes for complainants (See p24)
	<ul style="list-style-type: none"> Develop and measure performance against service standards for complaint assessment, resolution and investigation 	<ul style="list-style-type: none"> Developed team operational plans incorporating performance standards Built these new performance standards into our case management system 	<ul style="list-style-type: none"> Our performance against these standards will be measured in 2003-2004
	<ul style="list-style-type: none"> Improve communication with agencies 	<ul style="list-style-type: none"> Produced and publicised guidelines for agencies on handling a Queensland Ombudsman investigation Submitted articles to <i>Sectorwide</i> and newsletters published by agencies such as Corrective Services, Queensland Health and Queensland Transport. Produced two issues of <i>Ombudsman News</i> for local government organisations Established protocol with Queensland Transport to guide a cooperative relationship and effective interactions between our agencies Established Advice and Communication unit 	<ul style="list-style-type: none"> These activities were developed collaboratively with relevant agencies.
<ul style="list-style-type: none"> Improved public administration - To make a significant contribution to improving the quality of administrative practice in Queensland public agencies 	<ul style="list-style-type: none"> Promote effective complaint management and client service mechanisms 	<ul style="list-style-type: none"> Research conducted by the Crime and Misconduct Commission on our behalf established a benchmark of 40% of agencies with formal complaints handling processes Commenced <i>Complaints Management Project</i> to review existing complaints management arrangements and to develop best practice systems in the public sector 	<ul style="list-style-type: none"> See p28
	<ul style="list-style-type: none"> Be proactive in improving administrative practice 	<ul style="list-style-type: none"> Agencies complied with our recommendations in more than 95% of complaints where we established maladministration. Participated in <i>Better Decisions Project</i> 	<ul style="list-style-type: none"> See p31 and p36
	<ul style="list-style-type: none"> Produce informative publications on issues relating to good administrative practice 	<ul style="list-style-type: none"> Produced the <i>Effective Complaints Management fact sheets</i> Produced and publicised guidelines for agencies on handling a Queensland Ombudsman investigation and on good administrative decision-making Produced 13 feedback reports to agencies providing trend analysis of complaints, major and emerging issues and suggestions to assist in minimising complaints of a recurring nature 	<ul style="list-style-type: none"> Since producing these publications we have also developed a generic postcard to raise awareness of the availability of these resources and how to access them.

GOAL	STRATEGIES	PERFORMANCE IN 2002-2003	COMMENTS
	<ul style="list-style-type: none"> Report to Parliament on major investigations into serious and systemic maladministration 	<ul style="list-style-type: none"> Made significant progress on two major investigations namely the Workplace Electrocutions Project (WEP) and investigation into the actions of two Government agencies in relation to the safety and care of an infant who died at ten weeks of age. Reports will be tabled in 2003-2004 	<ul style="list-style-type: none"> See Key Projects on p12
<ul style="list-style-type: none"> Awareness and access - To ensure a high level of awareness of our services and that they can be readily accessed by all members of the community 	<ul style="list-style-type: none"> Maintain an informative and user-friendly website 	<ul style="list-style-type: none"> New website went live in November 2002. 154 visitors to the new site during the first month and continual steady increase to 901 in month of June 2003 -our <i>Effective Complaints Management</i> fact sheets the most downloaded resource 	<ul style="list-style-type: none"> Good media coverage of the website and useful tools such as the online complaints form generated comparatively high usage. Further promotional strategies are being developed to increase use of the website and it will be reviewed in the next financial year
	<ul style="list-style-type: none"> Continue regional visits program to improve access to and awareness of our services across the state 	<ul style="list-style-type: none"> Made 67 visits to centres outside Brisbane to receive and resolve complaints. 14 centres were visited twice and 24 visits were made to correctional centres 	<ul style="list-style-type: none"> A more targeted media strategy will be implemented to encourage greater community use of our regional trips program
	<ul style="list-style-type: none"> Improve information about and accessibility to our services for groups with special needs 	<ul style="list-style-type: none"> Made 24 visits to the 13 major correctional centres throughout Queensland to resolve complaints from or on behalf of prisoners Produced a general brochure for people from a non-English speaking background, specifically Chinese and Vietnamese Initiated and promoted the <i>Prisoner Phone Link</i>, a telephone service at 13 correctional centres 	<ul style="list-style-type: none"> The Department of Corrective Services has agreed to continue to support the <i>Prisoner Phone Link</i> service with an annual review to ensure its continuing effectiveness (See p35)
	<ul style="list-style-type: none"> Conduct presentations on our role 	<ul style="list-style-type: none"> Delivered more than 20 presentations to forums 	<ul style="list-style-type: none"> See p37
	<ul style="list-style-type: none"> Conduct research on level of community awareness 	<ul style="list-style-type: none"> Participated in the Queensland Household Survey into community awareness and understanding of the Office's role 	<ul style="list-style-type: none"> Research indicated that more than 70% of adult Queenslanders were aware of the Queensland Ombudsman. However only about 50% understood our role and jurisdiction. See p36
<ul style="list-style-type: none"> A progressive, client-focused organisation - To ensure we exhibit best practice in our performance and are a progressive and responsive organisation 	<ul style="list-style-type: none"> Evaluate the effectiveness of the newly established Assessment and Resolution team (ART) 	<ul style="list-style-type: none"> Following a trial and review, the ART was established as a permanent team within the organisation. 	<ul style="list-style-type: none"> The implementation of ART has delivered whole-of-office benefits in particular: <ul style="list-style-type: none"> - More consistent and timely initial responses to complainants - More timely completion of investigations, by "freeing up" investigators to concentrate on older and/or more complex cases
	<ul style="list-style-type: none"> Seek information on complainant and agency satisfaction levels 	<ul style="list-style-type: none"> A satisfaction survey targeting agencies and complainants dealt with in the past 12 months was not conducted 	<ul style="list-style-type: none"> A client satisfaction survey will be conducted next year
	<ul style="list-style-type: none"> Implement client service initiatives 	<ul style="list-style-type: none"> Established a client service charter Conducted training for staff in areas such as investigative skills and dealing with difficult people Substantially completed Investigations Manual Reported to LCARC on the implementation of the Office's Strategic Management Review (2000) Progressed key human resource management initiatives 	<ul style="list-style-type: none"> See p38-39
	<ul style="list-style-type: none"> Explore and implement administrative efficiencies 	<ul style="list-style-type: none"> Implemented shared corporate services arrangements for finance, payroll and IT support services with the Parliamentary Service 	<ul style="list-style-type: none"> We gained both cost efficiencies and risk management benefits from this arrangement

GOAL 1: ADMINISTRATIVE JUSTICE

FOCUS IN 2002-2003

This year, we have used some new strategies to carry out our responsibility of achieving justice for members of the community in their dealings with state and local government agencies. We improved service and outcomes in this area by substantially reducing complaint numbers, proactively responding to issues and resolving matters expeditiously. To achieve these results, we aligned our work practices with our goals, implemented a centralised complaint intake and assessment process, improved communication with agencies and developed appropriate resources for them. A major focus this year was on working informally with agencies and complainants to deal with the substance of complaints, without lengthy formal investigations.

HIGHLIGHTS 2002-2003

- Permanently established the Assessment and Resolution team (ART), following reviews of its operation, to manage our centralised complaint intake, assessment and informal resolution functions
- Finalised 9034 complaints during the year and most of these were finalised following preliminary inquiry and assessment through the ART
- Significantly reduced the number of complaints on hand and the time taken to resolve complaints. At 30 June 2003, there were 504 current complaints compared with 820 at 30 June 2002
- Reduced complaints more than 12 months old from 302 as at 30 June 2002 to 81 as at 30 June 2003
- Used *Catalyst*, our new case and records management database, for greater recording of complaint data and better analysis of complaint trends and problem areas for feedback to agencies
- Finalised eight investigations of complaints forming part of the Workplace Electrocutation Project (WEP) and commenced work on a report on the entire project for tabling in Parliament next financial year
- Conducted a major investigation into the adequacy of the actions of certain government agencies in relation to the safety, well-being and care of a 10-week old infant who died. The report of this investigation (which will refer to the infant by the pseudonym baby Kate) will also be tabled in Parliament early in 2003-2004.

WHAT WE DID IN 2002-2003

BETTER COMMUNICATION ABOUT OUR SERVICES

Resolving complaints about the decisions or actions of public sector agencies is what we are here for.

TABLE 1: NUMBER OF COMPLAINTS

Complaints received and finalised 2002-2003	
Complaints brought forward	820
PLUS Complaints received during the year	8740
LESS Complaints finalised during the year	9034
LESS Complaints reconsidered	22
Complaints under consideration at the end of the year	504

IN 2002-2003, WE RECEIVED 8,740 COMPLAINTS, 820 WERE BROUGHT FORWARD FROM THE PREVIOUS FINANCIAL YEAR, 9,056 WERE FINALISED¹ AND 504 WERE CARRIED INTO THE NEXT FINANCIAL YEAR.²

It is not possible to make direct comparisons with the complaint numbers for the previous financial year because our new case and record management system, *Catalyst*, does not provide comparable data. Unlike our old system, which mainly recorded details of written complaints received, *Catalyst* records all complaints however received. While this provides a far more detailed and complete picture of our work, it means that the figures recorded this year will appear much higher than they were last year.

This year we provided feedback to 13 agencies that had been the subject of a large number of complaints over the preceding financial year. The reports provided chief executives with insights into complaint patterns along with some recommendations for how these complaints might be avoided in future.

We distributed a publication called *An easy guide to good administrative decision-making* to assist agencies to improve the quality of their decisions. We also published *Handling a Queensland Ombudsman investigation* to help clarify our role to major agencies and improve our relationship with them. In addition, we published articles in agency newsletters and initiated our own *Ombudsman News* - a newsletter for local government officers, which discusses

¹ INCLUDING 22 THAT WERE RE-OPENED FOR REVIEW AFTER THEY WERE INITIALLY CLOSED

² THIS INCLUDED 8 COMPLAINTS THAT WERE RE-OPENED BUT NOT CLOSED AT 30 JUNE 2003

A major focus this year was on working informally with agencies and complainants to deal with the substance of complaints.

Ombudsman investigations with a local government focus, and other items of interest regarding good administrative practice, and includes relevant statistical analysis. Three editions of the newsletter were produced in the last financial year. As a result, agencies are coming to us for advice. This is a significant shift from the past. We believe better communication will help to maintain this improved relationship, reduce complaints and improve the investigation process (see p29).

TABLE 2: COMPLAINT NUMBERS FOR MAIN COMPLAINT GENERATING AGENCY TYPES

<i>Complaints received by agency type 2002-2003</i>	
State government & public authorities	3342
Local government	2154
Corrections	1501
Police	635
Commonwealth and private (out of jurisdiction)	1108
Total	8740

WE DIRECT 'OUT OF JURISDICTION' COMPLAINTS TO THE COMMONWEALTH, TELECOMMUNICATIONS OR BANKING OMBUDSMAN, OR OTHER AGENCY THAT MIGHT BE ABLE TO ASSIST. IN RELATION TO COMPLAINTS ABOUT POLICE, MOST WERE REDIRECTED TO THE ASSISTANT COMMISSIONER FOR POLICE IN THE RELEVANT AREA BECAUSE WE HAVE NO JURISDICTION TO INVESTIGATE THE OPERATIONAL ACTIONS OF POLICE OFFICERS. WE EXPECT TO REDUCE THE NUMBER OF OUT OF JURISDICTION COMPLAINTS RECEIVED THROUGH TARGETED COMMUNICATION AND MEDIA STRATEGIES AIMED TO PROMOTE AWARENESS OF OUR ROLE AND RESPONSIBILITIES.

Appendix 1 (see p66) lists the top 20 complaint generating agencies in 2002-2003 and corresponding complaint numbers.

FAST, RESPONSIVE COMPLAINTS RESOLUTION TO MINIMISE IMPACTS

Our commitment to intervene in complaints within 10 working days, what we call our early intervention strategy, is driven by the ART. They assess all new issues received and follow up with the agency or complainant to ensure a speedy resolution where possible. Faster resolution of complaints eases the financial, emotional and operational impact that lengthy investigations can have on both the complainant and agency involved.

CASE STUDY 1: BACKFLOW PREVENTION DEVICE

BACKGROUND

A body corporate received a number of Notices from Noosa Shire Council asking it to install a Backflow Prevention Device. The system prevents the reverse flow of water from a potentially polluted service into a potable water supply system. Our office was concerned by a number of aspects of this complaint. For instance, it was not clear how the Notices complied with the relevant legislation (s51 of the *Standard Water Supply Law*). There was little explanation about how the council established that contamination or pollution had been or could be caused without this device.

KEY FINDINGS

The council obtained legal advice which indicated that although the requirement applied to existing residential premises, it could not adopt a 'blanket' policy that a device must be installed to all premises. Any Notice had to be based on specific concerns relevant to the use or configuration of premises and not merely on the basis of a general policy requiring the installation of a prevention device.

RECOMMENDATION

We recommended that the council arrange for an investigation and, if the required opinion was formed, they could issue a formal Notice.

OUTCOME

The council arranged for another inspection to be undertaken.

GOAL 1: ADMINISTRATIVE JUSTICE

CASE STUDY 2: TENDER PANEL APPOINTMENT

BACKGROUND

The complainant tendered to be included on Ontrack's (subsidiary of Queensland Rail) panel of loss assessors/adjusters, which provided Ontrack with advice about personal injury, property and other claims made against it from time to time. Twelve tenderers, including the complainant, were not selected to be on the panel. Ontrack stated this was because these tenderers did not provide specific details of their insurance coverage.

KEY FINDINGS

Our investigation revealed that the tender request documents did not include this requirement. The tender documents noted that successful tenderers would be required to enter into a contract which would oblige them to have in place particular insurances. However, the document did not require tenderers to submit particulars of these insurances when tendering. We also asked Ontrack whether disclosure of insurance details should have been the sole criterion for inclusion on the panel.

RECOMMENDATION

We recommended that Ontrack review its decision to omit the 12 tenderers on the basis outlined above.

OUTCOMES

Ontrack agreed that the 12 tenderers could not be ruled out on this basis. As a result of our inquiry, it re-evaluated all tenderers and placed them all on the panel. Ontrack also improved its process for the evaluation and selection of future tenderers.

CHART 1: TIMEFRAMES FOR COMPLAINTS FINALISED IN 2002-2003

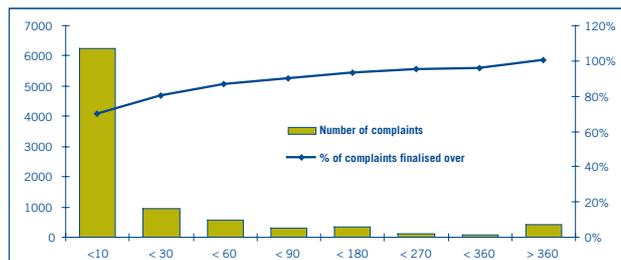
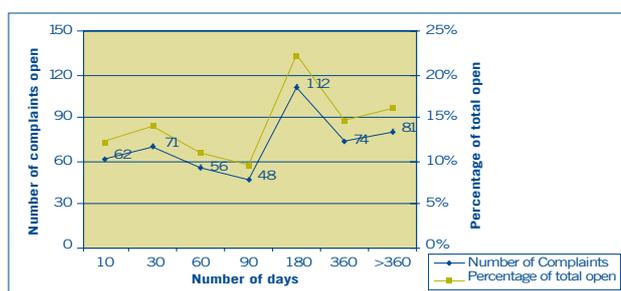


CHART 1 SHOWS THE HIGH PROPORTION OF CASES (69.1%) THAT WERE FINALISED WITHIN 10 DAYS, AS A RESULT OF OUR EARLY INTERVENTION STRATEGY. SIGNIFICANTLY, MORE THAN 90% OF COMPLAINTS WERE FINALISED IN LESS THAN SIX MONTHS.

