

# **Oversight of the Office of the Queensland Ombudsman**

**Report No. 34**

**Legal Affairs and Community Safety Committee**

**August 2013**

## Legal Affairs and Community Safety Committee

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### Acknowledgements

The Committee wishes to acknowledge the assistance provided by the Queensland Ombudsman and his staff.

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**Abbreviations**

Act	<i>Ombudsman Act 2001</i>
Committee	Legal Affairs and Community Safety Committee
Smerdon Review	Strategic Review of the Office of the Queensland Ombudsman undertaken by Mr Henry Smerdon AM in 2011-2012

## Glossary

Agency	A government department, local council or university that falls within the jurisdiction of the Queensland Ombudsman
Assessment	The complaint is finalised through research and assessment, without contacting the agency concerned
Complainant	A person bringing a complaint to the Ombudsman's Office
Complaint finalised	A complaint that the Ombudsman's Office reviews and establishes an outcome
Complaint open	A complaint outstanding at the close of the financial year
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	Cases where significant time and resources is expended on investigating systemic maladministration
Maladministration	Decisions and administrative actions of public agencies that are unlawful, unfair, unreasonable or wrong
Ombudsman	Ombudsman is a Swedish word that means 'the citizen's defender' or 'representative of the people'. The first Ombudsman was appointed in Sweden in the 1800s to investigate complaints about government decisions. There are now more than 150 Ombudsmen around the world. Australia has an Ombudsman in each state and territory and in the Commonwealth. <sup>1</sup>
Out of jurisdiction	A complaint that the Office of the Ombudsman does not have the power to investigate
Own initiative investigation	The Ombudsman decides to undertake an investigation into systemic issues in a certain agency without first receiving a complaint
Positive outcome	A complaint where no maladministration finding was necessary
Public administration	The administrative practices of Queensland public sector agencies
Public agencies/public sector agencies	State government departments and local councils

<sup>1</sup> Queensland Ombudsman *Annual Report 2011-2012*, page 1.

Recommendation	Formal advice given by the Ombudsman, to a government agency to improve administrative practices. The Ombudsman cannot direct agencies to implement recommendations but they rarely refuse to do so. If agencies refuse to implement recommendations, the Ombudsman can require them to provide reasons and report to the relevant Minister, the Premier, or Parliament if not satisfied with the reasons
Referral	When a complaint is outside the Ombudsman's jurisdiction, it is referred to another complaint agency

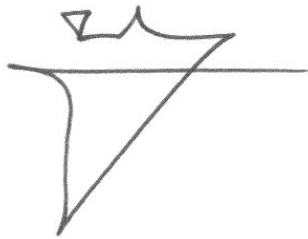
## Chair's foreword

The Legal Affairs and Community Safety Committee (the Committee) has oversight responsibilities of the Office of the Queensland Ombudsman. This report provides information regarding the performance of the Office of the Queensland Ombudsman and its functions under the *Ombudsman Act 2001*.

The Committee met with the Queensland Ombudsman, Mr Phil Clarke and his staff on 17 April 2013. The Committee also reviewed the Queensland Ombudsman's Annual Report 2011-2012 which was tabled in the Legislative Assembly on 25 September 2012.

On behalf of the Committee, I thank the Queensland Ombudsman and his staff who assisted the Committee throughout the course of this inquiry.

I commend this Report to the House.

A handwritten signature in black ink, appearing to read 'Ian Berry', with a stylized crown-like flourish above the first part of the name.

Ian Berry MP

**Chair**

## Recommendations

### Recommendation 1

**14**

The Committee recommends the Attorney-General and Minister for Justice ensure the Implementation Panel consults with the Queensland Ombudsman regarding its consideration and implementation of both Recommendations 4 and 10 of the Report of the *Independent Advisory Panel into the Review of the Crime and Misconduct Act and Related Matters* dated 28 March 2013.

## 1. Introduction

### 1.1 Role of the Committee

The Legal Affairs and Community Safety Committee (the Committee) is a portfolio committee of the Legislative Assembly which commenced on 18 May 2012 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.<sup>2</sup>

The Committee's primary areas of responsibility include:

- Department of Justice and Attorney-General;
- Queensland Police Service; and
- Department of Community Safety.

Section 93(1) of the *Parliament of Queensland Act 2001* provides that a portfolio committee is responsible for examining each bill and item of subordinate legislation in its portfolio areas to consider:

- the policy to be given effect by the legislation;
- the application of fundamental legislative principles; and
- for subordinate legislation – its lawfulness.

The Committee also has oversight responsibilities for the Office of the Information Commissioner, the Office of the Queensland Ombudsman, the Electoral Commissioner and the Criminal Organisation Public Interest Monitor.

This report is made in relation to the Committee's statutory oversight responsibility of the Office of the Queensland Ombudsman.

### 1.2 Purpose and functions of the Office of the Queensland Ombudsman

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

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

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

The majority of investigations arise from complaints received, but the Ombudsman also conducts own-initiative investigations.<sup>3</sup>

The Act provides the functions of the Ombudsman as:

- (a) to investigate administrative actions of agencies –
  - (i) on reference from the Assembly or a statutory committee of the Assembly; or
  - (ii) on a complaint; or
  - (iii) on the ombudsman's own initiative; and
- (b) to consider the administrative practices and procedures of an agency whose actions are being investigated and to make recommendations to the agency –
  - (i) about appropriate ways of addressing the effects of inappropriate administrative actions; or
  - (ii) for the improvement of the practices and procedures; and

<sup>2</sup> *Parliament of Queensland Act 2001*, section 88 and Standing Order 194.

<sup>3</sup> Queensland Ombudsman, *Annual Report 2011-2012*, page 2.

- (c) to consider the administrative practices and procedures of agencies generally and to make recommendations or provide information or other help to the agencies for the improvement of the practices and procedures; and
- (d) the other functions conferred on the Ombudsman under [the Act] or any other Act.<sup>4</sup>

The Act also provides that, subject to any other Act or law, the Ombudsman is not subject to direction by any person about –

- (a) the way the ombudsman performs the ombudsman’s functions under [the Act]; or
- (b) the priority given to investigations.<sup>5</sup>

The Ombudsman may investigate administrative actions of agencies, and an administrative action despite a provision in any Act to the effect that the action is final or cannot be appealed against, challenged, reviewed, quashed or called in question.<sup>6</sup>

The Ombudsman must not question the merits of a decision, including a policy decision, made by a Minister or Cabinet; or a decision that the Ombudsman is satisfied has been taken for implementing a decision made by Cabinet.<sup>7</sup>

The Ombudsman must not investigate administrative action taken by any of the following:

- a tribunal, or a member of a tribunal, in the performance of the tribunal’s deliberative functions;
- a person acting as legal adviser to the State or as counsel for the State in any legal proceedings;
- a member of the police service, if the action may be, or has been, investigated under the *Crime and Misconduct Act 2001*;
- a police officer, if the officer is liable to disciplinary action, or has been disciplined under the *Police Service Administration Act 1990*;
- the Auditor-General;
- a mediator at a mediation session under the *Dispute Resolution Centres Act 1990*;
- a person in a capacity as a conciliator under the *Health Rights Commission Act 1991* or the *Health Quality and Complaints Commission Act 2006*; or
- the Information Commissioner in the performance of the Commissioner’s functions under the *Right to Information Act 2009*.<sup>8</sup>

### 1.3 Committee’s responsibilities regarding the Office of the Queensland Ombudsman

In addition to the jurisdiction conferred by the *Parliament of Queensland Act 2001*, the Act provides that the Committee is required to:

- monitor and review the performance by the Ombudsman of the Ombudsman’s functions under the Act;
- report to the Assembly on any matter concerning the Ombudsman, the Ombudsman’s functions or the performance of the Ombudsman’s functions that the Committee considers should be drawn to the Assembly’s attention;
- examine each annual report tabled in the Assembly under the Act and, if appropriate, to comment on any aspect of the report;

<sup>4</sup> *Ombudsman Act 2001*, section 12.

<sup>5</sup> *Ombudsman Act 2001*, section 13.

<sup>6</sup> *Ombudsman Act 2001*, section 14.

<sup>7</sup> *Ombudsman Act 2001*, section 16(1).

<sup>8</sup> *Ombudsman Act 2001*, section 16(2)(a)-(h); also note there are other exceptions under the *Government Owned Corporations Act 1993*.

- report to the Assembly any changes to the functions, structures and procedures of the Office of the Queensland Ombudsman the Committee considers desirable for the more effective operation of the Act; and
- any other functions conferred on the Committee by the Act.<sup>9</sup>

#### **1.4 Strategic Review of the Office of the Queensland Ombudsman**

Section 83 of the Act provides that strategic reviews of the Office of the Queensland Ombudsman must be conducted at least every five years and that the review must include a review of the Ombudsman's functions and the performance of the functions to assess whether they are being performed economically, effectively and efficiently.

The Committee completed its most recent strategic review of the Office of the Queensland Ombudsman late last year and tabled its report on 22 November 2012.<sup>10</sup>

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<sup>9</sup> *Ombudsman Act 2001*, section 89.

<sup>10</sup> Legal Affairs and Community Safety Committee, *Report on the Strategic Review of the Office of the Queensland Ombudsman*, Report No. 15, November 2012.

## 2. Oversight of the Ombudsman

### 2.1 Process followed by the Committee

In conducting its oversight functions of the Ombudsman, the Committee followed the process it adopted previously.

The process included:

- Questions on Notice being provided to the Ombudsman with a request for responses to be provided prior to the meeting;
- a public hearing with the Ombudsman to discuss his responses to the Questions on Notice and to ask questions without notice; and
- providing this Report.

On 15 February 2013, the Committee provided Questions on Notice to the Ombudsman.

The Committee received the Ombudsman's written response to the Questions on Notice on 28 March 2013. The responses to the Questions on Notice are at **Appendix A**.

