

Annual Report
2010–2011

Queensland Ombudsman



QUEENSLAND
ombudsman

*Improving services for
all Queenslanders.*



QUEENSLAND
ombudsman

Annual Report 2010–2011

Contents

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What is an Ombudsman?

Ombudsman is a Swedish word that means 'the citizen's defender' or 'representative of the people'.

The first Ombudsman was appointed in Sweden in the 1800s to investigate complaints about government decisions.

There are now more than 150 Ombudsmen around the world. Australia has an Ombudsman in each state and territory and in the Commonwealth.

The Office of the Queensland Ombudsman was established in 1974 to investigate the administrative actions of Queensland government agencies, local councils and universities.

Under the *Ombudsman Act 2001*, the Ombudsman has a dual role:

- to provide a fair, independent and timely investigative service for people who believe they have been adversely affected by the decisions of a public agency
- to help public agencies improve their decision-making and administrative practice.

The majority of investigations arise from complaints received, but the Ombudsman also conducts own-initiative investigations.

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1 September 2011

The Honourable Paul Lucas MP
Deputy Premier and Attorney-General, Minister for Local Government and
Special Minister of State
Level 12, Executive Building
100 George Street
Brisbane QLD 4000

Dear Mr Lucas,

I am pleased to present the Annual Report 2010-2011 for the Office of the Queensland Ombudsman.

I certify that this Annual Report complies with:

- the prescribed requirements of the *Financial Accountability Act 2009* and the Financial and Performance Management Standard 2009, and
- the detailed requirements set out in the *Annual Report Requirements for Queensland Government Agencies*.

A checklist outlining the annual reporting requirements can be found at www.ombudsman.qld.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Phil Clarke".

Phil Clarke
Queensland Ombudsman

ombudsman

About this report

Reporting progress

The theme of this year's report is 'improving services for all Queenslanders'. This report includes case studies and testimonials from Queenslanders who have had their complaints investigated by the Ombudsman.

This document:

- informs stakeholders about the Ombudsman's activities and achievements for the 2010-2011 financial year
- reports on performance against the objectives set out in the *Strategic Plan 2010-2015*
- accurately reflects financial and non-financial performance from 1 July 2010 to 30 June 2011
- satisfies the legislative requirements of the *Ombudsman Act 2001*, the *Financial Accountability Act 2009* and other relevant government standards.

Readership

The report provides information for:

- complainants
- public sector agencies and local councils
- universities
- public and private legal practitioners
- members of parliament
- the community
- the media
- employees.

Feedback

This report is designed to be informative and engaging. Feedback is welcomed. You can provide comments or suggestions to:



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ombudsman@ombudsman.qld.gov.au

Further information

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Section 1

Making every day count

In the past year, the Ombudsman has dealt with a record number of contacts and finalised more than 8,000 complaints.



Highlights

Complaint resolution

- Received 20,382 contacts (page 17)
- Finalised 8,278 complaints (page 21)
- Finalised 69% of complaints in 10 working days and 84% in 30 days (page 21)

Administrative improvement

- Major reports published:
 - *Airport Link Project Report* (page 57)
 - *Complaints Matter* (page 58)
 - *The Neville Report* and *The Neville Report Update* (page 59)
- Made 247 recommendations:
 - 175 investigative recommendations (page 24)
 - 72 audit recommendations (page 69)
 - 99% of recommendations accepted (page 24)
- Delivered 144 training sessions to 2,443 officers (page 73)
- Implemented a new ethics training program (page 73)

Community awareness

- Made 72 visits to regional and remote communities (page 80)
- Launched an online case study library (page 83)
- 70,228 website visitors and significant growth in the number of complaints received electronically (page 83)

Organisational excellence

- Obtained an unqualified audit from the Queensland Audit Office (page 139)
- Provided professional development for staff, including Certificate IV in Government (Investigations) and cultural awareness training (page 92)
- Reduced carbon footprint through a variety of initiatives (page 107)



The Ombudsman's message

The Ombudsman is an independent statutory officer who provides citizens with a means of challenging the decisions of government agencies. To promote fairness, integrity and administrative excellence in the Queensland public sector, the Ombudsman investigates complaints, conducts training and recommends systemic change.

The past year has been one of significant challenge, change and achievement.

In my first week as Ombudsman, flood waters inundated our premises at 53 Albert Street. I was impressed with the resilience and commitment of staff, who kept services running in difficult times. Many staff were also involved in the clean-up efforts, helping their colleagues and members of the community rebuild their homes and lives. I thank them for their efforts.

David Bevan's retirement

David Bevan retired in September 2010 after serving as Queensland Ombudsman for nine years. At a time when community expectations for government to operate in a fair, transparent and accountable way increased, Mr Bevan exemplified the key values of fairness, independence, integrity and respect.

I acknowledge his substantial and valuable contribution to improving fairness in public sector administration.

Performance highlights

The theme of this year's annual report is 'improving services for all Queenslanders'.

I believe that good public administration produces good public services. Whether through complaints management, investigations, training or administrative reviews, our work helps keep government agencies accountable and makes Queensland a fairer and more just place to live and work.



Complaints, investigations and audits

Offering an independent, fair and effective complaints management service remains a key focus. This year we received:

- 20,382 contacts – a 4% increase from last year
- 8,354 complaints – a slight decrease on last year's figures, but the general trend over the past five years has been an increase in the number of complaints.

A total of 247 recommendations were made to agencies:

- 175 investigative recommendations were made to public agencies to rectify the effect of unfair decisions
- 72 recommendations were made following audits of public sector complaints management systems.

The case studies in this report illustrate the wide range of issues dealt with over the past year and the positive impact our recommendations have had.

Own-initiative investigations are another key focus. I report the outcomes of my investigations to Parliament where I consider it is in the public interest to do so. Reports tabled in Parliament in 2010-2011 were:

- *Complaints Matter: a review of the complaints management systems of local councils in Queensland*
- *The Airport Link Project Report: an investigation into complaints about night-time surface work*

In addition, the Speaker of the Queensland Parliament approved the publication of *The Neville Report* and *The Neville Report Update*.

Training

Providing clear, relevant and targeted training in areas such as complaint handling and good decision-making can help improve public administration. This year:

- a record 144 sessions were delivered to 2,443 public sector officers
- 49 of these sessions were delivered in regional Queensland
- 97% of participants reported that the training would help them in their daily work and 98% would recommend it to other officers in the public sector
- a new training program, *Your Ethical Compass*, was introduced.

Since the training programs were launched in 2005, more than 8,500 officers have taken part.

Community

During 2010–2011, we raised awareness about our role and improved the accessibility of our services through education, media campaigns and community outreach. This year there was a significant increase in the number of visits to the Queensland Ombudsman website and the online complaint form. There were 70,228 visits to the website, a 36% increase on the previous year and 48,495 visits to the online complaint form, a 24% increase on the previous year.

We conducted regional awareness campaigns on the Gold Coast, Sunshine Coast and Western Queensland. Over the past year, Ombudsman officers made 72 visits to regional and remote communities across the state.

We participated in community outreach events, including the Multicultural Festival, World Refugee Day Festival, NAIDOC Week, Law Week and university orientation events. We also conducted complaints clinics at homeless centres and launched a series of bi-monthly presentations to multicultural organisations.

Looking forward

In 2011-2012, we will implement the *Queensland Ombudsman Strategic Plan 2011-2016*. The strategic objectives for the coming year are to:

- promote administrative justice by providing an independent, fair and effective investigative service
- improve the quality of administrative practice in Queensland public sector agencies
- ensure all sections of the community are aware of and have reasonable access to our services
- promote organisational excellence and a skilled, committed workforce.

Like many public sector agencies, we face challenges in providing Queensland's diverse and decentralised community with efficient, effective and timely services. We will continue to work closely with other complaint agencies to find opportunities for productive collaboration and avoid duplicating investigative effort.

One of my key priorities is to ensure fair and equitable access to our services for all Queenslanders. In 2011-2012, we will continue to improve our Indigenous outreach and build on our successful programs aimed at homeless people, refugees and people from culturally and linguistically diverse backgrounds.

There are valuable lessons to be learnt from each of our investigations. In 2011-2012 we will maintain the timeliness of investigations and consider options for better communicating the outcomes.

Given the increase in website visits and the growing number of people who lodge complaints online, another key priority is making the website more accessible and user-friendly.

The *Ombudsman Act 2001* requires that a strategic review be carried out every five years. The next review is due to commence early in 2011-2012. This review will help to identify further improvements to the way we do business. The review recommendations will help us chart our course for the next five years.

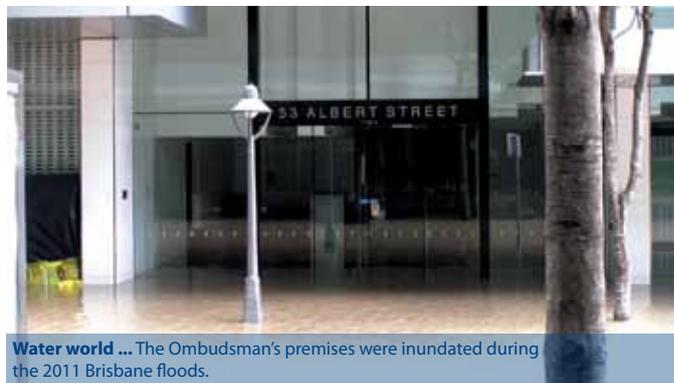
In the coming year, we will continue to improve the way we do business to ensure efficient and effective delivery of services.

Finally, I would like to thank all the Queensland Ombudsman staff for their commitment and dedication during the past year. Every single day, they embody our core values of fairness, independence and integrity. Their hard work ensures that we continue to achieve our objectives and meet the needs of the community.



Phil Clarke

Queensland Ombudsman



Water world ... The Ombudsman's premises were inundated during the 2011 Brisbane floods.

What we do

The Ombudsman's role

Under the *Ombudsman Act 2001*, the Ombudsman has a dual role:

- to provide a fair, independent and timely investigative service for people who believe they have been adversely affected by the decisions of public agencies
- to help agencies improve their decision-making and administrative practice.

The majority of the Ombudsman's investigations arise from complaints received, but the Ombudsman may undertake own-initiative investigations.

Free, fair and independent

The Ombudsman answers to the Parliament rather than to the government of the day. This allows the Ombudsman to be completely independent.

No one can direct:

- whether particular complaints should or should not be investigated
- the level of priority given to investigations
- how investigations should be conducted.

The, Parliament or a Parliamentary Committee may refer matters to the Ombudsman for investigation.

Making a difference

If the Ombudsman considers an agency's action unlawful, unreasonable, unjust, or otherwise wrong, he can make recommendations to:

- rectify the effect of the action, or
- improve the agency's administrative practice.

Jurisdiction

The Ombudsman can investigate complaints about the decisions of:

- state government agencies
- local councils
- universities.

Many complaints received by the Ombudsman are outside this jurisdiction.

The Ombudsman does not have the power to investigate complaints about the decisions of:

- Ministers and Cabinet
- courts and tribunals
- private individuals or businesses
- the operational actions of police
- Commonwealth or interstate government agencies.

Except in special circumstances, the Ombudsman does not investigate complaints where a complainant:

- has known about the problem for more than 12 months before complaining, or
- has a right of review that has not been used.

The Ombudsman will also decline to investigate if the complainant has not tried to resolve the issue with the relevant agency first. Each agency is responsible, in the first instance, for trying to resolve complaints about its actions and should be given an opportunity to do so.

Key stakeholders

Key stakeholders include:

- complainants
- public sector agencies
- local councils
- universities
- parliamentary representatives.

Delivering services

When dealing with the Queensland Ombudsman, people can expect:

- fair and independent advice
- timely investigations
- confidentiality
- clear explanations about what can and cannot be done
- regular updates on the progress of their complaint
- clear reasons for decisions
- reasonable access to services, regardless of their background and circumstances.

Our vision

Excellence in public sector decision-making and administrative practice.

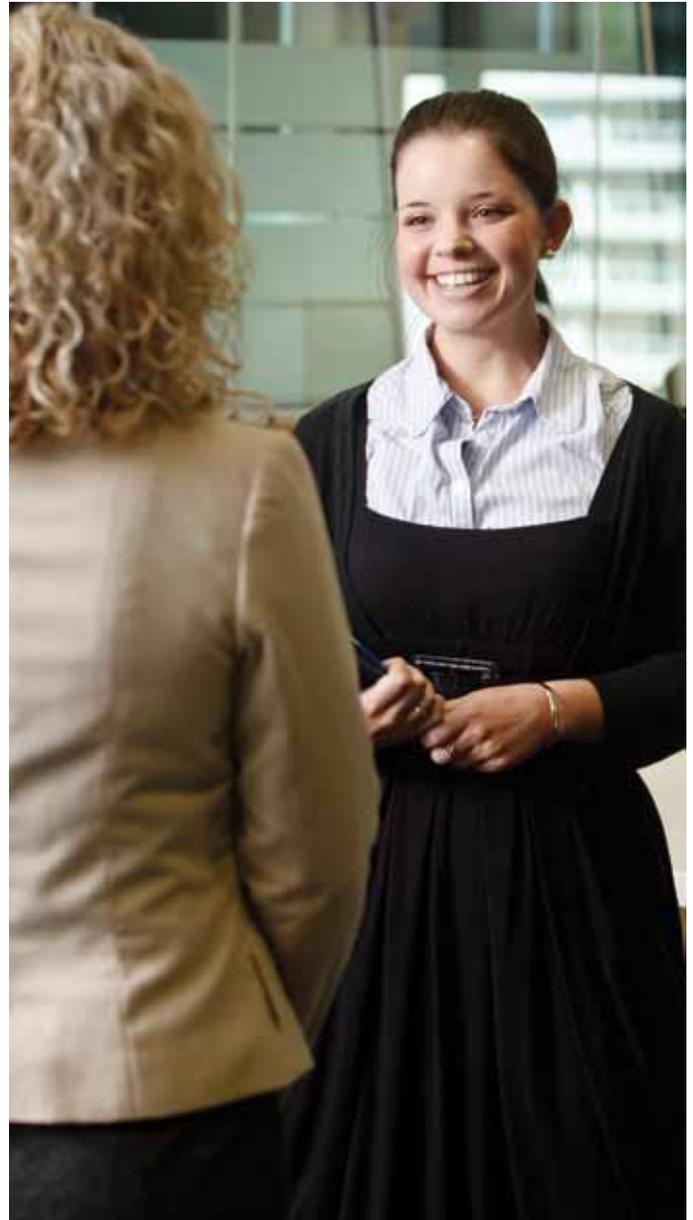
Our goal

To play a lead role in promoting fair decision-making by public sector agencies.

Our values

In everything we do, we value:

- fairness, independence and impartiality
- integrity and honesty
- respect for all people
- professionalism and diligence
- efficiency and responsiveness.



Service with a smile ... Ombudsman officers are committed to delivering the best service to all of our stakeholders.

Performance snapshot

The objectives, strategies and performance indicators shown here are drawn from the *Queensland Ombudsman Strategic Plan 2010-2015*.

Some performance indicators are also Service Delivery Statement measures: ↑ means performance exceeded by 5% or more → means performance is within 5% of target.

A full statement of Service Delivery Measures is provided in Appendix 2 (page 149).

Objective 1	Strategies	Performance indicators
Promote administrative justice by providing an independent, fair and effective investigative service	Maintain an efficient and timely complaints management service	Finalised 84% of complaints within 30 days Finalised 99% of complaints within 12 months ↑ One complaint open at 30 June 2011 that was more than 12 months old (0.27% of complaints) ↑ Early intervention in 97% of complaints ↑
	Continue our focus on using informal resolution processes	Finalised 99% of complaints using informal resolution processes ↑
	Continue high quality investigations of complaints	Achieved a positive outcome for the complainant in 44% of complaints ↑
	Make recommendations to rectify the effect of maladministration	All direct benefit investigative recommendations accepted by agencies*

Objective 2	Strategies	Performance indicators
Contribute to improving the quality of administrative practice in Queensland public sector agencies	Help improve the quality of administrative practice in Queensland public sector agencies	Finalised two operational audits of complaints management systems Published <i>Complaints Matter: A review of the complaints management systems of local councils in Queensland</i>
	Provide training programs on good administrative practice	Delivered 144 training sessions to 2,443 public sector officers on good decision-making, complaints management and ethics ↑ 97% of participants reported that training would assist them in their work
	Make recommendations to improve administrative practice based on investigations and administrative reviews	96% of systemic investigative recommendations accepted by agencies* All 72 audit recommendations addressed systemic issues and were accepted by the agencies*
	Provide advice to agencies to encourage good administrative practice	Produced a total of 10 editions of four newsletters (<i>State Perspective; Local Perspective; Legal Perspective; Corrections Perspective</i>) More than 3,000 newsletter subscribers
	Provide reports to Parliament highlighting significant deficiencies in administrative practice	Two reports tabled in Parliament: → <i>Complaints Matter</i> → <i>Airport Link Project Report</i> Also published reports with the authority of the Speaker: <i>The Neville Report</i> and <i>The Neville Report Update</i>

*for recommendations where a response had been received on or before 30 June 2011

Objective 3	Strategies	Performance indicators
Ensure all sections of the community are aware of and have reasonable access to the Office's services	Promote and monitor awareness of the Office's role	Worked with other independent complaint agencies to increase community awareness and continued to promote the joint complaints website, <i>It's OK to Complain</i> Conducted three media campaigns in regional Queensland Implemented awareness strategies targeted at Indigenous and multicultural Queenslanders 62% of complaints received from outside Brisbane →
	Provide all sections of the community with reasonable access to services	2,510 complaints received by email or via the website (30% of all complaints) 605 complaints lodged by prisoners via the Prisoner PhoneLink Made 72 visits to regional Queensland to investigate complaints, inspect correctional centres and provide training to state and local government officers ↑

Objective 4	Strategies	Performance indicators
Promote organisational excellence and a skilled, committed workforce	Maintain a high standard of corporate governance	Obtained unqualified audit report from the Queensland Audit Office Completed performance reporting within required timeframes Reviewed the risk management plan
	Attract, develop and maintain a skilled workforce	Expended 1.4% of the staff budget on training
	Foster a culture of innovation, commitment and service	Implemented improvements identified in the Complainant Satisfaction Survey Continued to use effective internal communication processes, including a regular fortnightly staff newsletter
	Provide staff with appropriate resources to develop high quality services	Updated the case management system

The year ahead

The Queensland Ombudsman's strategic challenges include:

- maintaining community confidence in a time of increasing expectations around government accountability and transparency
- providing services to Queensland's diverse and decentralised community
- allocating resources to keep pace with increasing demand for services.

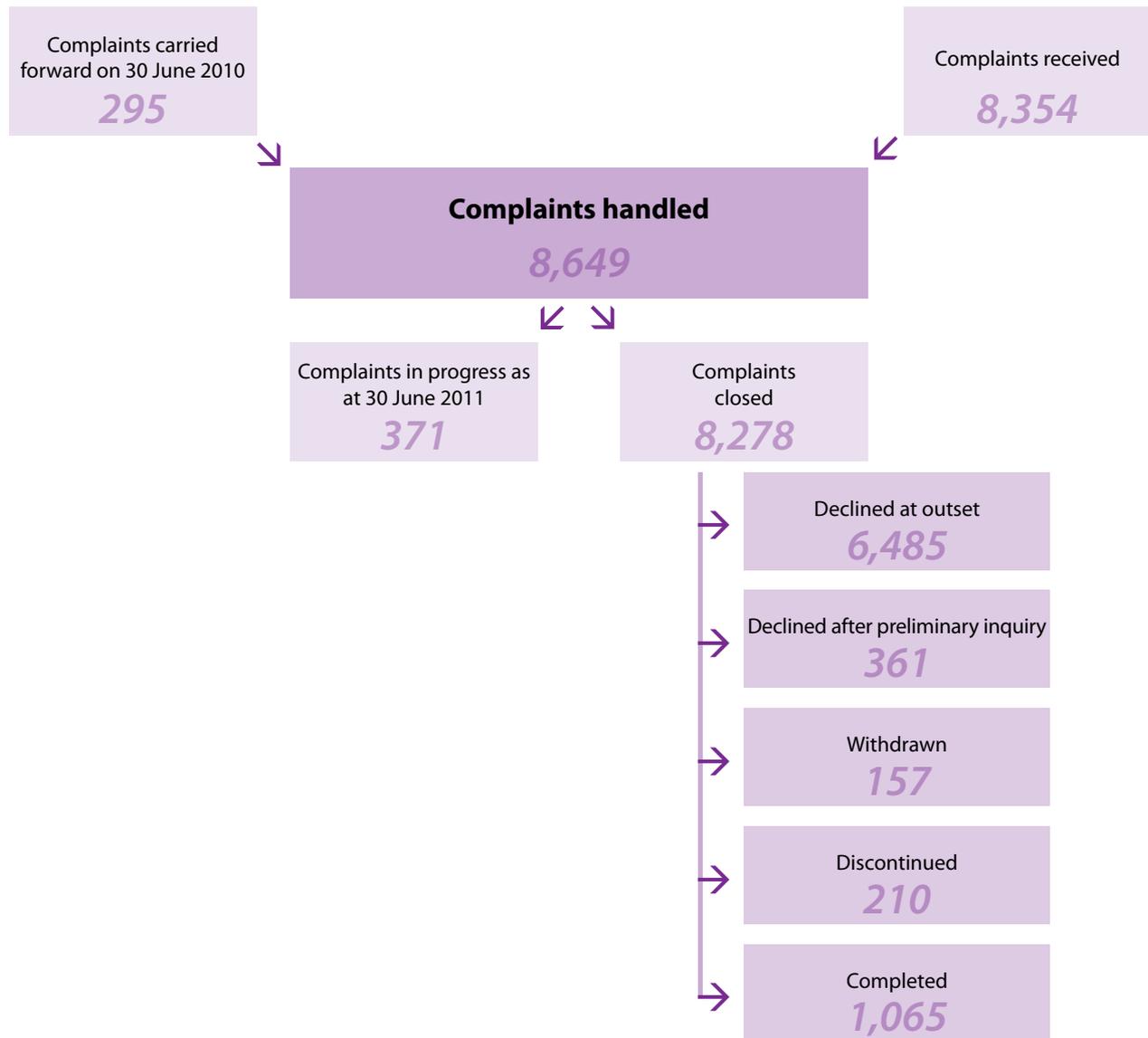
Section 2

Complaints: improving public services

The Ombudsman investigates complaints about state government agencies, local councils and universities.



Resolution of complaints 2010-2011



Complaints overview

The Queensland Ombudsman investigates complaints about the decisions of state government agencies, local councils and universities. The Ombudsman resolves complaints in a fair, independent and timely manner.

Contacts

The total number of contacts to the Ombudsman's office has continued to grow. In 2010-2011, the number of contacts increased to 20,382 (up 4% from 2009-2010).

These contacts are assessed and fall into one of three categories:

- referrals
- complaints
- inquiries or other form of contact.

Happy to help ... Ombudsman officers investigate complaints with a focus on providing a fast, fair resolution.



Delivered

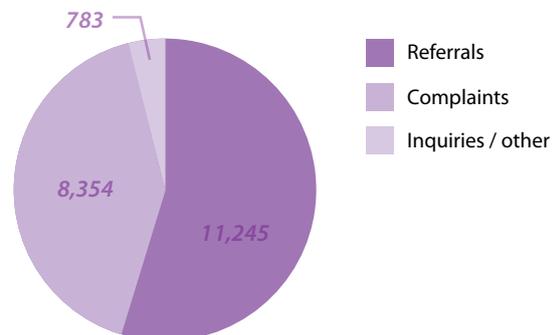
- Responded to 20,382 contacts
- Received 8,354 complaints
- Finalised 8,278 complaints
- Finalised 84% of complaints within 30 days

Detailed statistical report

This section provides an overview of complaints received and finalised. The focus is on this year's performance. For a detailed statistical report, including data showing trends over time, see Appendix 1 (page 142).

The following sections on state government agencies, local government and universities also include statistical information about complaints and investigations.

Figure 1: Contacts



Referrals

Referral: *the contact is referred to another agency because the complaint is outside the Ombudsman's jurisdiction*

This year, 11,245 complaints were referred, representing 55% of all contacts. In 2009-2010, referrals accounted for 38% of all contacts.

The rise in referrals may be attributed to improved awareness about the Ombudsman. It may also be linked to the increasing number of industry ombudsmen and complaints agencies which has created uncertainty about the appropriate agency to contact with a complaint.

A rise in the number of referrals may also be attributed to increased use of the online complaint form. In 2007-2008, there were 1,387 online referrals (23% of all referrals); in 2010-2011, there were 3,657 online referrals (48% of all referrals).

Matters outside the Ombudsman's jurisdiction, such as complaints about telecommunications providers, banks and insurance companies, are referred to the appropriate complaint agency such as the Telecommunications Industry Ombudsman or the Financial Ombudsman Service.

"Thank you and your staff for your prompt attention to our complaint. We were contacted by one of your officers who offered us an opportunity to engage with the department. Thank you for this, we hope that the communication channel you have initiated will allow us to resolve our complaint with the department."

- A complainant



Complaints received

Complaint received: an expression of dissatisfaction that is accepted for further consideration

This year, 8,354 complaints were received – a decrease of 4% (8,717 in 2009-2010). This small decrease may be attributed to the community and service disruption caused by natural disasters in 2010-2011.

In 2010-2011:

- 55% of complaints were about state government agencies
- 25% of complaints were about local government
- 3% of complaints were about universities.

The increase in university complaints over recent years continued. In 2010-2011, there were 270 complaints (up from 262 complaints in 2009-2010 and 182 in 2008-2009). The growth in complaints has been driven by the introduction of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*. The code was introduced in July 2007 and requires that overseas students be afforded rights of external appeal against decisions by universities.

Figure 2: Complaints received

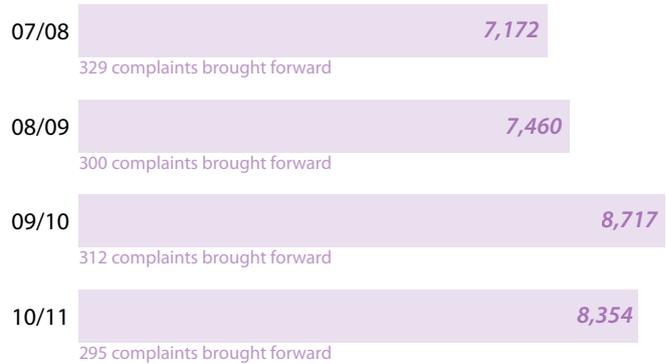
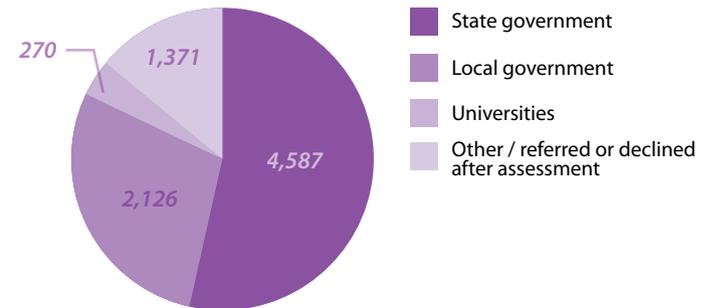


Table 1: Complaints received by agency type

	07/08	08/09	09/10	10/11
State government	4,268	4,370	5,099	4,587
Local government	1,843	1,979	2,275	2,126
Universities	130	182	262	270
Other/out of jurisdiction	931	929	1,081	1,371
Total	7,172	7,460	8,717	8,354

Figure 3: Complaints received by agency type



Inquiries and other contacts

This year, 716 inquiries were received, an increase of 4% from 2009-2010.

In addition to these inquiries, 'other contacts' comprised review requests and Public Interest Disclosures.

Under the Ombudsman's complaints management system, a complainant may request a review of the Ombudsman's decision. This year, 50 review requests were received and 49 were finalised (see page 104).

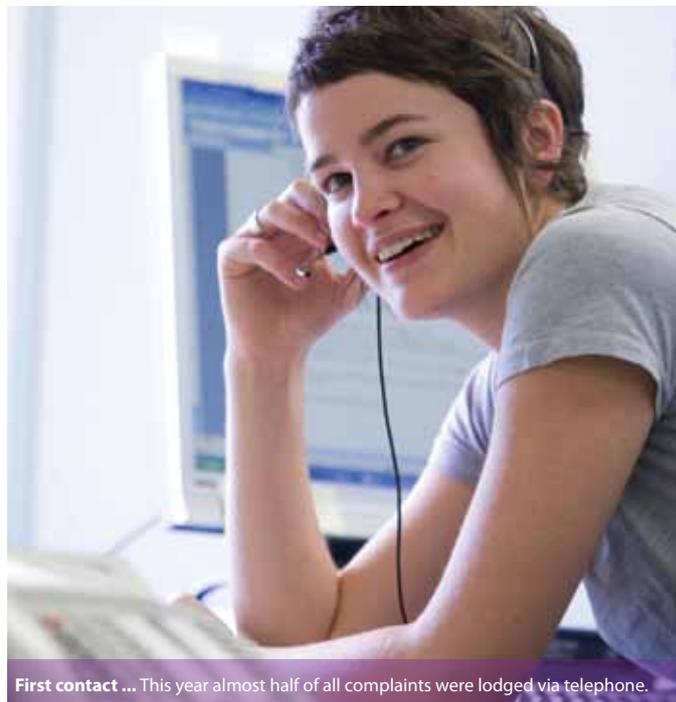
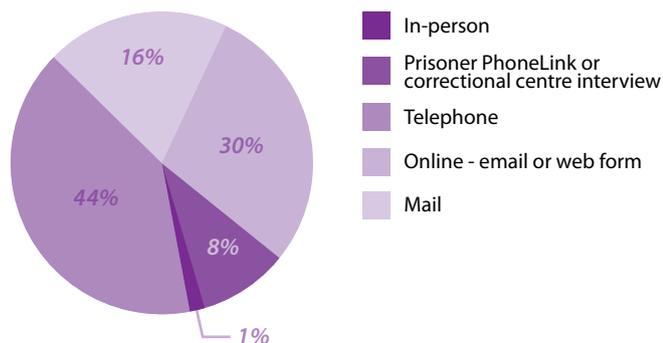
The Ombudsman also received 17 Public Interest Disclosures (0 related to the Queensland Ombudsman and 17 related to other agencies - see page 99).

Method of contact

In 2010-2011, 3,710 complaints (44% of all complaints) were lodged by telephone. The number of complaints lodged electronically continued to grow: 2,496 complaints (30% of all complaints) were received by email and the online complaint form. As online complaints increased, the number of complaints received by mail has dropped.

The number of complaints lodged in-person has remained static at 1% of complaints received.

Figure 4: Method of contact



First contact ... This year almost half of all complaints were lodged via telephone.

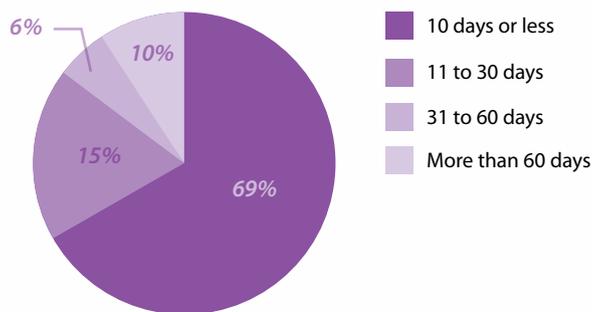
"When I say thanks to all staff here, I wish to include those at the front desk and those who answer the phone. They are so pleasant. I know dealing with the public is not easy. Many may complain unnecessarily and fail to say thank you. Your positions are no doubt demanding but I for one can say they are important."

- A complainant

Time to finalise complaints

In 2010-2011, 8,278 complaints were finalised, a decrease of 5% from 2009-2010. This reflects the impact of the two-week flood closure. During that time, complaints were received but Ombudsman officers were not able to progress them with the relevant agencies.

Figure 5: How long it took to finalise complaints



In 2010-2011:

- 69% of complaints were finalised within 10 days
- 84% of complaints were finalised within 30 days
- 99% of complaints were finalised in less than 12 months.

Early intervention strategies were used to manage 97% of complaints. This means that within 10 days, the complaint was closed or early intervention action was initiated. Examples of early intervention include contacting the complainant to obtain additional information, requesting documents from the relevant agency and researching relevant legislation.

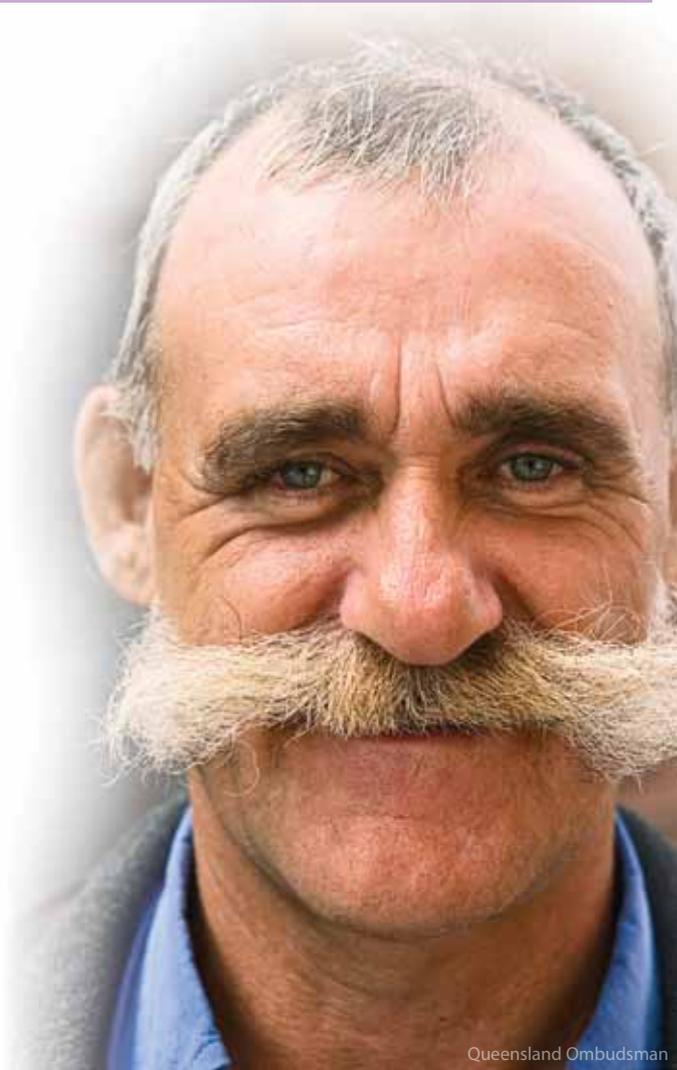
At 30 June 2011, 371 complaints remained open, up from 295 in 2009-2010. Of these, 115 (31%) were new matters received within the last 30 days of the financial year. These complaints were being assessed or preliminary inquiries undertaken. The remaining 256 (69%) open cases were matters that required further research or investigation, or where information requests to the complainant or the agency were outstanding. Only one case more than 12 months old remained open at the end of the year.

Resolving complaints

Complaint response and closure times are key performance indicators. A range of factors can affect response times, including:

- the complexity of the issues raised
- the level of research and/or investigation required to properly consider a matter.

