

ANNUAL REPORT
2011-2012



QUEENSLAND
ombudsman

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10 September 2012

The Honourable Jarrod Bleijie MP
Attorney-General and Minister for Justice
State Law Building
Level 18, 50 Ann Street
Brisbane QLD 4000

Dear Mr Bleijie

I am pleased to present the Annual Report 2011-2012 and financial statements 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', written over a diagonal line that extends from the bottom left towards the signature.

Phil Clarke
Queensland Ombudsman

ombudsman

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¹ Appendices 2 – 9 available online at www.ombudsman.qld.gov.au

Queensland Ombudsman's Report

I am pleased to present the Annual Report 2011-2012 and financial statements for the Office of the Queensland Ombudsman.

PERFORMANCE HIGHLIGHTS

In the past year, the Office of the Queensland Ombudsman has dealt with a record 21,429 contacts, and finalised 8,648 complaints, 90 per cent of which were finalised within 30 days of receipt.

We continued our corrections program which entailed visiting all correctional centres in Queensland and considered, 1,069 complaints about corrections and parole related issues.

During the 2011-2012 financial year we delivered 162 training sessions to agencies on good decision-making, effective complaints management, administrative investigations and ethical decision-making.

Within these 162 sessions, 41 were held in regional Queensland in 10 locations outside of south-east Queensland, 108 were delivered to state agencies, 22 to local councils and a further 32 were held as open sessions. In all, over 2,800 officers were trained.

This financial year has been one of streamlining business practices and processes to improve timelines in responding to complaints.

The Strategic Review undertaken by Mr Henry Smerdon AM, provided an opportunity to reflect on the work of the Office for the past five years and consider options for the future. Many of the recommendations for the review have already been implemented, most particularly a restructure of the operations focussing on more efficient service delivery.

To improve capability and efficiencies in the Office a Registration and Preliminary Assessment Team was established, focusing purely on the initial intake and assessment of cases. The change has resulted in initial assessments being dealt with more efficiently, in shorter timeframes, and many matters completed within 24 hours of receipt in the Office.

One report was tabled in Parliament in 2011-2012:

- > *The Hendra Virus Report: An investigation into agency responses to Hendra virus incidents between January 2006 and December 2009.*

The Office continued to increase awareness and access to its services through regional awareness campaigns. We also introduced a new electronic newsletter, *Community Perspective*, to provide information and advice to staff and volunteers of community organisations and officers in state and local government agencies. This brings to five the number of newsletters published to specific target audiences on a regular basis.

We also continued our joint awareness activities with other independent agencies targeting multicultural communities, Aboriginal people and Torres Strait Islanders, to communicate the message *'It's OK to complain'*. Activities included the continued sponsorship of a joint web portal and participating in community events specifically designed for Indigenous communities.

Finally, I would like to thank all Queensland Ombudsman staff who continue to strive for excellence with their unwavering dedication and commitment to serving the Queensland community. They are the embodiment of our core values of fairness, independence and integrity and their continuing hard work ensures we continue to achieve our objectives and meet the needs of the entire Queensland community.


Phil Clarke
Queensland Ombudsman

OVERVIEW

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

The majority of investigations undertaken arise from complaints received, but the Queensland Ombudsman may also conduct investigations on his own initiative.

This report:

- > informs stakeholders about the Queensland Ombudsman's activities and achievements for the 2011-2012 financial year
- > reports on performance against the objectives set out in the *Strategic Plan 2011-2016*
- > includes case studies which illustrate some of the complaints dealt with over the past year and the positive impact our recommendations have had
- > outlines financial and non-financial performance for the 2011-2012 financial year
- > satisfies the legislative requirements of the *Ombudsman Act 2001*, the *Financial Accountability Act 2009* and other relevant government standards.

Additional information is available online at www.ombudsman.qld.gov.au as follows:

- > Appendix 2 Statistical report 2011-2012
- > Appendix 3 Training: Improving public administration
- > Appendix 4 Right to Information / Information Privacy and Public Interest Disclosures
- > Appendix 5 Complaints management system (CMS), complaints reporting and analysis
- > Appendix 6 Overseas travel, Purchasing and shared service provision
- > Appendix 7 Energy consumption and Environmental initiatives
- > Appendix 8 Information and record-keeping
- > Appendix 9 Initiatives for women and *Carers (Recognition) Act 2008*.

THE OMBUDSMAN'S ROLE

The Queensland 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 Queensland Ombudsman investigates complaints, conducts training and audits, provides administrative improvement advice and recommends systemic change.

The Ombudsman's role

The Queensland 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; and
- > to help agencies improve their decision-making and administrative practice.

Jurisdiction

The Queensland Ombudsman can investigate complaints about the decisions of:

- > state government agencies
- > local councils
- > state funded universities.

Many complaints received by the Queensland Ombudsman are outside this jurisdiction and may therefore be referred to other agencies.

The Queensland 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.

Free, fair and independent

The Queensland Ombudsman answers to the Parliament through the Legal Affairs and Community Safety Committee, rather than to the Government of the day. This allows the Ombudsman to be completely independent in deciding what to investigate and how each investigation will be undertaken.

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 Queensland Ombudsman for investigation.

Making a difference

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

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

Our Vision

Excellence in public sector decision-making and administrative practice.

Our Mission

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.

Challenges

The number of matters assessed as out of jurisdiction continues to increase significantly. Maximizing efficiency in dealing with these matters in a professional manner continues to be a key challenge.

Queensland is a large, decentralised state with significant populations in regional centres and in rural and remote communities. With the Queensland Ombudsman based in Brisbane, the challenge will be to ensure that people from across the state have free and convenient access to services. Indigenous communities, people from culturally and linguistically diverse backgrounds also require a particular focus to ensure they have equal access to our services.

Opportunities

Increasing community awareness of agency accountability presents the Queensland Ombudsman with an opportunity to converse with all sectors of the Queensland community. This is vital to ensure the people of Queensland are aware of our role and are able to contact us to complain.

Implementation of recommendations contained in the Strategic Review of the Office of the Queensland Ombudsman Report will provide an opportunity to improve both the efficiency and effectiveness of our operations in future years.

Strategic risks

The Queensland Ombudsman is responsible for delivering information and services to all regions of Queensland and to all sectors of the community. As demand continues to grow, providing equitable and accessible service will be a critical issue. Maintaining the Office's reputation for independence and impartiality, utilising resources efficiently and enhancing Office capability in providing equitable and accessible services are other critical risks.

PERFORMANCE SNAPSHOT

The objectives, strategies and performance indicators shown here are drawn from the *Queensland Ombudsman Strategic Plan 2011-2016*.

Some performance indicators are also Service Delivery Statement measures.

Objective 1	Strategies	Key performance indicators
Promote administrative justice by providing an independent, fair and effective investigative service	Maintain an efficient and timely complaints management service	Finalised 90% of complaints within 30 days Finalised 99% of complaints within 12 months One complaint was open at 30 June 2012 that was more than 12 months old Early intervention was used in 96% of complaints
	Conduct our focus on using informal resolution processes	Finalised 99% of complaints using informal resolution processes
	Conduct high quality investigations of complaints	Achieved a positive outcome for the complainant in 32% of complaints
	Make recommendations to rectify the effect of maladministration on complaints	All direct benefit investigative recommendations accepted by agencies ²

² For recommendations where a response had been received on or before 30 June 2012.

Objective 2	Strategies	Key performance indicators
Contribute to improving the quality of administrative practice in Queensland public sector agencies	Monitor the effectiveness of agencies' internal complaints management systems	Finalised two operational audits of complaints management systems
	Provide training programs on good administrative practice	Delivered 162 training sessions to over 2,800 public sector officers on good decision-making, complaints management and ethics 96% of participants reported that training would assist them in their work
	Based on our investigations, including own initiative investigations of systemic issues, make recommendations to improve administrative practice based on our investigations and administrative reviews	96% of investigative recommendations accepted by agencies ³ All 72 audit recommendations addressing systemic issues and were accepted by agencies ⁴
	Provide advice to agencies to encourage good administrative practice	Produced a total of 12 editions of four newsletters (<i>State Perspective; Local Perspective, Legal Perspective; Corrections Perspective</i>), plus first edition of <i>Community Perspective</i> More than 3,000 newsletter subscribers
	Provide reports to Parliament highlighting significant deficiencies in administrative practice	The Hendra Virus report tabled in Parliament

Objective 3	Strategies	Key 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 our role	Continued to promote the joint complaints website, <i>It's OK to complain</i> Conducted media campaigns to increase community awareness and understanding 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	7,338 contacts received by email or via the Ombudsman website (34% of all complaints) 62% of complaints received from outside Brisbane 49% of complaints about Queensland Corrective Services and Queensland Parole Board made via the Prisoner PhoneLink Made 61 visits to regional Queensland to investigate complaints, inspect correctional centres and provide training to state and local government officers

Objective 4	Strategies	Key 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
	Develop and maintain a skilled workforce	Expended 1.7% of the employee salaries budget on staff 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 Commenced implementation of recommendations in Strategic Management Review
	Provide staff with appropriate resources to deliver high quality services	Updated the case management system

³ For recommendations where a response had been received on or before 30 June 2012.

⁴ For recommendations where a response had been received on or before 30 June 2012.

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).

Table 1: Performance Measures

	Notes	2011/12 Target/est.	2011/12 Actual	2012/13 Target/est.
Service standards				
Proportion of complaints investigated where a positive outcome was achieved for the complainant	1	40%	32%	40%
Proportion of complaints resolved informally		95%	99%	95%
Proportion of complaints where early intervention occurred		90%	96%	90%
Proportion of recommendations accepted by agencies	2	90%	96%	90%
Complaints finalised		8,000	8,648	8,000
Inquiries finalised	3	600	771	600
Referrals finalised	4	9,500	12,121	9,500
Review requests finalised		50	42	50
Total matters finalised	5	18,150	21,582	18,150
Proportion of complaints finalised within 12 months of lodgement		95%	99%	95%
Proportion of open complaints at the end of each reporting period that are more than 12 months old	6	5%	0%	5%
Number of visits to regional centres to undertake investigations, visit correctional centres or provide training	7	50	61	50
Proportion of complaints received from outside of Brisbane		65%	62%	65%
Number of administrative improvement training sessions delivered	8	100	162	100
State contribution (\$000)		7,094	6,954	7,283
Other revenue (\$000)		200	200	280
Total cost (\$000)		7,294	7,154	7,563

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. Changes in business practices have impacted on results as cases are directed to agencies for handling in accordance with their complaints management system before consideration by the Office. This has reduced the number of cases involving the Office as complainants are addressing the issue directly with the relevant agency.
2. Proportion of recommendations for improvements to administrative practice or to rectify unfairness to individual complainants accepted by agencies. Wording was amended to accurately reflect what is currently being measured. The calculation methodology has not changed.
3. An inquiry is a contact where the person seeks information or assistance but does not make a specific complaint.
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. All complaints, referrals, inquiries, review requests and public interest disclosures finalised within a specific reporting period.
6. Only one case older than 12 months out of a total of 8,648 was open on 30 June 2012.
7. Regional centres are defined as outside of south-east Queensland metropolitan area. Regional centre visits increased due to an increased number of training sessions and other investigative activity.
8. The increase in training sessions is attributed to the continuing popularity of the new training programs (Your Ethical Compass: ethical decision-making for SES and SO officers) introduced in 2010-2011.

Objective 1:

Promoting administrative justice by providing an independent, fair and effective investigative service

OVERVIEW

This section focuses on the performance of the Office in dealing with complaints during 2011-2012. Individual sections dedicated to state government agencies, Queensland Corrective Services (QCS) and Queensland Parole Board (QPB), local government, and universities follow. A comprehensive statistical report, including trends is outlined in Appendix 2 available at www.ombudsman.qld.gov.au.

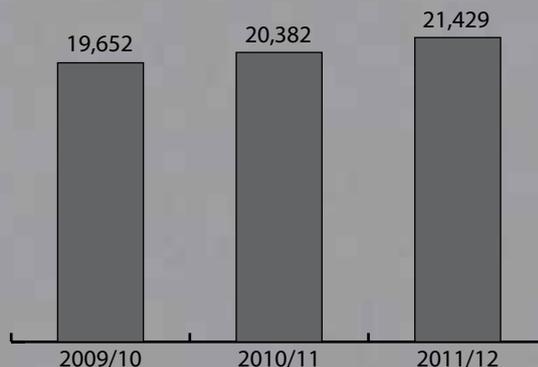
CONTACT WITH THE OMBUDSMAN'S OFFICE

In 2011-2012, 21,429 contacts were received by the Office, an increase of five per cent on the previous year and a continuation of the growth trend.

These included:

- > 8,466 as complaints, up one per cent from 8,354 in 2010-2011
- > 12,122 outside of jurisdiction⁵ up eight per cent from 11,245 in 2010-2011
- > 767 inquiries for advice or assistance, eight per cent higher than 2010-2011
- > 50 requests for a review of an Ombudsman's decision, the same as 2010-2011
- > 24 public interest disclosures (PIDs), up from 17 in 2010-2011.

Figure 1: Contact with the Ombudsman's Office



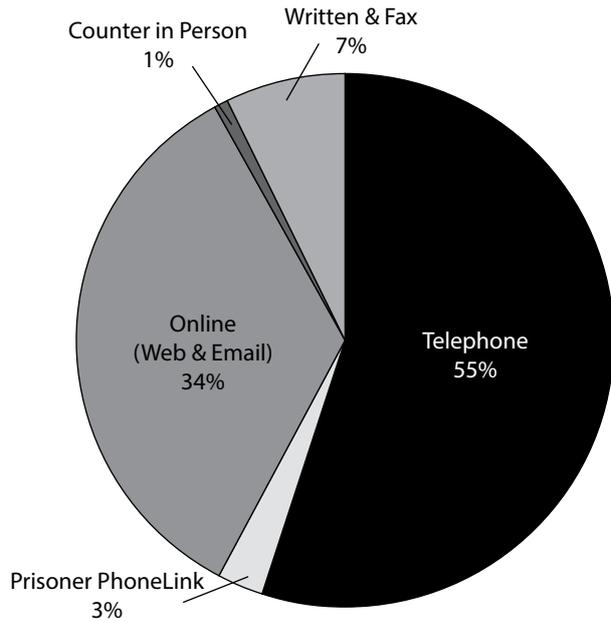
⁵ During 2012 the Office re-evaluated the way matters were assessed and introduced a process to simplify reporting and improve efficiency in managing increasing workloads. This changed the way in which out of jurisdiction contacts were recorded from 2 April 2012. Further details are provided in Appendix 1.

