



# **LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE**

## **Members present:**

Mr PS Russo MP (Chair)  
Mr JP Lister MP  
Mr SSJ Andrew MP  
Mr JJ McDonald MP  
Mrs MF McMahon MP  
Ms CP McMillan MP

## **Staff present:**

Ms R Easten (Committee Secretary)  
Ms K Longworth (Assistant Committee Secretary)  
Ms M Westcott (Assistant Committee Secretary)

## **PUBLIC HEARING—OVERSIGHT OF THE QUEENSLAND OMBUDSMAN**

### **TRANSCRIPT OF PROCEEDINGS**

**MONDAY, 25 FEBRUARY 2019**

**Brisbane**

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**The committee met at 9.02 am.**

**CHAIR:** I declare open this public meeting. I am Peter Russo, the member for Toohey and chair of the committee. With me here today are: James Lister, the deputy chair and member for Southern Downs; Stephen Andrew, the member for Mirani; Jim McDonald, the member for Lockyer; Melissa McMahon, the member for Macalister; and Corrine McMillan, the member for Mansfield. The purpose of today's meeting is to hear evidence from representatives of the Office of the Queensland Ombudsman as part of the committee's oversight of the Ombudsman. Under the Parliament of Queensland Act 2001 and the standing rules and orders of the Legislative Assembly of Queensland, the committee is responsible for the oversight of the Ombudsman. The Ombudsman Act 2001 sets out the committee's functions with respect to the Ombudsman. These include monitoring and reviewing the performance of the Ombudsman against its functions; reporting to the Assembly on any matter concerning the Ombudsman and its functions; and examining the Ombudsman's annual report.

Only the committee and invited witnesses may participate in the proceedings. As these are parliamentary proceedings, any person may be excluded from the hearing at my discretion. I remind witnesses that intentionally misleading the committee is a serious offence. The proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and will be subject to my direction at all times. The media rules endorsed by the committee are available from the secretariat if required. All those present today should note it is possible that you may be filmed or photographed during the proceedings and that these images may be posted on the parliament's website or social media sites. I ask everyone present to turn mobile phones off or to silent mode.

**CLARKE, Mr Phil, Queensland Ombudsman, Office of the Queensland Ombudsman**

**PYKE, Mrs Angela, Deputy Ombudsman, Office of the Queensland Ombudsman**

**ROBERTSON, Mrs Leanne, Director, Corporate Services Unit, Office of the Queensland Ombudsman**

**ROSEMANN, Ms Louise, Principal Advisor, Public Interest Disclosures, Office of the Queensland Ombudsman**

**CHAIR:** I invite you to make a short opening statement, after which committee members will have some questions for you.

**Mr Clarke:** Thank you, Mr Chair. I appreciate the opportunity to make some opening comments. I have prepared a brief snapshot of the office's position at the end of December, and I seek leave to provide that to the committee. It might help to illustrate some of my comments.

**CHAIR:** Leave is granted.

**Mr Clarke:** The 31 December 2018 snapshot that I have just provided to the committee is a very brief and quick update of where the office was at the end of the last calendar year. As this has been requested by the committee as part of a question on notice in the past, I thought it useful to provide this information to the committee. If I could, I will discuss one or two items in that snapshot. I will not discuss in large part the matters outlined in green. They are essentially the volume or the amount of work coming into the office. The only point I would make there is that it continues to grow, as has been the case in previous years. The year-on-year comparison shows some significant increases. The timeliness measures, which are outlined in yellow in that report, are comparable to previous years. My comment to the committee in relation to that is that our timeliness measures are reasonably stable in the office. My position is that the office has achieved a sound basis for timeliness in dealing with complaints. We are not particularly chasing any faster resolution than we have at the moment, so this is satisfactory to me in terms of the position that was achieved.

The three measures in darker orange are the measures relating to rectification work in the office. You will note that they have declined between the two quarters. The situation as of this morning is that the rectification rate—item 9 on that list—is now up around 15 per cent, which is the budget target for Brisbane

rectification for the office. Some of that work we do not have control over as it depends on the nature of the complaints that come into the office. I bring to the committee's attention that we will continue to monitor the situation, and it may be something that I make a comment or explanation about in the upcoming annual report at the end of the year. That is the summary to the end of 2018.

