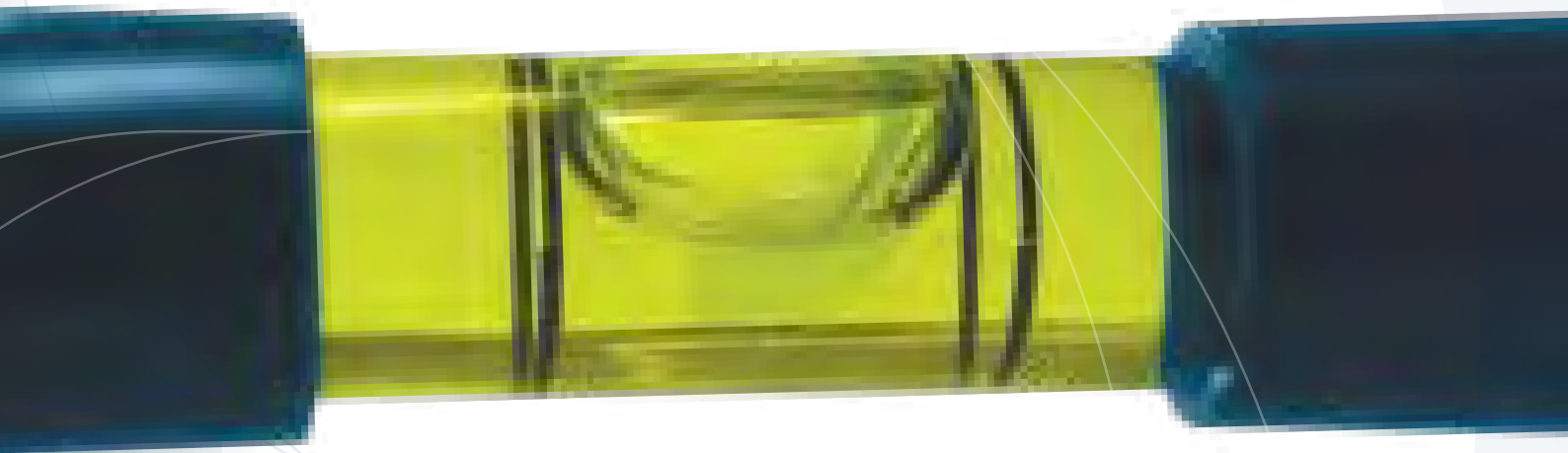




ANNUAL REPORT **2006–2007**

Fair decisions for Queenslanders



COMMUNICATION OBJECTIVE

The spirit level on the cover of this report represents our goal of achieving the right balance between the interests of agencies and the interests of members of the community.

From an internal perspective, it also reflects our efforts to balance our investigative role and our role of helping agencies improve their decision-making policies and procedures. We believe that the significant changes we made in 2006-2007 to the way we carry out our responsibilities have helped us to identify the right mix of reactive and proactive work.

Our organisation is independent of government and is a key component of Queensland's accountability framework. Our report enables us to communicate our role and achievements to all interested parties. This report summarises our performance for the 2006-2007 financial year and reports our performance against the key objectives, strategies and targets set out in our strategic and operational plans. It also identifies our priorities for the year ahead.

Our aim in producing this report is to enable interested parties to evaluate our effectiveness in investigating complaints and achieving improved administrative practice in public sector agencies. The readers of this report include members of the Queensland Parliament and local governments, members of the public, public sector officers, academics and other complaints agencies and Ombudsman offices.

This report meets our reporting obligations under the *Ombudsman Act 2001* and the *Financial Administration and Audit Act 1977*.

We value your feedback

A major aim of this report is to fulfil the diverse information needs of our readers and ensure that the outcomes of our activities are clearly communicated. We invite you to contact us with any comments or suggestions about the content or design of the report. By providing feedback, you will ensure that we continue to improve our reporting standards and meet your information needs.

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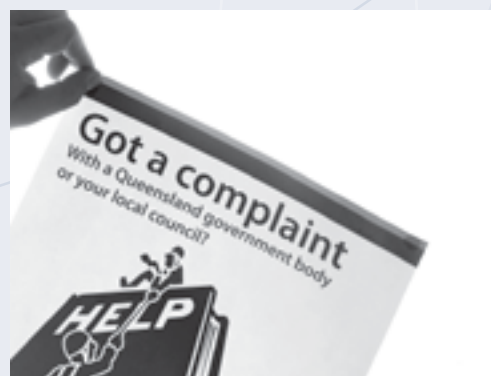
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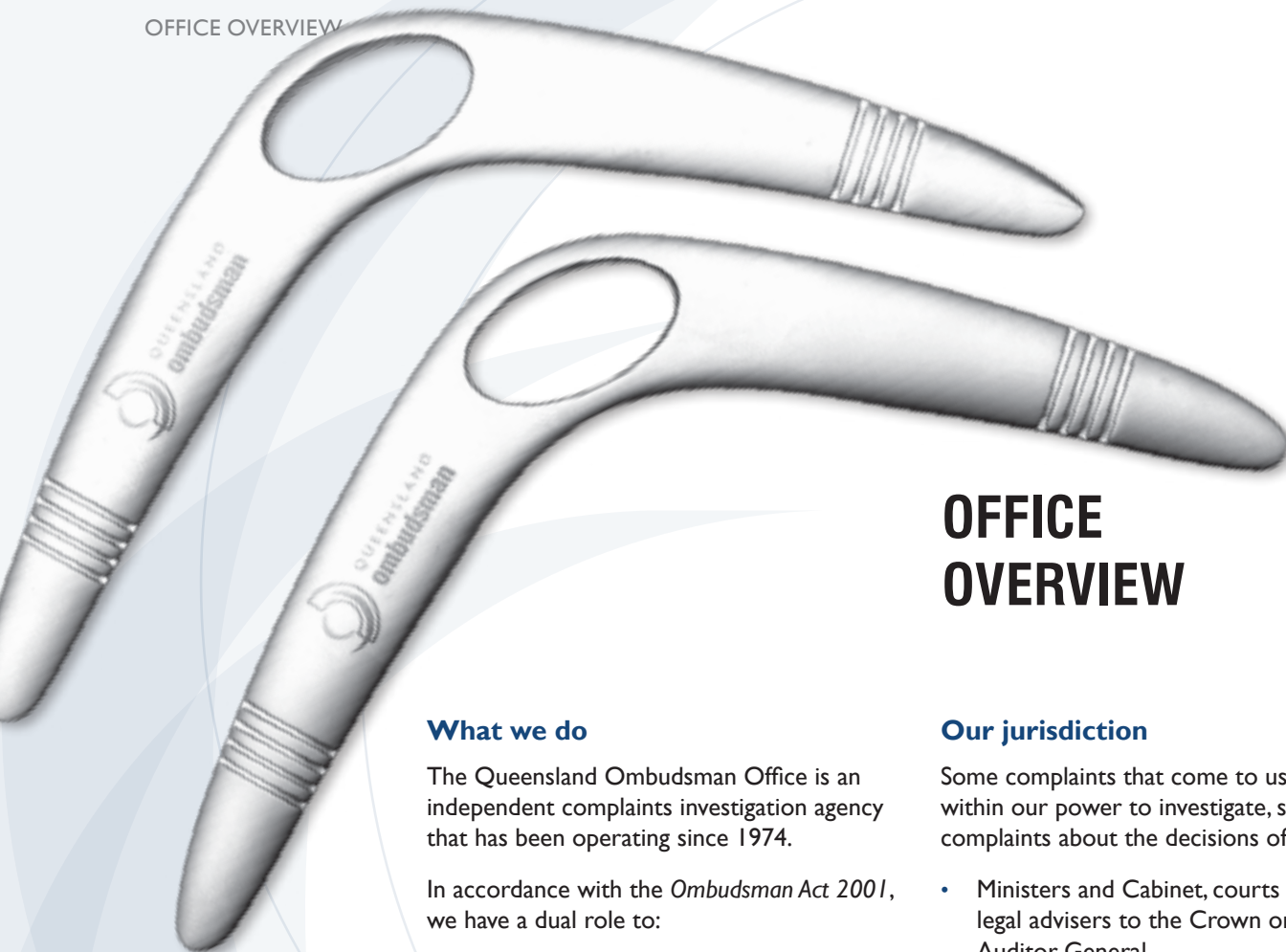
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HIGHLIGHTS 2006–2007

- Used informal processes to deal with more than 99.5% of the 7,134 complaints finalised. There were 329 open complaints at 30 June 2007, the lowest number of open complaints since 1984 (2005-2006: 379).
- Conducted a detailed administrative review of an agency's regulatory practices and made recommendations for improvement.
- Tabled four major reports in Parliament:
 - › Daintree River Ferry Report – December 2006
 - › Coronial Recommendations Project Report – December 2006
 - › Miriam Vale IPA Report – December 2006
 - › Pacific Motorway Report – March 2007.
- Made 431 recommendations to agencies to rectify complaints and improve administrative processes.
- Implemented the majority of the recommendations of the 2006 Strategic Review of our Office.
- Obtained additional recurrent funding of approximately \$460,000 which enables our Office to effectively deliver its administrative improvement function without diverting significant resources from our investigative function.
- Delivered 74 Good Decisions Training sessions to 1,278 State and local government officers, 42 of which were delivered outside of Brisbane.
- Significantly progressed Phase 2 of our Complaints Management Project by assisting agencies to develop and update their complaints management systems to ensure they comply with the Public Service Commissioner's Directive on Complaints Management Systems which requires all State agencies to have a system in place by 10 November 2007.
- Launched *Frontline Perspective* in May 2007 and continued to regularly publish *State Perspective* and *Local Perspective*, our newsletters to promote good public administration.
- Revitalised the Regional Visits Program into the Regional Services Program incorporating the delivery of Good Decisions Training, investigative trips and awareness activities to provide a more effective service to the community.
- Increased use of our website by 70%, from 4,000 sessions per month to 7,000 sessions per month.



Our Office provides an independent, fair and confidential complaints service for Queenslanders.



OFFICE OVERVIEW

What we do

The Queensland Ombudsman Office is an independent complaints investigation agency that has been operating since 1974.

In accordance with the *Ombudsman Act 2001*, we have a dual role to:

- provide an independent and impartial investigative service for people who believe they have been adversely affected by a decision or action of a public sector agency
- assist public sector agencies to improve the quality of their decision-making and administrative practices.

What we investigate

We can investigate the actions of public sector agencies on several grounds. They may be:

- unlawful
- unreasonable
- unjust
- wrong
- actions for which reasons should have been given but were not.

The types of complaints we look into include:

- unfair enforcement of, including failure to enforce, local government laws
- decisions refusing access to government funded benefits, or
- unreasonable charges.

Based on our investigations, we often make recommendations to agencies to help them improve their decision-making and procedures.

