



Oversight of the Office of the Queensland Ombudsman

Report No. 13, 56th Parliament
Legal Affairs and Community Safety Committee
June 2018

Legal Affairs and Community Safety Committee

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Abbreviations

2018 Strategic Review Report	Strategic Review Report of the Office of the Queensland Ombudsman completed by Ms Simone Webbe in January 2018
Annual Report	Queensland Ombudsman Annual Report 2016-17
committee	Legal Affairs and Community Safety Committee
DILGP	Department of Infrastructure, Local Government and Planning
DJAG	Department of Justice and Attorney-General
FTE	Full-time equivalent
Office	Office of the Queensland Ombudsman
Ombudsman / Queensland Ombudsman	Mr Phil Clarke
Ombudsman Act	<i>Ombudsman Act 2001</i>
PID	Public interest disclosure
PID Act	<i>Public Interest Disclosure Act 2010</i>
RSP	Regional Services Program

Chair's foreword

The Legal Affairs and Community Safety Committee has oversight responsibilities for the Queensland Ombudsman. This report provides information regarding the performance by the Queensland Ombudsman of his functions under the *Ombudsman Act 2001*.

The committee met with the Queensland Ombudsman, Mr Phil Clarke, and his staff on 30 April 2018. The committee also reviewed the Queensland Ombudsman's Annual Report 2016-17 which was tabled on 29 September 2017.

On behalf of the committee, I thank the Queensland Ombudsman and his staff who assisted the committee throughout the course of its oversight of the Queensland Ombudsman's Office for the 2016-17 financial year period. I also thank the Parliamentary Service staff.

I commend this report to the House.



Peter Russo MP
Chair

Recommendations

Recommendation 1

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The committee recommends the House notes the contents of this report.

1 Introduction

1.1 This report

The Legal Affairs and Community Safety Committee (committee) prepared this report as part of its statutory oversight responsibility for the Queensland Ombudsman, with primary focus on the 2016-17 financial year.

1.2 Role of the committee

The committee is a portfolio committee of the 56th Parliament which commenced on 15 February 2018 under the *Parliament of Queensland Act 2001* and the Standing Rules and Orders of the Legislative Assembly.¹

The committee's primary areas of responsibility include:

- Justice and Attorney-General
- Police and Corrective Services
- Fire and Emergency Services.

The committee also has oversight responsibilities for the:

- Electoral Commissioner
- Information Commissioner
- Ombudsman, and
- Queensland Family and Child Commission.

1.3 Purpose and functions of the Queensland Ombudsman

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

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

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

The majority of investigations arise from complaints received, but the Ombudsman also conducts own-initiative investigations.²

The Ombudsman Act provides the following functions of the Ombudsman:

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

¹ *Parliament of Queensland Act 2001*, s 88 and Standing Order 194.

² Queensland Ombudsman, *Annual Report 2015-2016*, p 3.

- (ii) for the improvement of the practices and procedures; and
- (c) to consider the administrative practices and procedures of agencies generally and to make recommendations or provide information or other help to the agencies for the improvement of the practices and procedures; and
- (d) the other functions conferred on the Ombudsman under the Ombudsman Act or any other Act.³

The Ombudsman Act also provides that, subject to any other Act or law, the Ombudsman is not subject to direction by any person about the way the Ombudsman performs his functions under the Ombudsman Act, or the priority given to investigations.⁴

The Ombudsman may investigate administrative actions of agencies and an administrative action despite a provision in any Act to the effect that the action is final or cannot be appealed against, challenged, reviewed, quashed or called in to question.⁵

The Ombudsman must not question the merits of a decision, including a policy decision, made by a minister or Cabinet, or a decision that the Ombudsman is satisfied has been taken for implementing a decision made by Cabinet.⁶

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

- a tribunal, or a member of a tribunal, in the performance of the tribunal's deliberative functions
- a person acting as legal adviser to the state or as counsel for the state in any legal proceedings
- a member of the police service, if the action may be, or has been, investigated under the *Crime and Corruption Act 2001*
- a police officer, if the officer is liable to disciplinary action, or has been disciplined under the *Police Service Administration Act 1990*
- the Auditor-General
- a mediator at a mediation session under the *Dispute Resolution Centres Act 1990*
- a person in a capacity as a conciliator under the *Health Rights Commission Act 1991* or the repealed *Health Quality and Complaints Commission Act 2006*
- the Information Commissioner in the performance of the Commissioner's functions under the *Right to Information Act 2009*.⁷

1.4 Committee's responsibilities regarding the Queensland Ombudsman

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

- monitor and review the performance by the Ombudsman of the Ombudsman's functions under the Ombudsman Act
- report to the Legislative Assembly on any matter concerning the Ombudsman, the Ombudsman's

³ Ombudsman Act, s 12.