A range of approaches are employed to assess and investigate each complaint.



Managing complaints

Table 2: How the Queensland Ombudsman managed complaints

	08/09	%	09/10	%	10/11	%
Assessment	5,673	76%	6,842	79%	6,743	81%
Preliminary inquiry	172	2%	421	5%	428	5%
Informal investigation	1,529	21%	1,377	16%	1,055	13%
Standard investigation	73	<1%	65	<1%	51	<1%
Major investigation	1	<1%	3	<1%	1	<1%
Total	7,448		8,708		8,278	

Managing complaints

Assessment: complaint finalised by research, no need to contact the agency involved

Preliminary inquiry: complaint finalised after obtaining basic information from the agency involved

Informal investigation: complaint finalised by making informal inquiries with the agency involved and/or by negotiating with the parties involved

Standard investigation: complaint finalised by conducting formal interviews with agency officers or seeking formal written responses from the agency involved

Major investigation: significant time and resources involved in investigating systemic maladministration



The increased use of preliminary inquiries (428 in 2010-2011; 421 in 2009-2010) means that timely advice is provided to complainants and helps finalise complaints without complex intervention.

The *Ombudsman Act 2001* contains formal powers; however, informal means of investigation are preferred. Formal investigation techniques, such as recorded interviews or written responses from the agency, are time-consuming and resource-intensive. Formal methods are used where informal methods are considered inappropriate.

Complaint outcomes

This year, 6,846 complaints were declined. More than half of the complaints were declined as premature (3,617 complaints – 53%). This means that the complainant did not exhaust the agency’s internal complaints management process before contacting the Ombudsman. Agencies should be given an opportunity to consider and resolve complaints, including undertaking an internal review of the agency’s original decision.

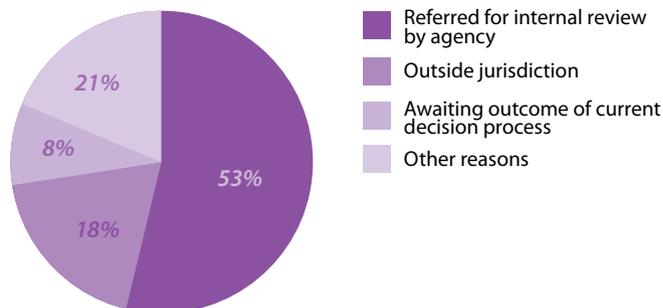
A further 1,261 complaints (18%) were declined because they were outside the Ombudsman’s jurisdiction. Examples of out of jurisdiction complaints include complaints about certain Queensland Government Owned Corporations, Commonwealth government agencies, private businesses or individuals.

Where the complaint was subject to a decision-making process that was not yet complete, it was declined (558 complaints – 8%).

Other reasons complaints were declined included:

- the investigation was considered unnecessary or unjustifiable (351 complaints – 5%)
- other appeal rights should be exhausted (298 complaints – 4%)
- another complaint entity has or will investigate (147 complaints – 2%).

Figure 6: Why complaints were declined

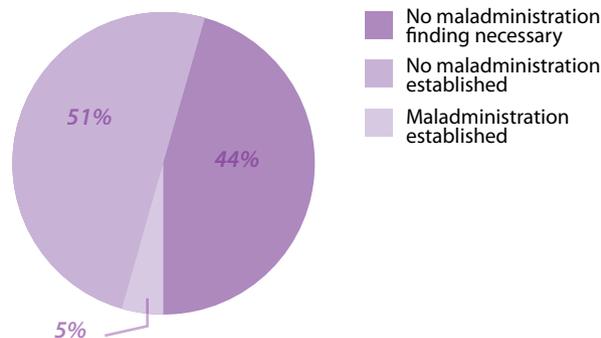


In 1,065 complaints, the Ombudsman made a determination about maladministration. In 54 cases, maladministration was found (5% of determinations). In 33 maladministration cases, the Ombudsman concluded that the agency’s decision or action was unreasonable, unjust, oppressive or improperly discriminatory.

The number of maladministration cases where reasons were not given or were inadequate increased from five (2009-2010) to ten (2010-2011). The number of investigations that concluded an agency’s decision or action was ‘wrong’ reduced significantly, from nine in 2009-2010 to two in 2010-2011.

Almost half of all investigations achieved a positive outcome for complainants (473 investigations – 44%). In these cases, the agency agreed to totally or partially address the complainant’s concerns or provided a satisfactory explanation for their decision or action.

Figure 7: Complaint outcomes



Recommendations

Where maladministration is identified, the Ombudsman generally makes a recommendation to rectify the action. Recommendations are considered to be either:

- direct benefit – produce a positive outcome for the individual complainant
- systemic – that address issues with policies, procedures or practices.

This year, the Ombudsman made 45 direct benefit recommendations and 130 systemic recommendations. The Ombudsman's recommendations addressed a wide variety of administrative deficiencies; however, the majority concerned improvements to agencies' policies or procedures (60%).

The Ombudsman has no power to make an agency implement his recommendations; however, in practice, agencies generally accept all recommendations.

In 2010-2011, 99% of recommendations were accepted (where a response had been received from the agency by 30 June 2011). For more information, see page 146.

Table 3: Types of investigative recommendations made to agencies

	10/11	% of total
Improve policy or procedure	105	60%
Give better explanation / reasons	15	9%
Follow policy or procedure	14	8%
Admit error or apologise	12	7%
Change decision	10	6%
Provide training	7	4%
Compensate	5	3%
Expedite action	4	2%
Explanation given by agency	2	1%
Review decision	1	<1%
Total	175	

Figure 8: Total investigative recommendations made



Making a difference ... The Ombudsman's recommendations help individual complainants and produce systemic change.



Looking forward

- Maintain an efficient and timely complaints management service
- Continue focus on informal resolution of complaints
- Conduct high quality investigations that achieve positive outcomes for complainants
- Make recommendations to rectify the effect of maladministration



“Your officer addressed the issues involved in an intuitive and forthright manner...congratulations on getting it so right when so many people get it so wrong.”

- A complainant

State government

The Queensland Ombudsman investigates complaints about the decisions of state government agencies and works closely with the public sector to ensure that all Queenslanders get a fair go.

Delivered

- Received 4,587 complaints
- Completed 639 investigations
- Made 114 recommendations to resolve individual complaints and improve administrative practices

Complaints about state government agencies

In 2010-2011, 4,587 complaints were received about state government agencies, a decrease of 10% from 2009-2010.

In the 639 investigations completed this year, maladministration was established in 30 cases (5%).

A total of 114 recommendations were made to state agencies: 25 were direct benefit recommendations to help individual complainants and 89 concerned systemic improvements.

Figure 9: State government complaints received

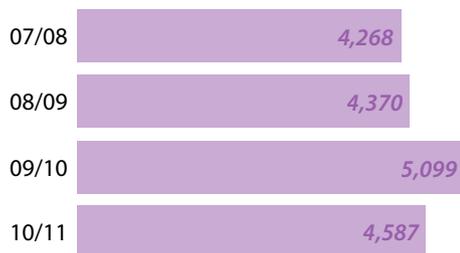


Table 4: Complaints received about statutory bodies

	09/10	10/11
Public Trustee	161	170
WorkCover	104	113
Legal Aid Queensland	138	106
Health Quality and Complaints Commission	81	64
Adult Guardian	33	44
Commission for Children and Young People and Child Guardian	20	41
Legal Services Commission	38	20
Q-COMP	22	11
Queensland Anti-Discrimination Commission	11	6
Crime and Misconduct Commission	5	6
Office of the Information Commissioner	2	2

Table 5: Complaints received about state government departments

Department and business unit	09/10	10/11
Department of Communities	1,046	898
Child Safety Services	458	406
Housing and Homelessness Services	437	388
Disability and Community Care Services	45	40
Other business units/service areas	106	64
Department of Community Safety	1,185	961
Queensland Corrective Services	953	770
Queensland Parole Board	190	173
Emergency Services	42	18
Department of Education and Training	293	310
Education Queensland	232	259
TAFE Queensland	44	44
Other business units/service areas	17	7
Department of Employment, Economic Development and Innovation ^{note 1}	168	46
Primary Industries and Fisheries	40	18
Mines and Energy	26	11
Other business units/service areas	16	17
Liquor, Gaming and Office of Fair Trading (LGOFT) ^{note 1}	86	-
Department of Environment and Resource Management	193	173
Natural resources and water	123	166
Other business units/service areas	70	7
Department of Justice and Attorney-General ^{note 1}	273	326
State Penalties Enforcement Registry	78	75
Liquor, Gaming and Office of Fair Trading (LGOFT) ^{note 1}	-	85
Queensland Civil and Administrative Tribunal	30	55
Queensland Courts	53	48
Fair and Safe Work Queensland	29	18
Other business units/service areas	83	69

Note 1: LGOFT moved from the Department of Employment, Economic Development and Innovation (DEEDI) to the Department of Justice and Attorney-General in February 2011. Complaints are shown for the full year. In 2010-2011, DEEDI complaints excluding LGOFT matters dropped by 29%, and DJAG complaints excluding LGOFT matters decreased by 7%.

Department and business unit	09/10	10/11
Queensland Health	391	298
Queensland Health	391	279
Other business units ^{note 2}	-	19
Department of Local Government and Planning	35	20
Infrastructure and Planning	30	14
Local Government	4	5
Other business units/service areas	1	1
Queensland Police Service	229	146
Department of the Premier and Cabinet	29	38
Premier and Cabinet	23	30
Arts Queensland	6	8
Department of Public Works	140	106
Queensland Building Services Authority	113	83
Public Works	8	15
QBuild	7	5
Other business units/service areas	12	3
Department of Transport and Main Roads	514	606
Transport	352	322
Main Roads	162	284
Queensland Treasury	81	74
Office of State Revenue	68	65
Government Superannuation Office	8	5
Queensland Treasury	2	4
Other business units/service areas	3	-

Note 2: This year, 12 complaints were received about health practitioner registration bodies which had ceased to exist at 30 June 2010.

Case studies

1 - Refusal to release funds

The complaint

A young woman contacted the Queensland Ombudsman about the administration of her financial affairs. As a result of a tribunal order the Public Trustee had been given responsibility for managing her finances. The woman and her husband wanted to move out of the rental market and purchase a house. She asked the Public Trustee to release the funds needed so she could purchase a home. However, the Public Trustee did not support her request.

The investigation

Queensland Ombudsman officers contacted the Public Trust Office and referred the complaint to the Public Trustee for internal review. It was noted that the woman wished to purchase a house, because her husband had relocated to the town in which they were renting, had established ties in their new community and wanted to settle there. The Queensland Ombudsman requested the Public Trustee reconsider its decision not to support the woman's request to purchase a property.

Making a difference

As a result, the Public Trustee met the woman to discuss options for her living arrangements. The Public Trustee agreed that the complainant could purchase a house, subject to certain criteria.

2 - Incorrect details on birth certificate

The complaint

A man contacted the Queensland Ombudsman after his birth certificate was issued with his name spelt incorrectly. The complainant required the birth certificate so he could apply for his driver's licence. The complainant said he could not afford the \$135 fee to have his birth certificate re-issued.

The investigation

To help resolve his complaint, Queensland Ombudsman officers contacted the Registry of Births, Deaths and Marriages. The Registry checked the original birth registration document and confirmed that the spelling on the birth certificate that the man had recently received matched the original birth registration. However, the Registry advised that correspondence attached to the original registration document indicated that there had been unsuccessful attempts to contact his mother to clarify details on the original birth certificate.

Making a difference

In view of the circumstances, the Registry agreed to accept an application from the man's mother requesting an amendment to the original birth certificate, which would cost only \$16. Queensland Ombudsman officers wrote to the complainant and provided an explanation of the Registry's decision, as well as a copy of the 'Birth registration application', and information about how to complete and lodge the amendment application.

3 - Retrospective contribution waived

The complaint

A disability pensioner contacted the Queensland Ombudsman about a decision by Legal Aid Queensland (LAQ) that required him to make a retrospective contribution of \$1,218.75 towards his legal costs in a family law matter. The pensioner had been granted legal aid for a dispute resolution conference at which he was represented by an LAQ solicitor. However, he subsequently represented himself at legal proceedings to resolve a property settlement. LAQ concluded that as the pensioner had obtained a property settlement he should refund the cost of the legal assistance he obtained for the dispute resolution conference.

The complainant sought a waiver of the retrospective costs on the grounds that he did not have legal representation for the property proceedings.

The investigation

Queensland Ombudsman officers contacted LAQ to make inquiries and request more information about the matter.

LAQ conducted a review of the file and found that the request for a retrospective contribution was the result of an error.

Making a difference

LAQ confirmed that the complainant would not be required to make a retrospective contribution towards his legal costs and this outcome was communicated to him.

4 - Refusal to release funds

The complaint

A father contacted the Queensland Ombudsman about his efforts to obtain accommodation for his family. The family had applied for social housing, but their application had been assessed at the second highest priority for accommodation, the *High Needs Category*, rather than the *Very High Needs Category*, which the father believed his family's situation required. Without accommodation for his family, he and his wife and five children would need to live in their car.

The investigation

The Department of Communities advised that accommodation is provided to those with the greatest need. To ensure that people most in need receive help, certain eligibility criteria were established. However, given the family's impending homelessness, the department agreed to reassess the family's application and current housing situation.

Making a difference

Following inquiries by Queensland Ombudsman officers, the department reassessed the family's application and advised that it had been placed in the *Very High Needs Category*. The department confirmed it would urgently locate accommodation for the family.

5 - Widow refused full refund of renewal fee

The complaint

A pensioner renewed his driver's licence two weeks before the renewal date, but passed away one week later. The pensioner's widow requested a refund of the renewal fee from the Department of Transport and Main Roads. The department refunded part of the licence renewal fee but retained an amount for administration costs.

The pensioner's widow objected to an administration fee being retained as her husband died one week before his driver's licence was due to expire.

The investigation

The investigation found the department had incorrectly calculated the refund and that the administration fee retained was 20 cents more than the pensioner had been charged. The Queensland Ombudsman requested the department consider refunding the administration fee, pointing out the small error made when calculating the refund already paid to the widow.

Making a difference

The department advised that a driver's licence takes effect from the date it was renewed. However, the department agreed to refund the administration fee on compassionate grounds.

6 - Grounds for appeal

The complaint

The Board of Professional Engineers initiated two disciplinary proceedings against the complainant in the Commercial and Consumer Tribunal (now the Queensland Civil and Administrative Tribunal). The tribunal decided to make disciplinary orders against the complainant which were published on the board's website.

Upon appeal, the District Court set aside the tribunal's orders in one matter, and allowed the appeal of the second matter. However, the tribunal's orders against the complainant remained on the board's website for more than a year after they were successfully appealed.

The investigation

The Queensland Ombudsman found that the board had not acted contrary to law by publishing the tribunal's orders. The publication was reasonable considering that the orders against the complainant were already made publicly available by the tribunal. However the Ombudsman found that leaving the tribunal's orders on its website for over a year after they had been successfully appealed was an unreasonable administrative action.

Making a difference

The Ombudsman recommended the board:

- amend its website publication policy
- provide a written apology to the complainant for the delay in removing the orders.

The board accepted both recommendations and has since sent the complainant a letter of apology.

7 - Worker's compensation claim denied contrary to medical advice

The complaint

A woman was receiving worker's compensation benefits for an injury to her finger. She contacted the Queensland Ombudsman after WorkCover stopped her benefits and offered a lump sum payment. The woman's medical practitioner believed she required ongoing medical treatment and amputation of her finger, which was going to cost more than the lump sum payment offered.

The investigation

Queensland Ombudsman officers made inquiries about the worker's compensation claim and the avenues of appeal open to the worker as she was no longer receiving an income.

Making a difference

As a result, the worker's claim was re-opened by WorkCover, after it was confirmed that her medical practitioner recommended the injured finger be amputated. The Ombudsman officers provided information to the worker about her appeal rights if she was dissatisfied with the outcome of her claim.

8 - Disputed water usage

The complaint

A home owner contacted the Queensland Ombudsman after receiving a water bill which recorded water usage of 2,376 litres. The home owner advised that her previous average usage had been between 560 and 760 litres. She complained that she had spoken to the water supplier a number of times by telephone, and following advice from the Queensland Ombudsman, had also written to the water distributor, however, the matter had not been resolved.

The investigation

Ombudsman officers contacted Unity Water and made inquiries about the circumstances of the issuing of the water bill for the home owner's property.

Making a difference

As a result of these inquiries, Unity Water conducted a review and found an error in the meter reading, which had resulted in the unusually large bill. As a result, the home owner was provided with a rebate of \$647.08 on her account.

9 - Gaining closure

The complaint

A Year 9 student from North Queensland passed away as a result of an asthma attack.

At the time of her death, the student had been suspended from school for five days because of her behaviour during a physical education lesson and failure to attend an in-school suspension class.

Her parents asked if they could collect the student's schoolwork, but only a few work books and one artwork belonging to the student were located.

The parents complained to Education Queensland (EQ) but were unhappy with the response and lodged a complaint with the Ombudsman.

The parents raised concerns about the suspension decision, the difficulties they faced in recovering their daughter's work from the school and the way the school dealt with the matter.

The investigation

The investigation focused on:

- improvements to existing policies about the return of school work to students and parents
- how the school dealt with the student's behaviour
- the support offered to students following the student's death.

Making a difference

The Ombudsman recommended that EQ make a provision in its guidelines that following the death of a student (or staff member) all possessions will be secured as soon as possible so that the items can be returned if requested.

It was also recommended that EQ facilitate mediation between the parents and the school to help both parties to receive further information and attempt to gain closure.

10 - Double trouble

The complaint

On 1 July 2009, a new food safety scheme for seafood came into effect. Safe Food Production Queensland (SFPQ) is responsible for administering the scheme, which includes the accreditation of seafood businesses.

An aquaculture business owner and her de facto partner paid their accreditation fee to SFPQ, but received a certificate in her partner's name only. Since the business owner and her partner jointly owned the business, she contacted SFPQ asking for the certificate to be issued in joint names.

SFPQ advised the business owner that because she and her partner were not married, the certificate could only be legally issued to one of them.

The business owner contacted the Ombudsman and complained that the refusal by SFPQ was discriminatory.

The investigation

The Ombudsman investigated whether SFPQ's accreditation practice for the seafood safety scheme was lawful.

Making a difference

It was found that couples, whether married or de facto, could not lawfully be granted an accreditation as they are not recognised as legal entities and have no legal status. An individual is a recognised legal entity, as is a company. Therefore, each individual involved in a business should make a separate application.

The Ombudsman found SFPQ had unlawfully granted accreditations in the past by issuing certificates under the seafood scheme in joint or multiple names.

11 - Carer's allowance overpayment

The complaint

Two teenage girls were placed in the care of their grandparents due to concerns that they were at risk of harm. The grandparents received a fortnightly kinship carer's allowance to cover some of the expenses of caring for the children.

Following an investigation, Child Safety Services (CSS) determined the children were no longer in need of protection. The grandparents were informed by telephone that the children could return home to their parents. Due to an oversight, CSS failed to cancel the kinship carer's allowance.

The grandparents, believing they had an option to keep the children, agreed that they would remain in their care until the family could relocate. Two months later the children returned to the care of their parents. The grandparents wrote to CSS advising that this had occurred and that the carer's payment should stop. Again, the carer's allowance was not cancelled.

It was not until the grandparents notified the Director-General that action was taken to cancel payment of the allowance. The grandparents were then asked to repay the allowance from the time CSS had determined the children could return home.

The grandparents considered this unreasonable as the error had occurred through no fault of their own. Further, they had used the payments to provide for the wellbeing of the children.

The investigation

The Ombudsman established that as a matter of law CSS had discretion to write off overpayments.

The Ombudsman concluded that it was reasonable to write off part of the overpayment because:

- the overpayment was a significant sum of money for the grandparents who were pensioners
- they had the interests of the children in mind when they decided that the children should remain with them
- there was no suggestion the children remained with them so that they could continue to receive the carer's allowance
- for most of the period during which payments were received, the children resided with the grandparents and they incurred expenses in caring for them
- for the period the children did not reside with them, the grandparents knew they were not entitled to the allowance
- the grandparents wrote to CSS on two occasions to advise the children had returned to the care of their parents
- CSS acknowledged it was responsible for the overpayments being made.

Making a difference

It was recommended that CSS settle the matter by:

- writing off the full amount of the overpayment or
- allow the grandparents to repay the money in instalments, but only the amount from the date the children were returned to the care of their parents.

It was further recommended that CSS consider informing carers in writing of the decision to conclude an out-of-home placement and stop the fortnightly carer's allowance.

CSS agreed to write off the full amount of the overpayment and to review the recommendation to write to carers when concluding arrangements with carers.

12 - Good decision-making

The complaint

In July 2006, a man entered into a contract to build a home on vacant land and applied to the Office of State Revenue (OSR) for the \$7,000 first home owner grant. The grant was paid on the condition that the residence was to be the man's principal place of residence for a continuous period of six months within 12 months of construction.

The house was completed and shortly after it was approved for occupancy, the complainant entered into a contract to sell the property.

OSR sent him a 'show cause' letter, which gave him a chance to provide evidence that the property was used as his principal place of residence for the required period or outline the reasons why he did not notify OSR of his failure to meet the grant condition.

The letter was returned to OSR unclaimed and no response was received from the complainant.

Shortly after, OSR concluded that the complainant was not eligible for the grant. A further letter was sent to him containing the decision to repay the grant with a 100% penalty, the maximum penalty allowed for under the *First Home Owner Grant Act 2000*. No reason was given for the imposition of a penalty or the calculation of the penalty amount.

The complainant entered into an arrangement with OSR to repay the grant amount but opposed the imposition of the penalty and argued that at the time of making the grant application he did not make a false or misleading statement. The OSR refused to vary the penalty amount.

The man lodged a complaint with the Ombudsman.

The investigation

The investigation focused on the OSR decision to impose the maximum penalty under the Act.

The Queensland Ombudsman found that:

- the complainant was not entitled to the grant as he did not comply with all eligibility criteria
- OSR failed to provide adequate reasons for its decisions to impose a penalty on the complainant and calculate the amount of the penalty at 100%
- OSR's internal guidelines did not provide adequate guidance to help officers determine the appropriate penalty.

Making a difference

The Ombudsman recommended that OSR:

- provide full and proper reasons for its decision to impose the 100% penalty
- amend its template 'show cause' letter to include information about the factors taken into account in deciding to impose a penalty
- provide full and proper reasons to all applicants when it issues decision notices requiring repayment of grants or imposing penalties
- develop a public ruling to provide decision-makers with adequate guidance in relation to the imposition of penalty amounts.

OSR accepted these recommendations. Once implemented, OSR will be able to determine when and what type of penalty should be imposed, provide clear information on deciding to impose a penalty and provide adequate reasons for its decisions to applicants who have a penalty imposed.

This investigation highlights the significance of practising good decision-making when imposing penalties.

Queensland Corrective Services

The Ombudsman promotes accountability and good administrative practice in Queensland Corrective Services (QCS) to help ensure fair treatment for prisoners.

Delivered

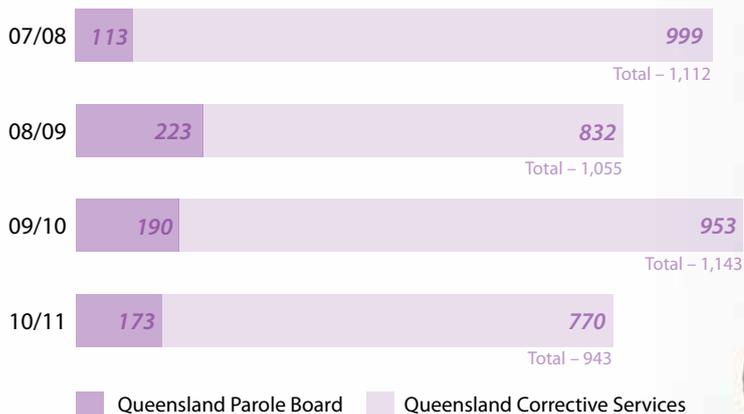
- Received 943 complaints
- Completed 400 investigations
- Made eight recommendations
- Visited every correctional centre in Queensland as part of the Ombudsman's correctional centre visits program

Complaints about corrective services

In 2010-2011, 943 complaints were received about QCS and the Queensland Parole Board (QPB), a 17% decrease from 2009-2010.

The decrease in corrections complaints continues the general trend over the past five years, except for a single spike in 2009-2010. The decrease can be attributed in part to improved processes within correctional centres for managing prisoner inquiries and complaints. The decrease in complaints to the Queensland Ombudsman also corresponds with a drop in the number of complaints received by QCS Official Visitors.

Figure 10: Corrections complaints received



What prisoners complained about (QCS)

In 2010-2011, complaints about QCS related to:

- offender management issues, including the assessment process undertaken by correctional centres for parole applications and the transfer of prisoners between correctional centres (53%)
- prisoner services issues, including access to or loss of property and communication issues such as access to telephones and the opening of privileged mail (19%)
- safety and security issues, including visits to and searches of prisoners and visitors (11%).

Table 6: What prisoners complained about (excludes QPB complaints)

	09/10	% of total	10/11	% of total
Offender management	480	50%	407	53%
Prisoner services	206	22%	150	19%
Safety & security	132	14%	84	11%
Conduct – staff	43	5%	44	6%
Incident management	23	2%	33	4%
Complaint management	11	1%	17	2%
Legal	9	<1%	16	2%
Health & medical	36	4%	10	1%
Industrial relations – staff	11	1%	8	1%
Operational support services	2	<1%	0	<1%
Communication	0	<1%	0	<1%
Investigation	0	<1%	0	<1%
Internal review	0	<1%	1	<1%
Total	953		770	

“ I just wanted to thank your office for the support you gave me... I appreciated the compassion you demonstrated. This was of particular significance after feeling like my complaint had fallen on ‘deaf ears’... ”

- A complainant

What prisoners complained about (QPB)

In 2010-2011, the majority of complaints received about the QPB related to:

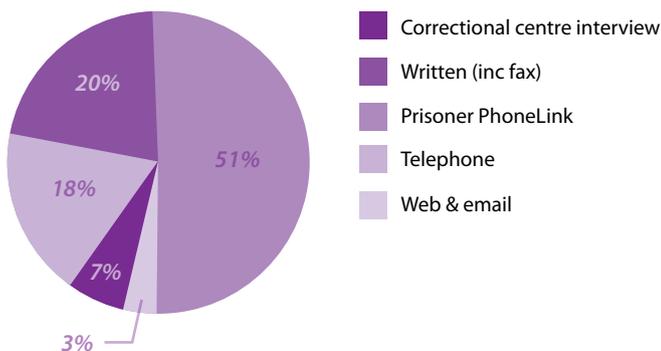
- procedure and process concerns, particularly delays in dealing with parole applications (47%)
- decisions concerning the suspension or cancellation of parole (29%).

How complaints are made about QCS

The majority of prisoner complaints are received via the Prisoner PhoneLink telephone service. The Queensland Ombudsman continues to provide this free and confidential service with the assistance of QCS. The service is available at every Queensland correctional centre and is particularly useful for prisoners with limited literacy skills.

In 2010-2011, more than half of the complaints about QCS were received via the Prisoner PhoneLink (390 complaints – 51%). Other significant methods of receiving complaints included letter (156 complaints – 20%) and telephone (141 complaints – 18%).

Figure 11: How complaints are made about QCS



Correctional centre visits program

During 2010-2011, Ombudsman officers visited every Queensland correctional centre at least once to:

- investigate and resolve complaints
- investigate broader systemic issues
- raise awareness of Ombudsman services among prisoners
- provide information and advice to centre management
- audit administrative processes, including records of discipline breaches
- monitor the QCS complaints management system.

Ombudsman officers also visited centres during the year to investigate specific complaints.

Justice on the inside ... Ombudsman officers ensure prisoners are treated fairly. This year, we investigated 400 prisoner complaints.



Investigations

In 2010-2011, 926 complaints were finalised. Of these, officers investigated 400 complaints (43%), a slight increase from 2009-2010 (38%).

Maladministration was established in only two complaints.

More than half of all complaints investigated were resolved informally. In 225 cases, intervention by the Queensland Ombudsman quickly rectified the problem or provided information to the complainant that addressed their concerns. In those complaints, it was not necessary to make any finding about maladministration.

Table 7: Number of prisoner complaints finalised after investigation

	07/08	08/09	09/10	10/11
QCS complaints finalised by investigation	516	433	379	338
QPB complaints finalised by investigation	75	146	53	62
Total complaints investigated and finalised	591	579	432	400
Total complaints closed	1,112	1,055	1,143	926
% of complaints investigated	53%	55%	38%	43%

Recommendations

In 2010-2011, the Ombudsman made eight recommendations to QCS. Seven were systemic recommendations intended to improve QCS's processes and procedures. One was a direct benefit recommendation to reimburse a prisoner for lost property.

In April 2011, the Queensland Ombudsman received a copy of the Compliance Review undertaken by the Office of the Chief Inspector of QCS. The review was undertaken in accordance with a recommendation from the former Ombudsman's *Justice on the Inside Report*. The review concerned QCS management of discipline breaches and required the Chief Inspector to assess whether QCS officers were compliant with the *Corrective Services Act 2006* and the revised QCS procedures regarding breaches of discipline.

The review found significant improvement in the way QCS officers undertook breach hearings. The review also found significant variation between correctional centres' practices concerning breach processes, including the severity of penalties and reliance on the breach process. The Chief Inspector made recommendations for improvement.

The findings of the Chief Inspector will inform the 2011-2012 correctional centre visits program by Ombudsman officers.

Looking forward

- Continue to investigate complaints about QCS and QPB
- Undertake own-initiative investigations into broader systemic issues
- Visit every Queensland correctional centre at least once each year
- Revise information brochures and posters for Indigenous prisoners

Case studies

13 - Prison visits

The complaint

Visitors to Woodford Correctional Centre complained that visits had been restricted following a positive reading from the itemiser machine. The itemiser is a device that allows QCS officers to scan visitors for traces of drugs.

One complainant disputed the findings from the itemiser. After testing positive for heroin on two occasions, he was banned from contact visits at the centre for six months. The issue was also raised by prisoner representatives from the prisoner advisory committee.

The investigation

The Ombudsman considers that visits, like other forms of communication, are vital to prisoners and families alike.

Ombudsman officers obtained statistical information about barrier detections at correctional centres from QCS which indicated that Woodford Correctional Centre had reported higher levels of barrier detections than other correctional centres. The Ombudsman considered that further inquiries were warranted to establish whether there was a basis for the complaints about the itemiser.

Ombudsman officers were generally satisfied that the use of the itemiser at the centre accorded with procedures and manufacturer's recommendations. However, a blanket response to anyone who triggers an alarm on the itemiser was not considered appropriate. Rather, all positive itemiser results should have been considered on a case-by-case basis so that individual circumstances could be taken into account.

Ombudsman officers also believed greater care was needed in maintaining itemiser reports and documents. QCS officers need to be reminded of the importance of preparing individual incident reports with specific details, rather than 'cut and paste' from other incident reports.

The Ombudsman recommended that itemiser result tables be collated in a bound book and entries fully completed. It was also recommended that copies of alarm readings, calibration printouts and weekly verification tables be thoroughly prepared and maintained.

Making a difference

Following investigation, the centre made changes to its procedures.

The centre's intelligence section will now advise the General Manager of visitors who have multiple positive tests, together with any other relevant information. The General Manager will make a decision on future contact visits.

The centre has also provided refresher training on the use of the itemiser and agreed that the machine be maintained every three months.

"The matter is settled... it wouldn't have been a happy ending were it not for the Queensland Ombudsman. The Ombudsman is one of those rare gems in the public service where citizens get good value for their money."

- A complainant

14 - Privileged mail

The complaint

A prisoner complained that staff at Maryborough Correctional Centre required prisoners to open privileged legal mail in the presence of QCS officers. The prisoner had raised the matter with the centre and claimed the centre had given various explanations for the practice.

The investigation

The handling of privileged mail is subject to a QCS procedure which requires that mail received by a prisoner from their lawyer and other persons or agencies specified in the *Corrective Services Regulation* is to be treated as confidential unless there is a reasonable suspicion that the mail contains contraband.

Ombudsman officers made inquiries with the centre and confirmed that prisoners were required to open privileged mail in front of QCS officers. The centre had implemented the practice after discovering contraband in privileged mail.

Making a difference

After Ombudsman officers contacted the centre to discuss these concerns, the centre confirmed that it would no longer require prisoners to open privileged mail in front of officers. The centre agreed to advise its officers that privileged mail should be forwarded to intelligence officers in situations where there is a genuine suspicion that the mail contains contraband.

15 - One size doesn't fit all

The complaint

A prisoner complained that Wolston Correctional Centre refused to provide him with shoes that were wide enough to fit his orthotics. The prisoner had a medical certificate which stated that he required orthotics and he believed that the centre should provide him with suitable shoes. The centre told the prisoner that he should buy suitable shoes at his own cost. The prisoner said that he could not afford to buy them and that the centre had previously provided him with appropriate shoes.

The investigation

An Ombudsman investigator made inquiries with the centre and was advised the prisoner should provide the medical certificate to the centre. The investigator raised the issue of the medical certificate and the medical practitioner's intention that the prisoner should be provided with appropriate shoes.

Making a difference

Investigation of this complaint resulted in the centre providing the prisoner with suitable shoes.

16 - Family ties

The complaint

An Indigenous prisoner contacted us after Borallon Correctional Centre refused to give him permission to attend his nephew's funeral. The prisoner had a close relationship with his nephew and it was culturally important to attend the funeral.

The investigation

Ombudsman officers found that QCS had a specific policy regarding Indigenous prisoners and funerals. The policy referred to kinship within Indigenous cultures as extending beyond close relationship ties and acknowledged that in some cases, the deceased person may have had a closer relationship with a prisoner than is first apparent. Ombudsman officers contacted the correctional centre to ask why the prisoner was not permitted to attend the funeral.

Making a difference

The centre conducted an internal review of the decision and allowed the prisoner to attend his nephew's funeral.

Local councils

The Ombudsman investigates complaints about local government and helps councils make fair decisions for the community.

