



# Oversight of the Office of the Queensland Ombudsman

**Report No. 73, 56<sup>th</sup> Parliament**  
**Legal Affairs and Community Safety Committee**  
**September 2020**

## **Legal Affairs and Community Safety Committee**

<b>Chair</b>	Mr Peter Russo MP, Member for Toohey
<b>Deputy Chair</b>	Mr James Lister MP, Member for Southern Downs
<b>Members</b>	Mr Stephen Andrew MP, Member for Mirani
	Mrs Laura Gerber, Member for Currumbin (from 22 April 2020)
	Mr Jim McDonald MP, Member for Lockyer (until 22 April 2020)
	Mrs Melissa McMahon MP, Member for Macalister
	Ms Corrine McMillan MP, Member for Mansfield

### **Committee Secretariat**

<b>Telephone</b>	+61 7 3553 6641
<b>Fax</b>	+61 7 3553 6699
<b>Email</b>	lacsc@parliament.qld.gov.au
<b>Technical Scrutiny Secretariat</b>	+61 7 3553 6601
<b>Committee Web Page</b>	<a href="http://www.parliament.qld.gov.au/lacsc">www.parliament.qld.gov.au/lacsc</a>

### **Acknowledgements**

The committee acknowledges the assistance provided by the Ombudsman and his staff.

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## Abbreviations

Annual Report	Queensland Ombudsman: Annual Report 2018-19
committee	Legal Affairs and Community Safety Committee
FTE	Full-time equivalent
Office	Office of the Queensland Ombudsman
Queensland Ombudsman/ the then Ombudsman	Mr Phil Clarke
Ombudsman Act	<i>Ombudsman Act 2001</i>
POQA	<i>Parliament of Queensland Act 2001</i>
PID(s)	Public interest disclosure(s)
PID Act	<i>Public Interest Disclosure Act 2010</i>
public hearing	The public hearing held with the Office on 30 March 2020
strategic review	A strategic review of the Office of the Queensland Ombudsman completed in January 2018 by Ms Simone Webbe
strategic review report	The strategic review report prepared by Ms Simone Webbe and tabled on 15 February 2018

## 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 reviewed the Queensland Ombudsman's Annual Report 2018-19 which was tabled on 30 September 2019. The committee also held a public hearing via teleconference with the then Queensland Ombudsman, Mr Phil Clarke, and his staff on 30 March 2020.

On behalf of the committee, I thank Mr Clarke and his staff who assisted the committee throughout the course of its oversight of the Queensland Ombudsman's Office for the 2018-19 financial year period.

I also wish to thank Mr Clarke for his outstanding service as Ombudsman for nearly 10 years from January 2011 to 9 July 2020 and wish him well in the future.

On behalf of the committee I will also take this opportunity to welcome Mr Anthony Reilly as the new Ombudsman and wish him every success in the role.

I thank the Parliamentary Service staff for their assistance with this report.

I commend this report to the House.

A handwritten signature in black ink, appearing to read 'Peter Russo', with a long horizontal stroke extending to the right.

Peter Russo MP  
**Chair**

## Recommendation

### Recommendation

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The committee recommends that 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 2018-19 financial year.

### 1.2 Role of the committee

The committee is a portfolio committee of the Legislative Assembly which commenced on 15 February 2018 under the *Parliament of Queensland Act 2001* (POQA) and the Standing Rules and Orders of the Legislative Assembly.<sup>1</sup>

The committee's primary areas of responsibility include:

- Justice and Attorney-General
- Police and Corrective Services
- Fire and Emergency Services
- Aboriginal and Torres Strait Islander Partnerships.

In addition to the Ombudsman, the committee also has oversight responsibilities for the:

- Electoral Commissioner
- Information Commissioner
- Queensland Family and Child Commission
- Family Responsibilities Commission.<sup>2</sup>

### 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.

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

The *Ombudsman Act 2001* (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
- (b) to consider the administrative practices and procedures of an agency whose actions are being investigated and to make recommendations to the agency –
  - (i) about appropriate ways of addressing the effects of inappropriate administrative actions; or
  - (ii) for the improvement of the practices and procedures

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<sup>1</sup> *Parliament of Queensland Act 2001*, s 88 and Standing Order 194.