⁴ Ombudsman Act, s 13.

⁵ Ombudsman Act, s 14.

⁶ Ombudsman Act, s 16(1).

⁷ Ombudsman Act, s 16(2)(a)-(h). Also note there are other exceptions under the *Government Owned Corporations Act 1993*.

functions or the performance of the Ombudsman's functions that the committee considers should be drawn to the Legislative Assembly's attention

- examine each annual report of the Office tabled in the Legislative Assembly under the Act and, if appropriate, to comment on any aspect of the report
- report to the Legislative Assembly any changes to the functions, structures and procedures of the Office the committee considers desirable for the more effective operation of the Ombudsman Act
- any other functions conferred on the committee by the Ombudsman Act.⁸

1.5 Strategic review of the Queensland Ombudsman

The Ombudsman Act provides that a strategic review of the Office must be conducted at least every seven years and that the review must include a review of the Ombudsman's functions and the performance of the functions to assess whether they are being performed economically, effectively and efficiently.⁹ The Ombudsman Act was recently amended with effect from 5 June 2017 to increase the time period between strategic reviews from five years to seven years.¹⁰

The most recent strategic review was completed in January 2018 by Ms Simone Webbe ([2018 Strategic Review Report](#)). The 2018 Strategic Review Report was tabled by the Attorney-General on 15 February 2018. The committee is currently undertaking an inquiry into the 2018 Strategic Review Report and proposes to table a report in due course.¹¹

⁸ Ombudsman Act, s 89.

⁹ Ombudsman Act, s 83(2) and (9).

¹⁰ See s 83(3) of the Ombudsman Act as amended by s 183 of the Court and Civil Legislation Amendment Act 2017 (passed by the Legislative Assembly on 23 May 2017 with effect from 5 June 2017), Queensland Parliament, Record of Proceedings, 23 May 2017, pp 1300-1314.

¹¹ Ombudsman Act, s 85(7).

2 Oversight of the Ombudsman

2.1 The committee's process

In conducting its oversight functions of the Ombudsman, the committee adopted the following process:

- examined the 2016-17 Annual Report
- provided questions on notice to the Ombudsman
- received and published the Ombudsman's response to the questions on notice
- held a public meeting with the Ombudsman.

The committee provided questions on notice to the Ombudsman on 22 March 2018. The responses, received on 20 April 2018, are published on the committee's webpage.

The committee held a public meeting on 30 April 2018, with the Queensland Ombudsman, Mr Phil Clarke, and the following officers:

- Ms Jessica Wellard, Deputy Ombudsman
- Mr Graham Rawlings, Acting Director, Corporate Services Unit, and
- Ms Louise Rosemann, Principal Advisor, Public Interest Disclosures.

A copy of the transcript of the meeting is also available on the committee's website.

2.2 Oversight meeting with the Ombudsman

In his opening statement, the Ombudsman noted:

*The work of the office during 2016-17 has continued to play a pivotal role in public agencies making fair and accountable decisions. It is a key element of open and transparent public administration. Whether through handling complaints, preparing major reports for tabling in the parliament, training public officers, auditing agency complaints management systems, engaging with community organisations or overseeing public interest disclosures, the office helped to ensure accountability for citizens in their dealings with public agencies.*¹²

The Ombudsman also reported that the Office had tabled five public reports during 2016-17 being the *Patient Travel Subsidy Scheme report*, the *Redland City Council defamation report*, the *Toowoomba Regional Council auction notices report*, the *Management of child safety complaints report* and the *Overcrowding at Brisbane Women's Correctional Centre report*. The Ombudsman commented that this was the largest number of public reports ever tabled in the House for the Office.¹³

In relation to training, the Ombudsman observed:

*During the year 105 training sessions were delivered to 1,591 public sector officers, with 42 sessions delivered in regional Queensland. This was a substantial reduction from the 2015-16 financial year caused largely by a reduced demand for courses by public agencies. Training numbers returned to traditional levels during the second half of the year and have continued at very high levels between July and December 2017.*¹⁴

¹² Public meeting transcript, Brisbane, 30 April 2018, p 1.