On Wednesday 17 April 2013, the Committee held a public hearing with the Queensland Ombudsman, Mr Phil Clarke, and the following officers from his Office:

- Mr Andrew Brown, Deputy Ombudsman;
- Mr Peter Cantwell, Assistant Ombudsman, Intake and Engagement Unit; and
- Ms Diane Gunton, Manager, Corporate Services Unit.

A copy of the transcript of the public hearing is available on the Committee's website.<sup>11</sup>

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<sup>11</sup> [www.parliament.qld.gov.au/work-of-committees/committees/LACSC](http://www.parliament.qld.gov.au/work-of-committees/committees/LACSC).

### 3. Meeting with the Ombudsman

#### 3.1 Issues considered by the Committee

In his opening statement to the Committee, the Ombudsman advised the past 18 months had been a period of significant change for his Office. Many of these changes stemmed from the recommendations from the strategic review undertaken by Mr Henry Smerdon AM (Smerdon Review).

The Ombudsman noted the changes have *'been wide-ranging and have had considerable impact on the office's systems and processes and a major impact on the reported level of activity in contacts, referrals and complaints'*.<sup>12</sup>

One of the key changes involved a policy decision in early 2012 to count only those matters within the jurisdiction of the Office of the Queensland Ombudsman as complaints rather than also reporting some matters outside of its jurisdiction as complaints. In regard to this change, the Ombudsman noted:

*I am confident that changed business processes and the associated recording and documentation provide a balance between efficient business practice and more precise record keeping.*<sup>13</sup>

The Ombudsman also commented that this change is estimated to reduce reported complaints by about 17% in a 12 month period. Other changes are also likely to result in a reduction of a further 8%. Overall, it is anticipated by the Ombudsman that the reported number of complaints will be reduced by 2,000 over a 12 month period.<sup>14</sup>

Another change highlighted by the Ombudsman related to a reduction in the time taken to investigate and review complaints due to a more streamlined approach and better delegation. This change is reflected in the reduced number of open complaint files from 500 to below 200.<sup>15</sup>

The Ombudsman also reported that 35 of the recommendations from the Smerdon Review have been implemented and 12 recommendations are in the process of being implemented. He also noted that 9 recommendations will not proceed in the short term largely due to limited resources.<sup>16</sup>

Regional service delivery has been impacted by the decline in demand for training services. In relation to this point, the Ombudsman concluded:

*I remain committed to servicing the whole of the state and will continue to look for improved ways to increase demand while streamlining service delivery.*<sup>17</sup>

Questions from the Committee focused on the following:

- the proportion of complaints over 12 months;
- the terminology and background to the three different categories of positive outcomes of complaints;

<sup>12</sup> Transcript of Proceedings (Hansard), Public Hearing, Legal Affairs and Community Safety Committee, 17 April 2013, page 1.

<sup>13</sup> Transcript of Proceedings (Hansard), Public Hearing, Legal Affairs and Community Safety Committee, 17 April 2013, pages 1-2.

<sup>14</sup> Transcript of Proceedings (Hansard), Public Hearing, Legal Affairs and Community Safety Committee, 17 April 2013, page 2.

<sup>15</sup> Transcript of Proceedings (Hansard), Public Hearing, Legal Affairs and Community Safety Committee, 17 April 2013, page 2.

<sup>16</sup> Transcript of Proceedings (Hansard), Public Hearing, Legal Affairs and Community Safety Committee, 17 April 2013, page 2.

<sup>17</sup> Transcript of Proceedings (Hansard), Public Hearing, Legal Affairs and Community Safety Committee, 17 April 2013, page 2.

- the possible appointment of Indigenous liaison officers and a youth liaison officer;
- aspects of the restructure that have resulted in improvements at the Office of the Queensland Ombudsman;
- the improvement of morale within the Office of the Queensland Ombudsman;
- the recommendations concerning the Ombudsman made by the Callinan/Aroney review of the Crime and Misconduct Commission;
- the differing role between the Ombudsman and the Public Service Commissioner;
- the Asbestos Report issued by the Office of the Queensland Ombudsman;
- the relationship between the Office of the Queensland Ombudsman and the Committee;
- the number of investigative and correctional visits in regional areas;
- the change in definition of “regional areas” to exclude the seven South-East Queensland councils; and
- the background to the Prisoner Phone Link line and how it currently operates in practice.

At the meeting, the Ombudsman took a Question on Notice which involved an undertaking to provide more detail regarding the percentage of complaints that are from Indigenous peoples or councils. The Ombudsman’s response to this question is at **Appendix B**.

### 3.2 Annual Report 2011-2012

The Annual Report of the Queensland Ombudsman for the 12 months ending 30 June 2012 was tabled on 25 September 2012.

#### ***Complaints received***

The following table details the number of complaints received by agency type:<sup>18</sup>

	09/10	10/11	11/12	% change from 2010/11 to 2011/12
State government	5,099	4,587	5,195	13%
Local government	2,275	2,126	1,967	-8%
Universities	262	270	333	23%
Other/out of jurisdiction	1,081	1,371	971	-29%
Total	8,717	8,354	8,466	1.3%

In 2011-2012, 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; and
- 4% were about universities.<sup>19</sup>

<sup>18</sup> Queensland Ombudsman, *Annual Report 2011-2012*, page 8.

<sup>19</sup> Queensland Ombudsman, *Annual Report 2011-2012*, page 8.

The Annual Report notes complaints about local governments continue to trend downwards, however it qualifies the trend as follows:

*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.*<sup>20</sup>

The Annual Report also noted that university complaints, while still relatively low, have grown by 23% from 2010-2011.

In 2011-2012, there were 333 complaints (up from 270 complaints in 2010-2011 and 262 in 2009-2010). The growth in complaints has been 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 also by representatives from the Office of the Queensland Ombudsman attending university open days to raise awareness.<sup>21</sup>

### **Time to finalise complaints**

In 2011-2012:

- 85% of complaints were finalised within 10 days (compared with 69% in 2010-2011);
- 90% of complaints were finalised within 30 days (compared with 84% in 2010-2011); and
- 99% of complaints were finalised in less than 12 months (compared with 99.9% in 2010-2011).

In 2011-2012, the Office of the Queensland Ombudsman finalised 8,648 complaints, an increase of 5% from 2010-2011. The Annual Report credits a restructure in the Office of the Queensland Ombudsman in May 2012 for this increase. The restructure created a new team focused on complaints, intake and assessment and consolidated the investigation teams into a single unit.<sup>22</sup>

### **Managing complaints**

How the Queensland Ombudsman managed complaints:<sup>23</sup>

	09/10	%	10/11	%	11/12	%
Assessment	6,842	79%	6,743	81%	7,400	86%
Preliminary inquiry	421	5%	428	5%	380	4%
Informal investigation	1,377	16%	1,055	13%	797	9%
Standard investigation	65	<1%	51	<1%	70	<1%
Major investigation	3	<1%	1	<1%	1	<1%
Total	8,708		8,278		8,648	

<sup>20</sup> Queensland Ombudsman, *Annual Report 2011-2012*, page 8.

<sup>21</sup> Queensland Ombudsman, *Annual Report 2011-2012*, page 8.

<sup>22</sup> Queensland Ombudsman, *Annual Report 2011-2012*, page 9.

<sup>23</sup> Queensland Ombudsman, *Annual Report 2011-2012*, page 9.

### **Complaint outcomes**

In the 2011-2012 financial year, 7,477 complaints were declined. More than half of the complaints were declined as premature (4,014 complaints which represented 54%). This means that the complainant did not exhaust the agency's internal complaints management process before contacting the Ombudsman. Agencies should be given an opportunity to consider and resolve complaints, including undertaking an internal review of the agency's original decision.<sup>24</sup>

A further 1,713 complaints (23%) were declined for other reasons such as that the investigation was considered to be unnecessary or unjustifiable or appeal rights were still available.

Additionally, a further 1,206 complaints (16%) were declined because they were outside the Ombudsman's jurisdiction for a variety of reasons, such as that the matter related to a Commonwealth government agency, a police matter or a neighbourhood dispute.

Finally, 544 complaints (7%) were declined because they were subject to a decision-making process that was not yet complete.<sup>25</sup>

### **Investigation outcomes**

Of the 1,044 investigations undertaken by the Office of the Queensland Ombudsman (which represented 12% of the total complaints finalised), 50% concluded that no maladministration was established and 3% concluded that some form of maladministration was identified. Examples of the types of maladministration identified include:

- the agency's decision or action was unreasonable, unjust, oppressive or improperly discriminatory (26 complaints);
- that reasons were either inadequate or not provided (5 complaints); and
- the agency's decision was 'wrong' or contrary to law (5 complaints).<sup>26</sup>

In 25% of all investigations (being 263 cases), the Annual Report notes that it was not necessary for the Office of the Queensland Ombudsman to make a finding '*as the agency agreed to totally or partially address the issue of concern or provided a satisfactory explanation for their decision or action*'.<sup>27</sup>

### **Ombudsman's recommendations**

Upon identifying any maladministration by an agency, the Ombudsman typically makes either:

- a "direct benefit recommendation", which produces a positive outcome for the individual complainant; or
- a "systemic recommendation", which addresses issues concerning policies, procedures or practice in the relevant agency.<sup>28</sup>

During the 2011-2012 period, the Ombudsman made 11 direct benefit recommendations and 128 systemic recommendations. The Ombudsman's recommendations addressed a wide variety of administrative deficiencies, however the majority concerned improvements to agencies' policies or procedures (58%).<sup>29</sup>

<sup>24</sup> Queensland Ombudsman, *Annual Report 2011-2012*, page 10.

<sup>25</sup> Queensland Ombudsman, *Annual Report 2011-2012*, page 10.

<sup>26</sup> Queensland Ombudsman, *Annual Report 2011-2012*, page 11.