Delivered

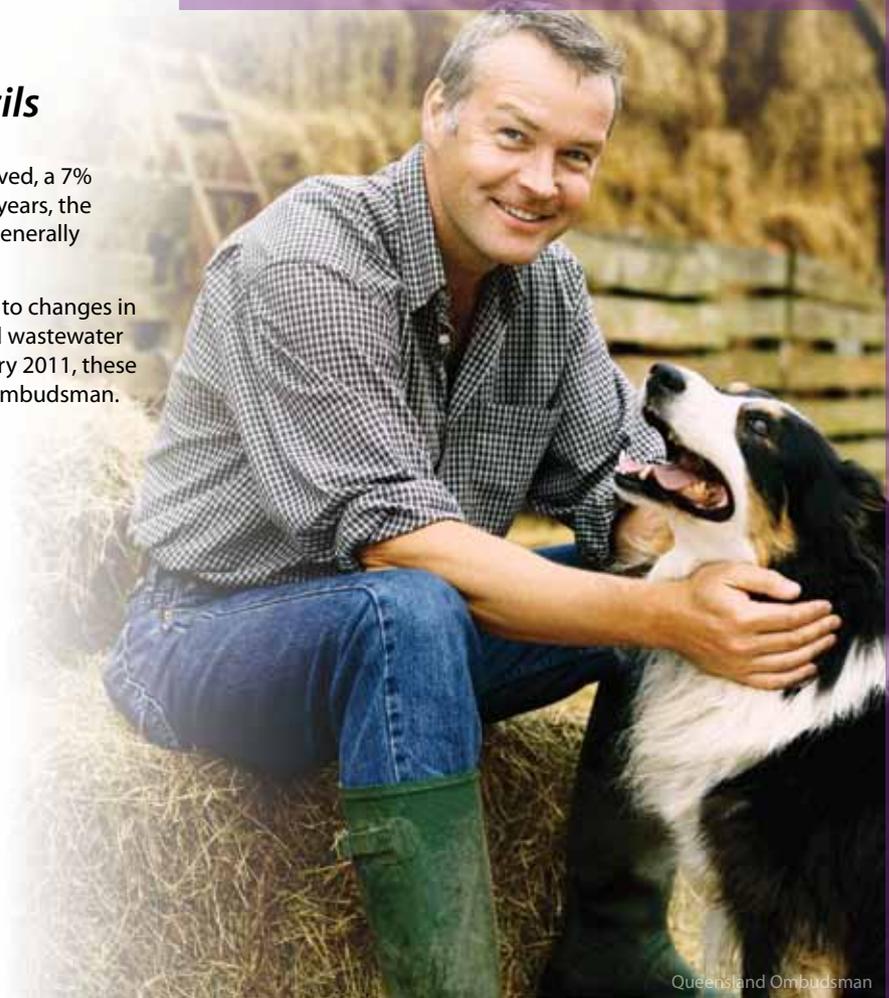
- Received 2,126 complaints
- Completed 315 investigations
- Made 44 recommendations to resolve individual complaints and improve administrative practices
- Made submissions to a review of local government statutes

Complaints about local councils

This year 2,126 complaints about councils were received, a 7% decrease on 2009-2010. However, over the past four years, the number of complaints about local government has generally increased.

The decrease in 2010-2011 may be attributed in part to changes in jurisdiction in South East Queensland over water and wastewater complaints from residential customers. As of 1 January 2011, these complaints were handled by the Energy and Water Ombudsman.

Figure 12: Council complaints received



What people complained about

The most significant complaint areas included council enforcement of local laws (472 complaints – 22%) and development and building controls (283 complaints – 13%).

While complaint numbers decreased across several categories this year, notable increases occurred in:

- rates and valuations
- environmental management
- land use and planning.

Table 8: Complaints finalised – what people complained about

	10/11	% of total
Laws and enforcement	472	22%
Development and building controls	283	13%
Rates and valuations	279	13%
Roads	153	7%
Environmental management	121	6%
Sewerage and drainage	121	6%
Water supply	107	5%
Personnel	71	3%
Land use and planning	70	3%
Complaint handling	66	3%
Parks and reserves	47	2%
Other issues	321	15%
Total	2,111	

Table 9: Complaint outcomes for local government

	10/11	% of total
No maladministration established	245	78%
No maladministration finding necessary	55	17%
Maladministration established	15	5%
Total	315	

Investigations

In 2010-2011, 2,111 complaints were finalised and 315 complaints investigations were completed.

Significant investigations included:

- Somerset Regional Council's failure to meet the conditions of an agreement between a leaseholder and Kilcoy Shire Council, now part of Somerset Regional Council
- Sunshine Coast Regional Council's procedures in requiring the removal of vegetation from a council reserve pursuant to a compliance notice
- Whitsunday Regional Council's unlawful entry and construction of a sewer on private land
- Rockhampton Regional Council's procedures for the amendment and distribution of building plans as part of the development approval process
- Whitsunday Regional Council's actions in response to complaints about buried waste material on private property.

See case studies (page 45).

Findings

Maladministration was found in 15 complaints (5%). The Queensland Ombudsman concluded that:

- 12 decisions were unreasonable or unjust
- one was contrary to law
- one was based on a mistake of law or fact
- one was wrong.

Recommendations

In 2010-2011, 44 recommendations were made to councils: 17 were direct benefit recommendations to help individual complainants and 27 were systemic.

Direct benefit recommendations to local councils included:

- withdraw an infringement notice
- provide reasons for a decision
- make an ex gratia payment for loss of land value and legal fees
- compensation for water supply costs
- written apology
- removal of debt recovery costs from a rate account.

Systemic recommendations to local councils included:

- review penalties to ensure they are consistent with other councils
- review procedures and work practices to ensure natural justice is given
- develop procedures to help staff respond to inquiries and complaints about dams under the planning scheme
- develop a written procedure to amend and distribute building plans as part of the development approval process
- amend form letter and online information about infringement notices to reflect the right of review by the Queensland Ombudsman
- develop a separate recruitment and selection policy and procedure and make them available to the public
- develop an information sheet to provide guidance on works permitted in a road reserve
- develop procedures to ensure that debt recovery costs are not unlawfully or improperly included in rate notices
- train staff in record-keeping
- provide guidance to officers about the setting of timeframes and granting of extensions in compliance notices
- review policies and procedures to ensure they comply with obligations under the *Public Records Act 2002*.

Positive change ... This year, the Ombudsman made 44 recommendations to councils across Queensland. These recommendations were designed to help individual complainants and make systemic improvement.



Improving complaints handling

The Local Government (Operations) Regulation 2010 and City of Brisbane (Operations) Regulation 2010 require that all complaints about administrative actions be dealt with via a complaints management process.

As a result, every council in Queensland was required to have a new complaints management process (CMP) in place by 1 July 2011.

The Department of Local Government and Planning issued a practice guideline to help councils develop their CMP. The Ombudsman provided feedback to help develop the guidelines and continues to provide councils with advice about CMP implementation.

Looking forward

- Continue to investigate complaints about local government
- Provide high quality training to local government officers
- Advise councils on implementing their complaints management process



Case studies

17 - Illegal rate recovery

The complaint

In 1998, the Ombudsman reported to Parliament on an own-initiative investigation into the rate recovery practices of Queensland councils. The report identified 47 councils which unlawfully applied legal costs to rate accounts before a judgment was entered in their favour. After this investigation, the practice was largely abandoned. However, in recent years a number of isolated cases have come to light through our complaint processes.

The Local Government (Finance, Plans and Reporting) Regulation 2010 now provides that legal costs may be dealt with as overdue rates only where a court order is made to that effect.

In addition, the *Uniform Civil Procedure Rules 1999* set out the items that may be included in a claim for a debt filed in a court. The items may include an amount for the costs of issuing the claim. The Rules also enable a defendant to settle a claim to bring the related proceeding to an end, without the matter going to judgment. Settlement usually involves payment of the claim in full.

The investigation

In a recent case, Cook Shire Council added its external debt recovery costs to outstanding rates in the owner's rate notice. The Ombudsman brought the relevant statutory provisions to the council's notice.

Making a difference

As a result of the Ombudsman's recommendations, the council removed the debt recovery costs from the rate notice and agreed to amend its Debt Recovery Policy to reflect the statutory position.

18 - Getting to the root of the problem

The complaint

A residential property owner asked the Sunshine Coast Regional Council to reimburse him \$462 for plumbing expenses incurred when repairing stormwater pipes on the nature strip. The owner's plumber noted on the invoice that tree roots from a tree on the nature strip blocked the stormwater pipe.

The council declined the owner's reimbursement request on the basis that s.128G of the *Plumbing and Drainage Act 2002* (P&D Act) provides that owners are responsible for the care and upkeep of their private underground services.

The investigation

The CEO was asked to reconsider the complaint on the basis that s.128G of the P&D Act, and the definition of 'plumbing' and 'drainage' in the P&D Act, do not appear to relate to the maintenance of stormwater pipes. The CEO was alerted to the fact that the council's Parks Supervisor had inspected the tree, had noted that tree roots had entered the stormwater pipe and were heading towards the water meter, and therefore decided the tree should be removed.

Making a difference

As a result of referring the matter to the CEO for internal review, the council reconsidered its decision and offered the owner an ex gratia payment of \$462 to cover his plumbing expenses.

19 - Good neighbours

The complaint

A Gympie resident and his neighbour had mutually agreed to realign the boundary between their properties. The resident paid for the survey plans and the application fee for the Development Approval for Reconfiguring a Lot – Boundary Realignment, and submitted the plans to the Gympie Regional Council to be approved.

The council advised that, in accordance with the *Integrated Planning Act 1997* (IPA), for plans to be approved there had to be no outstanding rates owing on the land. The neighbour, however, was \$4,535.20 in arrears with his rates. Council's position was that they had no discretion in relation to this issue and that it was not appropriate to interpret IPA provisions to mean that council *may* approve the survey plan, even if the rates are not paid.

However, the resident clearly had no control over the actions of his neighbour with respect to the payment of rates and he believed that council's refusal to approve the plans penalised him unjustly.

The investigation

After reviewing the relevant provisions of IPA, the Ombudsman decided that the council was empowered to impose a condition that outstanding rates be paid before the development application was approved. However, council also had the option to approve the plans if satisfactory security was given to ensure the overdue rates were paid.

Making a difference

The Ombudsman made an informal recommendation that the council review its decision to not approve the survey plans with a view to considering whether the provisions of IPA could be met by way of 'satisfactory security' given to the council to ensure compliance with the requirement that there are no outstanding rates or charges.

The result was that council reconsidered its decision and approved the plans for reconfiguration of the lots. The resident was satisfied with the outcome as he was able to proceed with the boundary realignment.

20 - It's not easy being green

The complaint

The complainants planted vegetation on a Sunshine Coast Regional Council road reserve. They did not apply for a permit from council, as required under local law.

Seven months after the council first became aware of the complainants' action, council resolved to issue a compliance notice. The notice required the complainants to remove the vegetation within a short period of time.

The complainants raised concerns with the Ombudsman about council's decision to require the removal of the vegetation.

The investigation

The Ombudsman found that council's decision to require the removal of all the vegetation by compliance notice was reasonable. However, it was also found that:

- council did not inform the complainants about the local law requirement for a permit
- council officers made representations to the complainants which the complainants reasonably believed was acceptance or approval of the vegetation
- the complainants were not given an opportunity to be heard in relation to council's proposed decision to require the removal of vegetation
- council set an unreasonable timeframe for compliance.

The Ombudsman made seven recommendations to council, which were directed towards the improvement of its processes and procedures.

Making a difference

By implementing these recommendations, council will improve its operations by providing natural justice to people affected by its decisions.

21 - Silence is not consent

The complaint

Whitsunday Regional Council wrote to the complainant in November 2005 at her New South Wales address about plans to install a sewer main extension along the southern boundary on her vacant block of land. The letter attached a formal notice of entry.

On 2 December 2005, council wrote to advise that its authorised officer would be entering her property to conduct the work from 19 December 2005 to 28 January 2006. It invited her to contact council within seven days of the date of the letter if she had any objections.

On 19 December 2005, council agents constructed a sewer line on the northern boundary of the land (contrary to the advice previously provided that it would be constructed on the southern boundary).

The complainant did not respond to council before the construction of the sewer main as she was overseas at the time.

She complained that council had no right to enter the land without her consent and that she had lost use of part of the land as a result of the construction of the sewer main. The complainant believed that council was obliged to remove the sewer main or compensate her for her loss.

Council had rejected the complainant's previous claim for compensation but had offered to help minimise the impact of the sewer main on her plans to build a home on the site.

The investigation

The investigation looked at whether council's actions in entering the land to construct the sewer main were contrary to law and whether council acted unreasonably in response to the complainant's request for compensation.

Council declined to comment on the lawfulness of its entry onto the land and the construction of the sewer main.

Council argued that it had invited the complainant to provide plans for her proposed dwelling to help minimise the impact of the sewer main, but that no detailed plans were received. It did not consider the amount of compensation claimed by the complainant to be reasonable.

The Ombudsman found that the entry onto the land by council's agents to construct the sewer main was contrary to law because:

- council purported to rely on s.1062 of the *Local Government Act 1993* (LG Act), which applies only to an owner's entry of land occupied by another and council did not own the land
- s.1070(2)(b) of the LG Act required council to obtain the agreement of the owner of the land before its agents entered the land for that purpose.

The Ombudsman found that council's refusal to consider the complainant's claim for compensation until she provided building plans was unreasonable. From the time the claim was made, council was able to make a reasonably accurate assessment of the complainant's loss by other means.

Making a difference

The Ombudsman's recommendations included that:

- council take steps to ensure that its employees and agents were aware of the requirements of the *Local Government Act 2009*
- council arrange, at its cost, for a registered valuer to carry out a valuation of the impact of the sewer main on the land
- council make an ex gratia payment to the complainant to compensate her for:
 - the loss to the value of the land as assessed by the registered valuer
 - her reasonable legal fees in respect of her claim for compensation
- if the complainant lodged detailed building plans for a residential development on the land within 12 months, council make an ex gratia payment to compensate her for additional landscaping and increased construction costs incurred as a result of the sewer main.

Council accepted these recommendations and, together with the complainant, is working towards a final resolution.

22 - The best laid plans

The complaint

A Central Queensland resident engaged a building contractor to construct a house on her property. She complained to the Ombudsman that, as part of the development approval process, the council only marked amendments on the building plans that were sent to the builder and those which it retained. The building plans sent by Rockhampton Regional Council to the complainant (together with a copy of the decision notice) did not include the boundary clearance amendment by council for the western side of her property. The complainant did not become aware of the side boundary clearance amendment by council until construction of her house was substantially advanced.

Council failed to respond to the complainant's correspondence on the subject.

As a result of the side boundary clearance amendment by council for the western side of the complainant's property, the clearance from the dwelling to the retaining wall on the eastern side of her property was reduced.

The investigation

The council admitted that the failure to include the side boundary clearance amendment on the building plans sent to the complainant was an error and that it had no written process for amending building plans as part of the approval process.

Making a difference

As a result, the council issued a written apology to the complainant for its failures, including an explanation of how such failures occurred. Council also developed a written procedure detailing the actions to be taken by its officers to amend and distribute building plans.

The council agreed to pay the complainant's legal costs and fund construction of a new retaining wall.

23 - Running on empty

The complaint

A driver was issued with an infringement notice by the Gold Coast City Council for stopping a vehicle on a footpath in a built-up area. The driver said when her vehicle ran out of petrol, she pushed the vehicle out of the flow of traffic before walking to a petrol station. The driver left a note, 'out of petrol', on the dashboard of her vehicle but the note was covered when a flyer was placed under the vehicle's windscreen.

The driver requested the council withdraw the infringement notice and provided it with a copy of the flyer and petrol docket, but the council decided there were insufficient grounds to waive the infringement. The driver paid the infringement under protest and lodged a complaint with the Ombudsman.

The investigation

The Ombudsman referred the complaint back to the council, asking that the CEO reconsider the circumstances of the complaint. In reviewing the matter, he asked the CEO to consider s.165(b) of the Transport Operations (Road Use Management – Road Rules) Regulation 2009, which provides that it is a defence against an infringement notice issued for a stopping or parking offence if the driver stops their vehicle at a place because it is disabled.

Making a difference

As a result of an internal review, the council waived the infringement notice and refunded \$70 to the driver.

24 - A gentlemen's agreement

The complaint

A grazing leaseholder complained that in 2006 the former Kilcoy Shire Council sought his agreement to permit the council to "construct water storages and pipelines, create easements over the existing water and sewerage pipelines, and create an easement to allow provision of new water supply and sewerage services and provide a public access walkway" on part of his leased land.

In exchange, council agreed to pay compensation to the lessee equivalent to the annual rates for 10 years. This would be payable annually and reviewed at the end of 10 years. Council also agreed to supply the necessary infrastructure for a stock watering point, and water for the current lessee's stock.

In 2010, the complainant contacted the Somerset Regional Council, into which Kilcoy Shire Council was merged in 2008, seeking conditions of the agreement be fulfilled relating to rate relief and providing water for his stock. The council rejected the request.

The investigation

The investigation considered whether:

- there was an agreement between the council and the complainant
- the council's decision to reject the complainant's request under the agreement was reasonable
- council should pay compensation and arrange for water to be supplied for the complainant's stock under the agreement.

It was found that an agreement did exist between the council and the complainant and that council's refusal to meet the conditions of the contract constituted unreasonable administrative action.

The Ombudsman recommended that council take immediate steps to compensate the complainant for rates levied after 2006 through to 2011, introduce arrangements for compensation for rates levied from 1 July 2011 to 30 June 2015 and make a notation in its rating system to conduct a review of compensation for rates over the leased land beyond 2015.

The Ombudsman also considered that council should enter into an arrangement with the complainant for the future supply of water for his stock at the watering points provided under the agreement.

Making a difference

As a result, the council agreed to compensate the complainant for rates levied from 2006 to 2015 and for any water supply costs incurred for his stock.

Universities

The Ombudsman investigates complaints about universities and works closely with tertiary institutions to ensure administrative decisions are fair.

Complaints about universities

While the number of complaints about universities increased slightly this year to 270 (a 3% increase from 2009-2010), the number of complaints has doubled since 2007-2008 (130 complaints).

The growth in complaints has been driven by the introduction of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* (the National Code). The National Code was introduced in July 2007 to protect the rights of international students.

Standard 8 of the National Code requires that registered tertiary education providers must have complaints and appeals processes that are independent, accessible and inexpensive. The National Code also requires that the providers have arrangements in place for an external person or independent body to hear complaints or appeals arising from the provider's decisions.

Universities are not obliged to nominate the Ombudsman as the external reviewer. However, in practice, most Queensland universities refer dissatisfied complainants to the Ombudsman. The Ombudsman reviews decisions that could result in an international student's visa being cancelled by the Commonwealth Department of Immigration and Citizenship.

The National Code was recently reviewed, which resulted in the establishment of the Overseas Students Ombudsman. However, complaints relating to a Queensland public or government education provider can still be received and dealt with by the Queensland Ombudsman. Accordingly, it is expected that complaint numbers will continue to increase.

Delivered

- Received 270 complaints
- Completed 80 investigations
- Made 17 recommendations to resolve individual complaints and improve administrative practices

Figure 13: University complaints received

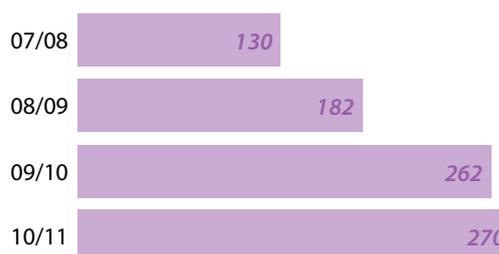


Table 10: University issues received

	10/11	% of total
Exclusion	113	42%
Complaint handling	49	18%
Student grievance	39	14%
Enrolment	33	12%
Assessment	28	10%
Employee grievance	3	1%
Review	3	1%
Internal review	2	<1%
Total	270	

What people complained about

In 2010-2011, 42% of complaints received related to exclusion decisions. A large majority of these complaints were received from international students as the exclusion decision was based on students' alleged unsatisfactory progress or unsatisfactory attendance – which are grounds for exclusion under the National Code.

Other prominent complaint issues were:

- complaint handling (18%) involving the manner by which the university dealt with the complainant's concerns
- student grievance (14%) involving issues such as academic results, transfer of credit and student misconduct.

Universities complained about

Two of the largest universities, Griffith University and the University of Queensland, accounted for more than half of all university complaints received during 2010-2011 (57%).

There were significant increases in complaints recorded for:

- Central Queensland University (49 in 2010-2011; 26 in 2009-2010)
- University of Southern Queensland (13 in 2010-2011; 2 in 2009-2010).

There were significant decreases in complaints recorded for:

- James Cook University (15 in 2010-2011; 33 in 2009-2010)
- Queensland University of Technology (26 in 2010-2011; 42 in 2009-2010).

Table 11: Universities complained about

	07/08	%	08/09	%	09/10	%	10/11	%
Griffith University	46	35%	89	49%	75	29%	88	33%
University of Queensland	30	23%	30	16%	69	26%	66	24%
Central Queensland University	8	6%	16	9%	26	10%	49	18%
Queensland University of Technology	18	14%	11	6%	42	16%	26	10%
James Cook University	11	8%	18	10%	33	13%	15	6%
University of Southern Queensland	13	10%	7	4%	2	<1%	13	5%
University of the Sunshine Coast	1	<1%	5	3%	12	5%	7	3%
Out of jurisdiction universities ¹	2	2%	3	2%	2	<1%	3	1%
Unspecified	1	<1%	3	2%	1	<1%	3	1%
Total	130		182		262		270	

1. Bond University and the Australian Catholic University are outside the jurisdiction of the Ombudsman

Findings

The Ombudsman investigated 80 complaints. Of these, maladministration was established in eight complaints (up from four in 2009-2010).

The maladministration findings concerned the following issues:

- inadequate reasons provided by a university for refusing a student's appeal (three complaints)
- inadequate reasons provided by a university regarding an internal review decision
- deficiencies concerning a university's credit transfer policy, including a failure to disclose all relevant practices for assessing credit transfer applications
- a university's attendance policy and procedure failed to comply with the provisions of the National Code
- a university's refund and cancellation policy failed to comply with the provisions of the National Code
- a university failed to take into account the student's individual circumstances when considering his academic performance and did not fairly determine his appeal.

Recommendations

During 2010-2011, 17 recommendations were made to universities to address maladministration and other issues.

The 14 systemic recommendations were intended to improve universities' policies and processes. The three direct benefit recommendations involved:

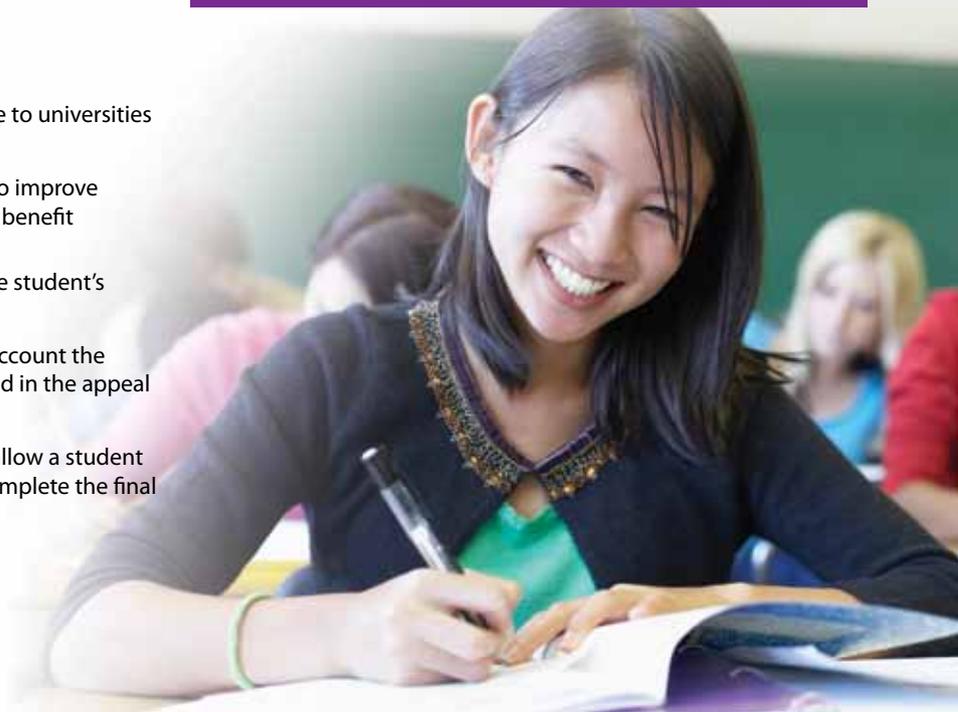
- providing a new review decision to address the student's submission
- reconsidering a student's appeal, taking into account the student's individual circumstances as contained in the appeal submission
- the exercise of discretion by the university to allow a student to continue her enrolment and allow her to complete the final course of her degree.

Table 12: Outcomes of investigations about universities

	10/11	% of total
No maladministration established	69	86%
No maladministration finding necessary	3	4%
Maladministration established	8	10%
Total	80	

Looking forward

- Continue to investigate complaints about universities
- Provide quality training to university officers
- Complete a review of university complaints management systems
- Publish information for international students



Case studies

25 - Grounds for appeal

The complaint

A student complained that the University of Southern Queensland excluded her for academic misconduct. The student had appealed against the exclusion to the University's Appeals Committee (UAC). However, neither a response nor any decision was received from the UAC.

The student wanted to continue her enrolment at the university and complete her studies.

The investigation

The university was contacted to determine whether the UAC had considered the student's appeal against exclusion.

The university advised that a submission was made by the student. However, the submission was not forwarded to the UAC for consideration because it was not clearly identified as an appeal submission. The university advised that clear instructions had been provided to the student about the method of lodging an appeal

to the UAC and the date by which the appeal must be lodged. The university considered the student had not complied with the appeals process.

Making a difference

During the investigation of this complaint the university was asked if it would allow the student to lodge a fresh appeal against exclusion. The university agreed to provide the student with another opportunity to lodge an appeal against exclusion.

26 - Discretionary powers

The complaint

An international student complained about Central Queensland University's decision to cancel her enrolment due to unsatisfactory academic progress. The student claimed that the university breached its policy and the National Code by not implementing intervention strategies to help her maintain satisfactory academic progress.

The student wanted the university to allow her to continue her enrolment.

The investigation

The university was asked to provide the student's academic file, including the student's academic transcript, and the university's policy on monitoring students' academic progress.

After investigation, no evidence of maladministration was found in the university's decision to cancel the student's enrolment or a breach in its policy in monitoring the student's academic progress during her enrolment.

However, the student had since maintained a satisfactory academic performance for two consecutive semesters during the period of her internal and external appeals with the university and the Ombudsman.

Making a difference

As the student only had to complete one course to obtain her undergraduate degree, the Ombudsman recommended that the university consider exercising its discretion to allow the student to continue her enrolment. The university accepted the recommendation and agreed to allow the student to complete her degree.

Section 3

Investigations: making a difference



The Ombudsman
promotes administrative
excellence by providing a
fair, effective and timely
investigative service.

Investigations

Three major investigations were published in 2010-2011: an audit of local government complaints management systems, a report into noise from night-time surface work on the Airport Link project and a two-part report into systemic issues arising from the 2002 death of Elise Neville.

A number of significant investigations based on complaints about state and local government agencies were also completed.

“I wanted to thank your staff. It is due to their persistence, and the authority they were able to exert on behalf of the Ombudsman’s Office that this long running matter was resolved to our complete satisfaction. It would be difficult to imagine it could have been better handled.”

- A complainant

Public reports

The Airport Link Project Report: An investigation into complaints about night-time surface work

In November 2008, construction began in Brisbane on a \$4.8 billion infrastructure project known as the Airport Link Project. The project consists of a toll road, busway and roundabout upgrade.

Following a complaint about the impact of construction, the Ombudsman commenced an investigation into noise from night-time surface work on the Airport Link Project. The principal objective was to investigate the administrative actions of the government agencies involved in the project:

- the Coordinator-General
- the former Department of Infrastructure and Planning
- the Department of Environment and Resource Management
- City North Infrastructure.

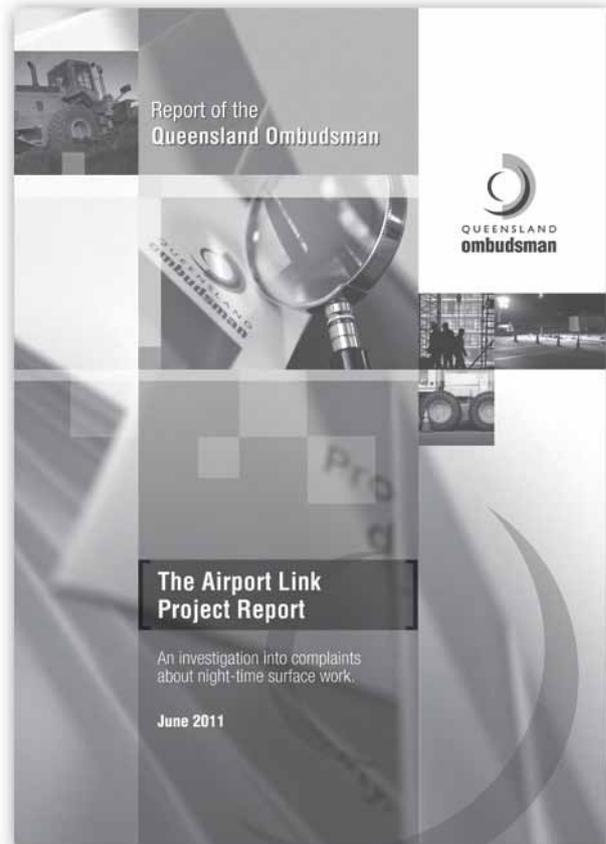
The investigation team conducted site visits, took advice from Queen's Counsel, consulted acoustical engineers, reviewed hundreds of pages of internal government documents and interviewed residents and agency officers. A report on the investigation was tabled in Parliament on 27 June 2011.

Outcome and recommendations

Based on the investigation, the Ombudsman found failures to:

- make local residents aware that surface work could take place 24 hours a day, 7 days a week
- define the level of noise permitted
- properly monitor and regulate noise from night-time surface work.

The Ombudsman made 24 recommendations to improve practices and procedures. All of these recommendations were accepted and implementation has commenced.



Complaints Matter: A review of the complaints management systems of local councils in Queensland

The Complaints Management Project (CMP) is a long-term project to help agencies improve the way they manage complaints. As part of the CMP, an audit of the complaints management systems of 57 local councils was completed to assess compliance with the General Complaints Process (GCP) requirements in the *Local Government Act 1993*.

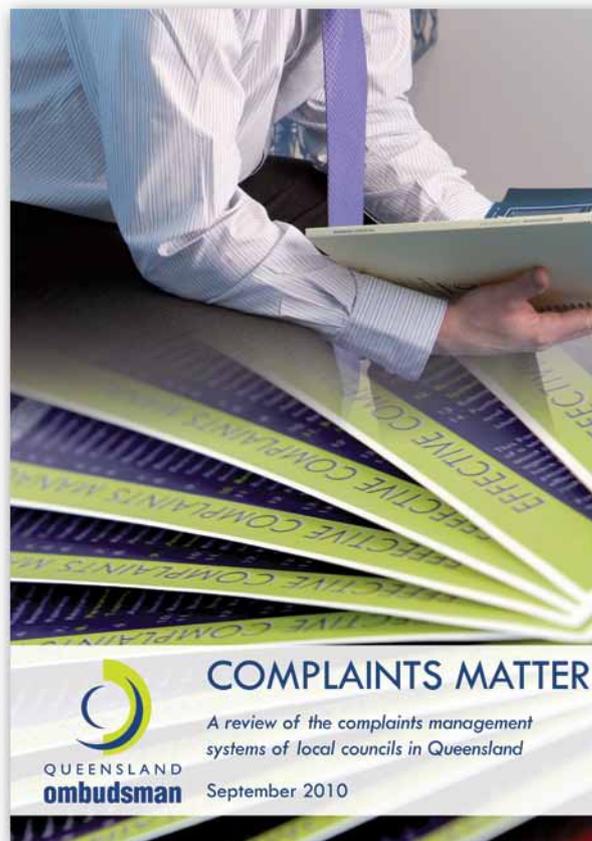
The report on this audit, titled *Complaints Matter: A review of the complaints management systems of local councils in Queensland*, was tabled in Parliament in September 2010.

Outcome and recommendations

Almost half the GCPs examined failed to comply in one or more significant respects with the minimum requirements under the Local Government Act and councils that had developed their own GCPs had limited compliance with other best practice indicators. Visibility of complaints management systems on council websites was limited and a review of council annual reports revealed limited compliance with the reporting requirements.

In light of the problems the review identified with the operation of council GCPs, the Ombudsman made submissions to the Department of Infrastructure and Planning (DIP) on the draft Local Government (Operations) Regulation 2010 and draft Local Government (Finance, Plans and Reporting) Regulation 2010 which contained new requirements for GCPs. He recommended that the new complaints requirements be improved to ensure that all complaints were dealt with under the complaints management process and that councils be required to report on their complaints process in their annual reports.

The Ombudsman's recommendations were incorporated into the new regulations, which commenced on 1 July 2010. Councils were required to implement a complaints management process that complies with the new regulations by 30 June 2011.



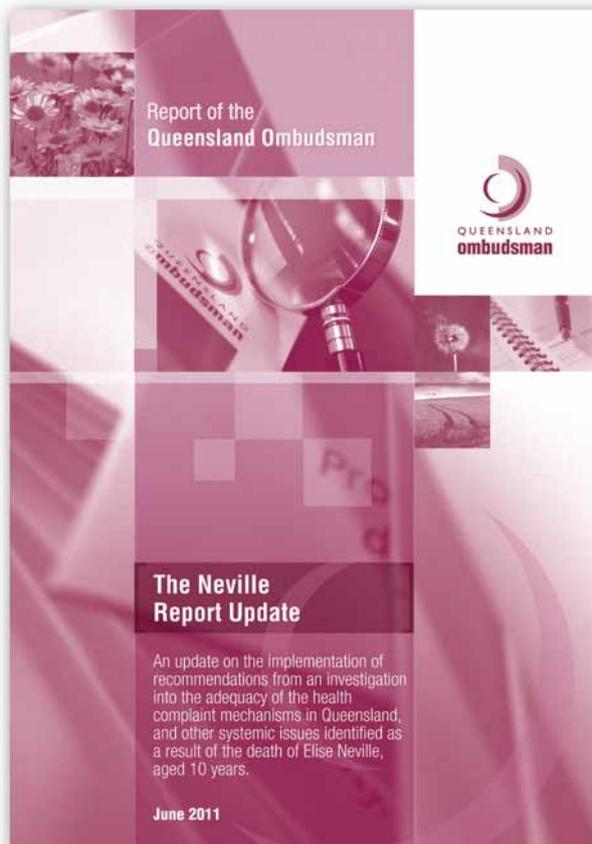
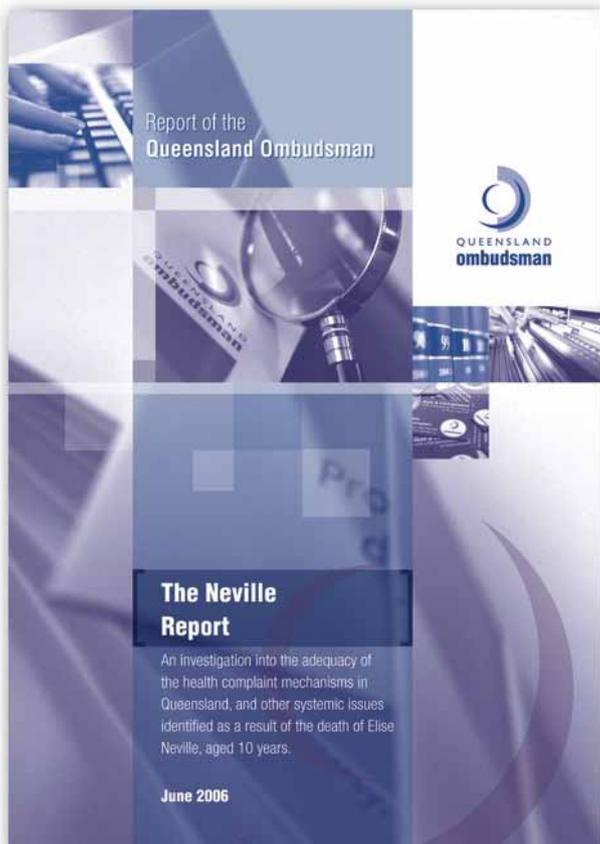
The Neville Report and The Neville Report Update

In June 2011, the Queensland Ombudsman published *The Neville Report* and *The Neville Report Update* with the authority of the Speaker of the Queensland Parliament.