¹³ Public meeting transcript, Brisbane, 30 April 2018, p 2.

¹⁴ Public meeting transcript, Brisbane, 30 April 2018, p 2.

The Ombudsman also discussed how 2016-17 saw an increase of 36% in the number of reported Public Interest Disclosures (PIDs) across all agencies. In this regard, the Ombudsman noted:

Of the 798 PIDs reported to the office, 53 per cent were about corrupt conduct. State government departments were the main source of PIDs at 56.3 per cent followed by statutory authorities and local councils, with the balance comprising university or TAFE PIDs, government owned corporations and other Public Service officers. The office continues to work with agencies to ensure that PIDs remain an accessible avenue for reporting wrongdoing across the public sector. My report into the operations of the PID Act was provided to the Honourable the Attorney-General and Speaker of the Legislative Assembly in January 2017. The report was tabled in the Legislative Assembly by the Attorney-General on 27 February 2017. The report remains with the government for its consideration.

Questions from the committee during the public meeting focused on:

- the reports that the Ombudsman is planning to table in Parliament in the near future
- trends in the area of complaints about mental health and child safety
- the issue of legal professional privilege in Ombudsman investigations
- avenues available for the public to pursue when there is a complaint about a legal practitioner
- the anticipated challenges for the Ombudsman's office over the next 12 months, including any budget concerns or restraints;
- the interaction between the Office with other integrity agencies like the Auditor-General's office and the Queensland Crime and Corruption Commission
- an explanation of the expedited merits assessment process
- whether the Ombudsman is aware of any trends or patterns that he might have seen in recent times
- progress in relation to the recommendations of the Ombudsman's *Toowoomba Regional Council auction notices report*
- the cost recovery aspect of the Office's training programs
- whether there is a correlation between the training being provided to agencies and departments and the quantity of complaints about such entities
- whether there is a correlation between the training being provided to agencies and departments and the reduction of 11 per cent in investigations completed.¹⁵

¹⁵ Public meeting transcript, Brisbane, 30 April 2018, pp 3-9.

3 Review of Annual Report 2016-2017

3.1 Annual Report

The Queensland Ombudsman's Annual Report 2016-17 (Annual Report) was tabled on 29 September 2017.

The Annual Report assessed the Office's financial and non-financial performance against the objectives set out in the 2015-19 Strategic Plan and 2016-17 Service Delivery Statements. The Annual Report meets reporting obligations under the Act and the *Financial Accountability Act 2009* and highlights key achievements of the Office.¹⁶

The Ombudsman's report

The Ombudsman, Mr Phil Clarke, reported that, for the 2016-17 financial year:

- 10,954 Queenslanders contacted the Office for advice, assistance or complaint resolution.
- The Office responded to 3,386 matters outside its jurisdiction and provided practical advice to assist people with navigating the complaint processes. This represented a decrease of 7% with the implementation of a recorded-message telephone service in November 2015 and the launch of a new website and online complaint form in December 2016.
- 6,958 complaints were finalised during the year, with 69% finalised within 10 days of receipt and 93% finalised within 30 days.
- it took an average of 13.3 days to finalise a complaint.
- complaints closed after preliminary assessment took six days on average (similar to previous years), while investigations of complaints took an average of 46.5 days to finalise (48.1 days in 2015-16).
- 1,407 investigations were completed which was a 26% increase on the previous year. Of these, 232 investigations resulted in the total or partial rectification of an issue (16.5% of investigations finalised), up from 209 in 2015-16.
- 105 training sessions were delivered to 1,591 public sector officers, with 42 sessions delivered in regional Queensland.
- There was a 2% increase in subscriptions to 5,520 to the Office's five newsletters for key stakeholders.
- The Office launched a new website in December 2016 which is responsive across multiple personal devices and supports self-service via an improved online complaint form and online booking system for training.
- The Office visited 26 regional centres during the 2016-17 financial year pursuant to the Regional Services Program (RSP) to help promote awareness and accessibility for Indigenous and multicultural communities, the homeless and prisoners.
- The Office delivered seven Queensland Complaints Landscape presentations to various community organisations in south-east Queensland to build greater knowledge of the Ombudsman's services and agency complaints systems.
- There was an increase of 36% in the number of reported public interest disclosures (PIDs) across all agencies. Of the 798 PIDs reported to the Office, 53% were about corrupt conduct. State government departments were the main source of PIDs (56.3%), followed by statutory