Finalising complaints that are more than 12 months old has been a priority for us this year. Our target was 15 per cent and we achieved 16 per cent with 81 out of 504 complaints being more than 12 months old at 30 June 2003. This is a significant decrease from the 302 complaints (37 per cent of the total of 820) that we carried over from the previous financial year. As discussed, streamlining our complaints intake and assessment through the ART has been a major factor in our achievement of these reductions in overall numbers. Consequently, our other investigative teams were able to focus on resolving more complex and older cases.

CHART 2: AGE PROFILE OF CASES OPEN AS AT 30 JUNE 2003



THE FIGURE OF 820 OPEN COMPLAINTS AT 30 JUNE 2002, WAS REDUCED SIGNIFICANTLY TO 504 - A REDUCTION OF 38.5 PER CENT. IT IS ALSO SIGNIFICANT THAT 89 PER CENT OF COMPLAINTS FINALISED THIS FINANCIAL YEAR, WERE COMPLETED WITHIN THREE MONTHS OF LODGMENT.

TAKING THE MOST EFFECTIVE APPROACH

When the ART receives a complaint, whether by phone, in writing, by fax, email or in person, we initially determine whether the matter falls within our jurisdiction. Our Act guides us in the matters we can investigate. This year we

The truth of that tragedy [death of Brooke Brennan, aged three] and, therefore, the flaws in the department would not have surfaced without Queensland Ombudsman David Bevan's report

– Letter to the Editor, *The Courier-Mail*, 23 April 2003.

received more than 1800 complaints that we did not investigate because they were outside our jurisdiction such as: the actions of police in operational circumstances; the actions of Ministers; the deliberations of a tribunal; and actions of private individuals or Commonwealth or interstate departments or agencies.

We also have a discretion not to investigate matters where the complainant:

- has known about the problem for more than 12 months before contacting us
- has another practicable right of review that hasn't been used
- has not first attempted to resolve the problem with the relevant agency.

TABLE 3: MOST FREQUENTLY PROVIDED ADVICE TO COMPLAINANTS ON ASSESSMENT

Advice provided to complainant	Number of complaints
Referred for internal review to relevant agency	2813
Out of jurisdiction	1818
Await outcome of current decision process	844
Appeal right should be exhausted	608
Put complaint in writing	471
Investigation unnecessary or unjustifiable	385

THESE COMPLAINTS ACCOUNT FOR 6939 OF THE 7394 COMPLAINTS FINALISED FOLLOWING ASSESSMENT. IN THE CASE OF COMPLAINTS RECEIVED THAT ARE OUT OF OUR JURISDICTION, THE ADVICE WE PROVIDE GIVES COMPLAINANTS A BETTER UNDERSTANDING OR AN ALTERNATIVE AND APPROPRIATE MEANS OF HAVING THEIR COMPLAINT ADDRESSED.

This year the ART dealt with 90 per cent of all complaints received, clearly demonstrating its important role.

In the vast majority of cases we use informal processes to resolve complaints, involving activities such as file and site inspections, telephone discussions and meetings with agency officers. A small percentage were dealt with by more formal investigative approaches such as recorded interviews and obtaining formal reports from agencies. During the year, we did not have to exercise our powers under Part 4 of the Ombudsman Act to require any person to provide any information or documents.

CASE STUDY 3: EXERCISING DISCRETION

BACKGROUND

Under the Pensioner Rate Subsidy Scheme the State Government pays a subsidy to councils to be passed on to pensioner ratepayers to help relieve the rates burden on them. The Department of Families (DOF) that administers the scheme had ruled that the complainant was ineligible for subsidy. This had a significant and ongoing impact on her modest financial circumstances.

KEY FINDINGS

Even though the DOF's decision was consistent with the scheme's guidelines, that does not necessarily end the matter. We may consider whether decisions, even if in accordance with policies or guidelines, are unreasonable or unfair in the particular circumstances.

Consistency is a hallmark of good administrative decision-making and guidelines that aid consistency are useful. However, guidelines are just that – guides. They are not law, and discretion should be exercised in appropriate cases.

We found that in making its decision the department had not taken into account the particular and unusual circumstances of the case. Following detailed consideration of all relevant matters, we were satisfied that the department could have exercised discretion and approved the application.

RECOMMENDATION

We recommended a payment to the complainant backdated to the date of her initial application, with ongoing eligibility from that date.

OUTCOME

The DOF agreed. This will be of significant financial assistance to the complainant in her later years.

GOAL 1: ADMINISTRATIVE JUSTICE

CASE STUDY 4: HANDLING OF WORKCOVER CLAIM

BACKGROUND

The complaint concerned the handling of the complainant's statutory and common law damages claims against WorkCover.

KEY FINDINGS

Our inquiry identified deficiencies in WorkCover's handling of the following matters:

- the recommendation and decision to reject the initial statutory claim
- the notice to the complainant, employer and treating doctors
- the handling and investigation of rehabilitation
- the investigation of secondary injuries
- the handling and decision to reject further application for further injuries
- the referral of the claims to the medical assessment tribunals
- the overall case management.

During our investigation, we resolved other issues including:

- an incorrect notice of assessment and lump sum compensation offer had been issued
- the psychological/psychiatric aspects of the complainant's injuries had not been considered
- the determination of these aspects of the statutory claim had been unduly delayed
- the decision to change the rate of compensation contained clear errors of law
- the reimbursement of medical expenses was unduly delayed
- the decision not to issue damages certificates for the complainant's multiple injuries was unreasonable.

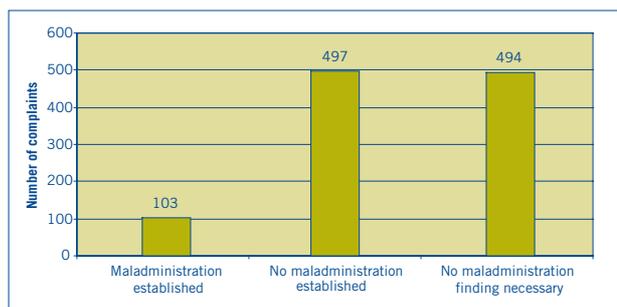
RECOMMENDATION

WorkCover accepted our analysis and recommendations, and subsequently apologised to the complainant for the errors that had occurred in the management of his claims and offered to finalise all actions by payment of a lump sum settlement, which was accepted.

OUTCOME

We have since conducted training for WorkCover staff on, among other things, the types of problems raised by this case.

CHART 3: COMPLAINTS INVESTIGATED BY RESULT



IN 497 COMPLAINTS, OUR INVESTIGATION ESTABLISHED THAT THE AGENCY HAD NOT ACTED UNFAIRLY OR UNREASONABLY, IN 494 CASES, NO MALADMINISTRATION FINDING WAS NECESSARY, BECAUSE THE COMPLAINT WAS RECTIFIED (106 COMPLAINTS) OR ADVICE WAS PROVIDED TO THE COMPLAINANT (388 COMPLAINTS), AS A RESULT OF WHICH WE DETERMINED THE MATTER DID NOT NEED TO BE INVESTIGATED FURTHER (SEE GOAL 2, P1-32).

A finding of maladministration was made in 103 cases. When this happens, we usually recommend a remedy to the relevant agency and make recommendations to improve the agency's practices and procedures.

A breakdown of the nature of these findings is below. A discussion of the recommendations made and level of compliance of agencies with these recommendations is on p32 under Goal 2.

TABLE 4: NATURE OF MALADMINISTRATION FINDINGS

Type of breach	Number of complaints
Irrelevant grounds or considerations	5
Based on a mistake of law or fact	16
Contrary to law	22
Improperly discriminatory rule of law	5
Unreasonable unjust oppressive	20
Reasons not given/inadequate	21
Wrong	14
Total	103

THESE CATEGORIES OF MALADMINISTRATION ARE SPECIFIED IN THE OMBUDSMAN ACT. IT IS IMPORTANT TO NOTE THAT WE SOMETIMES MADE RECOMMENDATIONS FOR IMPROVEMENTS OF PROCESSES EVEN WHEN A FINDING OF MALADMINISTRATION WAS NOT ESTABLISHED.



>> FAY WHALAN IS IN OUR NEW ASSESSMENT AND RESOLUTION TEAM THAT ENSURES A SPEEDY RESOLUTION OF COMPLAINTS WHERE POSSIBLE.

MAJOR INVESTIGATIONS DO MAKE A DIFFERENCE

Our Major Projects team had a busy year with the investigation into the adequacy of the actions of certain government agencies in protecting the safety of a 10-week-old baby girl, and a series of investigations under the umbrella of the Workplace Electrocutation Project into the way the Division of Workplace Health and Safety and the Electrical Safety Office had managed investigations of electrocutions in Queensland. This work is important in demonstrating both the critical role that the Ombudsman plays and the long-term impacts we can have in changing things for the better.

OUTLOOK 2003-2004

- Continue to conduct major investigations into systemic problems and report to Parliament as appropriate
- Continue to refine our complaints intake and assessment systems to ensure timeliness and consistency of handling and resolution
- Finalise policies and procedures for ART to enable more effective communication with complainants

CASE STUDY 5: OVERPAYMENT TO BENEFICIARY

BACKGROUND

The Public Trustee of Queensland (PT) paid \$100,000 to a beneficiary of an estate, but inadvertently did not keep enough to pay the estate's tax liability. The PT paid the tax, then tried to recover the amount from the beneficiary, who refused to pay it. The PT informed the beneficiary's solicitors that one option to resolve the matter without legal proceedings was for the beneficiary to approach us, and if so, they would be guided by our views. Subsequently, the beneficiary's solicitors referred the matter to us.

KEY FINDINGS

- We considered that no legal grounds existed to justify non-repayment of the overpayment.
- We formed the opinion that the beneficiary had ample capacity to repay the amount sought.
- The fact that the PT made the mistake that led to the overpayment did not mean that he could not recover the overpayment. In fact, we found that the PT was acting:
 - correctly in seeking repayment of the overpayment, and
 - fairly in offering the beneficiary an appropriate and low-cost alternative to an expensive court hearing to resolve the matter.



GOAL 2: IMPROVED PUBLIC ADMINISTRATION

FOCUS IN 2002-2003

We continued to make a significant contribution to improving the quality of administration in Queensland public agencies this year. Following investigation of specific cases and using data analysis tools, we made numerous recommendations to agencies for changes to their systems, procedures and specific decisions. It is pleasing to report that in the vast majority of cases those recommendations were accepted and implemented - a highly satisfactory outcome (see Table p32).

HIGHLIGHTS 2002-2003

- Established the *Complaints Management Project* and began phase 1. This involved working with 10 public sector agencies, including two local governments, to evaluate their complaints handling systems against accepted criteria for effective complaints management and then develop strategies to improve those systems
- Developed and published the *Effective Complaints Management fact sheets* for Queensland state and local government agencies (see Goal 3, p34)
- Finalised the establishment of an Advice and Communication unit which coordinated the *Complaints Management Project* and other initiatives to enhance communication with all client groups
- Provided 13 agencies that generated the most complaints with feedback reports, outlining complaint trends in those agencies and highlighting areas of their operations where they can improve their practices
- Made recommendations to agencies for improving practices and procedures, with acceptance in more than 95 per cent of cases
- Partnered the Departments of Premier and Cabinet and Tourism, Racing & Fair Trading in the *Better Decisions Project*. This pilot project aims to develop a model for better decision-making that will potentially have application across the public sector
- Worked with Queensland Transport and the Department of Main Roads on the development of a 'Manager's Toolkit' intranet site, which will help them better manage service delivery in accordance with public sector ethics (see Goal 3, p36)
- Conducted Good Decision Making training sessions with decision makers from key state and local government agencies
- Worked with local councils, residents and associated bodies to resolve recurring complaints about rates
- Participated in joint forums and meetings with the Department of Local Government and Planning, the Crime and Misconduct Commission, the Queensland Audit Office,

the Office of Public Service Merit and Equity, the Health Rights Commission, the Integrity Commissioner and other relevant bodies to share knowledge and exchange views regarding issues of mutual concern and interest

- Initiated a Bulletin Board for exchanging information and views among Australian Ombudsmen offices on issues of common interest.

WHAT WE DID 2002-2003

TAKING THE LEAD ON EFFECTIVE COMPLAINTS MANAGEMENT

Research conducted in conjunction with the Crime and Misconduct Commission tells us a lot about current complaint-handling practices within the Queensland public sector. For instance, we know that just 40 per cent of respondent agencies have a policy and documented procedures for dealing with client complaints.

There is clearly a role for us in promoting appropriate systems for improving the quality of complaint management within Queensland public sector agencies.

CRIME AND MISCONDUCT COMMISSION SURVEY - RESPONDING TO MISCONDUCT

This was a mail out survey of 355 government organisations conducted by the Office of Economic and Social Research (on behalf of the CMC) between October 2002 and May 2003. The CMC included questions on our behalf, specifically to gain a broader understanding of current complaint-handling practices within the Queensland public sector.

A total of 232 organisations responded, which was a response rate of about 75%. Almost half of these were local councils (80.2% response rate), just under 10% were government departments (95.8% response rate) and the rest was made up of Aboriginal councils, statutory bodies and authorities, boards and committees, statutory GOCs and universities.

As indicated, this year the Queensland Ombudsman worked with 10 key public sector agencies, including two local governments, to help improve their handling of complaints by customers and the public. Phase 1 of the *Complaints Management Project* commenced on 28 March 2003 when the Ombudsman launched the project with liaison officers from Queensland Transport, Queensland Health, Department of Families, Department of Industrial Relations, Department of Corrective Services, Department of Natural Resources and Mines, Education Queensland, WorkCover Queensland, Gold Coast City Council and Maroochy Shire Council.

In collaboration with our investigators, these agencies began evaluating their existing complaints management arrangements with a view to developing complaint-handling systems suitable for their business needs. For this exercise, we developed a detailed checklist incorporating questions based on our *Effective Complaints Management fact sheets*. This project has created a lot of interest and generated requests from other agencies for our input into their complaints handling mechanisms, policies and procedures.

The expected outcomes for agencies are improved administrative processes, a reduction in complaints of a recurring nature, better standards of service and better relationships with the community.

PROVIDING THE RIGHT TOOLS FOR BETTER DECISION-MAKING

In addition to the *Effective Complaints Management fact sheets*, we also prepared materials to assist agencies and agency officers to make good decisions and respond to us when a complaint is made to us about their decision.

The materials - *An easy guide to good administrative decision-making* and *Handling a Queensland Ombudsman investigation* - were disseminated to agencies and posted on our Internet site.

We also participated in a joint initiative with the Departments of Premier and Cabinet and Tourism, Racing & Fair Trading called the *Better Decisions Project* (see Goal 3, p36).

FINDING SOLUTIONS FOR AGENCIES THROUGH BETTER DATA ANALYSIS

An essential part of our business is not only to investigate specific complaints but also to assist agencies to improve their administrative practices and systems.

CASE STUDY 6: SPECIAL NEEDS ADOPTION

BACKGROUND

Both complainants had lodged adoption applications with the Department of Families (DOF) – one for overseas adoption and the other for a child with special needs. Both applications had been unsuccessful. Rather than seeking a change in outcome, the complainants sought a review of the administrative processes and actions of the DOF.

KEY FINDINGS

Departmental personnel were unfamiliar with or did not follow the DOF's administrative processes, and in some cases the processes themselves were inadequate. There was also evidence of a communication breakdown between the complainants and the department, causing lengthy and unnecessary delays and distress for both complainants.

RECOMMENDATIONS

We alerted the DOF to these issues and the need to review the content and the application of their policies in these two areas.

OUTCOMES

DOF acknowledged the problems we raised and acted to rectify them. In particular:

- Many issues we identified were recognised and reflected in administrative changes.
- An independent external review of the specific unit involved indicated substantial efforts to improve processing practices had since occurred.
- The DOF's website now contains comprehensive information on all aspects of adoption practice in Queensland. This is a valuable resource and communication tool.
- Matters we raised were considered in the review of the *Adoption of Children Act 1964*.