The original *Neville Report* (2006) considered the adequacy of health complaint mechanisms in Queensland and other systemic issues identified as a result of the death of Elise Neville, aged 10 years. This report was provided to the Office of the Queensland Coroner, in accordance with s.57A(2) of the *Ombudsman Act 2001*, to assist with the 2008 inquest into Elise Neville's death. Following the inquest, the Coroner made a number of recommendations to various state government agencies.

In June 2011, the Ombudsman completed *The Neville Report Update*. This report examined the implementation of a number of significant recommendations arising from the earlier investigation and the Coroner's findings.

Issues raised in the original report, such as working hours for doctors in the public health system, the ability of agencies to provide apologies and the development of a new Australian Standard relating to bunk beds in Queensland, continue to be issues of concern in the community.



Case studies

27 - Full disclosure

The complaint

A foster carer lodged a complaint about an investigation undertaken by the Department of Child Safety (now the Department of Communities). The investigation found there was evidence of verbal abuse and domestic violence between the carer and his partner and limited interest in the wellbeing of the foster children.

The department did not notify the carer or his partner of the outcome of the investigation. As alternative care placements had been found for the children, no further action was taken by the department.

A year later, the carer was employed as a youth worker by a private company that provided emergency care services to young people. The department told the company that it did not want him to work with children in the care of the department. As a result, the carer lost his job.

The carer complained to the department that he wasn't informed about the outcome of the investigation and that the provision of information to his employer resulted in him losing his job.

The department undertook a review of the investigation. The review found a number of flaws in the original investigation and it was recommended that an additional allegation of risk of emotional harm due to sexual abuse be added to the investigation findings.

The carer complained to the department about the review outcome and was dissatisfied with the response he received. He then submitted a complaint to the Ombudsman.

The investigation

The investigation focused on:

- whether the carer was given a reasonable opportunity to respond to the allegations made against him
- the alleged disclosure of confidential information to the carer's employer resulting in loss of employment.

The DCS investigation and review process was inadequate in a number of ways.

There were significant gaps in the information gathered during the investigation. The allegations against the carer were not supported by the evidence obtained and recorded during the investigation.

The initial investigation did not comply with the department's practice manual for investigations. The carer was not:

- informed of the scope of the investigation
- notified of the department's concerns
- made aware of the potential consequences if the allegations were substantiated
- notified about the outcome of the investigation.

The additional review outcome clearly had a direct and significant effect on his personal and professional reputation.

The combined effect of these deficiencies was that the carer was denied procedural fairness. This meant that he had no opportunity to respond or seek a review of the concerns before the disclosure of adverse information to his employer.

The Ombudsman found the department's records in relation to the disclosure, including the reasons why the disclosure was considered justified, were not satisfactory.

The evidence gathered in the investigation provided insufficient evidence to support disclosure of the information to the carer's employer.

Making a difference

The Ombudsman made 11 recommendations, including that the department:

- amend its practice manual to require that officers comply with the requirements of procedural fairness
- review its policies and procedures to ensure people subject to an investigation are informed of the investigation outcome as soon as practicable
- develop procedures to give notice before disclosing information to a person's employer
- provide training concerning the disclosure of confidential information
- write to the carer's former employer advising that there was insufficient basis for the disclosure of information concerning the carer
- write to the carer apologising for making the disclosure
- review its record-keeping practices.

28 - Higher learning

The complaint

Five international students complained that the University of Queensland's English language school had reported them to the Department of Immigration and Citizenship (DIAC) following unsatisfactory attendance in the general English program.

The students believed that the university had failed to take into consideration medical certificates and other compassionate or compelling circumstances that explained their absences.

Two students also raised concerns about a transfer application for the last segment of their courses. The students had enrolled in courses with other schools and requested a refund of their tuition fees for that period. They were informed that their applications were not approved and that they were ineligible for a refund.

The investigation

The investigation focused on the university's dealings with the complainants concerning attendance monitoring and appeal processes. The Ombudsman also considered whether the current processes complied with the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* (the National Code).

The National Code gives universities discretion not to report a student to DIAC for breaching an 80% attendance requirement, but only where the student's attendance is between 70 and 80% and there are compassionate or compelling circumstances.

The Ombudsman reviewed the university's attendance records and found the students' attendance failed to reach the threshold of 70%. In these circumstances, the Ombudsman concluded that the university's decisions to exclude the students from the course and report them to DIAC was correct.

However, in the appeal decision, the university did not explain why the students' medical certificates or other documentation could not be taken into account. In fact, all the appeals had been dismissed without any reasons being provided.

The Ombudsman found that while two students had lodged transfer applications, the university's decisions only related to the refund requests. The university's refusal decision relating to the refund requests was consistent with the National Code.

However, the Ombudsman found that the process did not comply with Standard 7 of the National Code because the circumstances in which a transfer may be granted or refused were not specified.

Making a difference

The Ombudsman recommended that the university amend its attendance policy to clarify the circumstances in which it may or may not report a student to DIAC. The university implemented this recommendation before the Ombudsman finalised his investigation.

The university made further improvements to its intervention strategies, including counselling students on their attendance. This will now start when a student's attendance is 85% or less.

The Ombudsman recommended the university review the English language school's transfer process to ensure compliance with the National Code. This included informing students of their right of appeal and separating the transfer and refund processes.

The Ombudsman also recommended the university amend its policies to require adequate reasons for decisions on appeal and written records of refund applications.

The investigation of these complaints resulted in the university improving its compliance with the National Code and improvements to its administrative practices.



29 - A failure to communicate

The complaint

A student enrolled at Griffith University applied for credit based on recognition of prior learning (RPL). The basis for the application was the successful completion of TAFE studies and 26 years work experience in related areas. In submitting her application, the student relied on the university's Credit Transfer Policy, which stated that "professional and para-professional experience, subsequent professional development activities or training and other experience, through work or life, may be taken into account in the granting of RPL credit".

The university declined the student's application on the basis that no credit could be awarded for 'industry experience' or her TAFE courses, as they were not considered comparable with the course. Reasons for the university's decision were not provided.

The student applied for a review of the decision and provided further information about her work experience and studies. The reviewer upheld the original decision without providing adequate reasons for the decision.

The student appealed the review decision, but was unsuccessful. Following receipt of the appeal decision, the student attended a meeting with the chairperson of the appeal committee to discuss the appeal outcome. No record of the meeting was kept by the university.

The student then lodged a complaint with the Ombudsman.

The investigation

Internal correspondence revealed that work experience was not recognised for credit transfer purposes and that the university did not recognise competency-based certificate courses. These practices were not disclosed to the student at any stage.

The Ombudsman considered that the meeting held at the conclusion of the appeal process was relevant to the university's decision not to approve her application, and that a record of the meeting should have been made.

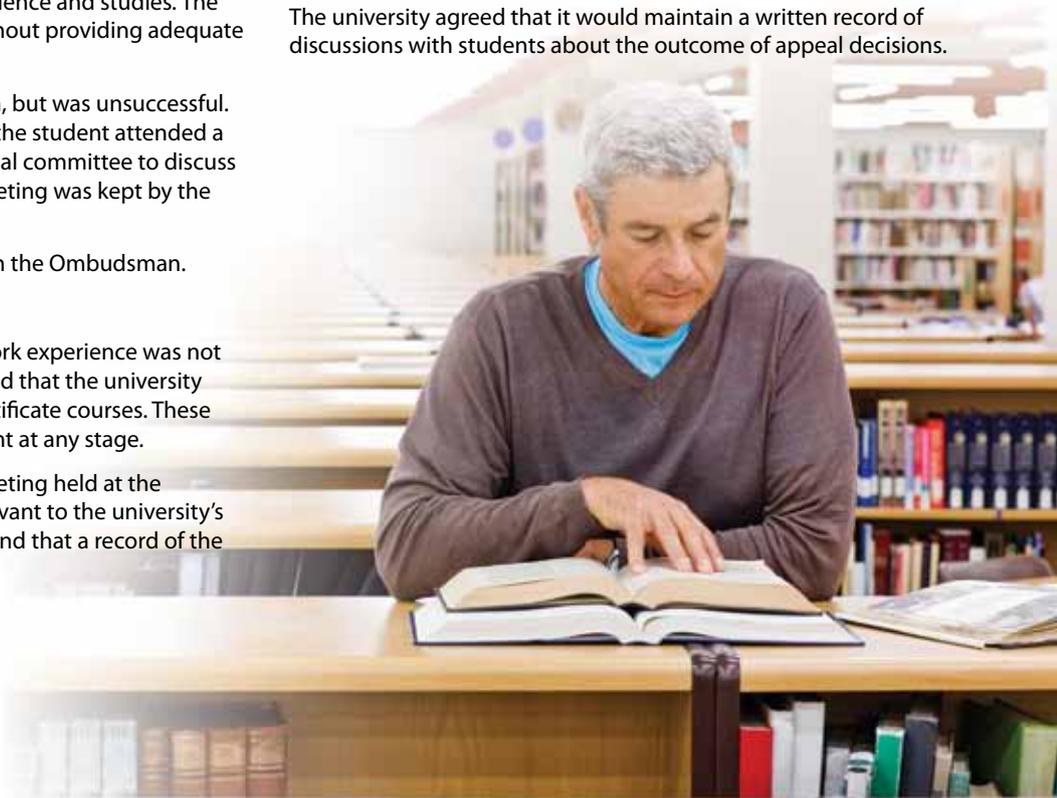
Making a difference

The Ombudsman concluded that the university's failure to provide reasons for its original and review decisions prejudiced the student's ability to understand those decisions and effectively exercise her review and appeal rights. The Ombudsman recommended that the university amend its Credit Transfer Policy to require that full and proper written reasons for its decisions be provided to an applicant.

To enhance the transparency of the university's credit transfer application process, the Ombudsman also recommended that practices applied in the assessment of credit transfer applications be documented and made available on the university website.

On the basis of the information provided by the university during the investigation, the Ombudsman was satisfied that it did have regard to the student's cumulative knowledge and experience.

The university agreed that it would maintain a written record of discussions with students about the outcome of appeal decisions.



30 - Home sweet home

The complaint

In 2007, an international student arrived in Australia to study at a Queensland high school and was placed with a homestay family.

International students at the school were managed through the Department of Education and Training (DET) International Student Homestay program.

In February 2009, the school's homestay coordinator decided to relocate the student due to concerns about her welfare. On the same day she advised the homestay family that the student would be relocated on the grounds that there was a 'conflict of interest'.

The homestay family complained to the Ombudsman about a lack of consultation and a failure to provide the requisite two weeks notice before moving the student. They believed that the school had coerced the student into requesting a transfer. They alleged that inquiries they made on behalf of the student about financial irregularities in the school's administration of homestay payments had triggered the removal.

The investigation

The investigation concerned the decision to relocate and remove the student.

The Ombudsman agreed that the welfare concerns held for the student amounted to exceptional circumstances that justified her removal without notice to the homestay family.

The Ombudsman found there were a number of occasions when the homestay family should have been provided with an opportunity to voice their views, including when decisions were made to remove the student and during the DET reviews.

The Ombudsman was not satisfied that enough details were provided to the homestay family to allow them to understand the reasons for the student's removal.

Making a difference

The Ombudsman recommended that DET review its policies and procedures relating to international homestays. The Ombudsman recommended that it include explicit provisions to ensure procedural fairness for homestay host families.

The Ombudsman recommended the school apologise to the homestay family for its failure to provide procedural fairness and give adequate reasons for the decision to relocate the student.

DET is currently considering these recommendations.

31 - The price is right

The complaint

A leaseholder complained that his application to convert a lease to freehold under the *Land Act 1994* was subject to a number of unreasonable conditions, including payment of the full purchase price of \$200,000 within three months of the date of the offer.

The offer was subject to an Indigenous Land Use Agreement (ILUA) to extinguish native title over the property. DERM advised that negotiations could take up to two years, but could not guarantee that an agreement would be reached.

DERM advised that if the conditions were not met and the offer lapsed, the full purchase price and all fees and conveyance/stamp duty would be fully refunded. However, any interest or fees associated with obtaining a loan to pay the purchase price would not be refunded.

The offer letter stated that if the complainant was unable to comply with all the conditions by the due date, he could apply for an extension of time, but the due date for payment of the full purchase price could not be extended.

The investigation

The Ombudsman contacted DERM and requested information about why it was necessary for the complainant to pay the full purchase price up front, rather than closer to the settlement date.

The Ombudsman considered DERM's policy requiring payment no later than three months from the date of the letter of offer and found this requirement to be unreasonable.

Making a difference

The Ombudsman's investigation resulted in DERM issuing a new offer that required the complainant to pay a deposit and associated fees within 20 days of the offer, with the balance of the purchase price to be paid once all other conditions had been met.

As a result of the Ombudsman's investigation DERM agreed to remove the obligation on applicants to pay the full purchase price within three months of the letter of offer. DERM inserted an obligation for applicants to pay the balance of the purchase price immediately before approval for the freeholding was sought from the Governor-in-Council.

DERM's Director-General instructed the relevant business area to review its processing practices to ensure conversion applications were processed as efficiently as possible.

32 - Missing the forest for the trees

The complaint

A concerned resident made several complaints to the Department of Environment and Resource Management (DERM) about the activities of her neighbour, who allegedly:

- cleared vegetation on a road reserve without permission
- logged trees from a state government road reserve and sold the logs
- cleared vegetation near a watercourse in breach of a temporary ban.

The complainant was not satisfied with DERM's response and lodged a complaint with the Ombudsman about the adequacy of DERM's investigation and the action it took in response to her complaints.

The investigation

The investigation found that DERM did not consider all relevant factors when deciding what action to take about the clearing of vegetation; and DERM did not investigate all the resident's complaints.

The Ombudsman also found that:

- officers of the Vegetation Management Unit and Compliance Unit did not understand the respective role of each unit regarding decision-making on complaint, compliance and enforcement matters
- when assessing the alleged unauthorised clearing of vegetation, DERM officers failed to identify possible offences and their elements, and/or identify and effectively consider potential exemptions
- information provided by DERM did not provide meaningful guidance about what members of the public are permitted to do without a permit
- DERM's decision not to provide the complainant with reasons for its decision after the neighbour had specifically requested DERM do so was wrong
- DERM officers failed to comply with their record-keeping obligations under the *Public Records Act 2002* (PR Act).

Making a difference

The Ombudsman did not require DERM to reinvestigate any of the issues or take action against the neighbour. However, he made the following recommendations to improve administrative practice:

- DERM review its decision-making framework to ensure that when making decisions about compliance/enforcement action:
 - a view that further action is not warranted is weighed against the deterrent effect of enforcing compliance and wider public interest considerations
 - these competing factors are included in the record of the decision
- DERM clearly document the roles and responsibilities of business units and the Compliance Unit regarding compliance and enforcement matters
- DERM prepare an investigation manual which requires officers to:
 - identify potential offences and their elements
 - identify potential exemptions and their elements
 - decide whether exemptions apply before making a decision
- DERM develop guidelines for Vegetation Management Unit officers and Compliance Unit officers to help them interpret and apply the provisions of the *Sustainable Planning Act 2009* (SP Act) and the *Vegetation Management Act 1999*
- DERM review material provided to members of the public concerning their obligations under the VM Act and the SP Act. This information should be simple and easily understood, comprehensive and relevant
- DERM review the detail and quantity of information provided to complainants regarding investigation of complaints.

The Ombudsman also made several recommendations for DERM to review its record-keeping systems and practices to ensure compliance with the PR Act.

DERM accepted the Ombudsman's recommendations and is working towards full implementation. The complainant was pleased that her complaint led to administrative improvement within DERM.

33 - Danger ahead

The complaint

The complainant purchased a trailer manufactured by Company X. Company X's representative registered the trailer at a Department of Transport and Main Roads (DTMR) customer service centre.

After taking possession of the trailer, the complainant found many problems which Company X failed to rectify. The complainant arranged to have the empty trailer weighed at a registered weighbridge. The weighbridge certificate indicated that the trailer's actual tare weight was 720kg rather than 400kg as indicated on the manufacturer's plate, or 580kg as indicated on the DTMR Self-Assessment Form. This meant that the complainant could only lawfully load the trailer with 30kg before the allowable Aggregate Trailer Mass (ATM) of 750kg was reached. Later information indicated that the ATM of the trailer, when fully loaded, was 1,270kg.

The complainant lodged complaints with the Office of Fair Trading (OFT) and DTMR. Because the trailer weighed less than 750kg and was subject to a self-assessment regime, DTMR told the complainant to contact the Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government (DITRD LG).

Over the next 16 months the complainant engaged with DTMR and DITRD LG to try to address her complaint. In that time, the complainant had the trailer inspected by an accredited Heavy Vehicle Registration Assessment Scheme (HVRAS) officer who concluded that the trailer had manufacturing and structural faults and was unsafe. She also alerted DTMR to the possibility that other trailers manufactured by Company X had similar problems.

The investigation

The Ombudsman's investigation focused on the administrative actions of DTMR. He found that DTMR:

- failed to refer allegations of a criminal offence to police
- should not have accepted a photocopy of the complainant's licence as evidence that Company X's representative was authorised to register the trailer
- failed to raise registration and vehicle plate discrepancies with Company X and took no action to require that Company X replace the inaccurate plates.

The Ombudsman concluded that there should be a review of the registration of light trailers. He made 12 recommendations, including that DTMR:

- seek a legislative basis to require the tare weight of light trailers to be stated as part of the registration process
- require all people seeking to register light trailers to produce a current safety certificate and/or a weighbridge certificate for their trailer
- direct the owner or manufacturer to replace inaccurate vehicle plates within 30 days
- clarify the chief executive's powers and obligations to cancel the registration of vehicles when there is evidence that the vehicle does not meet legal requirements.

Making a difference

The Ombudsman's investigation revealed that a non-compliant and structurally unsafe trailer was manufactured and registered in Queensland through fraudulent means.

This case highlighted the confusion caused by overlapping jurisdiction between federal and state government agencies. Once the issues with the trailer and its registration were uncovered, neither DITRD LG nor DTMR were willing to accept any substantive inadequacies or flaws in their systems or processes, or adopt changes to prevent these issues recurring. There is still confusion over the jurisdictional responsibilities of both DITRD LG and DTMR in the area of manufacture, registration and compliance of light trailers.

Unsafe, faulty or overloaded trailers are capable of causing a serious road accident. DTMR's current practice of registering light trailers without checks or inspections needs to be reviewed in the interests of public safety and consumer protection.

DTMR must have adequate legislative powers, policies and procedures to rectify problems as quickly as possible. The Ombudsman has encouraged DITRD LG and DTMR to improve their policies and procedures concerning the manufacture, compliance and registration of light trailers.

Section 4

Audits and training: improving public administration

The Ombudsman helps public agencies make better decisions and improve the way they handle complaints.



Improving public administration

Delivered

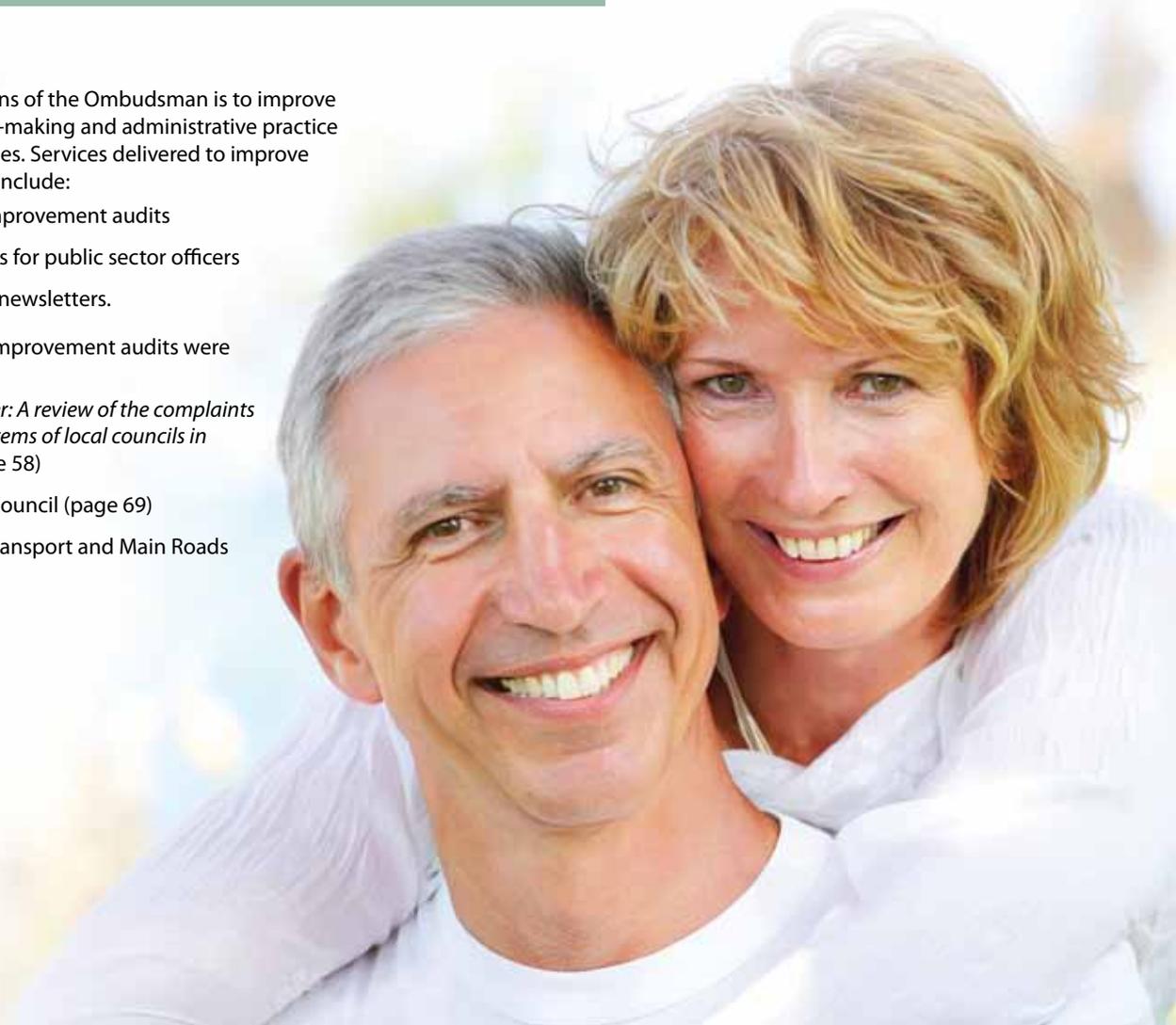
- Carried out three administrative improvement audits
- Delivered 144 training sessions across Queensland
- Developed and delivered two new training programs
- Increased readership of *Perspective* newsletters

One of the key functions of the Ombudsman is to improve the quality of decision-making and administrative practice in public sector agencies. Services delivered to improve public administration include:

- administrative improvement audits
- training programs for public sector officers
- case studies and newsletters.

Three administrative improvement audits were undertaken this year:

- *Complaints Matter: A review of the complaints management systems of local councils in Queensland* (page 58)
- Gold Coast City Council (page 69)
- Department of Transport and Main Roads (page 70)



Audits

Improving complaints management at the Gold Coast City Council

In 2010-2011, an administrative audit of the Gold Coast City Council's (GCCC) complaints management system was completed.

As part of the audit, investigators examined the current complaint policy and procedures, the adequacy of complaints resourcing and training, visibility and accessibility of the complaints process and their record-keeping procedures.

The audit involved examining GCCC's complaints records against prepared checklists which incorporated legal, policy and best practice requirements for receiving, assessing, reviewing and responding to complaints. The audit found that the council's policy and practices largely complied with the *Local Government Act 1993*. The Ombudsman made 58 recommendations for improvement with the key recommendations related to:

- General Complaints Process – policy and procedures
- visibility and accessibility of the complaints system
- the informal complaints handling stage
- the formal independent review stages.

As a result of these findings and recommendations, the GCCC adopted a new complaints policy and procedures in 2010-2011.

Checks and balances ... Our administrative audits highlight areas for improvement across the public sector.



“Thanks for the hard work and diligent investigation you conducted. Your honest approach has been a refreshing interlude in our long interaction with government departments. I’m constantly reminded of the great number of people who were finally able to make themselves heard. Your team conducted themselves with great empathy and politeness.”

- A complainant

Improving complaints management at the Department of Transport and Main Roads

In 2010-2011, an audit of the Department of Transport and Main Roads' complaints system was completed. The purpose of the audit was to evaluate DTMR's new complaints management system, adopted in January 2010.

The operation of DTMR's complaints management system was assessed against Directive 13/06, policy and procedural requirements and other recognised indicators of good complaints management. Complaints management within selected divisions/regions was reviewed with a focus on intermediate and complex complaints, the highest reported complaint topics and complaints finalised outside standard timeframes.

Overall, the audit found a satisfactory level of compliance with the requirements of Directive 13/06 and other indicators of good practice complaints management. DTMR's website offered a good level of visibility and accessibility to the complaints management system and there were a range of complaint brochures and posters that provided clear customer-friendly information about how to make a complaint.

Trusted advice ... The Ombudsman's office helps public agencies improve administrative practice and complaints handling.



The audit reviewed a significant number of complaint files and looked at how DTMR received, assessed, recorded, processed and responded to complaints across a number of subject areas. Suggested areas for improvement related to the need for ongoing training and better analysis of data to identify problems and potential improvements to the system.

A report has been provided to DTMR.

Providing administrative improvement advice

In 2010-2011, 37 administrative improvement assistance requests were received from state and local government agencies. Most of the requests concerned complaints management and involved reviewing and giving feedback on draft or revised complaints management policies and procedures.

Topics advised on included:

- complaint identification and service requests
- administrative action complaints process requirements under the Local Government (Operations) Regulation 2010
- administrative action complaints process Practice Guidelines issued by the Department of Infrastructure and Planning
- providing reasonable assistance for people to make complaints
- complaint categories
- frontline complaints handling
- regular review of the effectiveness of complaints systems
- internal visibility of complaints systems and reporting
- managing unreasonable complainant conduct
- employee complaints directive
- Public Interest Disclosures
- administrative decision-making guidelines
- record-keeping.

Agencies responded positively to the advice.

Training

Training to improve complaints handling

In 2010-2011, Complaints Management Training was continued in two modules, one for customer service and frontline officers and the other for internal review officers.

Both modules focus on:

- the reasons people complain
- how to assess complaints
- processes to follow in investigating complaints
- the importance of procedural fairness and other key concepts.

Sessions are customised for each agency and the training combines best-practice theory with practical advice based on the agency's policies and procedures and scenarios drawn from case studies.

During 2010-2011, 54 Complaints Management Training sessions were conducted (41 for frontline officers and 13 for internal review officers). Training was delivered to five state government agencies, three councils and one university. A total of 941 public sector officers took part.

“Your recent presentation was extremely well-received. I’m confident the advice and guidance provided on the day will result in improvements... and an increased awareness among staff of the need to strive for administrative efficiency.”

- Public sector executive

Best practice ... The Ombudsman training program helps frontline officers manage complaints better.

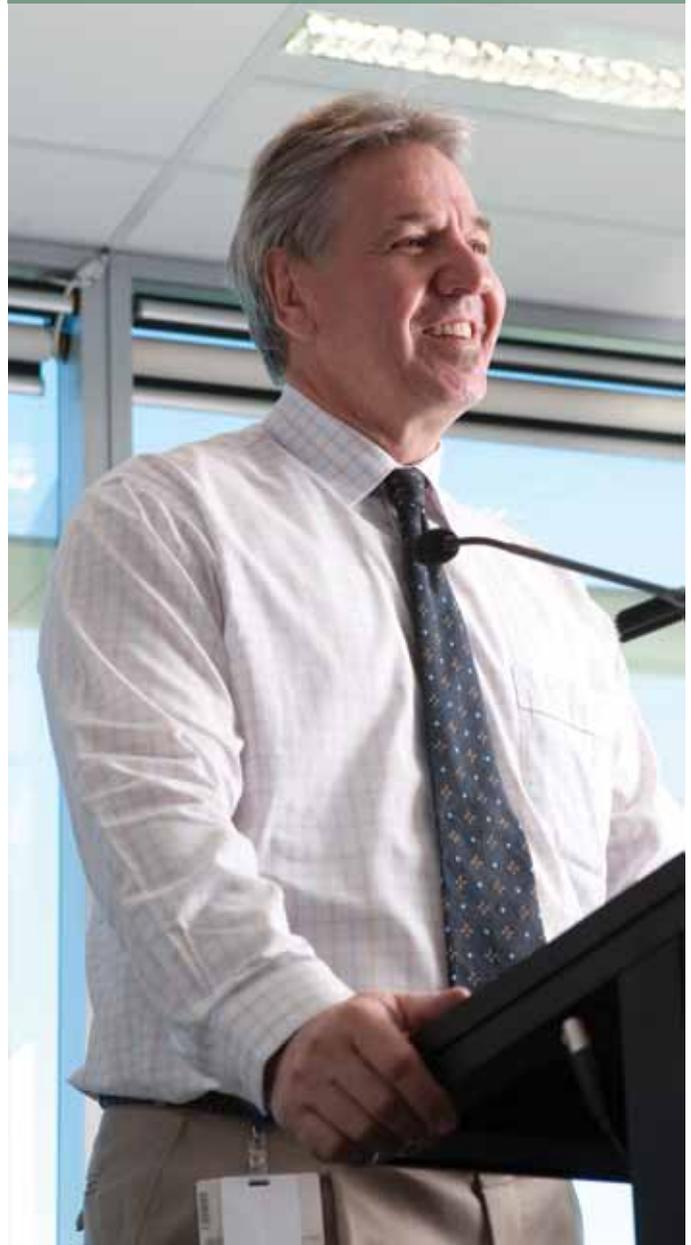


Table 13: Agencies that participated in Complaints Management Training in 2010-2011

Local councils	Gladstone Regional Council
	Townsville City Council
	Western Downs Regional Council
State agencies	Department of Communities
	Department of Community Safety
	Public Trustee
	Queensland Building Services Authority
	Allconnex Water
Universities	James Cook University

Table 14: Agencies that participated in Ethical Decision-Making Training in 2010-2011

State agencies	Commission for Children and Young People and Child Guardian
	Department of Communities
	Department of Community Safety
	Department of Education and Training
	Department of Employment, Economic Development and Innovation
	Department of Justice and Attorney-General
	Department of the Premier and Cabinet
	Department of Transport and Main Roads
	Public Service Commission
	Queensland Reconstruction Authority

Table 15: Agencies that participated in Good Decisions Training in 2010-2011

Local councils	Gold Coast City Council
	Logan City Council
	Sunshine Coast Regional Council
State agencies	Commission for Children and Young People and Child Guardian
	Department of Communities
	Department of Community Safety
	Department of Education and Training
	Department of Environment and Resource Management
	Department Transport and Main Roads
	Energy and Water Ombudsman
	Fitzroy River Water
	Office of State Revenue
	Queensland Building Services Authority
	Queensland College of Teachers
	Queensland Health
	Queensland Rail
Universities	James Cook University

Training to improve decision-making

During 2010-2011, trainers travelled across Queensland to ensure public sector officers could access Good Decisions Training. Officers from 13 state agencies, three councils and one university participated (see Table 15).

This year 61 sessions were attended by 1,036 officers (19 sessions were delivered outside of the Brisbane area).

Since 2005, 7,248 officers have taken part in Good Decisions Training. The training is suitable for decision-makers at all levels of government and provides a step by step decision-making guide which they can refer to in their daily work.

Training to improve ethical decision-making

In 2011, a new training program, *Your Ethical Compass*, was developed and delivered.

Targeted primarily at senior officers, the program responds to the demand for ethics training as a result of the state government's integrity and accountability reforms.

The program offers more than 40 practical scenarios to choose from, incorporating a range of real-life ethical dilemmas.

During 2011, officers from nine state agencies participated in the training. In total, 29 sessions were attended by 470 officers, with one of these sessions delivered outside Brisbane.

Positive feedback

In 2010-2011, 144 training sessions were delivered to 2,443 officers.

Feedback demonstrated that the training was highly valued:

- 97% said the training would help them in their daily work
- 98% would recommend the training to other officers in the public sector.



“Succinct and to the point with excellent use of scenarios. The trainer was knowledgeable and very engaging.”

- Training participant

Improving decision-making in the public sector

Newsletters

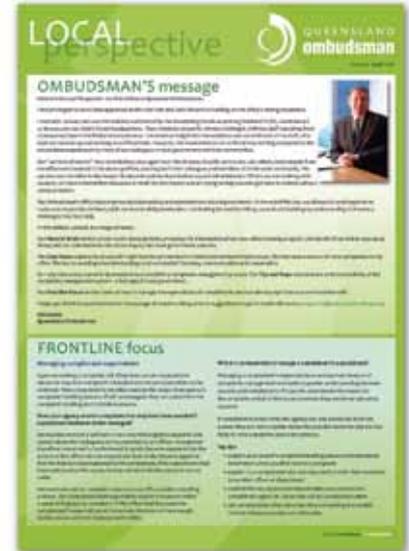
The *Perspective* newsletters provide advice on good decision-making and complaint management. The newsletters, distributed electronically to state and local government officers, public sector legal practitioners and corrections officers, use case studies and training materials to highlight good and bad administrative practices.

State Perspective and *Local Perspective* are each published three times a year. In 2010-2011, online editions were published in August, October and April.

Subscription rates increased significantly. *State Perspective* has 2,117 subscribers (a 65% increase from 2009-2010); *Local Perspective* has 757 subscribers (38% increase from 2009-2010).

Legal Perspective is published twice a year. It is targeted at public sector practitioners and private lawyers with public sector clients. *Legal Perspective* promotes the message that decisions made in the public sector must not only be lawful, but fair. In 2010-2011, online editions were published in November and April. *Legal Perspective* currently has 275 subscribers (a 7% increase from 2009-2010).

Corrections Perspective is published twice a year and is designed for officers in Queensland Corrective Services. It contains useful tips and case studies on good decision-making, record-keeping and complaints handling in a corrective services context. In 2010-2011, online editions were published on the Queensland Corrective Services intranet in November and April.



Improving advice on public interest disclosures

During 2010-2011, the Ombudsman collaborated with the Crime and Misconduct Commission and the Public Service Commission to update guides on public interest disclosures for the Queensland public sector.

These guidelines reflect legislative changes that took place as part of the government's integrity reforms. On 1 January 2011, the *Public Interest Disclosure Act 2010* replaced the *Whistleblowers Protection Act 1994*.

The updated guides contain advice for individuals who may be considering making a disclosure, for managers or supervisors who may need to deal with a disclosure, and for every public sector agency obliged to have policies and procedures in place to encourage and manage disclosures.