HOW MATTERS WERE RECEIVED

Telephone contact continues to be the preferred means of communicating with the Office with 11,778 contacts (55 per cent of all contacts) lodged via telephone in 2011-2012 and a further 710 contacts (three per cent) lodged via the Prisoner PhoneLink service. The number of contacts received via telephone, declined by one per cent from the previous year.

In 2011-2012, 7,338 contacts (34 per cent of contacts) were received by email or an online complaint form, an increase of 17 per cent on the previous year.

Figure 2: Type of contact

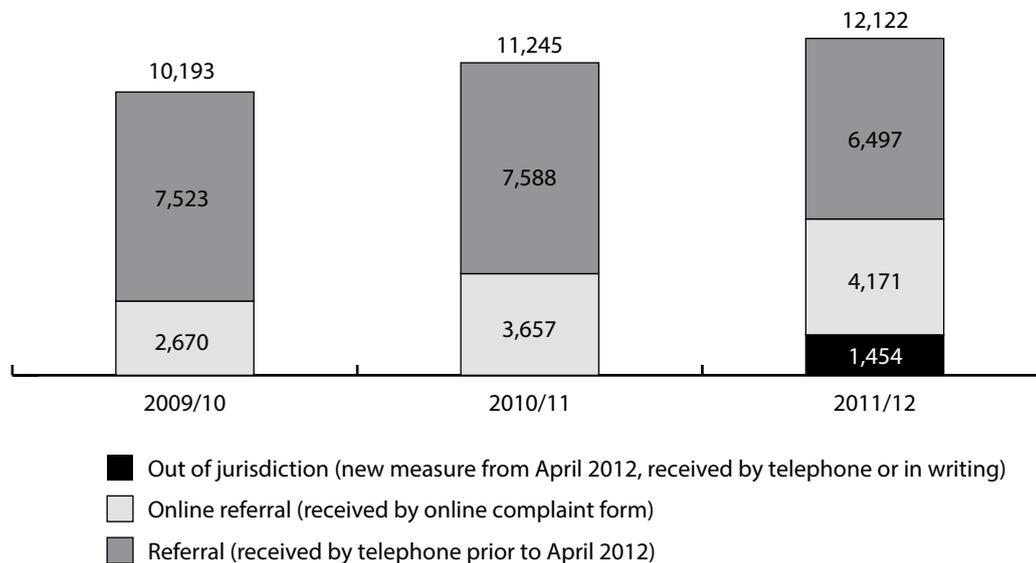


OUT OF JURISDICTION⁶

Of the contacts received, the Office assessed 12,122 contacts as out of jurisdiction in 2011-2012, a growth of eight per cent from 2010-2011 and constituting 57 per cent of all contact.

The number of contacts assessed as out of jurisdiction continues to increase, particularly via the online complaint form. Maximizing efficiency in dealing with these matters in a professional manner continues to be a key challenge.

Figure 3: Matters assessed as out of jurisdiction and appropriately referred

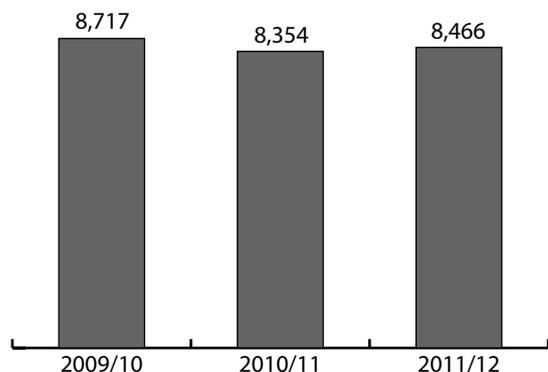


⁶ During 2012 the Office re-evaluated the way matters were assessed and introduced a process to simplify reporting and improve efficiency in managing increasing workloads. This changed the way in which out of jurisdiction contacts were recorded from 2 April 2012. Further details are provided in Appendix 1.

HOW COMPLAINTS WERE RECEIVED

The Office received 8,466 complaints during 2011-2012, an increase of one per cent on 2010-2011. The reporting changes that took effect on 2 April 2012 removed out of jurisdiction matters received by letter, email or fax from complaints in order to provide consistency across out of jurisdiction matters. On a like for like basis with 2010-2011, the Office would have received 9,920 complaints in 2011-2012, a rather more significant increase of 19 per cent.

Figure 4: Complaints received



COMPLAINTS BROUGHT FORWARD

Each year the Office carries forward open complaints from the previous year. On 1 July 2011, 368 complaints were open. At 30 June 2012, 186 complaints remained open. The significant improvement in the closure of complaints was due to business processes implemented during the year.

Table 2: Complaints finalised

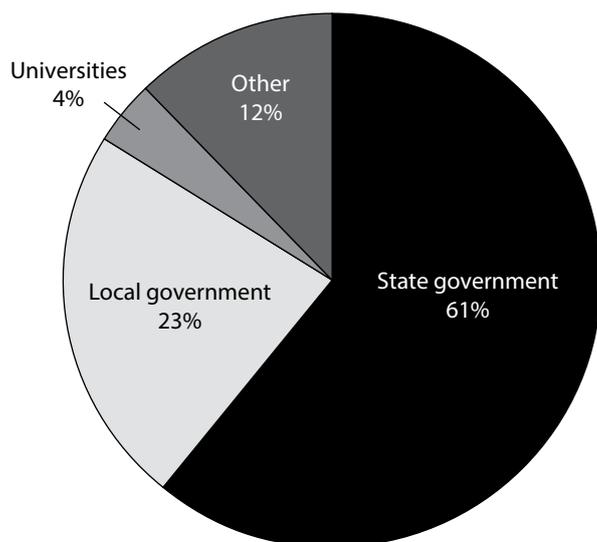
	2009/10	2010/11 ⁷	2011/12
Complaints finalised	8,708	8,278	8,648
Complaints open at 30 June	295	368	186
%	3.3%	4.4%	2.1%

COMPLAINTS RECEIVED BY AGENCY TYPE

Of the 8,466 complaints:

- > 61% were about state government agencies
- > 23% were about local government
- > 12% were about other authorities including SEQ water retailers, statutory bodies, water boards and Queensland police.
- > 4% were about universities.

Figure 5: Complaints received by agency type



State government agencies account for an increasing proportion of complaints, at 61 per cent in 2011-2012, up from 55 per cent in 2010-2011.

Complaints about local governments continue to trend down. The eight per cent decline in local government complaints is partly driven by the shift in jurisdiction over residential water and wastewater complaints to the Energy and Water Ombudsman Queensland (EWOQ) in January 2011. Experience also suggests that complaints relating to local government matters decline during election years when people are more likely to take complaints directly to their local councillors.

Although university complaints remain low they have grown by 23 per cent from 2010-2011. As in previous years, this growth is driven by the requirements contained in the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* and by the continued awareness building of the Office through attendance at university open days.

Table 3: Complaints received by agency type

	2009/10	2010/11	2011/12	% change from 2010/11 to 2011/12
State government agencies	5,099	4,587	5,195	13%
Local government	2,275	2,126	1,967	-8%
Universities	262	270	333	23%
Other	1,081	1,371	971	-29%
Total	8,717	8,354	8,466	

The 'Other' sector has declined by 29 per cent in 2011-2012. This area previously included complaints about SEQ water retailers which have decreased significantly as these complaints are now handled by EWOQ. The top two entities in the 'Other' sector were SEQ water retailers and Queensland Police.

⁷ The number of open complaints has been revised from the 371 reported in the 2010-2011 annual report. Validation of open matters reduced the number by three.

MANAGING COMPLAINTS

Each complaint received is initially subject to a preliminary assessment to ensure it is within jurisdiction and meets other criteria for consideration. If a decision cannot be reached through the initial assessment a preliminary inquiry will be undertaken. This involves obtaining basic information from the relevant agency or other sources.

In more complex cases a more comprehensive investigation is undertaken, including formal interviews with agency officers or seeking formal written responses from the agency involved. Where systemic maladministration is suspected major investigations are undertaken. These tend to require significant time and resources.

Most complaints are finalised informally, either through straightforward inquiries with the relevant agency and/or by negotiating with the parties involved.

Table 4: Methods adopted in finalising complaints⁸

	2009/10	2010/11	2011/12	%
Assessment	6,842	6,743	7,400	86%
Preliminary inquiry	421	428	380	4%
Informal investigation	1,377	1,055	797	9%
Standard investigation	65	51	70	<1%
Major investigation	3	1	1	<1%
Total	8,708	8,278	8,648	

TIME TAKEN TO FINALISE COMPLAINTS

The time taken to finalise a complaint is dependent upon many factors such as the complexity of the matter, the level of investigation required or the number of agencies involved. The Office uses the measure of time to finalise complaints as a key performance indicator.

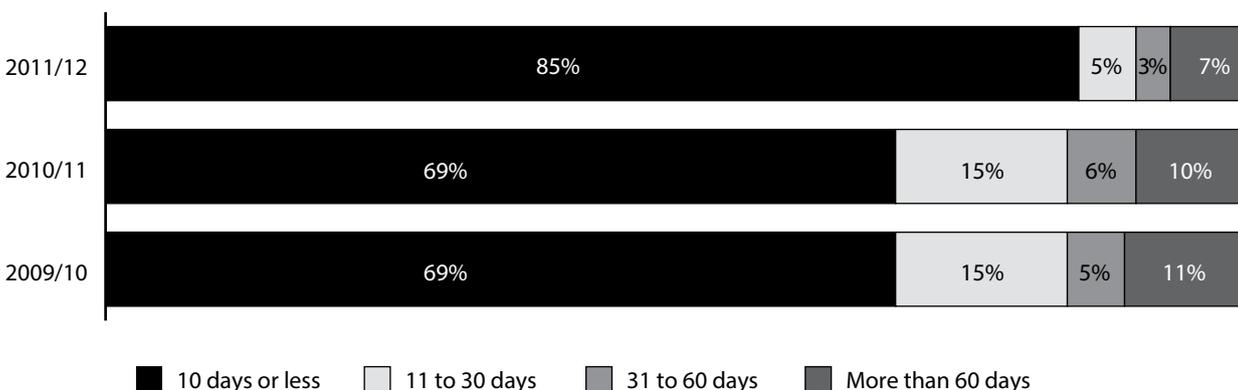
In 2011-2012, the Office finalised 8,648 complaints, an increase of five per cent from 2010-2011. In May 2012, the restructure of the Office created a new team focused on complaints intake and assessment and consolidated investigation teams into a single unit. This change has resulted in initial assessments being dealt with more efficiently with shorter timeframes.

In 2011-2012:

- > 85% of complaints were finalised in 10 days or less (69% in 2010-2011)
- > 90% of complaints were finalised in 30 days or less (84% in 2010-2011)
- > 99% of complaints were finalised in less than 12 months (99% in 2010-2011).

At 30 June 2012, 186 complaints remained open (368 in 2010-2011; 295 in 2009-2010). Of these, 35 per cent (66 complaints) were matters received within the last 30 days of the financial year. One complaint over 365 days remained open. The investigation of that complaint is awaiting final advice from a local council on the progress of recommended actions.

Figure 6: Time taken to finalise complaints



⁸ Finalised complaints includes those carried forward from the previous financial year, and will not match complaints received.

COMPLAINT OUTCOMES

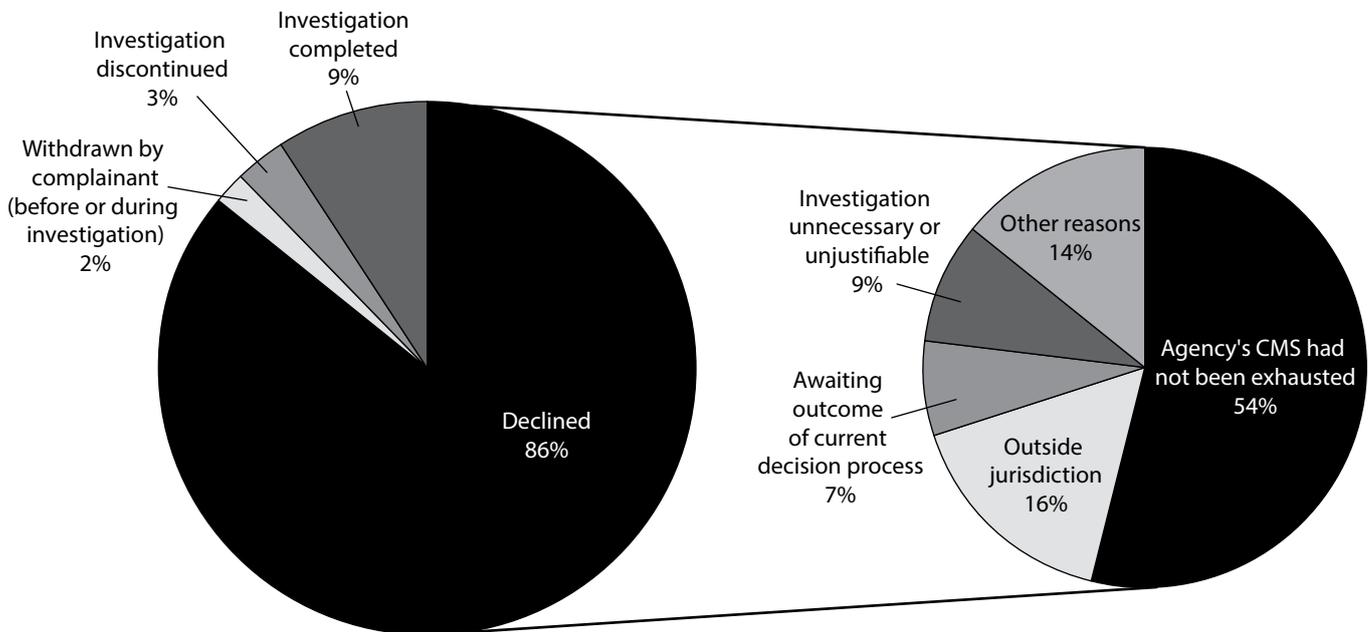
This year 7,477 complaints (86 per cent of total complaints finalised) were declined. Of these complaints:

- > 4,014 (54 per cent) were declined because the complainant had not exhausted the agency's internal complaints management system (CMS) before contacting the Office. In these cases the Office provides advice and assistance to complainants to refer matters to the agencies.
- > 1,713 (23 per cent) were declined for other reasons, including the investigation being considered unnecessary or unjustifiable (nine per cent), other appeal rights were available and had not been exhausted (four per cent), that the complaint needed to provide a written complaint to avoid misunderstandings (five per cent), or that another complaints entity had or would investigate the complaint to at least an equivalent standard as the Ombudsman would otherwise investigate (two per cent) and the remaining three per cent due to other reasons including insufficient direct interest, out of time or trivial.

