

# QUEENSLAND OMBUDSMAN

ANNUAL REPORT  
2012 - 13



QUEENSLAND  
**ombudsman**

## About this report

This report highlights the achievements of the Office of the Queensland Ombudsman in 2012-13. It assesses our financial and non-financial performance against the objectives set out in the 2012-17 Strategic Plan and 2012-13 Service Delivery Statements. It meets reporting obligations under the *Ombudsman Act 2001* and the *Financial Accountability Act 2009*. Appendices are available at [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au)

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13 September 2013

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

Dear Mr Bleijie

I am pleased to present the Annual Report 2012-13 and financial statements for the Office of the Queensland Ombudsman.

I certify that this Annual Report complies with:

- › the prescribed requirements of the *Financial Accountability Act 2009* and the *Financial and Performance Management Standard 2009*
- › the detailed requirements set out in the *Annual report requirements for Queensland Government agencies*.

A checklist outlining the annual reporting requirements can be found at [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au).

Yours sincerely

  
Phil Clarke  
Queensland Ombudsman

ombudsman

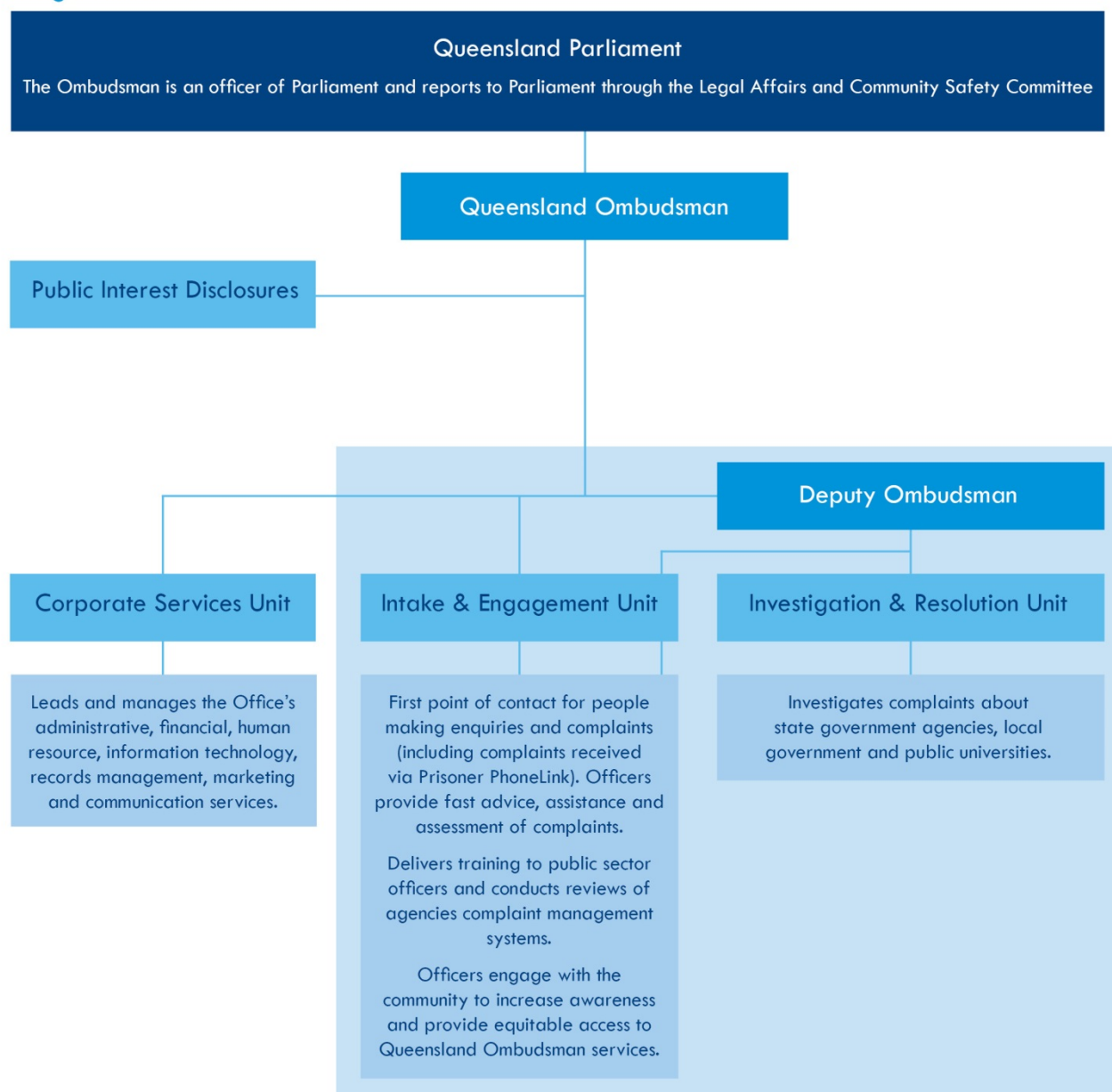
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ABOUT US

## Organisational structure



# About us

## The Ombudsman

The current Queensland Ombudsman is Phil Clarke.

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

- to give people a timely, effective, independent and just way of having administrative actions of agencies investigated
- to improve the quality of decision-making and administrative practice in agencies.

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

The Ombudsman is independent of Government and may not be directed by any person in deciding what matters to investigate or how an investigation is undertaken.

## Jurisdiction

The Ombudsman can investigate complaints about state government agencies, local councils and public universities.

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

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

In general, the Ombudsman will not investigate a matter until a person:

- has tried to resolve the problem directly with the agency concerned
- has exhausted any other right of review.

## The Office

The Office of the Queensland Ombudsman was established in 1974.

In addition to assessing and investigating complaints, the Office also has an administrative improvement role, providing training and advice to help agencies improve decision-making and administrative practice.

This helps ensure that Queensland's public agencies remain fair, honest and accountable. Good public administration means better services for all Queenslanders.

## Investigations

The majority of investigations completed by the Ombudsman are based on complaints, but the Ombudsman can also conduct investigations on his own initiative.

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

The Ombudsman can make recommendations to agencies within jurisdiction to:

- rectify unfair or unjust decisions
- improve administrative practice.

## Queensland Ombudsman

### Strategic Plan 2012-17

#### **Vision**

We seek to be a trusted expert in fair and just public administration.

#### **Intent**

The work of the Ombudsman improves fairness and accountability in public administration. Better decisions by agencies mean better services for all Queenslanders.

#### **Purpose**

To investigate complaints about public sector administration and work with agencies to improve decision-making

#### **Values**

In everything we do, we value:

- integrity and impartiality
- fairness and respect
- responsiveness and diligence.

#### **Strategic objectives**

The Office strives to:

- treat people's complaints in a fair and reasonable manner
- rectify unfair or unjust decisions by public agencies
- improve decision-making in public agencies
- build a capable and accountable organisation.

#### **Delivering services**

When dealing with this Office, people can expect:

- ethical and honest behaviour
- an unbiased response to complaints
- equitable treatment
- respect for diversity
- timely, high quality work.



# HIGHLIGHTS

# Highlights

## The Ombudsman's Report

**This has been a year of significant change and development for the Office. The recent strategic review helped refocus priorities and identify ways of delivering services more efficiently and effectively.**

This year marked the start of a new strategic plan. This will provide direction for the next five years and help the Office remain a trusted expert in fair and just public administration.

The public sector has also been through sweeping changes in the past year, making the oversight role of this Office more important than ever. In a tight fiscal environment, it is vital that efficiencies are not achieved at the expense of good public administration. By investigating complaints and carrying out programs to improve public administration, this Office contributes to an open, accountable and fair public sector. In turn, good public administration leads to better services for all Queenslanders.

### **Fair and reasonable treatment of complaints**

During the year, the Office continued to carry out its major role: investigating complaints about state government agencies, local councils and public universities. The focus this financial year has been on improving business practices to resolve complaints in a more efficient and timely manner.

In the past year, the Queensland Ombudsman dealt with 15,191 contacts and finalised 6,406 complaints. Of these, 79% were finalised within 10 days of receipt and most matters were assessed within 24 hours of receipt.

Across the Office it took an average of 12 days to finalise a complaint. This meant that Queenslanders waited half the time for their complaint to be resolved by this Office compared to the previous year - a significant achievement.

Of the complaints open at 30 June, 72% were matters received within the last 30 days of the financial year. There were no open complaints more than 12 months old.

There were just 143 complaints open at the end of the financial year – the lowest number of open complaints in more than a decade. Improved processes put in place to deal with complaints and the professionalism of Ombudsman staff have made a significant contribution to this result.

State government agencies continued to generate the majority of complaints (58%). Local councils accounted for 27% of complaints. Complaints about public universities increased by 10% this year, however, they still make up a relatively small portion of the total (6%). As expected, public agencies that provided key services were the subject of most complaints. Changes to the Office's procedures for managing and recording complaints, outlined below, contributed to an overall reduction in complaints received in 2012-13.

### **Doing business better**

As a result of the strategic review, the Office implemented wide-ranging changes, including an operational restructure, new business practices, improvements to the way complaints are recorded and the introduction of new performance measures.

A number of technological innovations also streamlined the Office's complaints management process. A new on-hold telephone message and upgraded online complaint form allowed people to self-direct queries. This minimised the resources necessary to deal with general queries and matters outside the jurisdiction of the Office. All of these improvements have enabled the Office to carry out its core business more efficiently and effectively. Detailed information about the change program is available in Appendix 1.

These changes contributed to a reduction in the number of contacts and complaints received compared to the previous year. As a result, the Office has cleared a backlog of complaints and dramatically improved the timeliness of its services.

# Highlights

## **Rectifying unfair or unjust decisions**

The Office resolves complaints informally where appropriate, including directly referring matters to an agency on behalf of a complainant. This annual report features a selection of case studies highlighting the positive impact of our informal complaint resolution processes.

In 2012-13, the Office conducted 818 investigations. Two major investigative reports were tabled in Parliament: *The Underground Coal Gasification Report: An investigation into the approval and oversight of the Kingaroy underground coal gasification project* and *The Asbestos Report: An investigation into the regulation of asbestos in Queensland*. Two major investigative reports were also published with the approval of the Speaker: *Ombudsman Recommendations to Councils: Analysis of implementation 2007-2010* and *Investigation of Brisbane City Council's Tennyson Reach Parkland Transactions*.

In 2012-13, the Office made 183 recommendations to public agencies. At 30 June 2013, 99% of the recommendations which had received a response from an agency were accepted. In 2012-13, 76% of accepted recommendations were implemented by the agreed target date. This reflects a high regard for the Office across state agencies, local councils and public universities. It underlines the vital role the Ombudsman plays in protecting individual citizens from unfair and unjust decisions and helping publicly funded agencies improve their administration.

## **Helping public agencies improve decision-making**

During 2012-13, Ombudsman staff delivered 82 training sessions to agencies on good decision-making, effective complaints management, administrative investigations and ethical decision-making.

Of these 82 sessions, 28 were held in six locations outside south-east Queensland. State agencies staff attended 42 sessions, local councils staff attended 17 sessions, public universities staff attended 8 sessions and 1 session was attended by another organisation.

A further 14 sessions were held as open sessions. In all, 1,530 officers from 23 agencies participated in Ombudsman training programs. During a year of significant upheaval in state government agencies, this was a very positive achievement.

The Office publishes a series of five newsletters for key stakeholders. Each of these newsletters is published twice a year and provides information and advice about the complaints process, administrative practice and ethics to state agency and local council staff, government legal practitioners and community organisations. In 2012-13, there was a 29% growth in subscriptions to these newsletters.

## **Oversight of Public Interest Disclosures**

On 1 January 2013, the Office became the oversight agency for the *Public Interest Disclosure Act 2010* (PID Act). The Office worked with the Public Service Commission to ensure the smooth transition of the PIDs oversight functions and provided a range of education and advisory services to agencies.

Of the 1,140 PIDs reported this year, more than 90% concerned allegations of official misconduct. Of the PIDs reported, 43% were substantiated. State government departments continued to generate the majority of PIDs, accounting for more than half of all PIDs made in 2012-13.

## **Engaging with the community**

The Office continued to focus on providing an equitable and accessible service to all Queenslanders. In 2012-13, a range of strategies were employed to build general awareness of the Office, helping people understand when and how to access its services.

The Office produced a new series of plain English brochures, including a general information brochure (translated into 14 languages) and a step-by-step guide on how to lodge a complaint with an agency. The Office also produced new plain English flyers for Aboriginal and Torres Strait Islander communities and updated its brochure for Indigenous prisoners. All of these resources

# Highlights

are available on the Queensland Ombudsman website.

In 2012-13, the Office ran joint awareness activities with other independent complaint agencies to communicate the message 'It's OK to complain'. The Office collaborated with the Commonwealth Ombudsman, Crime and Misconduct Commission, Health Quality and Complaints Commission, Anti-Discrimination Commission Queensland and the Commission for Children and Young People and Child Guardian. Activities included the continued sponsorship of a joint web portal and participation in community events targeting people affected by homelessness, multicultural groups and Aboriginal and Torres Strait Islander communities. These initiatives aimed to increase awareness of the Ombudsman and ensure all Queenslanders know how to make a complaint or request advice.

## **A capable and accountable organisation**

Following the strategic review, the Office embarked on an operational restructure. To improve service delivery, the Office created a Registration and Preliminary Assessment Unit (RAPA). RAPA focuses on the initial intake and assessment of complaints. The creation of RAPA has meant that people receive a more direct and timely response to their queries and complaints.

The previous four investigative teams were also consolidated into the Investigation and Resolution Unit (IRU) overseen by the Deputy Ombudsman. This has focused investigative resources on the timely completion of high-quality investigations.

## **Strategic risks**

To achieve its purpose and vision, the Office of the Queensland Ombudsman must maintain independence and impartiality. Maintaining this reputation ensures the Office continues to be regarded as a trusted expert by complainants.

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

Providing equitable and accessible service continues to be a challenge. The Office is mitigating this risk by better management of regional visits, making the website and online complaint form more accessible and developing new plain English resources, including a community newsletter and new complaint brochure.

To be a 'trusted expert' requires the resources to deliver services and advice to agencies and the broader community. To achieve this within the current budget, the Office must work harder and smarter. This means continuously improving the way complaints are received, assessed and investigated. It will also require new and innovative ways of engaging with the Office's key stakeholders. Investing in staff development and enhancing business systems will help the Office achieve its vision.

## **Challenges**

The number of out of jurisdiction matters has decreased during the year. However, dealing with premature and out of jurisdiction matters in an efficient and effective manner continues to be a key challenge.

Queensland is a large, decentralised state with significant populations in regional, rural and remote communities. With the Queensland Ombudsman based in Brisbane, it is a challenge to ensure that people from across the state are aware of the Office and have convenient access to the services we provide. Indigenous communities and people from culturally and linguistically diverse backgrounds also require a particular focus to ensure equal access to services.

## **Opportunities**

In a tight fiscal environment, it is crucial that publicly-funded agencies continue to provide quality services including complaints management services. This Office remains a cost-effective means of ensuring fair, open and accountable public administration. This Office provides low-cost, timely resolution of thousands of complaints about public agencies. Its investigations address systemic failings and identify more effective and efficient ways to provide public services in Queensland.

## Highlights

In a climate where open and accountable government is encouraged, it is vital that Queenslanders are aware of our role and able to access our services.

To achieve this objective, the Office has committed to improved engagement across the community, revitalised the Regional Visits Program and developed a new range of accessible print and online resources.

Finally, I would like to thank Queensland Ombudsman staff for their continued dedication and professionalism. Their hard work ensures the Office continues to achieve its objectives and contributes to improved public services for all Queenslanders.

A handwritten signature in black ink, appearing to read 'Clarke', with a long, sweeping underline that extends to the left.

Phil Clarke  
**Queensland Ombudsman**

# Highlights

## Performance snapshot

The objectives, strategies and performance indicators shown here are drawn from the *Queensland Ombudsman Strategic Plan 2012-2017*. Some performance indicators are also Service Delivery Statement measures.

**Table 1 Objective 1 performance**

Fair and reasonable treatment of people's complaints		
Key performance indicators	Target	Actual
Proportion of assessments completed within 14 days of receipt	80%	88%
Proportion of assessments completed within 30 days of receipt	90%	98%
Average time to complete assessments	10 days	4.7 days
Proportion of investigations completed within established timeframes <sup>1</sup>	90%	63%
Proportion of investigations closed through informal resolution	80%	96%
Proportion of open complaints at the end of each reporting period less than 12 months old	99%	100%
Proportion of clients who report they are satisfied or very satisfied with the service provided <sup>2</sup>	80%	64%
Proportion of contacts received from outside of south-east Queensland metropolitan area <sup>3</sup>	35%	45%

1. This is a new measure established in 2012-13 that coincided with a new method of categorising investigations. The established timeframes are related to the complexity of an investigation and include 3 months for a straightforward investigation, 6 months for an intermediate investigation and 12 months for a complex investigation. Even though the Office did not meet its performance target for the new measure, it did significantly improve the timeliness of investigations during the year. In 2012-13, the average time to finalise a complaint was 75.3 days compared to 132 days in the previous year (a 43% improvement).

2. This is based on a survey of people who dealt only with an officer from the Registration and Preliminary Assessment team in 2012-13. The calculation of satisfaction is based on the service elements of helpfulness, respectfulness, professionalism and timeliness.

3. South-east Queensland includes: Brisbane City Council, Moreton Bay Regional Council, Gold Coast City Council, Ipswich City Council, Logan City Council, Redland City Council and Sunshine Coast Regional Council.

**Table 2 Objective 2 performance**

Unfair and unjust public agency decisions are rectified		
Key performance indicators	Target	Actual
Proportion of Queensland Ombudsman recommendations accepted by the relevant agency at the time of reporting <sup>1</sup>	90%	99%
Proportion of accepted recommendations implemented by the agency by the agreed target date <sup>2</sup>	80%	76%

1. This includes agreed actions where the Office worked with the agency and complainant to negotiate a resolution without the need for a recommendation made under s.50 of the Ombudsman Act. Previously, agreed actions were known as informal recommendations. See report on Objective 2 for more details.

2. This measure has been discontinued in the Strategic Plan 2013-18 due to changes to operational practices within the investigative teams.

# Highlights

**Table 3 Objective 3 performance**

Public sector agencies improve their decision-making		
Key performance indicator	Target	Actual
Number of training participants <sup>1</sup>	2,500	1,530
Number of agencies whose staff attended training	25	23
Proportion of training participants who reported that training would assist their decision-making	80%	96%
Growth in subscriptions to Ombudsman publications	5% annually	29%

1. Training delivery is dependent on client demand. Queensland's spate of natural disasters, extensive structural changes to state government departments and financial restraint in public sector agencies contributed to a reduction in demand for training.

**Table 4 Objective 4 performance**

The Office is a capable and accountable organisation		
Key performance indicator	Target	Actual
Workforce statistics	Not set	A diverse workforce: 66% of staff are women; 18% of staff have a disability; and 15% of staff come from a non-English speaking background
Permanent staff separation	7.5%	6.9%
Staff training and development expenditure	2% of salary budget	2% of salary budget
Unqualified financial statements	Achieved	Achieved
Staff satisfaction	Not set	The 2012-13 staff survey identified satisfaction with: <ul style="list-style-type: none"> <li>personal safety</li> <li>a good working environment</li> <li>flexible working hours</li> </ul> The survey identified room for improvement in: <ul style="list-style-type: none"> <li>morale issues</li> <li>professional development and career opportunities</li> </ul>

# Highlights

## Service Delivery Statement

Actual end of year position for all measures published in the Queensland Ombudsman's Service Delivery Statement 2012-13 (SDS).

**Table 5 Performance Statement**

	Notes	2012-13 Target/est.	2012-13 Estimated actual	2012-13 actual
Service Area: Independent Review of Complaints about Government Administration				
<b>Service standards</b>				
Proportion of complaints investigated where a positive outcome was achieved for the complainant	1	40%	27%	27%
Proportion of complaints resolved informally	2	95%	99%	96%
Proportion of complaints where early intervention occurred	2	90%	96%	96%
Proportion of recommendations accepted by agencies	3	90%	99%	99%
<b>Other measures</b>				
Complaints finalised	2,4	8,000	6,300	6,406
Inquiries finalised	5	600	530	527
Referrals finalised	2,6	9,500	7,900	8,243
Review requests finalised	2	50	44	50
Total matters finalised	7	18,150	15,000	15,226
Proportion of complaints finalised within 12 months of lodgement		95%	99%	99%
Proportion of open complaints at the end of each reporting period that are more than 12 months old	8	5%	1%	0%
Number of visits to regional centres to undertake investigations, visit correctional centres or provide training	9	50	38	51
Proportion of complaints received from outside of Brisbane	10	65%	45%	45%
Number of administrative improvement training sessions delivered	11	100	70	82



# Highlights

## Notes:

1. Changes to business practices have resulted in the early identification and referral of premature complaints to agencies for consideration. As matters referred to agencies are not recorded as positive outcomes, this has significantly reduced the results in the positive outcomes measure. This measure has been replaced by a new service standard which measures outcomes from the investigation of complaints.
2. This measure has been discontinued for SDS reporting purposes only and will continue to be reported in the annual report.
3. This service standard has been amended for the 2013-14 financial year to include situations where agencies agree to a rectification action. Implementation will then be monitored in a similar way to a recommendation resulting from an investigation.
4. Reasons for the decrease include changes in recording and reporting practices. A detailed explanation is provided in Appendix 1.
5. This measure has been discontinued for SDS reporting purposes only. Increased community awareness and understanding of the Office's role, coupled with improvements to the Office website and telephone message system has led to a decrease in general enquiries or requests for advice.
6. As a result of new telephone and web processes, complainants are self-directing complaints to the relevant agencies, rather than needing to contact the Office. This has reduced the number of referrals made. A referral is defined as a contact seeking assistance on a matter outside the Ombudsman's jurisdiction.
7. Implementation of technological innovations, reviewing how complaints are recorded and streamlined work processes have contributed to a reduction in contact with the Office. Further details are provided in Appendix 1. This measure has been discontinued for SDS reporting purposes only and will continue to be reported in the Annual Report.
8. This measure has been discontinued and replaced with a new service standard for the 2013-14 financial year to report on the clearance rate for complaints. Improved business processes have ensured complex complaints are finalised within twelve months.
9. This measure has been discontinued for SDS reporting purposes only and will continue to be reported in the Annual Report. Further details are provided in the section titled, *Helping public agencies improve decision-making*.
10. From 1 July 2012, the definition of regional services was revised to exclude south-east Queensland areas such as the Gold Coast and the Sunshine Coast thereby reducing the number of reported complaints, regional visits and regional training. The revised definition of 'regional' is based on council boundaries.
11. Training delivery is dependent on client demand. Queensland's spate of natural disasters, extensive structural changes to State government departments and significant financial restraint in public sector agencies contributed to a reduction in demand. Further information is provided in the section titled, *Helping public agencies improve decision-making*.