All of the updated guides are available on the Queensland Ombudsman website.

Dealing with unreasonable complainants

In 2006, the Commonwealth and State Ombudsman offices launched the *Unreasonable Complainant Conduct Project*. This joint project is designed to develop strategies for dealing with unreasonable behaviour by complainants.

A Practice Manual and a Project Report were completed in June 2009.

In 2010-2011, participants developed additional strategies for complaint handlers to make the Practice Manual more relevant to organisations that have ongoing contact with complainants who engage in unreasonable behaviour or are involved in rural or remote service delivery.



Looking forward

- Conduct on-site reviews of the complaints management systems of state and local agencies to help improve their effectiveness
- Continue to grow training delivery
- Promote training for state and local government officers in regional Queensland
- Increase access to training for Aboriginal and Torres Strait Islander councils
- Increase subscription rates for the *Perspective* newsletters

Section 5

Engagement: improving accessibility and awareness

Building strong links with the community raises awareness about the services we provide.



Community outreach

Queensland has a diverse and decentralised population. Building strong links with the community helps raise awareness about the services provided by the Ombudsman's office and improves accessibility for all Queenslanders.

A key objective of the Queensland Ombudsman is to promote and monitor awareness about the services it provides to Queenslanders. In 2010-2011, awareness-raising activities were targeted at people who may have difficulty accessing our services.

Delivered

- Conducted targeted outreach activities
- Promoted the Ombudsman website and the It's OK to complain website
- Completed a complainant satisfaction survey
- Worked with other integrity agencies at a local, interstate and international level

Improving services for regional Queenslanders

To provide accessible services to regional and remote communities, the Ombudsman employs a range of strategies:

- A toll-free phone number allows people living in regional or remote communities to call for advice or assistance for the cost of a local call. The Ombudsman's Prisoner PhoneLink service in correctional centres provides similar access for prisoners.
- The Ombudsman website is a useful resource for regional Queenslanders, with information about our role and jurisdiction, an online complaint form and access to Ombudsman publications.
- Smart Services Queensland and the network of Queensland Government Agent Program (QGAP) offices provide information about the Ombudsman to the community.
- Queensland Ombudsman officers regularly visit regional and remote centres in response to community requests or as part of investigations. This year, staff made 72 visits to regional and remote communities in Queensland to conduct investigations and audits, deliver presentations and training, visit correctional centres, attend community festivals and events.



Targeted awareness campaigns are conducted in regional areas identified as under-represented in contacts and complaints:

- September 2010 – Sunshine Coast and Western Queensland
- February 2011 – Central Queensland campaign postponed due to natural disasters
- March 2011 – Brisbane and Gold Coast.

Activities included:

- advertisements in local newspapers and radio
- editorial coverage in local newspapers and radio
- distribution of information packs to key 'community hubs', including community centres, council offices, legal centres, libraries, electorate offices and higher education centres
- regional visits by Ombudsman officers.

QUEENSLAND ombudsman

How the Queensland Ombudsman can help you.

The Queensland Ombudsman investigates complaints about:

- ✓ delays in government services
- ✓ decisions about government funded benefits
- ✓ unreasonable charges

We cannot investigate:

- ✗ private businesses
- ✗ decisions made by ministers, cabinet, courts and tribunals
- ✗ operational police matters
- ✗ Commonwealth agencies

07 3205 7200
1800 068 908 (free call, outside Brisbane)

ombudsman@ombudsman.qld.gov.au
www.ombudsman.qld.gov.au
GPO Box 3314 Brisbane Qld 4001

If you have a complaint about a state agency or local council you haven't been able to fix, contact the Queensland Ombudsman today.

It's OK to complain

QUEENSLAND ombudsman

Do you have a complaint?

The Queensland Ombudsman investigates complaints about:

- ✓ delays in government services
- ✓ decisions about government funded benefits
- ✓ unreasonable charges

We cannot investigate:

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- ✗ decisions made by ministers, cabinet, courts and tribunals
- ✗ operational police matters
- ✗ Commonwealth agencies

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What should I do...?

1. Contact the agency concerned and try to resolve your problem
2. If you're still unhappy with the decision, contact our Office.

It's OK to complain

QUEENSLAND ombudsman

How the Queensland Ombudsman can help you.

- ✓ We investigate complaints about Queensland State Government agencies and local councils.
- ✓ We offer a free and independent service for your local community.
- ✓ We regularly visit and provide training to agencies and councils in regional Queensland.
- ✓ Your complaint can help improve services for all Queenslanders.

If you have a complaint about a State agency or local council you haven't been able to fix, contact the Queensland Ombudsman today.

1800 068 908 (free call)
ombudsman@ombudsman.qld.gov.au
www.ombudsman.qld.gov.au
GPO Box 3314 Brisbane Qld 4001

It's OK to complain

QUEENSLAND ombudsman

Do you have a complaint about local council or state government?

07 3205 7200
1800 068 908 (free call, outside Brisbane)

ombudsman@ombudsman.qld.gov.au
www.ombudsman.qld.gov.au
GPO Box 3314 Brisbane Qld 4001

QUEENSLAND ombudsman

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QUEENSLAND ombudsman

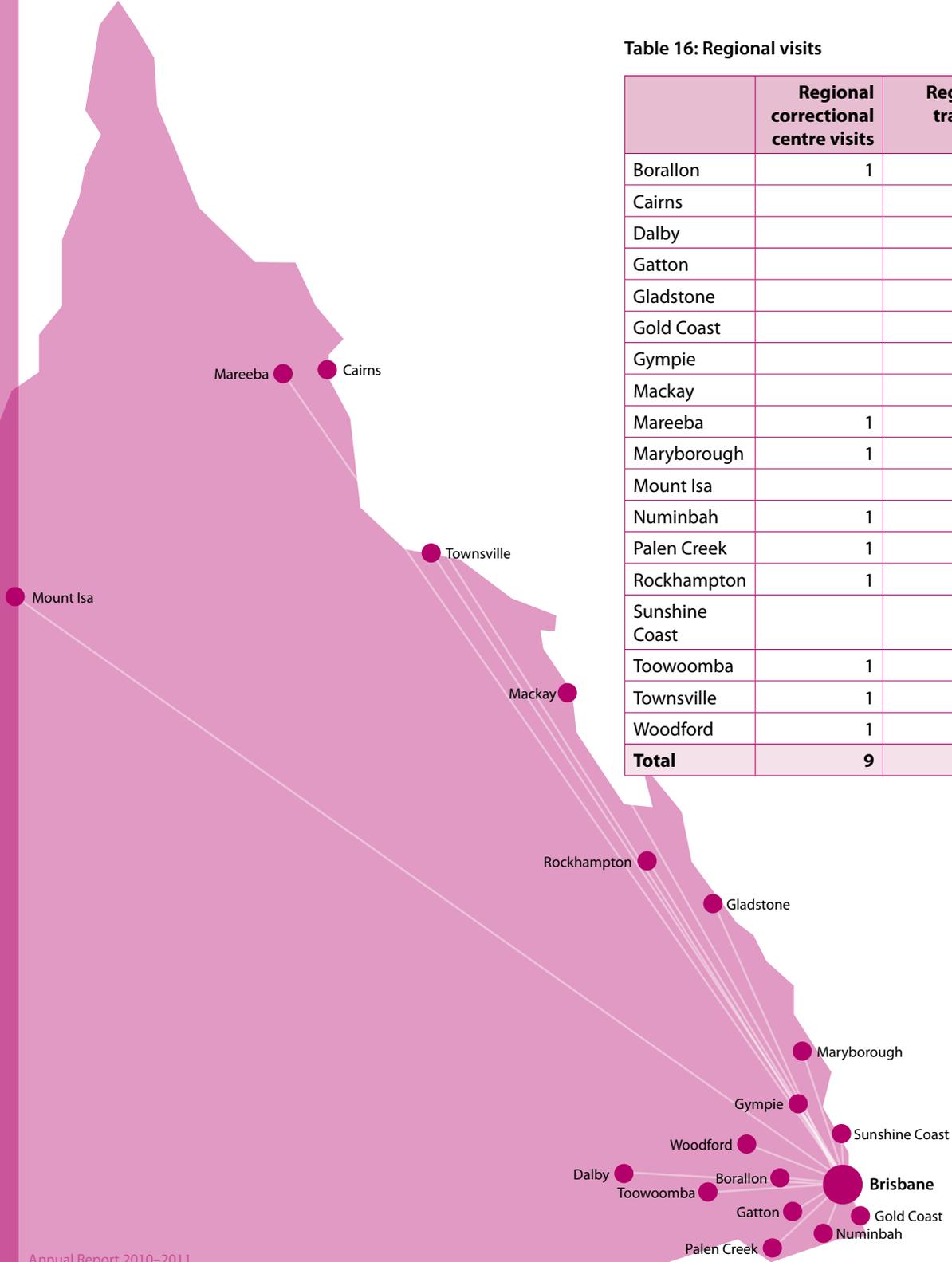
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www.ombudsman.qld.gov.au
GPO Box 3314 Brisbane Qld 4001

Table 16: Regional visits

	Regional correctional centre visits	Regional training	Regional investigations
Borallon	1		
Cairns		6	2
Dalby		2	
Gatton			2
Gladstone		6	
Gold Coast		7	5
Gympie		1	
Mackay		1	
Mareeba	1		
Maryborough	1	2	1
Mount Isa		2	
Numinbah	1		
Palen Creek	1		
Rockhampton	1	7	
Sunshine Coast		2	3
Toowoomba	1	2	
Townsville	1	11	1
Woodford	1		
Total	9	49	14



Improving communication with prisoners

In 2010-2011, Ombudsman officers visited each of the state's 14 correctional centres and undertook further visits to investigate specific complaints.

Posters and brochures at each centre inform prisoners about the Prisoner PhoneLink service, the privileged mail system and visits by Ombudsman officers. This year, the prison visits poster was redesigned to incorporate plain English advice about the complaints process.



Improving access for multicultural communities

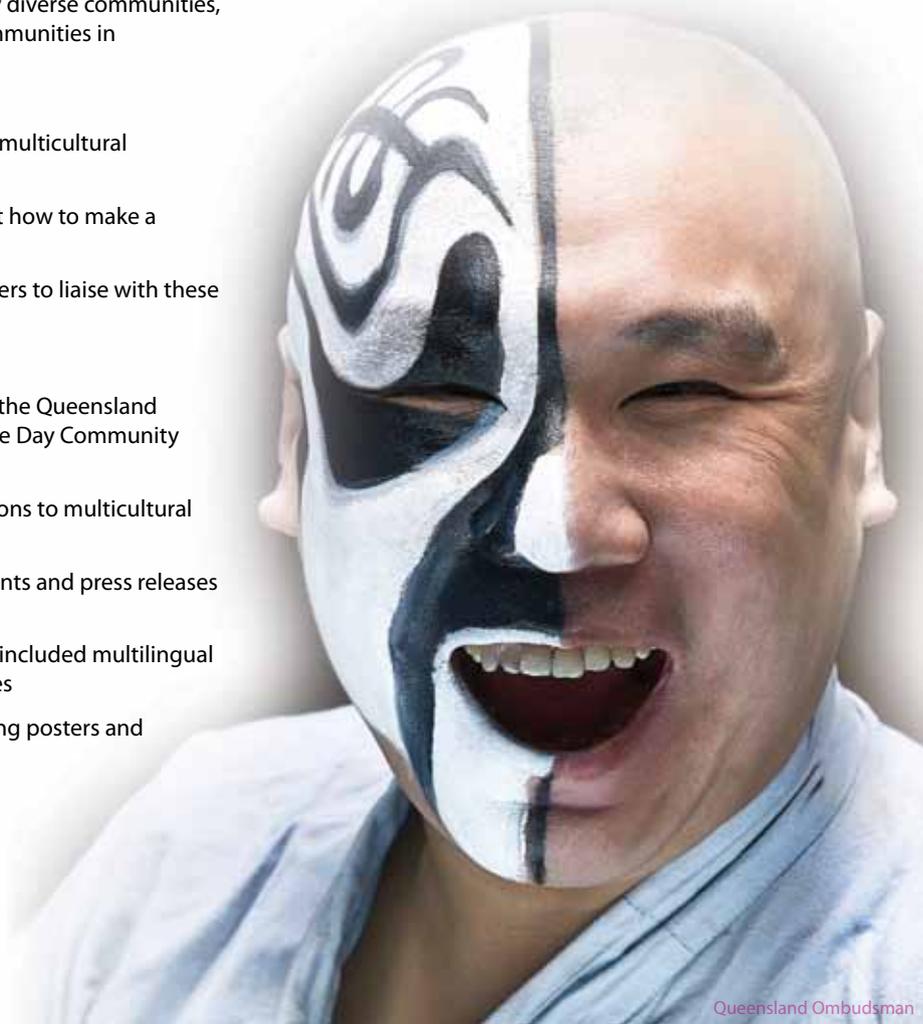
To improve access for culturally and linguistically diverse communities, a more structured approach to multicultural communities in Queensland was implemented.

This year, three key goals were to improve:

- awareness about the Ombudsman's role in multicultural communities
- understanding in those communities about how to make a complaint about a public agency
- the skills and capacity of Ombudsman officers to liaise with these communities.

Activities in 2010-2011 included:

- participating in community events such as the Queensland Multicultural Festival and the World Refugee Day Community Festival
- launching a series of bi-monthly presentations to multicultural organisations
- providing community service announcements and press releases to ethnic media outlets
- creating a multicultural resource kit, which included multilingual information sheets and translated brochures
- updating multilingual publications, including posters and brochures.



Improving services for the homeless

To provide homeless people with improved access to Ombudsman services in collaboration with the Commonwealth Ombudsman, officers:

- provided staff briefings and monthly advice clinics at Roma House, a 24-hour intensive support base for homeless men, women and families
- conducted staff briefings and fortnightly advice clinics at the Brisbane Homelessness Service Centre (commenced October 2010)
- participated in the Homeless Connect Expo in November 2010 and May 2011
- presented to case workers at a Homeless Persons Legal Clinic in March 2011.

Improving services for young people

Youth outreach campaigns educate young Queenslanders about the complaints process and the best ways to make their voices heard.

Activities in 2010-2011 included:

- production of a range of marketing material for university students, including information postcards, water coolers and branded apples
- distributing more than 3,500 sample bags at orientation week events at the University of the Sunshine Coast, Griffith University and the University of Queensland
- distributing 500 sample bags at orientation week events at James Cook University in Townsville and Central Queensland University in Rockhampton
- providing a range of targeted community service announcements to university radio stations across Brisbane.



Improving online communication

The Queensland Ombudsman website provides extensive information about making and managing a complaint.

Key website statistics for 2010-2011 include:

- 70,228 site visits (up 36% from 2009-2010)
- 283,028 pages views (up 28% from 2009-2010)
- 48,495 visits to the online complaint form (up 24% from 2009-2010).

Complaints received via email (15%) and the online complaint form (15%) now comprise 30% of total complaints (up 5% from 2009-2010).

In January 2011, a new online case study library was launched. The case library contains examples of complaints investigated over the past five years and is designed for members of the public and agency officers. Case studies can be searched in various ways, including by keyword, agency or date.



Combined complaints website – It's OK to complain

To help Queenslanders identify the best complaints agency to deal with their complaint, the Queensland Ombudsman led the development and launch of a website – www.complaints.qld.gov.au – in partnership with Queensland's main complaint agencies.

The website provides a 'one stop shop' designed to help people find the right agency to investigate their complaint. In 2010-2011, the website had 7,492 visitors, a 29% increase in web traffic.

The 'It's OK to complain' branding forms part of a larger public awareness campaign, including a brochure translated into 15 languages and distributed to more than 1,500 community groups throughout Queensland.



Improving services for complainants

The Ombudsman seeks feedback from complainants each year via an independently administered complainant satisfaction survey.

As a result of the issues identified in the survey, the following actions were taken:

- business processes were revised to ensure that officers keep complainants regularly informed of the progress of their complaint
- written communication to complainants about final decisions were revised to improve clarity
- programs to educate complainants and referral agencies about the Ombudsman's role were refined
- work commenced on developing a new online complaint form with the option of attaching documents.

Improving relationships with the public sector

Ombudsman officers meet regularly with agencies that generate a high number of complaints and have established formal liaison agreements with some of them. These arrangements facilitate preliminary inquiries and investigations, allowing faster resolution of complaints.

Regular meetings were held with a number of government agencies, including Queensland Corrective Services, the Department of Infrastructure and Planning, the Queensland Audit Office, the Crime and Misconduct Commission and the Department of Communities.

Ombudsman communication officers also meet regularly with their counterparts in other independent complaint agencies. These monthly meetings provide a forum to address common challenges and plan joint participation in community events, such as the NAIDOC Week Family Fun Day, Queensland Multicultural Festival and the World Refugee Day Festival.

Strengthening global ties

Ombudsman officers liaised with Australian and overseas ombudsman offices and oversight agencies.

In March 2011, Ombudsman Phil Clarke attended the 26th Australasian and Pacific Ombudsman Conference in Taipei. The two-day conference allowed Ombudsmen from around the region to collaborate on ways to improve services. The event highlighted the pivotal role Ombudsmen have in supporting accountability, transparency and human rights.

Meetings of Deputy Ombudsmen from Australia and New Zealand are held biannually to share information on current activities and to seek advice about challenges. Deputy Ombudsman Forbes Smith attended meetings in Melbourne in November 2010 and in Sydney in May 2011.

In 2010-2011, the Ombudsman hosted three delegates from the Papua New Guinea Ombudsman Commission (PNGOC). The Queensland Ombudsman has strong links with the PNGOC and the visit was part of a twinning program, sponsored by the Commonwealth Ombudsman. Linking Ombudsman offices across the globe provides a valuable opportunity to exchange information about complaint handling and investigation practices.

Cultural exchange ... Ombudsman staff had the opportunity to share their knowledge and experience with officers from the PNGOC.



Improving services for Indigenous Queenslanders

Helping Indigenous people get a 'fair go' from public agencies is an important part of the Ombudsman's role. Indigenous people are under-represented when it comes to complaining about poor or inappropriate service by public agencies.

This year, a range of activities was undertaken to improve awareness and communication with Indigenous people.

Publications

As part of regional awareness campaigns in September 2010 and March 2011, information packs to raise awareness about the Ombudsman were provided to Aboriginal and Torres Strait Islander communities. Information packs containing specially designed posters and brochures were distributed to Local Area Multicultural Partnership (LAMP) officers, regional councils and a range of community, legal and health centres.

A brochure titled 'It's OK to Complain' was translated into 15 languages, including Torres Strait Creole. The brochure contains information on Queensland's complaint agencies and was distributed to LAMP officers, community, legal and health centres. It can also be downloaded from the shared complaints website, www.complaints.qld.gov.au

Regional visits

As part of the regional visits program, the Ombudsman travelled to North Queensland in April 2011 to meet the Mayor and CEO of Yarrabah Aboriginal Shire Council.

The Ombudsman made a presentation to a Ministerial round table meeting of Indigenous mayors at Cherbourg in May 2011. The presentation was designed to increase awareness in Indigenous communities about our role and services. The Ombudsman sought feedback from the state's Indigenous mayors on community engagement and approval for a renewed focus on Indigenous communities.

Events

Ombudsman officers participated in Indigenous events, such as the Family Fun Day at Musgrave Park held in July 2010 as part of National Aboriginal and Islander Day Observance Committee Week activities in Brisbane.

Training

Ombudsman officers attended Indigenous cross-cultural awareness training to improve understanding of Indigenous cultures and to learn appropriate communication techniques.

Looking forward

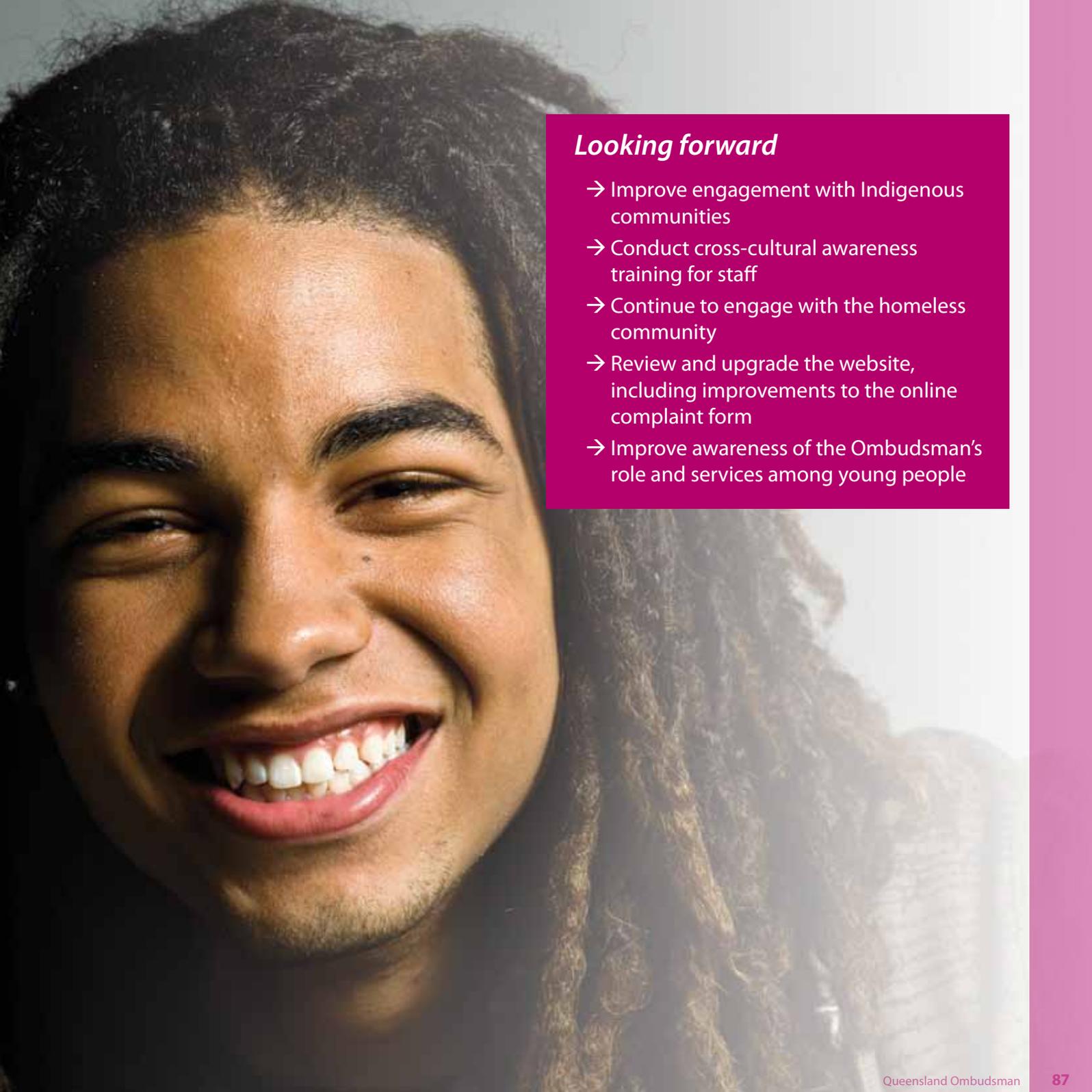
The Ombudsman's office will develop a comprehensive Indigenous engagement strategy in line with the *Queensland Government Reconciliation Action Plan 2009-12*.

New initiatives to improve services to Aboriginal and Torres Strait Islander people will include:

- expanding the regional visits program
- revising Indigenous information brochures
- liaising with Indigenous community justice groups to promote awareness of services.

Closing the gap ... Ombudsman staff volunteered at Indigenous events, including the NAIDOC Week Family Fun Day.





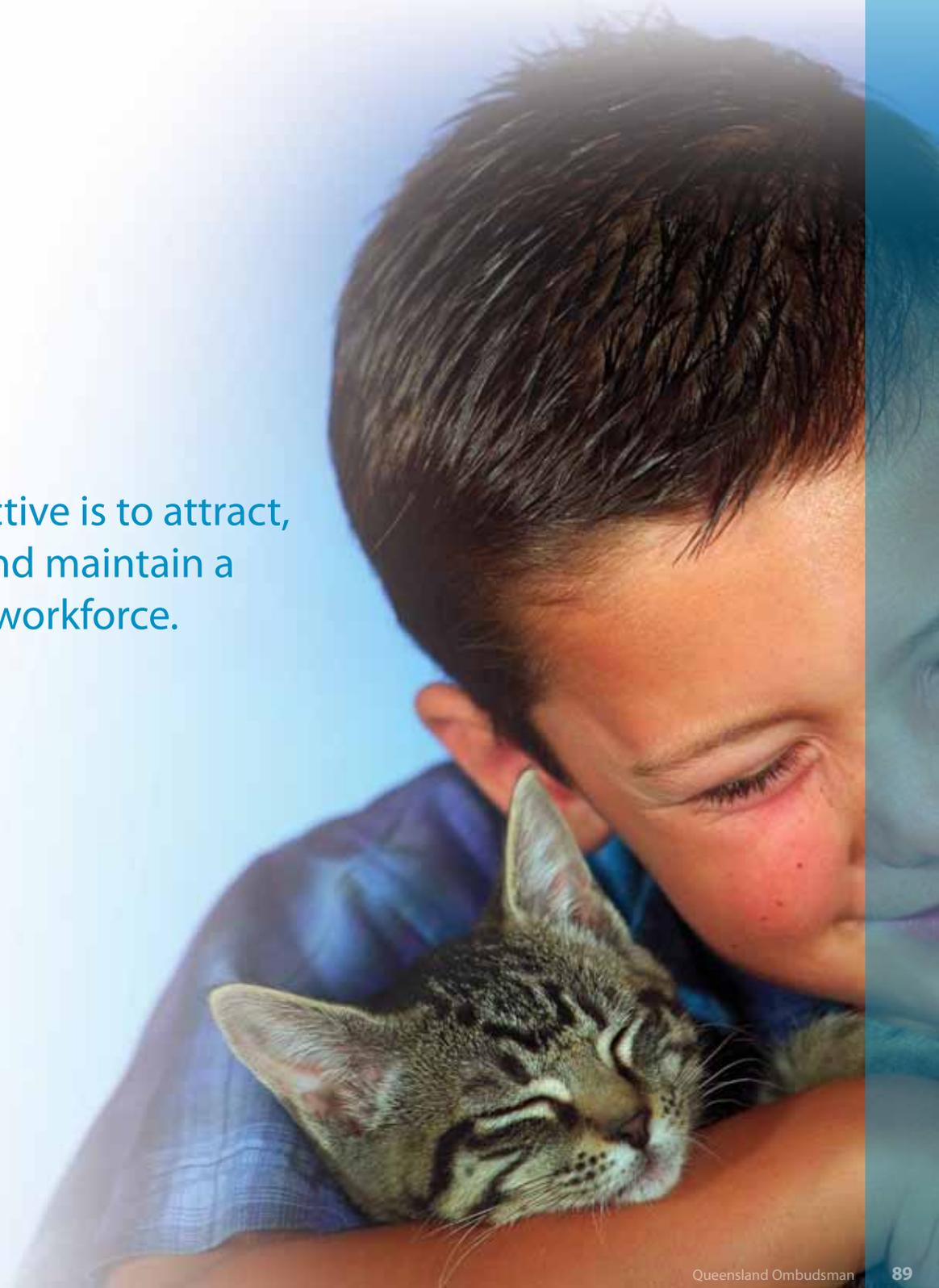
Looking forward

- Improve engagement with Indigenous communities
- Conduct cross-cultural awareness training for staff
- Continue to engage with the homeless community
- Review and upgrade the website, including improvements to the online complaint form
- Improve awareness of the Ombudsman's role and services among young people

Section 6

*People: our most
valuable asset*

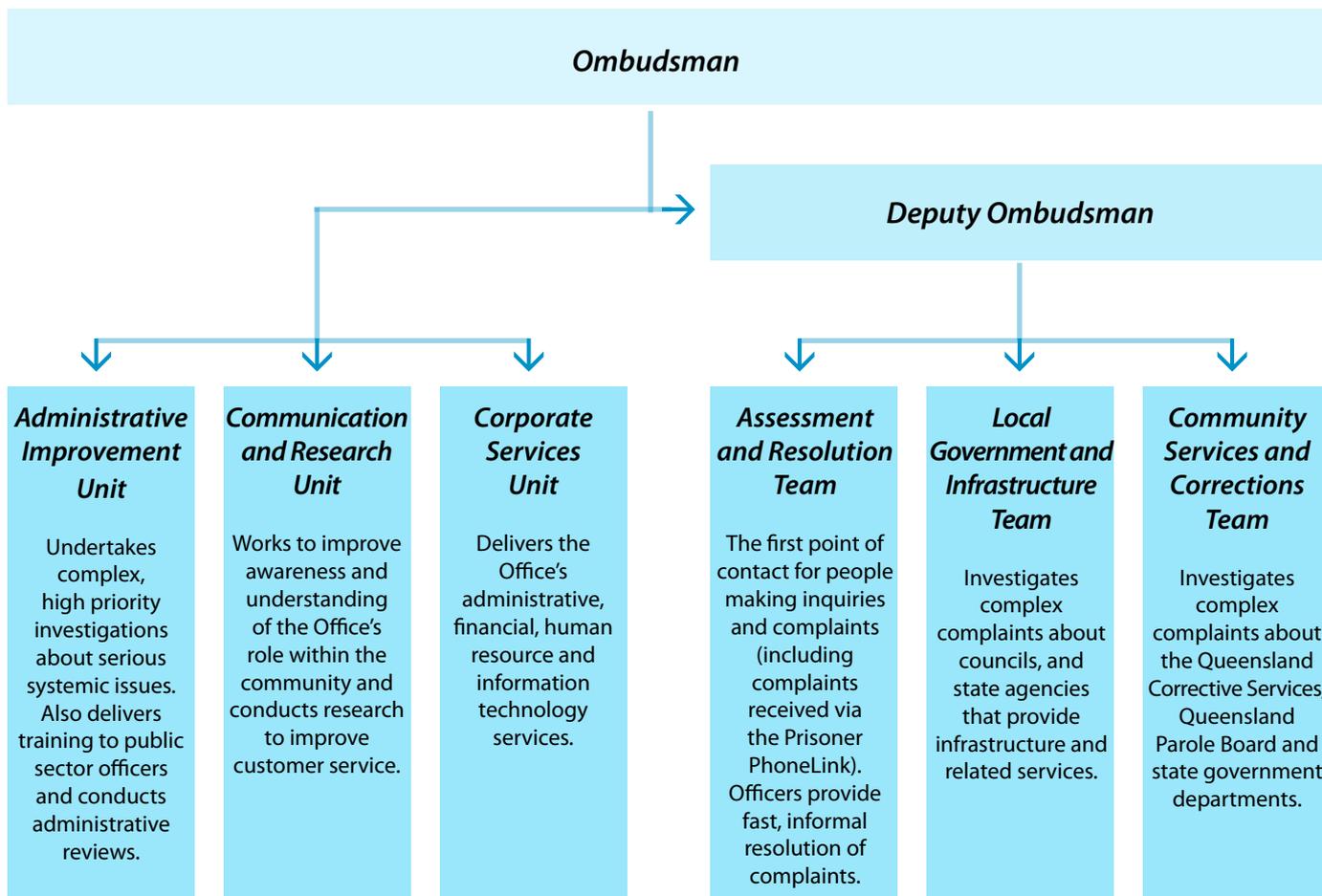
Our key objective is to attract,
develop and maintain a
skilled workforce.



Our office

Delivered

- Ongoing training for our investigators under the Certificate IV in Government (Investigations) program
- Indigenous cultural awareness training for all frontline staff
- Workplace wellness programs, including flu shots, ergonomic training and ergonomic assessments
- Upgraded desktop computers, software platform and servers



Our people

At 30 June 2011, 57 officers were employed on a full or part-time basis equating to 53.7 full time equivalents (FTE). Officers come from diverse backgrounds, including law, community and social work, teaching, journalism and administration.

Working conditions are comparable to the Queensland Public Service, including enterprise bargaining, and the Queensland Ombudsman adheres to government policies on equal employment opportunity and workplace health and safety.

In 2010-2011, no officer received a financial package for an early retirement scheme, redundancy or retrenchment.

The net staff level of 53.7 FTE was increased slightly during the year, with a turnover of 10 staff.

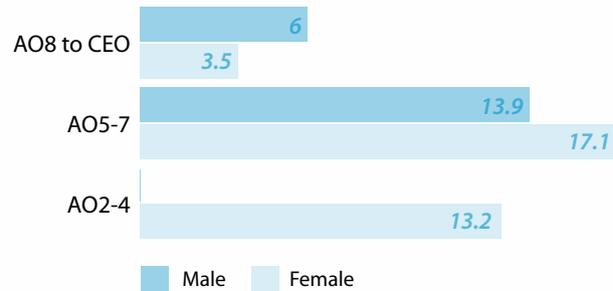
Table 17: Staff retention and separation (FTE)

	08/09	09/10	10/11
Staff at beginning of year	55.6	57.1	53.1
Losses	13.5	8	10.0
Gains	15	4	10.6
Net staff at end of year	57.1	53.1	53.7

Table 18: Workforce profile (FTE)

	Number of officers	% of workforce
Executive and senior management (AO8, SO, SES & CEO)	9.5	18%
Professional and administrative support	16.8	31%
Assessment and investigation	27.4	51%

Figure 14: Staff gender profile



Terms and conditions

A review of staff terms and conditions was undertaken to bring them into line with the Queensland Public Service. After consultation with staff, the Queensland Public Sector Union and the Public Service Commission, the proposed terms and conditions were approved by Executive Council in August 2010.

Training

The Queensland Ombudsman spent approximately \$54,856 on professional development and related activities, representing 1.4% of the total budget.

As part of the Ombudsman's Workforce Capability Strategy, officers are provided with induction sessions, job-specific training, and in-house workshops. A number of staff attended Queensland Ombudsman public training sessions, such as *Good Decisions Training* and *Your Ethical Compass*.

External presenters were also used to present training sessions on a range of issues, including indigenous cultural awareness training (see Appendix 7).

During 2010-2011, 20 staff successfully completed the Certificate IV in Government (Investigations). Four staff achieved a Statement of Attainment. This program, delivered by officers of the Queensland Police Academy, commenced in 2008-2009.

Sustaining a healthy workforce

An employee assistance program (EAP) is available to officers. This includes a free 24-hour counselling service for staff and their families. Staff can access a combination of psychological and financial counselling, as well as legal advice.

The Corporate Health and Wellness Program continued to promote staff awareness of key health issues.

During 2010-2011, the program delivered:

- flu vaccinations
- ergonomic training
- ergonomic and workstation assessments.

Staff satisfaction survey

An external, independent firm administered a staff satisfaction survey in February 2011. The survey gathered feedback on staff motivation, expectations and organisational culture.

Ninety-three per cent of staff participated in the survey. The results highlighted areas for improvement, including staff retention, career development and leadership. The survey also highlighted the things done well including positive feedback from staff on job satisfaction and the working environment.