<sup>2</sup> Standing Rules and Orders, Schedule 6.

<sup>3</sup> Queensland Ombudsman, *Annual Report 2018-2019*, p 16.

- (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
- (d) to provide advice, training, information or other help to agencies, about ways of improving the quality of administrative practices and procedures
- (e) the other functions conferred on the Ombudsman under the Ombudsman Act or any other Act.<sup>4</sup>

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.<sup>5</sup>

The Ombudsman may investigate administrative actions of agencies 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.<sup>6</sup>

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

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

- a tribunal, or a member of a tribunal, in the performance of the tribunal's deliberative functions
- a person acting as legal adviser to the state or as counsel for the state in any legal proceedings
- a member of the police service, if the action may be, or has been, investigated under the *Crime and 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* because of the action
- 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*, the repealed *Health Quality and Complaints Commission Act 2006* or the *Health Ombudsman Act 2013*; or
- the Information Commissioner in the performance of the Commissioner's functions under the *Right to Information Act 2009*.<sup>8</sup>

#### **1.4 Committee's responsibilities regarding the Queensland Ombudsman**

In addition to the jurisdiction conferred by the POQA, the Ombudsman Act provides that the committee has the following functions:

- to monitor and review the performance by the Ombudsman of the Ombudsman's functions under the Ombudsman Act

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<sup>4</sup> Ombudsman Act, s 12.

<sup>5</sup> Ombudsman Act, s 13.

<sup>6</sup> Ombudsman Act, s 14.

<sup>7</sup> Ombudsman Act, s 16(1).

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



- to report to the Legislative Assembly on any matter concerning the Ombudsman, the Ombudsman's functions or the performance of the Ombudsman's functions that the committee considers should be drawn to the Legislative Assembly's attention
- to 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
- to 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.<sup>9</sup>

### **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.<sup>10</sup> The most recent strategic review was completed in January 2018 by Ms Simone Webbe (strategic review). The strategic review report was tabled on 15 February 2018 (strategic review report).<sup>11</sup>

By June 2019, 75% of the 72 recommendations in the strategic review report had been 'completed or implementation was ongoing', work was progressing in relation to 19% of the recommendations and work was yet to commence in relation to 6% of the recommendations.<sup>12</sup> The Annual Report further noted that:

- the Ombudsman had written to the Attorney-General requesting the government's support for making the recommended amendments to legislation referred to in six of the recommendations
- work was progressing in relation to 14 recommendations concerning improvements to communication and community and public sector agencies engagement, a review of Office policy and procedures, and continued work on induction and the professional development of officers
- four recommendations remained on hold, subject to the completion of other work or availability of resources.<sup>13</sup>

The next strategic review of the Office is due to commence by January 2025.<sup>14</sup>

### **1.6 The committee's process**

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

- examined the 2018-19 Annual Report (Annual Report)(see section 2)
- held a public hearing on 30 March 2020 (public hearing)(see section 3).

The following representatives from the Office participated in the public hearing via teleconference:

- the then Ombudsman, Mr Phil Clarke

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<sup>9</sup> Ombudsman Act, s 89.

<sup>10</sup> Ombudsman Act, s 83(2) and (9).

<sup>11</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 41.

<sup>12</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 41.

<sup>13</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 41.

<sup>14</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 41.

- Mrs Angela Pyke, Deputy Ombudsman
- Ms Leanne Robertson, Director, Corporate Services Unit
- Ms Louise Rosemann, Principal Advisor, Public Interest Disclosures.

A copy of the transcript of the public hearing is available on the committee's website.

## 2 Review of Annual Report 2018-2019

### 2.1 Annual Report

The Queensland Ombudsman's Annual Report was tabled on 30 September 2019.