# Highlights

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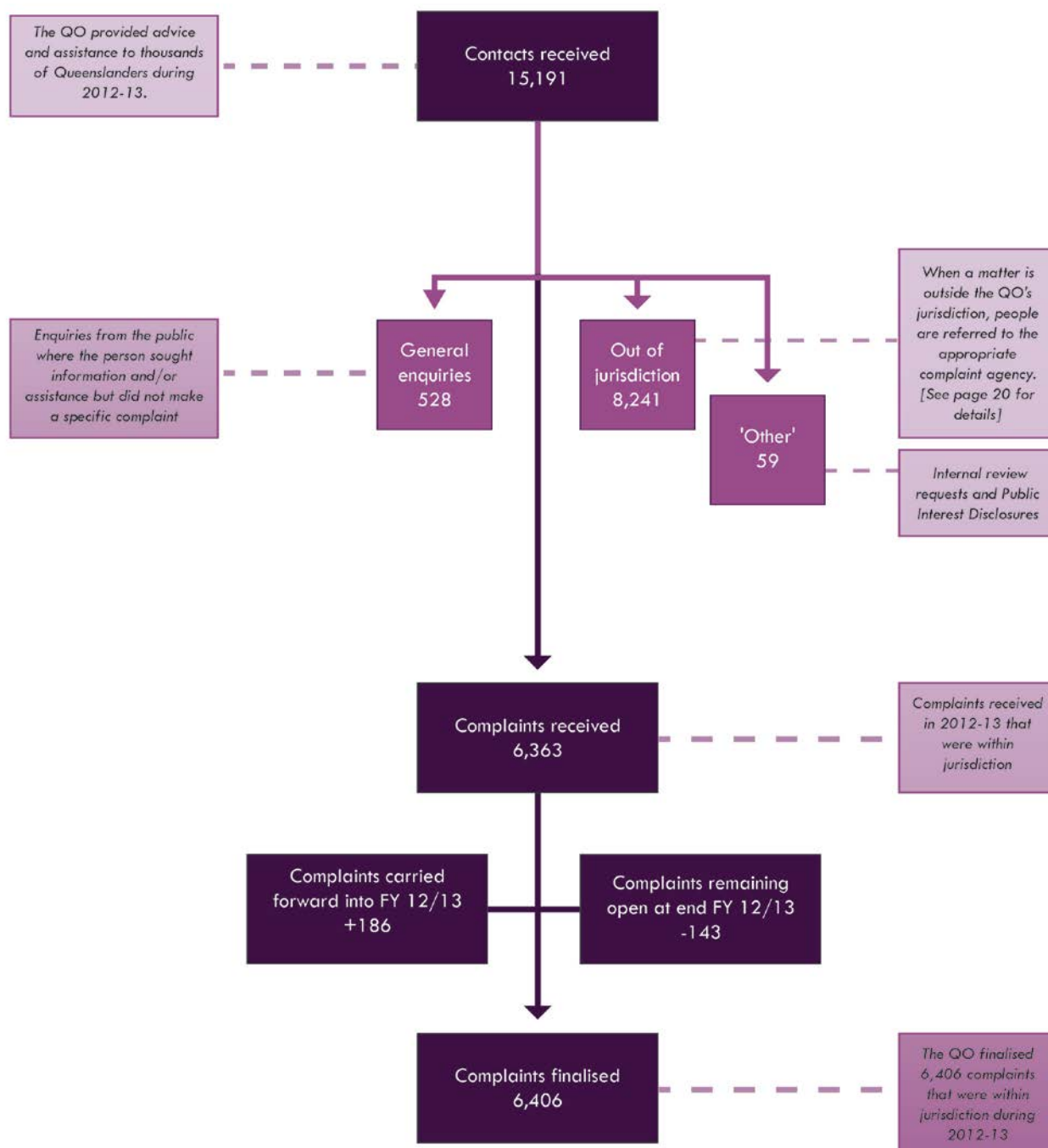
# DEALING WITH COMPLAINTS

**Fair and reasonable  
treatment of people's  
complaints**



# Dealing with complaints

Figure 1 Contacts and complaints received



# Dealing with complaints

## Overview

People who contact the Office are generally seeking help to resolve their complaint. This year, more than 15,000 Queenslanders contacted the Office, including members of the public, agency officers, Members of Parliament and other community representatives.

The Office provided a service to each and every one, ranging from general advice and assistance, direct referral of complaints to agencies and informal resolution of complaints to investigations and recommendations to rectify administrative errors.

Of the 15,191 contacts in 2012-13:

- 6,363 were complaints within jurisdiction
- 8,241 were matters outside jurisdiction
- 528 were general enquiries
- 54 were requests for a review of the Office's decision
- 5 were public interest disclosures.

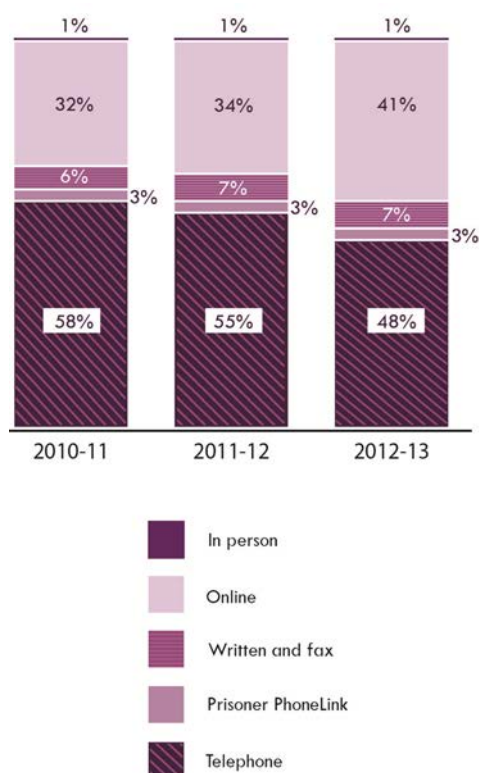
## How people contacted the Office

The majority of people continued to contact the Office by telephone (48% of all contact). A further 3% used the Prisoner PhoneLink telephone service.

This year, 41% of people contacted the Office via email or the online complaint form, compared to 34% the previous year.

The number of people contacting the Office via letter, fax or in-person has declined markedly over the past decade. This is a result of the increased use of email and the introduction of an online complaint form – both of which offer a more convenient and timely means for people to contact the Office.

**Figure 2 Contact with the Office**



# Dealing with complaints

## Advice and assistance

The Office does not investigate every matter brought to its attention, but each and every contact is assessed and a response provided. In addition to dealing with 6,363 complaints within jurisdiction, the Office responded to 8,241 matters outside the jurisdiction of the Office and provided people with advice and assistance on the best way to progress their complaint.

The Office also handled 528 general enquiries from people seeking information and assistance.

In 2012-13, fewer people contacted the Office about matters outside the Ombudsman's jurisdiction. The Office has worked hard to reduce the resources applied to out of jurisdiction matters while still providing advice to help people navigate the complaint process and find the appropriate avenue for their complaint.

To assess the change in the number of out of jurisdiction matters over the past three years, it is necessary to understand changes to the way out of jurisdiction matters are classified and recorded. Previously, all out of jurisdiction contacts received in writing were recorded as complaints. All out of jurisdiction contacts received by telephone or the online complaint form were recorded as referrals. Since April 2012, *all* out of jurisdiction contacts are recorded as 'out of jurisdiction', regardless of how they are received. This new approach more accurately distinguishes between complaints that are within jurisdiction and matters that are outside the jurisdiction of the Office.

To accurately compare the number of out of jurisdiction matters received over the past three years it is necessary to identify out of jurisdiction matters previously recorded as complaints (approximately 1,200 each year). When these changes are taken into consideration, the overall decline in out of jurisdiction matters in 2012-13 is approximately 37%.

## Doing business better

The number of contacts received by the Office has more than doubled in the last decade.

In 2012, the Office implemented new business processes to manage the increasing number of complaints and enquiries, particularly in relation to matters that are outside the Ombudsman's jurisdiction.

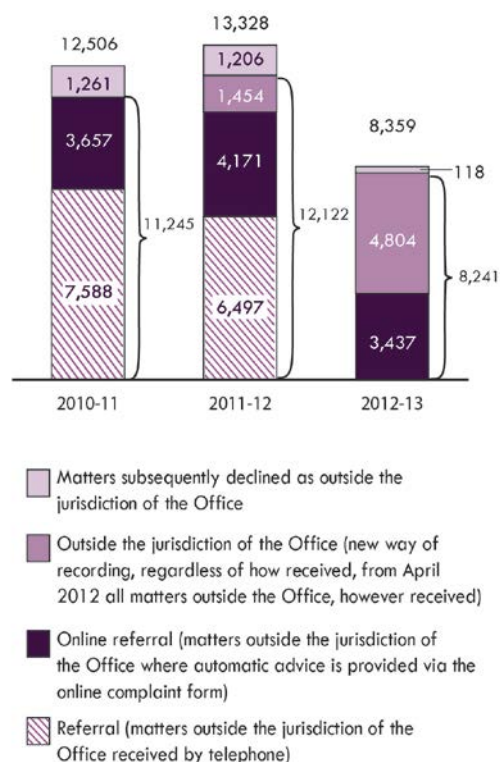
A new telephone on-hold message system was introduced to provide direct referral advice about out of jurisdiction matters.

The website homepage was also upgraded to provide clear guidance on how and where to complain.

In real terms, implementing these referral tools contributed to approximately a 37% reduction in the number of out of jurisdiction matters received by the Office.

This allowed Ombudsman officers to focus on resolving complaints within jurisdiction and improved the timeliness of assessments and investigations.

**Figure 3 Matters outside jurisdiction**



# Dealing with complaints

## Complaints received

### Overview

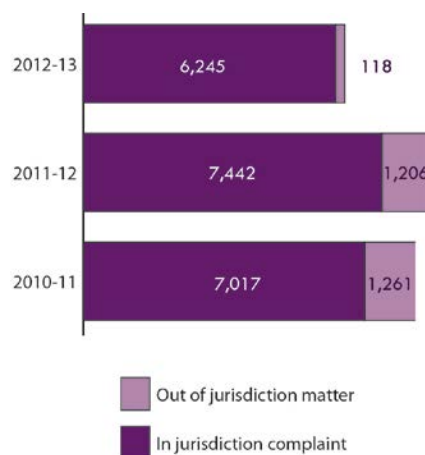
The Office's major role is to independently review complaints about state agencies<sup>1</sup>, local councils and public universities. This provides an avenue for individuals to raise concerns about the administration of key public services and helps ensure open, honest and accountable government.

### Complaints received

The Office received 6,363 complaints in 2012-13, compared to 8,466 the previous year. However, this is not a like-for-like comparison because, as discussed earlier in the report, in previous years complaints received included written out of jurisdiction matters that are no longer reported as complaints (approximately 1,200 per year).

The table below shows complaints received over the past three years, highlighting an estimation of out of jurisdiction matters previously reported as complaints. In real terms, the Office received 12% fewer complaints in 2012-13, compared to 2011-12.

**Figure 4 Complaints received**

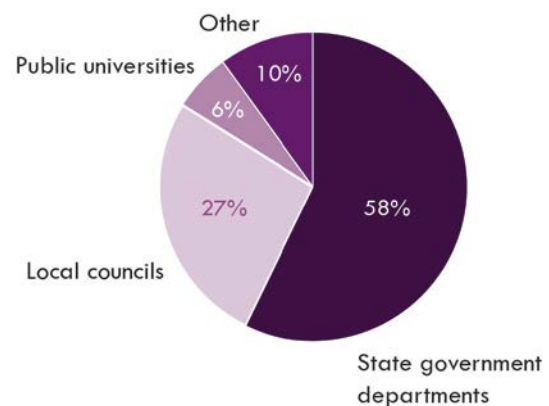


<sup>1</sup> State agencies includes government departments and statutory authorities.

Of these complaints:

- 58% were about state government departments (3,663)
- 10% were about other authorities (625), including statutory authorities
- 27% were about local councils (1,708)
- 6% were about public universities (367).

**Figure 5 Complaints received: agency type**

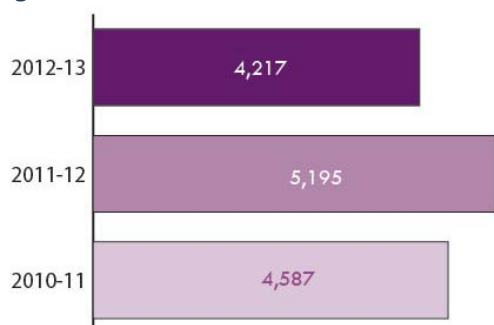


# Dealing with complaints

## Complaints received about state agencies

In 2012-13, the Office received 4,217 complaints about state agencies, including departments and statutory authorities. This represented 66% of all complaints received in 2012-13.

**Figure 6 Complaints received: state agencies**



Note: This data has not been adjusted for matters received outside the jurisdiction of the Office in 2010-11 and 2011-12.

The Office received 3,663 complaints about state government departments.

Departments that provide key services attracted the majority of complaints:

- Department of Community Safety (20% of state government department complaints)
- Department of Housing and Public Works (14%)
- Department of Education, Training and Employment (13%)
- Department of Transport and Main Roads (11%)
- Department of Communities, Child Safety and Disability Services (10%).

The Office received 554 complaints about statutory authorities. The majority of these complaints were about:

- The Public Trustee (33% of complaints about statutory authorities)
- WorkCover Queensland (16%)
- Health Quality and Complaints Commission (15%)
- Legal Aid Queensland (15%).

A restructure of government departments in mid-2012 has made meaningful comparison of year-on-year data problematic. Where business units and service areas remained intact, comparisons are presented for the purpose of identifying broader complaint trends.

Where a whole business unit was moved to another department, all back data has been presented to allow comparison. Where business units have been split between several departments, no back data is available.

**Table 6 Complaints received: statutory authorities**

	10-11	11-12	12-13
The Public Trustee	170	196	182
WorkCover Queensland	113	119	91
Health Quality and Complaints Commission	64	90	86
Legal Aid Queensland	106	102	85
Legal Services Commission	20	49	39
The Office of the Adult Guardian	44	46	30
Commission for Children and Young People and Child Guardian	41	20	9
Q-COMP	11	25	6
Queensland Anti-Discrimination Commission	6	9	5
Crime and Misconduct Commission	6	5	2
Office of the Information Commissioner	2	6	1



# Dealing with complaints

**Table 7 Complaints received: state government departments**

	10-11	11-12	12-13
<b>Department of Community Safety</b>	<b>961</b>	<b>1,106</b>	<b>746</b>
Queensland Corrective Services	770	803	599
Queensland Parole Board	173	266	98
Emergency Services	18	37	49
<b>Department of Housing and Public Works<sup>1,2,3</sup></b>	<b>518</b>	<b>583</b>	<b>516</b>
Housing Services	388	448	371
Building Services Authority	83	79	91
Residential Tenancies Authority	27	21	31
Other business units/service areas	20	35	23
<b>Department of Education, Training and Employment</b>	<b>310</b>	<b>431</b>	<b>459</b>
Education Queensland	259	361	372
TAFE Queensland	44	59	74
Other business units/service areas	7	11	13
<b>Department of Transport and Main Roads<sup>4</sup></b>	<b>606</b>	<b>658</b>	<b>413</b>
<b>Department of Communities, Child Safety and Disability Services</b>	<b>483</b>	<b>420</b>	<b>362</b>
Child Safety Services	406	330	296
Disability Services	40	57	44
Other business units/service areas	37	33	22
<b>Queensland Health</b>	<b>298</b>	<b>351</b>	<b>331</b>
<b>Department of Justice and Attorney-General</b>	<b>251</b>	<b>270</b>	<b>211</b>
Liquor, Gaming and Fair Trading	73	80	54
Queensland Civil and Administrative Tribunal	55	72	55
Fair and Safe Work Queensland	18	21	21
Queensland Courts	48	35	10
Other business units/service areas	57	62	71
<b>Queensland Treasury<sup>5</sup></b>	<b>149</b>	<b>183</b>	<b>191</b>
Office of State Revenue	140	177	184
Other business units/service areas	9	6	7
<b>Queensland Police Service</b>	<b>146</b>	<b>140</b>	<b>46</b>
<b>Department of the Premier and Cabinet</b>	<b>30</b>	<b>18</b>	<b>4</b>
<b>Other state government entities<sup>6</sup></b>			<b>384</b>

1. The 2011-12 annual report included a breakdown of complaints about QBuild and Public Works. After Machinery-of-Government (MOG) changes, this data is unavailable, so both current and back data have been included in the 'other' category.
2. Housing and Homelessness Services, part of the Department of Communities up to 2011-12, moved to the Department of Housing and Public Works as part of MOG changes. The back data has also been moved to allow a more consistent comparison of data.
3. The Residential Tenancies Authority moved to the Department of Housing and Public Works as part of MOG changes.
4. No breakdown for Transport and Main Roads is available due to MOG changes.
5. The State Penalties Enforcement Registry (SPER) moved into the Office of State Revenue, Queensland Treasury due to MOG changes. SPER complaints for 2010-11 (75 complaints) and 2011-12 (108 complaints) are now included in the overall number for the Office of State Revenue.
6. Complaint numbers about other entities include:
  - Department of Energy and Water Supply (72 complaints)
  - Department of Natural Resources and Mines (45) which includes complaints about Mines and Energy, moved from the former Department of Employment, Economic Development and Innovation (DEEDI) as part of MOG changes
  - Department of Agriculture, Fisheries and Forestry (24) which includes the Queensland Rural Adjustment Authority, Primary Industries and Australian Agricultural College, which were all moved from DEEDI as part of MOG changes
  - The Department of Environment and Heritage Protection (33 complaints) was created from the Department of Environment and Resources Management (DERM) as part of MOG changes. Certain elements of DERM moved to the Department of Energy and Water Supply. The Office received 173 complaints about DERM in 2010-11 and 117 complaints in 2011-12.
  - Translink (84); Queensland Motorways Ltd (68), Department of Tourism, Major Events, Small Business and Commonwealth Games (1); Department of Science, IT, Innovation and Arts (7); Queensland Rail (1); Office of Health Practitioner Registration Boards (2); Department of National Parks, Recreation, Sport and Racing (17); Department of State Development, Infrastructure and Planning (13); Mental Health Review Tribunal (6); Local Government (8); and Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (3).

# Dealing with complaints

## Complaints received about local councils

In 2012-13, the Office received 1,708 complaints about local councils compared to 1,967 in 2011-12.

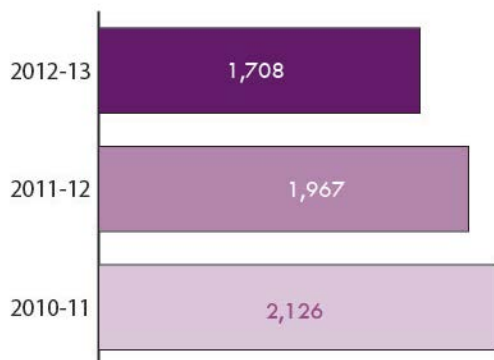
Most of the complaints received related to actions councils take to enforce state and local laws including prosecutions, infringement notices and other enforcement mechanisms (22%).

Complaints were also received in relation to councils approving/failing to approve building and development applications. These complaints often relate to the imposition of conditions placed on approvals (13%). A number of complaints related to the levy of rates by council and the administration of various concessions (11%).

**Table 8 Local councils: breakdown of complaints received**

	10-11	11-12	12-13
Laws and enforcement	464	459	382
Development and building controls	287	270	224
Rates and valuations	283	191	184
Environmental management	118	139	154
Roads	157	143	112
Sewerage and drainage	121	105	92
Water supply	106	51	88
Complaint handling	71	52	66
Land use and planning	72	51	54
Other	447	506	352
<b>Total</b>	<b>2,126</b>	<b>1,967</b>	<b>1,708</b>

**Figure 7 Complaints received: local councils**



Note: This data has not been adjusted for matters received outside the jurisdiction of the Office in 2010-11 and 2011-12.

# Dealing with complaints

## Complaints received about public universities

Complaints about Queensland's public universities continue to rise. In 2012-13, the Office received 367 complaints, compared to 333 in 2011-12.

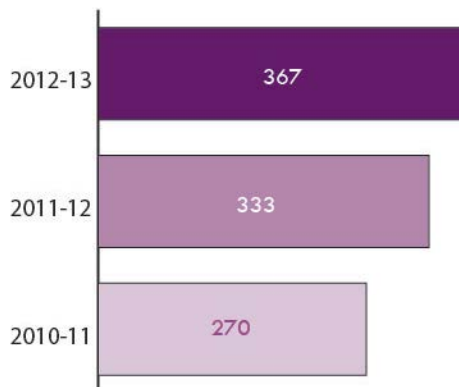
The majority of these complaints related to decisions to exclude students. These were mainly received from international students, where exclusion for unsatisfactory progress or attendance may lead to cancellation of a student's visa (28%).

Other major complaint categories included student grievance complaints relating to a postgraduate or undergraduate program or course (26%), enrolment decisions (18%) and assessment (13%).

**Table 9 Public universities: breakdown of complaints received**

	10-11	11-12	12-13
Exclusion	113	105	102
Student grievance	39	75	95
Enrolment	33	43	66
Assessment	28	39	49
Investigation	0	2	29
Employee grievance	3	7	16
Internal review	2	4	10
Complaint handling	49	57	0
Unsatisfactory progress	0	1	0
Review	3	0	0
<b>Total</b>	<b>270</b>	<b>333</b>	<b>367</b>

**Figure 8 Complaints received: public universities**



Note: This data has not been adjusted for matters received outside the jurisdiction of the Office in 2010-11 and 2011-12.

# Dealing with complaints

## Open complaints

At the end of each financial year, some complaints remain open. On 1 July 2012, 186 complaints remained open. At 30 June 2013, 143 complaints remained open. Of these, 72% were matters received within the last 30 days of 2012-13. There were no open complaints more than 12 months old.