Our jurisdiction

Some complaints that come to us are not within our power to investigate, such as complaints about the decisions of:

- Ministers and Cabinet, courts and judges, legal advisers to the Crown or the Auditor-General
- the operational actions of police
- private individuals or businesses
- Commonwealth or interstate departments or agencies.

Normally, we do not investigate complaints where a complainant has known about the problem for more than 12 months or had some other right of review that has not been used. We may also decline to investigate if complainants haven't first attempted to resolve the problem with the agency concerned. This is because agencies should be given the opportunity to fix the issue and take responsibility for their actions.



We promote high standards of decision-making in the Queensland public sector.

SERVICE DELIVERY STRUCTURE

PROVIDING LEADERSHIP AND DIRECTION,
MANAGING IMPLEMENTATION AND
PERFORMANCE, CO-ORDINATION
AND EVALUATION

FOCUS: GOALS AND STRATEGIES

Through:
Strategic plan
Operational plans
Performance framework

To achieve:
Administrative justice
Improved public administration
Public awareness and access
A progressive, client-
focused organisation



DELIVERING ADMINISTRATIVE JUSTICE
AND ADMINISTRATIVE IMPROVEMENT

FOCUS: PROGRAMS AND SERVICES

Through:
Assessment and resolution
Informal and formal investigation
Major investigations and reports
Training
Improving agencies' complaints systems
Research and data analysis

To achieve:
Appropriate advice to complainants
Effective resolution of complaints
Sound recommendations to agencies
Better decision-making and complaint handling
Quality information and publications

Our mission

Our mission is to promote high standards of administrative practice and decision-making in public sector agencies for the benefit of all Queenslanders.

Our goals

We work towards this mission by focusing on four important goals:

- **Administrative Justice** – achieving justice for members of the community in their dealings with public sector agencies.
- **Improved Public Administration** – making a significant contribution to improve the quality of administrative practice in public sector agencies.
- **Public Awareness and Access** – ensuring a high level of awareness of our services and that they are readily accessible to all members of the community.
- **Progressive, Client-focused Organisation** – demonstrating best practice in our performance and being a progressive and responsive organisation.

Our values

The achievement of our goals is dependent on our being a service-oriented and values-driven organisation committed to:

- fairness, independence and objectivity
- efficiency and effectiveness
- responsiveness and accountability
- honesty
- reasonableness in decision-making
- respect for all opinions and people
- courteous service to all members of the community.

Service delivery

When dealing with us, people can expect:

- fair and independent advice
- investigations to be conducted in a timely manner
- confidentiality
- clear explanations about what we can and cannot do
- regular updates on the status of our consideration of complaints
- clear explanations of our decisions and any recommendations we make
- reasonableness and accessibility regardless of people's background and circumstances.

PERFORMANCE MATRIX

OUR YEAR AT A GLANCE

2006–2007 HIGHLIGHTS



GOAL 1: 2003–2007**ACHIEVING ADMINISTRATIVE JUSTICE**

p16	Finalised 7,134 oral and written complaints (2005-2006: 7,305)
p16	Only 329 open complaints at 30 June 2007, the lowest number since 1984 (2005-2006: 379)
p16	Finalised 67.6% of complaints within 10 days (2005-2006: 66.6%)
p16	Finalised 90.8% of complaints within three months (2005-2006: 91.5%)
p17	Finalised 98.4% of complaints within 12 months at 30 June 2007 (2005-2006: 98.2%)
p17	Only 4 complaints older than 12 months open at 30 June 2007 (2005-2006: 34)
p22	Finalised 99.5% of complaints using informal resolution (2005-2006: 98%)

GOAL 2: 2003–2007**IMPROVING PUBLIC ADMINISTRATION**

p37	Delivered 74 Good Decision Training sessions, training 1,278 public sector officers
p61	Launched <i>Frontline Perspective</i> and continued to regularly publish <i>State Perspective</i> and <i>Local Perspective</i> , our newsletters to improve public administration
p39	Significantly progressed Phase 2 of our Complaints Management Project by assisting public agency officers to develop and update their complaints management systems
p31 p32 p30 p32	Tabled in Parliament the following major reports: <ul style="list-style-type: none"> • Daintree River Ferry Report • Coronial Recommendations Project Report • Miriam Vale IPA Report • Pacific Motorway Report
p41	Made 431 recommendations to agencies (2005-2006: 123)
p34	Conducted a detailed administrative review of an agency's regulatory practices and made recommendations for improvement

GOAL 3: 2003–2007**AWARENESS AND ACCESS**

p62	Revitalised the Regional Visits Program into the Regional Services Program incorporating the delivery of Good Decisions Training, Corrections Program, investigative trips and awareness activities to provide a more effective service
p63	As part of the Regional Services Program, visited 38 regional centres to train public sector officers and receive and resolve complaints
p69	Maintained the Corrections Program by visiting all 12 correctional centres in Queensland twice and resourcing the Prisoner PhoneLink service
p59	Increased use of website by 70%, from 4,000 sessions per month to 7,000 sessions per month

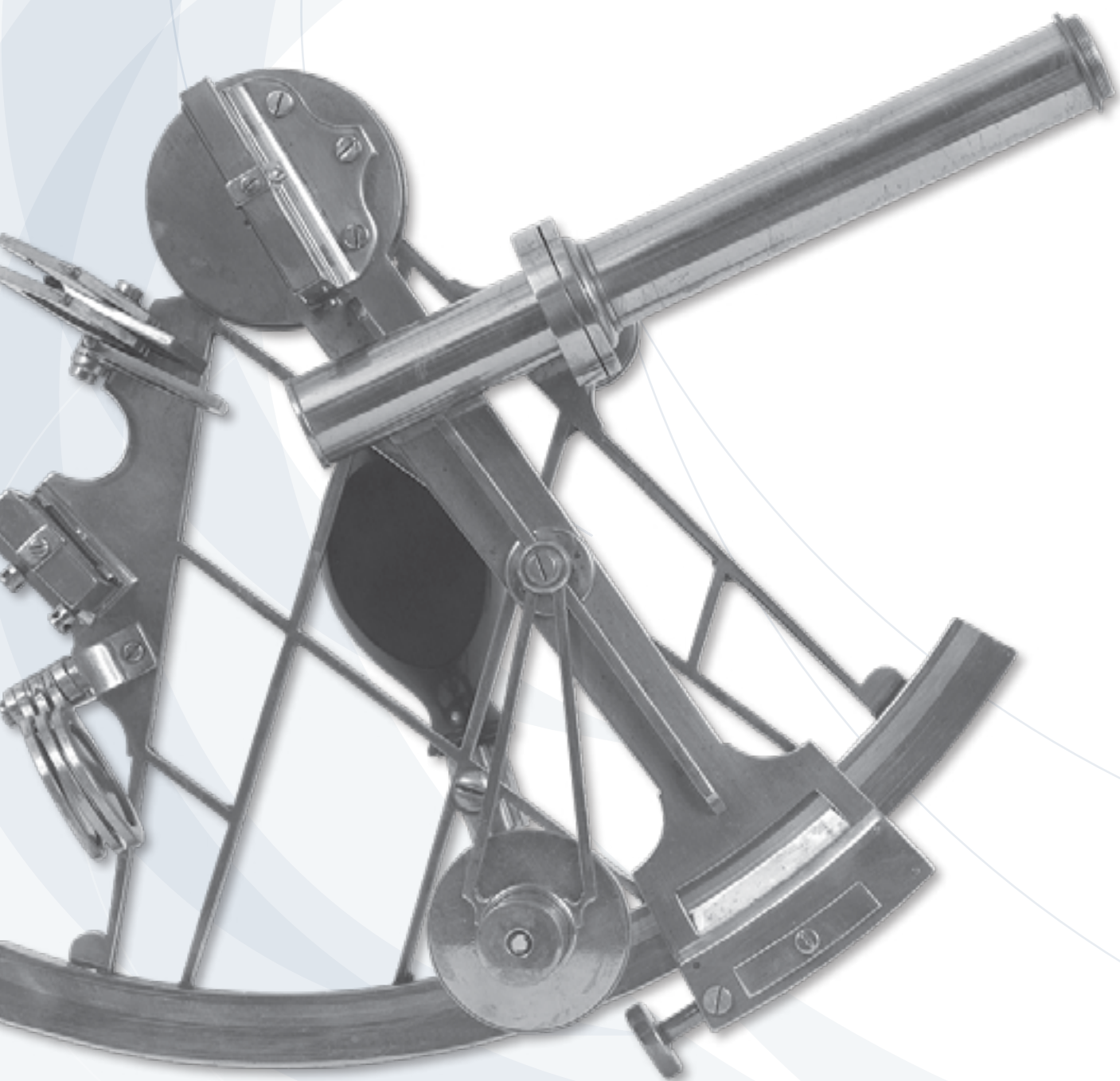
GOAL 4: 2003–2007**PROGRESSIVE, CLIENT-FOCUSED ORGANISATION**

p74	Implemented the majority of the recommendations of the 2006 Strategic Review of our Office
p79	Increased expenditure on professional development by 55% to approximately \$60,000
p76	Implemented the <i>Resolve</i> Automation Project, which achieved significant improvements in the recording and reporting of complaint data for case management purposes
p40	Improved our complainant survey methodology to obtain more frequent feedback for use in improving our services
p83	Moved operational human resource tasks to the Parliamentary Service as part of our shared service arrangement

PERFORMANCE MATRIX

NEW STRATEGIC DIRECTIONS
2007–2012

STRATEGIES 2007–2008



GOAL 1:**PERFORM A KEY ROLE IN QUEENSLAND'S ACCOUNTABILITY FRAMEWORK**

2007–2008	Expand delivery of our training programs on good decision-making
2007–2008	Continue to develop our Complaints Management Project to assist agencies to deal appropriately with complaints
2007–2008	Increase our focus on identifying and addressing systemic maladministration, including conducting more own initiative investigations
2007–2008	Conduct research to ensure people in all regions of Queensland are aware of our role
2007–2008	Continue to improve the community's access to our services
2007–2008	Review the services we provide in regional areas to ensure resources are effectively utilised
2007–2008	Review the Corrections Program to ensure resources are effectively utilised

GOAL 2:**PROMOTE ADMINISTRATIVE JUSTICE BY PROVIDING A FAIR AND EFFECTIVE INVESTIGATIVE SERVICE**

2007–2008	Review the intake and assessment process to improve efficiency and timeliness
2007–2008	Monitor the use and effectiveness of informal resolution processes
2007–2008	Review investigative processes to improve efficiency and timeliness
2007–2008	Report publicly on agencies' responses to our recommendations in significant cases
2007–2008	Continue to monitor and encourage acceptance and implementation of recommendations made to public sector agencies
2007–2008	Enhance mechanisms to avoid duplication of investigative activity among other accountability agencies

GOAL 3:**CONTRIBUTE TO IMPROVING THE QUALITY OF ADMINISTRATIVE PRACTICE IN QUEENSLAND PUBLIC SECTOR AGENCIES**

2007–2008	Encourage and assist agencies to develop effective internal complaint management systems
2007–2008	Significantly increase the number of training sessions to agencies on good administrative practice
2007–2008	Deliver a new training program to agencies on good complaints management
2007–2008	Increase our focus on own initiative investigations
2007–2008	Produce public reports on significant investigations in a timely manner
2007–2008	Participate in national project to identify best practice in the management of complaints by whistleblowers

GOAL 4:**PROMOTE ORGANISATIONAL EXCELLENCE AND A SKILLED, COMMITTED WORKFORCE**

2007–2008	Continue to implement recommendations of the strategic review, as appropriate
2007–2008	Identify and address the learning and development needs of staff
2007–2008	Continue to improve internal communication processes
2007–2008	Undertake biennial staff survey to identify and address staff concerns
2007–2008	Conduct regular surveys of complainants and agencies to identify improvements to the way we perform our functions



OMBUDSMAN'S OVERVIEW

FOLLOWING THE STRATEGIC REVIEW OF THE OFFICE CARRIED OUT IN 2005-2006, IT HAS BEEN A YEAR OF BOTH INNOVATION AND CONSOLIDATION.