If I can make one or two other comments. In relation to the strategic review, the committee finalised its report late last year. I would report to the committee at this point in time that, of the 72 recommendations made in the report, 36 are either complete or ongoing. In other words, they did not require a substantial change to what we did in the office, so we continued to support them. Above and beyond those 36 there are a further six where I have recently written to the Attorney-General. They are those recommendations requiring legislative reform and seeking the Attorney's support for progressing legislative amendment. The Attorney wrote back to me and said that she would give it consideration, so I anticipate progress at some stage in the future. Three of the recommendations are on hold at the moment and the other 33 are in progress. I hope to report substantial progress to the committee either in the annual report or at our next opportunity to speak.

The committee has asked me about the financial position of the office in the past. I wish to inform the committee that an initial budget submission has been made through the state budget process. As that process is cabinet-in-confidence, I hope the committee would understand that I cannot provide reasonably great detail about that. I will say that it is in line with the strategic review recommendations which were made.

Finally, the committee will no doubt be aware that the government is giving consideration to independent inspectorates in corrections and youth justice. The Commonwealth Government's recent signing of the UN OPCAT arrangements, reportable conduct which came out of the Royal Commission into Institutional Responses to Child Sexual Abuse and the recent child death review processes which came out of a QFCC review are all matters that could potentially impact the office coming up, depending upon the government's response and how the government chooses to deal with them. In particular the office is involved in two of those discussions, the independent inspections discussion and the child death review discussion, which are subject to cabinet-in-confidence, but I would bring it to the committee's attention that they could potentially impact the office's work in the next short time irrespective of whether the office actually gets a role or a function. For example, in the independent inspectorate space, committee members will be aware that the office does currently have an inspections regime—a less significant one than is contained in the OPCAT provisions—in closed environments, particularly prisons and youth detention centres. If that function was substantially given to another office that would mean we would get out of doing it, so even if it does not end up in the Ombudsman's office it still has an impact on our work.

Finally, I wish to acknowledge and thank Mr Andrew Brown, now the Health Ombudsman, who was Deputy Ombudsman in the office and departed last year. I acknowledge his contribution to the office over several years. Those are all the comments I have, Mr Chair. I am happy to answer the committee's questions.

**Mr LISTER:** Good morning, Mr Clarke, and thank you for coming with your officers. It seems almost an eternity since we last saw you, because we saw you so often when our committee was first set up. Congratulations on your extension of tenure. I think it is the first time we have seen you since that occurred. You will be aware, from my correspondence in my role as a local member with your office, that a number of my constituents have sought assistance from the Ombudsman, and I thank you for dealing with those concerns. My personal interest is in local government. That is where the bulk of the concerns come from my constituents in terms of needing the Ombudsman's services. I looked at the statistics here on the proportion of investigations which resulted in some kind of agency rectification action. Would those statistics differ significantly if they applied only to local government investigations that you have conducted?

**Mr Clarke:** I do not have that information off the top of my head. I can certainly provide it to the committee if you would like an analysis done by sector, state, local government and university. We have provided it in the past, so we can provide that information. My sense is that, in terms of assisting the member now, it will not be materially different. On an annual basis, complaint numbers by sector, whether it is local government, state government, universities et cetera, do move around a little bit and machinery-of-government changes have less impact on local government, but they do impact state government. The rectification rate is not something that we can have direct control over; for example, the merits of a case will determine those things. My sense is that it will not be materially different for local government than it is for the state government. Potentially it will be for universities because they are so small in terms of the number of complaints we get, but state government and local government would, I think, be substantially similar. If the committee desires it, I can provide a detailed response.

**Mr LISTER:** The reduction in the number of agency rectifications over time, could that have something to do with your work in educating agencies about proper public administration in dealing with clients?