An organisational restructure and improved business processes implemented during the year contributed to the significant improvement in the number of outstanding complaints.

**Table 10 Open complaints**

	10-11	11-12	12-13
Complaints finalised	8,278	8,648	6,406
Complaints open	368 <sup>1</sup>	186	143

1. This number has been revised from the 371 complaints reported in the 2010-11 annual report. Validation of open matters reduced the number by 3.

In addition to reducing the number of complaints open as at 30 June each year, the average age of those open complaints has also declined significantly in recent years. On 30 June 2013 the average age of the 143 open complaints was 39.2 days, compared with 66.3 days on 30 June 2012 and 117.6 days on 30 June 2011.

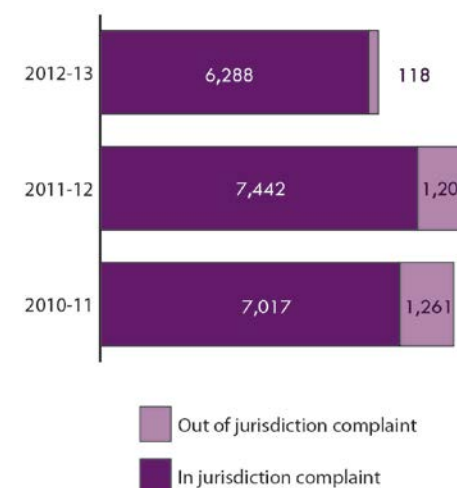
## Complaints finalised

### Overview

The Office finalised 6,406 complaints in 2012-13, compared to 8,648 in 2011-12. As discussed earlier in the report, this is not a like-for-like comparison because in previous years, complaints finalised included written out of jurisdiction matters that are no longer reported as complaints (approximately 1,200 per year).

The table below shows complaints finalised over the past three years, identifying out of jurisdiction matters previously finalised as complaints. In real terms, there was a 16% decline in complaints finalised, compared to 2011-12.

**Figure 9 Complaints finalised**



# Dealing with complaints

## Doing business better

In 2012-13, the Office changed the way telephone complaints were recorded. Previously, a complaint received by telephone was closed if a written submission was requested. A second complaint file was subsequently created if the person provided a written submission.

Since July 2012, files created for telephone complaints remain open for 14 days to allow people to provide written information if necessary. Once data from previous years has been adjusted to reflect this change, the downward trend in the number of complaints finalised is 14%.

In July 2012, the Office introduced a new process to identify continuing issues on complaint cases. Previously, where a complaint was closed by the Office but further investigation was required at a later date, a new complaint file was opened. Officers now use a simple process to identify complaint issues raised previously on a file. This measure became fully operational in the second half of the financial year.

Between January and June 2013, 290 continuing complaints were identified, approximately 50 per month. This suggests that approximately 9% of complaints finalised each month relate to matters previously considered by the Office.

## Time taken to finalise complaints

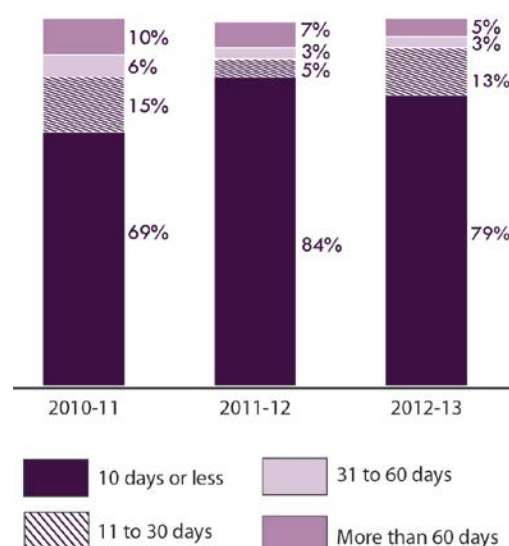
In 2012-13, it took an average of 12 days to finalise a complaint, compared to 24.3 days in 2011-12. This meant that complainants received a response in less than half the time, a significant achievement resulting from the operational restructure and improved business practices.

Complaints requiring investigation took an average of 75.3 days to finalise, compared to 132 days the previous year. This represents a 43% improvement in the timeliness of investigations.

The time to finalise a complaint is dependent upon many factors, including the complexity of the matter. This year:

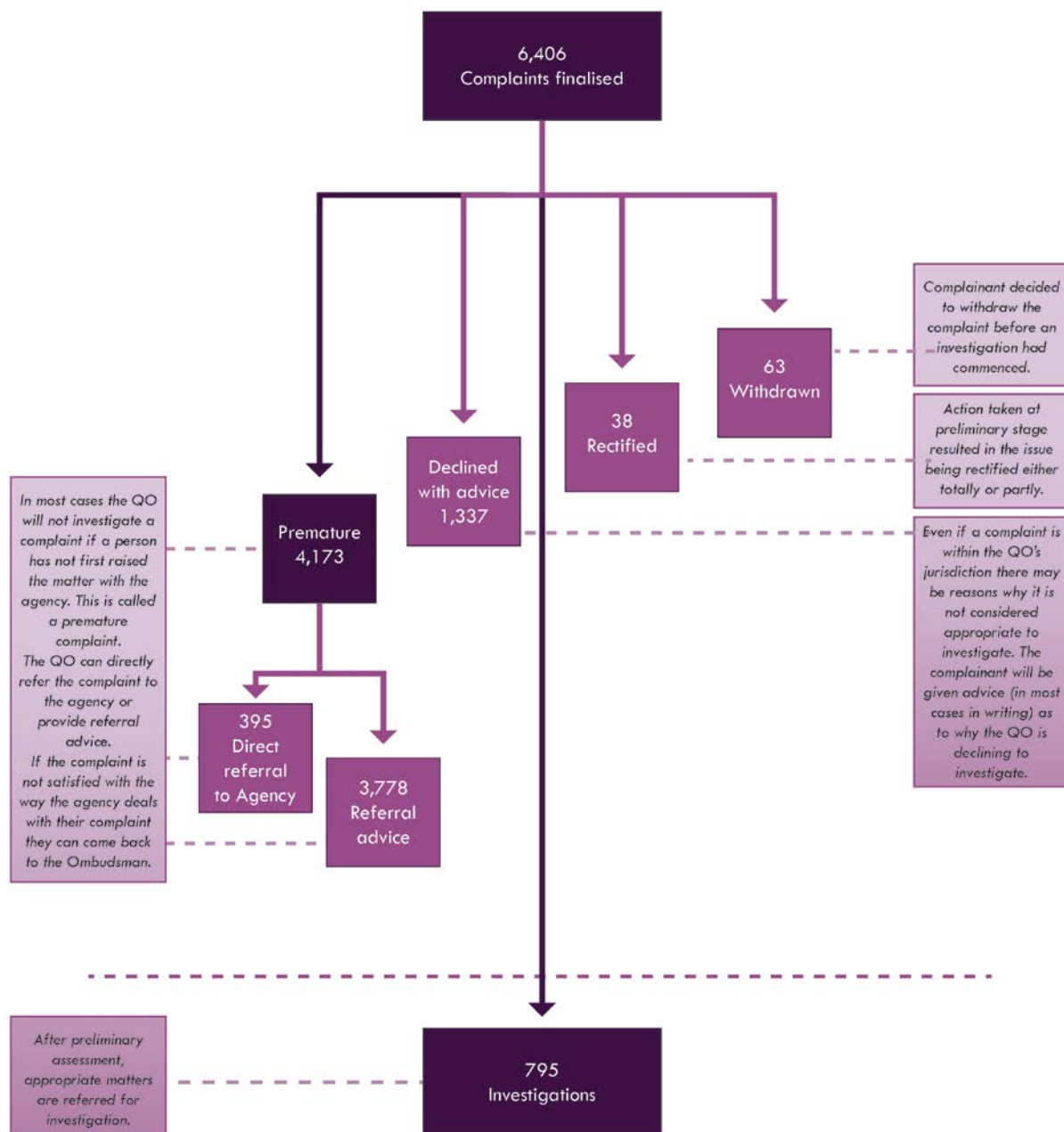
- 79% of complaints were finalised within 10 days (84% in 2011-12)
- 92% of complaints were finalised within 30 days (89% in 2011-12)
- more than 99% of complaints were finalised within 12 months (99% in 2011-12)
- there were no open complaints more than 12 months old as at 30 June 2013.

**Figure 10 Time taken to finalise complaints**



# Dealing with complaints

**Figure 11 Complaints finalised at preliminary assessment**



# Dealing with complaints

## Complaints finalised at preliminary assessment

The Office's complaint management process is part of a wider system that includes agencies' complaint management systems. The Office encourages people to raise their concerns directly with the agency before seeking help from the Ombudsman.

The Office finalised 6,406 complaints in 2012-13. Of these, 5,548 were finalised after a preliminary assessment. This represented 87% of the total number of complaints finalised in 2012-13.

The majority of complaints finalised by preliminary assessment were premature. This means a person has not first raised the complaint with the agency and followed its complaint management process before approaching the Office (4,173 complaints or 65% of all complaints finalised).

With the Office's increased focus on timeliness, premature complaints were finalised in an average of 3.4 days in 2012-13, compared with 10.8 days in 2011-12. This is a 69% reduction in the average time taken to respond to a premature complaint.

In most cases the Office will help the person lodge a complaint with the agency and provide advice on how to bring the matter back to the Office if the agency's response is unsatisfactory. This year, the Office directly referred 395 premature complaints to agencies at the preliminary assessment stage. A further 8 complaints were directly referred to a more appropriate agency when the Office decided that no further investigation was warranted.

The Office encourages the agency concerned to handle complaints themselves – this approach is of mutual benefit. Handling complaints allows agencies to identify problem areas and improve services for the community. It also offers the complainant a direct means of resolving their concern.

There were also 1,337 complaints where the Office decided after preliminary assessment that an investigation was not warranted. This included situations where:

- there was a failure by the complainant to provide the further material needed to assess the complaint within the 14 day timeframe after initial contact (420 complaints or 7% of complaints finalised)
- the complainant has an appeal right that should first be exhausted (266 complaints or 4%)
- a more appropriate entity can investigate the complaint (214 complaints or 3%)
- the resources necessary to investigate the complaint are disproportionate to any likely outcome (142 complaints or 2%)
- further enquiries during the preliminary assessment identify the complaint as being out of jurisdiction (113 complaints or 2%).

When the Office declines to investigate a complaint, people are given an explanation and where possible, advice about alternative avenues to progress their complaint.

This year, 38 complaints were rectified by the Office during preliminary assessment. Sixty-three people chose to withdraw their complaint before an investigation began.

The assessment and advice function provides an important service to the thousands of Queenslanders who approach the Office each year.

Matters not finalised at preliminary assessment are referred for investigation.

# Dealing with complaints

## Feedback from complainants

The Office is committed to continuous service improvement and regularly seeks feedback from a range of stakeholders, including complainants.

In 2012-13, the Office conducted a telephone survey of complainants. The survey was limited to those complaints finalised at preliminary assessment between August and October 2012

The survey was undertaken to measure the impact of recent structural and operational changes on the preliminary assessment of complaints and identify further service improvements.

The results showed an improvement in performance since the previous survey, conducted in late 2011.

Key results:

- The initial telephone experience has improved
  - 74% of people received an explanation of how their complaint would be handled (67% previously)
  - 79% of people said the officer they spoke to understood their main concerns (74% previously).
- The perception of timeliness improved significantly with only 11% of people stating that their matter took longer than expected to reach a conclusion (37% previously).
- 60% of people found the information or advice provided useful (55% previously). Where the Office explained that the matter needed to be dealt with by the agency in the first instance: 65% of people found the advice useful (53% previously),
- Where advice was provided, 84% of people acted on it (73% previously).
- The perceived helpfulness and professionalism of officers improved, and were at their highest when contact was by telephone.

Overall, 64% of people were satisfied with the service provided based on helpfulness, respectfulness, professionalism and timeliness of the Office. However, it should be noted that 95% of people surveyed were referred back to the relevant agency because they had not followed the agency's complaint management process. This impacts overall satisfaction, where people expected the Office to resolve their complaint.



# Dealing with complaints

## Equitable and accessible service

### Community outreach

The Ombudsman helps ensure that public agencies act fairly and make the right decisions for all Queenslanders.

The Office's services need to be accessible to all Queenslanders. This can be a challenge in a large state with a diverse and decentralised population.

In response, the Office has developed a targeted outreach program that focuses on sectors of the community that may have trouble accessing public services or difficulty communicating their needs. Wherever possible, the Office works jointly with other integrity agencies to improve the efficiency of its outreach programs.

In 2012-13, the Office developed a *Diversity Engagement Action Plan 2013-18* to guide engagement with Indigenous communities, culturally and linguistically diverse communities, refugees, prisoners, people with disabilities and special needs and the homeless.

The Office also launched a new regional visits program that will improve awareness and accessibility for Indigenous communities in regional and remote areas.

### Improving services for Indigenous Queenslanders

Indigenous communities in regional and remote areas often struggle to access public services and complaint agencies.

Initiatives to improve awareness and accessibility included a new range of plain English flyers for Aboriginal and Torres Strait Islander communities and participation in NAIDOC Week activities.

### Improving services for multicultural communities

Many recently arrived migrants are not aware of the role of the Ombudsman and the services this Office provides.

This year the Office has worked to build strong ties with multicultural communities by attending community events, such as the World Refugee Day Community Festival, and delivering regular presentations to multicultural organisations.

The Office has also implemented initiatives to improve awareness and accessibility, including a newsletter distributed to multicultural community groups and a range of multilingual publications.

### Improving services for the homeless

This year, the Office worked to improve awareness and accessibility among the homeless community.

The Office collaborated with peak bodies on a range of initiatives, including the Queensland Public Interest Legal Clearing House Homeless Persons Legal Clinic and the Brisbane City Council's Homeless Connect Expo.

### Improving services for prisoners

In 2012-13, Queensland Ombudsman officers visited each of the state's 14 correctional centres and undertook further visits to investigate specific complaints.

Updated posters, brochures and stickers were produced this year and distributed to each centre to inform prisoners about the Prisoner PhoneLink service, the privileged mail system and upcoming visits by Queensland Ombudsman officers.

# Dealing with complaints

## Collaboration

The Office continued to sponsor a website with other complaint agencies. The It's OK to Complain portal is a 'one-stop shop' designed to help people find the right complaint agency to investigate their complaint.

In 2012-13, the website received 12,723 hits. The portal is maintained in partnership with a range of complaint agencies including the Anti-Discrimination Commission Queensland, the Commission for Children and Young People and Child Guardian, Commonwealth Ombudsman, Crime and Misconduct Commission and the Health Quality and Complaints Commission.

Changes to the online complaint process mean that from 1 July 2013, the Office will no longer count and report an automatic online referral advice, provided in response to premature and out of jurisdiction matter, as a contact.

## Improving accessibility

The Office's website is a convenient and effective way for people to access its complaint services. It also features a range of resources to help people understand the role of the Ombudsman and make effective complaints.

The website received a record 89,744 hits in 2012-13, an increase of 10% from the previous year. In 2012-13, 41% of all contact to the Office was received via email and the online complaint form.

In 2012-13 the website's content and functionality were reviewed to ensure improved accessibility. As part of this review, the Office made improvements to the online complaint form.

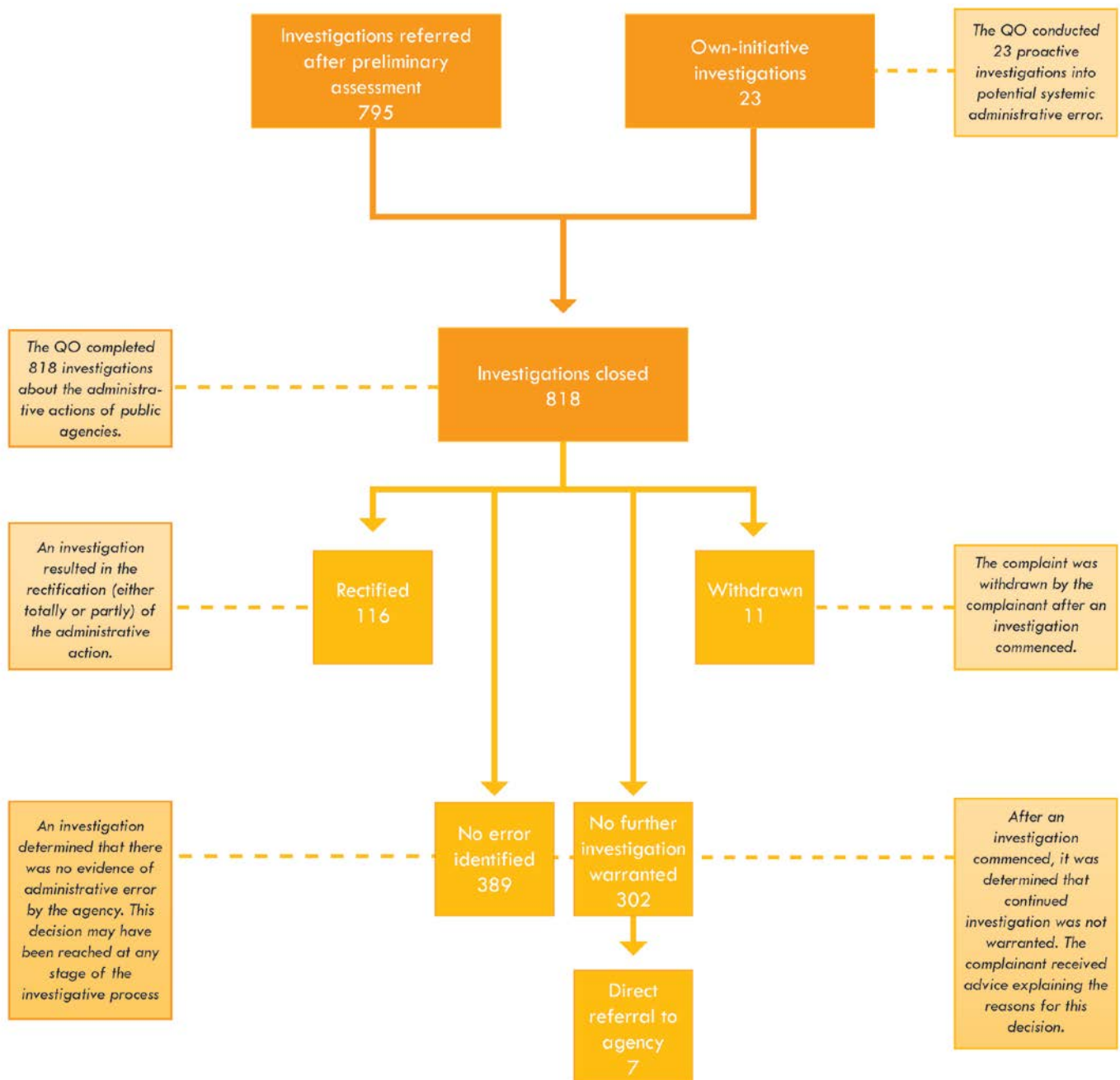
Improvements have ensured the form is more user-friendly, with clear guidance on making a complaint and automated referral advice to guide people through the complaint process. The redesign has also made the form a more effective tool to refer out of jurisdiction matters. It identifies out of jurisdiction and premature matters at the outset, providing contact details for the relevant government agency and complaint entities. More information is available in Appendix 1.

# RECTIFYING UNFAIR DECISIONS

**Unfair or unjust public  
agency decisions are  
rectified**

# Decisions rectified

Figure 12 Investigations



# Decisions rectified

## Investigations

### Overview

A complaint is investigated if after preliminary assessment it is:

- within jurisdiction
- not premature
- relevant material has been obtained
- there is no reason why an investigation is not warranted.

An investigation determines whether an administrative action is unlawful, unreasonable, unjust or otherwise unfair.

An investigation starts with a careful and detailed analysis of the complaint and evidence provided by the complainant or obtained by the Office.

In 2012-13, the Office investigated 795 complaints (12% of the total number of complaints finalised). A further 23 matters were the subject of own initiative investigations.

The Office's approach to an investigation is based on the complexity and scope of the issues identified. Some investigations may require interviews with agency officers or seek written responses from the agency involved. Complex investigations are undertaken where systemic administrative error is suspected and require significant time and resources.

### Investigative outcomes

A total of 818 investigations were finalised in 2012-13.

In 116 investigations, intervention by the Office resulted in the total or partial rectification of the issue (14% of all investigations).

Rectification is achieved in a number of ways including:

- a finding of administrative error (20 investigations)
- a resolution is negotiated with the agency, removing the need to find administrative error (96 investigations).

Where a finding of administrative error was made, the Ombudsman concluded that the agency's decision or action was:

- unreasonable, unjust, oppressive or improperly discriminatory (11 investigations)
- based on a mistake of law or fact (3 investigations)
- contrary to law (4 investigations)
- based on irrelevant grounds or considerations (1 investigation)
- otherwise wrong (1 investigation).

In 389 investigations (48% of investigations) no administrative error was identified.

In 302 investigations, the Office decided that the continuation of the investigation was not warranted. Reasons for not continuing an investigation include:

- the investigation was considered to be unnecessary or unjustifiable
- the complainant did not have a sufficient direct interest in the matter
- the complainant had an appeal right that had been exhausted and further investigation was unnecessary
- the complaint was out of time and no special circumstances required further investigation
- another complaint entity was investigating the matter
- the complainant had been referred back to the agency for internal review.

Eleven complainants withdrew their complaint after an investigation had commenced.

# Decisions rectified

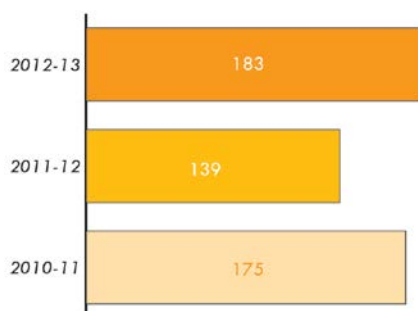
## Investigative recommendations

### Overview

If the Office identifies an administrative error during an investigation, it can negotiate a resolution with the agency or the Ombudsman can make recommendations to an agency to rectify the problem. Remedies may include a request that the agency remake the decision, provide reasons for a decision, apologise or make a refund to the complainant. The Ombudsman can also recommend the agency improve its policies and procedures to avoid similar errors in future. If an investigation does not find evidence of administrative error, the complainant is provided with a detailed explanation of the Office's findings.

The Office made a total of 183 investigative recommendations in 2012-13.