- > 1,206 (16 per cent) upon further consideration were assessed as being outside the Queensland Ombudsman's jurisdiction, for example, the matters related to Commonwealth government agencies, private organisations, police operational matters or neighbourhood disputes.
- > 544 (seven per cent) were declined as the complaint remained subject to a decision-making process of an agency that was not complete.

In addition to the Office declining complaints, 129 were withdrawn by the complainant, either before an investigation began (117 complaints), or during an investigation (12 complaints).

Figure 7: Complaint outcomes



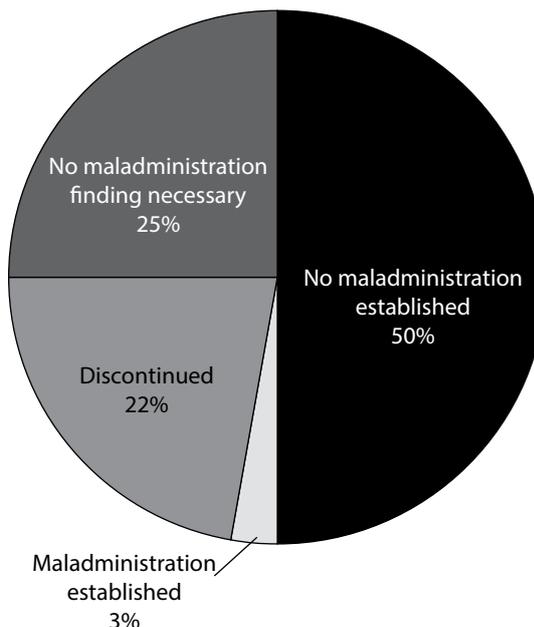
INVESTIGATION OUTCOMES

The Office undertook 1,044 investigations (12 per cent of total complaints finalised). Some form of maladministration was identified in 36 cases (three per cent of investigations). Of these, the Queensland Ombudsman concluded that:

- > the agency's decision or action was unreasonable, unjust, oppressive or improperly discriminatory in 26 complaints
- > reasons were not provided or were inadequate in five complaints
- > an agency's decision or action was 'wrong' or contrary to law in five complaints.

In 263 cases (25 per cent of all investigations), no finding by the Office was necessary as the agency agreed to totally or partially address the issue of concern or provided a satisfactory explanation for their decision or action. In 519 cases (50 per cent of investigations) no maladministration was identified. The remainder of cases (226 cases or 22 per cent of investigations) were discontinued on the basis that further investigation was unnecessary or unjustifiable under Section 23 of the *Ombudsman Act 2001*.

Figure 8: Investigation outcomes



RECOMMENDATIONS MADE AS A RESULT OF INVESTIGATIONS

Recommendations made by the Ombudsman can be divided into those of direct benefit, that produce a positive outcome for an individual complainant, or systemic recommendations that address faults with policies, procedures or practices in place in an agency.

The Queensland Ombudsman made 11 direct benefit recommendations and 128 systemic recommendations during 2011-2012. As in previous years, the majority (82 recommendations or 58 per cent of the total) identified improvements to agencies' policies or procedures, 14 recommendations to give better explanations or reasons and 14 recommendations that an agency follow a policy or procedure.

During 2011-2012, the Queensland Ombudsman made a change to the way recommendations are drafted. This resulted in fewer but more comprehensive recommendations being issued.

Figure 9: Recommendations made as a result of investigations

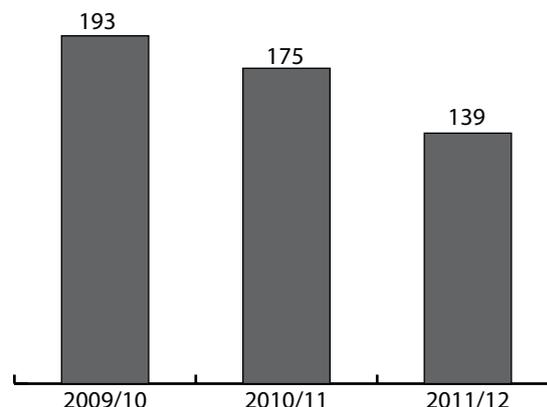


Table 5: Types of investigative recommendations made to agencies

	2009/10	2010/11	2011/12	% Contribution
Improve policy or procedure	107	105	82	59%
Follow policy or procedure	21	14	14	10%
Change decision	20	10	5	3.5%
Financial remedy	13	5	5	3.5%
Expedite action	10	4	6	4%
Review decision	7	1	4	3%
Provide training	6	7	7	5%
Admit error or apologise	4	12	2	2%
Give better explanation or reasons	4	15	14	10%
Explanation given by agency	1	2	0	-
Total	193	175	139	

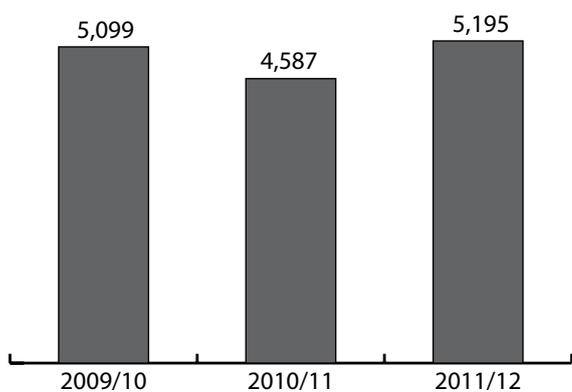
While the Ombudsman does not have the power to make binding orders like a court or tribunal, agencies generally accept our recommendations. In 2011-2012, where a response was received from an agency by 30 June 2012, 96 per cent of recommendations were accepted.

State government

The Queensland Ombudsman investigates complaints about the decisions of state government agencies and works with them to improve decision-making.

COMPLAINTS RECEIVED ABOUT STATE GOVERNMENT AGENCIES

Figure 10: Complaints received about state government agencies



Matters dealt with by the Office

- > finalised 5,257 complaints
- > completed 615 investigations
- > made 112 recommendations to state government agencies.

In 2011-2012, the Office received 5,195 complaints about state government agencies, an increase of 13 per cent from the previous year. Most complaints were received in relation to:

- > Department of Community Safety⁹ (1,106 complaints)
- > Department of Communities (889 complaints)
- > Department of Transport and Main Roads (658 complaints)
- > Department of Education and Training (431 complaints)
- > Department of Justice and Attorney General (378 complaints)
- > Queensland Health (351 complaints).

⁹ The State Government total of 5,195 complaints includes 1,069 complaints for Queensland Corrective Services (QCS) and the Queensland Parole Board (QPB) which are part of the Department of Community Safety. Further information on QCS and QPB are outlined in the next section.

Table 6: Complaints received about state government agencies¹⁰

Department and business unit	2009/10		2010/11		2011/12		% change
Department of Communities	1,046		898		889		-1%
Child Safety Services		458		406		330	
Housing and Homelessness Services		437		388		448	
Disability and Community Care Services		45		40		57	
Other business units/service areas		106		64		54	
Department of Community Safety	1,185		961		1,106		15%
Queensland Corrective Services		953		770		803	
Queensland Parole Board		190		173		266	
Emergency Services		42		18		37	
Department of Education and Training	293		310		431		39%
Education Queensland		232		259		361	
TAFE Queensland		44		44		59	
Other business units/service areas		17		7		11	
Department of Employment, Economic Development and Innovation ¹¹ (DEEDI)	168		46		76		65%
Primary Industry and Fisheries		40		18		25	
Mines and Energy		26		11		21	
Other business units/service areas		16		17		30	
Liquor, Gaming and Fair Trading (LGFT) ¹¹		86					
Department of Environment and Resource Management	193		173		117		-32%
Natural resources and water		123		166		109	
Other business units/service areas		70		7		8	
Department of Justice and Attorney-General ^{11 & 12}	273		326		378		16%
State Penalties Enforcement Registry		78		75		108	
Liquor, Gaming and Fair Trading (LGFT) ^{11 & 12}				73		80	
Queensland Civil and Administrative Tribunal		30		55		72	
Queensland Courts		53		48		35	
Fair and Safe Work Queensland		29		18		21	
Other business units/service areas ¹²		83		57		62	
Queensland Health	391		298		351		18%
Queensland Health		391		279		340	
Other business units				19		11	
Department of Local Government and Planning	35		20		22		10%
Queensland Police Service	229		146		140		-4%
Department of the Premier and Cabinet	29		38		25		-34%
Premier and Cabinet		23		30		18	
Arts Queensland		6		8		7	
Department of Public Works	140		106		115		8%
Queensland Building Services Authority		113		83		79	
Public Works		8		15		27	
QBuild		7		5		8	
Other business units/service areas		12		3		1	
Department of Transport and Main Roads	514		606		658		9%
Transport		352		322		432	
Main Roads		162		284		226	
Queensland Treasury	81		74		76		3%
Office of State Revenue		68		65		69	
Government Superannuation Office		8		5		3	
Queensland Treasury		2		4		3	
Other business units/service areas		3				1	

¹⁰ Names of state government agencies in the above table have changed since the machinery of government changes in March 2012.

¹¹ LGFT moved from the Department of Employment, Economic Development and Innovation (DEEDI) to Department of Justice and Attorney-General (DJAG) in February 2011. Complaints are shown for the full financial year, 2010-2011.

¹² The 2010-2011 Annual Report contained an error in relation to the number of complaints received about LGFT and Other business units within the DJAG in FY 2010-2011 which has been corrected in the above table. In FY 2010-2011, 73 complaints were received about LGFT (85 complaints were previously reported) and 57 complaints were received about Other business units (69 complaints were previously reported). The total number of complaints received for DJAG remains the same.

Table 7: Complaints received about statutory bodies

Agency	2009/10	2010/11	2011/12	% change
Public Trustee	161	170	196	15%
WorkCover Queensland	104	113	119	5%
Legal Aid Queensland	138	106	102	-4%
Health Quality and Complaints Commission	81	64	90	41%
Adult Guardian	33	44	46	4%
Commission for Children and Young People and Child Guardian	20	41	20	-51.2%
Legal Services Commission	38	20	49	145%
Q-COMP	22	11	25	127%
Queensland Anti-Discrimination Commission	11	6	9	50%
Crime and Misconduct Commission	5	6	5	-17%
Office of the Information Commissioner	2	2	6	200%

COMPLAINT OUTCOMES

The Office finalised 5,257 complaints about state government agencies,¹³ of which:

- > 4,555 complaints were declined (87 per cent of total state government agency complaints), primarily due to the complainant not fully utilising the appropriate agency's internal CMS before approaching the Office for assistance
- > 87 were withdrawn (two per cent of total state government agency complaints).

INVESTIGATION OUTCOMES

The Office completed 615 investigations including 209 investigations relating to QCS and QPB which is covered in the next section. In 230 cases, no maladministration finding was necessary as the issues were addressed by the agency through an explanation of a decision or satisfactory action. No maladministration was established in 228 cases and maladministration was established in 18 cases. The remaining 139 investigations were discontinued because the investigations revealed after enquiries undertaken by the Office found that the continuation of the investigation was not warranted.

For the major complaint generating state agencies (other than QCS and QPB):

- > 40 investigations were completed in relation to Department of Communities (Child Safety Services (5 investigations) and Housing and Homelessness Services (35 investigations)). No maladministration was identified in 24 cases. Maladministration was established in two cases, no maladministration finding necessary in 10 cases and four investigations discontinued
- > 32 investigations were completed in relation to the Department of Transport and Main Roads. No maladministration finding was necessary in nine cases, with no maladministration identified in 19 cases and four cases discontinued
- > 40 investigations were completed in relation to the Department of Education and Training with maladministration established in one case, no maladministration finding necessary in 12 cases, no maladministration identified in 24 cases and three cases discontinued
- > 22 investigations were completed in relation to Queensland Health with no maladministration finding necessary in six cases, no maladministration identified in five cases and 11 cases discontinued.

RECOMMENDATIONS MADE AS A RESULT OF INVESTIGATIONS

A total of 100 recommendations were made to state government agencies (excluding Queensland Corrective Services and Queensland Parole Board). Of these, four were of direct benefit to individual complainants and 93 related to systemic improvements. Some of the recommendations to state government agencies included:

Direct benefit

- > obtaining legal advice to support a decision whether complainants were employees and covered by an industrial award or not
- > that a complainant's response to an investigation report be attached to the report
- > that an agency properly and fully brief its Minister so that the Minister may make an informed decision about retrospective refunds.

Systemic

- > that an agency ensure that it communicates approval and cancellation decisions to its clients and in particular, that written notification of any conditions attached to approvals be provided
- > that an agency review how it records and maintains interview records concerning an accreditation process.