Recognising staff achievements

The sixth annual staff awards ceremony was held on 3 September 2010. These awards recognise outstanding contributions made by staff. Candidates are nominated by their peers and then assessed by a committee that makes recommendations to the Ombudsman.

The awards were presented by the Chair of the then Law, Justice and Safety Committee, Ms Barbara Stone MP. Award recipients were:

Leadership

- Adeline Yuksel, Manager, Communication and Research Unit

Innovation and improvement

- Team: Communication and Research Unit

Client service

- Individual: Jonathan Pacey
- Team: Administrative Improvement Unit
- Special commendation: Andrea Conway, Andrea Green, Diane Sheen

Outstanding teamwork

- Individual: Jennie Jackson
- Team: Assessment and Resolution Team
- Special commendation: Gary Lambert, Rachel Moss

Ombudsman award of excellence

- Paul Leo, Manager, Administrative Improvement Unit

Equal employment opportunity

Equal employment opportunity initiatives promote fair practices and behaviour in our workplace. These include:

- recruitment, selection and promotion practices that are open, competitive and based on merit
- access for all staff to training and development
- flexible work arrangements that meet the needs of all staff and create a productive work environment
- grievance handling procedures that are accessible to all staff and deal with workplace complaints promptly, confidentially and fairly
- communication channels that give staff access to information and allow their views to be heard
- management decisions made without bias
- no unlawful discrimination or harassment in the workplace
- respect for the social and cultural backgrounds of all our staff.

Initiatives for women

Women comprise 63% of Queensland Ombudsman staff. Initiatives that assist women in career development include:

- corporate membership of Queensland Women in the Public Sector
- encouraging women to obtain tertiary qualifications by providing Study and Research Assistance Scheme assistance
- ensuring women are represented on committees
- flexible working conditions such as flexible working hours, part-time, job share, working at home arrangements and leave for family responsibilities.

Recognising carers

The *Carers (Recognition) Act 2008* formally recognises carers and the important contribution they make. In 2010-2011, strategies implemented to recognise those who care for the most vulnerable members of the community included:

- staff were informed about the carers charter as part of the employee induction program
- the needs of carers were considered in the planning of service delivery
- all human resources policies were reviewed to take the needs of carers into account.

Our employees in the community

Our people have a strong community focus, donating their time and energy to support worthwhile projects.

This year, staff supported causes including:

- Salvation Army Christmas Appeal
- Premier's Disaster Relief Appeal
- Walk for Justice
- Australia's Biggest Morning Tea
- Red Cross Blood Appeal.

Looking forward

- Conduct training on the new Code of Conduct
- Establish a monthly staff meeting to debrief staff on key decisions and actions
- Conduct reviews of internet access policy, dress code and work delegations
- Regular and on-going group professional development sessions with an emphasis on professional skills development

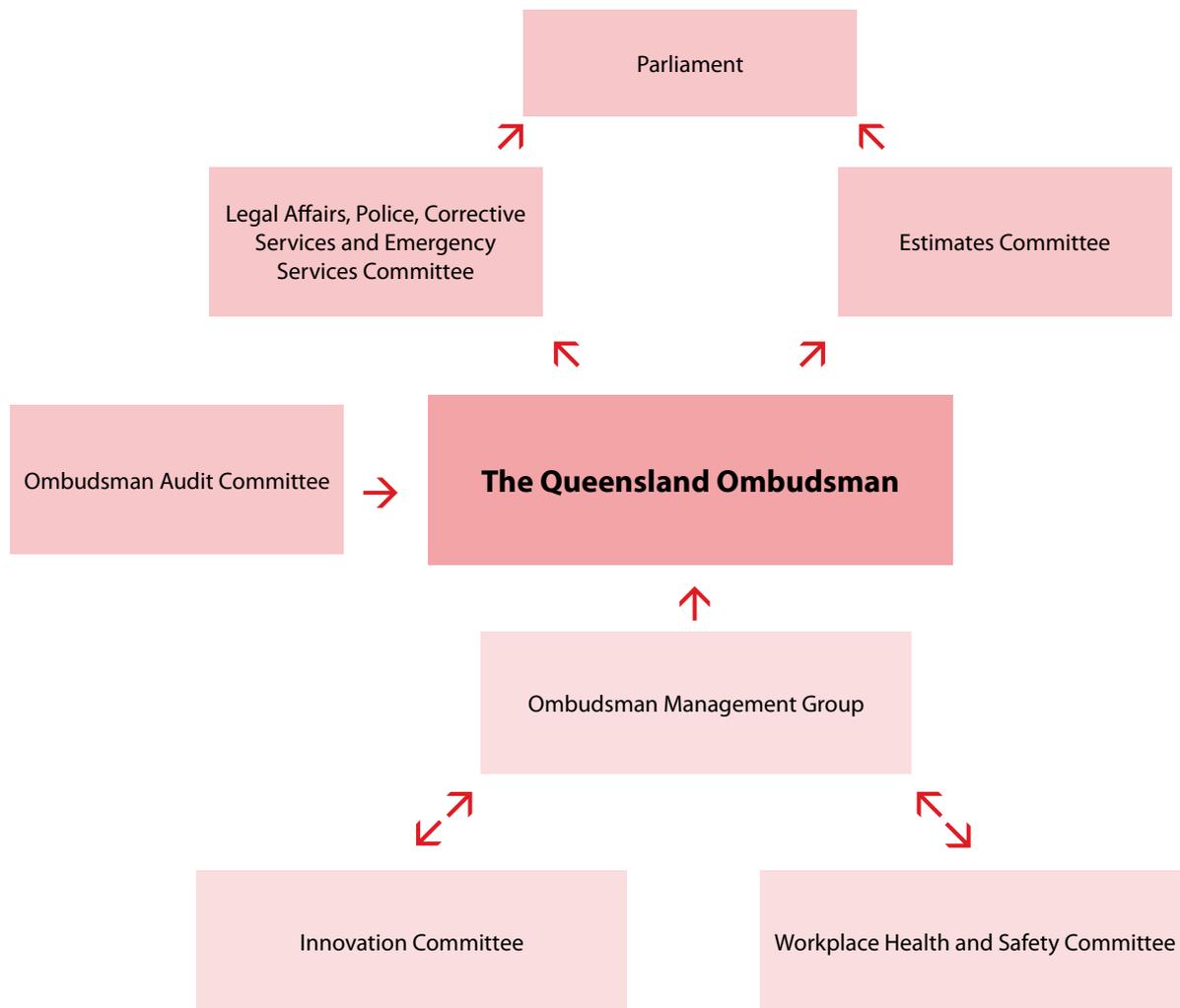
Section 7

Governance: improving accountability



Our governance framework ensures that we remain accountable for our decisions and helps us stay on track.

Corporate governance framework



Governance for performance



Delivered

- Obtained an unqualified audit from the Queensland Audit Office
- Revised and updated the Queensland Ombudsman Strategic Plan
- Reviewed and updated the Code of Conduct in consultation with staff
- Streamlined shared service provisions
- Upgraded desktop computers, servers and software platform

An effective governance framework drives accountability and performance, contributing to the Ombudsman's vision of excellence in public sector decision-making and administrative practice.

The Queensland Ombudsman's corporate governance framework ensures that:

- statutory responsibilities under the *Ombudsman Act 2001* and other relevant legislation are met
- improved service delivery is achieved through ongoing quality improvement
- risk management is integrated into organisational activities
- performance is effectively and efficiently managed.

A range of internal and external accountability measures apply to the Queensland Ombudsman.

External accountability measures

Table 19: External accountability measures

Bodies	Role	Outcome
Parliamentary Legal Affairs, Police, Corrective Services and Emergency Services Committee	Monitor and review the performance and report to the Legislative Assembly	The Queensland Ombudsman's performance is monitored, reviewed and reported to the Legislative Assembly
Queensland Audit Office	Ensure the compliance with financial management requirements	
Processes	Description	
Right to Information/ Information Privacy	Ensure proper processes for providing the public with access to documents held and for safeguarding the privacy of personal information	
Public Interest Disclosures	Ensure Public Interest Disclosures are dealt with in accordance with the <i>Public Interest Disclosure Act 2010</i> and report on the number and type of disclosures in annual report	
Annual reporting	Report on all activities to provide a full and complete picture of performance	
Estimates Committee Hearing	Scrutinise the past and future (planned) financial and non-financial performance	

Parliamentary Legal Affairs, Police, Corrective Services and Emergency Services Committee

The Ombudsman remains accountable to the community by reporting to the Queensland Legislative Assembly through the Legal Affairs, Police, Corrective Services and Emergency Services Committee (formerly the Law, Justice and Safety Committee). This parliamentary committee comprises Members of Parliament from the government and opposition.

The committee:

- monitors and reviews the performance of the Ombudsman
- reports to the Legislative Assembly on any matter concerning the Ombudsman's functions, or the performance of those functions, the committee considers should be drawn to its attention
- examines the annual report after it has been tabled and comments, if appropriate
- reports to the Assembly any changes to the functions, structures and procedures of the Ombudsman that the committee considers desirable for the more effective operation of the *Ombudsman Act 2001*.

The following arrangements are in place to help the committee monitor and review the Ombudsman's performance:

- the committee, the Ombudsman and senior officers meet once a year following the tabling of the annual report
- the Ombudsman provides a written response to questions on notice from the committee for discussion at the meeting
- the Ombudsman provides responses to the committee's requests for information as and when they arise.

Queensland Audit Office

The Ombudsman met the timeframes imposed on government agencies for the preparation of financial reports for 2010-2011.

The audit report and certificate for the financial statements is in the following section of this report. The Auditor-General's delegate has provided an unqualified certificate indicating the compliance with financial management requirements and the accuracy and fairness of financial statements.

Right to Information/Information Privacy

The Ombudsman is bound by the *Right to Information Act 2009* and the *Information Privacy Act 2009*, both of which became effective on 1 July 2009.

The objective of the Right to Information Act is to provide access to information held by the government, unless on balance it is contrary to the public interest to provide that information.

In 2010-2011, the Ombudsman received eight Right to Information applications. The Ombudsman did not receive any Information Privacy applications. A full summary of applications received and processed, including their nature and outcomes, can be found in Appendix 4.

Public Interest Disclosures

With the repeal of the *Whistleblowers Protection Act 1994* and the introduction of the *Public Interest Disclosure Act 2010* (PID Act) on 1 January 2011, the way in which Public Interest Disclosures are to be publicly reported has changed. From 1 January 2011, agencies are no longer required to report public interest disclosures in annual reports.

Under s.61 of the PID Act, the Public Service Commission (PSC) is now responsible for the oversight of public interest disclosures and preparing an annual report on the operation of the PID Act. From 1 January 2011, agencies are required to report information about public interest disclosures to the PSC. The PSC will prepare an annual report on the operations of the PID Act and the information provided by agencies. The annual report will be made publicly available after the end of each financial year.

From 1 July 2010 to 31 December 2010, no public interest disclosures were received about the operations of the Office of the Queensland Ombudsman.

Public interest disclosures lodged with the Queensland Ombudsman about other public agencies are managed in accordance with the *Ombudsman Act 2001*.

Annual reporting

The 2009-2010 Queensland Ombudsman annual report was tabled in Parliament in September 2010. The report won a bronze award in the Australasian Reporting Awards.

Estimates Committee Hearing

In July 2010, the Ombudsman attended the annual Parliamentary Estimates Committee Hearing, which represents the final stage of the budget process. The committee questioned the Minister based on the information contained in the Service Delivery Statements and scrutinised the Ombudsman's recent and future financial and non-financial performance.

Taking care of business ... The Ombudsman's office remains accountable to the community through a range of internal and external measures.



“Please thank your staff for the effort they made to bring this matter to a fair and just conclusion. I’m very glad the Ombudsman exists – in these situations there is nowhere else to turn.”

- A complainant

Internal accountability measures

Table 20: Internal accountability measures

Bodies	Role	Outcome
Ombudsman Management Group	Decision-making body responsible for developing corporate plans and monitoring performance on strategic priorities and statutory responsibilities	Accountability, transparency, high performance and compliance with statutory requirements
Audit Committee	Provides independent assurance and assistance to the Ombudsman on: <ul style="list-style-type: none"> → the risk, control and compliance frameworks → external accountability responsibilities as prescribed in the <i>Financial Accountability Act 2009</i> and the <i>Financial Accountability Regulation 2009</i> 	
Innovation Committee	Provides a forum for staff to put forward proposals for business improvements and better work practices for the Ombudsman's consideration	
Workplace Health and Safety Committee	Contributes to the wellbeing and safety of staff	
Processes	Description	
Internal audit	The internal auditor (an external accounting firm) conducts independent reviews and evaluations of financial management functions and report findings and recommendations to the Ombudsman.	
Code of Conduct	The <i>Public Sector Ethics Act 1994</i> was amended to include a Code of Conduct for the Queensland Public Service. In 2010-2011, the Queensland Ombudsman developed a new Code of Conduct for all staff in compliance with the Act.	

Strategic direction

In 2010-2011, the Ombudsman revised and implemented a new *Strategic Plan 2010-2015*. The plan's vision, goals and values are provided on page 11; and a summary of performance against strategic plan objectives and strategies is provided on page 12.

The *Strategic Plan 2010-2015* forms the basis of the *Operational Plan 2010-2011*, aligning core strategies to specific activities for the financial year, attributing responsibility to relevant officers, and outlining key performance indicators.

Ombudsman Management Group

The Ombudsman Management Group (OMG) is the chief decision-making body for the office.

The OMG is made up of eight members whose role is to:

- provide leadership to staff and model the organisational values
- set and monitor the strategic directions of the Office of the Queensland Ombudsman and monitor and discuss emerging issues of relevance to the work of the Ombudsman
- monitor performance and set priorities and targets for future performance
- ensure compliance with relevant legislation and corporate policies.

Ombudsman Management Group



Phil Clarke
Ombudsman

Phil became Queensland's sixth Ombudsman in 2011. Prior to his current role, he was Acting Director-General and Deputy Director-General of the Department of Justice and Attorney-General. His career in the public sector spans more than 25 years. He began his career as a quantity surveyor before joining TAFE Queensland. He served as director of several TAFE institutes, General Manager in the Department of Employment, Training and Industrial Relations, Executive Director of the Department of Emergency Services and Deputy Director-General of the Department of Local Government, Planning, Sport and Recreation. Phil holds a Bachelor of Applied Science (Surveying), a Master of Regional Science and a Diploma of Teaching (Technical and Further Education).



Forbes Smith
Deputy Ombudsman

Forbes joined the Queensland Ombudsman in 2006 and was formerly the Chief Inspector, Queensland Corrective Services and Director, Misconduct Investigations at the Crime and Misconduct Commission. As well as playing a key role in the Office's management and strategic direction, Forbes is directly responsible for overseeing the Assessment and Resolution Team, which handles all initial complaints, and the two investigative teams – the Local Government and Infrastructure Team and the Community Services and Corrections Team. Forbes holds a Bachelor of Laws and was admitted as a barrister in 1981.



Louise Rosemann
Assistant Ombudsman, Assessment and Resolution Team

Louise was appointed Assistant Ombudsman, Assessment and Resolution in 2005 and has diverse experience in public sector and community sector management, human resource management, equal opportunity employment, discrimination law, training and development, and administrative law. She has an extensive background in complaints handling and mediation. Louise holds a Bachelor of Arts and a Master of Business in Employment Relations.



Craig Allen
Assistant Ombudsman, Local Government and Infrastructure Team

Craig joined the Queensland Ombudsman as a senior investigator in 1999. In 2000, he was appointed Assistant Ombudsman, Local Government and Infrastructure. He has extensive experience in finance, operations, policy and legislation gained with the Department of Local Government and Planning and the Brisbane City Council. Craig holds a Bachelor of Business, with majors in local government and law.



Peter Cantwell
Assistant Ombudsman, *Administrative Improvement Unit*

Peter joined the Queensland Ombudsman in 1997 as an investigator. In 1999, he was appointed Assistant Ombudsman, Administrative Improvement Unit. Peter was a solicitor in private practice for nearly 20 years. For most of this period he was a partner in the Brisbane office of a major Australasian law firm and practised in the areas of commercial and administrative law. Peter is an experienced workplace trainer and holds a Bachelor of Laws with Honours.



Greg Woodbury
Assistant Ombudsman, *Community Services and Corrections Team*

Greg was appointed Assistant Ombudsman, Community Services and Corrections Team in 2004 after having acted in that position since December 2002. He joined the Queensland Ombudsman as an investigator in 1999. Greg has more than 20 years legal experience, most of which was as a partner of a Brisbane law firm specialising in corporate law and general litigation. He was admitted as a solicitor in 1979.



Adeline Yuksel
Manager, *Communication and Research Unit*

Adeline joined the Queensland Ombudsman in 2005 and oversees a team of four officers who improve awareness of the Office's role among all sectors of the community and conduct research into complaint-related issues. She has a Bachelor of Communications and a Graduate Diploma in Marketing with extensive experience in issues management, communication, strategy development and media relations.



Diane Gunton
Manager, *Corporate Services Unit*

Diane began her career at Brisbane City Council where she spent almost 20 years managing administrative and business improvement projects across several divisions. She worked on a range of strategic projects at Queensland Health before joining the Queensland Ombudsman in 2011. Diane leads a team of eight staff who manage administrative, financial, human resource and information technology processes. She holds a Bachelor of Business, with a major in management.

Ombudsman Audit Committee

Established in 2009-2010, the Ombudsman Audit Committee provides independent assurance and assistance to the Ombudsman on:

- risk, control and compliance frameworks
- external accountability responsibilities as prescribed in the *Financial Accountability Act 2009* and the Financial Accountability Regulation 2009.

The committee provides prompt and constructive advice on its findings directly to the Ombudsman, particularly when issues are identified that could present a material risk or threat to the Office.

It comprises a Head of Internal Audit, a position delegated by the Ombudsman to the Deputy Ombudsman, as well as two external committee members: Mr Gary Smith, CPA and Chair of the Audit Committee; and Mr Pat McCallum, CPA.

Both external committee members have considerable experience serving on government audit committees, as well as financial and management accounting and risk management expertise. The committee is supported by secretariat services provided by the Manager, Corporate Services and the Senior Finance Officer.

The committee does not replace or replicate established management responsibilities and delegations, the responsibilities of other executive management groups, or the reporting lines and responsibilities of either internal audit or external audit functions.

Internal audit

An Ombudsman-approved charter is central to the internal audit process. This charter directs independent auditors and ensures they have unrestricted access to our corporate systems.

This year's internal audit was undertaken by Hayes Knight Queensland Pty Ltd, an auditing firm selected following a competitive tendering process. The internal audit primarily focused on human resources processes, including recruiting, exiting, termination and leave management, payroll, banking (including corporate credit cards), financial transactions and reviewing the data integrity and general controls for Resolve, our complaints management system.

Identifying and managing risk

Risk management is integral to the Ombudsman's decision-making, planning and service delivery. The risk management framework facilitates the development of an organisation-wide risk management culture, and helps all staff implement sound risk management practices to eliminate or minimise potential losses.

The risk management policy has been developed with reference to the risk management policies of the Queensland Audit Office and the Crime and Misconduct Commission, and in accordance with the Australian/New Zealand Standard for Risk Management (AS/NZS ISO 31000:2009).

The implementation of the Ombudsman Audit Committee has strengthened the commitment to risk management by having access to external committee members experienced in managing public sector risk issues. Under their guidance, contemporary risk assessment practices have been implemented, thereby strengthening the governance framework.

Code of Conduct

In 2010-2011, the *Public Sector Ethics Act 1994* was amended as part of the government's integrity reform program. The changes included the introduction of a Code of Conduct for the Queensland Public Service on 1 January 2011. The Ombudsman reviewed the Code of Conduct and prepared a revised version following consultation with staff.

Information on the Code of Conduct is provided to new staff during their induction and it is available on the website.

Complaints management system (CMS)

Complaints are a valuable source of feedback and a means of identifying areas for improvement.

A complaints management system (CMS) has been implemented to manage complaints about this organisation in a fair, objective and timely way.

The CMS is supported by a written complaints management policy and procedure, complaints database and experienced staff trained in complaints management. The policy is consistent with the Strategic Plan, Client Service Charter and the Public Service Commission's *Directive 13/06 Complaints Management Systems*.

The policy applies to:

- any case where a person who has made a complaint to the Ombudsman about another agency is dissatisfied with the Ombudsman's decision or any action taken in relation to the assessment or investigation of the original complaint
- any aspect of service provided by the Ombudsman
- the conduct of an Ombudsman officer.

Operation of the CMS

Information about the CMS, including the complaints management policy, is available on the Queensland Ombudsman website.

Complaints can be made by using the dedicated email address on the website titled 'Request an internal review'. The process for dealing with complaints is detailed in the Ombudsman *Procedure for Review of Complaints*.

Complaints are broadly categorised as relating to service delivery or investigation outcomes.

A service delivery complaint is about any aspect of service, including office procedures and the actions of staff members. The Client Service Charter and Code of Conduct set out the levels of service and conduct standards members of the public can expect when dealing with the Ombudsman. Wherever possible, Ombudsman officers deal with service delivery complaints at the first point of contact. If a complaint relates to the behaviour or competency of an officer or an initial effort to resolve the complaint is unsuccessful, the matter is referred to the relevant supervisor.

A complaint about an investigation outcome is a complaint about any aspect of the investigative process and outcomes, including whether:

- the assessment and investigative process adequately addressed the issues
- the decision was correct in the circumstances
- the decision was properly explained.

These complaints are dealt with in accordance with their urgency. Unless the Ombudsman decides otherwise, a complaint will be reviewed once only. Reviews are conducted by an officer equal or more senior to the original decision-maker. In practice, most reviews are conducted by the Deputy Ombudsman.

Complaints reporting and analysis

Under the policy, a review of a complaint may:

- confirm, revoke or amend the original decision
- reopen the original investigation
- better explain the original decision
- offer an apology or some other remedy.

Of the 49 internal reviews finalised in 2010-2011, the original decision was confirmed in 40 cases. In four cases, the review request was declined on the grounds that no review was necessary or possible. In four cases further investigation was undertaken. In one case the original decision was overturned and a recommendation made to the agency concerned.

The outcome of each internal review is reported to the original decision-maker to improve systems and procedures.

There were no significant systemic improvements identified or implemented during the year as a result of internal reviews. This is because most complaints involved factual disputes or differences of opinion about the significance of particular evidence.

Monitoring effectiveness of the CMS

The Ombudsman's complaints management system is used to identify complaint trends and potential systemic improvements.

The operation of the complaints management policy is reviewed every 12 months. As part of that review, the Ombudsman considers how to use the case management system more effectively to improve the way complaints are handled.

Complaints matter ... The Queensland Ombudsman's office has a best-practice complaints management system.



Innovation Committee

The Innovation Committee is a staff-led initiative supported by the Ombudsman, providing the opportunity for staff to propose improvements to workplace practices. The committee also provides a forum for staff and management to shape workplace culture.

Managed by staff members, the committee demonstrates a strong commitment to teamwork and consultative processes by enabling staff to directly influence policies and procedures.

Initially devised as a single committee, an increasing number of staff ideas resulted in the formation of two distinct sub-committees under the guidance of a steering group:

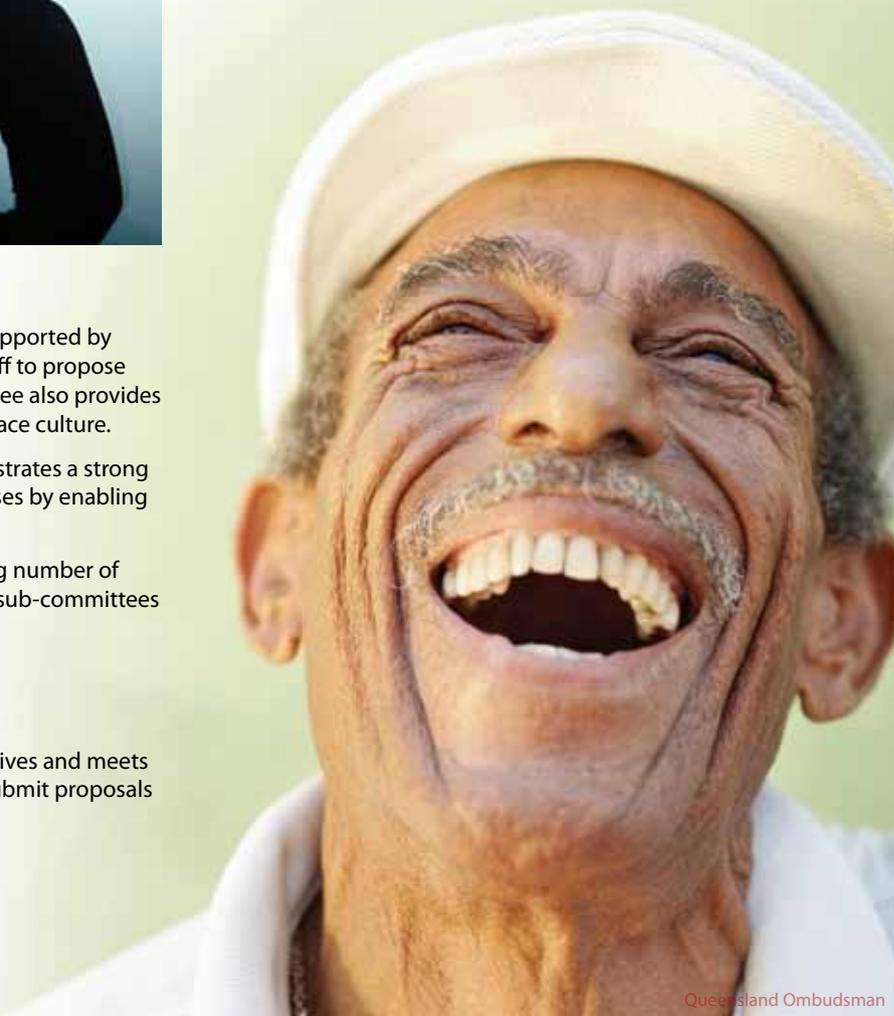
- Business, Technology and People Innovation
- Social Innovation.

The steering group comprises four staff representatives and meets regularly. Each sub-committee meets monthly to submit proposals for management's consideration and approval.

Workplace Health and Safety Committee

During 2010-2011, the Ombudsman's Workplace Health and Safety Committee worked to identify hazards and manage risks so as to ensure a safe and healthy workplace.

Staff are encouraged to report any incidents causing or likely to cause injury. Ombudsman officers also work closely with collocated agencies at 53 Albert Street to improve workplace health and safety in the shared areas of the building.



Compliance and transparency

Shared service provision

The Queensland Parliamentary Service continues to deliver key human resource functions to the Office of the Ombudsman.

Purchasing and tendering

The Ombudsman continued to comply with the State Procurement Policy in 2010-2011 and consistently applied a transparent methodology with a view to:

- advancing priorities
- obtaining value for money
- purchasing with probity and accountability.

The Corporate Procurement Plan, which links procurement to the Strategic Plan, ensures expenditure of public funds occurs in a strategic and planned manner.

Managing information and technology

During 2010-2011, desktop computers, servers and software platform were upgraded. This project will enhance information technology over the next five years. Both upgrades were successful with no system downtime recorded. Staff received training on the new systems, ensuring a smooth transition.

Table 21: External consultants engaged in 2010-2011

Vendor	Purpose	Amount \$
Carole V & Assoc	Strategic planning workshop	6,236
Ford Health Group	Wellness program	640
Best Practice Australia Pty Ltd	Staff satisfaction survey	7,410
Interlock	Professional counselling services	749
NSW Ombudsman	Contribution to the Unreasonable Complaints Project	10,000
Wilkinson Murray	Airport Link report - technical advice	7,400
Total		32,110

Table 22: External contractors engaged in 2010-2011

Vendor	Purpose	Amount \$
Asian Language Specialist	Translation services	586
Chris Pearce	Editing and proofreading	1,050
Claire Heath	Editing and proofreading	1,920
Department of Justice & Attorney General	Human resources and industrial relations advice	4,591
Hayes Knight Pty Ltd	Internal audit	26,000
I-View Pty Ltd	Complainant satisfaction survey	8,425
Kinetic Health Group	Preventative workplace assessments	906
Miss Organisation	Translation and transcription services	2,232
Queensland Parliamentary Services	Shared service expenses	57,710
Panel Pro	Executive recruitment fees	1,136
PipeNetworks	Fibre optic cable connection	24,500
Prime Health Group	Office ergonomic program	1,200
Queensland State Archives	Review of archived records	9,091
Translating Interpreting Services	Translation services	605
Total		139,953

Information and record-keeping

Sound record-keeping practices underpin good corporate governance. The Ombudsman's office is committed to continuously improving record-keeping practices consistent with the *Public Records Act 2002* and aims for best practice.

In 2010-2011, the Ombudsman complied with his responsibilities under the Public Records Act to make full and accurate records of activities and meet record-keeping policies, standards and guidelines issued by the State Archivist.

All record-keeping was compliant with *Information Standard 40: Recordkeeping*. Full and accurate records are made and kept as long as they are required for business, legislative, accountability and cultural purposes.

The Ombudsman also complied with *Information Standard 31: Retention and Disposal of Public Records*. All public records are retained for as long as required, as outlined in the Ombudsman's Retention and Disposal Schedule. The disposal of public records is approved by the State Archivist, endorsed by the Ombudsman and fully documented.

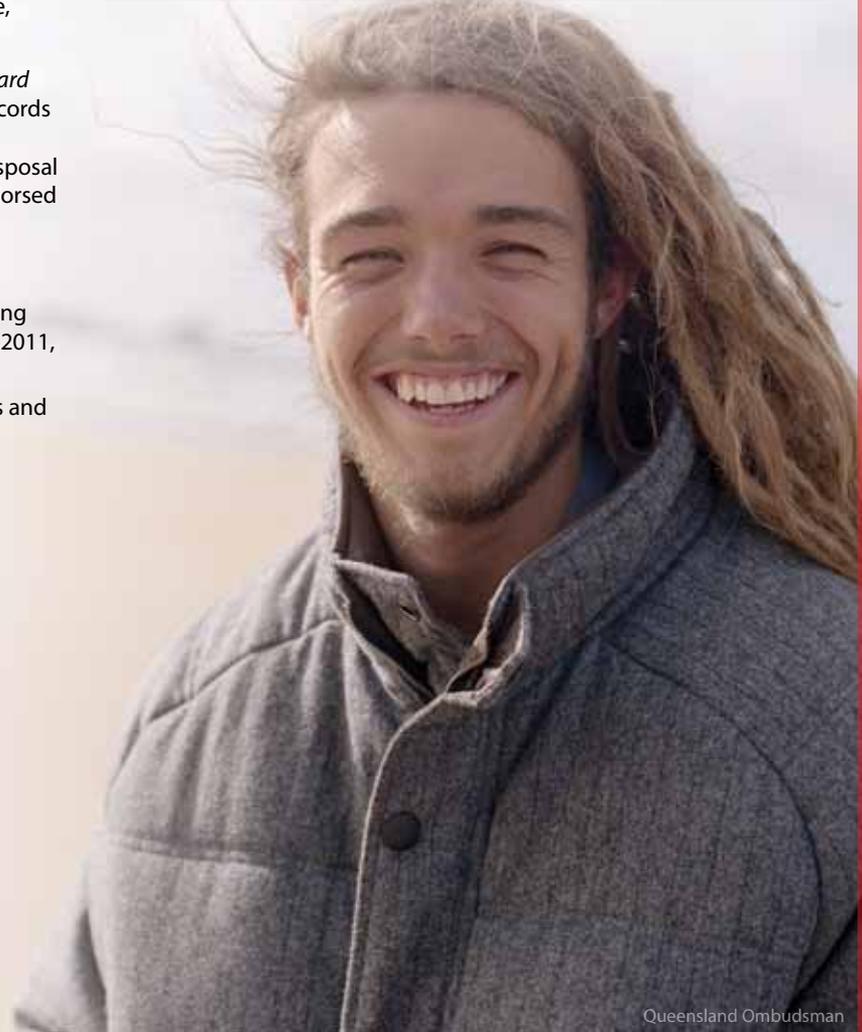
Environmental initiatives

The Ombudsman is committed to continuously improving the organisation's environmental performance. In 2010-2011, the environmental program initiatives included:

- preventive maintenance, staff education programs and purchasing energy efficient equipment
- compliance with the National Australian Built Environment Rating System (NABERS) rating – our tenancy was awarded a 4 – Green-Star rating
- using environmentally friendly paper and environmentally friendly printers
- recycling 100% of our toner cartridges, paper and cardboard.

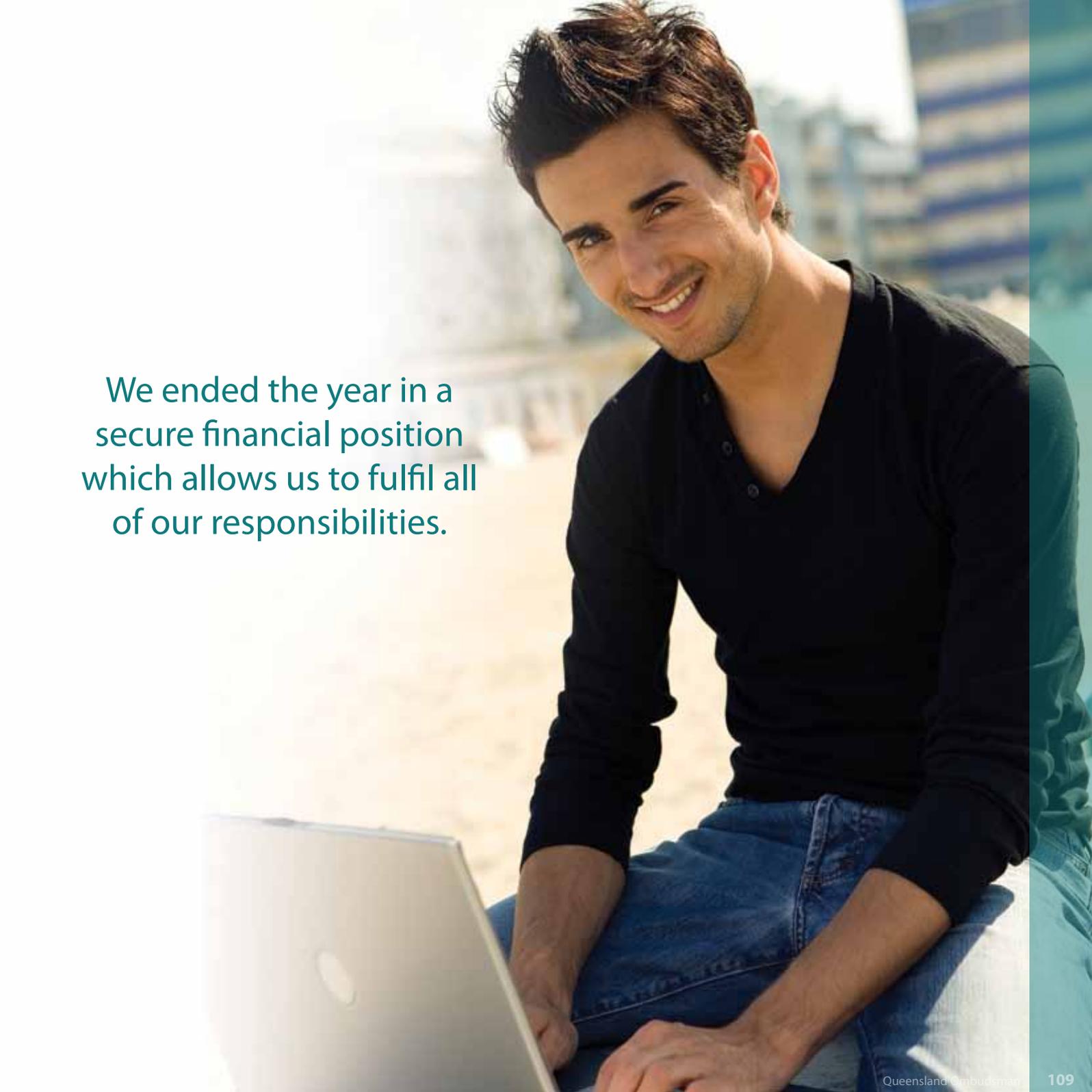
Looking forward

- Implement process improvements identified through the Internal Audit
- Contribute to the five-year Strategic Review
- Continue improving the internal audit process
- Continue implementing improvements suggested by the staff Innovation Committee



Section 8

Finances: improving business



We ended the year in a secure financial position which allows us to fulfil all of our responsibilities.