**Figure 13 Number of investigative recommendations**



In 2012-13, the Ombudsman made 107 recommendations under s.50 of the Act and the Office negotiated a further 76 agreed actions with agencies to rectify errors. An agreed action involves working with the agency and complainant to reach a satisfactory resolution. This is a more effective and timely way to resolve a complaint where an assessment reveals evidence of administrative error. Previously, agreed actions were known as informal recommendations and annual reports reported only the total number of recommendations.

Recommendations or agreed actions can also be divided into those of direct benefit to an individual and those dealing with systemic concerns. Direct benefit recommendations produce an outcome for an individual complainant. Systemic recommendations address faults with policies, procedures or practices.

In 2012-13 there were 33 direct benefit recommendations/agreed actions and 150 systemic recommendations/agreed actions. As in previous years, the majority of recommendations identified improvements to agencies' policies or procedures (71% of the total recommendations).

The Ombudsman has no powers to enforce recommendations; however they are generally accepted by agencies. In 2012-13, 99% of recommendations that received a response from the agency by 30 June 2013 were accepted.

**Table 11 Types of investigative recommendations made to agencies**

	10-11	11-12	12-13
Improve policy or procedure	105	82	130
Give better explanation or reasons	15	14	16
Change decision	10	5	14
Review decision	1	4	9
Provide training	7	7	5
Expedite action	4	6	4
Follow policy or procedure	14	14	2
Financial remedy	5	5	1
Admit error or apologise	12	2	1
Explanation given by agency	2	0	1
<b>Total</b>	<b>175</b>	<b>139</b>	<b>183</b>

## Decisions rectified

Significant work has gone into the early identification of premature matters and the provision of assistance or advice to complainants to raise those complaints with the agency concerned.

In a number of cases, this Office directly refers matters to agencies on the complainants' behalf. In the last two years there has been a significant increase in the number of direct referrals undertaken by the Office (i.e. over 400 in each of the 2011-12 and 2012-13 financial

years compared to less than 150 in 2009-10 and 2010-11).

Although the Office does not currently track the outcome of these direct referrals (and therefore does not report them as rectification outcomes), the Office believes that direct referrals can lead to the rectification of a complaint (a direct benefit outcome). Case studies 3, 4 and 6 on the following pages provide examples of rectification outcomes that have been the result of direct referrals.

### Feedback from agencies

The Office is committed to continuous service improvement and regularly seeks feedback from a range of stakeholders, including agency officers.

Between April and June 2013, the Office conducted research to identify better ways of managing complaints and investigations across the public sector. This followed a previous survey of agency officers completed in 2009. The research had two components:

- an online survey focusing on the experience of agency officers who dealt with the Office in 2012-13
- focus groups comprising agency representatives to obtain broader input to the future strategy, direction and priorities of the Office. These groups were facilitated by an external consultant.

More than 90% of agency staff who dealt with the Office were satisfied with the respectfulness of Ombudsman officers and the professionalism of the Office. The Office performed strongly in the following areas:

- 91% of officers agreed that agencies were provided with reasonable timeframes (79% in the previous survey)
- 96% of officers agreed that agency staff were provided with a clear explanation of why they were being contacted (88% previously)
- 81% of agency officers were aware of the advice or recommendations provided by this Office (67% previously)
- 65% of officers had read training material provided by the Office and 81% of these officers found the material informative.

Feedback from the focus groups supported the survey findings, particularly the positive nature of interactions between agencies and the Ombudsman's Office. Participants endorsed the approach of consistently referring premature complaints to the appropriate agency to investigate in the first instance. Within this context, participants found direct referrals an efficient approach. The Office will develop an action plan based on these research findings in 2013-14.

# Decisions rectified

## Investigative outcomes

### State agencies

The Office finalised 476 investigations into the administrative actions of state agencies, including 382 investigations about state government departments and 94 investigations about statutory authorities. Of these:

- 179 investigations were discontinued after it was determined that continued investigation was not warranted
- 225 investigations identified no administrative error
- 71 investigations resulted in some form of rectification
  - in 58 cases the agency agreed to address the concerns identified by the Office without the need for a recommendation (a negotiated resolution)
  - in 13 cases the Ombudsman made a finding of administrative error
- one matter was withdrawn by the complainant.

As a result of these investigations, the Ombudsman made 105 recommendations or the Office negotiated agreed actions with state agencies. Of these, 12 were of direct benefit to individual complainants and 93 addressed systemic issues.

### Case study 1

#### Full disclosure

##### The complaint

The Office received several complaints from university medical students about a confidentiality agreement they had to sign before undertaking clinical placements. The document was required by the government agency coordinating the placements.

##### The investigation

The Office investigated the complaints and reviewed the document and legislative framework involved. The confidentiality agreement was found to have been worded in such a way as to limit the lawful disclosure of confidential information.

##### Making a difference

Attempts to resolve the matter informally were unsuccessful. In a report to the agency, the Ombudsman recommended the agency amend the document to confirm that disclosures permitted by law were able to be made without the student committing a breach of their confidentiality obligations. This distinction was important as there are several legislative provisions where students would be permitted or authorised to make a disclosure, such as public interest disclosures and allegations of official misconduct.

The agency accepted the recommendation and agreed to amend the document and take reasonable steps to advise students of the changes.



# Decisions rectified

## Case study 2

### Providing reasons for a decision

#### The complaint

The mother of a primary school student was issued with a direction that restricted her ability to attend her child's school. The direction was issued under s.337 of the *Education (General Provisions) Act 2006* following an alleged altercation between the complainant and another parent on school property.

The mother complained that she was not provided procedural fairness before the direction was issued, as she was not provided with full details of the alleged incident or given an opportunity to explain her view of the incident. She requested a review of the direction.

#### The investigation

During the investigation, this Office advised the agency that their initial response to the complainant had been deficient, as they had not provided reasons for their decision. The Office encouraged the agency to further consider the matter and encouraged the complainant to attend a meeting with the decision-maker.

#### Making a difference

The agency withdrew the direction. The complainant was able to engage in her child's education and attend activities at the school.

## Case study 3

### Just rewards

#### The complaint

A 91-year-old pensioner and war veteran was unaware that he was entitled to a discount for his vehicle registration fees. Previously he had been charged and paid the full amount of registration. When he went to pay his registration fee in person, a customer service officer advised him that he was entitled to a discount, which he received for the first time. The complainant later wrote to the agency requesting a refund for money he had previously paid. This request was refused and he complained to this Office claiming that he had been treated unfairly.

#### The investigation

The Office determined that there was a case for review. With the complainant's consent, the complaint was directly referred to the agency for review, in accordance with their complaint management policies and procedures.

#### Making a difference

Following that review, the complainant was offered a compensation payment, which he accepted.

# Decisions rectified

## Case study 4 Special circumstances

### The complaint

In January 2012, a couple entered into a building contract to construct a new home on land they already owned. By doing so, they were entitled to receive the Queensland Government \$10,000 Building Boost Grant.

To be eligible for the grant, applications had to be lodged with the agency administering the program before 1 September 2012. The agency received the complainant's application on 16 October 2012. Apart from the delay, the application otherwise met all of the eligibility criteria. Around this time, the complainants had experienced a number of significant personal hardships, including the death of a family member and another serious medical condition that required hospitalisation. The agency advised the complainants that the application could not be considered because it had been received outside of the required period.

The complainants contacted this Office and complained that they felt they had been treated unfairly because their personal circumstances had not been given any consideration.

### The investigation

The Office believed that a case for review had been made. With the consent of the complainants, their complaint was directly referred to the agency with a request that a review be undertaken in accordance with the agency's complaint management policies and procedures.

### Making a difference

Following the review, it was determined that the complainants were in fact eligible for the grant. The original decision was overturned and the \$10,000 grant was paid to the complainants within seven days.

## Case study 5 A fair go

### The complaint

A couple employed a builder to construct their new home. The builder subcontracted out the plumbing and drainage work. The subcontractors put the septic trench in the wrong location and also failed to comply with the measurements in the council-approved plumbing and drainage plan.

Soon after the couple moved in, the septic trench failed and raw sewage inundated the property. The council plumbing inspector was consulted and together with the original subcontractors, a decision was made to undertake emergency repairs. A makeshift drain was constructed, costing the couple several hundred dollars. They tried to recover the costs through a building insurance scheme but the claim was denied by the government agency that administered the scheme.

### The investigation

The Office liaised with the complainant and agency, negotiating an agreed action.

### Making a difference

The agency accepted the Office's view that the costs incurred were covered under the insurance scheme and should be paid to the complainants.

# Decisions rectified

## Investigative outcomes

### Local councils

The Office finalised 189 investigations about the administrative actions of local councils. Of these:

- 103 investigations were discontinued after it was determined that continued investigation was not warranted
- 54 investigations identified no administrative error
- 28 investigations resulted in some form of rectification
  - in 23 cases the agency agreed to address the concerns identified by the Office without the need for a recommendation (a negotiated resolution)
  - in 5 cases the Ombudsman made a finding of administrative error
- 4 matters were withdrawn by the complainants.

In 2012-13, 58 recommendations were made to 15 different councils. Fifteen recommendations were of direct benefit to the complainant and 43 recommendations addressed systemic issues.

### Case study 6

#### Improving the system

##### The complaint

A resident complained about barking dogs that were kept inside a duplex near his house. The matter was investigated by the local council, but no action was taken following an initial investigation that found no breach of any local laws.

The complainant contacted this Office to advise that the issues had not been addressed and were continuing.

##### The investigation

Sufficient evidence was provided to support the complainant's allegations which suggested a further review should be undertaken.

With the complainant's consent, the Office directly referred the complaint to the council's complaint management system for review.

##### Making a difference

A fresh review was undertaken. The review concluded that the complainant's original concerns were justified and that the complaint had not been properly investigated. Significant delay was also identified. Council apologised to the complainant and undertook to implement a number of changes to investigative and enforcement practices. Council advised the complainant that his complaint had helped the council improve service delivery in an important operational area.

# Decisions rectified

## Case study 7

### A numbers game

#### The complaint

The complainant was charged a higher tariff on her quarterly gas bill than the rate published in the local council's 2011-12 budget papers, available on the council website.

#### The investigation

Through investigation this Office found that both rates were inconsistent with the tariffs adopted at the council's 2012-13 budget meeting.

#### Making a difference

Because the invoiced amount was inconsistent with the tariffs adopted at the annual budget meeting, the council agreed to an adjustment for all gas consumers in the area. The council ended up crediting approximately \$224,000 to local residents. The complainant received a refund of \$263.64.

## Case study 8

### Going nowhere fast

#### The complaint

A council towed a car from outside the complainant's home under s.100 of the *Transport Operations (Road Use Management) Act 1995* (TORUM). It was removed on the grounds that the car was parked in a hazardous location near the head of a cul-de-sac and obstructing council waste collection trucks for several weeks.

The owner was incurring storage fees while the car was impounded by the council. If not claimed within a reasonable period of time, the council intended to dispose of the car by auction under s.100 of TORUM.

#### The investigation

The Office held discussions with council officers relating to the vehicle being seized before the expiry of a removal notice placed on the windscreen, the exercise of the TORUM powers and other administrative issues.

#### Making a difference

The council agreed to release the car back to the owner on the undertaking it would not be left on the road outside his home. The council waived all storage fees. The council also agreed to review its procedures for the removal of vehicles under s.100 of TORUM.

# Decisions rectified

## Investigative outcomes

### Public universities

The Office finalised 153 investigations about the administrative actions of public universities. Of these:

- 20 investigations were discontinued after it was determined that continued investigation was not warranted
- 110 investigations identified no administrative error
- 17 investigations resulted in some form of rectification, including two cases where the Ombudsman made a finding of administrative error
- six matters were withdrawn by the complainants.

In 2012-13, 20 recommendations were made to public universities. Six were of direct benefit to the complainant and 14 addressed systemic issues.

### Case study 9

#### Considering the big picture

##### The complaint

A university student applied to withdraw from his course. He requested the university waive academic and financial penalties, due to his special circumstances. His academic penalty application was successful but the application concerning financial penalty was refused. The student requested an internal review, which was unsuccessful.

##### The investigation

The student's first language was not English. After immigrating to Australia to attend university, he had difficulty finding work and suffered financial hardship. When he eventually found employment, he had to support his entire family and found it impossible to juggle work and fulltime study.

An investigation by this Office found the university had decided the matter by evaluating certain information in isolation, rather than considering the whole picture. The university's decision to impose a financial penalty was considered unreasonable, due to the extenuating circumstances.

##### Making a difference

The Office asked the university to review the decision and it agreed to do so. Following the review, the student was allowed to withdraw from the course without financial penalty.

# Decisions rectified

## Case study 10

### Unreasonable decisions

#### The complaint

This Office received a complaint from a university student whose employer was funding his studies. After enrolling for several subjects he was directed by his employer to take on a new role with added responsibilities.

As a result, it became impossible for him to manage both work and study. Unfortunately, this did not become clear until after the 'census date', the deadline for students to withdraw from subjects without incurring academic or financial penalties. The university refused the student's application for removal of tuition liability for the course. The student was concerned that the university had failed to follow its own policies and procedures, had not based its decision on all of the information provided and had not provided sufficient reasons for its decision.

#### The investigation

This Office considered the information received from the complainant and the university and formed the preliminary view that the university's decision was unreasonable. The university agreed to review the decision to refuse the complainant's application for removal of tuition liability.

#### Making a difference

After completing a review, the university agreed to set aside the previous decision and waive the complainant's tuition fees for the course. As a result, the complainant received a refund of \$2,500.

## Case study 11

### Lost in translation

#### The complaint

A university student applied to defer two exams after her laptop, reference books and lecture notes were stolen.

Her applications were refused for a number of reasons. Firstly, the student had been asked to provide sufficient supporting documentation to corroborate her advice that her house had been broken into and items stolen, but she failed to do so within a specified time. Secondly, a statement made by the student was interpreted by the university as advice that the complainant had in fact left Australia and was overseas when the deferred exams were held.

She was awarded a fail mark for both subjects and was required to repeat and pay tuition fees for both subjects the following semester.

The student felt she had been treated unfairly and asked the Office to investigate. She asked that the fail grades she had been awarded be removed from her academic record and that she have the extra fees refunded to her.

#### The investigation

During the investigation, the university emphasised the student's failure to produce a final police report about the break-in and robbery at her house. There was significant confusion about the police report and who was responsible for obtaining it. The report was eventually provided to the university but was considered to be out of time.

The student was also able to provide a copy of her passport that confirmed she was in Australia at the relevant time.

The Office formed a view that the decision to deny the applications was unreasonable given the circumstances.

#### Making a difference

The university agreed to remove the fail grades from the student's academic record and refund the fees for the two subjects she repeated.

# Decisions rectified

## Public reports

### Overview

By releasing major investigative reports, the Ombudsman is able to bring systemic issues to the attention of the Parliament, government agencies, and the wider public. Not all investigations lead to public reports. Indeed, the majority are addressed directly with the agency concerned.

The Office published four public reports in 2012-13:

- *The Underground Coal Gasification Report: An investigation into the approval and oversight of the Kingaroy underground coal gasification project*
- *The Asbestos Report: An investigation into the regulation of asbestos in Queensland*
- *Ombudsman Recommendations to Councils: Analysis of implementation 2007-2010*
- *Investigation of Brisbane City Council's Tennyson Reach Parkland Transactions.*

### ***The Underground Coal Gasification Report: An investigation into the approval and oversight of the Kingaroy underground coal gasification project***

This report was tabled in Parliament on 26 September 2012. It examined the approval and monitoring of environmental and other aspects of the project up to 30 June 2010. The investigation revealed concerns with the regulatory framework for new or emerging technologies, such as underground coal gasification.

The Ombudsman made 16 recommendations to the Department of Environment and Heritage Protection and the Department of Natural Resources and Mines. All of the report's recommendations were accepted. Implementation of the recommendations by the Department of Environment and Heritage Protection and the Department of Natural

Resources and Mines is progressing. Regular progress reports are being received by this Office.

### ***The Asbestos Report: An investigation into the regulation of asbestos in Queensland***

The Asbestos Report was tabled in Parliament on 21 March 2013.

The investigation revealed significant gaps and shortcomings in the regulation of asbestos in Queensland including:

- the lack of coordination and strategic planning by state agencies and councils responsible for responding to asbestos events and issues
- a number of areas of confusion about state agency and local council responsibilities for asbestos regulation
- deficiencies in the education of the public about asbestos risk, licensing of asbestos removalists and the transport and disposal of asbestos.

The Ombudsman made 36 recommendations, including the identification of a lead agency to oversee a more coordinated and strategic approach to asbestos management and regulation.

A whole-of-government response indicated that all of the recommendations contained in the report had been accepted.

The Department of Justice and Attorney-General has been designated the lead agency for the coordination of issues relevant to the management and regulation of asbestos in Queensland. Implementation of the recommendations by a number of state agencies has begun and the Office receives regular progress reports.

# Decisions rectified

## ***Ombudsman Recommendations to Councils: Analysis of implementation 2007-2010***

This report was published with the approval of the Speaker of the Queensland Parliament on 12 July 2012.

The investigation examined whether councils adequately implemented the 165 recommendations contained in Ombudsman investigative reports between 1 July 2007 and 30 June 2010.

Although the Ombudsman has no statutory power to enforce the implementation of recommendations, the review found that 92% of recommendations made to councils in this period were implemented.

The Ombudsman intends to continue reporting on the implementation of recommendations to ensure that agencies provide records of implementation and evaluate their effectiveness on the agency's administrative processes.

## ***The Investigation of Brisbane City Council's Tennyson Reach Parkland Transactions***

This report was published with the approval of the Speaker of the Queensland Parliament on 27 February 2013.

The investigation examined Brisbane City Council's Tennyson Reach parkland transactions. It confirmed that the council had acted reasonably regarding the purchase of land and contracting the design and construction of the parkland.





# IMPROVING DECISION-MAKING

**Helping public agencies  
improve decision-making**



# Improving decision-making

## Overview

Better public administration can be achieved in a number of ways, including investigation of complaints, own initiative investigations, compliance reviews, training and community engagement.

Administrative improvements include changes to policy and procedures, improvements to business systems or practices and investment in staff development and training.

## Reviews

As part of its administrative improvement role, the Office undertakes reviews to improve the Complaint Management Systems (CMS) of public agencies. The objective is to help agencies develop effective complaints handling processes.

In early 2012, following the strategic review, the Office decided to implement an ongoing program of targeted compliance reviews, focusing on the operation of CMS. CMS reviews were undertaken this year in six metropolitan, seven regional and six shire councils.

They reviewed seven key elements of a CMS:

- policy and procedures
- external visibility and accessibility
- internal communication and training
- complaints resolution
- internal reporting
- monitoring effectiveness
- external reporting.

The reviews measured compliance against the *Local Government Act 2009* and Regulations governing the administrative action complaints process. Indicators of good complaints management practice are outlined in the Office's Effective Complaints Management and Developing Effective Complaints Management Policy and Procedures fact sheets.

The 19 councils have been asked to report on the implementation of accepted recommendations.

Overall, the reviews found that councils had improved their complaints management processes.

However, they identified room for improvement in the following areas:

- recognition, capture, recording and reporting of administrative complaints
- visibility and accessibility of the CMS and complaints information on websites
- communication and training about the CMS
- acknowledgement, internal reporting and final responses to complainants
- internal reporting on complaints data and analysis to identify trends and potential improvements to systems, policies, practices and service delivery
- reviewing CMS effectiveness
- annual reporting on the operation of the CMS.

Councils that were not subject to review were updated on the CMS program and given advice on common findings and areas for improvement.

## Administrative improvement advice

The Office received 60 administrative improvement assistance requests from agencies in 2012-13.

This advice helps agencies improve their policy and practice in complaints management. Advice was provided on:

- employee disciplinary processes
- complaints from former employees
- natural justice requirements
- unreasonable complainant/customer conduct management
- penalty infringement notice policy, recording and management
- accessibility of the complaints process
- recognition and management of complaints

# Improving decision-making

- assessment and management of social media complaints
- internal reporting and effectiveness monitoring
- internal review of the complaints policy, information and management
- investigation of complaints
- management of repeated complaints
- delegations
- customer requests to meet senior management
- code of conduct
- code of practice for accepting gifts
- statements of reasons.

## Publications

The Office produces a range of resources for government agencies and the community, including five electronic newsletters:

- *State Perspective*
- *Local Perspective*
- *Legal Perspective*
- *Corrections Perspective*
- *Community Perspective*.

Each newsletter is produced twice a year and distributed to state and local government officers, public sector legal practitioners, corrections officers and community groups. Subscription rates grew by 29% this year, bringing the total number of subscribers to 4,009.

**Table 12 Subscriptions to publications**

Publications <sup>1</sup>	11-12	12-13	% change
<i>State Perspective</i>	1,870	2,285	22%
<i>Local Perspective</i>	610	714	17%
<i>Legal Perspective</i>	356	795	123%
<i>Community Perspective</i>	189	215	14%

1. The Office's *Corrections Perspective* is published on the Department of Community Safety's intranet, so subscription numbers are not available.

In November 2012, the Office launched *Ombudsman Advisory* to share the broader, systemic lessons learned from recent unpublished investigations.

In 2012-13, the Office published seven Ombudsman Advisory bulletins:

- Investigation of complaints about councillor conduct
- Investigation of disposal of property by council
- Providing employee complaint investigation outcome advice
- Managing land use conflicts
- Policy on the run need not be policy underdone
- Investigation of Brisbane City Council's Tennyson Reach Parkland transactions
- Communication of decision and appeal rights.

All publications are available online at [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au).

## Training

The Office provides targeted training to state agencies, local councils and public universities to improve public administration.

Complaints Management Training is offered in two tailored modules: one for frontline staff and the other for internal review officers. The course focuses on the reasons people complain, how to assess complaints and the processes to follow when investigating complaints.

The Good Decisions program is suitable for decision-makers at all levels of government and provides a step-by-step decision-making framework that officers can use in their daily work.

Your Ethical Compass is targeted at senior agency officers and was designed to improve ethical standards across the public sector. It outlines the guiding principles of ethical decision-making and applies this framework to real-life scenarios.

# Improving decision-making

Administrative Investigations Training focuses on the various processes involved in investigating complaints, including recordkeeping, assessment, preparation, planning, analysis and reporting.

In 2012-13:

- 82 training sessions were delivered to 1,530 public sector officers
- 28 sessions were held in regional Queensland.