**Mr Clarke:** I am very hopeful that that is the case, but I cannot prove it. As you can see from the numbers at the bottom of the page, we have had a substantial increase in training program participation. Again we are hopeful that the relationship between administrative improvement training work, PIDs oversight work that Ms Rosemann has responsibility for and the general engagement that we have with agencies is making a positive contribution in trying to improve administration agencies, but I cannot prove it.

**Mr LISTER:** If it is, then with the rate of improvement we may not need you for much longer.

**Mr Clarke:** When I first came into the job I did joke that my job was to get out of the job and leave nothing for anybody else to do at the end of the day, but I suspect that is very, very aspirational in terms of government.

**Ms McMILLAN:** Mr Clarke, thank you to you and your team. There are certainly some outstanding results. Other than what has been reflected, do you attribute anything else to your success—any other processes or ways of approaching or strategising around your work?

**Mr Clarke:** I have now been in the job for a little over eight years. In that time I have met with the committee on a number of occasions and each time emphasised to the committee that what we try to do is make a very timely initial assessment of a complaint—particularly if it is going to be that we do not see a way in which the office can assist a complainant or indeed if they have not yet exhausted public sector complaints processes—very, very quickly because those matters do not get better with age. For example, if we are going to tell somebody that we cannot help them at this point in time, it is also the case that complainants may have an alternative mechanism other than going back to the agency, but they may choose to take legal action or they may choose to take a whole range of things. At the front end we try to be very quick. That is why we have focused on timeliness, particularly at the initial assessment stage of complaints.

The other thing we have tried to do is as best we can—and this is now getting to the stage where there are seriously diminished returns on our investment—reduce the number of matters that are either out of jurisdictions or inquiries to the office and get them done again as quickly as we possibly can. The out of jurisdiction matters, as you might recall from previous conversations, are now less than half in number of the actual in jurisdiction complaints we get. While each one of those is dealt with very quickly—and typically in less than 24 hours—they still take up resources. The more we can automate that process, the more we can advise complainants through the website, our telephone message, fact sheets and a whole range of communications and through our engagement with NGOs in the community—the more we can get people to take their complaint to the correct office in the first instance—means the more we can focus our resources on dealing with complaints that are in jurisdiction.

In terms of paying attention to timeliness, we do have nominal time frames for investigations—the committee would be aware of those—of three months for a straightforward investigation, six months and then 12 months for a complex investigation. In line with the strategic review, we have recently added our own initiative investigations with a nominal time frame of 12 months as well so that they are included in that calculation.

Those nominal time frames are exactly that, they are nominal. They are not determinative. It is not the case when we get to three months that we say, 'Whoops that is it. Sorry, that is as long as you have for a case,'—or six or 12 months. That is not how it works. It is a very significant expectation of staff that for a straightforward investigation three months is sufficient time to gather the material information, make an assessment of it and make a decision about it. Complainants, if they then see some flaw in that, have a right of review in the office as well. That right of review would typically come to a senior officer. There are, I think, sufficient mechanisms in the office for people to fully air their concerns and have them dealt with.

There are complex cases that do take a long time and a lot of resources. The majority of our work, I will not say it is routine, is something that we are familiar with and have a lot of precedent for so we can, in fact, in many cases, make decisions quite quickly because of the expertise of officers. I attribute it to the fact that we pay attention to these things, pay attention somewhat to the small things, if you want to put it that way, but we also have an expert team in the office. Any diminution of the quality or number of people in the office really has the potential to impact upon those statistics.

As I said earlier, it is somewhat stable now. We have reached a position where I am not chasing any more improvements in time efficiency. Rectification rates, the impact we have and the number of recommendations we make to agencies will vary depending upon the content of the complaint. In terms of what I might call administrative improvement work—that is, the preventative work at the front end; whether that is engagement with the community, MP's offices, local councillors, councils themselves, training, complaints management system reviews, PIDs oversight—there is a question always in our minds about what the correct balance is between that and just doing the complaints, which is the responsive work.