The Annual Report complies with the *Financial Accountability Act 2009* and the Financial and Performance Management Standard 2009.<sup>15</sup>

### 2.2 The Ombudsman's report

For the 2018-19 financial year, the Ombudsman reported that:

- the performance measures published in the Annual Report confirm the Office is delivering its legislative mandate
- all timeliness measures have been met
- 40% of all investigative recommendations achieved systemic improvements and 100% of recommendations were accepted by agencies
- the Office's training programs in complaints handling, good decision-making and the management of Public Interest Disclosures (PIDs) continue to be in high demand
- over 4,500 public sector officers took part in the Office's training sessions which was a record number of public level of participation.<sup>16</sup>

In relation to the 2019-20 financial year, the Ombudsman noted that he:

*... look[ed] forward to greater certainty about the future arrangements for the implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and the independent oversight of places of youth detention.*<sup>17</sup>

### 2.3 Public contact with the Office

11,676 Queenslanders contacted the Office for advice, assistance or complaint resolution (up 6% from the previous year).<sup>18</sup> Of the 11,676 contacts received in 2018-19:

- 7,817 were complaints (a 9% increase on the previous year)
- 2,858 were matters outside of jurisdiction (very similar to the previous year)
- 869 were general enquiries
- 132 were requests for a review of an Ombudsman decision.<sup>19</sup>

The Annual Report noted that 17,478 people accessed the Office's 'outside of jurisdiction' webpages.<sup>20</sup>

### 2.4 Complaints received

Of the 7,817 complaints received:

- 69% were about State government agencies, including departments and statutory authorities (4,358 complaints)

<sup>15</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 1.

<sup>16</sup> Queensland Ombudsman, *Annual Report 2018-19*, pp 1-2.

<sup>17</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 3.

<sup>18</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 10.

<sup>19</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 12 and p 59.

<sup>20</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 11.

- 26% were about local councils (2,047 complaints)
- 4% were about public universities (340 complaints)
- 1% were about other or unknown entities (4 complaints).<sup>21</sup>

#### **2.4.1 Complaints received about State agencies (including departments and statutory authorities)**

The total number of complaints received about State agencies in 2018-19, including departments and statutory authorities, was 4,358.<sup>22</sup> The departments receiving the most complaints were Queensland Corrective Services (825 complaints), the Department of Child Safety, Youth and Women (680 complaints), the Department of Housing and Public Works (591 complaints) and the Department of Education (570 complaints).<sup>23</sup>

In relation to complaints about statutory agencies, the most number of complaints was in relation to the Queensland Building and Construction Commission (213 complaints) which was an increase from 154 complaints in 2017-18 and 138 complaints in 2016-17. However, the number of complaints received in relation to the Public Trustee decreased from 205 complaints in 2017-18 to 183 complaints in 2018-19. Complaints about Legal Aid Queensland increased from 114 complaints in 2017-18 to 140 complaints in 2018-19 and the Office of the Health Ombudsman increased from 88 complaints in 2017-18 to 110 complaints in 2018-19. Complaints about the Residential Tenancies Authority decreased from 37 complaints in 2017-18 to 25 complaints in 2018-19 and Queensland Urban Utilities decreased from 32 complaints in 2017-18 to 24 complaints in 2018-19.<sup>24</sup>

#### **2.4.2 Complaints received about local councils**

In 2018-19, there were 2,047 complaints about local councils which was similar to the previous year's total of 2,017 complaints.<sup>25</sup>

The Annual Report noted that 'significant areas of complaint' included:

- development and building controls
- laws and enforcement
- environmental management
- rates and valuations
- roads.<sup>26</sup>

#### **2.4.3 Complaints received about universities**

The Office received 340 complaints about public universities in 2018-19 which was similar to 2017-18 levels when 329 complaints were received. The Annual Report noted the main areas of complaints were about student grievances, exclusion, enrolment, assessment and review of grades.<sup>27</sup>

#### **2.4.4 Complaint processing times**

In 2018-19, the Office finalised 7,831 complaints which was an increase of 8% when compared to 2017-18. The average age of a complaint when closed at preliminary assessment was 3.3 days. The

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<sup>21</sup> Queensland Ombudsman, *Annual Report 2018-19*, pp 12-13 and p 63.