The Review helped us to refocus on our goals and identify new ways of achieving them. This resulted in a renewed sense of shared purpose and enthusiasm throughout the organisation.

Against the background of a rapidly changing public sector, our Office continues to effectively carry out its dual functions of investigating poor administration and improving the practices and procedures of public sector agencies.

In carrying out our administrative improvement function, we have worked with agencies to help them to improve their decision-making and put systems in place for responding appropriately to complaints. In this way, we are helping agencies to improve the service they provide to the Queensland community.

A balanced approach to decision-making

Our administrative improvement programs, directed towards helping public sector officers make fair and soundly based decisions in the first instance, received growing recognition throughout the public sector this year.

This applied especially to our Good Decisions Training program. More than 2,500 public sector officers have attended the program since it was launched in July 2005. In 2006-2007, 1,278 officers from 45 public sector agencies attended a total of 74 sessions (see p37).

Forty-two of those sessions were delivered outside the greater Brisbane area, providing a cost-effective training option for regional councils and State agencies with regional offices (see p38).

We continue to receive overwhelmingly positive feedback on the program, with 98% of participants surveyed agreeing that the training will assist them in their daily work.

In 2007-2008, we will launch our new Complaints Management Training program, designed for frontline officers, internal review officers, and other officers who deal with complaints (see p40). The program will help officers understand the principles of effective complaints management and how to apply those principles in order to fairly and efficiently manage and investigate complaints.

The training will also help State government agencies to comply with the Public Service Commissioner's *Directive on Complaints Management Systems*.

The Directive was issued on 10 November 2006 in response to a recommendation I made in my report to Parliament on our Complaints Management Project in December 2005.

It requires all State government agencies to have a visible, accessible and responsive complaints system in place by 10 November 2007 (see p39).

My Office is helping agencies to comply with the Directive through a series of complaints management workshops, which we will run between August and October 2007.

Communicating effectively for improved administration

This year, through our *State Perspective* and *Local Perspective* newsletters, we worked to build greater awareness and understanding of our role across the public sector. I have been particularly pleased with the positive feedback from public sector officers about the usefulness of *Perspective*, which is currently being distributed to more than 800 decision-makers at management level across State and local government. The newsletters were published twice during the year.

"I HAVE BEEN PARTICULARLY PLEASED WITH THE POSITIVE FEEDBACK FROM PUBLIC SECTOR OFFICERS ABOUT THE USEFULNESS OF *PERSPECTIVE*."

We also launched a new publication called *Frontline Perspective* in May 2007. We produce two versions of this newsletter, one for State public sector officers and another for local government officers. The audiences for these are officers who work in customer service and complaints handling.

Distributed in electronic format, the newsletters contain useful information and practical tips for officers on how to improve decision-making, record-keeping and complaints-handling skills in their day-to-day work (see p61). We also intend to publish these newsletters three times a year.

Reporting publicly on systemic issues

We continued to report publicly on defective administration. I presented four reports on our major investigations to the Speaker for tabling in Parliament. These reports relate to issues of a systemic nature or of significant public interest.

In December 2006, I presented two investigative reports about two very different local government issues. The first report was on my investigation of the Douglas Shire Council's tender process (and related issues) for a contract to operate the Daintree River Ferry, while the second report examined the Miriam Vale Shire Council's management of development applications under the *Integrated Planning Act 1997* (see p30).

Many of the issues addressed in these investigations are relevant to other Queensland councils and my reports provide guidance to councils on dealing with complex tender processes and development applications.

My report titled the *Coronial Recommendations Project* was also tabled in Parliament in December 2006. It presented the results of my investigation into the administrative practices of Queensland public sector agencies in assisting coronial inquests and responding to coronial recommendations (see p32).

In March this year, the *Pacific Motorway Report* was tabled in Parliament. The report dealt with my investigation into the actions of the Department of Main Roads in upgrading the Pacific Motorway and, in particular, its decision to construct some sections of the motorway with concrete rather than asphalt. The report contained 22 recommendations and my Office continues to monitor the Department's response to them (see p32).

I shall continue to give priority to conducting several own motion investigations each year and to report to Parliament on those investigations.

Tracking our complaints progress

We continued to perform our core role of investigating complaints from the community about unlawful, unfair, or incorrect decisions of State and local government agencies. We made 431 recommendations to rectify the effect of decisions made during the year, or to improve the practices and procedures of the agencies concerned. 151 recommendations arose from a broad review we conducted of the regulatory practices of one agency (see p41).

This year my Office received 7,084 complaints and finalised 7,134 complaints. This means we had just 329 complaints open at the end of the financial year. This was the lowest number of open complaints on hand since 1984 and is testimony to the effective processes we have put in place for dealing with complaints and to the expertise and dedication of my officers. (see p16)

We worked to provide complainants with faster outcomes by using informal processes in all but 31 of the 7,134 matters finalised (see p22).

We also continued to focus on dealing with complaints in a timely way and finalised 98.4% of complaints within 12 months of receiving them. The proportion of complaints finalised within 10 days of receipt also increased slightly to 67.6% (2005-2006: 66.6%).

Of the 329 complaints open as at 30 June 2007, only four (1.2% of total open complaints) were over 12 months old. This is a considerable improvement on the 34 complaints in this category at the same time last year (see p17).

Ensuring equitable access for all Queenslanders

We are committed to ensuring Queenslanders from all walks of life have ready access to our services, regardless of location, language or circumstance.

To this end, we conduct awareness campaigns in regions where our analysis of complaints data suggests that people may not be aware of our role or how to make a complaint.

People in regional Queensland make extensive use of our free telephone service. They are also increasingly using our website and our online complaint form to lodge their complaints – this year 964 complaints were submitted through our website, compared with 597 in the previous financial year.

Another 853 complainants followed the prompts in our online complaints form and made their own assessment that it was appropriate for them to refer their complaint to another agency (see p60).

We continued to work with other independent complaint agencies to promote our respective roles among multi-cultural sections of our community and took the lead role in a campaign to publicise our roles within the Arabic-speaking and Muslim communities (see p60).

We also continued to carry out our Corrections Program, by visiting all 12 correctional centres twice and providing prisoners with ready access to our Office via a confidential telephone service, the Prisoner PhoneLink (see p66).

For the future

A number of key recommendations arising from the 2005-2006 Strategic Review suggested the Office seek additional funding to progress our administrative improvement programs (see p77).

In December 2006, we were successful in securing recurrent additional funding for these programs.

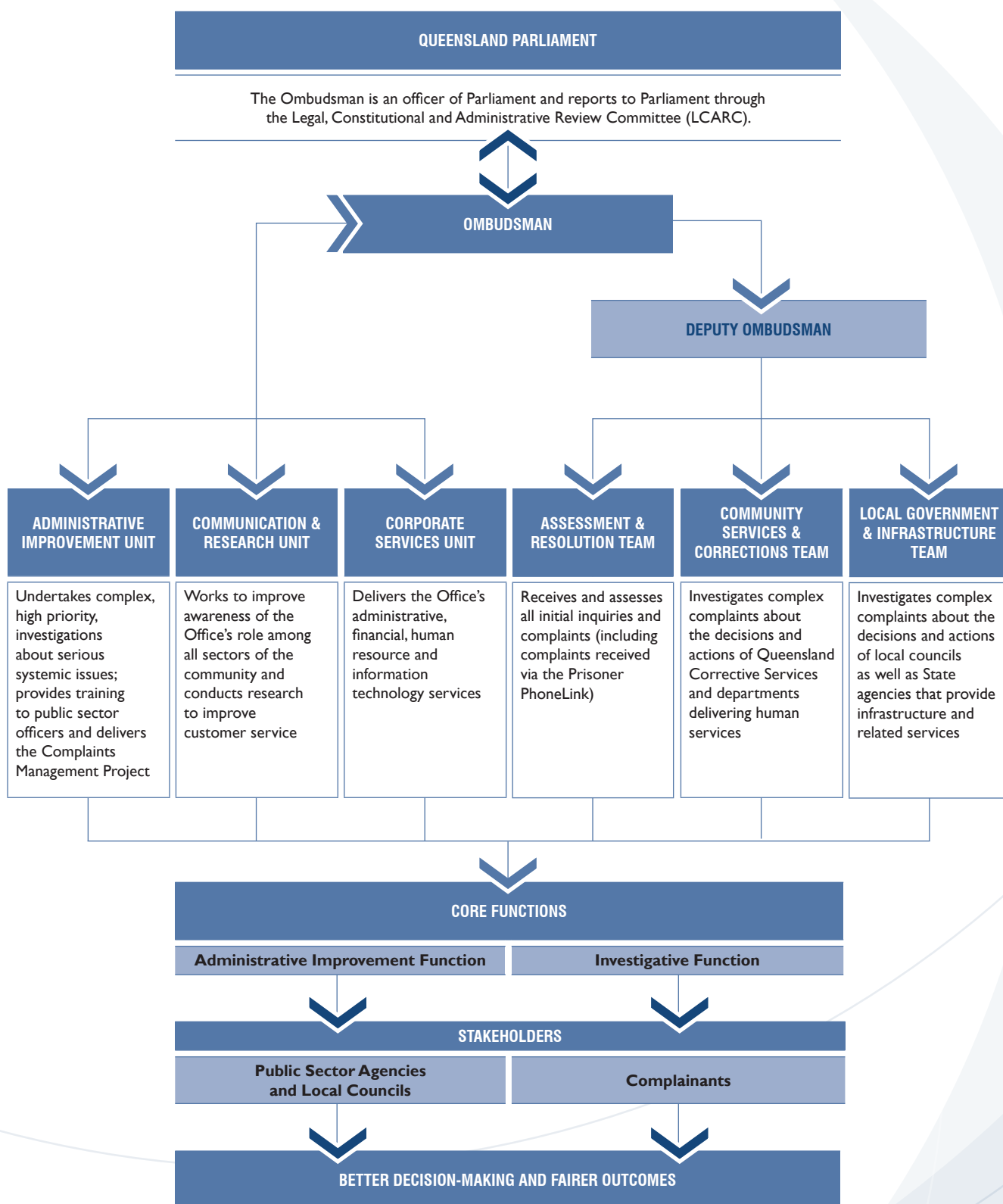
This funding means we will be able to expand our administrative improvement initiatives in 2007-2008, particularly our training programs, without any adverse impact on our investigative role.