¹⁶ Queensland Ombudsman, *Annual Report 2016-17*, inside cover page.

authorities (26.5%) and local councils (9.1%), with the balance comprising university/TAFE, government owned corporations and other public service offices.

- As noted above, the Office's final report on the review of the *Public Interest Disclosure Act* (PID Act) was tabled in the Legislative Assembly by the Attorney-General on 27 February 2017.¹⁷

Public contact with the Office

The Annual Report noted a 17% decrease from the previous year (6,797 to 5,631 people) in the number of telephone calls received by the Office. The Annual Report attributed this change to "the joint initiatives of the recorded-message telephone service and new website".¹⁸

However, in terms of the number of contacts by email or the online complaint form there was a 33% increase compared with 2015-16 (from 2,884 to 3,829 people in 2016-17). The Annual Report stated this was "due to higher usage of the Office's new website".¹⁹

There was a decrease of 11% in the number of the people contacting the Office in writing (from 782 in 2015-16 to 697 in 2016-17).²⁰

The Annual Report noted little change in the number of persons contacting the Office in person (228 people in 2016-17 compared with 237 people in 2015-16).²¹

Of the 10,954 contacts received in 2016-17:

- 6,923 were complaints (compared with 7,003 in 2015-16 and 6,980 in 2014-15)
- 3,386 were matters outside jurisdiction (a 7% decrease on the previous year)
- 556 were general enquiries
- 77 were requests for a review of an Ombudsman decision
- 12 were PIDs.²²

In 2016-17, the Office directly referred 1,742 complaints to an agency, local council or university. This is a significant increase on the 1,319 complaints directly referred in 2015-16.²³

Complaints received about State agencies (includes departments and statutory authorities)

The total number of complaints received about State agencies, including departments and statutory authorities, was 4,651 (a 7% decline from 4,987 in 2015-16). "Significant shifts" noted were that Queensland Treasury and Trade received 113 fewer complaints, whilst the Department of Communities, Child Safety and Disability Services received 68 more complaints than in 2015-16, and the Department of Education and Training received 46 more complaints than in 2015-16.²⁴

There was little change in the number of complaints received about statutory authorities in 2016-17, with complaints about the Public Trustee declining by 17% in 2016-17 to show a return to the 2014-15 level; complaints about WorkCover Queensland declining by 20% to 95 complaints for 2016-17; and

¹⁷ Queensland Ombudsman, *Annual Report 2016-17*, pp 8-11.

¹⁸ Queensland Ombudsman, *Annual Report 2016-17*, p 20.

¹⁹ Queensland Ombudsman, *Annual Report 2016-17*, p 20.

²⁰ Queensland Ombudsman, *Annual Report 2016-17*, p 20.

²¹ Queensland Ombudsman, *Annual Report 2016-17*, p 20.

²² Queensland Ombudsman, *Annual Report 2016-17*, p 18 and p 20.

²³ Queensland Ombudsman, *Annual Report 2016-17*, p 36.

²⁴ Queensland Ombudsman, *Annual Report 2016-17*, pp 20-22.

complaints about Legal Aid Queensland increasing by 15% to 106 complaints which was still significantly lower than the 180 complaints received in 2014-15.²⁵

Complaints received about local councils

In 2016-17 there were 1,783 complaints about local councils (a 6% increase from 2015-16).²⁶

The Annual Report highlighted trends over the past three years in the following categories:

- The number of complaints about 'rates and variations' continued to decline, by 19% in 2015-16 and a further decline by 9% in 2016-17 to 195 complaints received.
- The number of complaints received about 'complaint handling' declined by 7% in 2015-16, and further declined by 20% in 2016-17 to 51 complaints received.
- Land use and planning complaints increased by 9% in 2015-16, and increased by 72% in 2016-17 to 86 complaints received.²⁷

In response to a question on notice about why complaints received about local councils concerning land use and planning increased 72% in 2016-17, the Ombudsman replied:

The increase in complaints received about land use and planning decisions by local councils has been driven by a number of areas... This includes matters relating to the zoning of land (Other), land related planning schemes (Planning) and community consultation in developing planning schemes (Procedures).