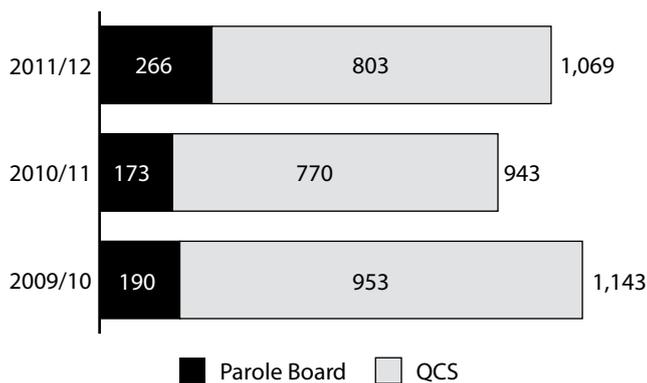
¹³ State government agency complaints of 5,257 includes 1,083 complaints about QCS and QPB.

Queensland Corrective Services & Queensland Parole Board

In an effort to ensure fair treatment for prisoners, Ombudsman officers visit every correctional centre in Queensland annually.

COMPLAINTS RECEIVED ABOUT QUEENSLAND CORRECTIVE SERVICES (QCS) & QUEENSLAND PAROLE BOARD (QPB)

Figure 11: Complaints received about QCS and QPB



Matters dealt with by the Office

- > visited every correctional centre in Queensland at least once
- > finalised 1,083 complaints including 273 investigations
- > made 14 recommendations to QCS or QPB.

The Office received a total of 1,069 complaints about QCS and the QPB in 2011-2012, an increase of 13 per cent on 2010-2011 mainly consisting of a significant increase of 53 per cent in complaints received about the QPB.

The majority of complaints about QCS in 2011-2012 continue to relate to offender management (376 complaints or 47% of QCS complaints received), and prisoner services (177 complaints or 22% of complaints received). Offender management issues include matters such as the assessment process undertaken by correctional centres for parole applications (111 complaints) or the transfer of prisoners between correctional centres (49 complaints). Prisoner services issues include access to or loss of property (35 complaints) or communication issues such as access to telephones (24 complaints) or the opening of privileged mail (23 complaints).

Table 8: QCS complaint breakdown

	2009/10	2010/11	2011/12	%
Offender management	480	407	376	47%
Prisoner Services	206	150	177	22%
Safety & Security	132	84	81	10%
Conduct – Staff	43	44	43	5%
Incident Management	23	33	25	3%
Complaint Management	11	17	43	5%
Health & Medical	36	10	27	3%
Legal	9	16	5	<1%
Industrial Relations – Staff	11	8	10	1%
Operational Support Services	2	0	3	<1%
Communication	0	0	0	<1%
Investigation	0	0	3	<1%
Internal Review	0	1	10	1%
Total	953	770	803	

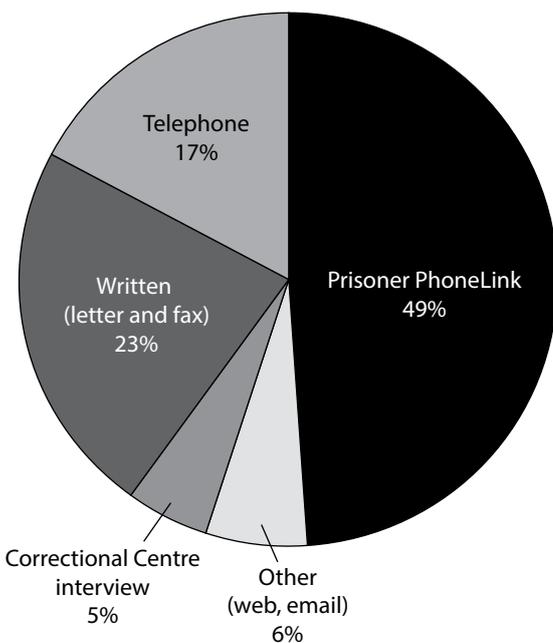
TYPE OF CONTACT FOR QCS AND QPB COMPLAINTS

QUEENSLAND OMBUDSMAN CORRECTIONAL CENTRE VISITS PROGRAM

With the assistance of QCS, a free and confidential telephone service to the Queensland Ombudsman is provided for prisoners. This Prisoner PhoneLink service is available at every Queensland correctional centre and is particularly useful for prisoners with limited literacy skills.

The Prisoner PhoneLink continued to be the dominant type of contact for complaints in 2011-2012 with 49 per cent of complaints about QCS and QPB received in this way. The Office general telephone service was used for 17 per cent of complaints, while 23 per cent of complaints arrived by letter or fax.

Figure 12: Type of contact for QCS and QPB complaints



Queensland Ombudsman officers visit all Queensland correctional centres at least once a year to ensure prisoners are aware of our services, to investigate and resolve complaints, to provide information or advice to centre management and to monitor the complaint management systems in place.

In 2011-2012, the Office correctional visits program has been adapted in consideration of the Breach of Discipline Compliance Review undertaken by the Office of the Chief Inspector of QCS in 2011. While the review identified significant improvement in the way QCS officers undertook breach hearings, practices were variable across centres.

As a result of these findings, the correctional visits program now includes a review of a random selection of breaches by way of viewing recorded breach hearings and checking breach documentation.

INVESTIGATION OUTCOMES

The Office finalised 1,083 complaints in 2011-2012 in relation to QCS and QPB. Of these, 273 investigations were undertaken.

From the investigations undertaken:

- > 209 investigations were completed in relation to QCS. Maladministration was identified in 10 cases, no maladministration finding was necessary in 112 cases, no maladministration was established in 24 cases and 63 investigations were discontinued
- > 64 investigations were completed in relation to QPB. No maladministration was established and no maladministration finding was necessary in 43 cases, and 21 cases were discontinued.

RECOMMENDATIONS MADE AS A RESULT OF INVESTIGATIONS

In 2011-2012, the Ombudsman made 12 recommendations to QCS, of which nine were systemic recommendations, intended to improve QCS' processes and procedures, and three were of direct benefit to the complainant. Two systemic recommendations were made to QPB.

Direct benefit recommendations included:

- > reasons for decision be provided concerning the refusal to waive a requirement relating to ongoing employment of a correctional officer
- > documents relating to a prisoner placed on the file of another prisoner by mistake be removed with an appropriate notation on the file concerning the removal

Systemic recommendations included:

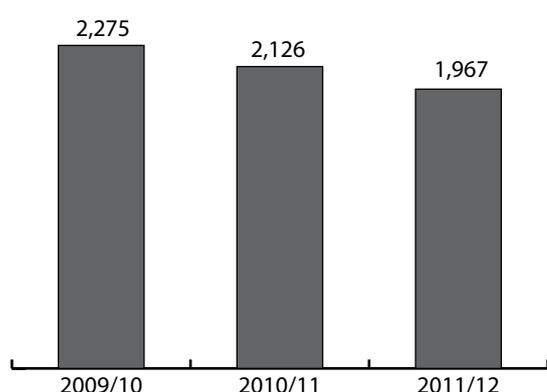
- > reviewing the prisoner induction handbooks to ensure accurate information is provided to prisoners concerning the parole process
- > prisoners being informed of the reasons for separate confinement and where possible, that a copy of the safety order relating to the confinement be provided
- > an improvement to the Integrated Offender Management System concerning the selection of breaches available to officers
- > processes be improved to ensure that it is recorded that a parole board has received and considered a victim's submission when determining parole applications
- > amending a procedure to include the legislative requirement for prisoners who are subject to separate confinement to receive at least two hours of daily access to open air.

Local government

The Queensland Ombudsman investigates complaints about local government and supports councils through training and audits to ensure the community receives fair and timely decisions.

COMPLAINTS RECEIVED ABOUT LOCAL GOVERNMENT

Figure 13: Complaints received about local government



In 2011-2012, the Office received 1,967 complaints about local councils, an eight per cent decrease on the previous year, attributable to:

- > water complaints from residential customers now being handled by the EWOQ
- > a significant decline in complaints relating to rates and valuations.

Experience also suggests that complaints relating to local government issues decline during election years when people are more likely to take complaints directly to their local councillors.

The Office finalised 2,053 complaints related to local government, 23 per cent related to council enforcement of local laws (467 complaints), 14 per cent related to development and building controls (287 complaints), nine per cent related to rates or valuations (194 complaints), while roads and environmental management each accounted for seven per cent of complaints (149 and 143 complaints respectively).

Matters dealt with by the Office

- > finalised 2,053 complaints
- > completed 245 investigations
- > made a total of 18 recommendations to seven different councils.

Table 9: Local government complaint breakdown

	2009/10	2010/11	2011/12	%
Laws and enforcement	520	472	467	23%
Development and building controls	358	283	287	14%
Rates and valuations	237	279	194	9%
Roads	155	153	149	7%
Environmental management	84	121	143	7%
Sewerage and drainage	143	121	112	5%
Water supply	114	107	0	<1%
Personnel	99	71	68	3%
Land use and planning	0	70	56	3%
Complaint handling	90	66	57	3%
Park and reserves	61	47	42	2%
Other issues	426	321	478	23%
Total	2,287	2,111	2,053	

INVESTIGATION OUTCOMES

Of the 2,053 local government complaints finalised in 2011-2012, 1,779 complaints were declined and 29 were withdrawn by the complainant. Of the 245 investigations undertaken, 68 complaints were discontinued after an investigation commenced.

Maladministration was identified in six complaints (two per cent of complaints investigated). In 16 complaints no maladministration finding was necessary as the council agreed to address the concerns or provided a satisfactory explanation for its decision or action (seven per cent of complaints investigated). In the remaining 155 complaints (63 per cent of complaints investigated), investigations identified no maladministration.

RECOMMENDATIONS MADE AS A RESULT OF INVESTIGATIONS

In 2011-2012, 18 recommendations were made to seven different councils. Seventeen recommendations addressed systemic issues and one recommendation was of direct benefit to the complainant.

Systemic recommendations to local councils included:

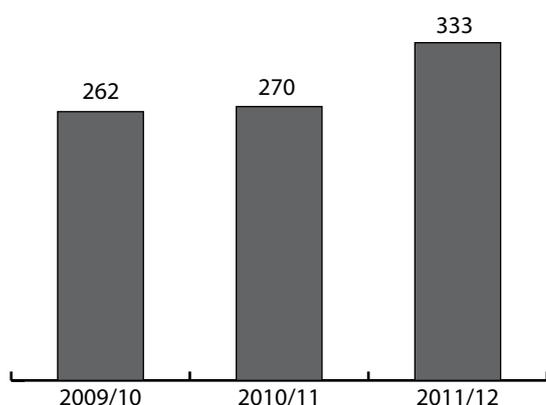
- > reviewing the fee for the lodgement of private building certifier documentation
- > seeking legal advice on compliance with the auction/tender requirements in the *Local Government Act 2009* for the disposal of an interest in land
- > ensuring that written agreements are in place with private landowners for all dams constructed by council on private land used for bushfire mitigation purposes
- > reviewing policies and procedures to ensure they clearly set out obligations on council officers to determine with certainty the date of commencement of approved uses of land where the commencement of the approved use triggers obligations on the applicant
- > reviewing council policies to make clear what is expected of a councillor in respect of the use of council facilities for communication of publicity material of a political nature.

Universities

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

COMPLAINTS RECEIVED ABOUT UNIVERSITIES

Figure 14: Complaints received about universities



Complaints about Queensland public universities continue to show growth. In 2011-2012, the Office received 333 complaints, an increase of 23 per cent on 2010-2011.

Matters dealt with by the Office

- > finalised 357 complaints
- > completed 159 investigations
- > made nine recommendations to universities.

The majority of the 333 complaints related to exclusion decisions, mainly from international students, where an exclusion for unsatisfactory progress or attendance may lead to a cancellation of a student visa (105 complaints or 32 per cent of the total). Other major categories included student grievance complaints concerning an action relating to a postgraduate or undergraduate program or course (75 complaints or 23 per cent of the total), complaint handling concerning the conduct or outcome of an appeal or internal review process (57 complaints or 17 per cent) and enrolment decisions (43 complaints or 13 per cent).

NATURE OF COMPLAINTS

The Office again received most complaints about Griffith University, the University of Queensland and Central Queensland University, which together accounted for 71 per cent of complaints during 2011-2012. Complaints about Griffith University however declined from 88 complaints in 2010-2011 to 78 complaints in 2011-2012 and complaints about Central Queensland University increased from 49 complaints in 2010-2011 to 79 complaints in 2011-2012. The Central Queensland University increase is due to more complaints being received about exclusion decisions.

Table 10: University complaint breakdowns¹⁴

	2010/11	2011/12	%
Exclusion	113	105	32%
Student grievance	39	75	23%
Complaint handling	49	57	17%
Enrolment	33	43	13%
Assessment	28	39	12%
Employee grievance	3	7	2%
Internal review	2	4	1%
Investigation	-	2	<1%
Unsatisfactory progress	-	1	<1%
Review	3		<1%
Total	270	333	

¹⁴ A comparison to 2009-2010 is not possible due to different outcome categories being used.

INVESTIGATION OUTCOMES

The Office finalised 357 complaints during the year. This included investigations of 159 complaints. Of the investigations completed maladministration was identified in seven complaints, 12 complaints were finalised either via intervention to rectify the problem or by providing the complainant with information to address their concerns, no maladministration was established in 121 complaints and 19 investigations were discontinued.

RECOMMENDATIONS MADE AS A RESULT OF INVESTIGATIONS

In 2011-2012, nine recommendations were made to universities - three were of direct benefit to the complainant and six addressed systemic issues.

Direct benefit recommendations to universities included:

- > setting aside an appeal decision that a student be excluded for plagiarism
- > a university contributing towards additional fees incurred by a student.

Systemic recommendations to universities included:

- > reviewing disciplinary policies and processes, including template documents to ensure that adequate particulars are provided to students who are the subject of disciplinary processes
- > reviewing a grievance and appeal policy to ensure that any mitigating factors relevant to the penalty to be imposed are taken into account by a decision-maker when determining an appeal
- > amending a student misconduct policy to ensure that proper reasons for decisions are provided
- > improving record-keeping concerning student disciplinary processes.

Case studies

The following four case studies showcase the diversity of complaints made to the Office, provide an insight into investigations and importantly, outline the outcomes of these investigations.