This year I would anticipate we would have 11,000 or 12,000 contacts with the office and because of the nature of those complaints they do tend to be the majority of the work we do. All the time—and, again consistent with the strategic review—we are trying to leverage a little bit more administrative improvement work, for the reason Mr Lister alluded to earlier. We are hopeful that the preventative work at the front end means that government agencies do make better decisions and ultimately perhaps that might be reflected in fewer complaints, although, as I said, I cannot prove that.

**Ms McMILLAN:** And absolutely greater public confidence?

**Mr Clarke:** Yes, hopefully.

**Mr McDONALD:** My interest is in public interest disclosure and the volume of that. I wonder if you could let us know why there is such a volume and if there are some reasons for that? Could you talk me through what happens when a public interest disclosure is substantiated or partially substantiated?

**Mr Clarke:** I will ask Louise to respond to that.

**Ms Rosemann:** First of all, there has been an increase in the number of public interest disclosures being reported by agencies over the last two to three financial years. I do not suggest that that is indicative of an increase in wrongdoing by public sector officers in public agencies. The Public Interest Disclosure Act covers not just the agencies within jurisdiction of the Ombudsman Act—that is, local government, state government, universities and statutory bodies—but it also covers government owned corporations to a limited extent.

I am not suggesting that there is more wrongdoing. What I am suggesting is that hopefully through the outreach work that the office has been doing, agencies are much better equipped to identify wrongdoing and to identify matters that fall within the parameters of the Public Interest Disclosure Act and to provide the appropriate support and prevention of reprisal that members of the public sector and members of the public who report wrongdoing are entitled to receive under the Public Interest Disclosure Act. I think the work that we have been doing in terms of raising awareness and in particular training with public sector agencies contributes to the administrative improvement that Mr Clarke was referring to a moment ago.

In terms of the process that agencies follow, there is no one right way to manage a matter. In effect, a public interest disclosure is no different to any other complaint, except that there are some steps that are additional to ensure that appropriate support and risk assessment for prevention of reprisal occurs.

Once a matter is substantiated or partially substantiated an agency would be expected to act on those outcomes in the same way it would with any other complaint. Some of the differences would be that they, as I said, provide support to the discloser, that they do a risk assessment and put in place any risk management plan that is necessary to prevent reprisal to the extent that that is practically possible and that they have a legislative obligation to maintain additional records of the public interest disclosure and that they report data to our office so that we are in a position to produce the annual report to parliament.

**Mr Clarke:** I might add to Ms Rosemann's comment. One of the functions of the office is to publish support material and to provide standards for agencies. Ms Rosemann has been working, in consultation with chief executives of agencies, through a pretty comprehensive consultation process to develop new standards. Those new standards will be gazetted on Friday and will come into effect. They really look to, I think the term we used with CEOs was, raise the bar a little bit so that there is more clarity with agencies about their expectations and ensure that, to the greatest extent possible, those people in agencies with the responsibility under the Public Interest Disclosure Act have the support they need to do their job.

Awareness of legislation which you do not deal with on a daily basis can be a difficult thing to maintain across the public sector. Our challenge is to have material available on a just-in-time basis. For an agency head or an agency officer, whether they are a whistleblower or discloser or someone who is managing that, the challenge is to get them the information the moment they need it. That is what we are trying to do with the new standards which will come about on Friday.

**Mrs McMAHON:** Turning to your annual report and specifically the section that relates to your visits to corrective service institutions, the annual report advises that the emphasis with prison visits changed in 2017 to focus on reviewing administrative systems rather than receiving individual complaints. Are there any particular factors that led to this change and what has been the general feel on the ground in terms of that change of focus?

**Mr Clarke:** The general impetus or the momentum for that change was to utilise officer time in correctional facilities as efficiently as possible. We do the inspections regime under the administrative improvement function in the Ombudsman Act. It is not a specialist legislative framework for us to deal with. As I said earlier, that may change with the new systems.