Despite this increase, land use and planning complaints still account for fewer than 5% of local council complaints received. The categories of laws and enforcement, development and building controls, environmental management, rates and valuations, and roads still dominate complaints about local councils.²⁸

Complaints received about universities

The Office received 317 complaints about public universities (a 3% decrease from 2015-16 and a 16% decrease from 2014-15). The Annual Report noted the following trends over the past three years:

- student grievances declined by 12% in 2015-16 followed by a decline of a further 6.5% in 2016-17 to 86 complaints received.
- exclusion complaints declined by 21% in 2015-16 followed by a decline of a further 24% in 2016-17 to 59 complaints received.
- assessment complaints increased by 27% in 2015-16 and further increased by 3% in 2016-17 to 67 complaints received.²⁹

Complaint processing times

The average time taken to finalise an investigation was:

- 53.4 days in 2014-15
- 48.1 days in 2015-16
- 46.5 days in 2016-17.³⁰

²⁵ Queensland Ombudsman, *Annual Report 2016-17*, p 22.

²⁶ Queensland Ombudsman, *Annual Report 2016-17*, p 25.

²⁷ Queensland Ombudsman, *Annual Report 2016-17*, p 25.

²⁸ Office of the Queensland Ombudsman, Response to questions on notice dated 20 April 2018, p 5.

²⁹ Queensland Ombudsman, *Annual Report 2016-17*, p 26.

³⁰ Queensland Ombudsman, *Annual Report 2016-17*, p 28.

The Annual Report attributes this decline in the average time taken to finalise an investigation to efficiencies arising from an expedited merit assessment process that streamlines practices for those simpler cases that do not require the detailed analysis traditionally given to matters referred for investigation.³¹

In response to a question on notice regarding the continued improvement in the processing of investigations, the Ombudsman stated:

The Office continues to implement a robust case monitoring and reporting framework that, among other things, is focused upon ensuring that investigations are undertaken in a timely manner. The basic framework has been in place for a number of years, and officers continue to support it, and work hard to ensure that relevant performance targets are met or exceeded. The ongoing focus of improvements to operational procedures ensures the most effective use of resources and most timely response to clients.

In 2016-17, the Office managed to reduce the average time taken to finalise an investigation while increasing the number of investigations closed relative to the previous year (1,407 investigations closed in 2016-17 compared with 1,118 investigations closed in 2015-16, an increase of 26%).

A significant driver behind both the increase in investigations finalised and improvement in timeliness is the embedding of the Expedited Merits Assessment process during 2016-17. This form of assessment streamlines the existing practice in simple cases that do not require the level of detailed analysis normally applied to matters referred for investigation. Consequently, expedited merit assessment is conducted more quickly, improving the timeliness of service to clients and productivity to the Office.³²

The Office can also directly refer a premature complaint to an agency with the consent of the complainant. In 2016-17, the Office directly referred 1,715 premature complaints (34% more than in 2015-16). The Annual Report explained how direct referrals save client's time, provide added convenience, respond to expectations and add value to the complaint management framework.³³

The annual client survey 2016-17 was postponed due to budgetary constraints, with the Annual Report noting that it is planned to conduct the feedback survey in 2017-18.³⁴

Investigations finalised

In 2016-17, 1,407 investigations were finalised (a 26% increase over the 1,118 finalised in 2015-16).³⁵

Of the 1,407 investigations finalised, 232 resulted in a total or partial rectification (an increase of 11% from the 209 rectifications in 2015-16). The proportionality of rectifications, at 16.5% of all investigations, declined from 19% in the previous year.³⁶

The Annual Report noted that:

- The Ombudsman finalised 751 investigations about the administrative actions of state agencies, an increase of 30% on the 579 investigations finalised in 2015-16.

³¹ Queensland Ombudsman, *Annual Report 2016-17*, p 28.

³² Office of the Queensland Ombudsman, Response to questions on notice dated 20 April 2018, p 3.

³³ Queensland Ombudsman, *Annual Report 2016-17*, p 30.