<sup>27</sup> Queensland Ombudsman, *Annual Report 2011-2012*, page 11.

<sup>28</sup> Queensland Ombudsman, *Annual Report 2011-2012*, page 11.

<sup>29</sup> Queensland Ombudsman, *Annual Report 2011-2012*, page 11.

Accordingly, the total number of recommendations made in the 2011-2012 period was 139, which was less than the previous financial year of 175 recommendations. In this regard, the Annual Report notes that during the 2011-2012 period, the Ombudsman made a change to the way recommendations are drafted which is why there were fewer recommendations being issued. It is understood by the Committee that the recommendations are now more comprehensive.<sup>30</sup>

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

In 2011-2012, 96% of recommendations were accepted, where a response had been received from the agency by 30 June 2012.<sup>31</sup>

The following table sets out the types of investigative recommendations made to agencies:<sup>32</sup>

	11/12	% of total
Improve policy or procedure	82	59%
Follow policy or procedure	14	10%
Change decision	5	3.5%
Financial remedy	5	3.5%
Expedite action	6	4%
Review decision	4	3%
Provide training	7	5%
Admit error or apologise	2	2%
Give better explanation or reasons	14	10%
Total	139	

### **Financial Performance**

The general purpose financial statements, included in the *Annual Report 2011-2012*, are certified as having been prepared pursuant to section 62(1) of the *Financial Accountability Act 2009*, relevant sections of the *Financial and Performance Management Standard 2009* and other prescribed requirements.<sup>33</sup>

Additionally, the *Annual Report 2011-2012* includes an independent auditor's report which includes an opinion that the financial reports represent 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 the financial position as at the end of that year.<sup>34</sup>

<sup>30</sup> Queensland Ombudsman, *Annual Report 2011-2012*, page 11.

<sup>31</sup> Queensland Ombudsman, *Annual Report 2011-2012*, page 11.

<sup>32</sup> Queensland Ombudsman, *Annual Report 2011-2012*, page 11.

<sup>33</sup> Queensland Ombudsman, *Annual Report 2011-2012*, page 53.

<sup>34</sup> Queensland Ombudsman, *Annual Report 2011-2012*, page 54.

**Committee Comment**

The Committee appreciates the efforts of the Office of the Queensland Ombudsman to fully apprise the Committee of its endeavours and initiatives over the 2011-2012 financial year period. The materials provided to the Committee and the information gleaned from the meeting with the Ombudsman and key members of his team on 17 April 2013 were very informative and helpful.

The Committee congratulates the Office of the Queensland Ombudsman on the swift implementation of many of the recommendations from the Smerdon Review. The Committee also acknowledges the improvements made to the Office of the Queensland Ombudsman's procedures in response to the recommendations suggested in the Smerdon Review. In particular, the Committee notes the changes made to the procedures involved in (a) responding to complaints from prisoners about parole issues and to complaints about infringement notices; and (b) recording out of jurisdiction matters, complaints initiated by telephone and continuing issues in complaint cases.

The Committee notes these changes have contributed to a significant reduction in the number of complaints recorded.

The Committee understands that while the total number of training sessions in the 2011-2012 period was greater than the 2010-2011 period, it is anticipated that given the spate of natural disasters in Queensland, the structural changes to the state government departments and financial restraint in public sector agencies, the total number of training sessions for the 2012-2013 financial year is likely to be significantly lower.

The Committee encourages the Queensland Ombudsman to follow through with his proposed initiatives to try to increase the demand for training, such as planning 'open' sessions in regional areas as a means of encouraging agencies to send officers to a combined regional training session. In this regard, the Committee encourages the Ombudsman to remain mindful of the needs of constituents beyond the South-East corner of Queensland and supports the Ombudsman's efforts to continue, where possible, to pursue regional visits and training programs.

The Committee was pleased to hear that the restructure of the Office of the Queensland Ombudsman, which was brought about by a number of recommendations from the Smerdon Review, is working well and that together with the other procedural changes suggested above, has substantially reduced the average time taken to respond to all contacts received.

The Committee was also pleased to see that the Office of the Queensland Ombudsman continues to be committed to investing in the professional development of staff in line with Recommendation 40 of the Smerdon Review.

The Committee notes that a number of reports resulting from key major investigations by the Office of the Queensland Ombudsman were published in the 2011-2012 financial year. The Committee congratulates the Office of the Queensland Ombudsman on these "own-initiative investigations" and notes the publication of the following reports since the current Ombudsman took office:

- The Neville Report and Neville Report Update;
- The Airport Link Project Report: An investigation into complaints about night-time surface work;
- The Hendra Virus Report: An investigation into agency responses to Hendra virus incidents between January 2006 and December 2009;
- The Underground Coal Gasification Report: An investigation into the approval and oversight of the Kingaroy Underground Coal Gasification Project;
- Investigation of Brisbane City Council's Tennyson Reach Parkland Transactions Report; and
- The Asbestos Report: An investigation into the regulation of asbestos in Queensland.

Finally, the Committee notes with interest the proposed innovative strategy to be instituted from 1 July 2013 relating to a new Service Delivery Statements measure which will seek to report on rectification actions in response to a complaint.

### 3.3 Callinan/Aroney review of the CMC

When the Ombudsman appeared before the Committee at the public hearing on 17 April 2013, the review of the *Crime and Misconduct Act 2001*<sup>35</sup> (CMC review) had been completed, although limited information had been made public at that stage. Included in the information that was made public was the Executive Summary which included 17 recommendations.<sup>36</sup> Two of the recommendations in that report appeared to have an impact on the operations of the Office of the Queensland Ombudsman.

Recommendation 4 of the report directly related to the functions of the Ombudsman:

#### **Recommendation 4**

.....

*Section 12(c) of the Ombudsman Act should be repealed to remove from the Ombudsman general responsibility for administrative practices and procedures.*

Recommendation 10 of the report was also relevant to the Ombudsman:

#### **Recommendation 10**

*The Right to Information Act ought to be amended to restrict Departments and agencies (including the Information Commissioner) from being required to give reasons for refusal to produce documents, the restriction to remain in place for 9 months. Reasons should only be obligatory if and when the complaint results in criminal proceedings or proceedings in QCAT; or, the subject or subjects of a complaint, authorise in writing the publication or disclosure of the complaint. The exception to this would be if the Supreme Court earlier determines there to be a compelling public interest in the disclosure of the reasons. We have selected 9 months on the basis that by then the CMC should have completed any investigation it undertakes.*

*The excuse from the requirement to give reasons must be general because if it is confined to reasons in respect of a CMC investigation, then not giving reasons would immediately identify that the matter was under investigation by the CMC and defeat the purpose of the provision. We recognise that this is a far-reaching provision but cannot see any other solution that would prevent leakage of information about the existence, content or subject of a current complaint or investigation. The severity of the provision is tempered by two important qualifications that we recommend apply, namely that the embargo is limited to a 9 month period, and that it be subject to contrary order by the Supreme Court in situations of compelling public interest.*

*Similar amendments will be required to the Ombudsman Act.*

At the meeting, the Committee asked the Ombudsman what advice it had provided to the reviewers. The following exchange occurred:

**Mr Clarke:** *The reviewers wrote to me and asked me if I had any submissions to make. The submissions that I made, in general terms, were that it would be useful if the boundaries between maladministration, which is my work, and official misconduct, which is the work of the CMC, could be clarified in any review. That was the only submission I made.*

<sup>35</sup> See [www.justice.qld.gov.au/cmreview](http://www.justice.qld.gov.au/cmreview).

<sup>36</sup> See [www.justice.qld.gov.au/\\_data/assets/pdf\\_file/0003/178518/CMA\\_Review\\_Summary\\_Recommendations.pdf](http://www.justice.qld.gov.au/_data/assets/pdf_file/0003/178518/CMA_Review_Summary_Recommendations.pdf).

**Mr BYRNE:** So in terms of these two recommendations, what do you think the practical impact or practical effect of these recommendations would be on your work?

**Mr Clarke:** As soon as I saw the recommendations, I wrote to the Attorney and asked to see a copy of the full report, which I have not yet seen. The Attorney has given me an undertaking that he will provide that, but it has not yet been made available.

**Mr BYRNE:** You have no actual idea of what is in the report?

**Mr Clarke:** I have not seen the report, no. Once I see the report, I will then be in a position to make an assessment as to what the possible impacts on the office would be and then I will be in a position to make submissions to the government about my support or otherwise for those changes.

In relation to the role and functions of the Ombudsman, the following exchange occurred between Members and the Ombudsman:

**Mr WELLINGTON:** Mr Clarke, I would like to ask a follow-up question, again in relation to the recommendations from the Callinan and Aroney report. Unfortunately, no-one seems to have seen the final report; we only have access to the recommendations, which is certainly a serious concern. It seems to me, from reading the recommendations, that the authors of the report seem to think that the Public Service Commissioner will be able to take over the duties that you currently have. Can you clarify, do you see your legislative role almost being mirrored by the Public Service Commissioner in relation to this component or is it the case that the Public Service Commissioner and your position as the Ombudsman have separate roles and separate functions?

**Mr Clarke:** The defining characteristics of my office and my role are independence from executive government. That is what makes ombudsmen's offices what they are, whether it is in Queensland or across the country and across the world. So the capacity to deliver training and the administrative improvement functions was added to the ombudsman's functions, I think in—and Peter will know—

**Mr Cantwell:** 2001.

**Mr Clarke:**—in the 2001 amendments to the act. So in that period, that last 12 years, the functions have been complaints management and administrative improvement. The committee will note that the strategic reviewer was very fulsome in his praise of the administrative improvement activity that the office undertakes. That is our training function, our audit function and the support we provide to agencies that are writing complaints management processes or, indeed, undertaking investigations where we would make recommendations for systemic-type administrative improvement, rather than individual reparations for a poor decision or something that impacted. We do all of that work. I think it is fair to say that the reviewer was complimentary to us in terms of the administrative improvement functions that we do.