Financial summary

Managing the budget

In 2010-2011, the operational budget totalled \$7.069 million. This represents a 0.3% increase from 2009-2010. At the end of the financial year, there was a surplus of \$0.350 million which was carried forward to 2011-2012.

Funding

The majority of funding is received via direct appropriation from Queensland Treasury. Revenue is also generated from training programs offered to agencies on a partial cost-recovery basis. This revenue is used primarily to fund regional training sessions and the production of workbooks and training material.

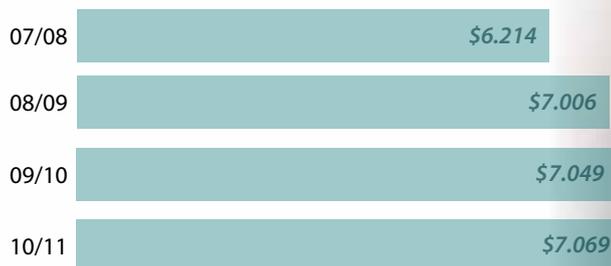
Expenses

The Queensland Ombudsman provides a complaint investigation service for the community and administrative improvement services for public sector agencies. The biggest cost in delivering these services is employee expenses, which increased by \$0.039 million to \$5.394 million.

In 2010-2011, the Queensland Ombudsman spent a total of \$6.983 million. This slight decrease from 2009-2010 is largely due to a concerted effort to contain expenditure on supplies and services.

- Majority of expenses (78.5%) related to staffing costs
- Assets totalled \$2.187 million; liabilities amounted to \$1.353 million
- Ended the year in a secure financial position with adequate reserves and forecast income to fulfil responsibilities

Figure 15: Annual budget in \$million



Assets

At the end of 2010-2011, assets totalled \$2.187 million comprising:

- furniture and equipment \$1.431 million
- receivables \$0.279 million
- cash at bank \$0.477 million.

Cash at bank at 30 June 2011 was higher than budgeted to meet accounts payable that had not been settled at the end of the financial year.

Liabilities

Liabilities for 2010-2011 amounted to \$1.353 million which includes \$0.323 million in accounts payable to suppliers, and \$0.151 million owing to the Crown and employees for salary and recreation leave entitlements. There is also a provision for the unearned portion of the building owners' incentive. This is associated with the construction and fit-out of premises at 53 Albert Street, which is being amortised over a period of ten years, of \$0.879 million.

Table 23: Budget vs actual 2010-2011

	Budget \$'000	Actual \$'000	Variance \$'000
Income statement			
Direct appropriations*	6,869	6,581	(288)
User charges	200	403	203
Employee expenses	5,544	5,339	205
Supplies and services	1,257	1,322	(65)
Operating surplus/deficit	0	2	2
Balance sheet			
Cash assets	273	477	204
Receivables	245	279	34
Payables	125	323	(198)
Employee benefit obligations	119	151	(32)
Capital/contributed equity	817	834	17

* Original budget of \$6.869 million did not include \$0.060 million brought forward from 2009-2010 and additional funding for workers' compensation premiums, \$0.002 million (total increase \$0.062 million). Due to operational savings, \$0.350 million was carried forward to 2011-2012.



Financial statements 2010-2011

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These financial statements cover the Office of the Queensland Ombudsman.

The Queensland Ombudsman is an independent officer of the Parliament appointed by the Governor in Council to review complaints received from the public in respect of the administrative performance of public sector agencies. The scope and powers of the Ombudsman are incorporated in the *Ombudsman Act 2001*.

The Office is controlled by the State of Queensland which is the ultimate parent.

The head office and principal place of business is: 53 Albert Street, Brisbane.

A description of the nature of the Ombudsman's operations and principal activities is included in the notes to the financial statements.

For information in relation to the office's financial statements please call the Manager, Corporate Services, on 3005 7000, email ombudsman@ombudsman.qld.gov.au or visit www.ombudsman.qld.gov.au

Amounts shown in these financial statements may not add to the correct sub-totals or totals due to rounding.

Statement of comprehensive income for the year ended 30 June 2011

	Notes	2011 \$'000	2010 \$'000
<i>Income from continuing operations</i>			
Departmental services revenue	2	6,581	6,759
User charges	3	305	290
Other revenue	4	99	-
Total income from continuing operations		6,985	7,049
<i>Expenses from continuing operations</i>			
Employee expenses	5,6	5,394	5,355
Supplies and services	7	1,285	1,391
Depreciation and amortisation	8	267	240
Other expenses	9	37	48
Total expenses from continuing operations		6,983	7,034
Operating result from continuing operations		2	15
Total other comprehensive income		-	-
Total comprehensive income		2	15

The accompanying notes form part of these statements.

Statement of financial position as at 30 June 2011

	Notes	2011 \$'000	2010 \$'000
Current assets			
Cash and cash equivalents	10	477	395
Receivables	11	258	181
Other	12	21	38
Total current assets		756	614
Non current assets			
Intangible assets	13	11	43
Plant and equipment	14	1,420	1,618
Total non current assets		1,431	1,661
Total assets		2,187	2,275
Current liabilities			
Payables	15	323	320
Accrued employee benefits	16	151	133
Other	17	110	110
Total current liabilities		584	563
Non current liabilities			
Other	17	769	880
Total non current liabilities		769	880
Total liabilities		1,353	1,443
Net assets		834	832
Equity			
Contributed equity		880	880
Accumulated surplus		(46)	(48)
Total equity		834	832

The accompanying notes form part of these statements.

Statement of changes in equity for year ended 30 June 2011

	Notes	Accumulated Surpluses \$'000	Contributed Equity \$'000	Total \$'000
Balance as at 1 July 2009		(63)	1,108	1,045
Operating result from continuing operations		15	-	15
Transactions with owners as owners:				
- Appropriated equity (withdrawal) / injection	2	-	(228)	(228)
Balance as at 30 June 2010		(48)	880	832

	Notes	Accumulated Surpluses \$'000	Contributed Equity \$'000	Total \$'000
Balance as at 1 July 2010		(48)	880	832
Operating result from continuing operations		2	-	2
Transactions with owners as owners:				
- Appropriated equity (withdrawal) / injection		-	-	-
Balance as at 30 June 2011		(46)	880	834

The accompanying notes form part of these statements.

Statement of cash flows for year ended 30 June 2011

	Notes	2011 \$'000	2010 \$'000
Cash flows from operating activities			
<i>Inflows:</i>			
Departmental service receipts		6,581	6,759
User charges		362	288
GST input tax credits from ATO		161	305
GST collected from customers		39	35
<i>Outflows:</i>			
Employee expenses		(5,350)	(5,372)
Supplies and services		(1,403)	(1,382)
GST paid to suppliers		(168)	(231)
GST remitted to ATO		(35)	(33)
Other		(30)	-
Net cash provided by operating activities	18	157	369
Cash flows from investing activities			
<i>Outflows:</i>			
Payments for plant and equipment		(75)	(98)
Net cash provided by (used in) investing activities		(75)	(98)
Cash flows from financing activities			
<i>Inflows:</i>			
Equity injections		-	-
<i>Outflows:</i>			
Equity withdrawals		-	(228)
Net cash provided by (used in) financing activities		-	(228)
Net increase (decrease) in cash and cash equivalents		82	43
Cash and cash equivalents at beginning of the financial year		395	352
Cash and cash equivalents at end of the financial year	10	477	395

The accompanying notes form part of these statements.

Notes to and forming part of the financial statements 2010-11

- Note 1:** Summary of significant accounting policies
- Note 2:** Reconciliation of payments from consolidated fund to departmental services revenue recognised in statement of comprehensive income
- Reconciliation of payments from consolidated fund to equity adjustment recognised in contributed equity
- Note 3:** User charges
- Note 4:** Other revenue
- Note 5:** Employee expenses
- Note 6:** Key executive management personnel and remuneration
- Note 7:** Supplies and services
- Note 8:** Depreciation and amortisation
- Note 9:** Other expenses
- Note 10:** Cash and cash equivalents
- Note 11:** Receivables
- Note 12:** Other current assets
- Note 13:** Intangible assets
- Note 14:** Plant and equipment
- Note 15:** Payables
- Note 16:** Accrued employee benefits
- Note 17:** Other liabilities
- Note 18:** Reconciliation of operating surplus to net cash from operating activities
- Note 19:** Commitments for expenditure
- Note 20:** Contingencies
- Note 21:** Events occurring after balance date
- Note 22:** Financial instruments

Objectives and principal activities of the Office

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;
- **Progressive client focussed organisation** – to ensure that the Office exhibits best practice in the performance of its functions and is a progressive and responsive organisation.

The Office of the Queensland Ombudsman is funded for the services it delivers principally by parliamentary appropriations. It also provides training programs on a fee for service basis.

1. Summary of significant accounting policies

(a) Statement of compliance

The Office of the Queensland Ombudsman has prepared these financial statements in compliance with section 42 of the *Financial and Performance Management Standard 2009*.

These financial statements are general purpose financial statements, and have been prepared on an accrual basis in accordance with Australian Accounting Standards and Interpretations. In addition, the financial statements comply with Treasury’s Minimum Reporting Requirements for the year ended 30 June 2011, and other authoritative pronouncements.

With respect to compliance with Australian Accounting Standards and Interpretations, the Office of the Queensland Ombudsman has applied those requirements applicable to not-for-profit entities, as the Office of the Queensland Ombudsman is a not-for-profit organisation. Except where stated, the historical cost convention is used.

(b) The reporting entity

The financial statements include the value of all revenues, expenses, assets, liabilities and equity of the Office of the Queensland Ombudsman. There are no controlled entities.

A Statement of Comprehensive Income by Major Departmental Services has not been prepared as the department is a single service entity.

There are no administered transactions and balances that relate to the Office of the Queensland Ombudsman.

(c) Departmental services revenue

Appropriations provided under the Annual Appropriation Act are recognised as revenue when received.

(d) User charges

User charges and fees controlled by the Office of the Queensland Ombudsman are recognised as revenue when the revenue has been earned and can be measured reliably with a sufficient degree of certainty. This involves either invoicing for related goods/services and/or the recognition of accrued revenue. User charges and fees are controlled by the Office of the Queensland Ombudsman where they can be deployed for the achievement of its objectives.

(e) Cash and cash equivalents

For the purposes of the Statement of Financial Position and the Statement of Cash Flows, cash assets includes all cash and cheques receipted but not banked at 30 June and also include available franking machine credit.

(f) Receivables

Trade debtors are recognised at the amounts due at the time of sale or service delivery i.e. the agreed purchase/contract price. Settlement of these amounts is required within 30 days from invoice date.

The collectability of receivables is assessed periodically with provision being made for impairment.

(g) Acquisition of assets

Actual cost is used for the initial recording of all non-current physical and intangible asset acquisitions. Cost is determined as the value given as consideration plus costs incidental to the acquisition, including all other costs incurred in getting the assets ready for use, including architects' fees and engineering design fees. However, any training costs are expensed as incurred.

Where assets are received free of charge from another Queensland department (whether as a result of a machinery-of-Government or other involuntary transfer), the acquisition cost is recognised as the gross carrying amount in the books of the transferor immediately prior to the transfer together with any accumulated depreciation.

Assets acquired at no cost or for nominal consideration, other than from an involuntary transfer from another Queensland Government entity, are recognised at their fair value at date of acquisition in accordance with AASB 116 *Property, Plant and Equipment*.

(h) Plant and equipment

Items of plant and equipment with a cost, or other value, equal to or in excess of \$5,000 are recognised for financial reporting purposes in the year of acquisition.

Items with a lesser value are expensed in the year of acquisition.

(i) Revaluation of non-current physical assets

Plant and equipment is measured at cost in accordance with Treasury's Non-Current Asset Policies.

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

(j) Intangibles

Intangible assets with a cost or other value equal to or greater than \$100,000 are recognised in the financial statements, items with a lesser value being expensed.

It has been determined that there is not an active market for any of the Office's intangible assets. As such, the assets are recognised and carried at cost less accumulated amortisation and accumulated impairment losses.

(k) Amortisation and depreciation of intangibles and plant and equipment

Plant and equipment is depreciated on a straight-line basis so as to allocate the net cost or revalued amount of each asset, less its estimated residual value, progressively over its estimated useful life to the Office.

Any expenditure that increases the originally assessed capacity or service potential of an asset is capitalised and the new depreciable amount is depreciated over the remaining useful life of the asset to the Office.

The depreciable amount of leasehold improvements is allocated progressively over the estimated useful lives of the improvements or the unexpired period of the lease, whichever is the shorter.

The unexpired period of leases includes any option period where exercise of the option is probable.

Items comprising the Office's technical library are expensed on acquisition.

All intangible assets of the Office have finite useful lives and are amortised on a straight line basis.

For each class of depreciable asset the following depreciation and amortisation rates were used:

Class	Rate %
<i>Plant and equipment</i>	
Computer equipment	33.3
Office equipment	33.3
Office furniture and fit out	10.0
<i>Intangibles</i>	
Software purchased	33.3

(l) Impairment of non-current assets

All non-current physical and intangible assets are assessed for indicators of impairment on an annual basis. If an indicator of possible impairment exists, the Office determines the asset's recoverable amount. Any amount by which the asset's carrying amount exceeds the recoverable amount is recorded as an impairment loss.

The asset's recoverable amount is determined as the higher of the asset's fair value less costs to sell and depreciated replacement cost.

An impairment loss is recognised immediately in the Statement of Comprehensive Income, unless the asset is carried at a revalued amount. When the asset is measured at a revalued amount, the impairment loss is offset against the asset revaluation surplus of the relevant class to the extent available.

Where an impairment loss subsequently reverses, the carrying amount of the asset is increased to the revised estimate of its recoverable amount, but so that the increased carrying amount does not exceed the carrying amount that would have been determined had no impairment loss been recognised for the asset in prior years. A reversal of an impairment loss is recognised as income, unless the asset is carried at a revalued amount, in which case the reversal of the impairment loss is treated as a revaluation increase. Refer also note 1 (i).

(m) 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.

Incentives received on entering into operating leases are recognised as liabilities. Lease payments are allocated between rental expense and reduction of the liability.

(n) Payables

Trade creditors are recognised upon receipt of the goods or services ordered and are measured at the agreed purchase/ contract price, gross of applicable trade and other discounts. Amounts owing are unsecured and are generally settled on 30 day terms.

(o) Financial instruments

Recognition

Financial assets and financial liabilities are recognised in the Statement of Financial Position when the Office becomes party to the contractual provisions of the financial instrument.

Classification

Financial instruments are classified and measured as follows

- Cash and cash equivalents - held at fair value through profit and loss
- Receivables - held at amortised cost
- Payables – held at amortised cost

The Office does not enter transactions for speculative purposes, nor for hedging. Apart from cash and cash equivalents, the Office holds no financial assets classified at fair value through profit and loss.

All other disclosures relating to the measurement and financial risk management of financial instruments held by the Office are included in note 22.

(p) Employee benefits

Employer superannuation contributions, annual leave levies and long service leave levies are regarded as employee benefits.

Payroll tax and Workcover insurance are a consequence of employing employees, but are not counted in an employee's total remuneration package. They are not employee benefits and are recognised separately as employee related expenses.

Wages, salaries and sick leave

Wages and salaries due but unpaid at reporting date are recognised in the Statement of Financial Position at the current salary rates.

For unpaid entitlements expected to be paid within 12 months, the liabilities are recognised at their undiscounted values. Entitlements not expected to be paid within 12 months are classified as non-current liabilities and recognised at their present value, calculated using yields on Fixed Rate Commonwealth Government bonds of similar maturity, after projecting the remuneration rates expected to apply at the time of likely settlement.

Prior history indicates that on average, sick leave taken each reporting period is less than the entitlement accrued. This is expected to continue in future periods. Accordingly, it is unlikely that existing accumulated entitlements will be used by employees and no liability for unused personal leave entitlements is recognised. As sick leave is non-vesting, an expense is recognised for this leave as it is taken.

Annual leave

The Queensland Government's Annual Leave Central Scheme (ALCS) became operational on 30 June 2008 for departments, commercialised business units and shared service providers. Under this scheme, a levy is made on the Office to cover the cost of employees' annual leave (including leave loading and on-costs). The levies are expensed in the period in which they are payable. Amounts paid to employees for annual leave are claimed from the scheme quarterly in arrears.

From 1 July 2008, no provision for annual leave has been recognised in the Office's financial statements, the liability being held on a whole-of-Government basis and reported in those financial statements pursuant to AASB 1049 *Whole of Government and General Government Sector Financial Reporting*.

Long service leave

Under the Queensland Government's long service leave scheme, a levy is made on the Office to cover the cost of employees' long service leave. The levies are expensed in the period in which they are payable. Amounts paid to employees for long service leave are claimed from the scheme quarterly in arrears.

No provision for long service leave is recognised in the Office's financial statements, the liability being held on a whole-of-government basis and reported in those financial statements pursuant to AASB 1049 *Whole of Government and General Government Sector Financial Reporting*.

Superannuation

Employer superannuation contributions are paid to QSuper, the superannuation scheme for Queensland Government employees, at rates determined by the Treasurer on the advice of the State Actuary. Contributions are expensed in the period in which they are paid or payable. The Office's obligation is limited to its contribution to QSuper.

The QSuper scheme has defined benefit and defined contribution categories. The liability for defined benefits is held on a whole-of-government basis and reported in those financial statements pursuant to AASB 1049 *Whole of Government and General Government Sector Financial Reporting*.

Key executive management personnel and remuneration

Key executive management personnel and remuneration disclosures are made in accordance with the section 5 Addendum (issued in May 2011) to the *Financial Reporting Requirements for Queensland Government Agencies* issued by Queensland Treasury. Refer to note 6 for the disclosures on key executive management personnel and remuneration.

(q) Insurance

The Office's non-current physical assets and other risks are insured through the Queensland Government Insurance Fund, premiums being paid on a risk assessment basis. In addition, the Office pays premiums to WorkCover Queensland in respect of its obligations for employee compensation.

(r) Contributed equity

Non-reciprocal transfers of assets and liabilities between wholly-owned Queensland State Public Sector entities as a result of machinery-of-Government changes are adjusted to 'Contributed Equity' in accordance with Interpretation 1038 *Contributions by Owners Made to Wholly-Owned Public Sector Entities*. Appropriations for equity adjustments are similarly designated.

(s) Taxation

The Office of the Queensland Ombudsman is a State body as defined under the *Income Tax Assessment Act 1936* and is exempt from Commonwealth taxation with the exception of Fringe Benefits Tax (FBT) and Goods and Services Tax (GST). FBT and GST are the only taxes accounted for by the Office of the Queensland Ombudsman.

GST credits receivable from, and GST payable to the ATO, are recognised (refer to note 11).

(t) Issuance of financial statements

The financial statements are authorised for issue by the Ombudsman, Manager of Corporate Services Division and Senior Finance Officer at the date of signing the Management Certificate.

(u) Judgements

The preparation of financial statements necessarily requires the determination and use of certain critical accounting estimates, assumptions, and management judgements that have that potential to cause a material adjustment to the carrying amounts of assets and liabilities within the next financial year. Such estimates, judgements and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised and in future periods as relevant.

Estimates and assumptions that have a potential significant effect are outlined in the following financial statement notes:

Estimate of useful lives of plant and equipment and estimated replacement cost of fully depreciated plant and equipment - note 14

Estimate of useful lives of intangible assets - note 14

(v) Rounding and comparatives

Amounts included in the financial statements are in Australian dollars and have been rounded to the nearest \$1,000 or, where that amount is \$500 or less, to zero, unless disclosure of the full amount is specifically required.

Comparative information has been restated where necessary to be consistent with disclosures in the current reporting period.

(w) New and revised accounting standards

The Office did not voluntarily change any of its accounting policies during 2010-11.

AASB 2009 – 5 Amendments to Australian Accounting Standards arising from the Annual Improvements Project included certain amendments to AASB 117 Leases that revised the criteria for classifying leases involving land and buildings. This amendment does not affect the Office.

The Office is not permitted to early adopt a new accounting standard ahead of the specified commencement date unless approval is obtained from the Treasury Department. Consequently, the Office has not applied any Australian accounting standards and interpretations that have been issued but are not yet effective. The Office applies standards and interpretations in accordance with their respective commencement dates.

At the date of authorisation of the financial report, significant impacts of new or amended Australian accounting standards with future commencement dates are as set out below.

AASB 2010-4 Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project [AASB 1, AASB 7, AASB 101 & AASB 134 and Interpretation 13] becomes effective from reporting periods beginning on or after 1 January 2011. The Office will then need to make changes to its disclosures about credit risk on financial instruments in note 22(c). No longer will the Office need to disclose amounts that best represent an entity's maximum exposure to credit risk where the carrying amount of the instruments reflects this. If the Office holds collateral or other credit enhancements in respect of any financial instrument, it will need to disclose - by class of instrument - the financial extent to which those arrangements mitigate the credit risk. There will be no need to disclose the carrying amount of financial assets for which the terms have been renegotiated, which would otherwise be past due or impaired. Also, for those financial assets that are either past due but not impaired, or have been individually impaired, there will be no need to separately disclose details about any associated collateral or other credit enhancements held by the Office."

AASB 9 Financial Instruments (December 2010) and AASB 2010-7 Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 & 1038 and Interpretations 2, 5, 10, 12, 19 & 127] become effective from reporting periods beginning on or after 1 January 2013. The main impacts of these standards on the Office of the Queensland Ombudsman are that they will change the requirements for the classification, measurement and disclosures associated with financial assets. Under the new requirements, financial assets will be more simply classified according to whether they are measured at either amortised cost or fair value. Pursuant to AASB 9, financial assets can only be measured at amortised cost if two conditions are met. One of these conditions is that the asset must be held within a business model whose objective is to hold assets in order to collect contractual cash flows. The other condition is that the contractual terms of the asset give rise on specified dates to cash flows that are solely payments of principal and interest on the principal amount outstanding.

On initial application of AASB 9, the Office of the Queensland Ombudsman will need to re-assess the measurement of its financial assets against the new classification and measurement requirements, based on the facts and circumstances that exist at that date. Assuming no change in the types of transactions the Sunshine Department enters into, it is not expected that any of the Office's financial assets will meet the criteria in AASB 9 to be measured at amortised cost. Therefore, as from the 2013-14 financial statements, all of the Office's financial assets will be required to be classified as "financial assets required to be measured at fair value through profit or loss" (instead of the measurement classifications presently used in notes 1(v) and 37). The same classification will be used for net gains/losses recognised in the Statement of Comprehensive Income in respect of those financial assets. In the case of the Office's receivables, the carrying amount is considered to be a reasonable approximation of fair value.

The most significant impact on the Office of the Queensland Ombudsman of the new measurement requirements is that the “held to maturity” investment described in notes 1(t), 1(v), 20 and 37 will need to be measured at fair value as at 1 July 2013. In addition, that investment will no longer be classified as “held to maturity”, as explained above. The Office of the Queensland Ombudsman is not yet able to predict what the fair value of this investment will be at that date. The difference between the carrying amount of this investment and the fair value as at 1 July 2013 will be recognised as an adjustment to the balance of Accumulated Surplus as at 1 July 2013. In respect of this change, the 2013-14 financial statements will need to disclose a comparison between the previous measurement classification and carrying amount as at 30 June 2013 and the new classification and fair value amount as at 1 July 2013. The Office of the Queensland Ombudsman plans to recognise subsequent changes in the fair value of that investment in the annual operating result.

AASB 1053 Application of Tiers of Australian Accounting Standards and AASB 2010-2 Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements [AASB 1, 2, 3, 5, 7, 8, 101, 102, 107, 108, 110, 111, 112, 116, 117, 119, 121, 123, 124, 127, 128, 131, 133, 134, 136, 137, 138, 140, 141, 1050 & 1052 and Interpretations 2, 4, 5, 15, 17, 127, 129, & 1052] apply to reporting periods beginning on or after 1 July 2013.

AASB 1053 Application of Tiers of Australian Accounting Standards and AASB 2010-2 Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements [AASB 1, 2, 3, 5, 7, 8, 101, 102, 107, 108, 110, 111, 112, 116, 117, 119, 121, 123, 124, 127, 128, 131, 133, 134, 136, 137, 138, 140, 141, 1050 & 1052 and Interpretations 2, 4, 5, 15, 17, 127, 129, & 1052] apply to reporting periods beginning on or after 1 July 2013.

AASB1053 establishes a differential reporting framework for those entities that prepare general purpose financial statements, consisting of two tiers of reporting requirements – Australian Accounting Standards (commonly referred to as “tier 1”), and Australian Accounting Standards – Reduced Disclosure Requirements (commonly referred to as “tier 2”).

Tier 1 requirements comprise the full range of AASB recognition, measurement, presentation and disclosure requirements that are currently applicable to reporting entities in Australia. The only difference between the tier 1 and tier 2 requirements is that tier 2 requires fewer disclosures than tier 1. AASB 2010-2 sets out the details of which disclosures in standards and interpretations are not required under tier 2 reporting.

Pursuant to AASB 1053, public sector entities like the Office of the Queensland Ombudsman may adopt tier 2 requirements for their general purpose financial statements. However, AASB 1053 acknowledges the power of a regulator to require application of the tier 1 requirements. In the case of the Office of the Queensland Ombudsman, the Treasury Department is the regulator. Treasury Department has advised that its policy decision is to require all entities captured within the whole-of-government financial reports to adopt tier 1 reporting requirements. In compliance with Treasury’s policy which prohibits the early adoption of new or revised accounting standards unless Treasury approval is granted, the Office of the Queensland Ombudsman has not early adopted AASB1053.

All other Australian accounting standards and interpretations with future commencement dates are either not applicable to the Ombudsman’s activities, or have no material impact on the Office.

2. Reconciliation of payments from consolidated fund to departmental services revenue recognised in statement of comprehensive income

	2011	2010
	\$'000	\$'000
Budgeted departmental services appropriation	6,869	6,591
Transfers from/(to) other headings – variations in headings	-	228
Lapsed departmental services appropriation	(288)	(60)
Departmental services revenue recognised in statement of comprehensive income	6,581	6,759

Lapsed departmental services funding relates to a deferral of expenditure on employees, including the Ombudsman, due to unanticipated staff vacancies. The deferral is partially offset by funding for employee expenses being carried forward from 2009-10 to 2010-11.

Reconciliation of payments from consolidated fund to equity adjustment recognised in contributed equity

	2011	2010
	\$'000	\$'000
Budgeted equity adjustment appropriation		-
Transfers from/(to) other headings – Variations in Headings	-	(228)
Equity adjustment recognised in contributed equity	-	(228)

3. User charges

	2011	2010
	\$'000	\$'000
Training programs	305	264
Other	-	26
Total	305	290

4. Other revenue

	2011	2010
	\$'000	\$'000
Reception co-ordinator	47	-
Training room hire	24	-
Sundry revenue	28	-
Total	99	-

5. Employee expenses

	2011	2010
	\$'000	\$'000
<i>Employee benefits</i>		
Wages and salaries	4,013	4,013
Employer superannuation contributions*	531	533
Annual leave levy*	420	396
Long service leave levy*	88	82
Other employee benefits	26	26
<i>Employee related expenses</i>		
Workcover premium*	11	9
Payroll tax*	238	236
Other employee related expenses	67	60
Total	5,394	5,355

*Refer to Note 1(p)

	2011	2010
The number of employees including both full-time employees and part-time employees measured on a full-time equivalent basis is:		
Number of employees	53	53

6. Key executive management personnel and remuneration

a) Key executive management personnel

The following details for key executive management personnel include those positions that had authority and responsibility for planning, directing and controlling the activities of the agency during 2010-11. Further information on these positions can be found in the body of the Annual Report under the section

Position	Responsibilities	Current incumbents	
		Contract classification and appointment authority	Date appointed to position (Date resigned from position)
Ombudsman	The efficient, effective and economic administration of the Office	CEO 5	10/1/2011
Deputy Ombudsman	The performance of investigative units in meeting the Office's statutory functions efficiently and effectively,	SES 3	11/12/2006
Assistant Ombudsman, Administrative Improvement Unit	Leading and managing the Administrative Improvement Unit	SO	21/7/1997
Manager, Communication & Research Unit	Leading and managing the Communication & Research Unit	SO	2/12/2008
Manager, Corporate Services Unit	Leading and managing the Corporate Services Unit	SO	3/5/2011
Assistant Ombudsman, Assessment & Resolution Team	Leading and managing the Assessment and Resolution Team	SO	10/6/2005
Assistant Ombudsman, Local Government & Infrastructure Team	Leading and managing the Local Government & Infrastructure Team	SO	22/12/1998
Assistant Ombudsman, Community Services & Corrections Team	Leading and managing the Community Services & Corrections Team	SO	10/5/1999

b) Remuneration

Position (date resigned if applicable)	Short term employee benefits		Long Term Employee Benefits	Post employment benefits	Termination benefits	Total remuneration
	Base \$'000	Non-monetary benefits \$'000	\$'000	\$'000	\$'000	\$'000
Ombudsman (16/9/2011)	57	16		6	291	370
Ombudsman	123	15	3	12		153
Deputy Ombudsman	197	30	5	20		252
Manager, Corporate Services Unit (13/8/2010)	13			1		14
Manager, Corporate Services Unit (6/5/2011)	84			10		94
Manager, Corporate Services Unit	23		1	3		27
Manager, Communication & Research Unit (27/5/2011)	106			12		118
Manager, Communication & Research Unit	19			2		21
Assistant Ombudsman, Administrative Improvement Unit	130		4	15		149
Assistant Ombudsman, Assessment & Resolution Team	123		3	11		137
Assistant Ombudsman, Local Government & Infrastructure Team	123		3	11		137
Assistant Ombudsman, Community Services & Corrections Team	124		3	14		141
Total	1,122	61	22	117	291	1,613

Remuneration policy for the Office's key executive management personnel is set by the Queensland Public Service Commission as provided for under the *Public Service Act 2008*. The remuneration and other terms of employment for the key executive management personnel are specified in employment contracts. The contracts provide for other benefits including motor vehicles.

For the 2010-11 year, remuneration of key executive management personnel increased by 2.5% in accordance with government policy.

Remuneration packages for key executive management personnel comprise the following components:-

Short term employee benefits which include:

Base - consisting of base salary, allowances and leave entitlements paid and provided for the entire year or for that part of the year during which the employee occupied the specified position. Amounts disclosed equal the amount expensed in the Statement of Comprehensive Income.

Non-monetary benefits – consisting of provision of vehicle together with fringe benefits tax applicable to the benefit.

Long term employee benefits include long service leave accrued.

Post employment benefits include superannuation contributions.

Redundancy payments are not provided for within individual contracts of employment. Contracts of employment provide only for notice periods or payment in lieu of notice on termination, regardless of the reason for termination.

Total fixed remuneration is calculated on a 'total cost' basis and includes the base and non-monetary benefits, long term employee benefits and post employment benefits.

No performance incentive pay was paid to the key personnel listed above.

Consistent with the flexibility provided in the first year of the introduction of new reporting policies, the Office of the Ombudsman has not included the comparative data for 2009-10. This reflects the complexity in retrospectively calculating movements in accrual balances for the prior period.

7. Supplies and services

	2011	2010
	\$'000	\$'000
Consultants and contractors	49	85
Computer support	127	259
Electricity	12	18
Legal expenses	7	10
Books	1	1
Motor vehicle expenses	22	25
Office maintenance	26	25
Operating lease rentals	599	563
Payments to employment agencies	37	1
Printing	18	46
Stores and stationery	34	26
Telephones/communication	111	132
Travel	37	19
Training expenses	65	61
General supplies and services	140	120
Total	1,285	1,391

8. Depreciation and amortisation

	2011 \$'000	2010 \$'000
Depreciation and amortisation were incurred in respect of:		
Office furniture and fit-out	174	164
Computer equipment	48	34
Office equipment	13	13
Software purchased	32	29
Total	267	240

No impairment losses were recorded during the year. No revaluation adjustments were necessary during the year.

9. Other expenses

	2011 \$'000	2010 \$'000
External audit fees*	19	19
Insurance premiums - QGIF	3	2
Sundry expenses	15	27
Total	37	48

*Total external audit fees relating to the 2010-11 financial year are estimated to be \$19,160 (2010: \$20,562). There are no non-audit services included in this amount.

10. Cash and cash equivalents

	2011 \$'000	2010 \$'000
Imprest accounts	1	-
Cash at bank and on-hand	476	395
Total	477	395

Departmental bank accounts grouped within the whole-of-Government set-off arrangement with the Queensland Treasury Corporation do not earn interest on surplus funds. Interest earned on the aggregate set-off arrangement balance accrues to the Consolidated Fund.

11. Receivables

	2011	2010
	\$'000	\$'000
Trade debtors	124	57
Less: allowance for impairment loss	-	-
	124	57
GST receivable	20	13
GST payable	(12)	(8)
	8	5
Annual leave reimbursements	107	106
Long service leave reimbursements	19	13
	126	119
Total	258	181

12. Other current assets

	2011	2010
	\$'000	\$'000
<i>Prepayments</i>		
Salaries	21	38
Total	21	38

13. Intangible assets

	2011	2010
	\$'000	\$'000
<i>Software purchased</i>		
At cost	471	471
Less : Accumulated amortisation	(460)	(428)
Total	11	43

Intangibles reconciliation

	2011	2010
	\$'000	\$'000
<i>Software purchased</i>		
Carrying amount at 1 July	43	49
Acquisitions	-	23
Amortisation	(32)	(29)
Carrying amount at 30 June	11	43

Amortisation of intangibles is included in the line item "Depreciation and Amortisation" in the Statement of Comprehensive Income.

The Office has a software program with an original cost of \$394,000, which has been fully amortised, but is still being used in the provision of services. The system was initially developed as a file and complaints management system. It was further updated in the 2008-09 (\$54,000) and in the 2009-10 financial years at a cost of \$23,000 and its continued viability will be assessed in the 2011-12 financial year.