1 - ACCESS TO FUNDING

The complaint

This case involved issues surrounding a grant of legal aid by an agency relating to a Family Court matter. The litigation related to matters in respect of a child for which the complainant had custody. A central issue was whether the complainant was in breach of Family Court orders. That issue also had possible consequential effects on the continuation of the complainant's grant of legal aid.

With proceedings set down for a hearing in the Family Court, the complainant was informed that the agency would not be making a decision in relation to provision of further funding until satisfied that the complainant had acted in accordance with Family Court orders. In the submission to this Office the complainant disputed the view that there was a breach of Family Court orders.

The investigation

The investigation focused on ascertaining the position in relation to the alleged breach of Family Court orders and the policy basis for the position communicated by the agency to the complainant.

Investigators obtained documents from the agency as well as the transcripts of a number of Family Court applications and proceedings. They also considered three key agency decision-making guidelines relating to the merits test, breach of court orders and management of costs in family law matters.

The agency was requested to detail the basis of its position in relation to the continued funding of the complainant's legal representation.

Making a difference

The agency advised that it had reviewed its position and decided to fund the complainant's legal representation for the upcoming hearing.

It also stated that the complexity of the issues involved required a judicial determination and that the complainant's case had sufficient merit. Following this decision the complainant advised this Office that he had no further residual concerns in relation to the agency's decision.

2 - QUANTUM OF FEES

The complaint

A complaint was received about an archiving fee charged by a council for the lodgement of documents by private building certifiers under s. 86 of the *Building Act 1975*. The complainant claimed the fee was excessive relative to the fee charged by other nearby local governments for performing the same statutory function.

The investigation

Sections 86 and 87 of the *Building Act* provide that a council may charge a fee for accepting and acknowledging the receipt of building applications and approval documents. The council's fee could also lawfully include a component for archiving the documents.

Section 97 of the *Local Government Act 2009* provides that a council may fix a cost-recovery fee for performing a function imposed on a council under the *Building Act*. However, the fee must not be more than the cost to the council of taking the action for which the fee is charged.

At this Office's request the council provided details of its calculation of the archiving fee. This Office's view of the calculation indicated that it contained a number of elements outside the scope of receiving, acknowledging and storing building documents of the nature referred to in the *Building Act*. Moreover, the council had employed a 'top-down' approach in calculating its archiving fee in terms of, for example, taking the total time and annual costs of officer salaries, facilities, equipment based on an average number of lodgements estimated for the particular financial year.

Making a difference

The council was asked to review its calculation of the archiving fee and to advise the outcome of the review. After conducting the review, council substantially reduced the archiving fee by omitting some cost components, and recalculating others. This Office considered that the revised fee satisfied the provisions of the relevant legislation in terms of cost elements taken into account and quantum. The council agreed to review its archiving fee by 31 December 2012 to validate the calculation and its components.

3 - APPLYING STATUTORY POWERS REASONABLY

The complaint

The Queensland Ombudsman conducted an own-initiative investigation following the receipt of information that a council may have acted unlawfully and unreasonably in applying the 2010-2011 financial year water supply charge for usage that occurred prior to 1 July 2010, possibly resulting in overcharging consumers.

The investigation

Section 94 of the *Local Government Act 2009* authorises the levy of rates and utility charges. In particular s. 94(2) provides that a council must decide, by resolution at its budget meeting for a financial year, what rates and charges are to be levied for that financial year. Section 33 of the *Local Government (Finance, Plans and Reporting) Regulation 2010* provides that a council may levy utility charges on any basis the local government considers appropriate, including the levying of differing utility charges for services that have been supplied or are to be supplied during various periods in one or more financial years, and decide the way the charges are to be apportioned. This provision recognises that it is impossible to read all water meters on 30 June.

In this case, the council's usual practice was to read water meters twice per year: during May-June and November-December. Pre-July usage shown in the November-December readings is levied at the rate of water charge fixed by the council for the current financial year. That is, for billing purposes, all usage is deemed to have occurred in the current financial year.

While the Office accepted that the regulation permits a council to charge for water on any basis it considers appropriate across financial years, s. 94 of the Act requires the council to pass an appropriate resolution to put any intention to do so into effect. The investigation found that the council's 2010-2011 resolution did not do so.

Making a difference

The council's failure to adopt a resolution at the 2010-2011 budget meeting dealing with the levying of water charges across the financial years did not entitle the council to charge water consumers the higher amount for water usage set in its 2010-2011 resolution for water used in the previous financial year.

The Queensland Ombudsman recommended that the council offer a refund to consumers based on the difference between the 2009-2010 charge and the 2010-2011 charge for water consumed prior to 1 July 2010. The refund will be processed through credits on the rate notices which will occur in September 2012 and will amount to approximately \$232,000.

The council's budget resolutions for the 2011-2012 financial year addressed the deficiency in earlier resolutions by stipulating how water charges are to be levied for consumption across the preceding and following financial years.

4 - DIRECT REFERRAL

New processes introduced during the year focused on quickly identifying complaints to the Office where the complainant had not first raised the complaint with the agency and exhausted the agency's internal complaints management system. In such circumstances, timely advice and assistance is provided by the Office to the complainant to refer the matter to the agency for consideration. An example of this process is detailed in the following case study.

The complaint

A complaint was received by the Office in relation to an agency's refusal to provide the complainant's husband with a refund for the remaining two years on his driver's licence, which he intended to cancel due to a medical condition causing him to become blind.

The complainant spoke to a customer services officer from the agency who advised that her husband would have to attend in person to cancel the licence and that the agency would not be able to provide a partial refund on the licence. Her husband was unable to attend in person owing to the condition of his health.

Referral

Two days after receiving the complaint, with the complainant's consent, this Office referred the complaint directly to the agency and at the same time drew the agency's attention to legislative provisions relevant to the issue of a refund.

Making a difference

Three business days after the complaint was referred to the agency, the agency responded to the complainant advising that her husband was entitled to a refund of the remaining portion of his driver's licence and provided advice on how to progress the matter without her husband having to attend the agency.

Objective 2:

Contribute to improving the quality of administrative practice in Queensland public sector agencies.

INVESTIGATIONS

The Hendra Virus Report

The Hendra Virus Report: An investigation into agency responses to Hendra virus incidents between January 2006 and December 2009 was tabled in Parliament on 3 November 2011.

Hendra virus, formerly known as equine morbillivirus, is a serious disease that has killed both humans and horses in Queensland. Spread by flying foxes, Hendra virus was first identified in 1994 in the Brisbane suburb of Hendra. In 2011 alone, there were 10 separate incidents of Hendra virus detected in Queensland.

The investigation commenced in late August 2009. It examined the fairness, legality and effectiveness of actions taken and decisions made by a number of agencies that have concurrent and sometimes overlapping biosecurity, human health and other responsibilities for the identification, control, management and treatment of the virus.

The investigation revealed systemic difficulties with a number of issues, including the processes around testing requested by private veterinarians, the existence of multiple and dated legislation addressing similar issues, which led to inconsistent quarantine practices across the various responses, deficiencies in governance systems, delayed policy responses and incomplete communication plans. While much work had been done by the agencies concerned and the response systems were rapidly maturing, more work needed to be done as a matter of priority to prepare for future Hendra incidents.

In all, the report made 74 recommendations to five agencies which have since commenced implementing many of the recommendations. The Queensland Ombudsman is continuing to monitor and review the implementation process.

TRAINING

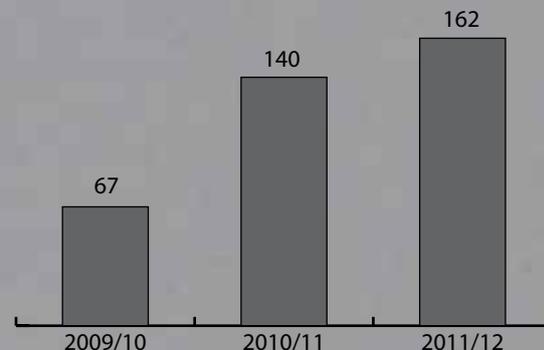
The Office of the Queensland Ombudsman provides targeted training in areas such as complaint handling and good decision-making to improve public administration.

Matters dealt with by the Office

- > 162 sessions were delivered to over 2,800 public sector officers
- > 41 sessions were held in regional Queensland in 10 locations outside south-east Queensland
- > 96% said the training would help them in their daily work
- > 97% of training participants will recommend the training to other officers in the public sector.

The graph below shows the number of sessions delivered over the last three years. There was a 15 per cent increase in sessions delivered from 2010-2011 to 2011-2012.

Figure 15: Training sessions delivered



Appendix 3 available online outlines the agencies that participated in training.

Complaints management systems

As part of its administrative improvement role, the Office has been undertaking a Complaints Management Program (CMP) as a long-term initiative to improve the complaints management systems (CMS) of public agencies. The objective is to actively encourage, and provide guidance and assistance to agencies to develop effective complaints handling processes that comply with recognised standards.

Two administrative improvement audits were undertaken this year:

- > Queensland Universities
- > Website visibility and accessibility of state agencies' CMS.

Matters dealt with by the Office

- > Carried out two administrative improvement audits and continued to monitor an audit from last year
- > Provided 19 administrative improvement advices.

Providing administrative improvement advice

In 2011-2012, 19 administrative improvement assistance requests were received from 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:

- > statutory internal review processes
- > complaints merits review
- > complaints system timeframes
- > definition of complaint
- > complaints regarding legislation and whole of government policy
- > code of conduct review and application
- > natural justice – staff disciplinary processes and statutory investigations
- > provision of information to employees about statutory rights of appeal on disciplinary matters.

Agencies responded positively to the advice.

Improving complaints management at Queensland universities

In 2010, the Queensland Ombudsman tabled a report in Parliament on the outcomes from the review of CMS in both state government agencies and local councils.

In line with this initiative, audits of the complaints management processes of each Queensland university within jurisdiction were conducted to ascertain the level of compliance with better practice guidelines for complaints management.

The audit process assessed internal and external complaint and appeals processes for domestic and international student complaints

at Queensland universities including schools, institutes and campuses operated as separate entities by the universities.

The Office is currently working with each university in relation to the implementation of the recommendations. The table below details how many recommendations were made and how many were accepted or under consideration. Broadly the recommendations related to improving policies and procedures, record-keeping and including information on complaints received and outcomes in annual reports.

Table 11: Recommendations made and accepted or under consideration by universities

	Made	Accepted	Under consideration	Not accepted	% accepted as at 30 June 2012
University of Queensland	27	18	9		67%
Griffith University	18	11	6	1	61%
Central Queensland University	20	20	-	-	100%
James Cook University	22	19	2	1	86%
Sunshine Coast	24	12	1	11	50%
Southern Qld	24	24	-	-	100%
Queensland University of Technology	24	24	-	-	100%
Total	159	128	18	13	81%

Improving website visibility and accessibility of agency CMS

In 2011-2012, a review of agency and council websites for complaints visibility and accessibility was completed.

Websites are an important channel for making agency CMS visible and accessible to customers and the public. This position is reflected in the Public Service Directive 13/06 Complaints Management Systems and the Local Government (Operations) Regulations 2010 (LGOR).

Directive 13/06 requires agencies to have mechanisms and strategies in place to provide readily available information about where and how to make a complaint, how a complaint will be managed and reasonable assistance to people wishing to make a complaint. The LGOR (s.119) requires each local council to ensure the public may access their CMS including related policies and procedures on their websites.

Overall, the review found complaints visibility and accessibility on agency and council websites could be improved. As a result, the Queensland Ombudsman prepared guidelines to assist agencies to meet Directive 13/06 and LGOR. The Queensland Ombudsman wrote to all agencies and local councils about the review's findings and provided a copy of the guidelines for use in the development or revision of websites. Agencies have responded positively to the guidelines.

Information Standard (IS) 26 'Internet' applies to agency websites. In cooperation with the Queensland Government Chief Information Office and Smart Services Queensland (SSQ), SSQ agreed to update IS 26 Mandatory Principle 3 Contents Requirements Implementation Advice to include specific reference to Directive 13/06 and CMS visibility requirements.

The Queensland Ombudsman will continue an ongoing program of monitoring and reviewing agencies' and council's website for CMS visibility and accessibility.

Objective 3:

Ensure all sections of the community are aware of and have reasonable access to the Office's services.

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.

Improving access for communities

The Queensland Ombudsman is responsible for delivering information and services to all regions of Queensland and to all sectors of the community.

During 2011-2012, the Office:

- > participated in community events such as the Queensland Multicultural Festival and the World Refugee Day Community Festival
- > continued with regular presentations to multicultural organisations
- > created a new *Community Perspective* newsletter which is available electronically by subscription twice a year
- > updated multilingual publications, including posters and brochures
- > participated in Homeless Connect Expos
- > visited Roma House (provides accommodation to the homeless) and the Brisbane Homelessness Service Centre
- > presented to case workers at a Homeless Persons Legal Clinic
- > distributed more than 500 sample bags at orientation week events at Griffith University
- > distributed more than 200 sample bags at orientation week events at James Cook University in Townsville.

Improving services for all Queenslanders

Regional visits

As part of the regional visits program, the Ombudsman travelled to central west Queensland in December 2011 to meet civic leaders. During a two-day tour, he met the Central Highlands Regional Council Mayor and the Chief Executive Officer, Barcaldine Regional Council's Chief Executive Officer and Longreach Regional Council's Mayor and the Chief Executive Officer.

In Longreach, the Queensland Ombudsman hosted a 'meet and greet' morning tea for local community groups at the Remote Area Planning and Development Board Skilling Training Centre.

Events

Queensland Ombudsman officers participated in Indigenous events, such as the Family Fun Day at Musgrave Park in July 2011 as part of National Aboriginal and Islander Day Observance Committee Week activities in Brisbane.

Training

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

Improving community engagement

In late June 2012, the new *Community Perspective* newsletter was launched to provide information to advocacy groups, community groups and community officers about the role of the Queensland Ombudsman and complaints processes and services. Hard copies were sent to over 900 recipients, including community organisations, councils, community justice groups and members of parliaments.