I see it as very important that the Ombudsman continues to do those functions. If we are not in the business of doing administrative improvement and working with agencies to try to improve their administrative practice, I think it undermines the general effectiveness of the overall Ombudsman role in this state. Having said that, the relationship between the recommendations that are made in the report and the context for that, et cetera, is something that I will need to consider further before I make representations and submissions to government.

*We received very significant positive feedback about the training in the past, notwithstanding that we have had a substantial weakening of demand for training in the last 12 months. But we have very reliably significant positive feedback about the training to agencies. My personal view is that I do not believe it is a dissatisfaction with agencies of the training offered in our office. I think they value it, because when they can they participate in it fulsomely.*

The Government tabled its response to the Callinan/Aroney review of the CMC on 3 July 2013.<sup>37</sup>

Although the Government accepted Recommendation 4, no specific comment was made in relation to that part relevant to the Office of the Queensland Ombudsman.<sup>38</sup>

The Committee notes that the Government ‘accepted in principle’ Recommendation 10, making the following remarks:

*The proposed amendment raises a number of important and complex matters requiring further and ongoing discussion with departments and agencies including the Office of the Information Commissioner.*

*The Implementation Panel will provide advice about how the intention of the recommendation can best be achieved.*<sup>39</sup>

At the Committee’s recent Estimates hearing the Ombudsman was asked for his views on the possible impacts of the proposed changes in the Callinan/Aroney review. The Ombudsman informed the Committee:

*I did in fact make submissions to the Attorney in regard to the report which reviewed the CMC. The Attorney acknowledged those submissions in a letter to me and asked me for further submissions on matters I had not yet commented on, and I further made submissions to the Attorney. At the moment, based on the Attorney’s response to me and based upon the announcements that have been made both in the parliament and in the media, most of those things which I did have concern about are under consideration by the implementation panel in my understanding.*

*As a courtesy to the acting chair of the CMC, I met him recently. As part of that courtesy meeting we did discuss some aspects of the implementation of the recommendations in that review report. Subsequently I have written to the chair of the implementation panel reiterating my views—my submissions—in regard to those recommendations, particularly the recommendations that impact upon my office, and that is recommendations 4 and 10. But at the moment I am awaiting the outcome of the panel’s work and have received opportunities to discuss my concerns with the panel through one member of the panel at this stage, but I have not had a response back to my latest letter.*<sup>40</sup>

<sup>37</sup> Government Response, Parliamentary Crime and Misconduct Committee: Report No. 90 – Inquiry into the Crime and Misconduct Commission’s release and destruction of Fitzgerald Inquiry documents and Review of the *Crime and Misconduct Act 2001* and Related matters, by the Honourable Ian Callinan AC and Professor Nicholas Aroney: tabled 3 July 2013.

<sup>38</sup> Government Response, Parliamentary Crime and Misconduct Committee: Report No. 90 – Inquiry into the Crime and Misconduct Commission’s release and destruction of Fitzgerald Inquiry documents and Review of the *Crime and Misconduct Act 2001* and Related matters, by the Honourable Ian Callinan AC and Professor Nicholas Aroney: tabled 3 July 2013, pages 27-28.

<sup>39</sup> Government Response, Parliamentary Crime and Misconduct Committee: Report No. 90 – Inquiry into the Crime and Misconduct Commission’s release and destruction of Fitzgerald Inquiry documents and Review of the *Crime and Misconduct Act 2001* and Related matters, by the Honourable Ian Callinan AC and Professor Nicholas Aroney: tabled 3 July 2013. pages 30-31.

<sup>40</sup> *Transcript of Proceedings (Hansard)*, Estimates Hearing, Legal Affairs and Community Safety Committee, 18 July 2013, page 25.

The Committee considers it is unclear what the impact these recommendations will have on the functions and operations of the Office of the Queensland Ombudsman. Whereas the Government has indicated there will be ongoing discussion with departments and agencies regarding the implementation of Recommendation 10, no similar commitment has been made in relation to Recommendation 4.

On this basis, the Committee makes the following recommendation.

**Recommendation 1**

The Committee recommends the Attorney-General and Minister for Justice ensure the Implementation Panel consults with the Queensland Ombudsman regarding its consideration and implementation of both Recommendations 4 and 10 of the Report of the *Independent Advisory Panel into the Review of the Crime and Misconduct Act and Related Matters* dated 28 March 2013.

## **Appendix A**

### **Written Responses to Questions on Notice**

## Question 1

Please provide the Committee with updated complaint statistics from 1 July 2012 to 31 December 2012 including:

- number of complaints received and finalised;
- proportion of complaints finalised within 12 months of lodgement;
- proportion of complaints more than 12 months old;
- average time taken to finalise complaints;
- proportion of cases resolved informally;
- proportion of complaints investigated where a positive outcome was achieved for the complainant;
- proportion of complaints where there was a finding of maladministration; and
- number of recommendations for improvements in public administration and whether those recommendations were implemented.

## Response

	July-December 2012 <sup>1</sup>	SDS target (annual)	Comment
Number of complaints: received	3,087	*	
Number of complaints: finalised	3,082	8,000	See Question 2 information about changes in complaints procedures.
Proportion of complaints finalised within 12 months of lodgement	99%	95%	
Proportion of complaints more than 12 months old	8%	5%	By March 2013, this had been reduced to 6.7% and is expected to be 0% by 30 June 2013.
Average time taken to finalise complaints	14.4 days	*	See additional information below on time taken to finalise complaints.
Proportion of cases resolved informally	99.7%	95%	
Proportion of complaints investigated where a positive outcome was achieved for the complainant	26%	40%	See Question 6 for further information.
Proportion of complaints investigated where there was a finding of maladministration	1%	*	No finding necessary – 26%; no maladministration established 73%.
Number of recommendations for improvements in public administration and whether those recommendations were implemented	103 made 77 accepted	*	Where an agency's response to a recommendation had been received, 100% were accepted (77 responses: 77 accepted); 16 recommendations awaiting agency advice are subject to court action.

1. Half year performance statistics are subject to review as part of the end of year data auditing processes.

\* Not an SDS measure - no target is set.

Time to finalise complaints— July to December 2012	
10 days or less	85.2%
11 to 30 days	8.7%
31 to 60 days	1.5%
More than 60 days	4.5%

## Question 2

**The Office has stated on a like for like basis, the increase in the number complaints received was 9,920 representing an increase of 19% when compared to 2010-2011 (Annual Report, page 8).**

**Has the Office undertaken any analysis to understand this increase? Are similar increases expected this financial year?**

### Response

The total number of complaints received in 2010-2011 was 8,466; had the reporting change not been introduced, the total number of complaints would have been 9,920 – an increase of 1,454 (19%) on the previous year.

An analysis of the increase has been undertaken. This shows the increase in complaints was mostly attributable to complaints about state government agencies (increase 608) and complaints outside of the Ombudsman's jurisdiction (increase 526).

Similar increases are not expected this financial year. The two main drivers of this are:

- improvements to the Office's procedures for managing complaints as recommended in the *Strategic Review of the Office of the Queensland Ombudsman* (the Smerdon Report)
- a change in complaint responsibilities outside the jurisdiction of the Ombudsman.

### Improvements

The Office has improved its procedures in response to recommendations in the Smerdon Report (recommendations 8, 18, 19, 21, 22) about how complaints are recorded and managed. Changes have been made to:

- responding to complaints from prisoners about parole issues
- responding to complaints about infringement notices
- recording out of jurisdiction matters
- recording complaints initiated by telephone
- recording continuing issues in complaint cases.

#### *Complaints from prisoners about parole issues*

In January 2012, the way complaints from prisoners about parole issues were dealt with changed. In the past, Ombudsman officers would make inquiries directly with the parole boards on behalf of prisoners.

Ombudsman officers now refer prisoners back to contact their own centre's Sentence Management Unit for queries about parole. This initiative has resulted in a marked decrease in the complaints received about parole issues from prisoners. In the first half of 2012–2013, the Office received 150 fewer complaints (approximately a 3.5% reduction in all complaints) from prisoners about parole matters compared to the first six months of 2011–2012 (a 70% reduction in parole complaints).

#### *Complaints about infringement notices*

In January 2012, the Office changed how it responded to complaints about infringement notices issued by local councils and State agencies (excluding the Queensland Police Service).

Generally, the Office now declines complaints about infringement notices where a person is disputing the factual or legal basis of the notice. The complainant has a right to have the issue determined by a Magistrates Court and this is the more appropriate appeal body, particularly if the complainant is seeking to have the infringement notices waived. This change is likely to reduce complaint numbers by approximately 300 annually (approximately a 3.5% reduction in all complaints).

#### *Out of jurisdiction contacts*

Many people contact the Office about complaints that are not within the Ombudsman's jurisdiction. Prior to April 2012:

- When a person contacted the Office by phone or the online complaint form about a matter outside the Ombudsman's jurisdiction, the Office provided a referral to an appropriate complaints agency (11,245 referrals in 2010-2011) and did not record the matter as a complaint.
- When a person contacted the Office using a more formal method of correspondence (such as a letter, fax or email) this was recorded as a complaint. A significant proportion of these complaints were outside the Ombudsman's jurisdiction (in 2010-2011, 16% of complaints were coded as other/out of jurisdiction).

In April 2012, a new file type called 'out of jurisdiction' was introduced to record all contacts outside of the Ombudsman's jurisdiction, regardless of how the person brought the matter to the Office.

This change more accurately records and reports information about contacts that are within and outside the Ombudsman's jurisdiction. The service provided to people who contact the Office about a matter of concern, whether within or outside the Ombudsman's jurisdiction, is unchanged. If this new procedure had been used throughout 2011–2012, the number of complaints received would be reduced by approximately 17% (approximately 1,500 complaints).