A DOF officer subsequently indicated that special needs adoptions were not common and that the issues identified by our investigation had been "a learning ground" for the DOF in improving its performance in this area.

GOAL 2: IMPROVED PUBLIC ADMINISTRATION

CASE STUDY 7: FAILURE TO ACT ON DANGEROUS MACHINERY

BACKGROUND

The Division of Workplace Health and Safety (WH&S) failed to prosecute the manufacturer and supplier of a self-levelling, elevating work platform, which had caused a serious work accident on a farm. Five breaches of workplace health and safety legislation were identified but no action was taken to prosecute.

KEY FINDINGS

We found that WH&S had not taken action to ensure that the machinery had been manufactured and supplied in accordance with relevant standards. As well, due to a communication breakdown between officers, the matter had not been monitored and prosecuted within the statutory time period.

OUTCOME

Following discussion WH&S agreed to:

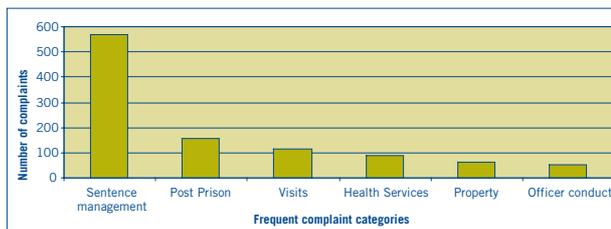
- Send a letter to the complainants explaining what had happened and apologise for the error
- Issue written advice to inspectors to clarify the time limitations for instituting proceedings for breaches of the Act
- Conduct an audit of the manufacturer's workplace
- Expand a planned audit program to include a sample of on-farm elevating work platforms to gauge their compliance with safe design criteria.

This was a very satisfactory outcome to an important issue.

We do this in a number of ways, one of which is to provide agencies with meaningful feedback drawn from the complaints made to us about them. Our new case and records management system *Catalyst* allows us to capture and record a greater depth of information that we can provide to agencies about the nature of complaints, outcomes, emerging issues, locations and trends. This allows us to make highly relevant recommendations about how these types of complaints might be avoided or addressed in future.

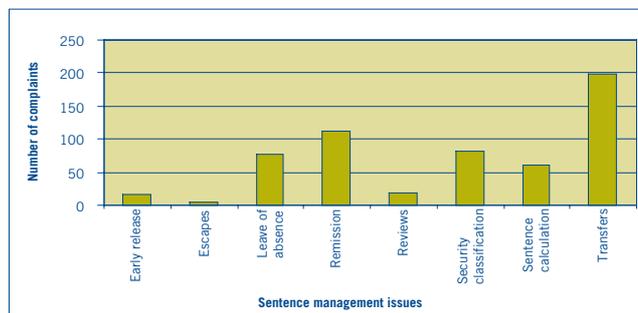
For example, *Catalyst* tells us that complaints about corrections issues are among the highest complaint categories recorded. The categories of most frequently received complaints about corrections issues are indicated in the chart below.

CHART 4: FREQUENT CORRECTIONS COMPLAINTS



Further analysis of the specific complaint areas under the broad "sentence management" category appears below.

CHART 2: BREAKDOWN OF SENTENCE MANAGEMENT CATEGORY



Using the data above, we can delve further to identify the nature of complaints received under, for example, the "transfers" category. What this means is that we can actually pinpoint specific areas that may indicate trends or systemic issues.

"I am grateful for having the opportunity to receive this feedback and for the helpful manner in which you have allowed the Department to rectify this matter."

- A/Director-General, Jim McGowan, Department of Industrial Relations.



>> AT THE LAUNCH OF THE EFFECTIVE COMPLAINTS MANAGEMENT FACT SHEETS ARE GOLD COAST CITY COUNCIL REPRESENTATIVES, ANN-MARIE VALENTINE (L) AND LORETTA CAZZULINO WITH SENIOR OMBUDSMAN INVESTIGATOR, REBECCA MCANALEN (R).

In 2002-2003 we provided reports to 13 agencies highlighting the most common types of maladministration under the Ombudsman Act arising from complaints to us against them. Under the Act these categories can include actions or decisions that were contrary to law, unreasonable, unjust or oppressive, improperly discriminatory or inconsistent, made on irrelevant grounds, made without giving reasons, based on a mistake of fact or simply wrong.

RECOMMENDING CHANGES FOR BETTER ADMINISTRATION

Our role is primarily to recommend appropriate remedies when deficient administrative decision-making is identified. An indicator of our success is the extent to which we make recommendations to address problems highlighted through our assessment and investigation of complaints and the degree of compliance by agencies with those recommendations.

In cases where our investigations established maladministration, agencies complied with our recommendations (totally or partially) in 95 per cent of cases.

We also make recommendations to agencies in cases where no maladministration finding is necessary. No maladministration finding was necessary in 494 complaints finalised because, as a result of our intervention, the agency agreed to take action to rectify the decision complained about (106 complaints) or we provided information to the complainants that assisted them in some significant way (388 complaints).

In these cases, we contacted the agency and discussed the case or made some other informal inquiry to resolve the

CASE STUDY 8: OBJECTION TO BUILDING APPROVAL

BACKGROUND

The Mackay City Council has a local planning policy which aims to limit the dimensions of sheds in residential areas. The policy stipulates certain criteria for deciding such applications. The council received an application to erect a shed with dimensions exceeding the "as of right" dimensions in the policy and, acting on a council officer's recommendation, approved the application. Subsequently, neighbours to the rear of the allotment on which the shed was constructed complained about its size and location. They pointed out severe impacts on the ventilation, light and amenity of their property.

KEY FINDINGS

Our investigation revealed deficiencies in the way the council considered the application under the policy.

RECOMMENDATIONS

We advised the council to:

- Improve its future consideration of like applications by requiring the applicant to consult the neighbours during the application process
- Develop a form to aid that consultation process
- Improve officers' reports to the council by ensuring officers address all the criteria under the policy
- Ensure a site inspection is undertaken before any recommendation or decision is made about such matters in future.

OUTCOME

The Council agreed to implement all our recommendations.

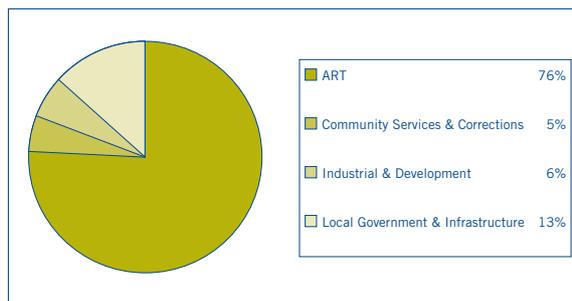


GOAL 2: IMPROVED PUBLIC ADMINISTRATION

matter without the need for a full investigation. For example, if a person complains about an agency's delay in processing an application for a licence, we contact the agency.

Assuming, as is invariably the case, the agency agrees to deal with the application promptly, we advise the complainant accordingly and close the case. At this stage, we haven't investigated the matter sufficiently to form a view on whether there was unreasonable delay on the agency's part as the matter has been resolved and does not justify further investigation.

CHART 1: NO MALADMINISTRATION FINDING NECESSARY BY TEAM



THE MAJORITY OF CASES WHERE NO MALADMINISTRATION FINDING WAS NECESSARY WERE HANDLED THROUGH OUR CENTRALISED INTAKE AND ASSESSMENT FUNCTION IN OUR ASSESSMENT AND RESOLUTION TEAM (ART). AS A RESULT, THE THREE INVESTIGATIVE TEAMS WERE ABLE TO CONCENTRATE ON AND FINALISE MORE COMPLEX CASES, MANY OF WHICH WERE LONG-STANDING.

As discussed under Goal 1 (p22-26), maladministration was established in 103 complaints finalised.



>> THE QUEENSLAND TRANSPORT/OMBUDSMAN PROTOCOL WAS CO-SIGNED BY OMBUDSMAN DAVID BEVAN AND DIRECTOR-GENERAL OF QUEENSLAND TRANSPORT, BRUCE WILSON (R), AND GUIDES THE PROFESSIONAL WORKING RELATIONSHIP BETWEEN OUR AGENCIES TO PROMOTE CONTINUAL IMPROVEMENT IN DECISION-MAKING AND ADMINISTRATIVE PRACTICES.

CHART 7: TYPES OF MALADMINISTRATION ESTABLISHED

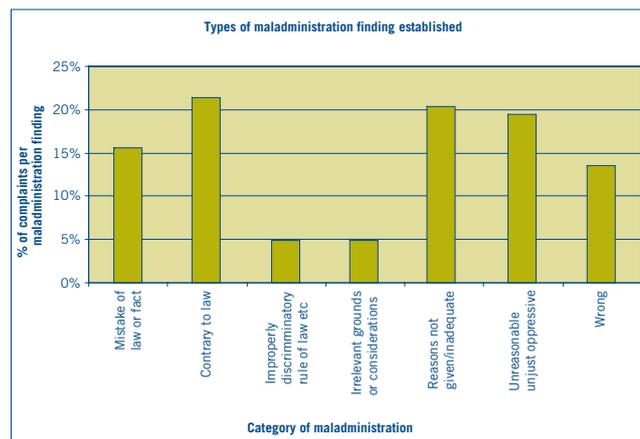


CHART 7 OUTLINES THE TYPE OF ADMINISTRATIVE OR DECISION-MAKING PROBLEM IDENTIFIED WHERE MALADMINISTRATION WAS ESTABLISHED.

In the case of complaints investigated by the three investigative teams where maladministration was established, we made a range of different, flexible and non-legalistic recommendations to rectify the effect of the maladministration according to the particular circumstances of the case. As discussed, of the 78 cases where we established maladministration and made a recommendation to an agency the agency accepted our recommendations in more than 95 per cent of cases.

Degree of compliance	Number of complaints
Full	66
Part	9
None	3

The relatively small number of cases in which we have had to make findings of maladministration reflect our shifting emphasis to informally resolving complaints rather than conducting longer and more formal investigations to establish error.



>> MAL SEYMOUR-SMITH (STANDING) DELIVERED A SERIES OF PRESENTATIONS TO WORKCOVER DECISION-MAKERS TO RAISE AWARENESS ABOUT OUR ROLE AND HOW THEY CAN IMPROVE THE QUALITY OF THEIR DECISION-MAKING. CONSEQUENTLY, THE NUMBER OF COMPLAINTS RECEIVED ABOUT WORKCOVER DECISIONS HAS BEEN COMPARATIVELY LOW. WE HOPE TO EXTEND THIS TRAINING TO OTHER AGENCIES IN THE FUTURE.

OUTLOOK 2003-2004

- Complete phase 1 and commence phase 2 of the *Complaints Management Project* with a focus on:
 - strategies to address findings from complaint handling research - only 25 per cent of agencies surveyed agreed that their policy or procedures reflected the essential elements of the Australian Standard for Complaints Handling (AS4269) and more than 50 per cent said they did not know whether their policies and procedures reflected the standard.
 - encouraging as many more public sector agencies as possible to implement effective complaints management systems based on the most relevant system of the agencies that participated in the first phase.
 - improving the level of trend analysis and providing more information on complaint prevention and handling strategies in feedback reports to key complaint generating agencies.
- Maintain our involvement in collaborative projects such as the *Better Decisions Project* and contribute to the development of models and resources that help agencies to make good decisions.
- Explore options for extending our training to a wider audience of state and local government agencies.
- Report to Parliament on major investigations undertaken in 2002-2003, including the WEP and child protection investigation discussed above.
- Develop an enhanced capacity for research and trend analysis of complaints data.

CASE STUDY 9: SPECIAL INSTALLATION CHARGE

BACKGROUND

The complainant company alleged that Ipswich City Council's decision-making process was discriminatory because the company had not been given the same remission of a special charge for drainage works that had been given to other property owners in a particular estate, where the company owned the balance of lots. We assessed the complaint on the basis that the payment of the special charge could cause the company financial hardship. This is relevant under the concession/remission powers in the *Local Government Act*.

KEY FINDINGS

From inspection of the council's records and subsequent interviews, we formed the views that:

- The procedures followed by the council could have been more transparent. Although the *Local Government Act* does not require councils to obtain specific financial details, it is good administrative practice to obtain these details before assessing whether financial hardship will result
- The council could have provided more details to the complainant about the availability of a hardship application
- The council's decision to refuse the complainant's hardship application did not contain sufficient reasons.

RECOMMENDATIONS

We made the following informal recommendations to the council:

- In future, obtain from the applicant appropriate information (as determined by the council) to make decisions about remission of rates where hardship is the issue
- Consider documenting the information that the council believes is required from a person seeking relief and the form in which it is to be provided
- Consider adopting a policy on the granting of remission of rates and charges
- Provide appropriate reasons for future decisions concerning hardship applications.

OUTCOME

The council accepted our recommendations.

GOAL 3: PUBLIC AWARENESS AND ACCESS

FOCUS IN 2002-2003

This year we focussed on raising the level of community awareness of the Ombudsman's services through targeted communication, publicity and education. We also continued to make our services readily available to all Queenslanders through our regional program. Our visits to regional areas and correctional centres and the tabling of the Ombudsman's report to Parliament on the death of Brooke Brennan just before the reporting period, generated strong media interest. These stories were excellent vehicles for promoting our role and services to people throughout Queensland. Research undertaken in 2002 indicated that just over 50 per cent of Queenslanders are aware of our role and jurisdiction. As well, more than 70 per cent of the state population have heard of the Queensland Ombudsman, which is a great basis for building awareness and increasing access to our services.

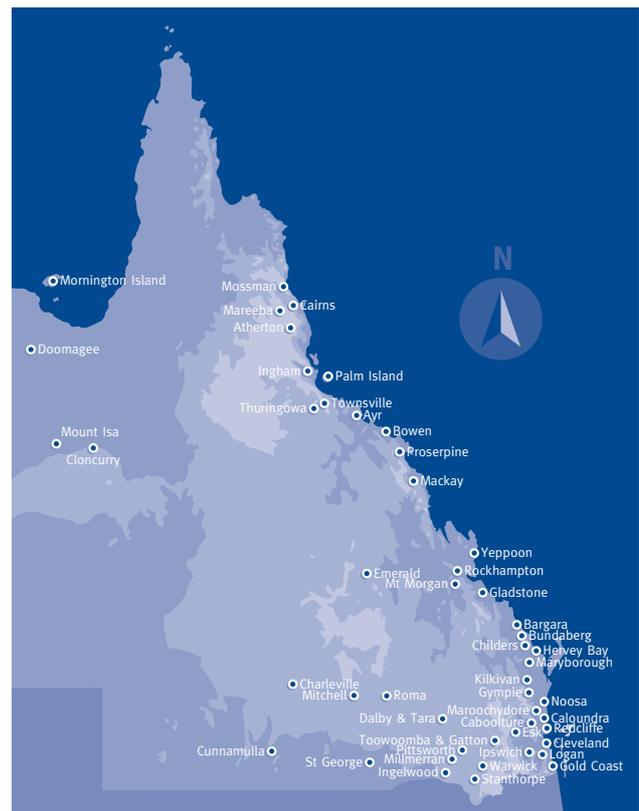
HIGHLIGHTS 2002-2003

- Visited 53 regional centres throughout Queensland, 14 of them twice – a total of 67 visits, exceeding our target for the year
- Made 24 visits to the 13 major correctional centres throughout Queensland
- Established the *Prisoner Phone Link* in conjunction with the Department of Corrective Services, increasing prisoners' access to our assistance and advice
- Conducted research to establish benchmarks for evaluating the effectiveness of our awareness and access activities
- Launched our internet site in November 2002 receiving good media coverage, which boosted visits to the site up to 154 visits in the first month. Usage has increased steadily each month up to 901 visits in June 2003
- Developed a joint multicultural communication strategy with other accountability agencies, namely the Health Rights Commission, Crime and Misconduct Commission, Legal Ombudsman, Commission for Children and Young People and the Anti Discrimination Commission, to minimise duplication and share ideas and resources
- Produced our general information brochure for complainants in four languages other than English
- Obtained targeted coverage of our regional trips program
- Engaged agencies and complainants through participation in a number of events, conferences and presentations.