Finally, I acknowledge the efforts of my staff, whose commitment and dedication to fairness and accountability make a real difference by ensuring that Queenslanders are treated fairly in their dealings with public sector agencies.



David Bevan
Queensland Ombudsman

OUR ACCOUNTABILITY FRAMEWORK



OMBUDSMAN MANAGEMENT GROUP

The Ombudsman Management Group (OMG) comprising the Ombudsman, Deputy Ombudsman, Assistant Ombudsmen, Manager of Communication and Research and Manager of Corporate Services, meets once a month to discuss corporate governance issues affecting the Office as well as issues of strategic significance.

The management group determines organisational goals, and provides the leadership direction that aligns our workforce, activities and performance with our current and future priorities.

David Bevan **Ombudsman**

David became Queensland's fifth Ombudsman in 2001. Immediately prior to that, he was the Director of the then Criminal Justice Commission's Official Misconduct Division having joined the Commission as head of its complaints section in 1990. From 1983 to 1990, he was an Assistant Parliamentary Counsel in the Office of the Queensland Parliamentary Counsel.

Before that, he spent five years as a Crown Prosecutor before becoming a legal adviser within the Queensland Solicitor-General's Office. David holds degrees in Arts and Law and was admitted as a barrister in 1973.

Forbes Smith **Deputy Ombudsman**

Forbes joined the Office in December 2006 and was formerly the Chief Inspector, Queensland Corrective Services and Director, Misconduct Investigations at the Crime and Misconduct Commission. As well as playing a key role in the Office's management and strategic direction, Forbes is directly responsible for overseeing the Assessment and Resolution Team, and the two investigative teams – the Local Government and Infrastructure Team and the Community Services and Corrections Team. Forbes holds a Bachelor of Laws and was admitted as a barrister in 1981.

Peter Cantwell **Assistant Ombudsman** *Administrative Improvement Unit*

Peter joined the Office in 1997 as an Investigator and was appointed an Assistant Ombudsman in 1999. Prior to joining the Office, Peter was a solicitor in private practice for nearly twenty years. For most of this period he was a partner in the Brisbane office of a major Australasian law firm and practised in the areas of commercial and administrative law. Peter is an experienced workplace trainer and holds a Bachelor of Laws with Honours.

Louise Rosemann **Assistant Ombudsman** *Assessment and Resolution Team*

Louise was appointed in June 2005 and has diverse experience in public sector and community sector management, human resource management, equal employment opportunity, discrimination law, training and development, and administrative law. She has an extensive background in complaints handling and mediation in a variety of settings. Louise holds a Bachelor of Arts and a Master of Business in Employment Relations.



(Left to Right)
Forbes Smith
Adeline Yuksel
Craig Allen
David Bevan
Louise Rosemann
Greg Woodbury
Shaun Gordon
Peter Cantwell

Greg Woodbury
Assistant Ombudsman
Community Services
and Corrections Team

Greg was appointed Assistant Ombudsman, Community Services and Corrections Team in September 2004 having acted in that position since December 2002. He joined the Office as an Investigator in 1999. Greg has more than 20 years legal experience, most of which was as a partner of a Brisbane law firm specialising in corporate law and general litigation. He was admitted as a solicitor in 1979.

Craig Allen
Assistant Ombudsman
Local Government
and Infrastructure Team

Craig joined the Office as a Senior Investigator in 1999 and was appointed Assistant Ombudsman in 2000. He has extensive experience in finance, operations, policy and legislation gained with the Department of Local Government and Planning and the Brisbane City Council. Craig holds a Bachelor of Business from the Queensland University of Technology, with majors in local government and law.

Adeline Yuksel
Manager
Communication and Research Unit

Adeline joined the Office in 2005 and oversees a team of four officers who have a dual function to improve awareness of the Office's role among all sectors of the community and conduct research into complaint-related issues. She has a Bachelor of Communications and a Graduate Diploma in Marketing with extensive experience in issues management, communication, strategy development and media relations.

Shaun Gordon
Manager
Corporate Services Unit

Shaun began his career in the Queensland public sector in 1986 and has performed a variety of administrative and policy roles across several agencies in that time. He joined the Office in 2004 and holds a Masters of Public Sector Management and a Bachelor of Arts.

HOW WE RECEIVE COMPLAINTS

Members of the public can lodge complaints with our Office in various ways. Since December 2005, we have provided the option to lodge a complaint through our online complaints form available on our website (www.ombudsman.qld.gov.au). Figure 1 shows the percentage of complaints received in 2006-2007 through the various ways members of the public can contact our Office.

The preferred way of contacting our Office is by telephone with 57.3% of complaints received this way. Complaints received by letter, fax and email totalled 2,227 or 32.3% of all complaints (2005-2006: 30.8%). There has been a significant increase in complaints via our online complaints form with 500 complaints received (2005-2006: 368). However, 853 complainants also accessed our complaint form to make their own assessment they should contact another agency about their complaint (2005-2006: 188). Previously, these people would have needed to contact our Office.

Complaints made 'in person' amount to a small proportion of complaints received. However it is important we continue to provide the opportunity for complainants to visit our premises, approach us during our training or investigative trips to regional Queensland or at correctional centre visits as some people are more comfortable with face-to-face communication.

Straightforward complaints are handled within the Assessment and Resolution Team (ART), usually by informally contacting the agency complained about.

This may involve telephone inquiries, seeking preliminary information on the complaint,

liaising between agency officers and the complainant or inspecting documents and files.

This informal method generally results in a quicker and cheaper outcome for all of the parties involved.

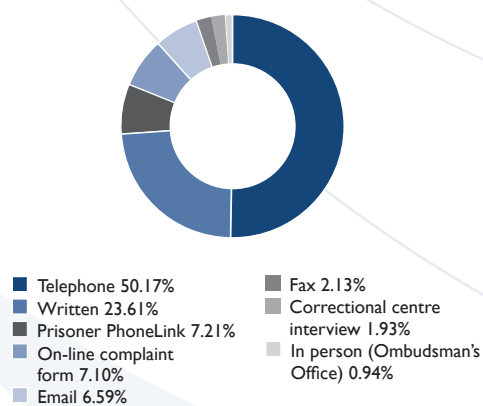
If a complaint is outside our jurisdiction, we refer the complainant to the appropriate agency for further assistance.

Complaints are initially assessed in ART and those requiring substantial research or of a particularly serious or complex nature are referred to one of our investigative teams.

Our investigative teams use case plans for all substantial investigations to help ensure investigations are focused and timely.

The Administrative Improvement Unit handles our most sensitive and complex investigations. Its focus is invariably on identifying and addressing maladministration of a systemic nature.

FIGURE 1: HOW WE RECEIVED COMPLAINTS IN 2006-2007





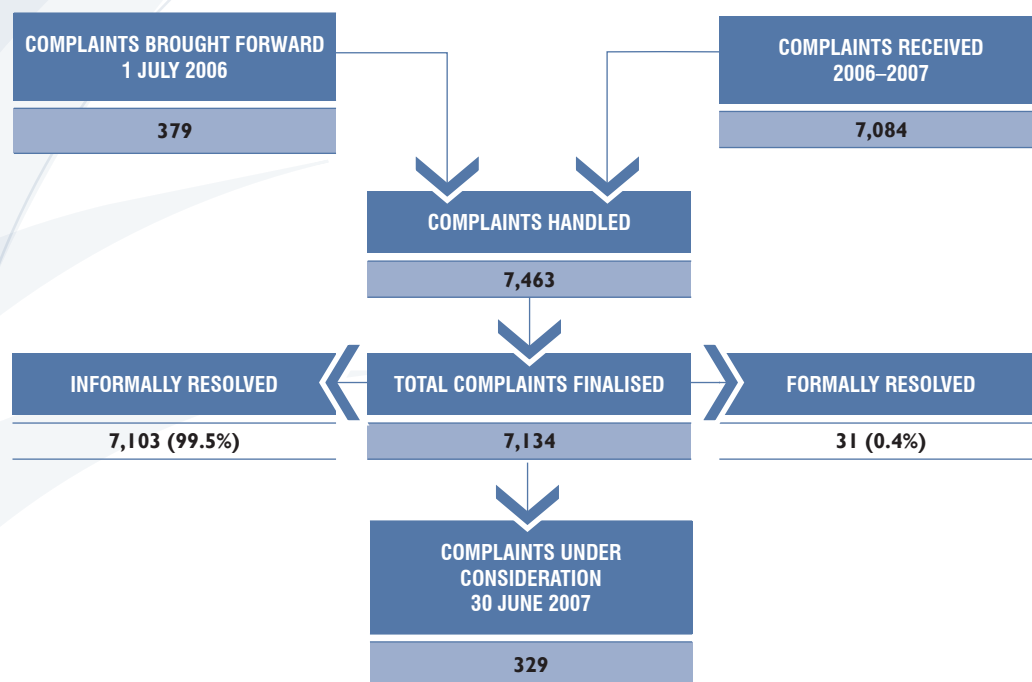
GOAL 1

ACHIEVING ADMINISTRATIVE JUSTICE

KEY HIGHLIGHTS

STRATEGIES	PERFORMANCE
Maintain a centralised complaint intake and assessment process to provide efficient and consistent handling of new matters	Continued to provide timely complaints resolution with: <ul style="list-style-type: none"> • 7,134 oral and written complaints finalised (2005-2006: 7,305) • 67.6% of complaints finalised within 10 days (2005-2006: 66.6%) • 90.8% of complaints finalised within three months (2005-2006: 91.5%) • 98.4% of complaints finalised within 12 months (2005-2006: 98.2%) • Only 4 complaints older than 12 months at 30 June 2007 (2005-2006: 34)
Use informal resolution processes wherever appropriate	<ul style="list-style-type: none"> • Finalised 99.5% of complaints through informal resolution (2005-2006: 98%)
Develop and maintain high quality investigative processes	<ul style="list-style-type: none"> • Provided training for investigative staff in: <ul style="list-style-type: none"> › mediation and negotiation › managing unreasonable complainant conduct (as part of Unreasonable Complainant Conduct Project) • Commenced Assessment and Resolution Team (ART) Business Review in June 2007 with expected completion in late 2007
Give greater focus to investigating matters involving serious and systemic maladministration	<ul style="list-style-type: none"> • Developed an administrative audit approach to identify systemic problems in agencies • Review of mechanisms for early identification of complaints indicating systemic problems being undertaken as part of the ART Business Review • Increased resources of team responsible for carrying out major investigations
Liaise with representatives of other accountability agencies and complaint entities to discuss matters of mutual interest and avoid duplication	<ul style="list-style-type: none"> • Continued liaison arrangements with other accountability agencies and complaint entities to: <ul style="list-style-type: none"> › facilitate preliminary inquiries and investigations › resolve complaints faster through informal resolution › develop and pursue projects and initiatives of mutual benefit • Entered into agreement with four other complaint entities to collocate to new premises in 2009

COMPLAINTS SNAPSHOT 2006–2007



Achieving efficient complaints handling

We responded to a total of 12,261 matters in 2006-2007, 632 more than in 2005-2006, representing a 5.4% increase (see Figure 5).