There was a 49% decrease in the number of training sessions delivered compared with 2011-12 (162 sessions delivered to more than 2,800 officers). Training delivery is dependent on client demand. Queensland's spate of natural disasters, extensive structural changes to state government departments and financial restraint in public sector agencies contributed to a reduction in demand for training.

From July to December 2012, the Office delivered just 11 training sessions. However, demand for training increased in the second half of the year, with a further 71 sessions delivered across the state.

During a year of significant upheaval, this was a very positive achievement.

In 2012-13, the training programs received positive feedback from participants, with 96% reporting that the training would help them in their daily work and 94% of participants willing to recommend the training to other officers in the public sector.

Appendix 3 provides a detailed breakdown of the agencies who participated in training in 2012-13.



CAPABLE AND  
ACCOUNTABLE

**Building a capable and  
accountable organisation**



# Capable and accountable

## People

### Workforce planning, attraction and retention

At 30 June 2013, 65 officers were employed on a full or part-time basis equating to 60 full time equivalents (FTE). The establishment for the Office is 57 FTE. In late 2012-13, the Office engaged four FTE on a temporary basis to undertake a short-term project to improve its records administration.

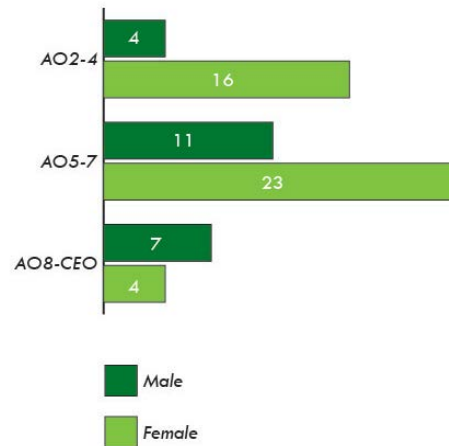
Ombudsman officers come from diverse professional backgrounds, including law, public administration, social work, journalism and teaching. In total, 66% of the Office's workforce is female.

The workforce remained stable with a permanent staff turnover of four (6.9%) during the year.

The Office's Equal Employment Opportunity (EEO) census found 18% of staff identified as having a disability and 15% identified as having a language other than English as their first language. No staff identified as Aboriginal or Torres Strait Islander.

The Office records and reports on a range of human resource data. This data informs workforce planning, management, policies and procedures. More information is available in Appendix 11.

**Figure 14 Staff gender profile**



### Workforce planning framework

The Office recognises the importance of building a skilled and capable workforce. The following initiatives improve the Office's capacity to attract, retain and develop staff:

- delivering a range of professional development activities
- providing flexible working arrangements
- providing access to employee support programs (such as the Employee Assistance Program)
- providing a health and wellbeing program.

The Office has commenced development of a new five-year workforce plan. This plan will:

- identify future business workforce needs
- analyse the current workforce
- determine the necessary skills, capabilities and competencies required to achieve strategic and operational goals in the future
- inform human resource policies and strategies.

The aim of the workforce plan is to retain and attract employees with the necessary skills to meet the Office's needs.

# Capable and accountable

## Performance management framework

The Office's integrated performance management framework includes employee induction, probation, achievement plans, processes for addressing unsatisfactory performance and an annual staff awards program.

Managers work with staff to develop employee achievement plans that are relevant to their work unit and drive performance. Ninety-five percent of staff had an achievement plan in 2012-13. All achievement plans include:

- specific performance measures
- a focus on career planning and development opportunities
- a focus on modelling the values of the Office.

## Code of Conduct

The Office's Code of Conduct is designed to provide staff with guidance on appropriate ethical standards for work-related behaviour. The code, based on the ethical principles and values contained in the *Public Sector Ethics Act 1994*, was developed in consultation with staff. Information about the Code is provided to new staff during induction and it is published on the Office's website.

## Professional development

The Office supports a productive work culture where employees have the opportunity to continually improve and develop.

Development initiatives delivered during 2012-13 focused on communication, leadership, investigative skills, legislative requirements and cultural awareness.

In 2012-13, the Office spent 2% of its salary budget on professional development activities.

As part of the performance management process, staff members may negotiate specific professional development opportunities based on their individual needs.

**Table 13 Professional development program 2012-13**

Program	Audience	No. of staff
Team supervision and leadership skills	Supervisors and senior staff	16
Strategic communication skills	All staff	47
Managing unreasonable complainant conduct	Investigators	15
Interview skills workshops	Investigators	23
Writing to a consistent standard	All staff	49
Introduction to effective writing	All staff	41
Technical writing skills	All staff	32
Public Interest Disclosures information/ education	All staff	59
Right to information refresher / RTI for decision-makers	Investigators and supervisors	18
Understanding discrimination law	All staff	47
ATSI awareness training	Frontline staff	39
First Aid training	Needs based	21
Driver safety awareness	Investigators and supervisors	27
Further study (Diploma of Investigations and Study and Research Assistance Scheme participation)	Based on development needs	6

## Recognising staff achievements

Staff performance is recognised through the Ombudsman's annual awards program. The seventh annual awards ceremony was held on 28 November 2012. These awards acknowledge outstanding contributions made by staff. Candidates for the Staff Choice Award are nominated by their peers.

The Award of Excellence is given at the Ombudsman's discretion. The awards were presented by the then Chair of the Legal Affairs and Community Safety Committee, Dr Alex Douglas MP.

# Capable and accountable

The recipients were:

## **Ombudsman's Award of Excellence**

Kylie Faulkner

## **Outstanding Contribution (Staff Choice)**

Kylie Faulkner

Greg Jesberg

## **Staff consultation**

There is regular consultation between management and employees, including team meetings, a monthly staff meeting and innovation forums.

A staff satisfaction survey is carried out every two years. In 2012-13, the survey had an 84% response rate. It highlighted positive staff perception of personal safety, the provision of a good working environment and flexible working hours. The survey identified room for improvement in morale issues, professional development and career opportunities and management communication with staff. This has led to the introduction of an innovation forum to identify and discuss workplace and business improvements and office-wide consultation on the 2013-14 professional development program.

## **Flexible work arrangements**

The Office encourages staff to establish flexible and balanced work arrangements.

This currently includes:

- 13 employees working part-time
- 1 staff member telecommuting.

Staff can also access special leave, including carer's leave, study leave, bereavement leave, emergency/ compassionate and purchased leave. Working mothers have access to specific leave entitlements and the Office provides appropriate facilities for breastfeeding.

## **Health and safety**

The Health and Safety Committee, chaired by the Ombudsman, continued to promote and provide oversight for workplace health and safety in consultation with a qualified safety advisor. Two workers' compensation claims were made this year, resulting in a total of 28 days lost to injury.

Information about health and wellbeing is regularly communicated to staff members who are encouraged to report any situations likely to cause injury. Ombudsman officers work closely with collocated agencies at 53 Albert Street to improve work health and safety in shared areas of the building.

Initiatives undertaken in 2012-13 included flu vaccinations for all staff and ergonomic assessments to minimise risk of injury and enhance productivity. The Office also invested in an online Fire Evacuation Program that details emergency evacuation procedures and provides regular training and assessment.

This year, 27 staff members attended driver safety awareness training and 21 staff completed a first aid course.

## **Terms and conditions**

New General Wages and Conditions for the Office were negotiated and approved by the Governor-in-Council on 6 June 2013. As a result, staff received a 2.2% pay rise from 1 November 2012 and will receive a further 2.2% increase on 1 November 2013 and 1 November 2014.

## **Early retirement, redundancy, retrenchment**

In 2012-13, no officer received a financial package for early retirement, redundancy, retrenchment or voluntary separation.



# Capable and accountable

## Performance

The Office of the Queensland Ombudsman is considered a department under s.8 of the *Financial Accountability Act 2009*. Under the Act, it is required to:

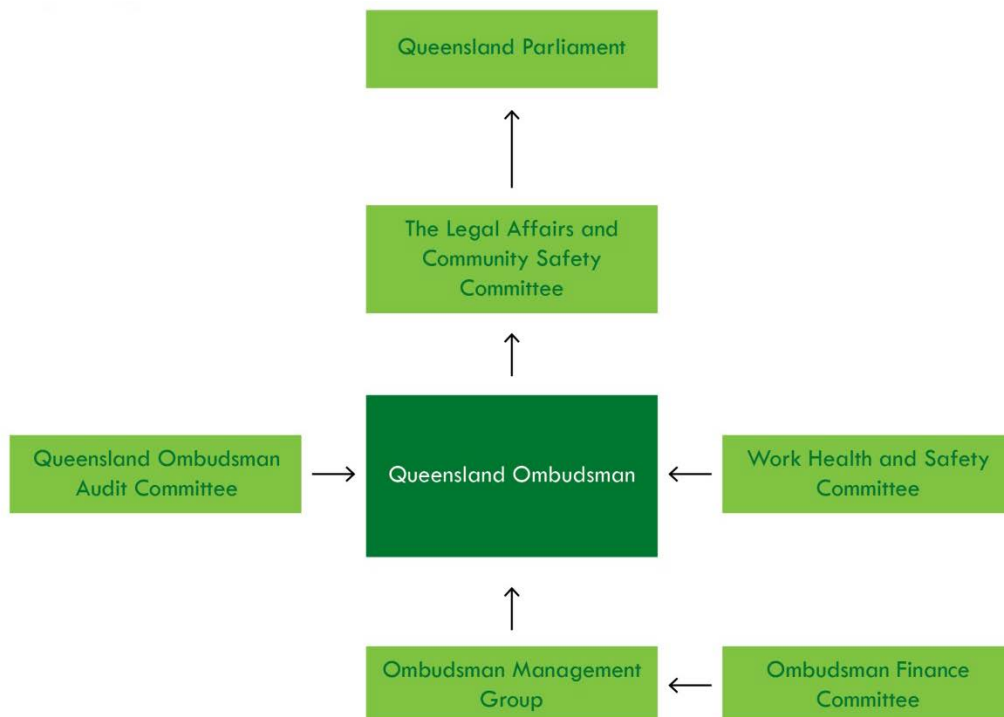
- ensure operations are carried out efficiently, effectively and economically
- establish and maintain appropriate systems of internal control and risk management
- ensure annual financial statements are prepared, certified and tabled in Parliament in accordance with the prescribed requirements
- undertake planning and budgeting.

The Queensland Ombudsman's corporate governance framework ensures that:

- statutory responsibilities are met
- high standards of service delivery are achieved through continuous improvement
- risk management is integrated into organisational activities
- performance is effectively and efficiently measured and monitored.

A range of internal accountability measures are used by the Queensland Ombudsman.

**Figure 15 Corporate governance framework**



## Capable and accountable

**Table 14 External accountability measures**

Measure	Description	Outcome
Legal Affairs and Community Safety Committee	Monitors and reviews the Office's performance and reports to the Legislative Assembly.	Accountability, transparency, high performance and compliance with statutory requirements
External audit	Ensures compliance with financial management requirements.	
Right to Information/ Information Privacy	Ensures proper processes for providing public access to documents held by the Office while safeguarding the privacy of personal information.	
Public Interest Disclosures	Ensures public interest disclosures are dealt with in accordance with <i>the Public Interest Disclosure Act 2010</i> and reports on the number and type of disclosures in an annual report.	
Annual report	Provides a full and complete picture of financial and non-financial performance.	
Estimates Committee hearing	Scrutinises the past and future (planned) financial and non-financial performance.	

**Table 15 Internal accountability measures**

Measure	Description	Outcome
Ombudsman Management Group	Decision-making body responsible for developing corporate plans and monitoring strategic priorities, statutory responsibilities and financial management.	Accountability, transparency, high performance and compliance with statutory requirements
Audit Committee	<p>Provides independent assurance and assistance to the Ombudsman on risk, control and compliance frameworks and external accountability responsibilities as prescribed in <i>the Financial Accountability Act 2009</i> and the <i>Financial Accountability Regulation 2009</i>.</p> <p>It comprises a Head of Internal Audit, Leon Smith of the Department of Justice and Attorney-General, the Deputy Ombudsman, Mr Andrew Brown, and two external committee members: Mr Gary Smith, CPA and Chair of the Audit Committee; and Mr Pat McCallum CPA, who received remuneration of \$10,745 and \$484 respectively.</p>	

## Capable and accountable

Internal audit	<p>An Ombudsman-approved charter consistent with relevant audit and ethical standards is central to the internal audit process. This charter directs independent auditors and ensures they have unrestricted access to the Office's corporate systems.</p> <p>This year's internal audit was undertaken by Hayes Knight Queensland Pty Ltd, an auditing firm independent from management and the Queensland Audit Office.</p> <p>The internal audit plan approved and regularly reviewed by the Audit Committee primarily focused on:</p> <ul style="list-style-type: none"> <li>• human resources processes including payroll, recruitment, exiting, termination and leave management</li> <li>• financial processes including banking, corporate credit cards and cab charge usage</li> <li>• management reporting.</li> </ul>	
Finance Committee	The Ombudsman Management Group and Senior Finance Officer are responsible for planning, monitoring and reporting on the Office's budget.	
Code of Conduct	<p>The Office's code of conduct was approved by the Attorney-General in October 2011.</p> <p>Information on the code of conduct is provided to new staff during their induction and it is available on the Office intranet. The code of conduct is integrated into the Office's planning processes.</p>	

# Capable and accountable

## External accountability measures

### Legal Affairs and Community Safety Committee

The Ombudsman is an officer of the Parliament and is accountable to the Queensland Legislative Assembly through the Legal Affairs and Community Safety Committee.

The committee:

- monitors and reviews the performance of the Ombudsman
- reports to the Legislative Assembly on the Ombudsman's functions, or the performance of those functions, if appropriate
- examines the annual report after it has been tabled and comments, if appropriate
- reports to the Legislative Assembly on any changes to the functions, structures and procedures considered desirable for the effective operation of the *Ombudsman Act 2001*.

The following arrangements help the committee monitor and review the Ombudsman's performance:

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

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

report on the review in November 2012, after calling for submissions and conducting hearings. The Ombudsman has implemented 35 of the review recommendations, with 12 partially implemented and nine delayed for further consideration.

### Estimates Committee hearing

In July 2012, the Ombudsman attended the annual Parliamentary Estimates Committee hearing as Chief Executive of the Office.

### External audit

The Ombudsman met the timeframes for the preparation of financial reports for 2012-13.

The audit report and certificate for the financial statements is contained in the following section of this report.

## Internal accountability measures

### Planning for the future

This year, the Office developed a new Strategic Plan 2013-18, available online. As part of the strategic planning process, the Office changed the focus of its four strategic objectives to reflect current priorities. The Strategic Plan ensures the Office is well-placed to carry out its core functions.

The Operational Plan 2012-13 aligned core strategies to specific activities, assigned responsibility to relevant officers and outlined key performance indicators.

### Identifying and managing risk

The Ombudsman Management Group continued its commitment to risk management.

External committee members, experienced in managing public sector risk issues, included in the Office's Audit Committee. The Audit Committee regularly reviews the Office's Risk Plan. Under its guidance, contemporary risk assessment practices have been implemented, strengthening the governance framework.

# Capable and accountable

## Ombudsman Management Group

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

The role of the OMG is to:

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

### Phil Clarke Ombudsman

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

### Andrew Brown Deputy Ombudsman

Mr Brown was appointed Deputy Ombudsman in 2011. His career in the public sector spans more than 20 years. Before being appointed Deputy Ombudsman, he was Chief Inspector of Prisons, Queensland Corrective Services (QCS). Other previous roles include the Director, Legal Services, QCS, and various

positions with Legal Aid Queensland. He plays a key role in the strategic management of the Office and is responsible for overseeing complaint intake and investigations. He holds a Bachelor of Arts/Law and a Masters of Public Administration.

### Peter Cantwell Assistant Ombudsman, Intake and Engagement Unit

Mr Cantwell joined the Office in 1997 as an investigator. In 1999, he was appointed Assistant Ombudsman, Administrative Improvement Unit. In 2012, Mr Cantwell was appointed to lead the new Intake and Engagement Unit, becoming responsible for training, audits, community engagement and the Registration and Preliminary Assessment Team (RAPA). Before joining the Office, he spent 20 years as a solicitor in private practice. For most of this time he was a partner in the Brisbane office of a major Australasian law firm and practised in the areas of commercial and administrative law. Mr Cantwell is an experienced workplace trainer and holds a Bachelor of Law with Honours.

### Louise Rosemann Assistant Ombudsman, Investigation and Resolution Unit

Ms Rosemann joined the Office in 2005 as Assistant Ombudsman, Assessment and Resolution. In 2012, she was appointed to the new Investigation and Resolution Unit. She oversees investigations about state government agencies, including corrections and universities. Ms Rosemann has diverse experience in public sector and community sector management, human resource management, equal opportunity employment, discrimination law, training and development, and administrative law. She has an extensive background in complaints handling and mediation. Ms Rosemann holds a Bachelor of Arts and a Master of Business in Employment Relations.

# Capable and accountable

## **Greg Woodbury**

### **Assistant Ombudsman, Investigation and Resolution Unit**

Mr Woodbury joined the Office in 1999 as an investigator. In 2004, he was appointed Assistant Ombudsman, Community Services and Corrections Team. In 2012, Mr Woodbury was appointed to the new Investigation and Resolution Unit. He oversees investigations about state government agencies, including corrections and universities. He has more than 20 years legal experience and was a partner of a Brisbane law firm specialising in corporate law and general litigation.

## **Craig Allen**

### **Assistant Ombudsman, Investigation and Resolution Unit**

Mr Allen joined the Office as a senior investigator in 1999. In 2000, he was appointed Assistant Ombudsman, Local Government and Infrastructure. In 2012, Mr Allen was appointed to the new Investigation and Resolution Unit. He oversees investigations about local government complaints and manages major investigations. He has extensive experience in finance, operations, policy and legislation gained with the Department of Local Government and Planning and the Brisbane City Council. Mr Allen holds a Bachelor of Business, with majors in local government and law.

## **Diane Gunton**

### **Manager, Corporate Services Unit**

Ms Gunton joined the Queensland Ombudsman in 2011. She leads the Corporate Services Unit and manages the Office's administrative, financial, human resource, communication, information technology, facilities and records management needs. Ms Gunton began her career at Brisbane City Council where she spent almost 20 years managing administrative and business improvement projects across several divisions. She worked on a range of strategic projects at Queensland Health before joining the Queensland Ombudsman. Ms Gunton holds a Bachelor of Business, with a major in management.

# PUBLIC INTEREST DISCLOSURES

# Public interest disclosures

## Oversight of the *Public Interest Disclosure Act 2010*

### Transition

On 1 January 2013, the Queensland Ombudsman became the oversight agency for the *Public Interest Disclosure Act 2010* (PID Act).

The Public Service Commission (PSC) was the oversight agency for the PID Act from its commencement on 1 January 2011 to 31 December 2012. The Office worked cooperatively with the PSC to manage the smooth transition of the PIDs oversight functions.

As part of the transition, the Queensland Ombudsman's Public Interest Disclosure Standard No 1 was gazetted in January 2013.

### Oversight functions

Under the PID Act, oversight functions include:

- monitoring the management of PIDs
- reviewing the way public sector entities deal with PIDs
- performing an education and advisory role about PIDs.

### Monitoring

Public sector entities are required to report information about PIDs to the Queensland Ombudsman.

In 2012-13, 1,140 PIDs were reported. This represented a 4% decrease on the previous year. Most PIDs were about allegations of official misconduct (91%).

Agency officers made 82% of all PIDs. This year, the proportion of PIDs reported anonymously increased from 4% in 2011-12 to 6% in 2012-13.

State government departments continue to be the main source of PIDs, accounting for more than half of all PIDs made in 2012-13.

A substantial increase in the number of PIDs made in statutory authorities reflects an improved understanding of reporting obligations and changes in public sector organisational structures. For example, local health and hospital boards are now statutory authorities. In the past, PIDs reported in these work areas would have been recorded as relating to a department.

More than half of all PIDs are reported in the Brisbane area.

The outcomes of PIDs investigations in 2012-13 were:

- 43.2% substantiated (290 PIDs)
- 5.2% partially substantiated (35 PIDs)
- 48.5% unsubstantiated (326 PIDs).

The Office has worked with agencies to ensure they publish PID procedures on the agency website. State government departments, universities and other educational entities and government-owned corporations have a high level of compliance with this requirement. However, only half of all local councils had published a PID procedure online.



# Public interest disclosures

**Table 16 PIDS reported by disclosure type<sup>1</sup>**

	11-12		12-13	
	No.	%	No.	%
Official misconduct	1,062	89.8	1,036	90.9
Maladministration	34	2.9	15	1.3
Environment	2	0.2	0	0.0
Disability	26	2.2	41	3.6
Misuse of public resources	31	2.6	33	2.9
Public health/safety	7	0.6	4	0.4
Reprisal	21	1.8	11	1.0
<b>Total</b>	<b>1,183</b>		<b>1,140</b>	

1. A PID may include more than one type of disclosure (for example, official misconduct and maladministration) therefore the number of PIDs by disclosure type may exceed the number of PIDs reported by agency type.

**Table 17 PIDs reported by agency type**

	11-12		12-13	
	No.	%	No.	%
Department	961	83.3	626	56.1
Local government	119	10.3	96	8.6
University/TAFE	9	0.8	32	2.9
Statutory Authority	3	0.3	220	19.7
GOCs	54	4.7	136	12.2
Public service office	8	0.7	6	0.5
<b>Total</b>	<b>1,154</b>		<b>1,116</b>	

**Table 18 PIDs reported by type of discloser**

	11-12		12-13	
	No.	%	No.	%
Anonymous	43	3.6	67	6.0
Manager/supervisor	3	0.3	51	4.6
Auditor	0	0.0	20	1.8
Employee of agency	1,117	93.4	919	82.3
Employee of another public sector agency	10	0.8	27	2.4
Member of the public	23	1.9	30	2.7
Unknown			2	0.2
<b>Total</b>	<b>1,196</b>		<b>1,116</b>	

**Table 19 PIDs investigation outcomes**

	11-12		12-13	
	No.	%	No.	%
Substantiated	249	51.8	290	43.2
Partially Substantiated	31	6.4	35	5.2
Not Substantiated	201	41.8	326	48.5
Other	0	0.0	21	3.1
<b>Total</b>	<b>481</b>		<b>672</b>	

# Public interest disclosures

**Table 20: PIDS by location of discloser**

	11-12		12-13	
	No.	%	No.	%
Brisbane	616	52.9	595	53.3
Central West	33	2.8	20	1.8
Darling Downs	61	5.2	20	1.8
Far North	85	7.3	47	4.2
Fitzroy	29	2.5	12	1.1
Gold Coast	100	8.6	145	13.0
Mackay	2	0.2	24	2.2
Moreton	26	2.2	6	0.5
Northern	15	1.3	43	3.9
North West	51	4.4	43	3.9
South West	23	2.0	13	1.2
Sunshine Coast	76	6.5	84	7.5
West Moreton	11	0.9	13	1.2
Wide Bay/Burnett	36	3.1	38	3.4
Not categorised			13	1.2
<b>Total</b>	<b>1,164</b>		<b>1,116</b>	

## Reviews

Two significant reports about PIDS were finalised by the PSC before the oversight function was moved to this Office.