<sup>22</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 12 and p 63.

<sup>23</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 12.

<sup>24</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 63.

<sup>25</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 13 and p 63.

<sup>26</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 13 and p 63.

<sup>27</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 13 and p 63.

average age when closed after investigation was 50 days. Notably, 81% of complaints were finalised within 10 days of receipt, 94% were finalised within 30 days and more than 99% of complaints were finalised within 12 months.<sup>28</sup>

The Office can also directly refer a premature complaint to an agency with the consent of the complainant. In 2018-19, the Office directly referred 1,224 premature complaints (compared with 1,327 in 2017-18 and 1,715 in 2016-17).<sup>29</sup> The Annual Report attributes the 8% decline from 2017-18 'to improved practices in the assessment of matters suitable for direct referral'.<sup>30</sup>

## **2.5 Investigations finalised**

In 2018-19, 1,255 investigations were finalised, a 7% decline on the previous year.<sup>31</sup>

Of the investigations finalised, 192 resulted in a total or partial rectification.<sup>32</sup> The proportion of investigations resulting in rectifications was 15% of investigations finalised which met the Office's performance target but was a decrease on the 20% rectification rate from 2017-18.<sup>33</sup>

The Annual Report noted that in 2018-19, the Office made 250 investigative recommendations compared with 296 in 2017-18 and 306 in 2016-17.<sup>34</sup> Of the 250 recommendations made by the Office to agencies, 220 were agreed actions.<sup>35</sup>

## **2.6 Oversighting the management of child safety complaints**

The Annual Report noted that 'the Office continued to have a significant role regarding complaints about child safety'.<sup>36</sup> The Office received 513 complaints relating to child safety services in 2018-19 compared with 421 complaints received in 2017-18. The Annual Report noted that '135 were assessed as involving harm or risk of harm to a child or young person'. This represented an increase from 111 involving harm or risk of harm in 2017-18.<sup>37</sup>

## **2.7 Feedback from stakeholders**

The annual client survey conducted in 2018-19 resulted in 64% of clients being satisfied with the service provided by the Office. The Annual Report noted that 'while this is in line with previous survey findings, it is below the Office's target of 80% that was set to align with other service-oriented sectors'.<sup>38</sup>

During the public hearing, the Ombudsman was questioned about the results of the survey. The Ombudsman explained that 'there is a significant challenge in measuring client satisfaction when the client may well disagree 'wholeheartedly' with the outcome of the investigation'. The Ombudsman further noted that the survey was asking clients 'whether their experience of the office and the professionalism was positive' when '85 per cent of the decisions in regard to investigations do not result in a change that the complainant was seeking in the first place'. The Ombudsman also noted the

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<sup>28</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 15.

<sup>29</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 15 and Queensland Ombudsman, *Annual Report 2017-18*, p 31.

<sup>30</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 15.

<sup>31</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 17.

<sup>32</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 17.

<sup>33</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 17.

<sup>34</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 18.

<sup>35</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 18.

<sup>36</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 20.

<sup>37</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 20.

<sup>38</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 19.

feedback result 'in the range of 65 per cent to 67 per cent is typically what we have had and we have had that for a very long time'.<sup>39</sup>

## 2.8 Training

There was increased demand for the Office's training programs in 2018-19 with the Office training a record number of public sector officers during the year. A total of 4,540 officers received training during 2018-19 compared with 2,579 officers being trained during 2017-18. Training included principles of decision-making, complaints management, public sector ethics, managing unreasonable conduct and PID management. There was a total of 247 sessions delivered throughout Queensland including 96 being delivered in regional areas. The Office received positive feedback for these sessions with '94% of participants reporting that training improves their decision-making capability'.<sup>40</sup>