During the year, we received 7,084 complaints (down from 7,271 in 2005-2006 and 7,867 in 2004-2005). We finalised 7,134 complaints. As a result, we had 329 complaints open at the end of the financial year (compared to 379 on 30 June 2006), which is the lowest number of open complaints on hand since 1984.

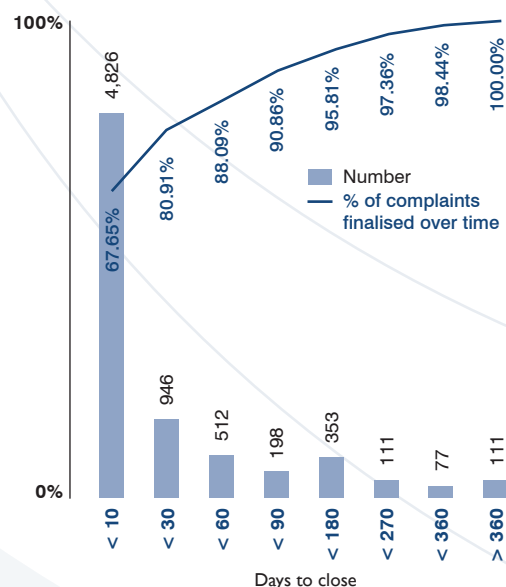
We consider that a number of developments have contributed to the decline in complaint numbers including:

- an increasing number of complainants logging on to our website and following the prompts to make their own assessment of the most appropriate avenue for resolving their complaint (see p59)
- improved complaints handling strategies implemented by local government due to changes to the *Local Government Act 1993* which required councils to implement a General Complaints Process by 1 March 2006 (see p40)
- improvements in the Official Visitor Scheme which has resulted in fewer complaints to our Office from prisoners (see p66)

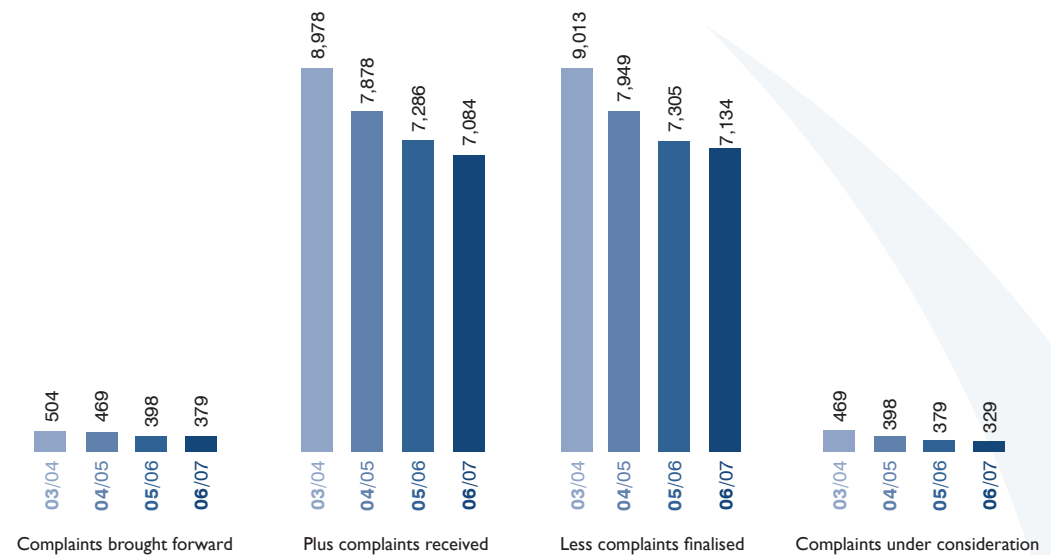
- the changes we made to our recording practices for 'out of jurisdiction' telephone complaints introduced in July 2005 which led to some types of contacts no longer being categorised as 'complaints' but as 'referrals' (see p18).

We also substantially increased the amount of training we provided to agencies on good decision-making as well as the assistance we provided to them to improve their own complaint handling processes (see p37).

FIGURE 2: TIMEFRAME FOR THE COMPLETION OF COMPLAINTS 2006–2007



Of the 7,134 complaints finalised, 4,826 (67.6%) were closed within 10 days of receipt.

FIGURE 3: COMPLAINT TRENDS

We believe these initiatives may also be starting to impact on the number of complaints we receive.

We continued to focus on finalising complaints in a timely way and this year, we finalised 98.4% of complaints within 12 months of receipt. The proportion of complaints finalised within 10 days of receipt also increased slightly to 67.6% (2005-2006: 66.6%).

Wherever possible, we try to finalise a complaint within 10 days or take action to progress the matter within that period, such as by:

- contacting the complainant to clarify the issues of concern
- researching relevant legislation
- requesting information or documentation from the relevant agency
- assessing the case as suitable for investigation by one of our two investigative teams (Community Services and Corrections Team and Local Government and Infrastructure Team).

We refer to action taken in this timeframe as 'early intervention'.

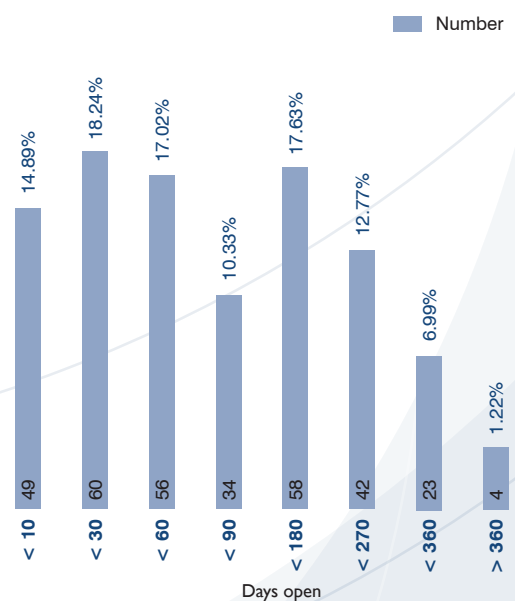
In 2006-2007, we took early intervention in 92.9% of cases, exceeding our performance measure of 90%.

The effectiveness of the strategies we employ to ensure timely finalisation of complaints is reflected in the age profile of complaints open as at 30 June 2007.

Of 329 open complaints, only four were over 12 months old. This is a significant improvement on the results as at 30 June 2006, when 34 of the open cases were older than 12 months.

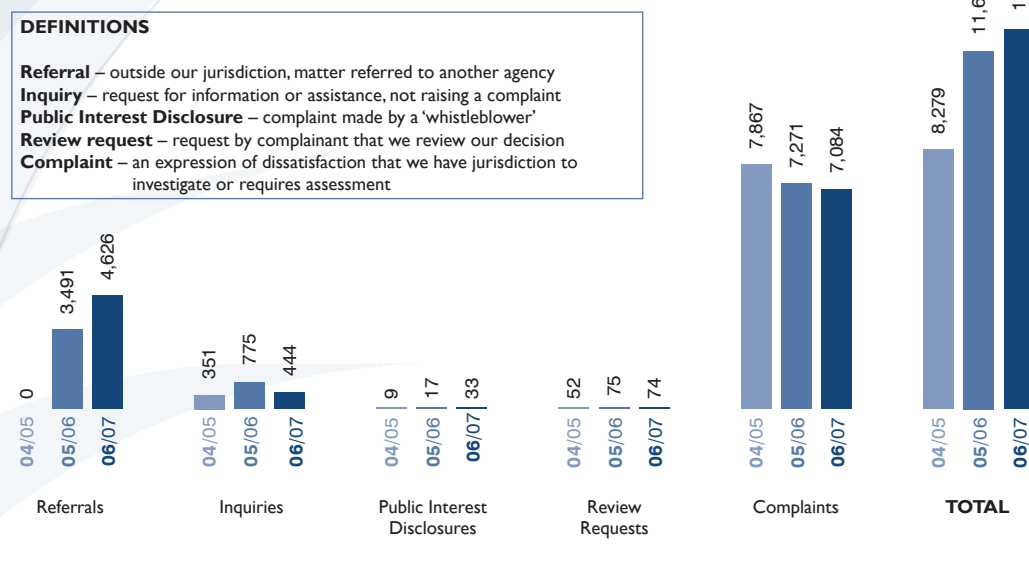
The four cases were complex complaints involving systemic issues being investigated by our investigative teams. All were nearing completion.

49 of the 329 open complaints (15%) were less than 10 days old and 199 (60% of open complaints) were less than 90 days old.

FIGURE 4: AGE PROFILE OF OPEN COMPLAINTS AS AT 30 JUNE 2007

There were 329 complaints open at 30 June 2007. This is 50 fewer than the number open at 30 June 2006.

FIGURE 5: ALL OFFICE CONTACT 2006–2007



Out of jurisdiction complaints

Our Office frequently receives inquiries about matters that are outside our jurisdiction. Most of these matters are received by telephone and the callers are immediately referred to the agency best able to assist.

In July 2005, we began recording details of all of these ‘referrals’. Consequently, this year we have been able to compare data for the first time and found that ‘referrals’ increased by 32.5% from 3,491 to 4,626 (see Figure 2). This represents a significant proportion of the total increase in contact with our Office.

Whistleblower complaints

Though a small proportion of our total contacts, public interest disclosures to our Office increased by 48% this year from 17 to 33. In part, this is due to our staff being better trained in identifying public interest disclosures.

Where our complaints come from

Table I provides a breakdown of the number of complaints received about State and local government agencies and other entities.

Complaints about State government agencies and local government remained reasonably static, with slight decreases of 3.1% (134 complaints) for State government agencies and 3.7% (73 complaints) for local government.

The continuing decline in complaints about the Queensland Police Service is partly explained by our new procedures for dealing with phone complaints.

We do not have jurisdiction to investigate complaints relating to operational actions and decisions of the Queensland Police Service. While we have jurisdiction over complaints of an administrative nature, these represent only 7.7% of complaints recorded about the Queensland Police Service.