The newsletter will be produced electronically every April and November and will feature case studies, information on other complaints services and how to successfully make a complaint.

Improving communication with prisoners

In 2011-2012, Queensland 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 Queensland Ombudsman officers.

Objective 4:

Promote organisational excellence and a skilled committed workforce.

OUR OFFICE

Queensland Parliament

The Ombudsman is an officer of Parliament and reports to Parliament through the Legal Affairs and Community Safety Committee

Queensland Ombudsman

Deputy Ombudsman

Corporate Services Unit

Leads and manages the Office's administrative, financial, human resource, information technology, records management, marketing and communication services.

Intake & Engagement Unit

First point of contact for people making enquiries and complaints (including complaints received via Prisoner PhoneLink). Officers provide fast assessment, assistance and informal resolution of complaints.

Delivers training to public sector officers and conducts audits of administrative systems to help agencies improve their decision-making and administrative practices.

Officers engage with communities to increase awareness and provide equitable access to Queensland Ombudsman services.

Investigation & Resolution Unit

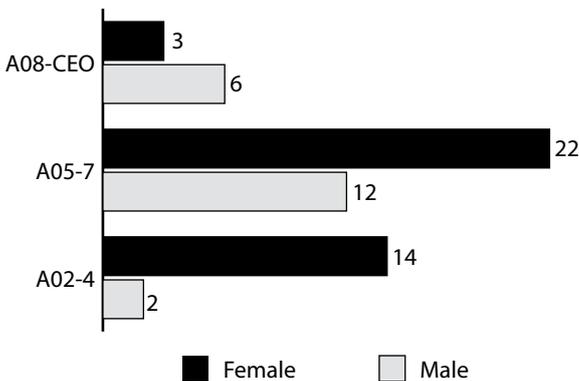
Investigates complaints about state government agencies, local government and universities.

Workforce planning, attraction and retention

At 30 June 2012, 59 officers were employed on a full or part-time basis equating to 55 full time equivalents (FTE). Officers come from diverse backgrounds, including law, social work, teaching, journalism and administration.

The net staff level of 55 FTE increased slightly during the year, with a turnover of eight permanent staff.

Figure 16: Staff gender profile



The Office employed one FTE officer in 2011-2012 whose functions related to media, public affairs and communications. Communication about the Queensland Ombudsman's services is important in ensuring community awareness.

The Office supports a productive work culture where employees have the opportunity to continually improve and develop their skills. To support these objectives a new performance management system was implemented for staff, included training for management and staff. Performance achievement is recognised via an annual staff awards program.

Training was provided to supervisors in leadership and management. Two staff members were also selected to attend the Emerging Leaders Program, which was offered by the Public Service Commission.

A number of staff access flexible work arrangements to help them achieve a healthy work-life balance which meets organisational requirements. The Office has a number of policies to support this including:

- > flexible work arrangements policy and procedure
- > parental leave policy and procedure
- > part-time employment policy and procedure
- > telecommuting policy and procedure.

Eight staff currently utilise flexible work arrangements by working part-time.

Working mothers are supported through the provision of appropriate facilities and being able to access leave for breast feeding purposes.

The new Health and Safety Committee continued to consider work health and safety in the Office in consultation with the qualified trained safety advisor. Initiatives that support health and safety in the workplace included:

- > a review of the Office's work health and safety policy and procedure
- > flu vaccinations
- > ergonomic assessments
- > support for staff participating in the '10,000 steps program'
- > provision of information sessions on topics such as mental health awareness, suicide awareness and heart health.

The Queensland Ombudsman records and reports on a range of human resource data. This data helps us profile the workforce, undertake workforce planning and develop policies and procedures.

Early retirement, redundancy, retrenchment

In 2011-2012, no officer received a financial package for an early retirement scheme, redundancy or retrenchment.

Consultation

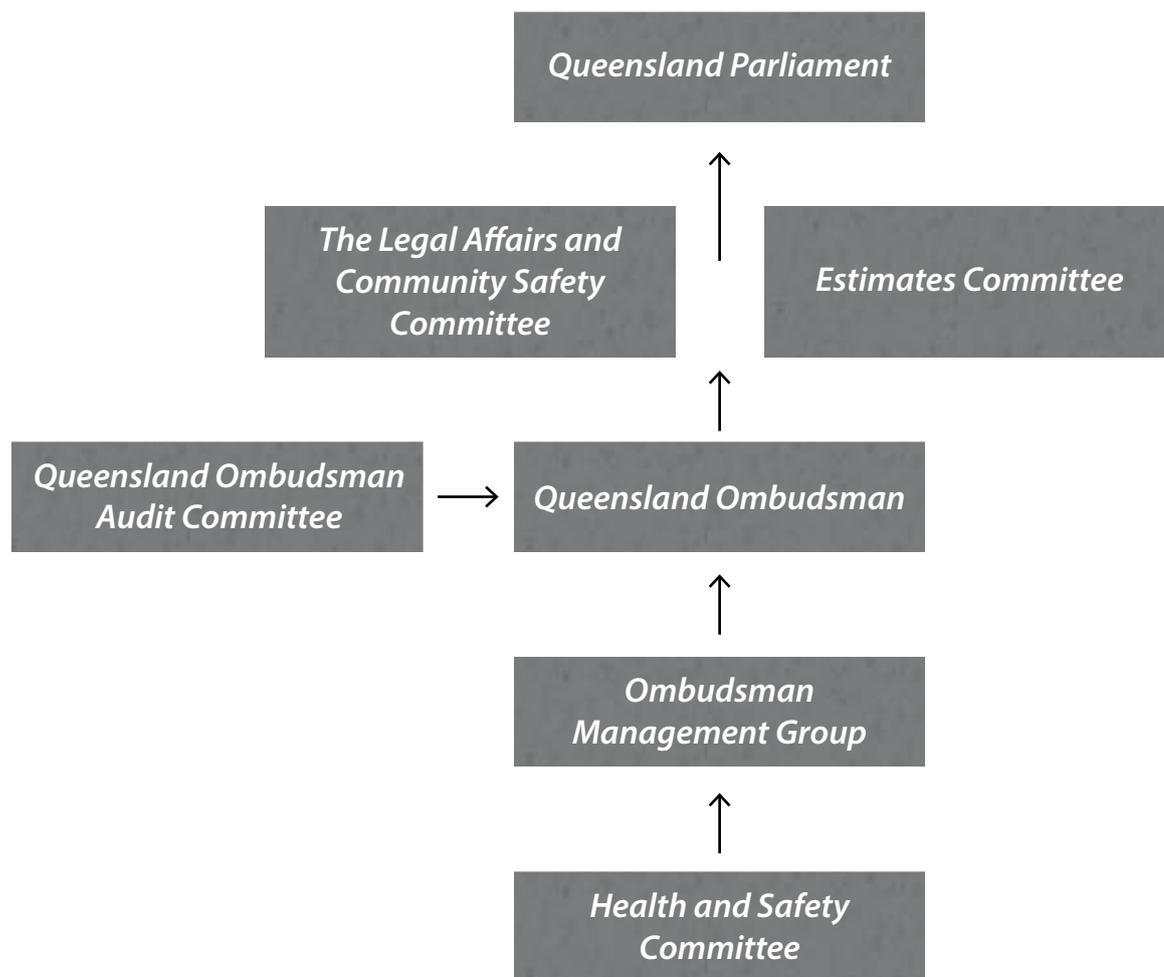
Monthly whole-of-office meetings between management and employees are held to inform and engage all staff in change management and Office performance.

Organisational change

Mr Henry Smerdon AM completed a strategic review of the Office in February 2012. One recommendation of that review was for the Queensland Ombudsman to undertake a restructure of the Office to improve service delivery and efficiency. This restructure was implemented in May 2012 establishing more efficient complaints intake and assessment processes and consolidating the investigations function into a single unit. As a result of these changes the number of open cases at 30 June 2012 was significantly reduced. Also, as a result of the transfer of a senior officer, the communications, corporate publications and community engagement functions were rationalised resulting in a reduction of one senior manager position in the Office.

All staff were consulted throughout the change process and made a positive contribution to the design of the new structure.

OUR CORPORATE GOVERNANCE FRAMEWORK



GOVERNANCE FOR PERFORMANCE

An effective governance framework drives accountability and performance, contributing to the Queensland 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 legislation are met
- > improved service delivery is achieved through ongoing continuous improvement
- > risk management is integrated into organisational activities
- > performance is effectively and efficiently measured and monitored.

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

Matters dealt with by the Office

- > Obtained an unqualified audit from the Queensland Audit Office
- > Revised and improved the Office's internal control program.

EXTERNAL ACCOUNTABILITY MEASURES

Legal Affairs and Community Safety Committee Estimates Committee Hearing

The Ombudsman is accountable to the Parliament through the Legal Affairs and Community Safety Committee (formerly the Legal Affairs, Police, Corrective Services and Emergency Services Committee).

The Committee:

- > monitors and reviews the performance of the Queensland Ombudsman
- > reports to the Legislative Assembly on any matter concerning the Queensland Ombudsman's functions, or the performance of those functions, the Committee considers should be drawn to their attention
- > examines the annual report after it has been tabled
- > reports to the Assembly any changes to the functions, structures and procedures of the Queensland 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 Queensland Ombudsman's performance:

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

In accordance with the *Ombudsman Act 2001*, a strategic review of the Queensland Ombudsman's Office was conducted independently by Mr Henry Smerdon AM. Mr Smerdon examined the Queensland Ombudsman's functions and performance of the functions to assess whether they were being performed economically, effectively and efficiently. The review report, which included 57 recommendations, was tabled in the Queensland Parliament on 17 May 2012. The Legal Affairs and Community Safety Committee was still considering the review report at 30 June 2012.

In July 2011, the Queensland Ombudsman attended the annual Parliamentary Estimates Committee Hearing, as chief executive of the Office.

External audit

The Ombudsman met the timeframes imposed on government agencies for the preparation of financial reports for 2011-2012.

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

Table 12: Internal accountability measures

Measure	Description	Outcome
Ombudsman Management Group	The Ombudsman Management Group is the 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	<p>The Queensland Ombudsman Audit Committee provides independent assurance and assistance to the Queensland Ombudsman on:</p> <ul style="list-style-type: none"> > 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>. <p>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 who received remuneration of \$12,459 and \$1,171 respectively. The Committee meets quarterly.</p> <p>The Audit Committee considers the Queensland Audit Office's and internal auditor's, Hayes Knight (Qld) Pty Ltd, recommendations as part of the business of the Committee and monitors implementation on an ongoing basis. No high risk issues were identified by the auditors in relation to the Office's business. The Audit Committee has observed the terms of its charter and has had due regard to the Queensland Treasury's <i>Audit Committee Guidelines</i>.</p>	
Internal audit	<p>An Ombudsman-approved charter consistent with relevant audit and ethical standards is central to the internal audit process. This charter directs independent auditors and ensures they have unrestricted access to Office corporate systems.</p> <p>This year's internal audit was undertaken by Hayes Knight (Qld) Pty Ltd, an independent auditing firm. A new contract with Hayes Knight was entered into after a competitive tendering process.</p> <p>The internal audit plan approved and regularly reviewed by the Audit Committee primarily focused on:</p> <ul style="list-style-type: none"> > human resources processes including payroll, recruitment, exiting, termination and leave management > financial processes including banking, corporate credit cards and cab charge usage > management reporting > a self-audit of the Office's website to assess compliance with the obligations under the Right to Information and Information Privacy Acts. <p>The recommendations of the internal auditors are presented to the Audit Committee. The Audit Committee monitors the implementation of the recommendations. The internal auditors have had due regard in respect of the Internal Auditor Charter and the Queensland Treasury's <i>Audit Committee Guidelines</i>.</p>	
Code of Conduct	<p>The Office's new code of conduct was approved by the Attorney-General in October 2011.</p> <p>Training on the new code was provided to all staff in November 2011. Information on the code of conduct is provided to new staff during their induction and it is available on the website.</p> <p>All staff attended ethics awareness training in December 2011.</p> <p>When any human resource policy and procedure was reviewed, due consideration was given to the code of conduct to ensure alignment.</p> <p>As part of the Office's planning processes:</p> <ul style="list-style-type: none"> > values in the strategic plan were aligned with public sector ethic principles and the code of conduct > integrity and accountability were integrated into the Office's Strategic Plan > ethics priorities and Public Sector Ethics Act requirements were incorporated in all employee performance agreements. 	
Health and Safety Committee	<p>During 2011-2012, the Queensland Ombudsman's Health and Safety Committee continued to manage hazards and risks so as to ensure a safe and healthy workplace.</p> <p>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 work health and safety in the shared areas of the building.</p>	

INTERNAL ACCOUNTABILITY MEASURES

Strategic direction

In 2011-2012, the Queensland Ombudsman revised and developed a new *Strategic Plan 2011-2016* which is available on the website.

The *Operational Plan 2011-2012* aligned 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 senior officer group for the Office.

The role of the OMG is to:

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

Phil Clarke Ombudsman

Phil became the sixth Queensland 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 holds a Bachelor of Applied Science (Surveying), a Masters of Regional Science and a Diploma of Teaching (Technical and Further Education).

Andrew Brown Deputy Ombudsman

Andrew joined the Queensland Ombudsman in 2011 and was formerly the Chief Inspector of Prisons, Queensland Corrective Services. Andrew has worked in the public sector for over 20 years, working in the area of corrective services for over 11 years. Andrew holds a Bachelor of Arts/Law and a Masters of Public Administration.

Peter Cantwell Assistant Ombudsman Intake and Engagement Unit

Peter joined the Queensland Ombudsman in 1997 as an investigator. In 1999, he was appointed Assistant Ombudsman, Administrative Improvement Unit. Prior to 1997, Peter was a solicitor in private practice for nearly 20 years. Peter is an experienced workplace trainer and holds a Degree of Law with Honours. In 2012, as a result of an organisational restructure, Peter was appointed as Assistant Ombudsman, Intake and Engagement, becoming responsible for training, audits, community engagement and for overseeing the Registration and Preliminary Assessment Team.