## 2.9 Public interest disclosures

The Office is the oversight agency for the *Public Interest Disclosure Act 2010* (PID Act). The PID Act provides that the Office may make standards about how PIDs can be dealt with. During 2018, the Office reviewed the Public Interest Disclosure Standard No. 1. This review resulted in three new standards being made by gazette notice on 1 March 2019:

- Public Interest Disclosure Standard No. 1/2019 (PID management program)
- Public Interest Disclosure Standard No. 2/2019 (Assessing, investigating and dealing with PIDs)
- Public Interest Disclosure Standard No. 3/2019 (PID data recording and reporting).<sup>41</sup>

A total of 1,141 PIDs were reported to the Office in 2018-19 which was an increase of 42% compared to the previous year. Of these, 133 were PIDs of 'substantial and specific danger to the health or safety of a person with a disability' representing a significant increase from 58 in the previous year.<sup>42</sup>

The Annual Report noted that 695 people participated in PID training workshops and an additional 659 people attended awareness sessions.<sup>43</sup>

## 2.10 Public Reports

During 2018-19, the Office published the following two major reports:<sup>44</sup>

- *The Brisbane Youth Detention Centre report: An investigation into the management of young people at Brisbane Youth Detention Centre between November 2016 and February 2017*

This report, tabled on 27 March 2019, made 17 recommendations in relation to a number of incidents that occurred at the Brisbane Youth Detention Centre including the aftermath of a riot on 31 January 2017 which led to young people being kept in isolation in unsuitable temporary holding areas. The department did not raise any objections to the 17 recommendations.<sup>45</sup>

- *The Sunshine Coast Regional Council regulatory enforcement report: An investigation of actions taken by the Sunshine Coast Regional Council in response to complaints about power boat noise*

This report, tabled on 17 April 2019, found that the Sunshine Coast Regional Council had failed to comply with its obligations under the *Environmental Protection Act 1994* and the Sunshine Coast Regional Council's Compliance and Enforcement Policy 2018. In response to the Ombudsman's

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<sup>39</sup> Public hearing transcript, 30 March 2020, p 6.

<sup>40</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 31.

<sup>41</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 49.

<sup>42</sup> Queensland Ombudsman, *Annual Report 2018-19*, pp 50-51.

<sup>43</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 53.

<sup>44</sup> These reports are available online from the Queensland Ombudsman's website.

<sup>45</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 33.

recommendation, the Sunshine Coast Regional Council advised that ‘it would engage a suitably qualified consultant to conduct an independent assessment’ and ‘also determine what further action may be reasonable and proportionate ...’.<sup>46</sup>

## **2.11 Reaching out to agencies and the community**

To assist public agencies and the community gain knowledge and understanding about the Office, the Office produces a range of resources, including newspapers and brochures. In response to community feedback, the *Perspectives* e-newsletter has been ‘refreshed with a stronger emphasis on case studies and more frequent distribution’. A new multilingual information sheet was also produced for distribution at community events.<sup>47</sup>

During 2018-19, the Office’s engagement strategies included:

- targeted distribution of resources to public and community sector organisations
- delivering information sessions, including Queensland Complaints Landscape presentations
- attending key community events
- visiting regional communities.<sup>48</sup>

Officers visited 17 regional centres as part of the Regional Services Program.<sup>49</sup> Twenty-three community organisations participated in Queensland Complaints Landscape workshops.<sup>50</sup>

The Annual Report noted that:

*The priority for 2019-20 is to continue to focus on building awareness and relationships with key intermediaries such as community groups, MP offices, regional agencies and councils to improve complaints management and decision-making.*<sup>51</sup>

## **2.12 Online services and accessibility**

There was a further increase in the number of users visiting the Office’s website in 2018-19 with over 180,000 people visiting compared to 2017-18 (127,963 visitors) and 2016-17 (93,445 visitors).<sup>52</sup> The website is designed for a range of devices, with 37% of this year’s website visitors using mobile phones or tablets. This year a series of Australian Sign Language videos were developed for the deaf community wishing to access the Office’s website. The website also offers the BrowseAloud tool for people requiring online reading support both in English and in languages other than English. Additionally, the Annual Report advises that the Office is a certified National Relay organisation which is a phone service for people who are deaf or have a hearing or speech impairment.<sup>53</sup>

## **2.13 Organisational governance**

As at 28 June 2019, 68 officers were employed on a full-time, part-time or casual basis equating to 60.9 full-time equivalents (FTE). The funded establishment for the Office is 63 FTE. Of those that work at

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<sup>46</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 34.