The Public Interest Disclosure 2010-12 Implementation Review was finalised and distributed to key stakeholders, including the CEOs of public sector agencies. The PSC also finalised a review of the Queensland Police Service's Implementation of the PID Act in December 2012. This followed the Cabinet-endorsed recommendation of the 2011 Independent Review of the Queensland Police Complaints, Discipline and Misconduct System. This report is available online at [www.premiers.qld.gov.au/publications/categories/reviews/qps-complaints.aspx](http://www.premiers.qld.gov.au/publications/categories/reviews/qps-complaints.aspx). This Office has overseen the implementation of recommendations arising from the reviews.

## Education and advice

The Office's PIDs education and advisory services include:

- web-based information and publications, including seven new fact sheets
- presentations to public sector agencies and audiences
- advice to agencies to assist the development and implementation of PID procedures (17 entities sought feedback from the oversight agency on draft agency-specific PID policies)
- responding to general queries about PIDs.

The Office continued to facilitate meetings of the PID Coordinators Network to raise awareness about the PID Act, its purpose and requirements. In 2012-13, three face-to-face coordinator meetings and five teleconferences were held.

This Office also partnered with the Crime and Misconduct Commission to deliver PID lunchbox sessions in April 2012 to more than 75 participants.

# FINANCIALS

# Financial statements

## Financial summary

### Managing the budget

In 2012-13, the operational budget totalled \$7.563 million. This represents a 3.7% increase from 2011-12. In 2012-13, \$0.195 million was returned to Treasury at the end of the financial year and \$0.100 million was carried forward to 2013-14. These reductions were offset by \$0.08 million brought forward from 2011-12.

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

**Table 21 Summary**

	Budget \$'000	Actual \$'000	Variance \$'000
<b>Income statement</b>			
Direct appropriations	7,283	7,080	(203)
User charges	200	279	79
Other Revenue	80	125	45
Total income from continuing operations	7,563	7,484	(79)
Employee expenses	5,847	5,921	(74)
Supplies and services	1,404	1,314	90
Depreciation and amortisation	260	220	40
Other Expenses	52	29	23
Total expenses from continuing operations	7,563	7,484	79
Operating surplus/deficit	0	0	
<b>Balance sheet</b>			
Cash assets	637	536	(101)
Receivables	271	224	47
Payables	487	293	(194)
Capital /contributed equity	881	881	0

### Funding

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

### Expenses

The Queensland Ombudsman provides a complaint investigation service for the community and administrative improvement services for public agencies. The biggest cost in delivering these services is employee expenses, which represents 77% of the budget. The remaining 23% is expended on general operating costs including accommodation and information and telecommunication costs.

### Assets

At the end of 2012-13, assets totalled \$1.905 million comprising:

- plant and equipment \$1.025 million
- receivables \$.224million
- cash at bank \$.536 million.

### Liabilities

Liabilities from 2012-13 totalled \$1.072 million which included:

- \$.106 million in accounts payable to suppliers
- \$.187 million owing for long service leave and recreation leave
- provision for the unearned portion of the building owner's incentive of \$0.659M. This is associated with the construction and fit-out of premises at 53 Albert Street, which is being amortised over a period of 10 years.

# Office of the Queensland Ombudsman financial statements 2012-13

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## General Information

These financial statements cover the Office of the Queensland Ombudsman.

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

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

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

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

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

For information in relation to the Office's financial statements please contact Diane Gunton, Manager, Corporate Services, on 3005 7000 or [ombudsman@ombudsman.qld.gov.au](mailto:ombudsman@ombudsman.qld.gov.au) or visit [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au).

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

## Statement of comprehensive income for the year ended 30 June 2013

	Notes	2013 \$'000	2012 \$'000
<b>Income from continuing operations</b>			
Departmental services revenue	2	7,050	6,984
User charges	3	279	398
Other revenue	4	125	67
<b>Total income from continuing operations</b>		<b>7,454</b>	<b>7,449</b>
<b>Expenses from continuing operations</b>			
Employee expenses	5, 6	5,798	5,734
Supplies and services	7	1,437	1,417
Depreciation and amortisation	8	220	238
Other expenses	9	(1)	60
<b>Total expenses from continuing operations</b>		<b>7,454</b>	<b>7,449</b>
<b>Operating result from continuing operations</b>		<b>-</b>	<b>-</b>
<b>Total other comprehensive income</b>		<b>-</b>	<b>-</b>
<b>Total comprehensive income</b>		<b>-</b>	<b>-</b>

The accompanying notes form part of these statements.

## Statement of financial position as at 30 June 2013

	Notes	2013 \$'000	2012 \$'000
<b>Current assets</b>			
Cash and cash equivalents	10	537	381
Receivables	11	224	282
Other	12	-	39
<b>Total current assets</b>		<b>761</b>	<b>702</b>
<b>Non-current assets</b>			
Intangible assets	13	-	-
Plant and equipment	14	1,025	1,238
<b>Total non-current assets</b>		<b>1,025</b>	<b>1,238</b>
<b>Total assets</b>		<b>1,786</b>	<b>1,940</b>
<b>Current liabilities</b>			
Payables	15	105	147
Accrued employee benefits	16	188	160
Building owner's incentive	17	110	110
Appropriation payable	17	-	30
<b>Total current liabilities</b>		<b>403</b>	<b>447</b>
<b>Non-current liabilities</b>			
Building owner's incentive	17	549	659
<b>Total non-current liabilities</b>		<b>549</b>	<b>659</b>
<b>Total liabilities</b>		<b>952</b>	<b>1,106</b>
<b>Net assets</b>		<b>834</b>	<b>834</b>
<b>Equity</b>			
Contributed equity		880	880
Accumulated (deficit)/surplus		(46)	(46)
<b>Total equity</b>		<b>834</b>	<b>834</b>

## Statement of changes in equity for year ended 30 June 2013

	Notes	Accumulated Surplus/ (Deficit) \$'000	Contributed Equity \$'000	Total \$'000
<b>Balance as at 1 July 2011</b>		<b>(46)</b>	<b>880</b>	<b>834</b>
Operating result from continuing operations		-	-	-
Transactions with owners as owners:				
- Appropriated equity (withdrawal)/injection	2	-	-	-
<b>Balance as at 30 June 2012</b>		<b>(46)</b>	<b>880</b>	<b>834</b>
<b>Balance as at 1 July 2012</b>		<b>(46)</b>	<b>880</b>	<b>834</b>
Operating result from continuing operations		-	-	-
Transactions with owners as owners:				
- Appropriated equity (withdrawal)/injection	2	-	-	-
<b>Balance as at 30 June 2013</b>		<b>(46)</b>	<b>880</b>	<b>834</b>

The accompanying notes form part of these statements.

## Statement of cash flows for year ended 30 June 2013

	Notes	2013 \$'000	2012 \$'000
<b>Cash flows from operating activities</b>			
<i>Inflows:</i>			
Departmental service receipts		7,050	6,984
User charges		478	443
GST input tax credits from Australian Taxation Office		153	182
GST collected from customers		42	48
<i>Outflows:</i>			
Employee expenses		(5,772)	(5,754)
Supplies and services		(1,531)	(1,707)
GST paid to suppliers		(164)	(178)
GST remitted to Australian Taxation Office		(48)	(48)
Other		(31)	(35)
<b>Net cash (used in) provided by operating activities</b>	18	<b>177</b>	<b>(65)</b>
<b>Cash flows from investing activities</b>			
<i>Outflows:</i>			
Payments for plant and equipment		(21)	(31)
<b>Net cash provided by (used in) investing activities</b>		<b>(21)</b>	<b>(31)</b>
Net (decrease) increase in cash and cash equivalents		156	(96)
Cash and cash equivalents at beginning of the financial year		381	477
<b>Cash and cash equivalents at end of the financial year</b>	10	<b>537</b>	<b>381</b>

The accompanying notes form part of these statements.

# Notes to and forming part of the financial statements 2012-13

## Objectives and principal activities of the Office

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

## Objectives and principal activities of the Office

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

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

The objectives of the Office are:

- › fair and reasonable treatment of people's complaints.
- › unfair or unjust public agency decisions are rectified.
- › public sector agencies improve their decision making.
- › to be a capable and accountable organisation.

## 1. Summary of significant accounting policies

### (a) Statement of compliance

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

These financial statements are general purpose financial statements, and have been prepared on an accrual basis in accordance with Australian accounting standards and interpretations. In addition, the financial statements comply with Queensland Treasury and Trade's minimum reporting requirements for the year ended 30 June 2013, and other authoritative pronouncements.

With respect to compliance with Australian accounting standards and interpretations, the Office has applied those requirements applicable to not-for-profit entities, as the Office is a not-for-profit department. Except where stated, the historical cost convention is used.

### (b) The reporting entity

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

A statement of comprehensive income by major departmental services has not been prepared as the department is a single service entity.

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

### (c) Departmental services revenue

Appropriations provided under the *Appropriation Act 2012* are recognised as revenue when received.

### (d) User charges

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



### (e) Special payments

Special payments include ex gratia expenditure and other expenditure that the Office is not contractually or legally obligated to make to other parties. In compliance with the *Financial and Performance Management Standard 2009*, the Office maintains a register setting out details of all special payments. The total of all special payments is disclosed separately within Other expenses (Note 9). However descriptions of the nature of special payments are only provided where greater than \$5,000. No special payments were made in the financial year ended 30 June 2013.

### (f) Cash and cash equivalents

For the purposes of the Statement of financial position and the Statement of cash flows, cash assets includes all cash and cheques received but not banked at 30 June 2013 and also include available franking machine credit.

### (g) Receivables

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

The collectability of receivables is assessed periodically with provision being made for impairment if applicable. All known bad debts were written off as at 30 June 2013.

### (h) Acquisition of assets

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

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

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

### (i) Plant and equipment

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

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

### (j) Revaluation of non-current physical assets

Plant and equipment is measured at cost in accordance with Queensland Treasury and Trade's non-current asset policies.

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

### (k) Intangibles

Intangible assets with a cost or other value equal to or greater than \$100,000 are recognised in the financial statements, items with a lesser value being expensed. It has been determined that there is not an active market for any of the Office's intangible assets. As such, the assets are recognised and carried at cost less accumulated amortisation and accumulated impairment losses.

### (l) Amortisation and depreciation of intangibles and plant and equipment

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

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

The depreciable amount of leasehold improvements is allocated progressively over the estimated useful lives of the improvements or the unexpired period of the lease, whichever is the shorter. The unexpired period of leases includes any option period where exercise of the option is probable.

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

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

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

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

### (m) Impairment of non-current assets

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

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

An impairment loss is recognised immediately in the Statement of comprehensive income, unless the asset is carried at a re-valued amount. When the asset is measured at a re-valued amount, the impairment loss is offset against the asset revaluation surplus of the relevant class to the extent available.

Where an impairment loss subsequently reverses, the carrying amount of the asset is increased to the revised estimate of its recoverable amount, but so that the increased carrying amount does not exceed the carrying amount that would have been determined had no impairment loss been recognised for the asset

in prior years. A reversal of an impairment loss is recognised as income, unless the asset is carried at a re-valued amount, in which case the reversal of the impairment loss is treated as a revaluation increase. Refer also note 1 (i).

## **(n) Leases**

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

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

## **(o) Payables**

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

## **(p) Financial instruments**

### **Recognition**

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

### **Classification**

Financial instruments are classified and measured as follows:

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

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

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

## **(q) Employee benefits**

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

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

### **Wages, salaries and sick leave**

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

For unpaid entitlements expected to be paid within 12 months, the liabilities are recognised at their undiscounted values. Entitlements not expected to be paid within 12 months are classified as non-current liabilities and recognised at their present value, calculated using yields on fixed rate commonwealth

government bonds of similar maturity, after projecting the remuneration rates expected to apply at the time of likely settlement.

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

### **Annual leave**

Under the Queensland Government's Annual Leave Central Scheme a levy is made on the Office to cover the cost of employees' annual leave (including leave loading and on-costs). The levies are expensed in the period in which they are payable. Amounts paid to employees for annual leave are claimed from the scheme quarterly in arrears.

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

### **Long service leave**

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

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

### **Superannuation**

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

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

### **Key management personnel and remuneration**

Key management personnel and remuneration disclosures are made in accordance with section 5 of the Financial reporting requirements for Queensland government agencies issued by Queensland Treasury and Trade. Refer to note 6 for the disclosures on key management personnel and remuneration.

## **(r) Insurance**

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

### (s) Contributed equity

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

### (t) Taxation

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

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

### (u) Issuance of financial statements

The financial statements are authorised for issue by the Queensland Ombudsman, Manager, Corporate Services Unit and Senior Finance Officer at the date of signing the management certificate.

### (v) Accounting estimates and judgements

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

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

- › Estimate of useful lives of plant and equipment and estimated replacement cost of fully depreciated plant and equipment – note 14
- › Estimate of useful lives of intangible assets – note 14.

### (w) Rounding and comparatives

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

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

### (x) New and revised accounting standards

The Office did not voluntarily change any of its accounting policies during 2012-13.

AASB 2011-9 amendments to Australian accounting standards - presentation of Items of other comprehensive income (AASB 1, 5, 7, 101, 112, 120, 121, 132, 133, 134, 1039 and 1049) became effective from reporting periods beginning on or after 1 July 2012. There was no impact.

The following standards have been amended but are not effective as at 30 June 2013:

- › AASB 13 *Fair value measurement*
- › AASB 119 *Employee benefits*
- › AASB 1053 *Application of tiers of Australian accounting standards*
- › AASB 2012-2 *Amendments to Australian accounting standards - Disclosures offsetting financial assets and financial liabilities*
- › AASB 2012-5 *Amendments to Australian accounting standards arising from annual improvements 2009-2011 cycle*

The following new and revised standards apply as from reporting periods beginning on or after 1 January 2014:

- › AASB 10 *Consolidated financial statements*
- › AASB 11 *Joint arrangements*
- › AASB 12 *Disclosure of interests in other entities*
- › AASB 127 (revised) *Separate financial statements*
- › AASB 128 (revised) *Investments in associates and joint ventures*
- › AASB 2011-7 *Amendments to Australian accounting standards arising from the consolidation and joint arrangements standards*
- › AASB 2012-3 *Amendments to Australian accounting standards – disclosures offsetting financial assets and liabilities*
- › AASB 2012-11 *Amendments to Australian accounting standards – reduced disclosure requirements and other amendments*
- › AASB 2013-3 *Amendments to AASB 136 – recoverable amount disclosures for non-financial assets*
- › AASB 2013-4 *Amendments to Australian accounting standards - novation of derivatives and continuation of hedge accounting*
- › AASB 2013-1 *Amendments to AASB 1049 – Relocation of budgetary reporting requirements - removes the requirements relating to the disclosure of budgetary information from AASB 1049 (without substantive amendment). All budgetary reporting requirements applicable to public sector entities are now located in a single, topic-based, Standard AASB 1055 *Budgetary reporting*. This will affect the Office's financial report for the year ending 30 June 2015 by requiring the disclosure of budgetary figures for the year, the variation of actual to budget and the reasons for major variations.*

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

## 2. Reconciliation of payments from consolidated fund to departmental services revenue recognised in statement of comprehensive income

	2013 \$'000	2012 \$'000
<b>Budgeted departmental services appropriation</b>	<b>7,253</b>	<b>7,094</b>
Transfers from/(to) other headings – variations in headings	135	-
Lapsed departmental services appropriation	(338)	(110)
<b>Departmental services revenue recognised in statement of comprehensive income</b>	<b>7,050</b>	<b>6,984</b>

Lapsed departmental services funding relates to a deferral of expenditure on employees due to unanticipated staff vacancies. The deferral is partially offset by funding for employee expenses being carried forward from 2011-12 to 2012-13.

## Reconciliation of payments from consolidated fund to equity adjustment recognised in contributed equity

Budgeted equity adjustment appropriation	-	-
Transfers from/(to) other headings – variations in headings	-	-
<b>Equity adjustment recognised in contributed equity</b>	<b>-</b>	<b>-</b>

## 3. User charges

Training programs	245	368
Training room hire	34	29
Right to information fees	-	1
<b>Total</b>	<b>279</b>	<b>398</b>

## 4. Other revenue

Venue management	86	67
Sundry revenue	39	-
<b>Total</b>	<b>125</b>	<b>67</b>

## 5. Employee expenses

<b>Employee benefits</b>		
Wages and salaries	4,295	4,214
Employer superannuation contributions*	588	583
Annual leave levy*	422	427
Long service leave levy*	91	89
Other employee benefits	34	44
<b>Employee related expenses</b>		
Workers' compensation premium*	22	19
Payroll Tax*	259	249
Other employee related expenses	87	109
<b>Total</b>	<b>5,798</b>	<b>5,734</b>

\*Refer to Note 1(q)

The number of employees as at 30 June, including both full-time employees and part-time employees, measured on a full-time equivalent basis (reflecting Minimum Obligatory Human Resource Information) is:

	2013	2012
Number of employees	60	55

The number of employees in 2013 included four temporary staff employed on a short term basis for specific projects.

## 6. Key management personnel and remuneration

### a) Key management personnel

The following details for key management personnel include those positions that had authority and responsibility for planning, directing and controlling the activities of the Office during 2012-13. Further information on these positions can be found in the body of the Annual Report under the section relating to Governance: Performance.

Position	Responsibilities	Current Incumbents	
		Contract classification and appointment authority	Date appointed to position (Date resigned from position)
Ombudsman	The efficient, effective and economic administration of the Office.	CEO 5	10/1/2011
Deputy Ombudsman	The management of the Registration and Preliminary Assessment Team and the Investigation and Resolution Unit in meeting the Office's statutory functions efficiently and effectively.	SES 3	10/10/2011
Assistant Ombudsman, Intake and Engagement Unit	The Intake and Engagement Unit assesses complaints for referral to Investigation and Resolution Unit or other agencies as relevant; undertakes community engagement, delivers training programs and audits agencies' complaints management systems.	SO	21/7/1997
Manager, Corporate Services Unit	Leading and managing the Corporate Services Unit.	SO	3/5/2011
Assistant Ombudsman, Investigation and Resolution Unit	Leading and managing a team within the Investigation and Resolution Unit focusing on selected state government agencies, correctional centres and universities.	SO	10/6/2005
Assistant Ombudsman, Investigation and Resolution Unit	Leading and managing a team within the Investigation and Resolution Unit focusing on local government and major investigations.	SO	22/12/1998
Assistant Ombudsman, Investigation and Resolution Unit	Leading and managing a team within the Investigation and Resolution Unit focusing on selected state government agencies, correctional centres and universities.	SO	10/5/1999

### b) Remuneration

Remuneration policy for the Office's key management personnel is set by the Queensland Public Service Commission as provided for under the *Public Service Act 2008*. The remuneration and other terms of employment for some key management personnel are specified in employment contracts. The contracts provide for other benefits including motor vehicles.

In 2012-13 remuneration of key management personnel (excluding the Ombudsman) increased by 2.2% in accordance with government policy.

Remuneration packages for key management personnel comprise the following components:

- › short term employee benefits which include:
  - » base - consisting of base salary, allowances and leave entitlements expensed for the entire year or for that part of the year during which the employee occupied the specified position.
  - » non-monetary benefits – consisting of provision of vehicle together with fringe benefits tax applicable to the benefit.
- › long term employee benefits include amounts expensed in respect of long service leave.
- › post employment benefits include amounts expensed in respect of employer superannuation obligations.
- › redundancy payments are not provided for within individual contracts of employment. Contracts of employment provide only for notice periods or payment in lieu of notice on termination, regardless of the reason for termination.
- › performance bonuses are not paid under the contracts in place.

Total fixed remuneration is calculated on a 'total cost' basis and includes the base and non-monetary benefits, long term employee benefits and post employment benefits.

**1 July 2012 – 30 June 2013**

Position (date resigned if applicable)	Short Term Employee Benefits		Long Term Employee Benefits	Post Employment Benefits	Termination Benefits	Total Remuneration
	Base \$'000	Non-Monetary Benefits \$'000	\$'000	\$'000	\$'000	\$'000
Ombudsman	239	26	6	30	-	301
Deputy Ombudsman	206	12	8	20	-	246
Manager, Corporate Services Unit	115	-	3	15	-	133
Assistant Ombudsman, Intake and Engagement Unit	134	-	4	16	-	154
Assistant Ombudsman, Investigation and Resolution Unit	106	-	4	15	-	125
Assistant Ombudsman, Investigation and Resolution Unit	100	-	3	15	-	118
Assistant Ombudsman, Investigation and Resolution Unit	109	-	4	11	-	124
<b>Total</b>	<b>1,009</b>	<b>38</b>	<b>32</b>	<b>122</b>	<b>-</b>	<b>1,201</b>

**1 July 2011 – 30 June 2012**

Position (date resigned if applicable)	Short Term Employee Benefits		Long Term Employee Benefits	Post Employment Benefits	Termination Benefits	Total Remuneration
	Base \$'000	Non-Monetary Benefits \$'000	\$'000	\$'000	\$'000	\$'000
Ombudsman	210	15	10	26	-	261
Deputy Ombudsman	20	4	-	-	-	24
Deputy Ombudsman	143	-	6	6	-	155
Manager, Corporate Services Unit	115	-	3	1	-	119
Manager, Communication and Research Unit	84	-	3	6	-	93
Assistant Ombudsman, Intake and Engagement Unit	111	-	4	12	-	127
Assistant Ombudsman, Investigation and Resolution Unit	129	-	3	-	-	132
Assistant Ombudsman, Investigation and Resolution Unit	104	-	3	7	-	114
Assistant Ombudsman, Investigation and Resolution Unit	85	-	3	25	-	113
<b>Total</b>	<b>1,001</b>	<b>19</b>	<b>35</b>	<b>83</b>	<b>-</b>	<b>1,138</b>



## 7. Supplies and services

	2013 \$'000	2012 \$'000
Consultants and contractors	42	39
Computer support	231	197
Electricity	9	16
Legal expenses	8	19
Books	-	1
Motor vehicle expenses	19	19
Office maintenance	50	40
Operating lease rentals	644	617
Payments to employment agencies	123	83
Printing	10	24
Stores and stationery	32	37
Telephones/communication	89	95
Travel	28	45
Training expenses	26	70
General supplies and services	126	115
<b>Total</b>	<b>1,437</b>	<b>1,417</b>

## 8. Depreciation and amortisation

Depreciation and amortisation were incurred in respect of:		
Office furniture and fit-out	177	172
Computer equipment	32	39
Office equipment	11	16
Software purchased	-	11
<b>Total</b>	<b>220</b>	<b>238</b>

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

## 9. Other expenses

External audit fees*	22	23
Insurance premiums - QGIF	5	3
Sundry expenses	2	4
Appropriation refundable to Queensland Treasury and Trade	(30)	30
<b>Total</b>	<b>(1)</b>	<b>60</b>

\* Total external audit fees paid to the Queensland Audit Office relating to the 2012-13 financial year are estimated to be \$21,500 (2012: \$21,000). There are no non-audit services included in this amount.