#### *Telephone contacts*

In July 2012, the Office changed how a telephone complaint is recorded when a person is requested to provide further written information. Previously, the call would be recorded as a complaint and closed on the basis that a written submission had been requested; and a second complaint file would be subsequently created if a written complaint was received. This had the effect of creating two files for a single matter.

Now a 'complaint' file is created for the telephone call and remains open for 14 days to allow the complainant to provide written information. If the information is received, the complaint is continued. If not, the complaint is closed.

This change is likely to reduce reported complaint numbers in 2012-2013 by approximately 120 annually (approximately a 1.4% reduction in all complaints), and provides more accurate statistics about the total number of discrete complaint matters brought to the Office.

#### *Continuing issues*

From July 2012, a new procedure for managing continuing issues on complaint cases was introduced. Previously, each time a complainant lodged a complaint with the Office that related to the same issue, it was recorded as a new complaint. For example, a complaint may have been declined by this Office because the complainant had not first made the

complainant to the agency concerned (that is, it was premature). If the complainant subsequently returned to the Office (having raised their complaint with the agency but being dissatisfied with the agency's response), a new complaint file was opened. If this occurred in the same financial year it would have been counted as two complaints. Under the new procedure, the subsequent complaint is recorded as a 'continuing issue' and not counted as a new complaint.

This change is likely to reduce reported complaint numbers in 2012-2013 by approximately 370 annually (approximately a 4.4% reduction in all complaints).

### **Outside the Office of the Ombudsman**

From 1 October 2011, complaints about tolls on roads operated by Queensland Motorways Ltd (an agency within the Ombudsman's jurisdiction) can be reviewed by the Tolling Customer Ombudsman. The Office now declines to investigate complaints about QML tolls because there is another avenue of review (s. 23(1)(d) *Ombudsman Act 2001*). This has led to a significant decrease in the number of complaints about QML. In 2010–2011: 200 complaints; in 2011–2012: 152 complaints; and in the half year to December 2012, 24 complaints were received. The impact is estimated to be a 1% reduction in all complaints.

### **Impact of changes**

Overall, these changes have contributed an estimated reduction of around 25% in the number of complaints recorded in the first half of the 2012–2013 financial year (July 2011–December 2011: 4,135 complaints; July 2012–December 2012: 3,082 complaints).

## **Question 3**

**There remains a significant number of complaints which the Office declines (54%) because the complainant has not exhausted the agency's internal complaints management system before contacting the Office (Annual Report, page 10). The percentage reported in 2010-2011 was similar at 53% (Annual Report 2010-2011, page 23).**

**Are there any steps the Office can or is taking to reduce this? How is this dealt with in other jurisdictions?**

### **Response**

The Office promotes the use of agency complaint management systems (CMS) as the first stage in complaint management. The Smerdon Report supported the continued focus on directing complainants to an agency CMS and targeted compliance auditing of CMSs.

### **Steps by the Office**

*Using the website and online complaint form to direct complainants to an agency CMS*

In April 2012, the Office changed its website to more clearly direct complaints to an agency CMS as the first step in making a complaint. An easy-to-use stepped process sets out how to make a complaint using an agency CMS and what to do if the person remains dissatisfied after having used that process.

The Ombudsman's online complaint form is being re-modelled (anticipated launch prior to 30 June 2013) to include initial questions to confirm the person has lodged a complaint under

the agency's CMS. If not, specific information about the CMS of the agency being complained about, including a link to the agency's CMS policy and complaint form (if available) will be provided.

#### *Improved hardcopy complaint forms and Information sheets*

The Office's hardcopy complaint form, the prisoner's complaint form and complaints information sheets are being upgraded to include information about using the CMS of the agency before the Ombudsman becomes involved in a matter. The forms will also include an option for a person to provide their consent for the Ombudsman to directly refer their complaint into the CMS of the agency concerned.

#### *Clear advice in letters to use the agency CMS*

In early 2012, the Office upgraded its template letters for declining to investigate a complaint because it is 'premature'. The new templates provide information on using the agency CMS and provide links to relevant agency's CMS policy and complaint form (if available).

#### *Directing complaints from prisoners about parole issues to an internal review point*

Prisoners making complaints about parole issues are now directed to their institution's internal Sentencing Management Unit before the Ombudsman intervenes in the matter (see question 2 for further information).

#### *Continued implementation of the Queensland Ombudsman's Complaints Management Program (CMP)*

The CMP helps agencies develop and improve their complaints management practices, policies and procedures. Services include: advice on policy and procedures, reviews of agency CMSs to promote further improvement in complaints management and decision-making and CMS training.

### **Action in other jurisdictions**

The Queensland Ombudsman's approach to promoting the use of agency CMSs is consistent with the way all Australian Parliamentary Ombudsmen handle complaints. A review of the public websites of the Commonwealth Ombudsman and all Australian state and territory Ombudsmen confirms a consistent approach.

Statements on Ombudsman websites include:

#### *New South Wales*

Before complaining to us, you should make a complaint directly to the agency, giving them a chance to address your concerns. Government agencies should have a process to manage complaints.

#### *Victoria*

...the complainant [is] advised that, where they have not already done so, they should try to exhaust their avenues of redress with the agency involved, before coming to this office. Once that avenue has been pursued, their complaint may be resolved without requiring my involvement. If not, the complainant often returns to this office.

#### *Tasmania*

Before you contact the Ombudsman, try to resolve the issue with the public authority involved. Put your concerns in writing and give the authority a chance to respond.

### *South Australia*

It should be noted that we would expect you to have made reasonable attempts to resolve the matter yourself before we get involved.

### *Western Australia*

If you have a complaint we generally ask that you try to resolve it first with the public authority involved. Public authorities should have procedures for handling complaints. You need to give the public authority a chance to address your complaint.

### *Northern Territory*

Unless there are valid reasons why you do not wish, or are unable, to approach the department to discuss your concern, you should do this before contacting the Ombudsman.

### *Commonwealth*

Before coming to the Ombudsman it is a good idea to try and solve the problem with the agency you want to complain about. As a general rule, the Ombudsman will not, and in some cases cannot, investigate complaints until they have been raised with the agency. Most agencies have internal complaint handling procedures that may be able to sort out the problem to your satisfaction. If you have not contacted the agency first, the Ombudsman may decide not to investigate until you have tried to resolve the problem with the agency itself.

## **Question 4**

**Looking at complaints received about State government agencies, complaints against the Queensland Police Service has reduced, while there were notable increases in complaints about the Queensland Parole Board, SPER and QCAT (Annual Report, page 13).**

**What further analysis has the Office undertaken regarding changes in complaints made against State government agencies? Have there been any trends?**

### **Response**

The Office has undertaken further analysis but no significant trends have been identified. For agencies with small complaint numbers, a minor reduction or increase produces a significant percentage change. For example, complaints about the Department of Premier and Cabinet reduced from 38 to 25 – a change of 13 complaints equates to a decrease of 34%. The highest percentage change was an increase of 65% for the former Department of Employment, Economic Development and Innovation (DEEDI). Those increases, however, did not involve a large volume of complaints for any one business unit.

*Agency analysis*

	2009–10	2010–11	2011–12	2012–13 (half year)
<i>Queensland Police Service</i>	229	146	140	27
No discernible reason, pattern or trend for the reduction in complaints identified. Complaints were varied and a significant proportion related to operational actions of QPS officers which are specifically excluded under s.7(2) of the <i>Ombudsman Act 2001</i> .				
<i>Queensland Parole Board (QPB)</i>	190	173	266	61
The increase in complaints (2010–2011 and 2011–2012) appears to be attributable to alleged delays by the QPB communicating with prisoners about the progress and/or outcome of their parole applications. This issue was raised with Queensland Corrective Services and the Office was advised that steps were being taken to address these issues. The Office has changed how it deals with premature complaints from prisoners (see Question 2).				
<i>State Penalties Enforcement Registry (SPER)</i>	78	75	108	44
An increase in infringement notices for toll evasion has led to more debts being referred to SPER and to an increase in complaints to this Office. Based on the half yearly results for 2012–2013, the number of complaints about SPER is likely to fall slightly to those received in the last financial year. The work of the Tolling Ombudsman has contributed to this reduction (see Question 2 for further information).				
<i>Queensland Civil and Administrative Tribunal</i>	30	55	72	25
Deliberative decisions by QCAT or its members are outside the Ombudsman's jurisdiction. Approximately half of the 72 complaints received about QCAT in 2011–2012 were outside jurisdiction. The change in recording 'out of jurisdiction' contacts has had an impact on the number of complaints recorded about QCAT.				

**Question 5**

The Committee notes that 99% of complaints in 2011/12 were finalised within 12 months with only one complaint open at 30 June 2012 that was more than 12 months old (Annual Report 2011/12, page 3 and 9).

- (a) Is this complaint now resolved?
- (b) If not, when is it anticipated the complaint may be resolved?
- (c) Is this outstanding complaint the same complaint that was reported as being the only case more than 12 months old that was outstanding as at 30 June 2011?  
(Annual Report 2010/11, page 21)

**Response**

Yes, this complaint is now resolved. It was resolved on 9 November 2012. No, it is not the same complaint as was outstanding at 30 June 2011.

## Question 6

The Committee notes that in 2011/12 the Office achieved a positive outcome for the complainant in 32% of complaints (Annual Report, page 3). This is down from the 44% achieved in 2010/11 (Annual Report 2010/11, page 12) and from the 40% target for the Office for 2011/12 (Annual Report, page 5).

The Annual Report states that changes in business practices have impacted on results as cases are directed to agencies for handling before consideration by the Office and that accordingly this has reduced the number of cases involving the Office as complainants are addressing the issue directly with the relevant agency. If 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, then:

- (a) Can the Office provide further detail as to how a reduction in cases involving the Office impacts on the Offices' percentage of positive outcomes for complainants?;
- (b) Have any strategies been put in place to improve this outcome for 2012/13 or alter the reporting method to more accurately reflect the Office's outcomes?;
- (c) Can the Office outline these strategies for the Committee?