<sup>47</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 35.

<sup>48</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 35.

<sup>49</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 35.

<sup>50</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 35.

<sup>51</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 35.

<sup>52</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 36 and Queensland Ombudsman, *Annual Report 2017-18*, p 76.

<sup>53</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 36.

the Office, 74% are women, 21% have a disability and 7% identify as having a language other than English.<sup>54</sup>

The permanent staff turnover for 2018-19 was 22% (being 15 employees) which was more than the previous year when 13% of employees (being 8 employees) left the Office.<sup>55</sup>

## **2.14 Financials**

The Annual Report advised that in 2018-19, the Office reported an excess of expenditure over income of \$0.022 million. The operational expenditure for 2018-19 was \$9.179 million which represented a 6.8% increase in expenditure when compared to 2017-18.<sup>56</sup>

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<sup>54</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 37.

<sup>55</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 37 and Queensland Ombudsman, *Annual Report 2017-18*, p 77.

<sup>56</sup> Queensland Ombudsman, *Annual Report 2018-19*, p 47.



### 3 Oversight hearing

In his opening statement at the public hearing, the Ombudsman provided an update on the Office's performance during 2018-19. He also outlined the progress the Office had made in implementing the recommendations from the strategic review.

The Ombudsman advised that the performance of the Office in the last six months of 2019 showed a continuation of the previous year's results. The Office's 'total number of contacts received during that six-month period was down about 0.9 per cent on the previous year'. While there had been an '8 percent reduction in complaints received', the Ombudsman noted that 'out-of-jurisdiction matters, inquiries and review requests from complainants were all up'.<sup>57</sup>

In relation to the implementation of the strategic review recommendations, the Ombudsman noted that of the 72 recommendations made by the strategic reviewer:

*... 75 per cent are now either complete or ongoing, about six per cent are on hold and 19 per cent are progressing. Those that are progressing are largely dependent upon legislative review.*<sup>58</sup>

The Ombudsman also informed the committee of the changes the Office had made to its complaints management system in response to the requirements of the *Human Rights Act 2019*. These changes include recording all human rights issues that arise in respect of complaints and making amendments to the online complaint form. The Office also noted that 'between 25 per cent and 30 per cent of complaints received in this Office had some sort of human rights issue attached to them'.<sup>59</sup>

Questions from the committee during the public hearing focused on:

- the proportion of complaints relating to child safety matters, the public trustee and prisoners
- how the Ombudsman is managing human rights issues within complaints
- new public interest disclosure standards and the volume of requests
- client satisfaction with the Office.<sup>60</sup>

### 4 Committee comment

The committee congratulates the Ombudsman and his staff on their performance in 2018-19, especially given the increasing number of matters the Office routinely considers.

The committee is impressed with the Office's rapid response and adaption of its processes to incorporate technological advances and updated means of communication with the public.

The committee also recognises the Office's ongoing efforts to implement the recommendations from the strategic review.

The committee appreciates the assistance and information provided by the Office's management and staff which have helped to facilitate the committee's oversight role.

The committee wishes to take this opportunity to thank Mr Phil Clarke for his hard work and dedication during his successful term as the Ombudsman from January 2011 to 9 July 2020. The committee also welcomes Mr Anthony Reilly as the new Ombudsman and wishes him every success in his new role.

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<sup>57</sup> Public hearing transcript, 30 March 2020, p 1.

<sup>58</sup> Public hearing transcript, 30 March 2020, p 2.

<sup>59</sup> Public hearing transcript, 30 March 2020, p 2.

<sup>60</sup> Public hearing transcript, 30 March 2020, p 3-6.

**Recommendation**

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