At the same time as we do that, the history in the office was that we would provide early advice to prisoners that we were attending and a prisoner would have an opportunity of speaking to an ombudsman officer if they wanted to. Over the years we have developed the Prisoner Phone Link service, which members will be aware of. We now do not set aside time to sit down and discuss individual complaints. Although, if a prisoner presents and gives complaint information to an officer we will not decline it. We will take it and bring it back to the office. We do not set out and have scheduled times to meet with prisoners to take complaints.

Instead we direct prisoners to the Prisoner Phone Link process and ask them to use that which is the general channel through which we receive complaints from prisoners. Either that or we can receive their complaint in writing. Many prisoners do write to us and we get the complaints through the process that is established in correctional facilities for confidential complaints to be made by prisoners.

**Mrs McMAHON:** In relation to your oversight in the corrective services space and noting the Taskforce Flaxton report that came out at the end of last year, do you have any comment on some of the recommendations of that report insofar as the oversight you have had within the corrective services system is concerned?

**Mr Clarke:** I would not make any particular comment, I do not think, about the report and the recommendations. What I might say, just reiterating the comment I made a minute ago, is the oversight we perform in correctional facilities is under the administrative improvement function of the Ombudsman Act. One of the limitations of that is that it is not a particularly specific legislative oversight function. That is likely to flow, in my view, from the government's consideration of the OPCAT and the independent inspections regimes, both of adult correctional facilities and youth justice facilities. That may in fact give a different approach to the inspections regime and will certainly impact upon the office whether we get the work or not.

The administrative improvement space is a very broad approach. Each year when we visit correctional facilities the information we receive about each facility is based upon the complaints that flow from that facility, any history that we have with that facility that we are aware of, the previous inspections regime—so if we found any weaknesses we can revisit those weaknesses—and any thematic approach that we might have for the particular year. In a given year and historically the one I can speak most easily about is the breach process. That is prisoners who are being breached for disciplinary matters. There is quite a strict process to follow when a prisoner is breached. That continues to be a challenge for correctional facilities to get that right. We continue to follow breach proceedings as a specific administrative process within facilities.

If we got to the stage where over a period of time that administrative process appeared to be working well then we would take our resources and move them to another part. We do try to inform the prison visits. They are not just a vanilla approach. Lots of them have got various other flavours mixed in amongst them because of their nature. Of course, prisons are not all the same. A prison visit to one of the bigger facilities will be quite different from a visit to a low-security prison farm or something in that regard and is expected to be different so our anticipation is also quite different. I might ask Mrs Pyke to make a comment about this year's program.

**Mrs Pyke:** In this year's program we have taken a risk management approach. In terms of the resource impost on the office for the visits it is quite time consuming and does have an effect on the ability for the office to meet its regulatory normal complaints work. In that risk management approach what we have decided to do is in relation to the low-security prisons, we are going to be visiting them every second year rather than every year. The issues that come out of the low-security facilities are minimal so in terms of concentrating our resources we are really putting them towards the higher-risk and high-security prisons. Our prison visit schedule is done on a financial year basis. All the facilities should have been visited towards the end of June for this round. As Mr Clarke said, that may impact going forward depending on what happens with the OPCAT regime.

**Mr ANDREW:** I understand that in 2017-18 the office reviewed nine department and other state agencies' complaints management systems and 12 local councils. How did you select which agencies and local governments to review in relation to their complaints management systems?

**Mr Clarke:** There are two factors that play into that space. The first one is the CMS or complaints management system audit regime has been going for a good number of years now so we have already visited priority areas of state agencies, universities, councils and other statutory bodies. It is the history, in other words, whether a particular council or state agency has been reviewed in the past. The second is opportunity: as part, for example, of a regional visits program or the other work of the education and engagement team, which undertakes the CMS audits. It is really a matter of considering the opportunities that arise. If they are travelling to a regional centre, for example, they are going to be in Mount Isa—we would generally go to Mount Isa once every couple of years to do a significant program of work—when we are in Mount Isa it is sensible for us to visit that council area. Those two things in balance tend to decide which agencies we talk to.