## Response

This response addresses: the definition of a 'positive outcome', recent changes to the Office's procedures and how this has impacted on the measure and future strategies for reporting.

### What is a positive outcome?

Six codes are used to describe the ultimate outcome of a complaint. The codes are:

1. declined
2. discontinued
3. no maladministration established
4. no maladministration finding necessary
5. maladministration established
6. withdrawn (by the complainant).

For the purposes of the SDS measure, a positive outcome is when 'no maladministration finding is necessary' is recorded. This code is divided into a three sub-codes:

1. *totally or substantially rectified by agency* - where intervention by the Office results in the complaint issue being addressed (either totally or substantially) by the agency.
2. *partly rectified by agency* - where intervention by the Office results in the complaint issue being addressed (in part) by the agency.
3. *resolved by explanation/advice by QO* – where the complainant is provided with information obtained from the agency, which in the opinion of the Ombudsman, satisfactorily explains the decision.

These three actions amount to informally resolving the complaint. All are counted towards the positive outcome measure.

## Changes to business practices and impact on 'positive outcome' measure

From January 2012, the Office has placed a greater emphasis on appropriately managing complaints that are premature (that is, the complainant has not first appropriately raised the complaint with the agency before complaining to this Office).

Where a premature complaint is identified, the Office advises the complainant to lodge a complaint with the agency or, with the complainant's consent, the complaint is directly referred to the agency by the Office (a 'direct referral'). The complainant is advised to return to the Office if they are not satisfied with the outcome. This change has impacted on the 'positive outcome' measure.

As the committee has identified:

- in 2010-2011 positive outcome - 44%
- in 2011-2012 positive outcome - 32%
- in 2012-2013 positive outcome target - 40%.

Of the 44% (473) positive outcomes in 2010-2011:

- 58% (274) were *resolved by explanation/advice by QO*
- 42% (199) were *totally or substantially rectified by agency or partly rectified by agency*.

Also:

- 62% (271) of the complaints related to corrective services or parole boards
- the majority of corrective services or parole board complaints (158) were received on the prisoner phone link (PPL)
- the majority of corrective services or parole board complaints (211) *were resolved by explanation/advice by QO*.

## How the change in practice has impacted on positive outcomes

Before January 2012, many PPL premature complaints were informally resolved and coded as a positive outcome. A PPL complaint may have been resolved, for example, simply by making a telephone call to a correctional facility manager and information being provided by that manager.

Under the revised practices, many of these types of complaints were deemed premature. Complainants were advised to raise their complaint with the agency or the Office directly referred the complaint to the agency (this change was not limited to corrective services matters but applied to all complaints).

In 2011-2012, the Office made 486 direct referrals (up from 168 in the previous year). It is likely that many of these complaints (particularly prisoner complaints) would have resulted in a positive outcome coding under the old practice. However, the changed model ensures greater use of agency complaint management systems and releases Office resources for more timely work on other cases.

By way of comparison, if direct referrals are added to the positive outcomes measure, 'positive outcomes' percentages increase significantly:

- 2010-2011 – 52% (641)
- 2011-2012 – 58% (754).

### Future strategies

As a result of increased use of agency complaints management systems, the 'positive outcomes' measure is no longer an accurate reflection of the Office's service delivery.

For example:

- The *resolved by explanation/advice by QO* outcome does not depend on whether the complainant accepts the explanation and advice. In these circumstances there is some debate as to whether this amounts to a positive outcome. (*The Office has recently changed the definition of this outcome sub-code and it is now only to be used where the complainant accepts the explanation/advice*).
- In practice there is little distinction between the *resolved by explanation/advice by QO* outcome and the *no maladministration established* outcome. This is because where the Office finds no maladministration established, an explanation is always provided to the complainant.
- The more substantive outcome is whether the agency has actually rectified an identified deficiency. This outcome can be achieved where maladministration has been established by the Office and recommendations are made. However, the *maladministration established* outcome code does not feed into the positive outcome measure at all.

The Office is developing a new SDS measure to replace the 'positive outcome' measure from 1 July 2013. The new measure will seek to report on rectification actions in response to a complaint (not including *explanation/advice by QO* outcome).

## Question 7

**Can the Office provide the Committee with details of any analysis it has undertaken to determine whether a shared call centre model might be an appropriate option to ensure that individuals are directed to those agencies with jurisdiction to consider their complaints at the earliest possible time?**

### Response

One of Mr Smerdon's recommendations (recommendation 9) relates to improvements to the 'contacts' process within the Office and aims to minimise the resources necessary to respond to out of jurisdiction complaints and general queries. He proposed a series of options including four recommendations (recommendations 8 to 11).

To date, the emphasis has been on improving internal contact management processes, including improved telephone and web processes to minimise the resources necessary to handle calls and respond to web contacts. These two changes (telephone and web) have resulted in significant reductions in staff resources being allocated to telephone shifts with typical waiting times reduced to a few seconds) and fewer web transactions for out of jurisdiction matters (more information provided in response to Question 15). This has also

meant that clients receive more direct and immediate responses to their queries, while still being able to lodge a complaint in a timely manner.

The Health Quality and Complaints Commission made submissions to the committee that it did not favour a shared telephone facility between colocated agencies. Elements of its role and operations are also being considered by the Minister for Health. The Commission for Children and Young People and Child Guardian is currently the subject of a significant review which may result in substantial changes to its role and operations. These offices and the Anti-discrimination Commission Queensland are all within the Ombudsman's jurisdiction. Shared staff and facilities create concerns about safeguarding the independence of the organisations.

The Ombudsman proposes to further consider the need for a shared telephone facility when the Office's internal improvements have been finalised, including further changes to the web site, and the other reviews have been completed.

## Question 8

**Have any steps been taken to date to address the upgrade of the [www.complaints.qld.gov.au](http://www.complaints.qld.gov.au) website?**

### Response

A preliminary audit of the 'It's OK to Complain' website was recently undertaken to ensure its usefulness in the short-term. This audit confirmed that, with one click on any agency icon from the front page of the website, a standard template details the agency's telephone numbers, website contact and relevant brochures. Improving and enhancing the website is included in this Office's Communications and Community Engagement Plan for possible completion in late 2013.

## Question 9

**In relation to "own initiative" investigations, the Committee is interested in whether the Office has undertaken any consideration with the Auditor-General and his fellow Ombudsmen about any concerns they may have regarding a role for the Office in reviewing service delivery of an agency from the perspective of minimising future complaints.**

### Response

The Ombudsman and the Auditor-General have previously discussed the potential overlap of jurisdictions. This discussion occurred after the changes to the *Auditor-General Act 2009* allowed the Auditor-General to conduct performance audits under certain conditions. These changes provided the potential for overlap in regard to performance audits and own-initiative investigations.

As a result of these discussions, the Auditor-General invited the Ombudsman to have input into the planning processes required for his performance audit program.

Own-initiative investigations under the *Ombudsman Act 2001* do not have the same planning requirements as performance audits. On this basis, the Ombudsman may initiate an

investigation at any time across most aspects of public administration. However, the Ombudsman has limited resources within the Office and a duty to apply those resources efficiently. Own-initiative investigations completed to date have been undertaken as a result of considerable public interest, compelling complaints or known areas of challenge in public administration or policy. Public reports since the current Ombudsman took office include:

- The Neville Report and Neville Report Update
- The Airport Link Project Report: An investigation into complaints about night-time surface work
- The Hendra Virus Report: An investigation into agency responses to Hendra virus incidents between January 2006 and December 2009
- Ombudsman Recommendations to Councils: Analysis of Implementation 2007-2010
- The Underground Coal Gasification Report: An investigation into the approval and oversight of the Kingaroy underground coal gasification project
- Investigation of Brisbane City Council's Tennyson Reach Parkland Transactions Report
- The Asbestos Report: An investigation into the regulation of asbestos in Queensland.

In addition to these published reports, other own-initiative investigations result in confidential reports for stakeholders.

The Office also undertakes a program of Complaints Management System (CMS) audits in state agencies, councils and universities to ensure that these bodies maintain suitable and adequate systems for dealing with complaints. Good complaints management within agencies also identifies systemic issues within that agencies' administration.

With the current resourcing of the Office, the Ombudsman does not anticipate a significant increase in the rate at which public reports are produced given the effort needed to manage the current range of complaints and other work undertaken. The potential for service delivery investigations, as proposed by Mr Smerdon, is not excluded, but it is not seen as a short term priority.

## Question 10

**The Annual Report provides that for the reporting period the Office undertook 162 (page 5) training sessions with 41 (page 24) conducted in regional areas. Compared with 2010/11 reporting period, that is a 12.5% increase in training sessions overall but a 16.33% decrease in training in regional areas (see 2010/11 Annual Report, pages 12 & 80).**

- (a) How does this fit with the Office's stated commitment to regional areas?**
- (b) Can the Office provide analysis for the disproportionate decrease in training in regional areas? What measures have been put in place since the Committee's Report on the Strategic Review of the Office of the Ombudsman to increase the rate of visits in more remote communities?**

## Response

The Office has a strong track record of providing training in regional areas and is committed to continuing to provide that service. Recommendations 30 and 31 of the Smerdon Report encourage the continued delivery of training programs on a cost-recovery basis.

Regional training delivery is dependent on client demand for training programs.

Queensland's spate of natural disasters, extensive structural changes to state government departments and significant financial restraint in public sector agencies appear to be contributors to a reduction in demand for training across the state. This financial year will see a significant decrease in the number of training sessions delivered by the Office in regional and metropolitan areas (see table below).