14. Plant and equipment

	2011 \$'000	2010 \$'000
<i>Office furniture and fitout</i>		
At cost	1,692	1,685
Less: Accumulated depreciation	(354)	(180)
	1,338	1,505
<i>Computer equipment</i>		
At cost	237	223
Less: Accumulated depreciation	(183)	(129)
	54	94
<i>Office equipment</i>		
At cost	94	77
Less: Accumulated depreciation	(66)	(58)
	28	19
Total	1,420	1,618

Plant and equipment is valued at cost in accordance with Queensland Treasury *Non-Current Asset Accounting Policies for the Queensland Public Sector*.

Plant and equipment reconciliation

	Office furniture and fitout \$'000		Computer equipment \$'000		Office equipment \$'000		Total \$'000	
	2011	2010	2011	2010	2011	2010	2011	2010
Carrying amount at 1 July	1,505	1,596	94	90	19	30	1,618	1,716
Acquisitions	7	73	13	38	17	2	37	113
Depreciation	(174)	(164)	(48)	(34)	(13)	(13)	(235)	(211)
Carrying amount at 30 June	1,338	1,505	59	94	23	19	1,420	1,618

The Office has plant and equipment with an original cost of \$140,380 (2010: \$132,070) and a written down value of zero still being used in the provision of services. Some of these will not be replaced, but approximately 40% of these assets with a gross replacement cost of \$50,000 are expected to be replaced in 2011-12 with another 30% to be replaced in the 2012-13 financial year.

15. Payables

	2011	2010
	\$'000	\$'000
Trade creditors	323	320
Total	323	320

16. Accrued employee benefits

	2011	2010
	\$'000	\$'000
Wages outstanding	-	1
Annual leave levy payable	128	112
Long service leave levy payable	23	20
Total	151	133

17. Other liabilities

	2011	2010
	\$'000	\$'000
<i>Current</i>		
Lease incentive	110	110
<i>Non current</i>		
Lease incentive	769	880

Incentives received on entering into operating leases are recognised as liabilities. Lease payments are allocated between rental expense and reduction of the liability.

18. Reconciliation of operating surplus to net cash from operating activities

	2011 \$'000	2010 \$'000
Operating Surplus/(Deficit)	1	15
Depreciation and amortisation	267	240
Changes in assets and liabilities:		
Increase in accrued employee benefits	18	6
(Decrease) increase in payables and other liabilities	(70)	48
(Increase) in trade receivables	(74)	(41)
(Increase) decrease in GST input tax credits receivables	(7)	74
Increase in GST payable	4	3
Decrease in prepayments	17	24
Net cash (used)/from operating activities	156	369

19. Commitments for expenditure

(a) Finance lease liabilities

There were no finance lease liabilities at 30 June 2011.

	2011 \$'000	2010 \$'000
<i>(b) Non-cancellable operating leases</i>		
Commitments under operating leases at reporting date are inclusive of anticipated GST and are payable as follows:		
→ Not later than one year	800	769
→ Later than one year and not later than five years	3,131	3,356
→ Later than 5 years	-	552
Total	3,931	4,677

In 2009 the Office relocated to a new building at 53 Albert Street in terms of a co-location initiative with other complaint agencies. The rental agreement in respect of the Office's premises covered the period to 5 February 2016. The lease has a seven year term with an escalation clause of 4.5% p.a.

The value of the outstanding rent at 30 June 2011 amounted to \$3,896,746 of which \$781,762 is current and \$3,114,984 is non-current.

The Office's vehicles are leased from QFleet. The value of the outstanding leases at 30 June 2011 amounted to approximately \$25,547 of which \$10,381 is non-current.

The franking machine is also leased. The value of the outstanding lease payments at 30 June 2011 amounted to \$8,593 of which \$5,729 is non-current.

No lease arrangements create restrictions on other financing transactions.

(c) Capital expenditure commitments

There were no capital expenditure commitments at 30 June 2011 (2010 nil).

20. Contingencies

(a) Litigation in progress

No litigation involving the Office was in progress at 30 June 2011.

(b) Financial guarantees

The Office was not committed to any guarantees or undertakings at 30 June 2011.

21. Events occurring after balance date

There were no material occurrences after 30 June 2011.

22. Financial instruments

(a) Categorisation of Financial Instruments

The Office has the following categories of financial assets and financial liabilities:

Category	Note	2011 \$'000	2010 \$'000
<i>Financial assets</i>			
Cash and cash equivalents	10	477	395
Receivables	11	258	181
Total		735	576
<i>Financial liabilities</i>			
Payables	15	323	320
Total		323	320

(b) Financial risk management

The Office of the Queensland Ombudsman's activities expose it to a variety of financial risks - credit risk, liquidity risk, and market risk, however due to the nature of the Office's activities, these risks are limited. Financial risk management is implemented pursuant to Government policy. These policies focus on the unpredictability of financial markets and seek to minimise potential adverse effect on the financial performance of the Office.

(c) Credit risk exposure

Credit risk exposure refers to the situation where the Office of the Queensland Ombudsman may incur financial loss as a result of another party to a financial instrument failing to discharge their obligation.

The maximum exposure to credit risk at balance date in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment.

The following table represents the Office's maximum exposure to credit risk based on contractual amounts net of any allowances:

Maximum exposure to credit risk		2011	2010
Category	Note	\$'000	\$'000
<i>Financial assets</i>			
Cash and cash equivalents	10	477	395
Receivables	11	258	181
Total		735	576

No collateral is held as security and no credit enhancements relate to financial assets held by the Office.

The Office of the Queensland Ombudsman manages credit risk through the use of a credit management strategy. This strategy aims to reduce the exposure to credit default by ensuring that the Office of the Queensland Ombudsman invests in secure assets, and monitors all funds owed on a timely basis. Exposure to credit risk is monitored on an ongoing basis.

No financial assets and financial liabilities have been offset and presented net in the Statement of Financial Position.

The method for calculating any provisional impairment risk is based on past experience, current and expected changes in economic conditions and changes in client credit ratings.

No financial assets have had their terms renegotiated so as to prevent them from being past due or impaired, and are stated at the carrying amounts as indicated.

Aging of past due but not impaired financial assets are disclosed in the following tables:

	Overdue				Total
	Less than 30 days	30 - 60 days	61 - 90 days	More than 90 days	
	\$'000	\$'000	\$'000	\$'000	\$'000
2011 financial assets past due but not impaired					
<i>Financial assets</i>					
Receivables	16	21	-	-	37
Total	16	21	-	-	37
2010 financial assets past due but not impaired					
<i>Financial assets</i>					
Receivables	-	3	-	-	3
Total	-	3	-	-	3

2011 individually impaired financial assets

There were no impaired financial assets at 30 June 2011 (2010: nil).

(d) *Liquidity risk*

Liquidity risk refers to the situation where the Office may encounter difficulty in meeting obligations associated with financial liabilities that are settled by delivering cash or another financial asset.

The Office is exposed to liquidity risk in respect of its payables.

The Office manages liquidity risk by ensuring the Office has sufficient funds available to meet employee and supplier obligations as they fall due. This is achieved by ensuring that minimum levels of cash are held within the various bank accounts so as to match the expected duration of the various employee and supplier liabilities.

The following table sets out the liquidity risk of financial liabilities held by the Office:

	Note	< 1 year \$'000	1 - 5 years \$'000	> 5 years \$'000	Total \$'000
2011 payable in					
<i>Financial liabilities</i>					
Payables	15	323	-	-	323
Total		323	-	-	323
2010 payable in					
<i>Financial liabilities</i>					
Payables	15	320	-	-	320
Total		320	-	-	320

(e) *Market risk*

The Office does not trade in foreign currency and is not materially exposed to commodity price changes. The Office is not exposed to interest rate risk. The Office does not undertake any hedging in relation to interest risk and manages its risk as per the liquidity risk management strategy.

(f) *Interest rate sensitivity analysis*

The Office does not earn interest on cash and cash equivalents and has no borrowings. Consequently it has no exposure to interest rate changes.

(g) *Fair value*

The Office of the Ombudsman does not recognise any financial assets or financial liabilities at fair value.

The fair value of cash, cash equivalents, trade receivables and payables and the lease liability approximate their fair value and are not disclosed separately.

Certificate of the Office of the Queensland Ombudsman

These general purpose financial statements have been prepared pursuant to section 62(1) of the *Financial Accountability Act 2009* (the Act), relevant sections of the *Financial and Performance Management Standard 2009* and other prescribed requirements. In accordance with Section 62(1)(b) 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 Queensland Ombudsman for the financial year ended 30 June 2011 and of the financial position at the end of that year.



D. GUNTON
Manager,
Corporate Services Unit



P.N. CLARKE
Queensland Ombudsman



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

31 August 2011

Independent auditor's report

To the Accountable Officer of the Office of the Queensland Ombudsman

Report on the Financial Report

I have audited the accompanying financial report of the Office of the Queensland Ombudsman which comprises the statement of financial position as at 30 June 2011, the statement of comprehensive income, statement of changes in equity, and statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the certificates given by the Queensland Ombudsman, Manager, Corporate Services Unit, and Senior Finance Officer, Corporate Services Unit.

The Accountable Officer's Responsibility for the Financial Report

The Accountable Officer is responsible for the preparation of the financial report that gives a true and fair view in accordance with prescribed accounting requirements identified in the *Financial Accountability Act 2009* and the *Financial and Performance Management Standard 2009*, including compliance with Australian Accounting Standards. The Accountable Officer's responsibility also includes such internal control as the Accountable Officer determines is necessary to enable the preparation of the financial report that is free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on the financial report based on the audit. The audit was conducted in accordance with the *Auditor-General of Queensland Auditing Standards*, which incorporate the Australian Auditing Standards. Those standards require compliance with relevant ethical requirements relating to audit engagements and that the audit is planned and performed to obtain reasonable assurance about whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the financial report that gives a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control, other than in expressing an opinion on compliance with prescribed requirements. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Accountable Officer, as well as evaluating the overall presentation of the financial report including any mandatory financial reporting requirements approved by the Treasurer for application in Queensland.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

Independence

The *Auditor-General Act 2009* promotes the independence of the Auditor-General and all authorised auditors. The Auditor-General is the auditor of all Queensland 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 audit powers are to be exercised. The Auditor-General has for the purposes of conducting an audit, access to all documents and property and can report to Parliament matters which in the Auditor-General's opinion are significant.

Opinion

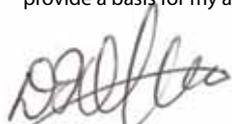
In accordance with s.40 of the *Auditor-General Act 2009* –

- (a) I have received all the information and explanations which I have required; and
- (b) in my opinion –
 - (i) the prescribed requirements in relation to the establishment and keeping of accounts have been complied with in all material respects; and
 - (ii) the financial report presents a true and fair view, in accordance with the prescribed accounting standards, of the transactions of the Office of the Queensland Ombudsman for the financial year 1 July 2010 to 30 June 2011 and of the financial position as at the end of that year.

Other Matters - Electronic Presentation of the Audited Financial Report

This auditor's report relates to the financial report of the Office of the Queensland Ombudsman for the year ended 30 June 2011. Where the financial report is included on the Office of the Queensland Ombudsman's website the Accountable Officer is responsible for the integrity of the Queensland Ombudsman's website and I have not been engaged to report on the integrity of the Queensland Ombudsman's website. The auditor's report refers only to the subject matter described above. It does not provide an opinion on any other information which may have been hyperlinked to/from these statements or otherwise included with the financial report. If users of the financial report are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial report to confirm the information contained in this website version of the financial report.

These matters also relate to the presentation of the audited financial report in other electronic media including CD Rom.



D J OLIVE CPA
as Delegate of the Auditor-General of Queensland



Queensland Audit Office
Brisbane

Section 9

Appendices

The following pages provide the facts, figures and other details.



Facts and figures

Appendix 1: Statistics report

Table 1: All contact

	08/09	09/10	10/11	%
Referral	7,799	7,523	7,588	37%
Online referral	1,926	2,670	3,657	18%
Complaint	7,460	8,717	8,354	41%
Inquiry	539	684	716	4%
Review request	32	44	50	<1%
Public interest disclosures	15	14	17	<1%
Total	17,771	19,652	20,382	

Table 2: How complaints were received

	08/09	%	09/10	%	10/11	%
Telephone	3,452	46%	3,855	44%	3,710	44%
Mail	1,470	20%	1,570	18%	1,205	14%
Email	899	12%	1,138	13%	1,291	15%
Online complaint form	737	10%	1,025	12%	1,219	15%
Prisoner PhoneLink	596	8%	672	8%	605	7%
Fax	141	2%	123	1%	93	1%
Correctional centre interview	101	1%	91	1%	66	<1%
In person	64	<1%	115	1%	116	1%
Voicemail	0	<1%	128	1%	49	<1%
Total	7,460		8,717		8,354	

Table 3: Complaints received and carried forward

	07/08	08/09	09/10	10/11
Complaints received	7,172	7,460	8,717	8,354
Complaints brought forward	329	300	312	295

Table 4: Complaints finalised

	07/08	08/09	09/10	10/11
Complaints finalised	7,201	7,448	8,708	8,278
Complaints open	300	312	295	371

Table 5: Complaints received by agency type

	07/08	08/09	09/10	10/11	%
State government	4,268	4,370	5,099	4,587	55%
Local government	1,843	1,979	2,275	2,126	25%
Universities	130	182	262	270	3%
Other/out of jurisdiction	931	929	1,081	1,371	16%
Total	7,172	7,460	8,717	8,354	

Table 6: Time to finalise complaints in days

	08/09	%	09/10	%	10/11	%
<10	4,905	66%	6,014	69%	5,731	69%
<30	1,259	17%	1,341	15%	1,238	15%
<60	490	7%	473	5%	482	6%
<90	224	3%	265	3%	180	2%
<180	338	5%	295	3%	312	4%
<270	95	1%	135	2%	144	2%
≤365	55	<1%	80	<1%	95	1%
>365	82	1%	105	1%	96	1%
Total	7,448		8,708		8,278	

Table 7: Age of open complaints at 30 June in days

	08/09	%	09/10	%	10/11	%
<10	33	11%	30	10%	18	5%
<30	33	11%	28	9%	97	26%
<60	61	20%	28	9%	72	19%
<90	39	13%	25	8%	35	9%
<180	95	30%	109	37%	81	22%
<270	24	8%	40	14%	50	13%
≤365	18	6%	35	12%	17	5%
>365	9	3%	0	0%	1	<1%
Total	312		295		371	

Table 8: How the Queensland Ombudsman managed complaints

	08/09	%	09/10	%	10/11	%
Assessment	5,673	76%	6,842	79%	6,743	81%
Preliminary inquiry	172	2%	421	5%	428	5%
Informal investigation	1,529	21%	1,377	16%	1,055	13%
Standard investigation	73	<1%	65	<1%	51	<1%
Major investigation	1	<1%	3	<1%	1	<1%
Total	7,448		8,708		8,278	

Table 9: Reasons why complaints were declined

	08/09	%	09/10	%	10/11	%
Referred for internal review by agency	2,802	49%	3,637	52%	3,616	53%
Outside jurisdiction	1,083	19%	1,255	18%	1,260	18%
Await outcome of current decision process	489	9%	551	8%	558	8%
Complaint to be put in writing	344	6%	466	7%	384	6%
Investigation unnecessary or unjustifiable	336	6%	336	5%	351	5%
Appeal right should be exhausted	333	6%	318	5%	298	4%
Other complaints entity has/will investigate	103	2%	144	2%	147	2%
No sufficient direct interest	80	1%	157	2%	111	2%
Out of time	72	1%	105	1%	83	1%
Frivolous, vexatious or not made in good faith	14	<1%	20	<1%	23	<1%
Appeal right exhausted and further investigation unnecessary	13	<1%	9	<1%	10	<1%
Trivial	3	<1%	5	<1%	5	<1%
Total	5,672		7,003		6,846	

Table 10: Outcomes of complaints finalised

	08/09	%	09/10	%	10/11	%
Declined at outset	5,502	74%	6,627	76%	6,485	78%
Declined after preliminary inquiry	170	2%	376	4%	361	4%
Complaints declined	5,672		7,003		6,846	
Withdrawn by complainant before investigation commenced	122	2%	106	1%	146	2%
Withdrawn by complainant during investigation	11	<1%	12	<1%	11	<1%
Complaints withdrawn	133		118		157	
Discontinued	488	7%	327	4%	210	3%
Completed	1,155	16%	1,260	14%	1,065	13%
Total	7,448		8,708		8,278	

Table 11: Complaint outcomes

	08/09	%	09/10	%	10/11	%
No maladministration finding necessary	562	49%	545	43%	473	44%
No maladministration established	532	46%	662	53%	538	51%
Maladministration established	61	5%	53	4%	54	5%
Total	1,155		1,260		1,065	

Table 12: Types of administrative error

	08/09	09/10	10/11
Unreasonable or unjust	36	22	33
Reasons not given/inadequate	7	5	10
Contrary to law	7	15	8
Wrong	2	9	2
Based on a mistake of law or fact	4	0	1
Improperly discriminatory	1	0	0
Irrelevant grounds or considerations	4	2	0
Total	61	53	54

Table 13: Types of investigative recommendations made to agencies

	08/09	%	09/10	%	10/11	%
Direct benefit	39	21%	30	16%	45	26%
Systemic	145	79%	163	84%	130	74%
Total	184		193		175	

Table 14: Investigative recommendations

	08/09	%	09/10	%	10/11	%
Councils						
Direct benefit	19	10%	23	12%	17	10%
Systemic	58	32%	48	25%	27	15%
	77	42%	71	37%	44	25%
State government – excluding correctional services						
Direct benefit	17	9%	5	3%	24	14%
Systemic	63	34%	51	26%	82	47%
	80	43%	56	29%	106	61%
State government – correctional services						
Direct benefit	1	<1%	1	<1%	1	<1%
Systemic	16	9%	45	23%	7	4%
	17	9%	46	23%	8	4%
Universities						
Direct benefit	2	1%	1	<1%	3	2%
Systemic	8	4%	19	10%	14	8%
	10	5%	20	10%	17	10%
Total	184		193		175	

Table 15: All recommendations and responses at 30 June

	08/09	09/10	10/11
Accepted by agency	154	181	147
Not accepted by agency	3	0	2
Rate of acceptance	98%	100%	99%
Pending agency response at 30 June	23	12	98
Total recommendations made	157	181	247

Table 16: Types of recommendations accepted at 30 June 2011

	Made	Accepted	%
Investigative (direct benefit)	24	24	100%
Investigative (systemic)	53	51	96%
Audit	72	72	100%
Overall	149	147	99%



Appendix 2: Service Delivery Statement

- This table reports on the actual end of year position for all measures published in the Queensland Ombudsman's Service Delivery Statement 2011-2012 (SDS). The SDS 2011-2012, published in May 2011 as part of Budget Paper No. 5 for the Queensland State Budget, reported targets and estimated actuals for all measures.
- All Queensland Ombudsman SDS measures and targets for 2010-2011 have been maintained for 2011-2012. Following a strategic review in mid to late 2011, performance measures and targets will be re-evaluated.

Service Standards	Notes*	2010-11 Target/est.	2010-11 Est. actual	2010-11 Actual
Service: Independent Review of Complaints about Government Administration				
Service standards				
Proportion of complaints investigated where a positive outcome was achieved for the complainant	1	40%	52%	44%
Proportion of complaints resolved informally		95%	99%	99%
Proportion of complaints where early intervention occurred	2	90%	98%	97%
Proportion of recommendations for improvements to administrative practice or to rectify unfairness to individual complainants accepted by agencies	3	90%	100%	99%
Other measures				
Complaints finalised		8,000	8,200	8,278
Inquiries finalised		600	650	718
Referrals finalised	4	9,500	10,500	11,245
Review requests finalised	5	50	50	49
Total matters finalised		18,150	19,400	20,290
Proportion of complaints finalised within 12 months of lodgement		95%	99%	100%
Proportion of open complaints at the end of each reporting period that are more than 12 months old	6	5%	7%	0.3%
Number of regional centres outside of Brisbane visited to investigate complaints and/or deliver administrative improvement training sessions	7	50	55	72
Proportion of complaints received from outside of Brisbane		65%	63%	62%
Number of administrative improvement training sessions delivered	8	100	125	144

*See next page for notes

Notes:

1. A positive outcome is when the agency agrees to address the complaint (in full or in part), or when the complainant is provided with information obtained from the agency that satisfactorily explains the decision.
2. 'Early intervention' is defined as taking substantive action on a complaint within 10 days of the case being created. Early intervention activities include contacting the complainant to obtain additional information, requesting documents from the relevant agency and researching legislation relevant to the complaint.
3. The proportion of Ombudsman recommendations accepted is calculated by considering the total number of recommendations made and accepted as at 30 June. Recommendations made but awaiting agency response are not included in the calculation.
4. A referral is registered when a contact seeks assistance on a matter outside the Queensland Ombudsman's jurisdiction. Part of the Ombudsman's service is to explain the services offered and redirect callers to the most appropriate complaints entity. The increased number of industry Ombudsmen and specialist complaint agencies has created uncertainty in the community about the appropriate agency to contact.
5. A complainant may request a review of a decision by the Queensland Ombudsman. Review requests represent a very small proportion of the complaints received by the office (approximately 0.6%).
6. Only one case older than 12 months was open on 30 June 2011.
7. Regional centre visits increased due to an increased number of training sessions and other investigative activity.
8. The increase in training sessions is largely attributed to the introduction of a new training program, *Your Ethical Compass: ethical decision-making for SES and SO officers*.

Appendix 3: Energy consumption

The materials used in the construction of 53 Albert Street have achieved a 4.5 NABERS Green Star rating. This means the materials used have been considered for their environmental benefits.

Energy consumption has also decreased by moving to the new premises, with office electricity consumption falling by approximately 50% due to the tenancy being on one floor (instead of three floors in our previous building), and energy efficient lighting including sensor lights to switch off when staff aren't there.

Fuel consumption has also reflected a decline in the amount expended in 2010-2011.

Recycling initiatives continue throughout the building for the management of every day refuse.

Expenditure on electricity and motor vehicle fuel is shown below.

	07/08	08/09	09/10	10/11
Electricity	\$28,415	\$34,513	\$17,583	\$11,930
Motor vehicle fuel	\$6,146	\$5,695	\$4,456	\$3,621

Appendix 4: Right to information/information privacy applications

While the inclusion of information arising from the administration of the *Right to Information Act 2009* and the *Information Privacy Act 2009* is optional in the annual reports of Queensland government agencies, the Queensland Ombudsman has chosen to do so in the spirit of transparency and accountability.

The Ombudsman received six right to information applications in 2010-2011. All applications were finalised during the year. Administrative release of documents was granted for two of those applications.

One applicant chose to seek an external review of the Ombudsman's decision not to release documents with the Right to Information Commissioner. The Ombudsman's decision was affirmed. No internal reviews occurred.

During the year, two documents were added to the Ombudsman's disclosure log, available at: <http://www.ombudsman.qld.gov.au/PrivacyandRTI/Righttoinformation/DisclosureLog/tabid/357/Default.aspx>

No disciplinary action or offences occurred in relation to any officers under the Acts.

A total of \$668.80 was collected in application fees and processing charges.

No information privacy applications were received in 2010-2011.

Appendix 5: Overseas travel

Officer	Destination	Purpose	Date	Cost
P Clarke	Taiwan	Australasian and Pacific Ombudsman Regional Conference	23-26 March 2011	\$5,382.09
Total*				\$5,382.09

*Total cost includes air fare, accommodation, meals and allowances and conference registration.

Appendix 6: Presentations by Ombudsman officers

Date	Organisation/topic	Venue
01-02/07/10	Ethics Workshop, Public Service Commission	Brisbane
13/07/2010	Child Death Case Reviews: Lessons Learnt, Warilda	Brisbane
17/08/2010	Child Death Case Reviews: Lessons Learnt, Warilda	Brisbane
26/08/2010	Communities Workshop – Complaints Management	Brisbane
10/09/2010	Official Visitors Conference	Brisbane
26/09/2010	UQ Presentation – Role of the Ombudsman	Brisbane
12/10/2010	Child Death Case Reviews: Lessons Learnt, Warilda	Brisbane
03-05/11/2010	National Investigations Symposium	Sydney
8/11/2010	Information session for officers, Darling Downs Correctional Centre	Toowoomba
16/11/2010	Information session, DIP Townsville	Townsville
23/11/2010	Qld State Archives Records and Information Management Forum (inadequate record-keeping in the complaints investigated by the Ombudsman)	Brisbane
24/11/2010	EHA Conference – Lessons for Regulators	Ipswich
24/11/2010	Child Death Case Reviews: Lessons Learnt, Warilda	Brisbane
25/11/2010	Assisting your clients: Responding to Complaints about Public Sector Agencies, QPILCH Homelessness Legal Service Solicitors	Brisbane
29-30/11/2010	Tasmanian Ombudsman	Tasmania
10/12/2010	Presentation, Singapore Australia Business Council	Brisbane
10/02/2011	Presentation, ACCES Inc.	Logan
15/02/2011	Child Death Case Reviews: Lessons Learnt, Warilda	Brisbane
23/03/2011	Queensland Police Academy Information Session	Oxley
24/03/2011	LGA Conference – It's Not Rocket Science	Redland
24/03/2011	QPILCH Homelessness Legal Service Case Worker Training – Assisting your clients: Responding to Complaints about Public Sector Agencies	Brisbane
07/04/2011	LGMA Conference Dinner	Tinaroo
12/04/2011	RIMPA Breakfast – Tell Tale Signs of Record-Keeping Decay	Brisbane
09/05/2011	EHO Presentation – Tips and Traps for Regulators	Brisbane
18/05/2011	Roundtable with Aboriginal and Torres Strait Island Mayors – Engaging with Indigenous Communities	Cherbourg
21/05/2011	Law Week Presentation – Role of the Ombudsman	Brisbane
25/05/2011	Multicultural Development Association – Multicultural presentation	Woolloongabba
30/05/2011	OFT Conference – The Good, Bad and Ugly of Regulation	Brisbane
09/06/2011	LGMA CEO Conference – Queensland Ombudsman: current challenges and future priorities	Brisbane
15/06/2011	ECCQ – multicultural presentation	West End
Total	30	

Appendix 7: Professional development activities

Program	Provider
Marketing/communication/client services	
Difficult Interactions – awareness skills and self-care	Lifeline
Indigenous Cultural Awareness Training	Wal Meta
Equity Contact Officer Training	Anti-Discrimination Commission QLD
Ergonomics Training	Prime Health Group
Job Application and Interview Skills	Shared Service Agency
People Skills for Supervisors	IPAA
Windows 7 and Office 2010	CTS Training
JEMS Refresher	Mercer
Executive Coaching	Carole V & Associates
Resolve User group conference	Resolve Computer Services
FBT Simplifier software training	Treasury Department
Legal/investigative	
Certificate IV Government (Investigations)	Queensland Police Service
National Investigation Symposium	IPAA
AIAL Seminar	Australian Institute of Administrative Law
LGMA Conference	Local Government Managers Association
Right to Information	Megan Carter

Glossary

Agency

A government department, local council or university that falls within the jurisdiction of the Queensland Ombudsman

Assessment

The complaint is finalised through research and assessment, without contacting the agency concerned

Audit

The Ombudsman may conduct a review of the administrative practices and procedures of an agency and make recommendations for improvements

Complainant

A person bringing a complaint to the Office

Complainant Satisfaction Survey

A biannual survey of people who have lodged a complaint with the Ombudsman

Complaint

An expression of dissatisfaction that is accepted for further consideration

Complaint finalised

A complaint that the Office reviews and establishes an outcome

Complaints management system

A system for dealing with complaints

Complaint open

A complaint outstanding at the close of the financial year

Complaint received

A complaint received during the financial year

Corporate governance

The system by which an organisation is controlled and operates, and the mechanisms by which it is held to account. Ethics, risk management, compliance and administration are all elements of corporate governance

Direct benefit recommendation

Any recommendation the Ombudsman makes that directly benefits the complainant, for example, an apology or compensation

Directive 13/06

A directive released by the Public Service Commissioner in November 2006 requiring all state government departments and agencies to have complaints management systems in place

Early intervention

Action is taken to deal with a complaint within ten working days

Ex gratia payment

A voluntary payment made without the giver recognising any liability or legal obligation

Formal investigation

Conducting recorded interviews or requesting a formal written response from the agency concerned

Governor in Council

The Executive Council, which comprises members of the Ministry, is the formal means for Ministers to give advice to the Governor. When the Governor acts on the advice of Executive Council, the Governor acts as the 'Governor in Council'

Informal investigation

A complaint finalised by making informal inquiries with the agency involved and/or by negotiating with the parties involved

Inquiry

Contact where the person seeks information or assistance but does not make a specific complaint

Internal review

Investigation of a decision undertaken by the agency that made the initial decision

Machinery of Government (MOG) changes

The Queensland Government is made up of departments and a number of government bodies. Following the 2009 Queensland general election, the Premier announced the creation of 13 new departments to help streamline Queensland Government information and services

Major investigation

Cases where significant time and resources is expended on investigating systemic maladministration

Maladministration

Decisions and administrative actions of public agencies that are unlawful, unfair, unreasonable or wrong

Online referral

The online complaint form has a filter that blocks out of jurisdiction complaints. If the complaint concerns an issue or agency that the Ombudsman does not have the power to investigate, users are automatically referred to the relevant complaint agency

Out of jurisdiction

A complaint that the Office does not have the power to investigate

Own initiative investigation

The Ombudsman decides to undertake an investigation into systemic issues in a certain agency without first receiving a complaint

Positive outcome

A complaint where no maladministration finding was necessary

Preliminary inquiry

The complaint is finalised after obtaining basic information from the agency concerned

Prisoner PhoneLink

A free telephone service that allows prisoners direct and confidential access to the Ombudsman's office at set times. This service allows prisoners to contact us for assistance with a complaint, rather than waiting for Ombudsman staff to visit their correctional centre

Public administration

The administrative practices of Queensland public sector agencies

Public agencies/public sector agencies

State government departments and local councils

Public interest disclosure (PID)

The confidential disclosure of wrongdoing within the public sector. PIDs commonly include allegations of official misconduct or maladministration. The identity of the complainant and the details of the complaint cannot be disclosed except to authorised staff

Public reports

Part of the Queensland Ombudsman's role is to improve the quality of decision-making and administrative practice in public agencies. One way to achieve this is to identify, investigate and report publicly about serious systemic issues that indicate poor administration

Recommendation

Formal advice given to a government agency to improve administrative practice. The Ombudsman cannot direct agencies to implement recommendations but they rarely refuse to do so. If agencies refuse to implement recommendations, the Ombudsman can require them to provide reasons and report to the relevant Minister, the Premier or Parliament if not satisfied with the reasons

Referral

When a complaint is outside the Ombudsman's jurisdiction, it is referred to another complaint agency

Review request

If a complainant is not satisfied with the outcome of an investigation by the Ombudsman, they can ask that the decision be reviewed by a more senior member of staff. In practice, most review requests are undertaken by the Deputy Ombudsman

Standard investigation

A complaint is finalised by conducting formal interviews with agency officers or seeking formal written responses from the agency

Systemic issue

An error in the agency's administrative process (its system) that causes or contributes to complaints

Acronyms

CMT

Complaints Management Training

GDT

Good Decisions Training

LAMP

Local Area Multicultural Partnerships

MAP

Multicultural Action Plan

PID

Public Interest Disclosure

PSC

Public Service Commission

QAO

Queensland Audit Office

QCS

Queensland Corrective Services

QPB

Queensland Parole Board

QGAP

Queensland Government Agent Program

SES

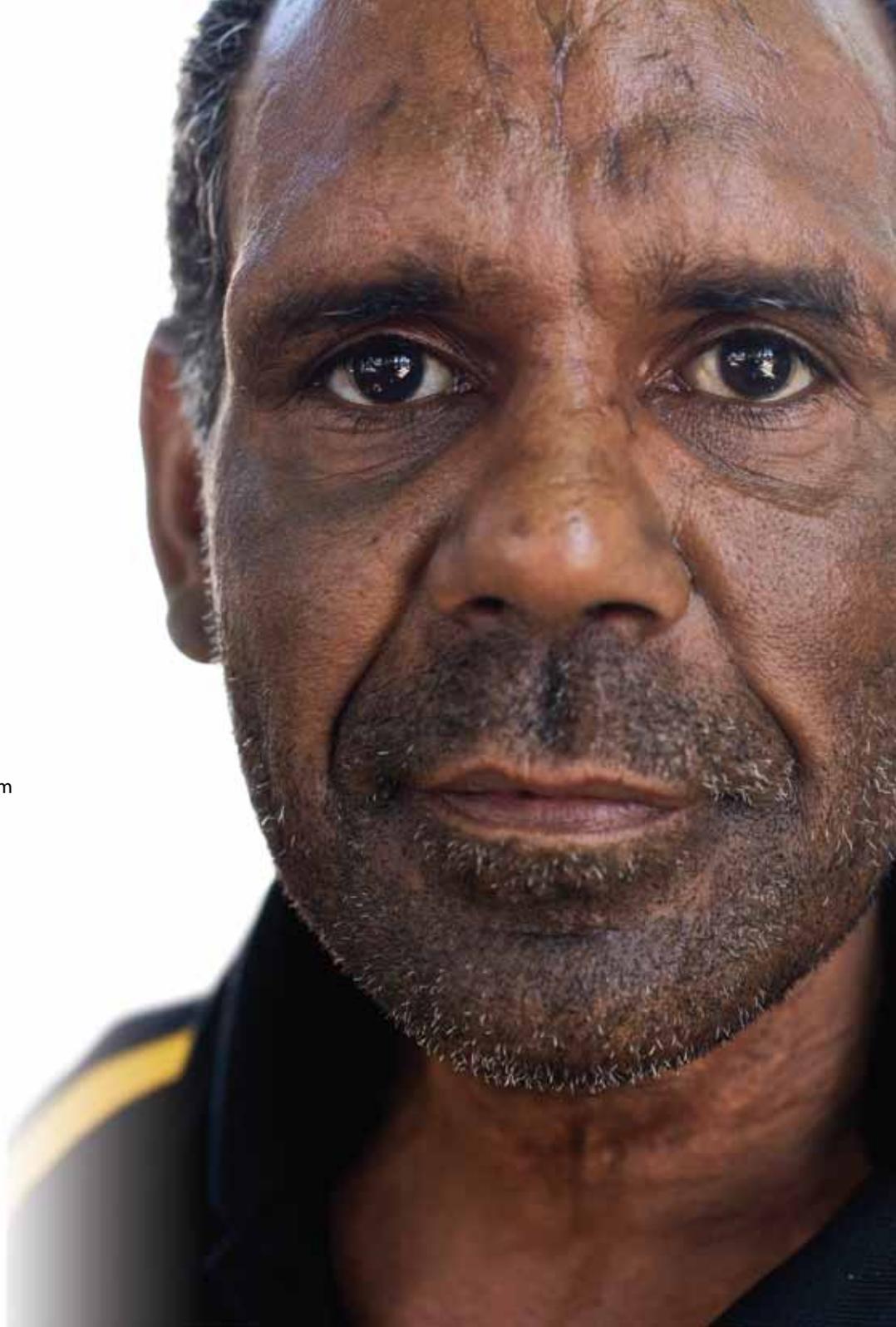
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