TABLE I: COMPLAINT NUMBERS FOR AGENCY TYPES

Agency Type	2003–2004	2004–2005	2005–2006	2006–2007
State government	5,156	4,505	4,271	4,137
Local government	2,017	1,894	1,961	1,888
Commonwealth, private, etc	1,045	814	600	620
Police	689	580	365	285
Universities	71	74	74	113
Total	8,978	7,867	7,271	7,084

We do not have jurisdiction to investigate complaints about the operational actions of police or about Commonwealth government agencies or private agencies. Despite this, we still receive a significant number of complaints about these bodies

An analysis of complaints received from universities over the last two years can be found in Table 2.

Complaints about universities have increased by 52.7% (an increase of 39 complaints). With one exception (James Cook University), there has been an increase in complaints this year against all universities in Queensland. Our analysis of those complaints revealed that in several cases, repeated contacts from individuals raising several complaints about a particular university have influenced the results.

It was also evident that post-graduate students and former students comprised a significant proportion of the persons lodging complaints.

We will continue to monitor these trends in 2007-2008.

Agencies most complained about

The 20 government agencies listed in Table 3 were the subject of more complaints than any other agency.

The Department of Child Safety was again the highest complaint generating agency (excluding Queensland Corrective Services – see p66) and experienced a 7.9% increase in complaints this year.

There was a significant decrease of 15.8% in complaints about Queensland Health, perhaps (at least partly) as a result of people making complaints about that department to the Health Quality and Complaints Commission rather than to our Office.

Specific events impacting on an agency or significant decisions by an agency can



We refer complainants to the appropriate agency if the issue is outside our jurisdiction.

also influence our complaint numbers.

This was demonstrated by the case of Sarina Shire Council, which despite only having 11 complaints recorded against it in 2004-2005, was reported in the table of 'top 20' agencies in our 2005-2006 Annual Report. This was due to 92 complaints being lodged in that year which almost exclusively related to decisions made by that council in relation to rating matters. In 2006-2007, we recorded only six complaints about Sarina Shire Council.

Similarly, this year Brisbane City Council (BCC) recorded a 15.3% rise in complaints over the previous year. A significant proportion of these related to parking infringements.

TABLE 2: COMPLAINT NUMBERS FOR UNIVERSITIES

University	2005-2006	2006-2007
University of Queensland	29	30
Griffith University	11	23
Queensland University of Technology	11	15
Central Queensland University	6	12
University of Southern Queensland	1	14
James Cook University	13	9
University of the Sunshine Coast	1	9
Other 'out of jurisdiction' universities	1	1
Unspecified university	1	
Total	74	113

TABLE 3: GOVERNMENT AGENCIES MOST COMPLAINED ABOUT 2006–2007

Agency	2004–2005	2005–2006	2006–2007
1. Child Safety	434	479	517 ↑
2. Brisbane City Council	196	248	293 ↑
3. Housing	268	255	276 ↑
4. Transport	244	230	235 ↑
5. Gold Coast City Council	166	165	218 ↑
6. Education, Training and the Arts*	161	174	205 ↑
7. Health	256	275	198 ↓
8. Public Trustee	151	112	127 ↑
9. Natural Resources and Water	126	139	120 ↓
10. Redland Shire Council	170	66	106 ↑
11. Maroochy Shire Council	91	72	93 ↑
12. Office of Fair Trading**	66	52	84 ↑
13. WorkCover	137	117	79 ↓
14. Legal Aid Queensland	97	89	78 ↓
15. State Penalties Enforcement Register (SPER)***	59	37	76 ↑
16. Queensland Building Services Authority	82	62	70 ↑
17. TAFE Queensland	26	32	54 ↑
18. Hervey Bay City Council	57	56	54 ↓
19. Caloundra City Council	40	43	53 ↑
20. Townsville City Council	34	36	52 ↑

This table excludes complaints about the Department of Corrective Services (see p66)
 Arrow indicates increase or decrease on previous year's results

* Does not include complaints about TAFE Queensland which became part of the department during 2006-2007
 ** Part of the Department of Tourism, Fair Trading and Wine Industry Development
 *** Part of the Department of Justice and Attorney-General

In 2005, the BCC established the position of Disputes Commissioner who is responsible for conducting internal reviews of decisions concerning infringement notices, including parking offences and breaches of animal local laws.



Total contact to our Office rose significantly this year.

When finalising internal review decisions, the Disputes Commissioner advises complainants of their external review rights, including the Magistrates Court and the Queensland Ombudsman. As the investigation of a complaint by our Office is a free service, some people understandably prefer to bring the matter to us rather than commence proceedings in court. This probably explains the significant increase in BCC complaints of this type to our Office.

We also recorded significant increases in complaint numbers for:

- Gold Coast City Council
- Redland Shire Council
- Maroochy Shire Council
- Caloundra City Council
- Townsville City Council.

The issues raised by local government complaints are discussed at p48.

Complaints not investigated

The assessment of complaints is a very important part of our work. We do not have the resources to investigate the majority of the complaints we receive and must allocate our resources to the most significant matters.

Some complainants withdraw their complaints for reasons such as:

- the matter was resolved by the agency
- the issue was no longer of concern
- the complainant independently obtained information that led them to accept that the agency's actions were reasonable.

In other cases, we commence but then discontinue our investigation. However, the bulk of complaints are declined at the initial assessment stage as shown in Table 4.

TABLE 4: COMPLAINTS NOT INVESTIGATED IN 2006–2007

Declined at outset	4,916
Declined after preliminary inquiry	283
Withdrawn by complainant before or after investigation commenced	116
Investigation discontinued	587
TOTAL	5,902

Why we decline complaints

The *Ombudsman Act 2001* provides that we may decline to investigate a complaint where the complainant:

- has known about the problem for more than 12 months before contacting us (except where we consider that special circumstances exist)
- has another right of appeal or review that has not been exhausted or had a review right that was not used, or was used unsuccessfully
- has not attempted to resolve the complaint with the relevant agency
- does not have a sufficient direct interest in the complaint.

TABLE 5: WHY WE DECLINE COMPLAINTS

Reason for declining complaint	Number	%
Referred for internal review by agency	2,265	43.57
Out of jurisdiction	1,076	20.70
Await outcome of current decision-making process	606	11.66
Investigation unnecessary or unjustifiable	348	6.69
Complaint to be put in writing	303	5.83
Appeal right should be exhausted	282	5.42
Other complaints agency has investigated or will investigate	128	2.46
No sufficient direct interest	91	1.75
Out of time	82	1.58
Appeal right exhausted and further investigation unnecessary	9	0.17
Frivolous, vexatious, not made in good faith	5	0.10
Trivial	4	0.08
TOTAL	5,199	100.00

We frequently ask people to try to resolve their complaints directly with the agencies concerned (if they have not already tried to do so). At the same time we assist agencies to improve their procedures for handling complaints through our Complaints Management Project.

In 2006-2007, we declined to investigate 5,199 complaints when we first assessed them or after conducting preliminary inquiries. A full breakdown of the grounds on which we declined to investigate those complaints is presented in Table 5.

We advised 2,265 complainants to try to resolve their complaints with the relevant agency. However, in many cases, we helped the complainant do so by:

- formally referring the complaint to the agency concerned
- contacting the agency to facilitate arrangements for the complainant to pursue their complaint with the appropriate officer.

1,076 complaints were assessed as being outside our jurisdiction. As discussed (see p18), we endeavour to assess 'out of jurisdiction' telephone calls on first contact and record them as 'referrals,' not as 'complaints'. Complaints recorded as 'out of jurisdiction' are usually written complaints or matters in which we had to make preliminary inquiries to determine if we had jurisdiction.

In a smaller but significant proportion of complaints, the complainant contacted us prematurely, that is, before the agency concerned had finalised its decision on the matter. In those complaints, we advised the complainant to await that decision before seeking our intervention.

In 128 complaints we concluded that another complaints agency was better placed to investigate the matter. We have effective liaison arrangements in place with other complaints agencies, which facilitate referral of appropriate matters for their consideration.

Achieving effective outcomes through informal processes

By using informal complaint resolution processes rather than conducting traditional investigations, we can often provide complainants and the agencies concerned with a much faster outcome. This year we used informal processes in 99.5% of complaints.

Of the 7,134 complaints finalised, 1,723 complaints required more than assessment and preliminary inquiries. 1,692 of these complaints were dealt with using informal processes. Of these, 593 were concluded on the basis that we did not have to decide whether the decision complained about involved maladministration. This is because as a result of our informal intervention:

- the agency addressed the complainants' concerns (280 complaints)
- the agency partly addressed the complainants' concerns (117 complaints)
- we were able to pass on to the complainant information we obtained from the agency that provided a satisfactory explanation for the agency's decision (196 complaints).

In 1,232 complaints, we made findings that:

- maladministration had or had not been established, or
- there was no need to make such a finding for the reasons given above.

Table 6 shows the outcomes of the 1,232 complaints and the case management approaches used.

Findings of maladministration

In 49 cases, we established maladministration (29 as a result of informal resolution and 20 following more detailed investigation). We identified a variety of administrative errors in actions taken by agencies (see Table 7).



The ART Business Review will allow us to identify and make improvements to our business processes to ensure we continue to provide an effective complaints handling service.

TABLE 6: COMPLAINT OUTCOME 2006–2007*

	CASE MANAGEMENT APPROACH					TOTAL
	Assessment	Preliminary inquiry	Informal resolution	Standard investigation	Major investigation	
No maladministration established	101	4	467	4	2	578
No maladministration finding necessary	6	4	593	2	-	605
Maladministration established	-	-	29	15	5	49
TOTAL	107	8	1,089	21	7	1,232

CASE MANAGEMENT PROCESSES USED INCLUDE:

Assessment – complaints finalised on the basis of an assessment of the complaint or independent research of the issues without contacting the agency concerned

Preliminary inquiry – complaints finalised after obtaining basic information from the agency concerned

Informal resolution – complaints investigated by informally approaching the agency concerned to make verbal inquiries, seek correspondence and other documents, or negotiate with the parties involved to resolve the complaint

Standard investigation – investigation where we conducted interviews of agency officers or other persons or sought formal written responses from the agency, but did not exercise evidence-gathering powers under the *Ombudsman Act 2001*

Major investigation – investigation conducted in response to evidence of systemic maladministration in a public agency that requires significant dedicated time and resources.

* Excludes complaints declined and complaints withdrawn by complainants (see Table 4 and Table 5)

TABLE 7: TYPE OF MALADMINISTRATION ESTABLISHED 2006–2007

Administrative error	Total
Contrary to law	14
Unreasonable, unjust, oppressive	17
Improperly discriminatory	1
Irrelevant grounds or considerations	2
Reasons not given/inadequate reasons given	8
Based on a mistake of law or fact	4
Wrong (on some other basis)	3
Grand total	49

This was an increase over the previous year where maladministration was established in 32 cases.

In most of these cases we made at least one recommendation to the agency concerned to resolve the complaint or rectify the effect of the decision which was the subject of the complaint.

These recommendations were of direct benefit to the complainant, and/or focused on systemic improvements to prevent similar complaints in future.