#### *Training sessions*

	2010-11 Annual Report	2011-12 Annual Report	2012-13 Sessions delivered July to December 2012	2012-13 Estimated end of year position for sessions delivered
Regional <sup>1</sup>	49	41	4	15
Metropolitan	91	121	7	35
<b>Total</b>	<b>140</b>	<b>162</b>	<b>11</b>	<b>50</b>

1. Regional training sessions in 2010-2011 include sessions delivered on the Gold Coast and Sunshine Coast which were counted as 'regional'. From 2011-2012 onwards, these visits were categorised as 'metropolitan'.

The Office has responded to this decrease in demand for training by transferring some training resources to complaints management systems review activities (targets have included regionally-based agencies) and a revised training program. For example, Office trainers have travelled regionally to deliver programs to smaller than usual groups.

In the second half of 2012-2013, there appears to be a slight increase in demand for training. So far, six training sessions have been booked in regional Queensland (including Mt Isa, Townsville and Mackay) and there are other expressions of interest. The Office is planning 'open' sessions in regional areas as a means of encouraging agencies to send officers to a combined training session.

## **Question 11**

**The Annual Report (page 5) provides that for the 2011-2012 reporting period the Office undertook 61 visits to regional centres. Please provide a breakdown of those visits by purpose, specifically to**

- (a) undertake investigations;**
- (b) visit correctional centres;**
- (c) conduct training.**

## **Response**

### *2011-2012 regional visits*

Visit type	Number of visits	Locations (number of visits)	Purpose
Investigative <sup>1</sup>	11	Local government areas visited: Gold Coast Fraser Coast Moreton Bay Redlands	Ombudsman officers travel to regional centres to conduct interviews, visit sites and access records held by agencies
Correctional visits	9	Maryborough Woodford Lotus Glen (Mareeba) Darling Downs (Toowoomba) Borallon (Ipswich)	Ombudsman officers visit every Queensland correctional centre at least once annually to investigate and resolve complaints, investigate broader systemic issues, raise awareness of Ombudsman services among prisoners, provide information and advice to centre

		Numinbah Palen Creek Capricornia (Rockhampton) Townsville	management, audit administrative processes, inspect registers and watch recordings of breach hearings, and monitor the QCS complaints management system.
Training <sup>2</sup>	41	Cairns (11) Kingaroy (1) Longreach (3) Maryborough (1) Mt Isa (3) Palen Creek (1) Rockhampton (3) Tablelands (4) Toowoomba (7) Townsville (7)	Training modules offered include: <ul style="list-style-type: none"> <li>• Good Decisions</li> <li>• Complaints Management for frontline and internal review officer</li> <li>• Administrative Investigations</li> <li>• Ethical Decision Making.</li> </ul>

1. From 1 July 2012, the 'regional' definition was revised to exclude south-east Queensland areas such as the Gold Coast and the Sunshine Coast. The revised definition of 'regional' is based on regional council boundaries and travel time from Brisbane. Under the revised definition, the total number of regional visits in 2012-2013 is likely to decrease even if the total number of visits remained the same (for example, Gold Coast, Moreton Bay and Redlands visits would not be included).
2. Training visits reported in the 2011-2012 annual report used the revised definition of 'regional' (that is, Gold Coast and Sunshine Coast training visits are not shown in the regional total).

## Question 12

**For the period 1 July 2012 to 31 December how many visits did the Office make to regional centres to**

- undertake investigations;**
- visit correctional centres;**
- conduct training?**

### Response

Visit type	Number of visits	Locations
Investigative <sup>1</sup>	nil	
Correctional centres	3	Maryborough, Lotus Glen (Mareeba) and Southern Queensland (Gatton)
Training	4	Dalby, Toowoomba, Rockhampton and Townsville

1. From 1 July 2012, the 'regional' definition was revised to exclude south-east Queensland areas such as the Gold Coast and the Sunshine Coast.

## Question 13

**In 2011-2012, the Office experienced a 15% increase in training sessions delivered compared to the previous year (page 24). How has the decreased demand for training (State Perspective, Issue 19, November 2012) impacted the Office to date?**

### Response

Given lower demand for training, the Office has responded by redirecting resources to a whole-of-government complaints management system review. This approach satisfies recommendation 33 of the Smerdon Report.

The Training and Audit Team will undertake 19 reviews during 2012-2013 of agency CMSs to provide agencies with feedback and administrative improvement advice.

In the half year to 31 December 2012, 11 training sessions were delivered. Given the number of training session already delivered in 2013 and firm bookings in hand, it is estimated that a total of around 50 sessions will be delivered in 2012-2013 (down from 162 in 2011-2012).

## Question 14

**Similar to last year, the Office exceeded most of its service standard targets (Annual Report, page 5). In light of this performance, has the Office revised its targets or service standards?**

### Response

In 2012, the Office created a new strategic plan for 2012-2017. This includes new performance measures and targets. Progress against these measures will be reported in the Office's annual report for 2012-2013.

The Office is reviewing its service standards and targets for 2013-2014 and these will be published in the Service Delivery Statements that accompany the Queensland Budget Papers in June 2013.

## Question 15

**The Office dealt with a significant number of out of jurisdiction contacts. According to the Annual Report, out of jurisdiction contacts constituted 57% of all contacts and increased 8% from 2010-2011 (page 7). What analysis has the Office undertaken to understand this issue and what steps is the Office taking to address this? Further, what impact, if any, has been achieved from any measures implemented by the Office?**

### Response

Appropriately redirecting out of jurisdiction contacts is an issue for most complaints and integrity agencies. The Office is using three strategies to help direct complainants to the 'right' complaints agency as a means of saving time and resources for complainants and the Office.

#### *1. A new telephone message*

A new telephone message system was introduced for the Office's main phone number in May 2012 to help direct callers to the appropriate complaints agencies. All callers are provided with a brief message about what is in the Ombudsman's jurisdiction and what is not. Callers can then choose to listen to information (including contact details) about where to make complaints about:

- banks or insurance companies
- telephone or internet service providers
- electricity provider
- goods and services purchased from a business
- Commonwealth government agencies.

This has resulted in a significant reduction in phone calls to the Office about out of jurisdiction matters and increased the Office's capacity to deal with the remaining inquiries.

	Prior to new message	After new message	Reduction
Average total calls received per day by enquiry officers	74.7	44.4	41%
Average number of new out of jurisdiction matters per day	32.6	13.5	59%

## 2. Ombudsman website

Significant changes were made to the Office's website in February 2012 (including a new front page and supporting pages about complaint making) to provide clear advice to complainants about what is in the Ombudsman's jurisdiction and using an agency's CMS as the first step in a complaint process.

Helping complainants find the 'right' complaints entity without using the Ombudsman's online complaint form has resulted in an estimated decrease of 16.8% in out of jurisdiction contacts using the online complaint form (first six months 2012-2013 compared to same period 2011-2012).

## 3. Continued support and promotion of [complaints.qld.gov.au](http://complaints.qld.gov.au)

The Office has continued to support and promote the website [www.complaints.qld.gov.au](http://www.complaints.qld.gov.au) as a source of advice to complainants about the 'right' complaints agency. This site is now accessible by a single click from the Office's internet front page and material promoting the site is distributed at community events.

## Question 16

**In May 2012, the Office was restructured creating a new team focused on complaints intake and assessment while investigation teams were consolidated (Annual Report, page 9). This was discussed with the Committee last year. Would you advise after almost 1 year how the new unit is operating and whether you think further changes may be needed?**

### Response

The Office restructure is working well. It has resulted in substantially improved timeliness in dealing with complaints. The changed arrangements reflect action on a number of Smerdon Report recommendations about the intake and assessment functions (20, 21, 43, 44, 55).

From January 2012, the Registration and Preliminary Assessment Team (RAPA) commenced a trial of revised intake and preliminary assessment functions. Following the success of the trial, the arrangement was made permanent from May 2012.

This new structure, together with a number of other procedural changes (as outlined in Question 2) has substantially reduced the average time taken to respond to all contacts received (see table below).

	Pre-restructure (Sept 2011)	Post-restructure (Dec 2012)
Open cases in intake and assessment team	544	73
Est. average age	57 days	11.4 days
No. cases older than 31 days (%)	287 (54%)	2 (3%)
No. cases older than 91 days (%)	104 (20%)	nil
Total open cases (whole office)	643	175

From July to December 2012, the average age of a closed case was 3.95 days and 137 direct referrals were made.

## Question 17

In his Strategic Review report, Mr Smerdon AM stated that good organisations will expend 1.5-2% plus of their employee cost budget on training and development (Strategic Review of the Office of the Queensland Ombudsman, May 2012, pages 13 and 60). It is noted that 1.4% was expended in the 2010/11 reporting period (\$54,856 total) with 1.7% expended in the 2011/12 reporting period (Annual report, page 4).

- (a) would you confirm the total amount in dollars spent on training and development in 2011/12 reporting period?
- (b) have there been any reductions in staff training and development in the period 1 July 2012 to date? If so, please outline the details as to why this occurred?

## Response

This Office is committed to investing in the professional development of staff in line with the Strategic Review's recommendation 40. In 2011–2012, the Office expended \$103,713 on staff training (1.7% of employee costs). There has been no reduction in the staff training and development budget in the period 1 July 2012 to date. In the six months to 31 December 2012, the Office expended \$39,723 on training (2% of salary and wages expenses for the period) and plans are in place to continue this level of training in the second half of the 2012–2013 financial year.

## Question 18

The 2010/11 Annual Report (pages 90 & 92) states that 'all frontline staff' received Indigenous cultural awareness training. The 2011/12 Annual Report (page 26) indicates that 'Queensland Ombudsman officers' attended Indigenous cross-cultural awareness training. Please provide a breakdown of professional development activities attended by staff by type and number of staff attending each activity for 2011/12?