WHAT WE DID IN 2003-2004

TAKING OUR SERVICES TO REGIONAL QUEENSLAND

We continued delivering services to regional Queenslanders and maintained our focus during regional visits on resolving complaints, rather than on receiving complaints for later assessment. Advertising and articles in local media about our visits generated calls to our Assessment and Resolution team (ART). In many cases, the complainant's problem was resolved over the phone. In other cases, an appointment for an interview with an Ombudsman investigator undertaking the regional visit was made.



COVERAGE ACHIEVED BY REGIONAL TRIPS PROGRAM

We made the most of every visit to regional centres by visiting correctional centres while in Maryborough, Rockhampton, Townsville and the Atherton Tableland. We also conducted joint visits with the Commonwealth Ombudsman's Office in Rockhampton, Townsville and Cairns, and often held briefings for state government regional managers and senior officers of local government

More than 70 per cent of the state population has heard of the Queensland Ombudsman.

specifically to promote our role and the resources available to help them in handling complaints and making good administrative decisions. The Ombudsman personally visited Doomadgee and Mornington Island. At Mornington Island he addressed the council, received complaints from members of the community and met with public officers. Officers also visited Palm Island to receive and discuss complaints.

PRISONERS HAVE DIRECT LINE FOR THE OMBUDSMAN

The *Prisoner Phone Link* was a pilot project to provide better access to our services for prisoners. The service is available at each correctional facility for two sessions a week, each session being two hours long. The program was extended to all major correctional centres around the state as it has proven to be effective in providing a timely and cost effective service to prisoners in conjunction with our six-monthly visits to these centres. Posters and brochures were produced to promote the *Prisoner Phone Link*.

We received almost 700 complaints via this service in 2002-2003. When calls were received, an officer in the ART with expertise in corrections issues made a preliminary assessment of the complaint. Where appropriate, the officer contacted the Department or correctional facility to discuss the complaint or to obtain documents for further investigation.

Following the trial, the Department of Corrective Services agreed to continue funding the *Prisoner Phone Link* for a further 12 months.

RAISING OUR PROFILE AND SHOWCASING OUR WORK

Information gained from the November 2002 Queensland Householders Survey provides a good picture of the state of public awareness about the Office. While it indicates that we have work to do in terms of increasing understanding of our role and jurisdiction, it also tells us that our awareness-raising strategies are working. Of the estimated 1,606,555 Queensland population 18 years and over who had heard of the Ombudsman's office, 44 per cent had gained that information through the media. We can attribute that largely to extensive and ongoing media coverage of the Ombudsman's major investigation and to the media response to our regional trips program, which included radio and press coverage at every location and some television coverage as well.

CASE STUDY 10: STRIP SEARCHING

BACKGROUND

We received a number of complaints about the searching of visitors (as opposed to prisoners) at correctional facilities. Generally visitors complained about the way scanning and general searches were being conducted but in a particular case a female visitor questioned the power of correctional officers to "strip search" her. Ombudsman officers who regularly visit prisons also reported some uncertainty and difference of opinion and practice among prison officers throughout the state in relation to this practice.

KEY FINDINGS

- S.126 (5) of the *Corrective Services Act 2000* provides that a corrective services officer may require visitors to a correctional facility to submit to a scanning or general search. However officers do not have the authority under that Act to conduct a strip search of a visitor.
- S.382(2)(b) of the *Police Powers and Responsibilities Act 2000* allows a police officer to direct a correctional officer, of the same gender as a visitor, to conduct a strip search of a visitor if no police officer of the same sex is available to conduct the search.

RECOMMENDATIONS

We raised our concerns directly with the Department of Corrective Services, Custodial Directorate, and suggested it review the adequacy and appropriateness of departmental procedures in this area.

OUTCOME

The Department promptly implemented new procedures that:

- clearly reflect when and how custodial officers can legally conduct strip searches of visitors to a correctional facility, and
- require that the details of such searches, and the circumstances and presence of police officers, are recorded.

GOAL 3: PUBLIC AWARENESS AND ACCESS

CASE STUDY 11: FOCUS ON RESEARCH

This year we participated in the Office of Economic and Social Research, Queensland Householders Survey, which was conducted in November 2002. The survey was conducted by phone and approximately 300 interviews were completed by respondents aged 18 years and above, in each of the nine statistical divisions of Queensland and 600 interviews were conducted in Brisbane.

- Far North
- Mackay
- Fitzroy
- North and West Moreton
- Darling Downs
- Northern
- South/Central/North West
- Wide Bay-Burnett
- South and East Moreton
- Brisbane

A summary of key questions and responses is below:

1. Have you heard of the Queensland Ombudsman's Office?

Of the estimated 2,744,304 Queensland population, 72.7% had heard of the Queensland Ombudsman's Office.

2. Did you know that the Queensland Ombudsman's Office...?

Of the estimated 2,744,304 Queensland population:

- 51.6% knew that the Queensland Ombudsman's Office investigated complaints about the decisions and actions of the Queensland public sector.
- 34.3% of persons knew that the Office investigates complaints about the decisions and actions of local councils.
- 36.7% of persons knew that the Office helps the Queensland public sector improve the standard of their decisions and actions.

3. How did you hear about the Ombudsman's Office?

Of the estimated 1,606,555 Queensland population 18 years and over who had heard of the Ombudsman's office:

- 43.6% through the media
- 27.8% through general knowledge
- 12.6% through friends and relatives.

However, only 17.1% said they would go to the Ombudsman if they had a complaint about a decision or action of a Queensland Government department or an agency and 28.7% said they didn't know where to go.

Only 7.6% said they would contact us about a decision or action of a local government. 45.7% said they would contact the local government itself.

EXTENDING OUR REACH THROUGH TARGETED COMMUNICATIONS

We recognise it is important to provide a range of options for all members of the community, as well as officers of public sector agencies, to gain information about and access to our services. This year, we produced two issues of the *Ombudsman News*, an online newsletter for local government officers and several articles for targeted agency newsletters, specifically to raise awareness of significant issues and the assistance we can provide. We also produced our general information brochure for complainants in Vietnamese, Spanish, Chinese and Serbian and as mentioned above, we produced a general brochure for prisoners.

Resources such as *Handling a Queensland Ombudsman investigation, An easy guide to good administrative decision-making* and our *Effective Complaints Management fact sheets* have led to collaborative projects such as the *Better Decisions Project* with the Departments of Premier and Cabinet and Tourism, Racing & Fair Trading. This is a joint initiative to improve decision-making in government. We participated on the consultative committee and have contributed extensively to the development of resources for decision makers and identification of a framework of quality practices to improve government decision-making systems. We also became involved in the Queensland Transport and the Department of Main Roads' *Ethics Framework Project*. Specifically, we provided input to the development of a 'Manager's Toolkit' intranet site, which will provide managers with tools for better service delivery in accordance with public sector ethics.



"The project appeared pretty daunting at first, but when I started, the Audit and Assessment checklist made it fairly easy."

- Susan Allard, Office of the Director-General, Department of Corrective Services and liaison officer working on the Complaints Management Project.

TAKING THE LEAD AND MAKING A DIFFERENCE

In the 2002-2003 financial year we made more than 20 presentations to national, government and community forums to raise the profile of the Office, increase understanding of what we do and its value to the community and public sector.

TYPES OF PRESENTATIONS DELIVERED BY OMBUDSMAN OFFICERS

- Administrative Law Forum - *Queensland's public accountability framework: Effective regulation or effectively over-regulated?*
- Carindale Probus Club - *Role of Ombudsman & Information Commissioner*
- Local Government Association of Queensland Annual Conference - *Propriety, Probity and Local Government*
- North Queensland Local Government Association of Queensland Conference - *Making Complaints Work for You*
- Institute of Internal Auditors - *Principles of Natural Justice and Causes of its Breakdown*
- Australian Institute of Administrative Law (Qld), Annual General Meeting - *Queensland public sector accountability framework (Ombudsman & Information Commissioner)*
- AIRMJR Conference - *Freedom of Information and Information Management - The Queensland Perspective*
- Queensland Transport Senior Management Forum - *Role and Powers of the Ombudsman*
- Crime and Misconduct Commission - *Common goals with CMC: Ethical issues*
- National Investigations Symposium - *Disciplinary investigations - how hard and how far?*
- Workplace Health & Safety Board & Industry Sector Standing Committee - *What the Ombudsman has learnt about investigations*



>> EDUCATION AND RESEARCH OFFICER, CATHERINE MCLEOD, COORDINATES OUR COMPLAINTS MANAGEMENT PROJECT. "I FEEL THE PROJECT HAS REALLY HELPED AGENCIES TO REVIEW THEIR CURRENT COMPLAINTS MANAGEMENT SYSTEMS AND TO MAKE CHANGES TO IMPROVE THEIR PROCESSES ... I'M LOOKING FORWARD TO WORKING WITH OTHER AGENCIES IN THE NEXT PHASE OF THE PROJECT."

OUTLOOK 2003-2004

- Maintain our commitment to providing our services to people in all parts of Queensland through our regional trips program
- Ensure cost-efficient management of our program for correctional centres by modifying session times and promoting the availability and confidentiality of the *Prisoner Phone Link*
- Revise our website to improve content and navigability from a user perspective
- Use research as a basis for the development of a targeted communication and media strategy and subsequent evaluation of the impacts of our communication efforts in raising awareness and access
- Implement tactics from multicultural communication strategy including production of our general brochure in at least two more community languages
- Work with the other accountability agencies to develop an appropriate response to address governance issues and the information needs of Aboriginal people and Torres Strait Islanders.

GOAL 4: A PROGRESSIVE CLIENT-FOCUSED ORGANISATION

FOCUS IN 2002-2003

This year we focused on building new foundations for meeting future demands on the Office. Through new approaches to workforce and operational planning, streamlining internal processes and access to detailed data analysis, we have achieved better alignment between our services, structures and performance. The implementation of major initiatives such as a new case and records management system, a new performance management model and partnership arrangements for the provision of some corporate services will ensure we maintain a high level of efficiency, effectiveness and accountability in all that we do.

HIGHLIGHTS 2002-2003

- Reviewed the operations of the Assessment and Resolution team (ART), which was established in April 2002 and endorsed it as a permanent part of the organisation structure which delivers timely responses and resolutions to new complaints
- Managed the implementation of a new case and records management system, *Catalyst*, on 3 December 2002, which has increased our ability to record and retrieve data quickly and carry out trend analysis of complaints received
- Developed and implemented a targeted training plan to improve skills in Investigation and IT, particularly in the use of *Catalyst*
- Designed a performance management system and conducted relevant training for all staff
- Developed our client service charter, articulating the levels of service that clients can expect in their dealings with the Office—whether they are complainants or agency officers
- Conducted limited client satisfaction research to inform future work practices
- Delivered administrative efficiencies through shared corporate services arrangements with the Parliamentary Service for the provision of IT support, financial systems, software and support and payroll processing.

WHAT WE DID IN 2002-2003

ALIGNING TEAMS TO MEET CLIENT NEEDS

We have maintained our commitment to continuous review and improvement in all areas of our business. The review of the ART, which was created to receive, assess and resolve complaints, demonstrated that it delivered both streamlined and consistent assessment processes and ensured timely responses and resolutions to new complaints. This initiative

contributed to the significant reduction in our complaints on hand, from 820 at 30 June 2002 to 504 at 30 June 2003. New functions carried out by our Major Projects team (MPT) and Advice and Communication unit (A&C), have achieved significant outcomes and our three investigative teams have succeeded in reducing our case load of matters more than 12 months old from 302 to 81.

BETTER DATA MANAGEMENT TO SUPPORT CLIENT FOCUS

The stability of our new data and records management system, *Catalyst*, was very pleasing, given the significant amount of data transferred into the new system in a very short time. Implementing the new system gave us an opportunity to review and refine our work practices and to bring performance standards into our case management processes.

For instance, because most documents on file are now stored electronically, a number of authorised users are able to review cases simultaneously. Apart from the obvious benefit of reducing labour intensive file maintenance and movement, this facilitates necessary collaboration and consistency in case management and also means it is less likely that work will be overlooked when someone is on leave or has competing priorities. *Catalyst* also allows us to carry out more comprehensive data analysis of complaints received and to provide detailed feedback regarding systemic issues to individual agencies.

FOCUSING OUR EFFORTS WHERE THEY ARE NEEDED MOST

In 2002-2003, we participated in two research projects - the Queensland Householders Survey, which was conducted in November 2002 and the Crime and Misconduct Commission's (CMC) survey of public sector agencies called *Responding to Misconduct*, which was conducted from October 2002 to May 2003 (see Goal 2, p28). This research helps us to build a picture of the state of public awareness and client satisfaction in the community and the prevalence and quality of agency complaint management systems.

We were pleased with the levels of client satisfaction with our services. The weighted results of the Queensland Householders Survey indicated that, of the estimated 101,913 Queenslanders 18 years and over who had made a complaint to the Queensland Ombudsman, 62.5 per cent were more likely satisfied or very satisfied with the service. However, only 40.3 per cent were satisfied or very satisfied with the outcome of their dealings with us. Gauging our performance against nominated standards of service and

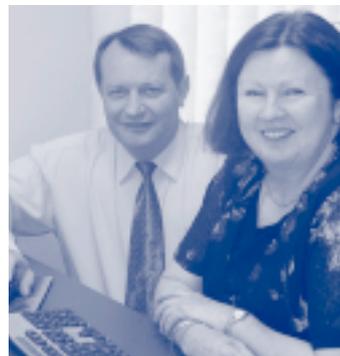
Maintaining a high level of efficiency, effectiveness and accountability in all that we do.

finding out how we can improve these ratings will be the focus of client and agency research conducted in the next financial year.

We will also use the data to develop targeted programs to address issues highlighted by the CMC research. For example, we learnt that just 40 per cent of public sector agencies have a policy and documented procedures for dealing with client complaints and we know what types of agencies are more likely to have these. We also know the most common methods used by public sector agencies to provide clients with information about their right to complain, how these agencies record and review complaint outcomes and whether complaints handling training is provided to agency staff.

This information will help us to better target the delivery of

current initiatives such as our *Complaints Management Project* (see Goal 2, p29) and focus our efforts where they are needed most. Consequently, we will introduce more tailored programs to assist agencies in improving their administrative decision-making practices.



>> **CATALYST GURUS, SHARON STEWART AND MAL SEYMOUR-SMITH. AS A SENIOR MEMBER OF THE CATALYST DEVELOPMENT COMMITTEE, MAL REVIEWS BUSINESS SYSTEM WORKFLOWS AND PROVIDES OPTIONS FOR BEST IT SOLUTIONS. SHARON IS OUR CATALYST SYSTEM ADMINISTRATOR AND CO-ORDINATOR OF THE CATALYST DEVELOPMENT COMMITTEE, WHICH INVOLVES IMPLEMENTATION PLANNING, ONGOING DEVELOPMENT AND USER TRAINING. SHE ALSO PROVIDES PRACTICAL ADVICE AND ASSISTANCE ON CATALYST.**

IMPLEMENTATION OF RECOMMENDATIONS FROM STRATEGIC REVIEW

Finalising the implementation of recommendations from strategic reviews in 1998 and 2000 was a priority for the Office this year. Several of the recommendations implemented or substantially progressed during the year are highlighted throughout the report and relate to initiatives such as:

- Implementing *Catalyst*, the new case and records management system
- Enhancing performance management and measurement practices
- Formalising human resource management policies and practices

Of the 30 recommendations made in the Strategic Review 1998, five were carried forward for implementation in 2002-2003. The status of these recommendations is as follows:

- 3 have been implemented
- 1 concerning the production of a quarterly Ombudsman newsletter, has been addressed through other means such as:
 - production of a newsletter specific to local governments
 - provision of articles for inclusion in agency or sector wide newsletters
 - inclusion of information about the Office in feedback reports to agencies

- 1 concerning the conduct of complainant and agency surveys, has been addressed as far as complainants are concerned. The agency satisfaction survey has been postponed to 2003-2004 because all of our services were being realigned during 2002-2003.