At an overall level, in the education engagement space there is always a competition between the training work that we do, which is perhaps our biggest priority, and engaging with the individual offices to try to enhance their capacity with complaints management system audits engagement activities and with public sector agencies, engagement with the community. All of those things are essentially competing with each other for resources where training always will be our biggest priority. But when we do travel, regionally particularly, we do try to add as much other activity onto the program for that particular trip so we can maximise the benefit from a trip. We have been doing that now for a couple of years. Typically a trip would have two officers go on the trip together and most of the time one officer will be doing training while another officer will be doing some other form of activity and then over a couple of days they will manage that program of work between themselves.

**Mrs McMAHON:** In relation to your oversight in the Child Safety complaints area on page 50 of the annual report, in respect to the Ombudsman role in improving effectiveness of the Child Safety complaints system, do you have any comments on either holistically how that is going or whether there are any individual aspects of that that you will be focusing on this year?

**Mr Clarke:** Thank you for the question. As the committee may recall, the oversight of Child Safety complaints was a specific consideration by the 2014 Carmody review. The system that was adopted at the time was to have agencies responsible largely for complaints management with oversight by the office. That does not mean we do not continue to get Child Safety complaints to investigate. We do, in fact, investigate quite a number. The approach that we take is to try to build capacity in agencies. If you recall, a number of years ago I did a public report about managing complaints in Child Safety. That public report had a number of recommendations in it and last year—I think it was last calendar year—I received confirmation from the chief executive of the agency that all of the recommendations had been implemented. My approach will then be to give that a little time to settle, perhaps 12 months or so, and then to start a program to consider whether those recommendations implemented in the agency had the desired effect—in other words, the planned effect from the recommendations. I anticipate that we will do more a comprehensive review of Child Safety complaints in the relatively near future.

The other thing we continue to do with Child Safety complaints a little different from other complaints is we will have higher levels of follow-up with agencies when we refer complaints to them. Part of the preliminary assessment of a complaint will be if we are the first point of contact for a complainant and it is not yet time for the Ombudsman office to consider a Child Safety complaint but refer it to the agency. They have two options of course in that space, one is the notification of harm. If it is a notification it is not really a complaint for the purposes of the definition and we will refer it in to the Child Safety centres for consideration under the notification of harm arrangements. If it is, in fact, a complaint, and most of the time that means it has got some little bit of time on it, some history, we will very frequently refer the matter to the agency, if it has not been dealt with by the agency yet, but we will add to that a requirement for the agency to feed back to the office progress on and the outcome of those complaints management. The office does not have the resources to do that in all areas of administration, but the reason it is done with Child Safety complaints is the risk associated with Child Safety complaints, so it is an additional element of our complaints management and complaints assessment process at the front end.

The last discussion I had with officers responsible in that space was that the follow-ups in the previous year, which would have been this annual report year, were all satisfactory. In other words, we satisfied ourselves that the agency received the complaint, we satisfied ourselves that they considered the complaint and then they took some action. We did not necessarily review the action to see whether

we agreed with it or not, but we were sure that something did not fall within the cracks, did not just disappear, that the agency actually did consider the complaint and determined to take what action they thought appropriate.

**Ms McMILLAN:** Thank you, Mr Clarke, for the very thorough processes, particularly around the Child Safety portfolio. Could you comment generally whether you have identified in recent months, in the six months or so since we met, any trends or areas of concern that your office has—any emerging trends generally across the complaints?

**Mr Clarke:** Historically it is quite difficult because the numbers of complaints in any particular area tend to be relatively small. That does not mean we do not have a lot of education or health complaints, for example, we do. Most of the complaints are driven by the big service delivery agencies, as you would anticipate. Health, Housing, Education, Child Safety, those places where the public interact with the state government, and local governments, for that matter, and universities, are where the complaints come from.

Within the office it is a matter of somewhat systemic and seasonal factors. For example, the Patient Transfer Subsidy Scheme report that we did, our initial consideration of that matter was driven by the number of complaints that were coming into the office about failures in PTSS. We had over a relatively short period of time a couple of dozen complaints. That is when we made the decision to do some preliminary inquiries with Health and eventually turned it into a public report about health management of patient transfers.