Improving customer service

We continually strive to improve our own business practices to provide an effective complaints service for the community.

During the year, we:

- updated our information sheet for complainants
- refined our complaints management system, *Catalyst* (see p76)
- commenced a business review of the Assessment and Resolution Team (ART), our first point of contact for complainants
- improved the way we handle telephone complaints (see p18).



We seek to obtain quick and effective outcomes for our complainants through informal resolution.

Implementing Strategic Review recommendations

The report of the Strategic Review of our Office, tabled in Parliament on 11 May 2006 (see p74), made a number of recommendations concerning ART. Several of these focused on client service, for example, that we:

- examine the current operations of ART to ensure there are sufficient resources available to deal with complaints as they are lodged (particularly telephone complaints)
- provide training and skills to support staff in dealing with a high volume client contact environment
- maintain the Prisoner PhoneLink
- improve the timeliness of complaint handling and improve our processes for handling complaints in the absence of the case officer
- develop a new approach for managing premature complaints which involves our Office referring the complaint to the agency and following up the outcome.

To address these recommendations and identify other opportunities for improvement, we have commenced a business review of ART which will consider:

- resourcing levels
- workflow and work practices
- enhancements to the *Catalyst* case management system
- potential improvements to policy and procedures.

The review will be completed by the end of 2007.

Connecting with public sector agencies

This year we continued our liaison arrangements with other agencies (including other complaints agencies) to:

- facilitate preliminary inquiries and investigations
- resolve complaints faster through informal resolution
- develop and pursue projects and initiatives of mutual benefit
- avoid duplication.

These arrangements also mean that we can quickly refer premature complaints to agencies for consideration. In 2007-2008, we will continue to work towards establishing additional protocols with other agencies to facilitate more timely outcomes for complainants.

Table 8 details our current liaison arrangements with agencies.

We also undertook a joint awareness campaign in May 2007 targeting the Muslim community in conjunction with other complaint agencies (Anti-Discrimination Commission Queensland, Commission for Children and Young People and Child Guardian and the Health Quality and Complaints Commission) to inform them of our services and that 'It's OK to complain' (see p60).

Unreasonable Complainant Conduct Project

In responding to complaints, we regularly deal with people who are distressed, angry and in a small minority of cases, abusive. On rare occasions, they will make veiled or overt threats to self-harm and/or to harm others.

Providing an effective and impartial complaints handling service to people exhibiting such behaviour can be challenging for the individual case officer involved. Therefore, we have in place appropriate policies, procedures and management protocols to ensure that adequate support and guidance are available to staff. To this end, we are participating in a national project called the Unreasonable Complainant Conduct Project.

TABLE 8: CURRENT AGENCY LIAISON ARRANGEMENTS

Liaison arrangement	Agency	Status 2006-2007
Formal protocol	Queensland Transport Department of Main Roads	<ul style="list-style-type: none"> Maintained protocols signed with QT in 2003 and DMR in 2004
	Crime and Misconduct Commission	<ul style="list-style-type: none"> Drafted liaison agreement to be finalised in early 2007-2008
Quarterly meetings	Department of Housing	<ul style="list-style-type: none"> Continued meetings leading to improved liaison and response times
	Education Queensland	<ul style="list-style-type: none"> Continued meetings ensuring the department responds quickly to our information requests
	Crime and Misconduct Commission	<ul style="list-style-type: none"> Continued meetings to discuss cases referred, joint projects and issues of mutual interest
Bi-monthly meetings	Gold Coast City Council	<ul style="list-style-type: none"> Initiated regular meetings to monitor performance and identify complaint trends
Monthly meetings	Commission for Children and Young People and Child Guardian (CCYPCG)	<ul style="list-style-type: none"> Continued meetings to discuss complaints and receive updates on matters referred to the Commission
Combined meetings	Department of Child Safety and CCYPCG	<ul style="list-style-type: none"> Continued meetings to discuss complaints data and issues of mutual interest
Access to systems	Queensland Corrective Services	<ul style="list-style-type: none"> Office provided with access to QCS' IOMS system to deal with prisoner complaints more easily (see p69)
Informal liaison	Crime and Misconduct Commission	<ul style="list-style-type: none"> Regular informal discussion of cases at the assessment stage with a view to cross-referral and to avoid duplication

The project commenced in mid-2006 and is a collaborative project involving all State and territory Ombudsmen and the Commonwealth Ombudsman. The project aims to develop effective ways for dealing with unreasonable complainant conduct, an issue many public sector agencies regularly experience.

The focus of the project's first phase has been to develop a practice manual that identifies commonly observed unreasonable complainant conduct and provides appropriate management strategies and procedures to deal with the conduct.

The NSW Ombudsman developed a training program, outlining the various strategies and how they can be employed which was rolled out nationally in March-April 2007. Our investigative staff attended the training on 18 April 2007.

Ombudsman Offices commenced the second phase of the project in May this year, which involves trialling the manual and procedures over a 12 month period and then evaluating their effectiveness.



We work with other complaint agencies to avoid duplication.



We met with Solomon Islands Ombudsman John Pitabelama this year so he could view our complaints management system and discuss other administrative improvement initiatives.

Significant interest in the project has meant that external publication of the manual for a general public sector audience was brought forward. The resource manual will be available from late 2007 and will provide practical advice for public sector officers who deal with complainants as part of their everyday work. This will help alleviate the stress caused by unreasonable complainant conduct and reduce the resources agencies expend in responding to that behaviour.

In 2007-2008, we will continue to participate in the project trial, which will conclude in April 2008.

Strengthening our national and international ties

We also strengthened our relationships with other Ombudsman Offices this year, particularly in the Asia-Pacific region (see Table 9). These Offices have shown a keen interest in replicating our administrative improvement initiatives such as the Good Decisions Training Program and the Complaints Management Project.

In 2007-2008, we will continue to assist Ombudsman Offices in the region through knowledge sharing and training.

TABLE 9: OMBUDSMAN VISITS 2006-2007

Date	Name/Organisation	Reason for visit
3/7/06	Moses Maladina Chairman PNG Select Parliamentary Committee	Conducting public inquiry into the PNG Ombudsman Commission – visiting other jurisdictions to see how they operate
1/8/06	John Pitabelama Ombudsman Solomon Islands	Viewed demonstration of our case management system and discussed other administrative improvement initiatives
21/8/06	Julie Roberts WA Ombudsman's Office	Viewed the operation of ART
6-9/3/07	Peter Masi, Ombudsman, PNG Joseph Molita, Deputy Director, Complaints Branch Lydia Mulina, Training Officer	Observed two Good Decisions Training sessions
28/3/07	Kathleen Steindl Investigation Manager Scottish Public Services Ombudsman	Discussed the role of LCARC, how our Strategic Review system operates and how ART works
2-3/4/07	Darren Da Silva & Elizabeth Hampton, Commonwealth Ombudsman's Office	Viewed demonstration of our case management system and operations of ART

FOCUS ON INFORMAL RESOLUTION

By using informal processes in most cases instead of traditional investigative processes, we can often provide complainants and the agencies concerned with a much faster outcome.

This year, we finalised 99.5% of our cases using informal resolution processes. The following cases demonstrate how our use of such processes can lead to positive outcomes for complainants within a short timeframe.



CASE STUDY

INCORRECT ASSESSMENT OF WORKERS' COMPENSATION BENEFITS

Investigation and findings

A worker had received workers' compensation benefits for four months, before being advised by WorkCover that the benefit had been incorrectly calculated. WorkCover indicated that it had underpaid the benefit entitlement and would calculate benefits at the correct rate of pay from the date the error was discovered, but would not backdate the underpaid wages.

Recommendations and outcome

Our Office took up the issue informally with WorkCover which resulted in WorkCover reviewing and confirming the worker's hourly rates of pay. The payment was adjusted which resulted in an additional payment of more than \$630 to the worker to reflect the underpayment during the first four months.



Our officers work to ensure complainants are treated fairly by State and local government agencies.

CASE STUDY

DELAY IN APPROVING KINSHIP CARER AND PAYING FINANCIAL ASSISTANCE

Investigation and findings

The Department of Child Safety asked a supportive aunt to care for her niece. Five months later the aunt was still waiting for financial assistance to which she was entitled. The aunt said the department informed her that financial assistance would not commence until an assessment had been completed, appropriate paperwork finalised and a blue card had been issued.

Recommendations and outcome

We investigated the complaint with the department's head office regarding the delays in approving the aunt as a kinship carer and providing financial assistance. Within a week of our inquiries, the department advised us that the aunt had been granted provisional approval and would subsequently receive foster care payments. The department further advised that a full kinship carer assessment had commenced and been given high priority. In addition, the aunt was provided with food vouchers and the department agreed to reimburse any additional expenses (such as clothing) she had incurred in caring for her niece. With our Office's assistance, the aunt was also able to arrange a meeting to clarify the type of assistance the department would provide in the future.



Our Office is committed to providing timely and appropriate responses to members of the public who contact us.

CASE STUDY

REINSTATEMENT OF PENSIONER DISCOUNT ON VEHICLE REGISTRATION

Investigation and findings

A pensioner and his wife were eligible for the pensioner discount on their motor vehicle and boat registration and had received the registration discount for many years. When his wife died, the pensioner notified Queensland Transport (QT) and asked that the registration records be amended to his sole name. On receiving the renewal papers for registration for the vehicle and boat, he saw that they did not allow for the pensioner discount. The pensioner contacted QT, but was unsuccessful in his attempts to resolve the matter.

Recommendations and outcome

We contacted QT and asked it to investigate the pensioner's concerns about the alteration of the records which had affected the receipt of the discount. As a result, QT rectified the error and issued new registration papers which included the pensioner discount.

CASE STUDY

UNFINISHED RENOVATIONS UNSAFE FOR KIDS

Investigation and findings

A single mother, who was a tenant of the Department of Housing, contacted us about her children's safety. Her home was undergoing renovations, including replacement of floor coverings as part of the department's Urban Renewal Program. Due to a security situation in the neighbourhood, the department withdrew all QBuild personnel from the area before the renovations were completed. The family was left with protruding nail heads after removal of the floor coverings. With very young children, including one child under two years, the mother was worried about the risk of injury. Despite a number of contacts with the Area Office, no timeframe had been given for the works to be resumed.

Recommendations and outcome

We contacted the Area Manager and sought advice about what arrangements could be made for the work to be completed. In consultation with QBuild and the tenant, the Area Manager arranged for the works at this particular property to be completed by a private contractor to remove the risk of injury to the young children. In expressing her thanks to the Office, the tenant stated that *"if it wasn't for you guys, I wouldn't have gotten this far"*.



CASE STUDY

ENFORCEMENT ACTION WITHDRAWN ON FINE FOR UNREGISTERED VEHICLE

Investigation and findings

An employee was in the process of purchasing a vehicle from her employer. The employee said she had paid a deposit on the vehicle but the vehicle was still in her employer's name. The registration on the vehicle was due and the employee paid by cheque at the local Magistrates Court. Two weeks after paying the registration, the employee received a fine for driving an unregistered vehicle. The employee wrote to her local Queensland Transport (QT) office asking for the fine to be waived as the registration had been paid, but QT's response was that the fine still had to be paid.