## Response

The professional development activities for staff in 2011–2012:

Training course	Number of staff participants
Windows 7 and Office 2010	58
Difficult interactions (awareness skills and self-care)	23
Indigenous cultural awareness training	19
Ergonomics training	10
Right to information training	10
Job application and interview skills	6
Equity/Harassment contact officer training	3
Chartered Professional Accountant (CPA) Information Technology Discussion Group	1
Cardiopulmonary resuscitation refresher training	1
Fringe benefits tax simplifier software training	1
People skills for supervisors	1

## **Question 19**

**Page 1 of the 2011/12 Annual Report discusses the implementation of the Smerdon Report recommendations. It is noted the Office has implemented most recommendations, particularly a restructure of the operations focussing on more efficient service delivery. In relation to any recommendations not yet implemented to date, could the Office provide an update on how these are progressing?**

### **Response**

The attached spreadsheet outlines progress on all recommendations from the Strategic Review to date.

## **Question 20**

**The 2011/12 Annual Report, page 4, lists the review of the risk management plan as a key performance indicator in relation to the Office's objective to promote organisational excellence and a skilled committed workforce.**

- (a) Does the Office have a business continuity plan (BCP) that integrates with the risk management plan?**
- (b) Does the business continuity plan address identified corporate risks?**
- (c) Does the BCP assign responsibility for overall management and implementation of the plan to either a person, committee, team or specific position?**

### **Response**

The Office's business continuity plan is integrated with the Office's risk management plan and it does identify corporate risks.

The business continuity plan assigns overall management and implementation to the Business Continuity Team (BCT).

The BCT membership is: Ombudsman, Deputy Ombudsman, Assistant Ombudsman (4), Manager Corporate Services, Senior ICT Consultant, Communication Officer, Graphic Designer, Senior Human Resource Officer and Senior Assessment Officer.

## **Question 21**

**The 2010-11 Annual Report, page 21, reported a 5% decrease in complaint finalisations which was stated to reflect the impact of the two week flood closure.**

- (a) Did the review of the risk management plan in 2011/12 contain any amendments as a result of lessons learnt from the 2011 flood?; and**
- (b) How did the current risk management plan stand up during the recent flood events?**

### **Response**

The review of the risk management plan in 2011–2012 led to changes in the way staff are contacted in an emergency. In the recent flood events, only the alert phase of the business continuity plan was activated (flooding did not impact on the Office's premises at 53 Albert Street). The alert phase refers to a watching brief on the development of the event and communication with staff. This process was managed in that incident with only minimal impact on Office activity.

## **Question 22**

**Has the office undergone funding and or staffing cuts in the period since July 2012? If so, how has this impacted on the operations of the Ombudsman Office?**

### **Response**

There have been no cuts to the Office budget since July 2012. Recent discussions with Treasury have centered on identifying if the Office is likely to have an operating surplus in the 2012–2013 financial year.

At 31 December 2012, the Office had an operating surplus of \$245,000, including \$162,000 in employee expenses due largely to three resignations and one retirement during the six month period. Three of these positions have now been filled and another officer will return from leave in the near future. This surplus also includes about \$56,000 in prospective wage increases which have not yet been paid.

The Office anticipates a surplus at the end of the 2012–2013 financial year, at which time budget discussions will determine if these funds will lapse or carry forward into next financial year.

## Question 23

The Committee notes that from 1 January 2013, the Office assumed the role of oversight agency for the Public Interests Disclosure Act 2010, including the monitoring and reviewing of management of public interest disclosures (PIDs) and providing education and advice about PIDs.

- (a) Does the Office have projected/estimated costs for the performance of this role for the remainder of 2013 and for 2013/14?;
- (b) if so, could the Office provide them to the Committee? Do you consider the office is resourced adequately to undertake this new role?

### Response

The Office worked cooperatively with the Public Service Commission (PSC) to transition the PIDs oversight function, effective from 1 January 2013. Funds were permanently transferred from the PSC to this Office to cover staff and related on-costs. The transfer was as follows:

1 January to 2013 to 30 June 2013	\$135,000
2013–14 onwards	\$269,600

In the early stages of this new role, the Office is undertaking oversight activities in a similar way to the PSC's established practice. This includes:

- monitoring reported PIDs and considering trends in that reporting
- reviewing agency's PID policy visibility and other review activities
- undertaking information and education activities such as publishing factsheets, newsletter content, web-based information materials, presentations and support for the PID co-ordinators network.

The funds allocated for the remainder of 2013 and 2013-2014 will be adequate to continue these types of activities. As part of the longer-term development of the oversight role, the Ombudsman will consider opportunities to integrate some PIDs oversight activities with other Office services such as training programs and reviews of complaints management systems.

## **Appendix B**

### **Written Response to Questions taken on Notice at the Hearing**



CSU/00001 PNC/KC

19 April 2013

Mr Ian Berry MP  
Chair  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
Brisbane QLD 4000

Dear Mr Berry

**Meeting between the Legal Affairs and Community Safety Committee and the Queensland Ombudsman – 17 April 2013**

I refer to the meeting between the Legal Affairs and Community Safety Committee and the Queensland Ombudsman on Wednesday 17 April 2013.

I was asked to provide some further information about two topics: firstly, the level of contact with my Office by persons who self-identify as Aboriginal or Torres Strait Islander and particulars of our work with Indigenous councils in Queensland and; secondly, our work with non-English speaking communities. I will deal with each of these topics in turn.

**Aboriginal and Torres Strait Islander contact**

A search of the Office electronic records indicates a total of 1,253 complainants (since records have been kept) who identify as either Aboriginal or Torres Strait Islander, out of a total complainant count of about 67,000. For the 2010-2011, 2011-2012 financial years and this financial year to 31 March, 736 persons of Indigenous background made complaints to the Office (246, 297 and 193 respectively). About 18% of complainants dealt with corrections/parole related matters.

However, as foreshadowed in the committee meeting, of these 736 complainants, only 31 were lodged from persons residing within local authority areas identified as having a predominant Aboriginal or Torres Strait Islander population (including Torres Shire Council, Mornington Shire Council, Torres Strait Island Regional Council, Northern Peninsula Area Regional Council and Arukun Shire Council as well as discrete community councils), with 11 of the 31 complaining about council matters. The other 20 complainants from these communities raised issues about state agencies or statutory entities. Given the range and nature of government services within discrete communities, across all levels of government, these are clearly low levels of complainant activity.

Over time and with the strategies outlined in the meeting, I hope to increase community awareness of the Office within remote Indigenous communities and thereby facilitate greater access to services.

## **Our work with Indigenous councils and communities**

In July 2012, I wrote to all Indigenous councils in Queensland to advise mayors and chief executive officers of our training programs, resources and free advisory services. The Chief Executive Officer of Wujal Wujal Aboriginal Shire Council responded to our Training and Audit Team and worked with our Office in developing fact sheets for aboriginal shire councils called 'Complaints Management Process (CMP) policy and procedures – Aboriginal Shire Council' and '10 steps to developing an effective complaints management system (CMS)'. In December 2012, I wrote to all Indigenous councils in Queensland enclosing these fact sheets. Since this time, contact has been made with a number of other councils and advice given on this topic.

For the information of the Committee, these fact sheets are available from our website at: <http://www.ombudsman.qld.gov.au/PublicAgencies/EffectiveComplaintsManagement/ComplaintsManagementResources/tabid/93/Default.aspx>.

In October 2012:

- Ombudsman officers made contact with the Indigenous Coordination Centre from the Department of Families (Commonwealth) to work with it to deliver information packs regionally. Fifty packs with information for Indigenous communities (including brochures and posters) were distributed by the Indigenous Coordination Centre in Brisbane, Roma, Charleville, Toowoomba and St George.
- The brochures 'Have you got a complaint' and 'It's OK to complain' were emailed to the Indigenous Coordination Centre Network contacts.
- An article was written for Moreton Bay Regional *Community Links* newsletter, formerly *Murri Links* about the role of the Ombudsman.

## **Our work with people from non-English speaking backgrounds**

The Office website demonstrates our commitment and services to persons from non-English speaking backgrounds. Our brochure 'Have you got a complaint?' is available from our website in the following languages:

- Amharic
- Arabic
- Burmese
- Chinese
- Dari
- Dinka/Sudanese
- Farsi
- Hindi
- Italian
- Korean
- Japanese
- Somali
- Spanish
- Thai
- Torres Strait Creole
- Turkish
- Vietnamese

The brochure 'It's OK to complain' (joint initiative with ADCQ, HQCC, Commonwealth Ombudsman, CCYPCG and CMC) is available from our website in the following languages:

- Amharic
- Arabic
- Cantonese
- Chinese Simplified
- Dari
- Farsi
- Hindi
- Japanese
- Korean
- Somali
- Sudanese
- Thai
- Torres Strait Creole
- Vietnamese

Information sheets about how the Office deals with complaints are also available from the website in the following languages:

- Amharic
- Arabic
- Chinese
- Croatian
- Dari
- Dinka (Sudanese)
- Persian
- Samoan
- Somali
- Spanish
- Turkish
- Vietnamese

Interpreter services are available to people of non-English speaking background if they wish to contact us.

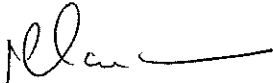
In addition, Ombudsman officers undertake a number of outreach activities each year including, World Refugee Day and multicultural festivals in local areas. The Office also conducts a regular mail campaign to community and cultural groups and libraries with English and multi-lingual brochures and the launch of new resources.

Officers regularly undertake presentations to community and cultural groups. We have updated our presentation this financial year to include information on tips for making a complaint. Information sessions can be requested and this is advertised on our website at: <http://www.ombudsman.qld.gov.au/PublicationsandReports/Informationsessions/tabid/438/Default.aspx>

We also invite leaders of multicultural organisations to our Office to share their culture and community knowledge and the barriers communities face in making complaints about government services.

I trust this additional information meets the Committee's needs. I would be pleased to provide any additional information on these, or any other matter, the Committee may require.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Phil Clarke', with a long horizontal flourish extending to the right.

Phil Clarke  
Queensland Ombudsman