Unfortunately, I am not able to give you particularly emerging themes other than to say I anticipate that those big service delivery agencies will continue to be the high areas of demand for us and over time, as we work with those agencies, it may become more thematic in terms of its approach, but at the moment I am not aware, and I will perhaps ask the deputy whether she is aware of anything in particular.

**Mrs Pyke:** No, I am not aware of any particular trends leaning towards any particular department. As Mr Clarke said, they are fairly broad across government, but it does tend to be those service delivery agencies that Mr Clarke said.

**Mr Clarke:** It is slightly different in the public interest disclosure space. I think Ms Rosemann would make a comment about the fact that a very significant proportion of public interest disclosures reported to the office are in that space of being allegations of corrupt conduct.

**Ms Rosemann:** The vast majority of public interest disclosures are corrupt conduct. That I think is a result of agencies being more adept at identifying corrupt conduct when it occurs and being able to see that, yes, it is a public officer who has raised that allegation therefore it fits neatly under the Public Interest Disclosure Act. The numbers of public interest disclosures of maladministration and misuse of financial resources are increasing, but again I see that as a greater level of awareness and the increasing capacity of agencies to be able to identify that when those issues are raised by their staff that justifies the staff being provided with the benefits that are available under the Public Interest Disclosure Act. Being that the Public Interest Disclosure Act is beneficial legislation, the focus we have engaged with agencies on is ensuring that their staff get the benefits that that legislation affords.

**CHAIR:** This will be the last question.

**Mr ANDREW:** Are there any significant budgetary matters that you wish to raise with the committee?

**Mr Clarke:** Further to my comment earlier in my opening statement, I have made a budget submission. The Ombudsman Act actually requires me to make a budget submission every year so it is no news that I have made the submission. That submission, in line with the recommendations in the strategic review, is about relieving some of the pressure on the office. Over time the capacity now to fill the establishment in the office at comparable levels to across the public sector is my challenge. That is really by holding on to good staff because if someone has a capacity to go to another agency and be paid more it is an unreasonable expectation that they will not go. It is about comparable wage frameworks for my office to the public sector at large. It is about maintaining the full establishment in the office. With many organisations, as you have turnover in your staff there is some momentum and you do have periods of time when you are not at full establishment, and we have the same situation. Again that is not particularly surprising across the public sector. It is the nature of the public sector, but we do have increasing costs on the corporate side.

As a small office, I have the same responsibilities as the directors-general of Education, Health, Premier and Cabinet et cetera. I have to maintain all the systems and processes. Ms Robertson has the unenviable task of trying to do that on many days. Maintaining all of those systems and processes

within a corporate services team of something around 10 people, when we have IT, HR, finance, facilities, the whole lot, is a substantial pressure. In addition, there is ongoing pressure on us for compliance work. Again, as a small office I have the same compliance requirements. If the information standard around information security, which is one that is troubling us right at the moment, changes, and it has, we now have to consider our systems and processes to comply with new information security arrangements. Those things are not particularly funded as part of a state budget, it is too micro a level for it to be funded as part of a state budget, and the amounts of money we are talking about are too small, but they put pressure on the office.

We will continue to struggle. The intention is always to maintain the office as compliant in the first instance but also in those areas which align to our public value—that is, as we are an integrity body you would expect our integrity systems in the office to be a model for the whole of the public sector. That is how we prioritise on the corporate side: for those things which, I might say, we are sort of run-of-the-mill we just comply. That is it, our systems just comply. On the other side where you would expect my office to be a model for the rest of the public sector, we try to do it at a best practice standard and, again, those things are more expensive than just a compliance regime.

**CHAIR:** Our time has expired. Thank you for your time this morning. There was one question taken on notice. Could the response be provided to the secretariat by Monday, 11 March? That concludes our meeting. Thank you to the secretariat and Hansard reporters. A transcript of these proceedings will be available on the committee's parliamentary web page in due course. I declare the public meeting closed.

**The committee adjourned at 9.47 am.**