Of the 97 recommendations made in the Strategic Management Review 2000, 21 were carried forward for implementation in 2002-2003. The status of implementation of these recommendations is as follows:

- 14 have been implemented
- 5 have been either partially implemented or are under development
- 2 concerning the adoption of national key performance indicators for Australian Ombudsmen cannot be implemented. There is now little support from other Ombudsmen for standardising performance indicators across offices because of different jurisdictions and different methods and levels of sophistication of data definition and collection. However, our new case management system and other measurement tools have provided the capacity to report on the range of indicators recommended by the Strategic Management Review.

The Ombudsman will provide a detailed report to the Legal, Constitutional and Administrative Review Committee in November 2003 on the implementation of all Strategic Management Review recommendations.

GOAL 4: A PROGRESSIVE CLIENT-FOCUSED ORGANISATION

CASE STUDY 12: DRILLING DOWN WITH *CATALYST*

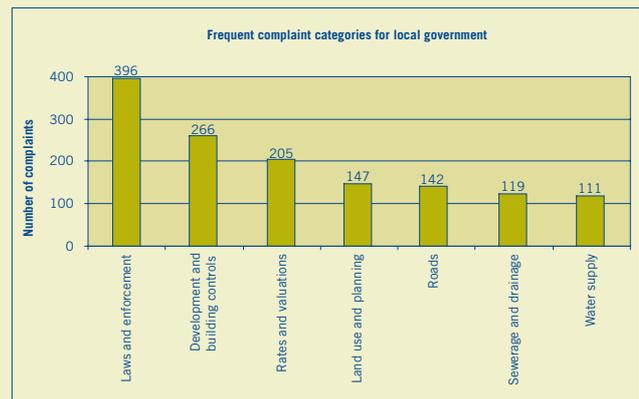
At a cost of \$330,000, the successful integration of *Catalyst*, our new case and records management system represents a significant investment in the modernisation of the Office. The first stage of the implementation focused on investigative case and records management and has already driven changes in the way we deliver our services, resulting in:

- Improved service to complainants through speedy and effective resolution of complaints
- Increased productivity through faster access to information, reduction in double handling and greater ease of recording information
- Better public administration through an improved capacity to identify complaint trends and more timely reporting to agencies and Parliament
- Greater flexibility to expand or modify work practices through implementation of a more intuitive and reactive system.

Though work continues on defining and producing the full range of reports *Catalyst* can generate, we now have a system that has extensive capacity to record and analyse complaints data. Complaints against types of agencies or a particular agency can be analysed down to two or three levels and are recorded against the relevant region or work unit.

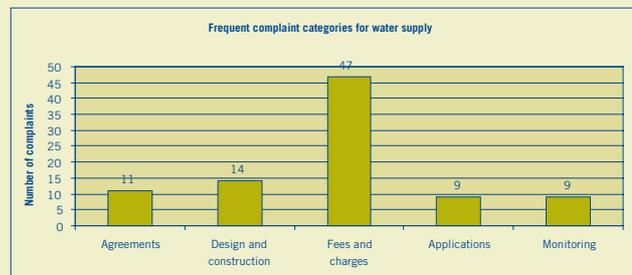
For example, let's look at local government. At the first level of inquiry, *Catalyst* tells us that local government is our highest complaint generating area. The frequent categories under which complaints are recorded about a local government are reflected in chart A.

Chart A: Frequent complaint categories for local government



If we consider the category water supply, those complaints can be further analysed into several types of water supply complaints as reflected in the chart below:

Chart B: Frequent complaint categories for water supply



Complaints about fees and charges for water supply can be further analysed into categories such as pricing reviews, accounts, rate assessment and rates and charges waivers.

We will use this data to identify any local governments that are over-represented in water supply complaints generally or particular types of water supply complaints and then work with the relevant council to develop complaint reduction strategies.

Our operational plans articulate where we are going, why we are going there, how we will get there and how we are progressing.

MAINTAINING OUR CULTURE OF HIGH PERFORMANCE AND ACCOUNTABILITY

We understand that if we are going to meet the challenges ahead, our people must understand their role, how to perform it and how well they are expected to perform. Our work in this area over the past year has built a better foundation for continuous improvement. We have utilised a three-tiered model comprising systematic planning, evaluation and realignment of our activities and capability to ensure we maintain our focus on the things that matter.

It begins with the strategic plan, which provides the blue print for guiding the whole organisation towards successful accomplishment of our goals. Based on the strategic plan, operational plans were developed by all teams, outlining specific objectives, activities, responsibilities and performance indicators. As well, they are used for ongoing assessment of progress and identification of barriers, which are then addressed in a timely manner.

The second tier, our new performance management system, aligns individual responsibilities with those outlined in the operational plans and links both of these with our strategic priorities. Managers were trained in skills required to implement the model such as setting objectives, listening, coaching, providing feedback, problem solving and evaluating.

Development of a learning plan is the third tier, which identifies the specific skills and knowledge areas that staff need to address, in order to manage the individual responsibilities outlined in their performance plans and progress their careers.

STRATEGIES AND POLICIES FOR AN INTEGRATED, CLIENT FOCUSED WORKPLACE

To underpin our planning and performance systems, we have been developing formal policies and practices for human resource management. This year we developed our workplace health and safety policy and guidelines, smoke-free workplace policy, performance management guidelines and updated the grievance resolution policy. As well, we began a training program including IT and investigation skills to enhance staff capability and professional development (see Our people, p44). Staffing the ART and MPT on a rotational basis also provided development and progression opportunities for staff. Strategies like these engender understanding of all our functions among staff.

We also articulated our commitment to excellent client service, through our client service charter, which is now available on our internet site. The charter sets out the levels of service that both complainants and agencies can expect in their dealings with the Office. It also includes information for requesting a review of a decision or making a complaint about the service provided by the Queensland Ombudsman. Our charter has been incorporated in our performance management model and client service training will be delivered to staff in the next financial year to ensure it underpins everything we do.

OUTLOOK 2003-2004

- Conduct the planned post implementation review of *Catalyst* to measure the benefits being achieved against the initial project expectations. This was postponed due to the considerable amount of work involved in bedding down the system and relevant protocols
- Monitor the first cycle of performance management and continue to develop team-based operational plans linked to our strategic priorities
- Use learning plans to inform staff development activities
- Maintain our emphasis on staff development, particularly in client service, cultural awareness, leadership and management
- Finalise the update of our terms and conditions of employment and development of policies and practices for human resource management, specifically for recruitment and selection, probation and performance management, including diminished performance and discipline
- Continue to develop the shared corporate services relationship with the Parliamentary Service
- Establish a new enterprise bargaining agreement with staff
- Extend the application of *Catalyst* to manage administrative (non-case) records
- Conduct a review of the three-team investigative structure that was deferred due to extended staff absences in one of the teams during the year
- Review our approach to managing risk and develop a risk management plan

OUR PEOPLE

This was a year of substantial reform, repositioning and significant achievement, which was possible only because of the contribution of our people. What we do makes a difference in the community and across government. Because staff understand and value this role, they have managed and embraced considerable change this year, to ensure our ability to continually improve and adapt to our environment. We have worked hard to put in place strategies for providing strong leadership that motivates our people, to ensure we have the right people with the right skills to deliver on our organisational priorities, to encourage a performance-based culture and to maintain a positive work climate where people feel respected and valued.

STAFF NUMBERS

Our formal structure provides for 51 positions and we are funded for 49. This year we had 46 permanent employees, of whom 4 were part-time. Taking temporary employment, extended leave and secondments into account this gave us a workforce of 49.8 full time equivalents (FTEs) at 30 June 2003.

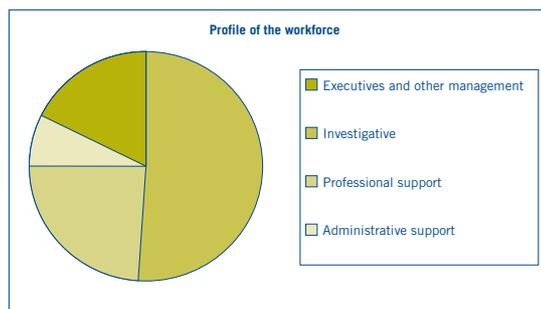
TABLE 5: EFFECTIVE WORKFORCE

Permanent staff	46.0
FTEs	44.7
less staff on secondment and long term leave	- 2.9
Net permanent staff	41.8
add staff here on secondment and temporary staff	8.0
Effective workforce - FTEs	49.8

TABLE 6: THE PROFILE OF THE WORKFORCE

Executives and other management	9	18%
Investigative	25.8	52%
Professional support	4	8%
Administrative support	11	22%
Effective workforce - FTEs	49.8	100%

CHART 8: STAFF NUMBERS AND DISTRIBUTION

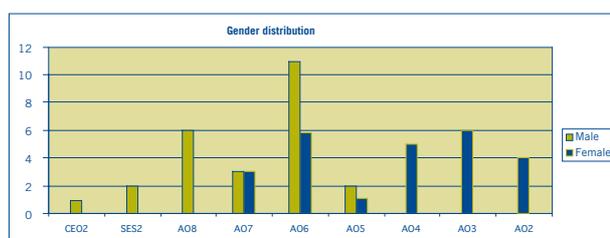


INVESTIGATIONS STAFF ACCOUNT FOR MORE THAN HALF OUR WORKFORCE

TABLE 7: DISTRIBUTION OF MALE AND FEMALE STAFF ACROSS THE CLASSIFICATION LEVELS

Classification level	Female	Male	Total
CEO 2		1	1
SES 2		2	2
AO 8		6	6
AO 7	3	3	6
AO 6	5.8	11	16.8
AO 5	1	2	3
AO 4	5		5
AO 3	6		6
AO 2	4		4
Total - FTEs	24.8	25	49.8

CHART 9: GENDER DISTRIBUTION



REPRESENTATION OF WOMEN IN SENIOR POSITIONS (AO8 AND ABOVE) IS DOWN BY TWO ON LAST YEAR FOLLOWING ONE RESIGNATION AND COMPLETION OF A LONG-TERM PROJECT BASED TEMPORARY CONTRACT. HOWEVER, A DEGREE OF GENDER BALANCE AT SENIOR LEVELS WAS RESTORED EARLY IN THE NEXT FINANCIAL YEAR.

What we do makes a difference in the community and across government.

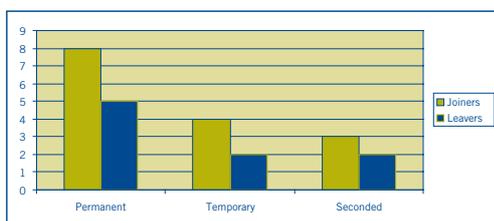
STAFF MOVEMENTS

As a result of a slight reduction in staff turnover for the year and an increase in appointments, we have more permanent staff this year than previously.

TABLE 8: STAFF TURNOVER

	2002-03	2001-02
Permanent staff employed as at 1 July	43	42
Losses	5	6
Gains	8	7
Net Permanent staff as at 30 June	46	43
Turnover rate (as a % of establishment)	10%	12%

CHART 10: JOINERS AND LEAVERS 2002-2003



OUR EFFORTS TO STABILISE STAFFING DURING THE YEAR WERE SUCCESSFUL WITH JOINERS OUT NUMBERING LEAVERS BY 15 TO 9.

RECRUITMENT

In 2002-2003, eight permanent appointments were made. This included six temporary staff who were selected for permanent positions on merit and two people new to the organisation. Seven temporary staff, including three on secondment from the Queensland public service were engaged for various periods. Five permanent vacancies were publicly advertised during the year with 82 applications received.

CASE STUDY 11: EMPOWERMENT FOR HIGH PERFORMANCE

We have responded to the Strategic Management Review (June 2000) recommendations with the implementation of a new performance management system. Having the benefit of other organisations' experiences, we have taken a number of steps to ensure we get it right. Knowing the harm that a poorly implemented system can cause, we consulted widely to develop a system tailored for us that will deliver results. Consequently, our system is largely about empowering people to monitor their own performance and take responsibility for their professional development.

Staff training therefore focused on building capacity to conduct regular self-assessment and to identify and seek out learning and development opportunities for enhancing performance. With a focus on establishing and maintaining a fair and equitable workplace, training was also given to our managers in assessing performance, assisting staff to identify and address developmental needs and, importantly, to recognise and reward good performance.



>> GARRY WATERS (CENTRE) FROM IMPROVED COMMUNICATION SKILLS CONDUCTING ONE OF THREE ONE-DAY WORKSHOPS ON IMPROVING WRITTEN SKILLS. 33 ATTENDED THE TRAINING DAYS, GAINING VALUABLE KNOWLEDGE ON HOW TO IMPROVE THEIR WRITING SKILLS.

OUR PEOPLE

STAFF DEVELOPMENT

One of the priorities for the year was to implement a new training plan. A small training committee under the leadership of the Manager Corporate Services developed the plan and coordinated delivery of the in-house training events listed below:

TABLE 9: IN-HOUSE TRAINING¹

Program	No of presentations	Total participants	Total training days
<i>Technical</i>			
Mediation skills	2 x 3 days	19	57
Investigation skills	2 x 1 day	31	31
Freedom of Information	2 x 1 day	10	10
<i>Business skills</i>			
PC & Microsoft Office skills ²	One-on-one	50	17
Catalyst case and records management system	9 x 1/2 day	44	22
Business writing skills	3 x 1 day	33	33
Performance management for managers	1 x 1/2 day	15	7.5
<i>Communication and personal development</i>			
Presentation skills	2 x 2 day	7	14
Performance management	4 x 1/2 day	49	24.5
Stress management	1 x 1 day	15	23.5
	2 x 1/2 day	17	
Total training days on structured in-house programs			239.5
Average days per staff member			4.8

¹ STAFF FROM THE OFFICE OF THE INFORMATION COMMISSIONER ALSO ATTENDED MANY OF THESE COURSES, HOWEVER, THEIR PARTICIPATION IS NOT INCLUDED IN THIS DATA.

² A TAILOR-MADE PROGRAM OF ONE-ON-ONE TRAINING IN IT SKILLS COVERING TOPICS SUCH AS WINDOWS, MICROSOFT WORD, EXCEL AND OUTLOOK AND USE OF THE INTERNET WAS OFFERED TO ALL STAFF. THIS ENSURED THAT ALL STAFF HAD AT LEAST A BASE LEVEL OF IT COMPETENCY BEFORE THE IMPLEMENTATION OF THE CATALYST CASE AND RECORDS MANAGEMENT SYSTEM. THE AVERAGE TRAINING PER PARTICIPANT WAS 2.4 HOURS.



>> HEATHER IRVINE AND MARILYN MACFARLANE (SITTING) FROM CORPORATE SERVICES ARE RESPONSIBLE FOR REVIEWING THE ACCURACY OF EMPLOYEE DATA MIGRATED OVER TO OUR NEW AURION PAYROLL AND HR SYSTEM.

"Thank you for the phone updates about our complaint... it was nice to know your office really cared and we weren't just another number. We have finally had our money refunded from the council and it is with great pleasure we say 'case closed'." – Peter and Lisa Dirie

Office staff attended a variety of external conferences, seminars and workshops during the year such as:

TABLE 10: EXTERNAL CONFERENCE AND SEMINAR ATTENDANCE

Event	Presented by
Legal professional privilege	Australian Institute of Administrative Law
Current issues in administrative law	Bar Association of Queensland
Complaint handling strategy workshop	Professionals Australia
Revenue raising in local government	Dept of Local Government and Planning
Advanced investigation course	Commonwealth Ombudsman
Environmental liability - tips, traps and tactics	Crown Law
HR Practices Day	Australian Institute of Human Resources

The Study and Research Assistance Scheme (SARAS) provides staff with financial and leave assistance to undertake tertiary study of relevance and value to the office. A percentage reimbursement of tertiary fees is provided on satisfactory completion of course work and on-going satisfactory work performance. Four staff received assistance during the year for studies in law, public policy, public administration and human resource management.