Louise Rosemann Assistant Ombudsman Investigation and Resolution Unit

Louise was appointed Assistant Ombudsman, Assessment and Resolution in 2005. She has diverse experience in public sector and community sector management, human resource management, equal opportunity employment, discrimination law, training and development, and administrative law. Louise holds a Bachelor of Arts and a Masters of Business in Employment Relations. In 2012, as a result of an organisational restructure, Louise was appointed as Assistant Ombudsman, Investigation and Resolution. Louise focuses on state government agencies complaints including corrections and universities.

Greg Woodbury Assistant Ombudsman Investigation and Resolution Unit

Greg was appointed Assistant Ombudsman, Community Services and Corrections Team in 2004. He joined the Queensland Ombudsman as an investigator in 1999. Greg has more than 20 years legal experience, most of which was spent as a partner of a Brisbane law firm specialising in corporate law and general litigation. In 2012, as a result of an organisational restructure, Greg was appointed as Assistant Ombudsman, Investigation and Resolution. Greg focuses on state government agency complaints including corrections and universities.

Craig Allen Assistant Ombudsman Investigation and Resolution Unit

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. In 2012, as a result of an organisational restructure, Craig was appointed as Assistant Ombudsman, Investigation and Resolution. Craig focuses on local government complaints and manages major investigations.

Diane Gunton Manager Corporate Services Unit

Diane who has a Bachelor of Business, with a major in management was appointed as Manager, Corporate Services Unit in 2011. She 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. Diane leads and manages the Office's administrative, financial, human resource, information technology and records management needs. In 2012, as a result of an organisational restructure, Diane gained responsibility for marketing and communication services and the Office's online presence.

Identifying and managing risk

The Ombudsman Management Group has strengthened its commitment to risk management by having access to external audit committee members experienced in managing public sector risk issues. The Audit Committee regularly reviews the Office's Risk Plan. Under its guidance, contemporary risk assessment practices have been implemented thereby strengthening the governance framework.

FINANCIAL SUMMARY

Managing the budget

In 2011-2012, the operational budget totalled \$7.294 million. This represents a three per cent increase from 2010-2011. In 2011-2012, \$0.28 million was lapsed and \$0.13 million was returned to Queensland Treasury as savings. These reductions were offset by \$0.35 million brought forward from 2010-2011.

Due to the Office delivering 162 training sessions the user charges for the Office was significantly above the budget.

The Office ended the year in a secure financial position with adequate reserves and forecast income to fulfil responsibilities.

Table 13: Financial summary

	Budget \$'000	Actual \$'000	Variance \$'000
Income statement			
Direct appropriations	7,094	6,984	(110)
User charges	200	398	198
Other Revenue	0	67	67
Total income from continuing operations	7,294	7,449	155
Employee expenses	5,718	5,734	(16)
Supplies and services	1,249	1,417	(168)
Depreciation and amortisation	277	238	39
Other Expenses	50	60	(10)
Total expenses from continuing operations	7,294	7,449	155
Operating surplus/deficit	0	0	
Balance Sheet			
Cash assets	563	381	(182)
Receivables	193	282	(89)
Payables (including accrued employee benefits)	472	307	(165)
Capital /contributed equity	881	880	(1)

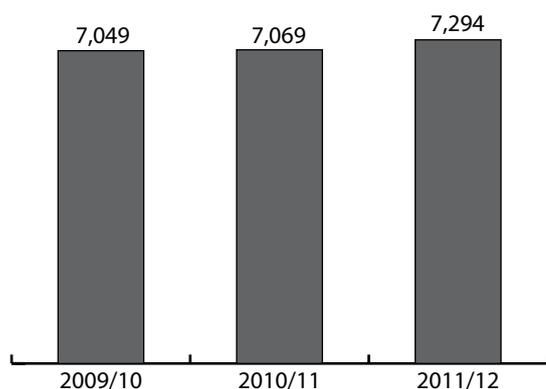
Revenue

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. Revenue is also recovered from collocating agencies for the costs of managing training and meeting rooms. In previous years this revenue was offset against the expense.

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 represents 76% of the budget. The remaining 24% is expended on general operating costs including accommodation and information and telecommunication costs.

Figure 17: Annual budget in \$million



Assets

At the end of 2011-2012, assets totalled \$1.940 million comprising:

- > plant and equipment \$1.238 million
- > receivables \$0.282million
- > prepayment \$0.039 million
- > cash at bank \$0.381 million.

Liabilities

Liabilities from 2011-2012 totalled \$1,106 million which included:

- > \$0.147 million in accounts payable to suppliers
- > \$0.160 million owing to the Crown for salary and recreation leave entitlements
- > provision for the unearned portion of the building owner's incentive of \$0.769M. This is associated with the construction and fit-out of premises at 53 Albert Street, which is being amortised over a period of 10 years.

Looking ahead

The level of demand for training programs offered through the Office may be reduced by the foreshadowed budget changes across state government agencies. This may negatively impact user charges revenue earned from training activities.

Financial Statements

The Office ended the year in a secure financial position with adequate reserves and forecast income to fulfil responsibilities.

FINANCIAL STATEMENTS 2011-2012

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General Information

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.

For accounting purposes, the Ombudsman is a department in terms of the *Financial Accountability Act 2009* and is subsequently consolidated into the Whole-of-Government financial report.

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 contact Diane Gunton, Manager, Corporate Services, on 3005 7000 or email ombudsman@ombudsman.qld.gov.au or visit the Queensland Ombudsman's internet site at 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 2012

	Notes	2012 \$'000	2011 \$'000
Income from Continuing Operations			
Departmental services revenue	2	6,984	6,581
User charges	3	398	329
Other revenue	4	67	75
Total Income from Continuing Operations		7,449	6,985
Expenses from Continuing Operations			
Employee expenses	5, 6	5,734	5,394
Supplies and services	7	1,417	1,285
Depreciation and amortisation	8	238	267
Other expenses	9	60	37
Total Expenses from Continuing Operations		7,449	6,983
Operating Result from Continuing Operations		-	2
Total Other Comprehensive Income		-	-
Total Comprehensive Income		-	2

The accompanying notes form part of these statements.

Statement of Financial Position as at 30 June 2012

	Notes	2012 \$'000	2011 \$'000
Current Assets			
Cash and cash equivalents	10	381	477
Receivables	11	282	258
Other	12	39	21
Total Current Assets		702	756
Non-Current Assets			
Intangible assets	13	-	11
Plant and equipment	14	1,238	1,420
Total Non-Current Assets		1,238	1,431
Total Assets		1,940	2,187
Current Liabilities			
Payables	15	147	323
Accrued employee benefits	16	160	151
Other	17	140	110
Total Current Liabilities		447	584
Non-Current Liabilities			
Other	17	659	769
Total Non-Current Liabilities		659	769
Total Liabilities		1,106	1,353
Net Assets		834	834
Equity			
Contributed equity		880	880
Accumulated (Deficit)/Surplus		(46)	(46)
Total Equity		834	834

The accompanying notes form part of these statements.

Statement of Changes in Equity for year ended 30 June 2012

	Notes	Accumulated Surplus/(Deficit) \$'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	2	-	-	-
Balance as at 30 June 2011		(46)	880	834
Balance as at 1 July 2011		(46)	880	834
Operating Result from Continuing Operations		-	-	-
Transactions with Owners as Owners:				
- Appropriated equity (withdrawal) /Injection	2	-	-	-
Balance as at 30 June 2012		(46)	880	834

The accompanying notes form part of these statements.

Statement of Cash Flows for year ended 30 June 2012

	Notes	2012 \$'000	2011 \$'000
Cash flows from operating activities			
<i>Inflows:</i>			
Departmental service receipts		6,984	6,581
User charges		443	362
GST input tax credits from ATO		182	161
GST collected from customers		48	39
<i>Outflows:</i>			
Employee expenses		(5,754)	(5,350)
Supplies and services		(1,707)	(1,403)
GST paid to suppliers		(178)	(168)
GST remitted to ATO		(48)	(35)
Other		(35)	(30)
Net cash (used in) provided by operating activities	18	(65)	157
Cash flows from investing activities			
<i>Outflows:</i>			
Payments for plant and equipment		(31)	(75)
Net cash provided by (used in) investing activities		(31)	(75)
Net (decrease) increase in cash and cash equivalents		(96)	82
Cash and cash equivalents at beginning of the financial year		477	395
Cash and cash equivalents at end of the financial year	10	381	477

The accompanying notes form part of these statements.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS 2011-12

Objectives and Principal Activities of the Office

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
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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

The Queensland 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 and to help agencies improve their decision-making and administrative practice.

The majority of investigations undertaken arise from complaints received, but the Queensland Ombudsman may undertake own initiative investigations.

The objectives of the Office of the Queensland Ombudsman are to:

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

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 2012, 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 department. 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 2012 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. All known bad debts were written off as at 30 June 2012.

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

(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 re-valued 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 re-valued amount. When the asset is measured at a re-valued 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 re-valued 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 sick leave entitlements is recognised. As sick leave is non-vesting, an expense is recognised for this leave as it is taken.

Annual Leave

Under the Annual Leave Central Scheme (ALCS) 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.

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 section 5 of 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 Queensland Ombudsman, Manager, Corporate Services Division and Senior Finance Officer at the date of signing the Management Certificate.

(u) Accounting Estimates and 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 2011-12.

The following standards have been amended but are not effective as at 30 June 2012:

- > AASB 2010-4 *Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project*
- > AASB 7 *Financial Instruments: Disclosures*
- > AASB 1054 *Australian Additional Disclosures*
- > AASB 2011-1 *Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project*
- > AASB 2011-9 *Amendments to Australian Accounting Standards – Presentation of Items of Other Comprehensive Income*
- > AASB 13 *Fair Value Measurement*
- > AASB 9 *Financial Instruments* (December 2010) and AASB 2010-7 *Amendments to Australian Accounting Standards arising from AASB 9* (December 2010)

The following new and revised standards apply as from reporting periods beginning on or after 1 January 2013:

- > AASB 10 *Consolidated Financial Statements*
- > AASB 11 *Joint Arrangements*
- > AASB 12 *Disclosure of Interests in Other Entities*
- > AASB 127 (revised) *Separate Financial Statements*
- > AASB 128 (revised) *Investments in Associates and Joint Ventures*
- > AASB 2011 -7 *Amendments to Australian Accounting Standards arising from the Consolidation and Joint Arrangements Standards*

These standards cannot be applied by not-for-profit entities prior to their effective date, as the AASB is presently considering modifying them for application by not-for-profit entities in an Australian context. Any such modifications are likely to clarify how the IASB's principles should be applied by not-for-profit entities. Hence, the Office of the Queensland Ombudsman is not yet in a position to reliably determine the future implications of these new and revised standards for the department's financial statements.

- > AASB 119 *Employee Benefits*
- > AASB 1053 *Application of Tiers of Australian Accounting Standards*

Given that at the date of authorisation of the financial report, the expected impacts of new or amended Australian accounting standards with future commencement dates were considered minimal, no early adoption of these standards has been made.

2. Reconciliation of Payments from Consolidated Fund to Departmental Services Revenue Recognised in Statement of Comprehensive Income

	2012 \$'000	2011 \$'000
Budgeted Departmental services appropriation	7,094	6,869
Transfers from/(to) other headings – Variations in Headings	-	-
Lapsed departmental services appropriation	(110)	(288)
Departmental services revenue recognised in Statement of Comprehensive Income	6,984	6,581

Lapsed departmental services funding relates to a deferral of expenditure on employees, including the Deputy Ombudsman, due to unanticipated staff vacancies. The deferral is partially offset by funding for employee expenses being carried forward from 2010-11 to 2011-12.

Reconciliation of Payments from Consolidated Fund to Equity Adjustment Recognised in Contributed Equity

	2012 \$'000	2011 \$'000
Budgeted equity adjustment appropriation	-	-
Transfers from/(to) other headings – Variations in Headings	-	-
Equity adjustment recognised in Contributed Equity	-	-

3. User Charges

	2012 \$'000	2011 \$'000
Training programs	368	304
Training room hire	29	24
Right to Information Fees	1	1
Total	398	329

4. Other Revenue

	2012 \$'000	2011 \$'000
Reception co-ordinator	67	49
Sundry revenue	-	26
Total	67	75

5. Employee Expenses

	2012 \$'000	2011 \$'000
Employee Benefits		
Wages and salaries	4,214	4,013
Employer superannuation contributions*	583	531
Annual leave levy*	427	420
Long service leave levy*	89	88
Other employee benefits	44	26
Employee Related Expenses		
Workcover premium*	19	11
Payroll Tax*	249	238
Other employee related expenses	109	67
Total	5,734	5,394

*Refer to Note 1(p)

The number of employees including both full-time employees and part-time employees measured on a full-time equivalent basis is:

	2012	2011
Number of Employees	55	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 2011-12. Further information on these positions can be found in the body of the Annual Report under the section relating to Executive Management.

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 management of the registration and Preliminary Assessment Team and the Investigation and Resolution Unit in meeting the Office's statutory functions efficiently and effectively.	SES 3	11/12/2006 (1/07/2011)
Deputy Ombudsman	The management of the registration and Preliminary Assessment Team and the Investigation and Resolution Unit in meeting the Office's statutory functions efficiently and effectively.	SES 3	10/10/2011
Assistant Ombudsman, Intake & Engagement Unit	The Intake & Engagement Unit role is to assess complaints for referral to the Investigation and Resolution Unit or other agencies as relevant; undertake community engagement, delivery training programs and audit agencies complaints management systems.	SO	21/7/1997
Manager, Communication & Research Unit	Leading and managing the Communication & Research Unit.	SO	2/12/2008 (2/5/2012)
Manager, Corporate Services Unit	Leading and managing the Corporate Services Unit.	SO	3/5/2011
Assistant Ombudsman, Investigation and Resolution Unit	Leading and managing a team within the Investigation and Resolution Unit focusing on selected State Government agencies, correctional centres and universities.	SO	10/6/2005
Assistant Ombudsman, Investigation and Resolution Unit	Leading and managing a team within the Investigation and Resolution Unit focused on local government & major investigations.	SO	22/12/1998
Assistant Ombudsman, Investigation and Resolution Unit	Leading and managing a team within the Investigation and Resolution Unit focusing on selected State Government agencies, correctional centres and universities.	SO	10/5/1999

b) Remuneration

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 2011-12 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 expended 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.