³⁴ Queensland Ombudsman, *Annual Report 2016-17*, p 31.

³⁵ Queensland Ombudsman, *Annual Report 2016-17*, p 34.

³⁶ Queensland Ombudsman, *Annual Report 2016-17*, p 35.

- The Office finalised 484 investigations about the administrative actions of local councils, an increase of 29% compared to the 376 investigations finalised in 2015-16.³⁷

Public Reports

As noted above, during 2016-17, the Office published the following five major reports:

1. [The Patient Travel Subsidy Scheme report: An investigation into the administration of the Patient Travel Subsidy Scheme by Queensland Health](#)
 - This report, tabled 7 June 2017, made one recommendation which was accepted by Queensland Health. The Ombudsman advised the committee that he met with the Director-General of Queensland Health on 12 March 2018. The Ombudsman is satisfied with the actions taken by Queensland Health in relation to this report to date.³⁸
2. [The Redland City Council defamation report: An investigation into the unreasonable threat of legal action against residents by Redland City Council](#) (approved for release by the Speaker on 5 January 2017)
 - This report made four recommendations which were all accepted by the Redland City Council. The Council's chief executive has advised the Ombudsman that all four recommendations have now been implemented.³⁹
3. [The Toowoomba Regional Council Auction Notices Report: An investigation of action taken by Toowoomba Regional Council to name a homeowner on an auction notice when selling their property for overdue rates](#)
 - This report was tabled on 21 December 2016. It made three recommendations which included two recommendations to council and one recommendation to the Department of Infrastructure, Local Government and Planning (DILGP). These recommendations were all accepted. The Toowoomba Regional Council's chief executive advised that the council had implemented its two recommendations. Although the Director-General of DILGP advised that the recommendation relating to it had been implemented, the Ombudsman was not satisfied with the steps DILGP had taken to implement its recommendation.⁴⁰

During the hearing, the Ombudsman was asked to provide additional information in this regard. He responded as follows:

My dissatisfaction at the department's response was really at the level of control that the department chose to take in that circumstance. I recommended to the department that they exert a higher level of control than they ultimately did. They did respond; I am not saying that the agency did not respond. They certainly did do that, but at the end of the day my view was that they should have had a more hands-on role in that space, which they chose not to do. It is matter of opinion, really.⁴¹

4. [Management of child safety complaints: An investigation into the current child safety complaints management processes within the Department of Communities, Child Safety and Disability Services](#)
 - This report, tabled on 19 July 2016, made five recommendations which were all accepted by the Department of Communities, Child Safety and Disability Services. The Director-General of the Department of Communities, Child Safety and Disability Services advised

³⁷ Queensland Ombudsman, *Annual Report 2016-17*, p 37.

³⁸ Office of the Queensland Ombudsman, Response to questions on notice dated 20 April 2018, p 13.

³⁹ Office of the Queensland Ombudsman, Response to questions on notice dated 20 April 2018, p 13.

⁴⁰ Office of the Queensland Ombudsman, Response to questions on notice dated 20 April 2018, p 13.

⁴¹ Public meeting transcript, Brisbane, 30 April 2018, p 8.

the Ombudsman that all five recommendations have been implemented.⁴²

5. Overcrowding at Brisbane Women's Correctional Centre: An investigation into the action taken by Queensland Corrective Services in response to overcrowding at Brisbane Women's Correctional Centre

- This report, tabled on 27 September 2016, made seven recommendations. Six recommendations were accepted and one recommendation was partially accepted by the Department of Justice and Attorney-General (DJAG). The Director-General of DJAG advised the Ombudsman that one recommendation has been implemented as of 28 February 2017 which was the date of the last Ombudsman assessment.⁴³

Other Publications

The Office's main publications are the four *Perspective* newsletters (*State Perspective*, *Local Perspective*, *Legal Perspective* and *Corrections Perspective*). Subscription rates of the *Perspective* publications increased by 2% in 2016-17. Three *Ombudsman Advisory* bulletins were also published.⁴⁴

Training

There was slightly less demand for the Office's training programs during 2016-17 when compared with the previous two years, as shown in the table below:⁴⁵

Year	Training sessions delivered	Number of public sector officers trained	Sessions held in regional Queensland
2016-17	105	1,591	42
2015-16	162	2,616	60
2014-15	154	2,655	60