TABLE 11: EXPENDITURE ON STAFF DEVELOPMENT

Expenditure on staff development increased by 63% during the year.

Expenditure on staff development ³	2002-03	2001-02
Expenditure on seminars, conferences and contract trainers	\$57,400	\$36,200
Expenditure on study assistance	\$6,500	\$3,100
Total staff development expenditure	\$63,900	\$39,300
Average expenditure per employee on staff development	\$1,283	\$788

³ EXCLUDES EXPENDITURE ON STAFF FROM THE OFFICE OF THE INFORMATION COMMISSIONER

WORKPLACE HEALTH AND SAFETY

POLICY FRAMEWORK

In May 2003 new Workplace Health and Safety (WH&S) policy and guidelines were produced, which recognise the responsibilities of all management and staff to observe the legislative requirements and act in a way that does not damage the health, safety and welfare of themselves and others. The guidelines set out the process and requirements for electing WH&S representatives, establishing a WH&S committee and outline emergency and first aid procedures, dealing with hazards, workplace inspections and ergonomics. As well, a new policy for a smoke-free workplace was issued in May 2003.

ACCIDENTS AND INCIDENTS

There were six incidents logged this year, but none of these occurred within the office environment. Each case involved a fall while the member of staff was walking either on duty, during the lunchbreak or travelling to or from work. Only one of these accidents resulted in a WorkCover claim. Total time lost through these injuries was limited to 13 hours and it would appear that no one has suffered any on-going effects from an accident.

TRAINING AND ACCREDITATION

Fire safety training held in November 2002 was tested with a full building evacuation exercise. Five staff completed re-certification training to update their Senior First Aid Officer Certificates while three staff were recertified in resuscitation.

Employee assistance program

The office has engaged Interlock to provide a voluntary, confidential and free counselling service to staff and on a limited basis to their family members, for a range of problems including personal issues or work related stress. The service also offers assistance to address critical incidents affecting staff, grief and trauma counselling and consultation to managers on issues such as change management, conflict resolution and mediation. Reports from Interlock maintain confidentiality but provide enough information to indicate that staff are aware of and willing to use the program. As well, the relatively low usage suggests there are no workplace issues causing serious concern. Interlock also conducted some stress management seminars, which received very positive feedback from staff.

OUR PEOPLE



>> SOME MEMBERS OF THE STAFF CONSULTATIVE COMMITTEE ARE PICTURED HERE (L-R): BACK ROW: TONY JOHNSON, ROBERT MCINTYRE, DAVID BEVAN, CRAIG ALLEN, ANGELA RITCHIE (CHAIR), FRONT ROW: SHARON COKLEY, MARILYN MACFARLANE, HELEN FITZGERALDS (DEPUTY CHAIR), MARGRET WINNIAK. THE COMMITTEE IS AN INFORMAL AND OPEN FORUM TO ENCOURAGE STAFF TO AIR OPINIONS AND CONCERNS WITH MANAGEMENT.

CORPORATE HEALTH INITIATIVES

Thirty-one people took advantage of the free flu immunisation program initiated this year. A review of winter absenteeism and the reactions of participants will follow to gauge the worth of this initiative. Investigators visiting correctional centres were also offered Hepatitis A and B vaccinations.

STAFF CONSULTATION

The Staff Consultative Committee (SCC) consists of four management representatives including the Ombudsman (and a senior officer of the Office of the Information Commissioner) and six elected staff representatives (including one from the Office of the Information Commissioner).

The aims of the committee are to:

- Provide a mechanism for employees to communicate views about issues of concern and make suggestions and recommendations to management through an SCC member
- Ensure a forum for management to address staff concerns
- Gain staff contributions to the communication, consultation and decision-making processes within the Office, both internal and external.

TABLE 12: HR POLICY DEVELOPMENT

New or revised items completed as at 30 June

- Workplace health and safety policy and guidelines
- Grievance resolution policy
- Smoke free workplace policy
- Performance management guidelines

The committee met three times this year to consider issues within its terms of reference. Significant agenda issues included consultation/discussion on:

- the development of administrative and human resource management policies and practices including the new performance management system
- various terms and conditions of employment
- the training plan
- implementation of *Catalyst*, our new case and records management system
- possible introduction of a rewards and recognition system
- internet and email monitoring policy and procedure
- legal indemnity for employees
- provision of an influenza vaccination program, stress management training and other potential corporate health initiatives.

SUPPORTING OUR COMMUNITY

This year we raised \$655.25 for the Children's Medical Research Institute, the Sudden Infant Death Syndrome (SIDS) and the Queensland Cancer Fund. Staff also participated in a dress down day in support of the Red Cross Bali appeal. A staff member also donated a gift received from an unidentified person to a charity that subsequently raised \$278 by raffling the gift as a prize. This was consistent with our policy relating to the acceptance of personal gifts.

HUMAN RESOURCE MANAGEMENT (HRM) POLICY PROJECT AND UPDATE OF TERMS AND CONDITIONS OF EMPLOYMENT

We are developing a full suite of policies and guidelines for major areas of HR practice. The challenge though is to achieve a framework that is suitable for a small independent organisation rather than a large government department. Table 12 (below) provides an account of the status of this project at 30 June 2003.

New items in progress as at 30 June

- Recruitment and selection guidelines
- Probation policy
- Performance management policy
- Managing diminished performance policy and guidelines
- Discipline policy and guidelines

The project will continue through to completion during 2003-2004.

The terms and conditions of employment of officers of the Ombudsman are required by our Act to be approved by Governor-in-Council. It is long standing practice for the office to maintain parity with public service terms and conditions except where these conflict with the independence of the Ombudsman.

Substantial work was completed during the year in consultation with staff and union representatives to formally review the currency of the approved terms and conditions. A revised set of terms and conditions will be submitted to Governor-in-Council for approval during 2003-2004.

SIGNIFICANT FAREWELLS

CHRISTINE HENDERSON

Christine joined us in April 2002 to establish our new Advice and Communication unit (A&C) and resigned in May 2003 to take up a senior position in the Queensland public sector. As the manager of A&C, Christine quickly built an effective team that made a substantial contribution in terms of our improvement focussed strategic direction. Christine's contribution as a leader and innovator is evident throughout this report, particularly in relation to those achievements discussed under goals 2 and 3. While her time with us was short, we are grateful for her efforts in positioning the organisation strongly in the public sector and the community and increasing access to our services.

JIM MEYERS

Jim resigned in December 2002 after six years with the office to take up a senior position in Education Queensland's Ethical Standards Unit. Jim was a specialist in the area of corrective services and was relieving as Assistant Ombudsman, Community Services and Corrections team when he left. He had also completed the public sector management program and was consequently a big contributor on our development projects in the area of corporate and human resource management as well.



>> AT THE TIME OF PUBLICATION OF THIS REPORT, DILKA WHISH-WILSON HAD JOINED US AS ADVICE AND COMMUNICATION MANAGER. DILKA BRINGS EXTENSIVE MARKETING, COMMUNICATION AND PUBLIC RELATIONS EXPERIENCE THAT SHE HAS DEVELOPED OVER MORE THAN 10 YEARS IN COMMONWEALTH, STATE AND LOCAL GOVERNMENT.

MEGAN JARVIS

Megan made a significant contribution during her 21 months with us as an Investigator, before she left to join Queensland Health. She was a key member of the Major Projects team involved in the Brooke Brennan investigation that we reported on in last year's annual report.

While we don't like to see good people move on, it is pleasing to know that they are advocating high standards of accountability and ethical administrative practices in their new roles across the Queensland public sector. We wish them all every success.



CORPORATE GOVERNANCE

Our corporate governance framework guides the things we do and the decisions we make to pursue our goals and to carry out our responsibilities under the *Ombudsman Act 2001*. This framework encompasses accountability, management, strategic planning, performance information, risk management, compliance and controls, audit and values and ethics.

ACCOUNTABILITY

LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE (LCARC)

The Ombudsman is an officer of Parliament and reports to Parliament through the LCARC, whose role is to:

- Monitor and review the performance and functions of the Ombudsman
- Report to the Legislative Assembly on any matter concerning the Ombudsman, the Ombudsman's functions or the performance of those functions that the LCARC considers should be drawn to the Assembly's attention
- Examine each annual report tabled in the Assembly under the Act and, if appropriate, comment on any aspect of the report
- Report to the Assembly on any changes to the Ombudsman's functions, structures and procedures that the LCARC considers desirable for the more effective operation of the Act.

The following arrangements are in place to assist the LCARC carry out its role of monitoring and reviewing the Ombudsman:

- Two general meetings are held between the LCARC, the Ombudsman and senior officers, one following the tabling of the annual report and the other preceding the estimates process
- Prior to these meetings, the Ombudsman provides a written response to questions on notice from the LCARC and the detail is discussed at the meeting
- The Ombudsman responds to the LCARC's requests for information from time to time.

MANAGEMENT

EXECUTIVE TEAM

The Executive team, comprising the Ombudsman and the Deputy Ombudsmen, identifies and articulates the strategic priorities of the organisation and directs the way we manage our resources and deliver effective outcomes. The Executive team meets weekly to make decisions on the day-to-day operations, culture and future sustainability of the organisation. In short, the Executive team, supported by the

Manager Corporate Services, authorises what we do and is, therefore, ultimately held accountable for overall organisational performance.

JOINT MANAGEMENT COMMITTEE

The Joint Management Committee includes heads and representatives of the management teams of both the Offices of the Ombudsman and Information Commissioner. It was established to improve the efficiency of decision-making in relation to governance issues, particularly those of interest to both Offices such as finance, IT and human resource issues including training.

MANAGEMENT GROUP

The Management Group comprises team leaders, specifically the five Assistant Ombudsmen who each manage an operational team, the Manager Advice and Communication and the Manager Corporate Services. The role of the members of this group is to implement the strategic plan and team operational plans on a day-to-day basis and to facilitate cross-organisational consultation on key policy and operational issues.

STRATEGIC PLANNING

The *Strategic Plan 2002-2006* reflects a new direction for the Office, which includes our statutory responsibilities to improve public administration in Queensland and to provide timely resolution of complaints. Apart from the usual discussion of the challenges, mission, values, goals, strategies and performance measures driving our organisation for the current year through to the end of the 2005-2006 financial year, our strategic plan provides a blue print for the implementation of recommendations from the Strategic Management Review 2000.

PERFORMANCE INFORMATION

Annual operational plans are prepared for each of the teams in the Office to ensure that team-based activities are clearly influenced by and linked with the strategic direction. The senior management group is accountable to the Deputies and the Ombudsman for the achievement of the targets outlined in their operational plans. We have also linked performance in the operational plan with individual objectives and responsibilities outlined in officers' performance management plans (See Goal 4, p?).

"Effective governance is [also] essential for building confidence in public sector entities - which is in itself necessary if public sector entities are to be effective in meeting their objectives." - Governance in the Public Sector: A Governing Body Perspective issued by the International Federation of Accountants (IFAC).

RISK MANAGEMENT

To ensure the stability and effectiveness of information systems, we established an IT contingency plan and a partnership with the Queensland Parliamentary Service for the provision of various IT support services. In the event of an incident, we can recover our core business system *Catalyst* and maintain effective operations.

We also upgraded our equipment to bring IT services in line with current demands, expected changes to the way we do business and to ensure minimal downtime, no loss of data and no improper access to secure systems.

Next year we will focus on identifying other risk areas and risk mitigation strategies.

COMPLIANCE AND CONTROLS

Purchasing and competitive tendering

We have developed a plan and procedures and conducted training for the staff member responsible for managing our purchasing. Some of our IT acquisitions this year were of significant value and complexity. A public tender was let during the year for the acquisition of the case and records management system that became known as *Catalyst*. A contract for \$179,000 was awarded to Beethoven Computer Services for the supply of software and implementation support.

Consultancy services

The following consultancies were awarded during the year.

Category	Amount
Communication	\$10,300
Human resource management	\$11,257
TOTAL	\$21,557

Remuneration

Below is a summary of the number of senior executive staff in the Office and their salary range. Please note that the superannuable salary does not include allowances, leave loading and fringe benefits such as private use of a motor vehicle and employer superannuation contributions.

Position	Superannuable salary - \$ p.a	
	Min	Max.
Ombudsman - CEO 2	166,274	182,829
Deputy Ombudsmen (2) - SES 2	92,703	110,115



>> THE CONTRACT SIGNING BY ROSS ALLARDYCE, CHIEF EXECUTIVE OF BEETHOVEN AND OMBUDSMAN, DAVID BEVAN FOR OUR NEW CASE AND RECORDS MANAGEMENT SYSTEM, *CATALYST*, SIGNALLED THE BEGINNING OF A NEW ERA FOR THE OFFICE.

AUDIT

Internal audit - We have a three-year contractual arrangement for internal audit covering the 2001-2002 to 2003-2004 financial years with Harte Shepherd and Long. The internal audit function operates under a charter approved by the Ombudsman, which guarantees the independent status and unrestricted access of internal audit and sets out the purpose, authority, scope and responsibility of the function. This year, the internal audit focused on information technology with an emphasis on security, contingency planning, and service delivery. The internal auditor also provided a preliminary review of the financial statements prior to management certification and formal presentation to the external auditor. No matters of serious concern were raised, however, a number of recommendations were made to assist in improving internal control and financial management.

External audit - The audit report and certificate are at the end of the financial statements on p 64. The Auditor-General's delegate has provided an unqualified certificate in terms of the Office's compliance with prescribed requirements for financial management and the truth and fairness of the financial statements.

VALUES AND ETHICS

We have developed our own Code of Conduct based on the principles of good public administration and ethical obligations outlined in the *Public Sector Ethics Act 1994*. All existing staff were briefed on the Office's Code of Conduct in March 2000. Under our induction policy, all new staff are also given the Code and taken through their obligations. As well, the articulation of our client service charter ensures that we continue to act in the best interests of our clients (see p41 under Goal 4).

FINANCIAL SUMMARY AND STATEMENTS

We operate on funds provided by Parliament for both the Office of the Ombudsman and the Office of the Information Commissioner (a position also held by the Ombudsman under s.61(2) of the *Freedom of Information Act 1992*). All financial data published here relates to the combined operations of both offices unless otherwise indicated.

REVENUE

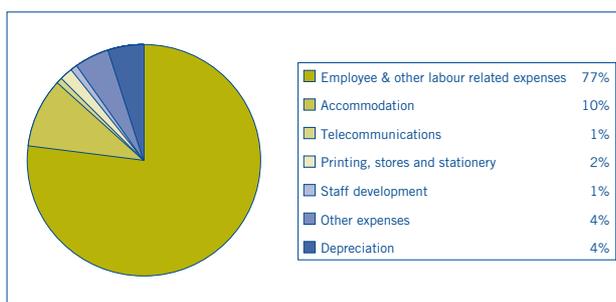
Our operations are funded almost entirely by appropriation for output revenue. A 5.6 per cent budget increase was provided in 2002-2003 to provide for salary increases through the enterprise agreement and additional accommodation costs following extension of the lease for the office. A balanced budget outcome was achieved for 2002-2003, with only a minor unexpended portion of the appropriation to be carried forward to 2003-2004.

EXPENDITURE

Total actual expenditure for the year was \$5.826m, which is a 4 per cent increase on the \$5.594m spent in the previous year. While salary costs increased as a result of the 3 per cent salary rise, the proportion of the budget spent on employee costs reduced by 1.3 per cent. With this money, we were able to manage cost increases linked to strategic initiatives such as printing and publications, staff development and depreciation related to the new case and records management system (see Appendix 4, p66).