## 10. Cash and Cash Equivalents

Imprest accounts	1	1
Cash at bank and on-hand	536	380
<b>Total</b>	<b>537</b>	<b>381</b>

Departmental bank accounts grouped within the Whole-of-Government set-off arrangement with the Queensland Treasury Corporation do not earn interest on surplus funds. Interest earned on the aggregate set-off arrangement balance accrues to the Consolidated Fund.

## 11. Receivables

	2013 \$'000	2012 \$'000
Trade debtors	54	123
Less: allowance for impairment loss	-	-
	<b>54</b>	<b>123</b>
GST receivable	27	16
GST payable	(6)	(12)
	<b>21</b>	<b>4</b>
Annual leave reimbursements	117	130
Long service leave reimbursements	32	25
	<b>149</b>	<b>155</b>
<b>Total</b>	<b>224</b>	<b>282</b>

## 12. Other current assets

Prepayments:		
Salaries	-	-
Other	-	39
<b>Total</b>	<b>-</b>	<b>39</b>

## 13. Intangible assets

Software purchased		
At cost	471	471
Less : Accumulated amortisation	(471)	(471)
<b>Total</b>	<b>-</b>	<b>-</b>

### Intangibles reconciliation

Software purchased		
Carrying amount at 1 July	-	11
Acquisitions	-	-
Amortisation	-	(11)
<b>Carrying amount at 30 June</b>	<b>-</b>	<b>-</b>

Amortisation of intangibles is included in the line item "Depreciation and Amortisation" in the Statement of comprehensive income.

The Office has a software program with an original cost of \$394,000, which has been fully amortised, but is still being used in the provision of services. The system was initially developed as a file and complaints management system. It was further updated in 2008-09 (\$54,000) and 2009-10 (\$23,000) and its continued viability will be assessed in the 2013-14 financial year.

## 14. Plant and equipment

At cost	1,914	1,981
Less : Accumulated depreciation	(889)	(743)
<b>Total</b>	<b>1,025</b>	<b>1,238</b>

Plant and equipment is valued at cost in accordance with Queensland Treasury and Trade's *Non-current Asset Policies for the Queensland public sector*.



## Plant and equipment reconciliation

	2013 \$'000	2012 \$'000
Carrying amount at 1 July	1,238	1,420
Acquisitions	7	45
Depreciation	(220)	(227)
<b>Carrying amount at 30 June</b>	<b>1,025</b>	<b>1,238</b>

The Office has plant and equipment with an original cost of \$125,577 (2012: \$155,333) and a written down value of zero still being used in the provision of services. Some of these will not be replaced, but approximately 20% of these assets with a gross replacement cost of \$25,000 are expected to be replaced in 2013-14 with another 20% to be replaced in the 2014-15 financial year. Computer and office equipment with an original cost of \$74,171, but fully depreciated, were disposed of by way of donation during the year.

## 15. Payables

Trade creditors	105	147
<b>Total</b>	<b>105</b>	<b>147</b>

## 16. Accrued employee benefits

Wages outstanding	1	3
Annual leave levy payable	158	130
Long service leave levy payable	29	27
<b>Total</b>	<b>188</b>	<b>160</b>

## 17. Other liabilities

<b>Current</b>		
Appropriation payable	-	30
Lease incentive	110	110
<b>Total</b>	<b>110</b>	<b>140</b>
<b>Non-Current</b>		
Lease incentive	549	659

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

## 18. Reconciliation of operating surplus to net cash from operating activities

Operating surplus/(deficit)	-	-
Depreciation and amortisation	220	238
Changes in assets and liabilities:		
Increase in accrued employee benefits	28	9
(Decrease) in payables and other liabilities	(168)	(270)
Decrease (increase) in trade receivables	75	(28)
(Increase) decrease in GST input tax credits receivables	(11)	4
(Decrease) in GST payable	(6)	-
Decrease (increase) in prepayments	39	(18)
<b>Net cash from/(used in) operating activities</b>	<b>177</b>	<b>(65)</b>

## 19. Commitments for expenditure

### (a) Finance lease liabilities

There were no finance lease liabilities at 30 June 2013.

### (b) Non-cancellable operating leases

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

	2013 \$'000	2012 \$'000
Not later than one year	857	830
Later than one year and not later than five years	1,448	2305
Later than five years	-	-
<b>Total</b>	<b>2,305</b>	<b>3,135</b>

In 2009 the Office relocated to a new building at 53 Albert Street, Brisbane in terms of a co-location initiative with other complaint agencies. The rental agreement in respect of the Office's premises covered the period to 5 February 2016. The lease has a seven year term with a rent escalation clause of 4.5% p.a.

The value of the outstanding rent at 30 June 2013 amounted to \$2,297,997 of which \$853,751 is current and \$1,444,246 is non-current.

The Office no longer leases vehicles.

The franking machine is also leased. The value of the outstanding lease payments at 30 June 2013 amounted to \$7,065 of which \$4,201 is non-current.

No lease arrangements create restrictions on other financing transactions.

### (c) Capital expenditure commitments

There were no capital expenditure commitments at 30 June 2013 (2012 nil).

## 20. Contingencies

### (a) Litigation in progress

No litigation involving the Office was in progress at 30 June 2013.

### (b) Financial guarantees

The Office was not committed to any guarantees or undertakings at 30 June 2013.

## 21. Events occurring after balance date

There were no material occurrences after 30 June 2013.

## 22. Financial instruments

### (a) Categorisation of financial instruments

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

	Notes	2013 \$'000	2012 \$'000
<b>Financial assets</b>			
Cash and cash equivalents	10	537	381
Receivables	11	224	282
<b>Total</b>		<b>761</b>	<b>663</b>
<b>Financial liabilities</b>			
Payables	15	105	147
<b>Total</b>		<b>105</b>	<b>147</b>

## (b) Financial risk management

The Office's activities expose it to a variety of financial risks - credit risk, liquidity risk, and market risk. However due to the nature of the Office's activities, these risks are limited. Financial risk management is implemented pursuant to government policy. These policies focus on the unpredictability of financial markets and seek to minimise potential adverse effect on the financial performance of the Office.

## (c) Credit risk exposure

Credit risk exposure refers to the situation where the Office may incur financial loss as a result of another party to a financial instrument failing to discharge their obligation.

The maximum exposure to credit risk at balance date in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment.

The following table represents the Office's maximum exposure to credit risk based on contractual amounts net of any allowances:

### Maximum exposure to credit risk

	Notes	2013 \$'000	2012 \$'000
<b>Financial assets</b>			
Cash and cash equivalents	10	537	381
Receivables	11	224	282
<b>Total</b>		<b>761</b>	<b>663</b>

No collateral is held as security and no credit enhancements relate to financial assets held by the Office.

The Office manages credit risk through the use of a credit management strategy. This strategy aims to reduce the exposure to credit default by ensuring that the Office invests in secure assets, and monitors all funds owed on a timely basis. Exposure to credit risk is monitored on an ongoing basis.

No financial assets and financial liabilities have been offset and presented net in the statement of financial position.

The allowance for impairment reflects the occurrence of loss events. The most readily identifiable loss event is where a debtor is overdue in paying a debt to the Office, according to the due date (normally terms of 30 days). Economic changes impacting the Office's debtors, and relevant industry data, also form part of the Office's documented risk analysis.

If no loss events have arisen in respect of a particular debtor or group of debtors, no allowance for impairment is made in respect of that debt/group of debtors. If the Office determines that an amount owing by such a debtor does become uncollectible (after appropriate range of debt recovery actions), that amount is recognised as a bad debt expense and written-off directly against receivables. In other cases where a debt becomes uncollectible but the uncollectible amount exceeds the amount already allowed for impairment of that debt, the excess is recognised directly as a bad debt expense and written off directly against receivables.

No financial assets have had their terms renegotiated so as to prevent them from being past due or impaired, and are stated at the carrying amounts as indicated.

Aging of past due but not impaired financial assets are disclosed in the following tables:

### 2013 Financial assets past due but not impaired

	Overdue				Total \$'000
	Less than 30 Days \$'000	30 - 60 Days \$'000	61 - 90 Days \$'000	More than 90 Days \$'000	
<b>Financial assets</b>					
Receivables	215	5	-	4	224
<b>Total</b>	<b>215</b>	<b>5</b>	<b>-</b>	<b>4</b>	<b>224</b>

### 2012 Financial assets past due but not impaired

	Overdue				Total \$'000
	Less than 30 Days \$'000	30 - 60 Days \$'000	61 - 90 Days \$'000	More than 90 Days \$'000	
<b>Financial assets</b>					
Receivables	218	5	17	42	282
<b>Total</b>	<b>218</b>	<b>5</b>	<b>17</b>	<b>42</b>	<b>282</b>

### 2013 Individually impaired financial assets

There were no impaired financial assets at 30 June 2013 (2012: nil).

### (d) Liquidity risk

Liquidity risk refers to the situation where the Office may encounter difficulty in meeting obligations associated with financial liabilities that are settled by delivering cash or another financial asset.

The Office is exposed to liquidity risk in respect of its payables.

The Office manages liquidity risk by ensuring it has sufficient funds available to meet employee and supplier obligations as they fall due. This is achieved by ensuring that minimum levels of cash are held within the various bank accounts so as to match the expected duration of the various employee and supplier liabilities.

The following table sets out the liquidity risk of financial liabilities held by the Office. It represents the contractual maturity of financial liabilities, calculated based on undiscounted cash flows relating to the liabilities at reporting date.

#### 2013 Payable in:

	Notes	< 1 year \$'000	1 - 5 years \$'000	> 5 years \$'000	Total \$'000
<b>Financial liabilities</b>					
Payables	15	105	-	-	105
<b>Total</b>		<b>105</b>	<b>-</b>	<b>-</b>	<b>105</b>

#### 2012 Payable in:

	Notes	< 1 year \$'000	1 - 5 years \$'000	> 5 years \$'000	Total \$'000
<b>Financial liabilities</b>					
Payables	15	147	-	-	147
<b>Total</b>		<b>147</b>	<b>-</b>	<b>-</b>	<b>147</b>

### (e) Market risk

The Office does not trade in foreign currency and is not materially exposed to commodity price changes. The Office is not exposed to interest rate risk. The Office does not undertake any hedging in relation to interest risk and manages its risk as per the liquidity risk management strategy.

### (f) Interest rate sensitivity analysis

The Office does not earn interest on cash and cash equivalents and has no borrowings. Consequently it has no exposure to interest rate changes.

### (g) Fair value

The Office does not recognise any financial assets or financial liabilities at fair value.

The fair value of cash, cash equivalents, trade receivables and payables and the lease liability approximate their fair value and are not disclosed separately.

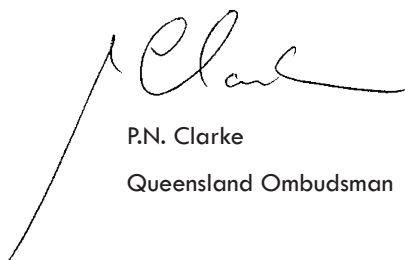
## Management certificate of the Office of the Queensland Ombudsman

These general purpose financial statements have been prepared pursuant to s.62(1) of the *Financial Accountability Act 2009* (the Act), relevant sections of the *Financial and Performance Management Standard 2009* and other prescribed requirements. In accordance with s.62(1)(b) of the Act we certify that in our opinion:

- a) the prescribed requirements for establishing and keeping the accounts have been complied with in all material respects.
- b) the statements have been drawn up to present a true and fair view, in accordance with prescribed accounting standards, of the transactions of the Office of the Queensland Ombudsman for the financial year ended 30 June 2013 and of the financial position at the end of that year.



D. Gunton  
Manager  
Corporate Services Unit



P.N. Clarke  
Queensland Ombudsman



C.B. De Wet  
Senior Finance Officer  
Corporate Services Unit

28 August 2013

## Independent Auditor's Report

To the Accountable Officer of the Office of the Ombudsman

### Report on the Financial Report

I have audited the accompanying financial report of the Office of the Ombudsman, which comprises the statement of financial position as at 30 June 2013, the statement of comprehensive income, statement of changes in equity, statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the certificates given by the Queensland Ombudsman, Manager Corporate Services Unit and the Chief Financial Officer.

### The Accountable Officer's Responsibility for the Financial Report

The Accountable Officer is responsible for the preparation of the financial report that gives a true and fair view in accordance with prescribed accounting requirements identified in the *Financial Accountability Act 2009* and the *Financial and Performance Management Standard 2009*, including compliance with Australian Accounting Standards. The Accountable Officer's responsibility also includes such internal control as the Accountable Officer determines is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

### Auditor's Responsibility

My responsibility is to express an opinion on the financial report based on the audit. The audit was conducted in accordance with the *Auditor-General of Queensland Auditing Standards*, which incorporate the Australian Auditing Standards. Those standards require compliance with relevant ethical requirements relating to audit engagements and that the audit is planned and performed to obtain reasonable assurance about whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the financial report that gives a true and fair view in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control, other than in expressing an opinion on compliance with prescribed requirements. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Accountable Officer, as well as evaluating the overall presentation of the financial report including any mandatory financial reporting requirements approved by the Treasurer for application in Queensland.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

### Independence

The *Auditor-General Act 2009* promotes the independence of the Auditor-General and all authorised auditors. The Auditor-General is the auditor of all Queensland public sector entities and can be removed only by Parliament.

The Auditor-General may conduct an audit in any way considered appropriate and is not subject to direction by any person about the way in which audit powers are to be exercised. The Auditor-General has for the purposes of conducting an audit, access to all documents and property and can report to Parliament matters which in the Auditor-General's opinion are significant.

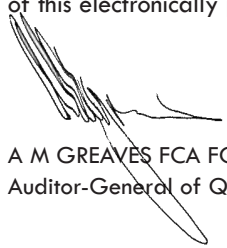
### Opinion

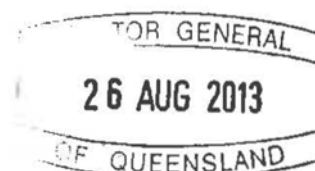
In accordance with s.40 of the *Auditor-General Act 2009* –

- (a) I have received all the information and explanations which I have required; and
- (b) in my opinion –
  - (i) the prescribed requirements in relation to the establishment and keeping of accounts have been complied with in all material respects; and
  - (ii) the financial report presents a true and fair view, in accordance with the prescribed accounting standards, of the transactions of the Office of the Ombudsman for the financial year 1 July 2012 to 30 June 2013 and of the financial position as at the end of that year.

### Other Matters - Electronic Presentation of the Audited Financial Report

Those viewing an electronic presentation of these financial statements should note that audit does not provide assurance on the integrity of the information presented electronically and does not provide an opinion on any information which may be hyperlinked to or from the financial statements. If users of the financial statements are concerned with the inherent risks arising from electronic presentation of information, they are advised to refer to the printed copy of the audited financial statements to confirm the accuracy of this electronically presented information.

  
A M GREAVES FCA FCPA  
Auditor-General of Queensland



Queensland Audit Office  
Brisbane

# APPENDICES

# Appendices

## Appendix 1: Change program

Issue	Innovation	Operational impact	Statistical impact
Organisational restructure and new business processes	<p>In January 2012, the complaints intake function was streamlined.</p> <p>A new business unit called the Registration and Preliminary Assessment Unit (RAPA) was established.</p> <p>RAPA undertakes the preliminary assessment of complaints including focussing on the early identification of premature complaints and out of jurisdiction matters. Timely advice and assistance is provided in relation to the referral of these matters to appropriate entities.</p>	<p>The change has improved the efficiency of officers dealing with general enquiries, complaints and out of jurisdiction matters.</p> <p>The establishment of RAPA has improved timeliness in dealing with the initial assessment of contacts, particularly written matters.</p>	<p>People receive a more direct and timely response to their queries and complaints. For example:</p> <ul style="list-style-type: none"> <li>the Office has halved the time it takes to deal with out of jurisdiction matters (an estimated reduction from 2.75 days in 2011-12 to 1.26 days in 2012-13)</li> <li>the Office has significantly reduced the time it takes to deal with premature complaints (from an average of 10.8 days in 2011-12 to 3.4 days in 2012-13).</li> </ul>
	<p>The strategic review recommended the formation of a single investigations team to facilitate flexibility with staffing and resourcing.</p> <p>In May 2012, the four separate investigation teams were consolidated into a single unit overseen by the Deputy Ombudsman.</p>	<p>This change has allowed the Office greater flexibility to direct resources and staff.</p>	<p>This has contributed to the substantial improvement in the timeliness of investigations in 2012-13.</p>
Recording and reporting on out of jurisdiction matters	<p>In April 2012, a new file type called 'out of jurisdiction' was introduced to record all matters received that are outside the Ombudsman's jurisdiction, regardless of how the matter was received.</p> <p>Previously, when a person contacted the Office by phone or the online complaint form with a matter outside the Ombudsman's jurisdiction, it was classified as a 'referral'.</p> <p>When a person contacted the Office in writing, it was automatically classified as a</p>	<p>The new approach more accurately measures and reports on the number of complaints or out of jurisdiction matters.</p>	<p>In 2011-12, 14% of the matters recorded as complaints were assessed and declined as outside jurisdiction (1,206 complaints finalised). In 2012-13, only 118 matters were recorded as complaints and declined as outside jurisdiction (2% of complaints finalised).</p>



# Appendices

Issue	Innovation	Operational impact	Statistical impact
	'complaint' (even if it was about an out of jurisdiction matter) and then declined as outside the Ombudsman's jurisdiction.		
A new on-hold telephone message and improved information on the Ombudsman website regarding out of jurisdiction matters	<p>In May 2012, a new telephone message system was installed to direct callers with issues that are outside the Ombudsman's jurisdiction to the correct complaint entity before they spoke to an Ombudsman officer.</p> <p>The website was also upgraded to provide people with clearer information about other complaints entities, allowing them to find the appropriate entity to deal with their complaint without having to contact the Office.</p>	<p>The new telephone system and online upgrades have improved efficiency by generating fewer general queries and out of jurisdiction contacts.</p> <p>The new homepage acts as an effective referral tool and provides a more efficient service for complainants.</p> <p>This has allowed Ombudsman officers to focus on managing complaints and improved the timeliness of assessments and investigations.</p>	In 2012-13, 3,878 out of jurisdiction matters were received by telephone, a decline of 40% from the previous year.
Improved online information regarding premature complaints	In April 2012, the Office changed its website to provide clearer advice about the need to raise a complaint with the relevant agency before the Office will investigate.	<p>Complainants are able to access more timely information on how to navigate the complaints process across the Queensland public sector.</p> <p>It is likely that fewer complainants need to directly contact the Office for this advice and are more likely to approach an agency directly.</p>	Whilst it is not possible to identify the exact impact, it is considered that this initiative has reduced the number of initial contacts with the Office about premature matters.
Referring premature complaints	<p>As has been noted above, the Office has focused on the early identification of complaints where the complainant had not yet exhausted the agency complaints process. Advice and/or assistance is provided to refer those matters to the agency.</p> <p>The Office no longer applies its resources to resolving premature complaints but helps complainants raise the matter with the agency and encourages the agency to respond.</p>	This has allowed the Office to more effectively and efficiently apply its resources to cases where the complainant has been unable to resolve their complaint with an agency.	<p>This initiative has contributed to the general improvement in timeliness of assessments and investigations.</p> <p>However, it has also reduced the number of cases where a 'positive outcome' was recorded for complaints (see SDS measure 1). A 'positive outcome' is recorded where, among other things, the complaint was resolved or an explanation for the agency's action was provided to the complainant. In previous years a proportion of 'positive outcomes' were achieved in relation to</p>

# Appendices

Issue	Innovation	Operational impact	Statistical impact
			<p>complaints that were premature. Because the office now refers these matters back to the agency to deal with them, they are not recorded as 'positive outcomes'.</p> <p>In 2012-13, the Office achieved a 'positive outcome' for complainants in 27% of cases, compared to 32% the previous year.</p>
Rectifying complaints	<p>During 2012-13, the Office improved its process for rectifying administrative errors.</p> <p>This was achieved through the greater use of 'preliminary views' letters to agencies which identify the potential error and provide the agency with an opportunity to remedy it without the need for an Ombudsman report/recommendation.</p> <p>These outcomes are recorded as 'agreed actions'.</p>	<p>This new approach gives agencies a chance to rectify the problem without the Ombudsman issuing a detailed report pursuant to s.50 of the Ombudsman Act.</p> <p>Issues are generally resolved in a more efficient and timely manner, providing an improved service for the complainant.</p>	<p>This initiative has contributed to the timeliness of investigations. The average time taken to finalise investigations in 2012-13 was 75.3 days (from receipt) in 2012-13 compared to 132 days in 2011-12.</p>
Referring parole complaints	<p>Since January 2012, the Office has directed queries about parole issues back to the correctional centre Sentence Management Unit to deal with and provided advice to the prisoner. This is consistent with the way the Office handles premature complaints.</p> <p>Previously the Office made enquiries to the Queensland Parole Board on behalf of prisoners.</p>	<p>This approach allows the relevant Sentence Management Unit the opportunity to deal with parole issues directly in the first instance.</p>	<p>In 2012-13, 115 complaints were received in relation to parole matters, a decline of 250 complaints (68%) on the previous year.</p>
Recording complaints where written material has been requested	<p>In July 2012, the Office changed the practice of recording a complaint when a person was asked to submit further documentation to allow the Office to assess their case.</p> <p>Previously a complaint received by telephone was closed if written material was requested. A second complaint file was created if</p>	<p>Internal systems are more efficient and reporting of complaints is more accurate.</p>	<p>In 2012-13, a written submission was requested in relation to 326 complaints received by telephone. In 106 instances, information was subsequently provided within 14 days. Previously, these 106 matters would have been opened as new cases.</p>

## Appendices

Issue	Innovation	Operational impact	Statistical impact
	the person then submitted this material. This had the effect of creating two files for a single complaint. Now a complaint file is created for the telephone call and remains open for 14 days to allow the complainant to provide written information.		
Recording complaints with continuing issues	<p>In July 2012, the Office introduced a new procedure for managing continuing issues on complaint cases.</p> <p>Previously, where a case was closed by the Office but the person contacted the Office again about the issue and further substantial work was undertaken, it was recorded as a separate complaint. These contacts are still recorded as a separate complaint but Ombudsman officers now identify the issues raised previously and link the two complaints.</p>	The new procedure is more effective at capturing data about discrete complaints.	This measure became fully operational in the second half of 2012-13. In the six months to the end of June 2013, 290 continuing complaints were identified.
External factors	<p>A number of other changes have occurred over the past two years which have impacted on complaint numbers. For example, the operations of the Tolling Customer Ombudsman.</p> <p>The Office now declines to investigate complaints about Queensland Motorway Limited tolls because the Tolling Customer Ombudsman can review the matter.</p>	This approach allows the most appropriate organisation to deal with the issue in the first instance.	Complaints about Queensland Motorways have declined over the past two years, from 203 complaints in 2010-11, to 153 complaints in 2011-12 (-25%), to 68 complaints in 2012-13 (-56%).