In relation to this decrease in demand for training services, the Annual Report noted:

*Training delivery is dependent on client demand. Demand for training, particularly for agency group sessions, was significantly reduced in the first half of the year. The reasons for this reduced demand appeared to be budgetary considerations, staff availability and training timing. Training demand in the second half of the year significantly improved as the Office implemented additional strategies to engage with, and promote training to agencies and their officers.*⁴⁶

In response to a question on notice concerning what caused training demand to increase during the second half of the 2016-7 financial year and continue to be the case in the period since then, the Ombudsman provided the following information:

The primary cause of lower training delivery in the first half of 2016-17 was a significant reduction in the demand for agency-specific sessions. To improve agency awareness and uptake of training services, I wrote to the heads of all state government departments, local

⁴² Office of the Queensland Ombudsman, Response to questions on notice dated 20 April 2018, p 13.

⁴³ Office of the Queensland Ombudsman, Response to questions on notice dated 20 April 2018, p 13.

⁴⁴ Queensland Ombudsman, *Annual Report 2016-17*, p 50.

⁴⁵ Queensland Ombudsman, *Annual Report 2016-17*, p 50; Queensland Ombudsman, *Annual Report 2015-16*, p 48; Queensland Ombudsman, *Annual Report 2014-15*, p 48.

⁴⁶ Queensland Ombudsman, *Annual Report 2016-17*, p 51.

councils and key public authorities. In total, 162 agencies were contacted. Subsequently, the second half of 2016-17 saw a recovery of demand for training courses to traditional levels.

The increase in training demand has continued into 2017-18, with 90 sessions being delivered to 1,417 participants from 1 July 2017 to 31 December 2017 (21 open sessions and 69 group sessions) compared to 32 sessions delivered to 426 participants for the same period in 2016-17 (17 open sessions and 15 group sessions).⁴⁷

Empowering community groups

During 2016-17, the Office engaged with a number of different community groups, including:

- Indigenous communities (including a visit to 17 key Indigenous community organisations)
- young people (visited 13 key community organisations)
- students (visited 6 student associations or services)
- regional Queenslanders (visited 26 regional centres)
- the homeless (visited 6 key community organisations among the homeless community)
- culturally and linguistically diverse communities and refugees
- prisoners (visited 14 of the state's 16 correctional centres and youth detention centres)
- seniors, people with disabilities, special needs and carers (visited 14 key community organisations and delivered two presentations).⁴⁸

The Office launched a new website in 2016 which was designed to support self-service via an improved online complaint form and online booking system for training. There was a 22% increase in the number of users visiting the site in 2016-17 compared with 2015-16. The website is also more user-friendly across multiple personal devices which is borne out by a 45% increase in the number of mobile device sessions in 2016-17 compared with 2015-16.⁴⁹

Capability and accountability

As at 30 June 2017, 71 officers were employed on a full-time, part-time or casual basis equating to 63 full-time equivalents. Of that number, 66% are women, 10% have a disability and 12.5% identify as having a language other than English. No staff identified as Aboriginal or Torres Strait Islander.⁵⁰

The permanent staff turnover for 2016-17 was 5.9% (being 4 employees) which was significantly less than the previous year when 11 employees left the Office.⁵¹

The Office spent 1.6% of its salary budget on professional development activities with each employee attending on average three professional development activities during the year.⁵²

Public interest disclosures

The Office is the oversight agency for the PID Act. A total of 798 PIDs were reported (an increase of 36% from 2015-16). Most PIDs were about corrupt conduct (67%) and disclosures from the public about danger to the health or safety of a person with a disability (15%). This significant increase from

⁴⁷ Office of the Queensland Ombudsman, Response to questions on notice dated 20 April 2018, pp 7-8.

⁴⁸ Queensland Ombudsman, *Annual Report 2016-17*, pp 53-55.

⁴⁹ Queensland Ombudsman, *Annual Report 2016-17*, p 56.

⁵⁰ Queensland Ombudsman, *Annual Report 2016-17*, p 58.

⁵¹ Queensland Ombudsman, *Annual Report 2016-17*, p 58; Queensland Ombudsman, *Annual Report 2015-16*, p 56.