1 July 2011 – 30 June 2012

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	210	15	10	26	-	261
Deputy Ombudsman (1 July 2011)	20	4	-	-	-	24
Deputy Ombudsman	143	-	6	6	-	155
Manager, Corporate Services Unit	115	-	3	1	-	119
Manager, Communication & Research Unit (2/5/2012)	84	-	3	6	-	93
Assistant Ombudsman Intake & Engagement Unit	111	-	4	12	-	127
Assistant Ombudsman Investigation and Resolution Unit	129	-	3	-	-	132
Assistant Ombudsman Investigation and Resolution Unit	104	-	3	7	-	114
Assistant Ombudsman Investigation and Resolution Unit	85	-	3	25	-	113
Total	1,001	19	35	83	-	1,138

1 July 2010 – 30 June 2011

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 (16/9/2010)	57	16	-	6	291	370
Ombudsman	123	15	152	12	-	302
Deputy Ombudsman	197	30	50	20	-	297
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	-	18	12	-	136
Manager, Communication & Research Unit	19	-	31	2	-	52
Assistant Ombudsman Administrative Improvement Unit	130	-	30	15	-	175
Assistant Ombudsman Assessment & Resolution Team	123	-	22	11	-	156
Assistant Ombudsman Local Government & Infrastructure Team	123	-	23	11	-	157
Assistant Ombudsman Community Services & Corrections Team	124	-	45	14	-	183
Total	1,122	61	372	117	291	1,963

7. Supplies and Services

	2012 \$'000	2011 \$'000
Consultants and contractors	39	49
Computer support	197	127
Electricity	16	12
Legal expenses	19	7
Books	1	1
Motor vehicle expenses	19	22
Office maintenance	40	26
Operating lease rentals	617	599
Payments to employment agencies	83	37
Printing	24	18
Stores and stationery	37	34
Telephones/communication	95	111
Travel	45	37
Training expenses	70	65
General supplies and services	115	140
Total	1,417	1,285

8. Depreciation and Amortisation

	2012 \$'000	2011 \$'000
Depreciation and amortisation were incurred in respect of:		
Office Furniture and Fit-Out	172	174
Computer Equipment	39	48
Office Equipment	16	13
Software Purchased	11	32
Total	238	267

No impairment losses were recorded during the year. No revaluation adjustments were necessary during the year.

9. Other Expenses

	2012 \$'000	2011 \$'000
External audit fees*	23	19
Insurance premiums - QGIF	3	3
Sundry expenses	4	15
Appropriation refundable to Treasury	30	-
Total	60	37

* Total external audit fees relating to the 2011-12 financial year are estimated to be \$21,000 (2011: \$20,100). There are no non-audit services included in this amount.

10. Cash and Cash Equivalents

	2012 \$'000	2011 \$'000
Imprest accounts	1	1
Cash at bank and on-hand	380	476
Total	381	477

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

	2012 \$'000	2011 \$'000
Trade debtors	123	124
Less: allowance for impairment loss	-	-
	123	124
GST receivable	16	20
GST payable	(12)	(12)
	4	8
Annual leave reimbursements	130	107
Long service leave reimbursements	25	19
	155	126
Total	282	258

12. Other Current Assets

	2012 \$'000	2011 \$'000
Prepayments:		
Salaries	-	21
Other	39	-
Total	39	21

13. Intangible Assets

	2012 \$'000	2011 \$'000
Software purchased		
At cost	471	471
Less : Accumulated amortisation	(471)	(460)
Total	-	11

Intangibles Reconciliation

	2012 \$'000	2011 \$'000
Software purchased		
Carrying amount at 1 July	11	43
Acquisitions	-	-
Amortisation	(11)	(32)
Carrying amount at 30 June	-	11

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 2012-13 financial year.

14. Plant and Equipment

	2012 \$'000	2011 \$'000
At cost	1,981	2,023
Less : Accumulated depreciation	(743)	(603)
Total	1,238	1,420

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

	2012 \$'000	2011 \$'000
Carrying amount at 1 July	1,420	1,618
Acquisitions	45	37
Depreciation	(227)	(235)
Carrying amount at 30 June	1,238	1,420

The Office has plant and equipment with an original cost of \$155,333 (2011: \$140,380) and a written down value of zero still being used in the provision of services. Some of these will not be replaced, but approximately 30% of these assets with a gross replacement cost of \$50,000 are expected to be replaced in 2012-13 with another 30% to be replaced in the 2013-14 financial year.

15. Payables

	2012 \$'000	2011 \$'000
Trade creditors	147	323
Total	147	323

16. Accrued Employee Benefits

	2012 \$'000	2011 \$'000
Wages outstanding	3	-
Annual leave levy payable	130	128
Long service leave levy payable	27	23
Total	160	151

17. Other Liabilities

	2012 \$'000	2011 \$'000
Current		
Appropriation payable	30	-
Lease incentive	110	110
Total	140	110
Non-Current		
Lease incentive	659	769

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

	2012 \$'000	2011 \$'000
Operating Surplus/(Deficit)	-	2
Depreciation and amortisation	238	267
Changes in assets and liabilities:		
Increase in accrued employee benefits	9	18
(Decrease) increase in payables and other liabilities	(270)	(70)
(Increase) in trade receivables	(28)	(74)
Decrease (increase) in GST input tax credits receivables	4	(7)
Increase in GST payable	-	4
(Increase) decrease in prepayments	(18)	17
Net cash (used)/from operating activities	(65)	157

19. Commitments for Expenditure

(a) Finance Lease Liabilities

There were no finance lease liabilities at 30 June 2012.

(b) Non-Cancellable Operating Leases

Commitments under operating leases at reporting date are inclusive of anticipated GST and are payable as follows:

	2012 \$'000	2011 \$'000
Not later than one year	830	800
Later than one year and not later than five years	2305	3131
Later than 5 years	-	-
Total	3,135	3,931

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 2012 amounted to \$3,114,984 of which \$816,987 is current and \$2,297,997 is non-current.

The Office's vehicle is leased from QFleet. The value of the outstanding lease at 30 June 2012 amounted to approximately \$10,363 all of which is current.

The franking machine is also leased. The value of the outstanding lease payments at 30 June 2012 amounted to \$9,930 of which \$7,066 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 2012 (2011 nil).

20. Contingencies

(a) Litigation in Progress

No litigation involving the Office was in progress at 30 June 2012.

(b) Financial Guarantees

The Office was not committed to any guarantees or undertakings at 30 June 2012.

21. Events Occurring After Balance Date

There were no material occurrences after 30 June 2012.

22. Financial Instruments

(a) Categorisation of Financial Instruments

The Office has the following categories of financial assets and financial liabilities:

	Notes	2012 \$'000	2011 \$'000
Financial Assets			
Cash and cash equivalents	10	381	477
Receivables	11	282	258
Total		663	735
Financial Liabilities			
Payables	15	147	323
Total		147	323

(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

	Notes	2012 \$'000	2011 \$'000
Financial Assets			
Cash and cash equivalents	10	381	477
Receivables	11	282	258
Total		663	735

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:

2012 Financial Assets Past Due But Not Impaired

	Overdue				Total \$'000
	Less than 30 Days \$'000	30 - 60 Days \$'000	61 - 90 Days \$'000	More than 90 Days \$'000	
Financial Assets					
Receivables	218	5	17	42	282
Total	218	5	17	42	282

2011 Financial Assets Past Due But Not Impaired

	Overdue				Total \$'000
	Less than 30 Days \$'000	30 - 60 Days \$'000	61 - 90 Days \$'000	More than 90 Days \$'000	
Financial Assets					
Receivables	221	16	21	-	258
Total	221	16	21	-	258

2012 Individually Impaired Financial Assets

There were no impaired financial assets at 30 June 2012 (2011: 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 it 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:

2012 Payable in:

	Note	< 1 year \$'000	1 - 5 years \$'000	> 5 years \$'000	Total \$'000
Financial Liabilities					
Payables	15	147	-	-	147
Total		147	-	-	147

2011 Payable in:

	Note	< 1 year \$'000	1 - 5 years \$'000	> 5 years \$'000	Total \$'000
Financial Liabilities					
Payables	15	323	-	-	323
Total		323	-	-	323

(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.

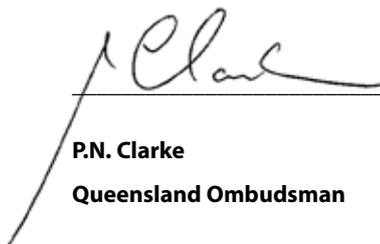
Management Certificate of the Office of the Queensland Ombudsman

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 2012 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 2012

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 2012, the statement of comprehensive income, statement of changes in equity, 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 gives a true and fair view and 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 controls 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 controls, 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 be removed only 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

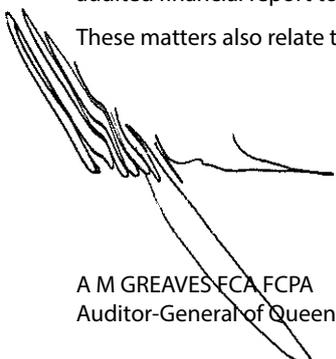
In accordance with s.40 of the *Auditor-General Act 2009* –

- (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 2011 to 30 June 2012 and of the financial position as at the end of that year.

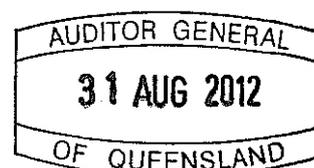
Other Matters - Electronic Presentation of the Audited Financial Report

This auditor's report relates to the financial report of the Office of the Queensland Ombudsman for the year ended 30 June 2012. 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 Office of the Queensland Ombudsman's website and I have not been engaged to report on the integrity of the Office 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.



A M GREAVES FCA FCPA
Auditor-General of Queensland



Queensland Audit Office
Brisbane

Appendix 1

Reporting changes, definitions and impact.

During 2012, the Office evaluated the way issues were assessed and started a process of change to simplify reporting and improve efficiency in managing increasing workloads.

How issues were recorded 2010/11	How issues were recorded 2011/12	Definition	Impact in 2011/12
Referral	Referral <i>(to end March 2012)</i>	Issue received by telephone and assessed as outside the jurisdiction of the Office	Reduction in 2011-2012 as the recording measure was operative between 1 July 2011 and 1 April 2012
	Out of jurisdiction <i>(from 2 April 2012)</i>	Issue assessed as outside the jurisdiction of the Office received by telephone, in-person, or in writing (excluding complaints lodged through the website)	New recording measure operative from 2 April 2012
Online Referral	Online Referral	Issue received through the website and assessed as outside the jurisdiction of the Office	No change
Complaint	Complaint <i>(to 1 April 2012)</i>	Issue received by telephone, in-person or via the online complaint form and assessed as within the jurisdiction of the Office, or any issue received by letter, email or fax	Decline in complaints in 2011-2012 as issues received in writing and assessed as outside the jurisdiction of the Office no longer recorded in this category
	<i>(from 2 April 2012)</i>	Issue assessed as within the jurisdiction of the Office	

Glossary

Agency

A state 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 Queensland 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

Complaint

An expression of dissatisfaction with an agency within jurisdiction

Complaint open

A complaint outstanding at the close of the financial year

Complaint finalised

A complaint that the Office reviews and establishes an outcome

Complaint management system (CMS)

A system for dealing with complaints

Complaint received

A complaint received during the financial year

Contact

A person who contacts the Queensland Ombudsman

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

Declined

The exercise of a discretion by the Office (pursuant to the *Ombudsman Act 2001*) not to investigate a complaint because, for example, the complainant has a right of appeal or review that has not been exhausted, the complainant does not have a sufficient direct interest in the action complained of, or another complaints entity has investigated, or will investigate, the action complained of at a substantially equivalent level to that of this Office

Direct benefit recommendation

Any recommendation the Queensland Ombudsman makes that directly benefits the complainant, for example an apology or compensation

Early intervention

Action is taken to deal with a complaint within ten working days

Formal investigation

Conducting recorded interviews or requesting a formal written response from the agency concerned

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

Major investigation

Significant time and resources are 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 Queensland 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 Queensland Ombudsman decides to undertake an investigation into systemic issues in an agency or agencies 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

With the assistance of Queensland Corrective Services, a free telephone service that allows prisoners direct and confidential access to the Office at set times. This service allows prisoners to contact the Queensland Ombudsman for assistance with a complaint, rather than waiting for staff to visit their correctional centre

Public administration

The administrative practices of Queensland public sector agencies

Public Interest Disclosure (PIDs)

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 by the Queensland Ombudsman, to an agency to improve administrative practices. The Queensland Ombudsman cannot direct agencies to implement recommendations but they rarely refuse to do so. If agencies do refuse, the Queensland 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 Queensland 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 Queensland 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 an agency's administrative process that causes or contributes to complaints

Systemic recommendation

A recommendation made to a public sector agency to improve the agency's practices and procedures.

Acronyms

CMS	Complaints management system	PSC	Public Service Commission
CMP	Complaints Management Program	PSEA	Public Sector Ethics Act
EWOQ	Energy and Water Ombudsman Queensland	QCS	Queensland Corrective Services
FTE	Full time equivalents	QPB	Queensland Parole Board
IS	Information Standard	SEQ	South East Queensland
OMG	Ombudsman Management Group	SDS	Service Delivery Statement
PIDs	Public Interest Disclosure	SSQ	Smart Services Queensland

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**ENVIRONMENT
ACCREDITATION**

Paper is
manufactured
by a mill that is
accredited with ISO
14001.



**SUSTAINABLE
FORESTRY PRACTICE**

Fibre used in the
production of
paper is sourced
from suppliers who
practice sustainable
forestry techniques,
FSC, PEFC.



CHLORINE FREE

No chlorine
gases are used
in the bleaching
process.



ACID FREE

Ensuring longer
life and less
discolouration of
paper.



QUEENSLAND
ombudsman