CAPITAL ACQUISITIONS

CHART 11: MAIN AREAS OF EXPENDITURE IN 2002-2003



We spent \$276,304 on the implementation of the new case and records management system *Catalyst*, bringing the total cost for this project to \$330,249. \$175,162 was spent on other capital acquisitions, including \$171,910 on information technology assets.

ASSETS

At the end of the financial year, our assets were worth \$1.164m comprising:

- office fit out, furniture and equipment (\$540,000);
- receivables (\$70,000)
- cash at bank (\$205,000); and
- computer software (\$349,000).

LIABILITIES

Excluding accounts payable to the value of \$155,000, the only liability we hold is the provision for employee entitlements, totalling \$344,000.

Our assets exceed our liabilities by \$665,000.

STATEMENT OF FINANCIAL PERFORMANCE FOR YEAR ENDED 30 JUNE 2003

	Note	2003 \$'000	2002 \$'000
Revenues from ordinary activities			
Output revenue	21	5,797	5,563
User charges	3	19	18
Other	4	10	13
Total revenues from ordinary activities		5826	5594
Expenses from ordinary activities			
Employee expenses	5	4,533	4,453
Supplies and services	6	458	416
Depreciation and amortisation	2 (j)	244	191
Equity return expense	8	28	37
Other	7	563	497
Total expenses from ordinary activities		5,826	5,594
Surplus / (Deficit) from ordinary activities	20	-	-
Net surplus		-	-
Total changes in equity other than those resulting from transactions with owners as owners		-	-

A statement of Outputs/Major activities Expenses and Revenues has not been prepared as the Office only has one output.

A Statement of Financial Performance for Administered Expenses and Revenues has not been prepared as the total of administered expenses and revenues for the year was less than \$500.

The above operating statement should be read in conjunction with the accompanying notes.

STATEMENT OF FINANCIAL POSITION AT 30 JUNE 2003

	Notes	2003 \$'000	2002 \$'000
Current assets			
Cash assets	9	205	251
Receivables	10	68	100
Other	11	2	20
Total current assets		275	371
Non-current assets			
Property, plant and equipment	2 (g), 12	540	594
Intangibles	2 (h), 13	349	110
Total non-current assets		889	704
Total assets		1,164	1,075
Current Liabilities			
Payables	14	155	293
Provisions	2 (m),15	288	274
Total current liabilities		443	567
Non-current liabilities			
Provisions	2 (m),15	56	68
Total non-current liabilities		56	68
Total liabilities		499	635
Net assets		665	440
Equity			
Contributed equity	24	596	372
Retained surplus	24	60	60
Reserve: Asset revaluation reserve	24	9	8
Total equity		665	440

There are no Administered Assets and Liabilities that relate to the department.

The above statement of financial position should be read in conjunction with the accompanying notes.

STATEMENT OF CASHFLOWS FOR YEAR ENDED 30 JUNE 2003

	Notes	2003 \$'000	2002 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES			
<i>Inflows:</i>			
Output receipts	21	5,812	5,562
User charges		19	18
GST collected on sales		10	10
GST input tax credits		148	103
Other		14	7
<i>Outflows:</i>			
Employee costs		-4,568	-4,464
Supplies and services		-1,004	-893
Equity return		-35	-33
GST paid on purchases		-136	-103
GST remitted to ATO		-12	-10
Net cash (used in) provided by operating activities	20	248	197
CASH FLOWS FROM INVESTING ACTIVITIES			
<i>Inflows:</i>			
Sales of property, plant and equipment		4	-
<i>Outflows:</i>			
Payments for property, plant and equipment		-522	-78
Net cash (used in) provided by investing activities		-518	-78
CASH FLOWS FROM FINANCIAL ACTIVITIES			
<i>Inflows:</i>			
Equity injections		224	58
<i>Outflows:</i>			
Equity withdrawal		-	-80
Net cash (used in) provided by financing activities		224	-22
Net (decrease) increase in cash held		-46	97
Cash at beginning of the financial year		251	154
Cash at end of the financial year	9	205	251

This Statement of Cash Flows should be read in conjunction with the accompanying notes.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2003

1. Objectives of the Office of the Ombudsman and Office of Information Commissioner

- *Administrative Justice* – to achieve administrative justice for members of the community in their dealings with state and local government agencies;
- *Improved Public Administration* – to make a significant contribution to improving the quality of administrative practice in agencies;
- *Public Awareness and Access* – to ensure that there is a high level of community awareness of the Ombudsman's services and that these services can be readily accessed by all;

With the commencement of the Ombudsman Act 2001 the Ombudsman has acquired an additional responsibility to improve the quality of decision-making and administrative practices of agencies.

- *Expert Review of Disputes under FOI Legislation* – to investigate and review decisions under the *Freedom of Information Act 1992* in a timely and expert manner;
- *Informal and Flexible FOI Dispute Resolution* – to foster timely, informal and inexpensive resolution of FOI applications by promoting flexible approaches to resolution by agencies and members of the community;
- *Progressive Client Focussed Organisation* – to ensure that the Offices exhibit best practice in the performance of their functions and are progressive and responsive organisations.

The office of the Ombudsman and the Information Commissioner is funded by Parliamentary appropriations. Receipts and expenditure relating to the Ombudsman and the Information Commissioner are combined for financial reporting purposes.

2. Summary of Significant Accounting Policies

The significant policies that have been adopted in the preparation of the Departmental Statements are:

(a) Basis of Accounting

This financial report is a general purpose financial report and has been prepared in accordance with the *Financial Administration and Audit Act 1977*, the *Financial Management Standard 1997*, Australian Accounting Standards, in particular Australian Accounting Standard AAS 29 "*Financial Reporting by Government Departments*", Statements of Accounting Concepts, Urgent Issues Group Abstracts, the *Treasurer's Minimum Reporting Requirements for Departmental General Purpose Financial Statements for 2002-03* and other authoritative pronouncements.

Except where stated the financial statements have been prepared in accordance with the historical cost convention. The accounting policies adopted are materially consistent with those of the previous year.

The accrual basis of accounting has been adopted.

(b) Reporting Entity

The financial statements include all assets, liabilities, equities, revenues and expenses of the Ombudsman and the Information Commissioner. Although the Information Commissioner prepares and publishes a separate annual report, it does not include any certified financial data.

(c) User Charges, Taxes, Fees and Fines

User charges and fees controlled by the department are recognised as revenues when invoices for the related services are issued. User charges and fees are controlled by the department where they can be deployed for the achievement of departmental objectives.

Taxes, fees and fines collected by the department but not controlled by it are not recognised as revenues, but are reported as administered revenue in the applicable schedule. Amounts so administered amounted to less than \$500 during the 2002-03 year and have thus not been reported.

(d) Output Revenue

Output Revenue is recognised as revenue in the reporting period in which the revenue is due, either received in cash or accrued. An amount of \$5,000 (2002 \$20,000) has been accrued and is shown as output revenue receivable in the statement of financial position.

(e) Cash assets

For financial reporting purposes, cash includes all cash and cheques received but not banked and available franking machine credit.

(f) Receivables

Receivables are recognised at the amount due at the time of sale or service delivery. The collectability of receivables is assessed periodically with provision being made for doubtful debts. All known bad debts have been written off as at 30 June 2003. Settlement on trade debtors is generally required within seven days.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2003

(g) Property, Plant and Equipment

All items of property, plant and equipment with a cost, or other value, in excess of \$1,000 are recognised for financial reporting purposes in the year of acquisition. Items with a lesser value are expensed.

(h) Intangibles

Intangible assets with a cost or other value greater than \$1,000 are recognised in the financial statements, items with a lesser value being expensed. Each intangible is amortised over its estimated useful life to the agency, less any anticipated residual value.

(i) Revaluation of Non-Current Physical Assets

Land, buildings, infrastructure and heritage and cultural assets are measured at fair value in accordance with AASB 1041 *Revaluation of Non-Current Assets* and Queensland Treasury's *Non-Current Asset Accounting Guidelines for the Queensland Public Sector*.

Of the other non-current assets, plant and equipment is valued at cost and intangibles are measured at cost and fair value.

Separately identified components of assets are measured on the same basis as the assets to which they relate.

(j) Amortisation and Depreciation of Property, Plant and Equipment and Intangibles

Depreciation of property, plant and equipment and amortisation of intangibles is calculated on a straight line basis so as to write off the cost of each depreciable asset, less its estimated residual value, progressively over its estimated useful life. The useful lives of all assets were reviewed during the year.

Items comprising the department's technical library are independently valued at year end.

For each class of depreciable asset depreciation/amortisation rates used are as follows:

Computer equipment	25%
Office equipment	20%
Office furniture and fitout	10%
Intangibles	25%

(k) Payables

Creditors are recognised at the amount expected to be paid for the goods and services rendered. Amounts owing are unsecured and are generally settled on 30 day terms.

(l) Leases

Operating lease payments are representative of the pattern of benefits derived from the leased assets and are expensed in the periods in which they are incurred.

(m) Employee Entitlements

Wages, Salaries and Annual Leave

Liabilities for wages, salaries and annual leave are recognised in the Statement of Financial Position as the amount unpaid at reporting date in respect of employee entitlements accrued and related on-costs such as payroll tax, Workcover premiums and employer superannuation contributions.

Sick Leave

As sick leave is non-vesting, an expense is recognised for this leave as it is taken.

Long Service Leave

In 1999-2000, a new long service leave scheme became operative whereby a levy is made on the department to cover this expense and amounts paid to employees for long service leave are claimed from the scheme as a reimbursement as and when leave is taken. Accordingly, a provision for long service leave is no longer recognised for accruing benefits as this liability is held on a whole of Government basis and reported in the whole of Government financial statements prepared in terms of AAS 31 *"Financial Reporting by Governments"*.

Superannuation

Employer contributions for superannuation expenses are determined by the State Actuary. No liability is recognised for accruing superannuation benefits as this liability is held on a whole of Government basis and reported in the whole of Government financial statements prepared in terms of AAS 31 *"Financial Reporting by Governments"*.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2003**(n) Insurance**

In accordance with current Government policy the department's non current assets and other risks are insured with the Queensland Government Insurance Fund (QGIF).

In addition, the department pays premiums to WorkCover Queensland in respect of its obligations for employee compensation.

(o) Rounding

Amounts included in the financial statements have been rounded to the nearest \$1,000 or, where that amount is \$500 or less, to zero.

3. User Charges

	2003 \$'000	2002 \$'000
Commonwealth Ombudsman for Reception Services	19	18
	<u>19</u>	<u>18</u>

4. Other Revenue

Queensland Treasury for cash management incentive	10	13
	<u>10</u>	<u>13</u>

5. Employee Expenses

Wages and salaries	3415	3286
Superannuation	441	425
Long service leave	55	55
Redundancy Payments	-	79
Annual and sick leave expenses	270	284
Other related expenses	352	324
	<u>4533</u>	<u>4453</u>

6. Supplies and Services

Cleaning	32	30
Consultants and Contractors	25	6
Computer Maintenance	49	71
Electricity	26	27
Library Acquisitions	27	28
Payments to employment agencies	22	17
Printing	52	23
Stores and stationery	34	32
Telephones	74	71
Travel	25	40
General supplies and services	92	71
	<u>458</u>	<u>416</u>

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2003

7. Other Expenses

	2003 \$'000	2002 \$'000
Audit Fees - External	11	10
- Internal	8	7
Operating lease rentals	501	455
Sundry expenses	43	25
	563	497

8. Equity Return

An equity return rate of 6 percent has been set by the government for 2002-2003. Queensland Treasury invoices the department for this amount on a quarterly basis. The return is calculated on a pro-rata daily basis using the opening net asset position of the department for each quarter, plus or minus equity injections or withdrawals.

9. Cash

Cash at Bank	203	249
Imprest accounts	2	2
	205	251

10. Receivables

<i>Current</i>		
Trade debtors	48	45
Less: provision for doubtful debts	-	-
	48	45
GST input tax credits receivable	15	23
GST payable	(2)	(5)
Net receivable	13	18
Long service leave reimbursements	-	11
Output revenue	5	20
Cash Management Incentive	2	6
	68	100

11. Other assets

<i>Current</i>		
Prepayments	2	20
	2	20

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2003

12. Property, Plant and Equipment

	2003 \$'000	2002 \$'000
Office Furniture and Fitout - at cost	518	518
- accumulated depreciation	(207)	(155)
Plant and Equipment - at cost	443	519
- accumulated depreciation	(245)	(316)
	509	566
Library - at independent valuation	31	28
	31	28
Total Property, Plant and Equipment - net book value	540	594

The amount reported for plant and equipment in 2002-03 reflects the departmental asset threshold limit of \$1,000. The Library was valued by an independent valuer (Lawyers Books) as at 30 June 2003, on the current second hand market value basis. In terms of APG 6 this will be shown at cost in future reporting periods.

Reconciliation of the carrying amounts of each class of property, plant and equipment at the beginning and end of the current reporting period

	Office Furniture and Fitout \$'000	Computer Equipment \$'000	Office Equipment \$'000	Library \$'000	Total \$'000
Carrying amount 1 July 2002	363	158	45	28	594
Acquisitions	-	119	4	3	126
Disposals	-	27	-	-	27
Depreciation	52	86	15	-	153
Carrying amount 30 June 2003	311	164	34	31	540

13. Intangibles

	2003 \$'000	2002 \$'000
Internal use software - at cost	566	182
- at management valuation	56	56
- work in progress	-	54
- accumulated amortisation	(273)	(182)
	349	110

14. Payables

<i>Current</i>		2003 \$'000	2002 \$'000
Trade Creditors - recurrent expenditure		155	223
- capital expenditure		-	70
Total		155	293

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2003

15. Provisions		2003	2002
		\$'000	\$'000
Employee Entitlements			
<i>Current</i>			
Accrued Recreation Leave		288	274
<i>Non-current</i>			
Accrued Recreation Leave		56	68
Total		344	342

16. Contingencies

(a) Guarantees and Undertakings

The department was not committed to any Guarantees or Undertakings at 30 June 2003.

(b) Litigation in Progress

As at 30 June 2003 there was no litigation pending.

17. Capital Commitments

There were no Capital Commitments of a material nature at 30 June 2003.

18. Commitments for expenditure

		2003	2002
		\$'000	\$'000
Non-Cancellable Operating Lease Commitments			
Not later than one year		485	27
Later than one year and not later than five years		921	9
Total		1,406	36

The rental agreement in respect of the Department's premises covers the period of four years from 1 July 2002 to 30 June 2006

The net present value of the outstanding rent at 30 June 2003 amounted to \$1,369,000

The offices' vehicles are leased from Qfleet. The net present value of the outstanding leases at 30 June 2003 amounted to approximately \$35,400 of which \$8,000 is non-current.

The franking machine is also leased. The net present value of the outstanding rentals at 30 June 2003 amounted to approximately \$ 1,200, all of which is current.

19. Services Provided by the Auditor-General

An amount of \$10,890 including GST was paid to the Auditor-General during the year for performance of the external audit for the 2001-2002 financial year. An amount of \$11,550 including GST has been accrued for the 2002-2003 financial year audit. These charges are included in the item, Other expenses in the Statement of Financial Performance.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2003

20.	Reconciliation of Net Surplus to Net Cash Provided by Operating Activities	2003	2002
		\$'000	\$'000
	Surplus from ordinary activities	-	-
	<i>Non-cash items:</i>		
	Depreciation and Amortisation	244	191
	Loss on disposal of non-current assets	21	1
	<i>Change in assets and liabilities:</i>		
	Increase (decrease) in employee provisions	2	(43)
	Decrease (increase) in net receivables	17	(32)
	Decrease (increase) in output revenue receivable	15	(1)
	Decrease (increase) in prepayments	18	(14)
	(Decrease) increase in creditors and other payables	(69)	95
	Net cash provided by operating activities	248	197
21.	Reconciliation to Payments from Consolidated Fund		
	Output Revenue		
	Budgeted output appropriation	5,852	5,540
	Less lapsed appropriation	-40	-
	Add unforeseen expenditure	-	22
	Total output receipts	5812	5562
	Less opening balance of output revenue receivable	-20	-19
	Add closing balance of output receivable	5	20
	Output revenue recognised in Statement of Financial Performance	5797	5563
22.	Equity Adjustment		
	Budgeted equity adjustment appropriation	247	(60)
	Less lapsed equity adjustment appropriation	(23)	-
	Add unforeseen expenditure	-	38
		224	(22)
	Less opening balance equity adjustment receivable	-	(8)
	Add closing balance equity adjustment receivable	-	-
	Equity adjustment recognised in Contributed Equity	224	(30)
23.	Losses and Special Payments		
	No material losses or special payments were incurred during the reporting period.		