⁵² Queensland Ombudsman, *Annual Report 2016-17*, p 59.

the previous year was “driven by improved identification and assessment of PIDs and consequently a higher level of reporting, by particular agencies”.⁵³

In response to a question on notice concerning the reasons for the increase in PIDs, the Ombudsman noted:

In 2016-17, the Office substantially expanded the delivery of training to key agency officers responsible for the assessment and management of PIDs. The information and resources about dealing with PIDs available to agencies on the Office's website was also enhanced.

A number of strategies have been implemented to increase engagement with PID Coordinators and key agency contacts. Communications, including monthly emails and briefings on issues of relevance to PID Coordinators, provide information and updates, promotion of the advice service available, reminders about legislative obligations and explanations of the outcomes of monitoring activities. These strategies have been continued and further expanded in 2017-18.

In addition, the development and implementation of a new PID reporting database across all public sector agencies in October 2017, with attendant agency engagement and promotion of reporting obligations, will potentially lead to further improvements in the effectiveness of PID identification and reliability of reporting.⁵⁴

State government departments continue to be the main source of PIDs (56.3% of all PIDs made). The discloser sought to remain anonymous in 5.4% of PIDs, nearly twice as many as the previous year.⁵⁵

The Office finalised its report ‘Review of the *Public Interest Disclosure Act 2010* – A review pursuant to s62 of the *Public Interest Disclosure Act 2010*’ on 10 January 2017. The report made 40 recommendations for changes that should be made to the PID Act. The report was tabled on 27 February 2017 by Hon Yvette D’Ath, Attorney-General and Minister for Justice and (then) Minister for Training and Skills. The Annual Report noted that although the review report highlighted a number of technical, operational and implementation issues with respect to the PID Act, it had concluded that the objects of the PID Act are valid and appropriate.⁵⁶

Financials

The Annual Report advised that the Office ended the 2016-17 year in a secure financial position with adequate reserves and forecast income to fulfil its statutory responsibilities for 2017-18.⁵⁷

In response to a question on notice regarding future financial issues concerning the Office, the Ombudsman provided the following information:

The Office is anticipating future financial pressures.

The main drivers of this are:

- *increases in Office accommodation rental*
- *no escalation historically in the Office's budget for non-salary costs*
- *employee expenses for the approved, full-time equivalent (FTE) establishment.*

A review of forward estimates shows that the Office will be unable to fund employment costs for its 63 full-time equivalent (FTE) workforce without supplementary funding.

⁵³ Queensland Ombudsman, *Annual Report 2016-17*, p 69.

⁵⁴ Office of the Queensland Ombudsman, Response to questions on notice dated 20 April 2018, pp 14-15.

⁵⁵ Queensland Ombudsman, *Annual Report 2016-17*, pp 69-70.

⁵⁶ Queensland Ombudsman, *Annual Report 2016-17*, p 74.

⁵⁷ Queensland Ombudsman, *Annual Report 2016-17*, p 81.

The recent five-year strategic review of the Office recommended support for the Ombudsman's future requests for supplementary funding across the forward estimates to support its base establishment of 63 FTEs. The review also noted that the Office has an insufficient capital funding program to maintain office systems and equipment which are essential for the operations of the Office.

As part of the 2018-19 budget process, the Office has sought supplementary operational funding of approximately \$1 million each year and \$0.6 million across the forward estimate in total additional capital funding. The request is yet to be considered by the Government. A similar request for 2017-18 was unsuccessful.⁵⁸

3.2 Committee comment

The committee congratulates the Ombudsman and his staff on their performance in 2016-17, especially in light of increased demand for the services of the Office.

The committee appreciates the assistance and information provided by the Office's management and staff, that helped facilitate the committee's oversight role. The committee found visiting the Office and observing its operations to be particularly useful in understanding how the Office functions on a day-to-day basis.

The committee was particularly impressed to observe evolving improvements in daily system functionality, designed to adapt to changes in workload and workflow such as those generated by the Office's receipt of an increasing number of public interest disclosures.

The committee recognises that the Office's ongoing efforts to modernise and streamline its complaint handling procedures will ensure it continues to operate both efficiently and effectively.

Recommendation 1

The committee recommends the House notes the contents of this report.

⁵⁸ Office of the Queensland Ombudsman, Response to questions on notice dated 20 April 2018, pp 15-16.