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## Appendix 2: Statistical report

**Table 1: Contact with the Office by file type**

	10-11	11-12	12-13
Referral (Telephone) <sup>1</sup>	7,588	6,497	0
Referral (Online complaint form) <sup>1</sup>	3,657	4,171	3,437
Out of jurisdiction <sup>1</sup>	0	1,454	4,804
Complaint	8,354	8,466	6,363
Inquiry	716	767	528
Review request	50	50	54
Public interest disclosures	17	24	5
Total	20,382	21,429	15,191

1. Before April 2012, out of jurisdiction matters received by telephone or the online complaint form were reported as referrals. All matters received in writing were reported as complaints and subsequently declined if they concerned issues or agencies outside the jurisdiction of the Office. Since 2 April 2012, all contacts about issues or agencies outside the jurisdiction of this Office are reported as 'out of jurisdiction' contacts, regardless of how they were received. Out of jurisdiction matters received via the online complaint form are provided with referral advice and will no longer be reported as contacts from 1 July 2013.

**Table 2: How complaints were received<sup>1</sup>**

	10-11	11-12	12-13
Telephone	3,710	3,295	2,963
Mail	1,205	1,222	751
Email	1,291	1,499	1,006
Online complaint form	1,219	1,361	983
Prisoner PhoneLink	605	679	401
Fax	93	86	45
Correctional centre interview	66	63	50
In person	116	117	64
Voicemail	49	144	100
Total	8,354	8,466	6,363

1. This data has not been adjusted for matters outside the jurisdiction of the Office received in 2010-11 and 2011-12.

**Table 3: Complaints received and brought forward<sup>1</sup>**

	10-11	11-12	12-13
Complaints received	8,354	8,466	6,363
Complaints brought forward	295	368 <sup>2</sup>	186

1. This data has not been adjusted for matters outside the jurisdiction of the Office received in 2010-11 and 2011-12.

2. The 2010-11 annual report identified complaints open as 371. This was reduced to 368 after subsequent validation

# Appendices

**Table 4: Complaints finalised<sup>1</sup>**

	10-11	11-12	12-13
Complaints finalised	8,278	8,648	6,406
Complaints open	368 <sup>2</sup>	186	143

1. This data has not been adjusted for matters outside the jurisdiction of the Office received in 2010-11 and 2011-12.

2. The 2010-11 annual report identified complaints open as 371. This was reduced to 368 after subsequent validation

**Table 5: Complaints received by agency type<sup>1</sup>**

	10-11	11-12	12-13
State government	4,587	5,195	3,663
Local government	2,126	1,967	1,708
Universities	270	333	367
Other	1,371	971	625
Total	8,354	8,466	6,363

1. This data has not been adjusted for matters outside the jurisdiction of the Office received in 2010-11 and 2011-12.

**Table 6: Time to finalise complaints (in days)<sup>1</sup>**

	10-11	11-12	12-13
<10	5,731	7,307	5,091
<30	1,238	462	835
<60	482	273	184
<90	180	183	74
<180	312	222	143
<270	144	105	41
≤365	95	57	18
>365	96	39	20
Total	8,278	8,648	6,406

1. This data has not been adjusted for matters outside the jurisdiction of the Office received in 2010-11 and 2011-12.

**Table 7: Age of open complaints at 30 June (in days)**

	10-11	11-12	12-13
<10	18	58	65
<30	97	21	38
<60	72	34	22
<90	35	27	8
<180	81	25	4
<270	47	21	4
≤365	17	0	2
>365	1	0	0
Total	368	186	143

# Appendices

**Table 8: Reasons why complaints were declined**

	10-11	11-12	12-13 <sup>1</sup>
Referred for internal review by agency	3,616	4,014	3,741
Await outcome of current decision process	558	543	432
Complaint to be put in writing	384	357	420
Appeal right should be exhausted	298	309	266
Other complaints entity has/will investigate	147	163	214
Investigation unnecessary or unjustifiable	351	678	142
Out of jurisdiction	1,260	1,206	113
No sufficient direct interest	111	100	64
Out of time	83	71	35
Appeal right exhausted & further investigation unnecessary	10	22	33
Frivolous, vexatious or not made in good faith	23	7	3
Trivial	5	5	1
Other			46
Total	6,846	7,475	5,510

1. In 2012-13, new workflows were implemented to distinguish between complaints declined at preliminary assessment and complaints that were referred for investigation and subsequently discontinued. The 2012-13 data in the table above relates only to matters declined during preliminary assessment. Matters shown as 'referred for internal review by the agency' and 'await outcome of current decision process' in this table are referred to as premature matters in the main body of the report. The remaining categories are referred to as 'declined with advice' in the main body of the report.

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**Table 9: Outcome of complaints finalised<sup>1</sup>**

	10-11	11-12	12-13
Declined at outset/ preliminary assessment	6,846	7,475	5,510
<b>Rectified during preliminary assessment</b>			<b>38</b>
<b>Complaints declined</b>	<b>6,846</b>	<b>7,475</b>	<b>5,548</b>
Withdrawn by complainant before investigation commenced	146	117	63
Withdrawn by complainant during investigation	11	12	11
<b>Complaints withdrawn</b>	<b>157</b>	<b>129</b>	<b>74</b>
Investigation discontinued <sup>2,3</sup>	210	226	302
Investigation completed <sup>2,3</sup>	1,065	818	482
<b>Total</b>	<b>8,278</b>	<b>8,648</b>	<b>6,406</b>

1. This data has not been adjusted for matters outside the jurisdiction of the Office received in 2010-11 and 2011-12.

2. In 2012-13 the Office established a new definition of an investigation. In previous years the final outcome of the complaint was used to define an investigation. From 1 July 2013, the definition focuses on the process applied in handling the complaint as opposed to the outcome. Any matter resolved during preliminary assessment is not reported as an investigation. As a result of the change in definition it is not possible to undertake a meaningful comparison of the number of investigation undertaken with previous financial years.

3. To provide a consistent comparison with data reported in previous years, the number of investigations completed in 2012-13 excludes the 23 own initiative investigations included in the main body of the report.

**Table 10: Types of administrative error**

	10-11	11-12	12-13 <sup>1</sup>
Unreasonable or unjust	33	26	9
Reasons not given/inadequate	10	5	0
Contrary to law	8	1	1
Wrong	2	4	0
Based on a mistake of law or fact	1	0	3
Improperly discriminatory	0	0	0
Irrelevant grounds or considerations	0	0	1
<b>Total</b>	<b>54</b>	<b>36</b>	<b>14</b>

1. In 2012-13 the administrative error types relate only to recommendations made by the Ombudsman. Agreed actions are excluded.

**Table 11: Types of recommendations made to agencies**

	10-11	11-12	12-13
Direct benefit	45	11	33
Systemic	130	128	150
<b>Total</b>	<b>175</b>	<b>139</b>	<b>183</b>

# Appendices

## Appendix 3: Training

### Agencies that participated in Complaints Management Training

Local councils	Western Downs Regional Council
	Toowoomba Regional Council
State agencies	Department of Communities, Child Safety and Disability Services
	QLeave
	Health Quality and Complaints Commission
Universities	James Cook University
Other	Catholic Education

### Agencies that participated in Good Decisions Training

Local councils	Gold Coast City Council
	Ipswich City Council
	Logan City Council
	Toowoomba Regional Council
	Brisbane City Council
State agencies	Department of Housing and Public Works
	Legal Aid Queensland
	Department of Justice and Attorney-General (Office of Adult Guardian)
	Department of Communities, Child Safety and Disability Services
	Commission for Children and Young People and Child Guardian
	Department of Environment and Heritage Protection
Universities	James Cook University

### Agencies that participated in Your Ethical Compass

Local councils	Nil
State agencies	Department of Premier and Cabinet
	Queensland Audit Office
	Anti-Discrimination Commission Queensland
	Department of Communities, Child Safety and Disability Services
Universities	Nil

### Agencies that participated in Administrative Investigations Training

Local councils	Tablelands Regional Council
	Moreton Bay Regional Council
State agencies	Department of Education, Training and Employment (Office of Early Childhood Education and Care)
	Department of Science, Information Technology, Innovation and the Arts
Universities	Nil



# Appendices

## Appendix 4: Right to Information / Right to privacy

### Right to Information (RTI)

While the inclusion of information arising from the administration of the *Right to Information Act 2009* is optional in the annual reports of Queensland government agencies, the Queensland Ombudsman has chosen to do so in the spirit of transparency and accountability.

Two RTI applications were carried over from 2011-12. One was granted full access. The other was granted partial access, but the documents were not released as the applicant did not wish to pay the processing charges.

Three RTI applications were received in 2012-13. Full access was granted in one case and partial access in another. The third application was carried over into 2013-14.

### Right to Privacy

Under the administration of the *Information Privacy Act 2009*, five information privacy applications were received. Full access was granted in four cases and partial access in one case.

No disciplinary action or offences occurred in relation to any officers under the Acts.

A total of \$225 was collected in application fees and processing charges.

# Appendices

## Appendix 5: Managing complaints

### Complaints management system (CMS)

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

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

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

The policy applies to:

- any case where a person has made a complaint to the Office and is dissatisfied with the assessment, investigation or final decision
- any aspect of service provided by the Office
- the conduct of an Ombudsman officer.

### Complaints reporting and analysis

A review of a complaint may:

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

Of the 54 internal review requests made in 2012-13, 50 were finalised. The original decision was confirmed in 37 cases. In 13 cases further investigation was undertaken.

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

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

# Appendices

## Appendix 6: Overseas travel

Name of officer/ member and position	Destination	Reason for travel	Agency cost	Contribution from other agencies or sources
Phil Clarke, Queensland Ombudsman	Wellington, New Zealand	Attended and presented at International Ombudsman Institute's 10th World Conference	\$ 2,454	\$1,100 conference registration fee waived for presenters.

## Appendix 7: Consultancies

The Office did not engage any consultants during 2012-13.

## Appendix 8: Corporate governance

### Queensland Audit Office

The Queensland Ombudsman met the timeframes for the preparation of financial reports for 2012-13. The audit report and certificate for the financial statements is detailed in this report. The Auditor-General has provided an unqualified certificate indicating compliance with financial management requirements and the accuracy and fairness of financial statements.

### Shared service provision

The Queensland Parliamentary Service continues to provide a range of human resource, finance and information technology services. The human resources services provided were subject to an internal audit by Hayes Knight during 2012-13.

### Annual reporting

The 2011-12 Queensland Ombudsman annual report was tabled in Parliament on 25 September 2012.

# Appendices

## Appendix 9: Sustainability

### Energy consumption

The materials used in the construction of 53 Albert Street have achieved a 4.5 ABGR Green Star rating. The Office's energy consumption continues to decrease due to innovations such as energy efficient lighting, including sensor lights that switch off when staff are not in the office. An automated program has also been installed on all computers so they are turned off outside business hours when not in use.

Fuel consumption has increased slightly since 2011-12, however it remains minimal. This is due to staff on executive contracts opting to take the motor vehicle allowance rather than a leased vehicle. A minimal amount of fuel is purchased to travel to correctional centres and training sessions.

Recycling initiatives continue throughout the building for the management of everyday refuse.

### Electricity and motor vehicle fuel expenditure

	2010-11	2011-12	2012-13
Electricity	\$16,686 <sup>1</sup>	\$14,318	\$9,318
Motor vehicle fuel	\$3,621	\$1,012	\$1,528

1. Incorrect figure provided in 2010-2011 Annual Report at \$11,930.

### Environmental initiatives

The Ombudsman is committed to continuously improving the Office's environmental performance. In 2012-13, environmental program initiatives included:

- preventive maintenance and purchasing energy efficient equipment
- maintaining the National Australian Built Environment Rating System rating (our tenancy was awarded a 4.5 ABGR Green Star rating)
- using environmentally friendly paper and environmentally friendly printers
- recycling 100% of our toner cartridges and kitchen waste
- using recycled paper and cardboard
- ensuring all lights and computers are turned off outside business hours.

# Appendices

## Appendix 10: Information systems and recordkeeping

Sound recordkeeping practices underpin good corporate governance. The Office is committed to continuously improving recordkeeping practices, consistent with the *Public Records Act 2002* and aims for best practice.

In 2012-13, the Ombudsman complied with its responsibilities under the Public Records Act to make full and accurate records of activities and meet recordkeeping policies, standards and guidelines issued by the State Archivist.

In accordance with Principle 1 of *Information Standard 40: Recordkeeping* (IS40), the Office has a Strategic Recordkeeping Implementation Plan (SRIP) and an Operational Recordkeeping Implementation Plan (ORIP). The SRIP details how recordkeeping is performed at a strategic level, while the ORIP translates the broad objectives and strategies into a detailed action plan.

The Ombudsman also complied with *Information Standard 31: Retention and Disposal of Public Records*. All public records are retained for as long as required, as outlined in the Ombudsman's Retention and Disposal Schedule (QDAN 553 v.2) and the General Retention and Disposal Schedule for Administrative Records (QDAN 249 v.6). Records were sentenced according to these schedules during the year and the Office transferred permanent records from 1995 to 1997 to the Queensland State Archives.

On 1 January 2013, the Office assumed the oversight function for public interest disclosures in Queensland, taking over this role from the Public Service Commission. The Office inherited legacy records in relation to this function.

During the financial year, no serious breaches of the recordkeeping system were detected.

## Appendix 11: Human resources

### Initiatives for women

The Office supports women's career development by offering:

- opportunities to take on higher duties (73% of higher duties were performed by women in 2012-13).
- professional development opportunities (all female staff attended at least one professional development activity).

### ***Carers (Recognition) Act 2008***

As part of our commitment to the *Carers (Recognition) Act 2008* and the Queensland Carers Charter, the Office continues to offer employees a range of flexible work arrangements to help carers manage their commitments.

To increase staff awareness and understanding of the Act and charter, information was provided during staff meetings and via internal publications. The Act and charter are considered when any human resource policy and procedures are amended. Information about the Act is included in induction material distributed to new staff.

# Appendices

## Appendix 12: Multicultural Action Plan

Queensland Multicultural Action Plan 2011-14 : Whole-of-Government core outcomes		
Core outcome	Performance indicators	Measure
Improved cultural competence of staff	Number of staff that have participated in cultural competence training annually	39
	Number of staff that have participated in cultural competence training as a per cent of the total number of staff for the year	70%
Improved access to interpreters for clients when accessing services	Amount spent annually on interpreters engaged by Office and government funded non-government organisations	\$760
	Number of interpreters engaged annually by the Office and government funded non-government organisations	21
Improved communication and engagement with culturally and linguistically diverse (CALD) communities and/or organisations	Number of key information publications translated into languages other than English, annually	3
	Number of languages in which publications are available	21
	Number of information sessions or workshops held for people from culturally and linguistically diverse backgrounds	5
	Number of culturally and linguistically diverse groups, peak bodies and other stakeholders consulted or engaged annually on the development or implementation of Office projects, services, policies and programs	8
Improved recruitment and retention strategies for staff from CALD backgrounds	Number and percentage of staff indicating they are from a non-English speaking background	8 staff; 15%
	Number of complaints about racial discrimination within the Office	Nil

## Appendix 13: Open data

The *Queensland Ombudsman Annual Report 2012-13* includes extensive information about the work of the Office and statistics about complaints and complaint-handling.

The report will be published on the Office's website, [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au).

# Appendices

## Appendix 14: Compliance checklist

Summary of requirement		Basis for requirement	AR reference
Letter of compliance	<ul style="list-style-type: none"> <li>A letter of compliance from the accountable officer or statutory body to the relevant Minister</li> </ul>	ARRs – section 8	p 2
Accessibility	<ul style="list-style-type: none"> <li>Table of contents</li> <li>Glossary</li> </ul>	ARRs – section 10.1	p 3 p 104
	<ul style="list-style-type: none"> <li>Public availability</li> </ul>	ARRs – section 10.2	inside front cover
	<ul style="list-style-type: none"> <li>Interpreter service statement</li> </ul>	Queensland Government Language Services Policy ARRs – section 10.3	inside front cover
	<ul style="list-style-type: none"> <li>Copyright notice</li> </ul>	Copyright Act 1968 ARRs – section 10.4	inside front cover
	<ul style="list-style-type: none"> <li>Information licensing</li> </ul>	Queensland Government Enterprise Architecture – Information licensing ARRs – section 10.5	inside front cover
General information	<ul style="list-style-type: none"> <li>Introductory Information</li> </ul>	ARRs – section 11.1	p 7
	<ul style="list-style-type: none"> <li>Agency role and main functions</li> </ul>	ARRs – section 11.2	p 7
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# GLOSSARY

# Glossary

## Acronyms

CMS – Complaints Management System

CMP – Complaints Management Program

FTE - Full time equivalents

IRU – Investigation and Resolution Unit

IS – Information Standard

MOG – Machinery of Government

NAIDOC – National Aboriginal and Islander Day Observance Committee

OMG – Ombudsman Management Group

PID – Public Interest Disclosure

PSC – Public Service Commission

PSEA - Public Sector Ethics Act

QCS – Queensland Corrective Services

QPB – Queensland Parole Board

QO – Queensland Ombudsman

RAPA – Registration and Preliminary Assessment Unit

SEQ – South-east Queensland

SES – Senior Executive Service

SDS – Service Delivery Statements

SSQ – Smart Services Queensland

SO – Senior Officer

## Glossary

### *Administrative error*

Decisions and administrative actions of public agencies that are unlawful, unreasonable, unjust, oppressive, improperly discriminatory or wrong

### *Agency*

A government department, local council or public university that falls within the jurisdiction of the Queensland Ombudsman

### *Agreed action*

An agreed action involves working with the agency and complainant to reach a satisfactory resolution. This is a more effective and timely way to resolve a complaint where an assessment reveals evidence of administrative error

### *Complainant*

A person bringing a complaint to the Office

### *Complaint*

An expression of dissatisfaction about an agency within jurisdiction. Complaints include complaint issues. A complainant may raise more than one issue of complaint in relation to an administrative action or decision

### *Complaint finalised*

A complaint that is closed by the Office after assessment, advice and/or investigation

### *Complaint management system (CMS)*

A system for dealing with complaints

### *Complaint received*

A complaint received during the financial year

### *Contact*

Any contact with the Office, irrespective of whether the matter is within or outside jurisdiction

### *Corporate governance*

The system by which an organisation is controlled and operates and the mechanisms by which it is held to account – includes ethics, risk management, compliance and administration are all elements of corporate governance

# Glossary

## *Direct benefit recommendation*

Any recommendation made by the Office that directly benefits the complainant, for example an apology or refund

## *Enquiry*

Contact where the person seeks information or assistance but does not make a specific complaint

## *Internal review*

Review of a decision undertaken by the agency that made the initial decision

## *Major investigation*

Significant time and resources are expended on investigating systemic administrative errors

## *Maladministration*

A formal finding of administrative error by the Ombudsman under s.50 of the *Ombudsman Act 2001*

## *Out of jurisdiction matter*

A matter that the Office does not have the power to investigate

## *Own initiative investigation*

The Queensland Ombudsman decides to undertake an investigation into systemic issues in a certain agency without receiving a complaint

## *Positive outcome*

The outcome of a case where no maladministration was established, but the complaint was rectified (either totally or partially) or an explanation provided to the complainant. This measure was included in the 2012-13 Service Delivery Statements, but has been discontinued because of changes to business practices

## *Preliminary assessment*

An analysis of a complaint by the Office to determine how it should be managed

## *Prisoner PhoneLink*

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

## *Public administration*

The administrative practices of Queensland public sector agencies

## *Public Interest Disclosure (PID)*

A confidential disclosure of wrongdoing within the public sector that meets the criteria set out in the *Public Interest Disclosure Act 2010*. PIDs commonly include allegations of official misconduct or maladministration

## *Public reports*

A report issued by the Ombudsman under s.50 of the Ombudsman Act that is tabled in Parliament or publicly released with the Speaker's authority.

## *Recommendation*

Advice provided by the Ombudsman to an agency to improve administrative practices. The Ombudsman cannot direct agencies to implement recommendations but they rarely refuse to do so. If agencies do refuse, the Ombudsman can require them to provide reasons and report to the relevant Minister, the Premier or Parliament if not satisfied with the reasons

## *Rectification*

An investigation that results in the total or partial resolution of the complaint

## *Referral*

When a matter is outside the Queensland Ombudsman's jurisdiction, and advice or help is provided to the complainant about the right complaints agency. Recording matters as referrals ceased in 2012-13

## *Review*

The Queensland Ombudsman may conduct a review of the administrative practices and procedures of an agency and make recommendations for improvements

## *Internal review request*

If a complainant is not satisfied with the outcome of an assessment or investigation by the Office, they can ask that the decision be reviewed by another officer at the same or more senior level to the decision-maker

## *Systemic issue*

An error in an agency's administrative process that may impact on a number of people