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2003

24. Changes in Equity

	Retained Surpluses		Asset Revaluation Reserve	
	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000
Balance as at 1 July	60	34	8	34
Increase in net assets			-	-
Transfer of property, plant and equipment revaluation reserve to retained earnings	-	26	-	(26)
Rounding adjustment	-	-	1	-
Balance as at 30 June	60	60	9	8

25. Material Variances

There was no material variance between the original budget for output revenue and actual revenue received for 2002-03.

26. Financial Instruments

(a) Terms Conditions and Accounting Policies

The department's accounting policies including the terms and conditions of each class of financial asset and financial liability at balance date are as follows.

Financial Assets

Financial Instrument	Accounting Policies	Terms and Conditions
Cash	Cash included cash on hand, imprest account totals and cash at bank	Cash deposited with the Queensland Treasury Department earns interest at 3.77% calculated daily. Overdraft balances attract an 7.77% penalty interest charge
Receivables (other than trade debtors)	Amounts are carried at nominal value	Other than receivables from Government, terms are 7 days net.

Financial Liabilities

Financial Instrument	Accounting Policies	Terms and Conditions
Payables	Carried at actual amounts and include accrued expenses applicable to the 2002-2003 year and paid after balance sheet date. Recognition is upon receipt of goods or services. Measurement is based on agreed purchase prices. The carrying amounts approximate fair value.	Amounts are unsecured and are settled on terms varying from 7 to 30 days, unless otherwise agreed

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2003

(b) Interest Rate Risk Exposure

The department's exposure to interest rate risk and the effective interest rates of financial assets and financial liabilities are shown in the following table. All assets and liabilities are shown by maturity or contractual repricing dates and at face value.

	1 Year or Less	1 to 5 Years	Greater than 5 years	Non Interest Bearing	Total	Weighted Average Rate
	\$'000	\$'000	\$'000	\$'000	\$'000	%
<i>Financial Assets</i>						
Cash	205	-	-	-	205	N/A
Receivables	-	-	-	68	68	N/A
Total	205	-	-	68	273	N/A
<i>Financial Liabilities</i>						
Payables	-	-	-	155	155	N/A
Total	-	-	-	155	155	N/A

(c) Credit Risk Exposure

Credit risk exposure represents the extent of credit related losses that the Department may be subject to on amounts to be exchanged under loans and accounts receivable from financial assets. Where appropriate, collateral is obtained in the form of security over property.

The maximum exposure to credit risk at balance date in relation to each class of recognised financial assets is the carrying amount of those assets net of any provision for doubtful debts as indicated in the Statement of Financial Position.

(d) Net Fair Value

The Net fair value is determined as follows:

- The net fair value of cash and cash equivalents and non-interest bearing monetary financial assets and financial liabilities approximate their carrying value.
- The net fair value of other monetary financial assets and financial liabilities is based on market prices where a market exists, or has been determined by discounting expected future cash flows by the current interest rate for financial assets and liabilities with similar risk profiles.

The carrying amounts and estimated net fair values of financial assets, financial liabilities and off-balance sheet derivative financial instruments held at balance date are given below:

Financial Instruments

	Total Carrying Amount		Net Fair Value	
	2003 \$'000	2002 \$'000	2003 \$'000	2002 \$'000
<i>Financial Assets</i>				
Cash	205	251	205	251
Receivables	68	100	68	100
Total	273	351	273	351
<i>Financial Liabilities</i>				
Payables	155	293	155	293
Total	155	293	155	293

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2003

27. Chief Executive Remuneration Level	Superannuable Salary (\$ per annum)	
	Min \$	Max \$
Ombudsman and the Information Commissioner - CEO 2	166,274	182,829

The Superannuable salary does not include industry and like allowances, leave loading and fringe benefits such as private use of a motor vehicle and employer superannuation contributions

28. Employee Numbers	2003	2002
	FTE's	FTE's
Ombudsman	49	49
Information Commissioner	14	15
	63	64

29. Events Occurring After Balance Date

From 1 July 2003, certain corporate services currently resourced internally will be outsourced to the Queensland Parliamentary Service under a shared service provider arrangement. This will not result in a transfer of staff to this department. Details of the financial effect of this arrangement will be reported in the offices' 2003-04 financial statements

There were no other material occurrences after 30 June 2003.

**CERTIFICATE OF THE OFFICE OF THE
OMBUDSMAN AND OFFICE OF INFORMATION COMMISSIONER**

These general purpose financial statements have been prepared pursuant to section 40(1) of the *Financial Administration and Audit Act 1977* (the Act), and other prescribed requirements. In accordance with Section 40(3) of the Act we certify that in our opinion:

- (a) the prescribed requirements for establishing and keeping the accounts have been complied with in all material respects; and
- (b) the statements have been drawn up to present a true and fair view, in accordance with prescribed accounting standards, of the transactions of the Office of the Ombudsman and Office of Information Commissioner for the financial year ended 30 June 2003 and of the financial position of the department at the end of that year.



A.N. JOHNSON
Manager,
Corporate Services Division



D.J. BEVAN
Queensland Ombudsman
and Information Commissioner



C.B. DE WET
Senior Finance Officer,
Corporate Services Division

29 August 2003

INDEPENDENT AUDIT REPORT

To the Accountable Officer of the Office of the Ombudsman and Office of Information Commissioner

Scope

The financial statements and accountable officer's responsibility

The financial statements consist of the statement of financial position, statement of financial performance, statement of cash flows, notes to and forming part of the financial statements and certificates given by the Accountable Officer and officer responsible for the financial administration of Office of the Ombudsman and Office of Information Commissioner, for the year ended 30 June 2003.

The accountable officer is responsible for the preparation and true and fair presentation of the financial statements, the maintenance of adequate accounting records and internal controls that are designed to prevent and detect fraud and error, and for the accounting policies and accounting estimates inherent in the financial report.

Audit approach

As required by law, an independent audit was conducted in accordance with *QAO Auditing Standards* to enable me to provide an independent opinion whether in all material respects the financial statements present fairly, in accordance with the prescribed requirements, including any mandatory financial reporting requirements as approved by the Treasurer for application in Queensland

Audit procedures included -

- examining information to provide evidence supporting the amounts and disclosures in the financial statements, and
- assessing the appropriateness of the accounting policies and disclosures used and the reasonableness of significant accounting estimates made by the accountable officer.

Independence

The *Financial Administration and Audit Act 1977* promotes the independence of the Auditor-General and QAO authorised auditors.

The Auditor-General is the auditor of all public sector entities and can only be removed by Parliament.

The Auditor-General may conduct an audit in any way considered appropriate and is not subject to direction by any person about the way in which powers are to be exercised.

The Auditor-General has for the purposes of conducting an audit, access to all information, documents and property and can report to Parliament matters which in the Auditor-General's opinion are significant.

Audit opinion

In accordance with section 40 of the *Financial Administration and Audit Act 1977* -

- (a) I have received all the information and explanations which I have required; and
- (b) in my opinion -
 - (i) the prescribed requirements in respect of the establishment and keeping of accounts have been complied with in all material respects; and
 - (ii) the Statements have been drawn up so as to present a true and fair view, in accordance with the prescribed accounting standards of the transactions of the Office of the Ombudsman and Office of Information Commissioner for the financial year 1 July 2002 to 30 June 2003 and of the financial position as at the end of that year.


E. A. MUIR, FCPA
Acting Deputy Auditor-General
Delegate of the Auditor-General



Queensland Audit Office
Brisbane

APPENDICES

APPENDIX 1: TOP 20 COMPLAINT GENERATING AGENCIES

Department of Corrective Services	1501
Department of Families	324
Brisbane City Council	288
Department of Housing	245
Queensland Transport	245
Education Queensland	219
WorkCover	209
Gold Coast City Council	198
Queensland Health	160
Department of Natural Resources and Mines	144
Redland Shire Council	142
Public Trustee	138
Legal Aid Queensland	122
Maroochy Shire Council	95
Office of Fair Trading	87
Queensland Building Services Authority	86
Department of Industrial Relations	84
Caboolture Shire Council	80
Department of Emergency Services	79
Health Rights Commission	76

APPENDIX 2: ENERGY CONSUMPTION

As a tenant in a privately owned building, our energy consumption is governed by factors somewhat beyond our control. Every effort is made however, to contain consumption to essential levels and to employ appropriate energy saving, waste management and recycling practices.

In particular we use energy efficient office equipment with power save facilities for periods of low utilisation. Staff are encouraged to recycle paper wherever practicable.

Expenditure on electricity in 2002-2003 was \$25,544, a reduction of \$1,700 on the outlay in 2001-2002.

Expenditure on motor vehicle fuel was \$7,415 compared with \$7,105 in the previous year.

APPENDIX 3: OVERSEAS TRAVEL

No overseas travel was undertaken by any officer in 2002-2003.

APPENDIX 4: MAIN AREAS OF EXPENDITURE

	2002-2003%		2001-2002%	
	\$,000		\$,000	
Employee & other labour related expenses	4507	77.4%	4473	78.7%
Accommodation	561	9.6%	485	8.7%
Telecommunications	73	1.3%	71	1.3%
Printing, stores and stationery	87	1.5%	55	1.0%
Staff development	73	1.2%	50	0.9%
Travel	25	0.4%	40	0.7%
Other expenses	256	4.4%	299	5.3%
Depreciation	244	4.2%	191	3.4%
Total as per financial statements	5826	100.0%	5594	100.0%
Less amount related to Information Commissioner	1399	24.0%	1411	25.2%
Net cost of Ombudsman operations	4427	76.0	4183	74.8

APPENDIX 5: FREEDOM OF INFORMATION APPLICATIONS

DUAL ROLE - OMBUDSMAN AND INFORMATION COMMISSIONER

The Ombudsman is also the Information Commissioner, who under the *Freedom of Information Act 1992* can determine appeals by the public in respect of the unsuccessful applications for access to documents held by government bodies. Documents held by the Ombudsman's Office are prima facie accessible under the FOI Act.

TO AVOID A CONFLICT OF INTEREST -

- The Ombudsman has no role in deciding applications to the Ombudsman's Office for access to its documents. Such matters are delegated to senior officers of the Ombudsman's Office.

- The Information Commissioner has no role in determining appeals arising from a refusal by the Ombudsman's Office to allow applicants access to the documents. Determining appeals involving the Ombudsman's Office is delegated to senior officers in the Information Commissioner's Office.

The only guideline I have issued in both situations is the matters should be determined according to law.

The FOI Act does not allow access to documents held by the Information Commissioner's Office.

<i>Applications received and processed</i>	2002-03	2001-02
Applications carried over from previous year	0	3
Number of applications received	16	33
Applications received under s.51 (consultation as an affected third party)	4	7
Applications withdrawn or deemed withdrawn	3	8
Number of applications requiring a decision	17	21
Applications on hand - carry over to next year	4	0

<i>Outcomes of applications finalised during 2002-03</i>						
Application type	Number of applications	Number of documents considered	Access in full	Access in part	Access refused	% of documents released in full or part
Non-personal	7	399	199	199	1	99%
Personal	9	876	862	14	0	100%

<i>Exemptions invoked</i>		<i>Number of times</i>
41(1)	Disclosure of an obtained opinion, advice or recommendation	1
42(1)(b)	Disclosure of the identity of a confidential source	12
43(1)	Would violate legal professional privilege	2
44(1)	Would disclose someone else's personal affairs	198
46(1)	Disclosure could bring an action for breach of confidence	1

There was only 1 application for internal review involving 2 documents, that on decision was upheld. There were no applications for external review.

A total of \$394.90 was collected for non-personal application fees and charges.

FREQUENTLY ASKED QUESTIONS

What is the role of the Queensland Ombudsman?	Agency overview, p6
What matters cannot be investigated by the Queensland Ombudsman?	Agency overview, p6 and Goal 1, p24
How is the Queensland Ombudsman's Office run?	Executive team, p9; Senior Management group, p10; Organisation structure, p11; and Corporate Governance, p48
How does management consult with staff at the Queensland Ombudsman?	Our people, p46
How did Queensland Ombudsman perform against its targets in 2002-2003	Performance summary, p20-21;and Goals 1-4,pp22-41
How many complaints were finalised during the year?	Goal 1, p22
How many complaints were closed within 10 days?	Goal 1, p24
How has the Office dealt with matters more than 12 months old?	Goal 1, p24
In how many cases was maladministration the finding?	Goal 1, p26
How has the Queensland Ombudsman made a difference?	Our investigations, pp 12-19; and case studies throughout Goals 1-4, pp22-41
How has the Queensland Ombudsman helped to reduce complaints against agencies?	Goal 2, pp28-31;and case studies throughout Goals 1-4, pp22-41
What is the Assessment and Resolution team (ART)?	At a glance, p8
What percentage of complaints are dealt with by the ART?	Goal 1, p25
Which agencies generate the most complaints?	See Goal 1, p23 and; Appendix 1, p66
Did agencies accept the Queensland Ombudsman's recommendations for improving administrative practices and processes?	See Goal 2, pp31-33
Why are some statistics presented in this report not comparable with those presented in the last annual report?	Ombudsman's message, p4
What is <i>Catalyst</i> ?	At a glance, p8; Goal 4, p38; and Goal 4, case study 10, p40
What is the <i>Prisoner Phone Link</i> ?	Goal 3, p35
What is the <i>Complaints Management Project</i> ?	Goal 2, p29
What is the <i>Better Decisions Project</i> ?	Goal 3, p36
What kinds of employment does the Queensland Ombudsman offer?	Our people, p42
What training opportunities were provided to staff of the Queensland Ombudsman in 2002-2003?	Our people, p44
How is the Queensland Ombudsman funded?	Financial summary, p50
How do I obtain a copy of this report?	About this report, p2

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Chart 1	Timeframes for finalising complaints in 2002-2003	24			

ACRONYM TERM

A&C	Advice and Communications
ART	Assessment and Resolution Team
BSA	Building Services Authority
CEO	Chief Executive Officer
CMC	Crime and Misconduct Commission
DG	Director General
DOF	Department of Families
ESO	Electrical Safety Office
FOI	Freedom of Information
FOI Act	Freedom of Information Act 1992
FTEs	Full Time Equivalents
GOC	Government Owned Corporation
HR	Human Resources
IFAC	International Federation of Accountants
IT	Information Technology
LCARC	Legal, Constitutional and Administrative Review Committee

ACRONYM TERM

MPT	Major Projects Team
MRD	Main Roads Department
OESR	Office of Economic and Social Research
OFT	Office of Fair Trading
PAMD Tribunal	Property Agents and Motor Dealers Tribunal
PC	Personal Computer
PIN	Parking Infringement Notice
PT	Public Trustee of Queensland
QHRB	Queensland Harness Racing Board
QT	Queensland Transport
SARAS	Study and Research Assistance Scheme
SC	Safety Certificate
SCC	Staff Consultative Committee
SIDS	Sudden Infant Death Syndrome
VRB	Valuers Registration Board
WEP	Workplace Electrocutation Project
WH&S	Workplace Health and Safety



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