As the employee did not pay the fine by the due date, the fine was referred to the State Penalties Enforcement Registry (SPER) for collection, together with administration fees.

Recommendations and outcome

We made inquiries with QT which confirmed that the registration had been paid two weeks prior to the fine being issued. However, QT had not processed the registration payment until the day after the fine was issued. In view of the circumstances, QT took action to have the fine waived and withdrawn from SPER.

CASE STUDY

FINDING THE CAUSE OF DUST NUISANCE ON A RURAL ROAD

Investigation and findings

A resident of a rural shire contacted our Office about increased dust nuisance caused by traffic on the dirt road outside her home. When she raised the issue with the council she was advised that its road sealing priorities were determined by budgetary constraints. On this basis, sealing of the road in question would not have occurred for many years.

As the complainant clearly indicated an increase in traffic on the road was the issue, we contacted the council and asked it on an informal basis to investigate the circumstances further.

The council's inquiries established that a neighbour of the resident had recently commenced conducting an engineering works business from farm sheds on his property, without making the necessary town planning applications for approval of this new business activity. Customers of the engineering works using the road were the cause of the increased dust.

Recommendations and outcome

The council's decision to commence enforcement action against the complainant's neighbour will result either in the cessation of the engineering works or the lodgement of a town planning application. This will enable the council to determine whether approval should be granted and, if so, to impose appropriate conditions for the business to minimise road dust nuisance in the area.



Informal resolution processes generally provide complainants and the agency concerned with a faster outcome.

DELIVERING ADMINISTRATIVE JUSTICE THROUGH MAJOR INVESTIGATIONS

In 2006-2007, we finalised five major investigations, four of which were the subject of reports tabled in Parliament.

Public reports are a key element of our work. They allow us to bring to the attention of Parliament and the public serious systemic issues in State and local government agencies and our recommendations for addressing those issues.



MAJOR INVESTIGATION

IMPROVING ADMINISTRATION OF DEVELOPMENT ASSESSMENT PROCESSES

The complaints

In 2006, we received 14 complaints about the Miriam Vale Shire Council's (MVSC) management of development applications under the *Integrated Planning Act 1997* (IPA). MVSC is a small rural council located between Bundaberg and Gladstone. Its area includes the rapidly developing coastal communities of Agnes Water and I770.

The allegations included that its:

- development assessment process was subject to delays
- advice and decisions on development applications were unreasonable and/or incorrect
- customer service was inadequate.

By the time we commenced our investigation, there had been significant media reporting of MVSC's activities. Some of these reports related to matters outside the scope of our investigation (such as allegations of improper conduct by individual staff members).

Investigation and findings

After interviewing the complainants, our investigators visited Miriam Vale and audited 84 of the Council's planning and development files. We assessed the files against the requirements prescribed for applications under the IPA.

We also interviewed MVSC staff and inspected Council's record keeping and frontline customer service processes. We received assistance from the Department of Local Government, Planning, Sport and Recreation (DLGPSR) throughout the investigation.

Based on the findings of our audit and inspections, we prepared a preliminary report. During September 2006, we provided MVSC with an opportunity to respond. The final report on the investigation contained 45 recommendations (39 to MVSC and six to DLGPSR) and was tabled in Parliament on 5 December 2006.

Our investigation revealed several systemic problems in MVSC's administration of development applications, as well as inadequate staff training and unclear customer service standards. We identified the main factors behind the complaints as:

- an unforeseen increase in MVSC's planning workload, caused by rapid development in the Agnes Water and I770 areas
- inadequate record keeping and customer service systems
- a lack of knowledge on the part of applicants of the State planning legislation's requirements
- the complexity of the legislation itself.

Recommendations and outcome

The 39 recommendations we made to MVSC were designed to assist it to improve its management of development applications and its customer service functions.

Our investigation also revealed that some of the systemic planning issues were also relevant to other rural and regional councils in Queensland. Our six recommendations for DLGPSR were aimed at encouraging a review of public education on the planning legislation as well as providing training for planning staff in regional councils.

We conducted a compliance audit in June 2007, which found significant improvement in the timeliness and accuracy of MVSC's development assessment process. MVSC is continuing to implement our recommendations.

MAJOR INVESTIGATION

DOUGLAS SHIRE COUNCIL

We investigated the tender process and other issues relating to the Douglas Shire Council's (DSC) administrative actions in awarding a contract in 2005 for the operation of the Daintree River Ferry.

The complaints

The specific allegations surrounding the 2005 tender process centred on:

- alleged conflicts of interest, including:
 - › a council officer designing the tender documentation in a way that favoured a relative involved in submitting a tender
 - › the preparation and evaluation of the tender documentation being carried out in a way calculated to exclude other tenderers
 - › the Mayor having works carried out on his partner's property by the successful tenderer before the tender process had concluded
- delays in calling tenders and finalising the contract documentation so as to alter the tender result
- improper lobbying of councillors by one of the tenderers during the tender process.

Investigation and findings

The investigation was initiated following reports in *The Courier Mail* on 28 February 2006 and *The Australian* on 1 March 2006.

We conducted the investigation jointly with the Crime and Misconduct Commission (CMC) because some of the issues were within its jurisdiction. We proceeded on an informal basis, without using our coercive powers.



Significant media and community interest in the Miriam Vale and Daintree issues indicated investigations were warranted. These resulted in major reports on the matters being tabled in Parliament.

The investigation did not identify any unlawful or otherwise improper administrative action on the part of the DSC or any councillor or officer. However, we formed the view that, in some instances, DSC's actions or failure to act amounted to unreasonable administrative action. We also identified a number of other lesser administrative deficiencies.

Recommendations and outcome

We made 20 recommendations for improvement, which the DSC is currently working towards implementing, including that it:

- provide training to officers on its Code of Conduct, the statutory requirements and proper procedures relating to the calling and assessment of tenders, report writing and record keeping
- provide training to councillors on its Councillors' Code of Conduct
- develop or review policies, guidelines and its strategic documents and systems in relation to tenders and dealing with major infrastructure projects
- review aspects of the 2006 ferry contract and, if necessary, obtain legal advice to address any problems.

The DSC has either implemented or has agreed to implement all of our recommendations.

The findings and recommendations from this report provide guidance to other councils in dealing with complex tender processes and to councillors and officers in dealing with potential conflicts of interest.

MAJOR INVESTIGATION

CORONIAL RECOMMENDATIONS PROJECT REPORT

Investigation and findings

The Coronial Recommendations Project arose out of a detailed investigation we conducted into workplace electrocutions in Queensland in 2005, known as the Workplace Electrocution Project (WEP). It became evident during the course of the WEP that in many cases, little or nothing had been done by public sector agencies to assess and/or implement coronial recommendations designed to prevent deaths occurring in similar situations.

Furthermore, where agencies were aware of recommendations and had agreed to implement them, there was no formal monitoring of the implementation of those recommendations by any independent entity. Accordingly, on most occasions, coroners and the families of the deceased were provided with no information as to what was being done by the agencies to prevent a recurrence of the circumstances that had led to the fatal incident.

The Coronial Recommendations Project involved the analysis of 72 inquest reports prepared by Queensland coroners in 2002 and 2003, involving 23 agencies. We also considered the coronial inquests that were examined during the WEP.

Inquests for this period were chosen because of our concern that coronial recommendations made under the repealed Coroners Act may not have been brought to the attention of the public sector agencies to which they were directed as no official was given this responsibility under that Act.



The Coronial Recommendations Project revealed systemic problems that reduced the effectiveness of the Queensland coronial system. We made a number of recommendations to address these issues.

Recommendations and outcome

The Coronial Recommendations Project report was tabled in Parliament in December 2006 as the matters raised were of considerable public interest. The investigation also revealed systemic problems that reduced the effectiveness of the coronial system in Queensland, in that:

- the procedures for notifying that an inquest is to be held do not ensure that a public sector agency that deals with matters to be considered:
 - › is notified of the proposed inquest, or
 - › if notified, is notified in sufficient time to obtain relevant information and provide it to the coroner
- no person or entity has the responsibility of monitoring whether public sector agencies properly consider and, where appropriate, implement coronial recommendations.

The report contained seven opinions and two recommendations to public sector agencies that have frequent involvement in coronial inquiries to address the deficiencies we identified.

We also identified a number of possible amendments to the *Coroners Act 2003* for consideration by the Department of Justice and Attorney-General as part of its review of the Act including that:

- public sector agencies provide details in their annual reports of coronial recommendations directed to them and their responses to those recommendations
- we undertake a monitoring role of agencies' implementation of coronial recommendations.

MAJOR INVESTIGATION

THE PACIFIC MOTORWAY REPORT – WHERE THE RUBBER MEETS THE ROAD (AND GENERATES TRAFFIC NOISE)

Investigation and findings

A community group called Residents Against Increased Noise (RAIN) made a complaint that the Department of Main Roads (DMR) had not met its public commitments in relation to the upgrade of the Pacific Highway to an eight-lane motorway.

The complaint related to the 28 km concrete pavement section between Albert River, Beenleigh and Coombabah Creek, Gaven. The road works were completed in 2000. DMR released an Impact Management Plan (IMP) in January 1997 which contained the following commitments (among others):

- design, construction and operation of the Pacific Motorway shall be based on the DMR Interim Noise Guidelines and shall endeavour to mitigate any sustained increase in baseline ambient noise levels at sensitive receptors adjacent to the motorway corridor
- provide a motorway that is safe for road users to drive at the posted speed.

RAIN claimed to have a membership of 500 representing the interests of some 10,000 people who resided adjacent to the concrete pavement section and were affected by excessive road noise.

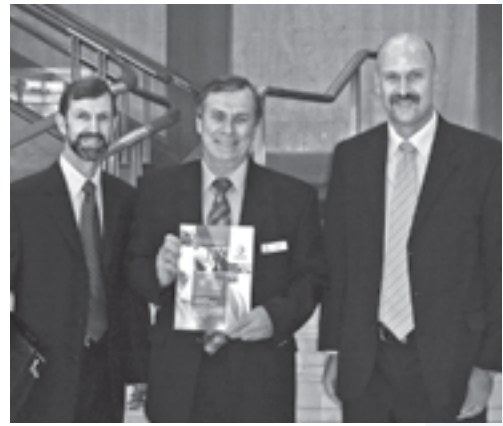
In relation to the safety aspect, RAIN alleged there was a high risk of aquaplaning in wet conditions and poor motorist visibility due to mist spray from tyre/road interaction.

RAIN's preferred outcome was resurfacing the concrete section with asphalt to reduce noise levels and enhance motorist visibility.

In its design of the motorway, DMR relied on advice from consultants that the proposed concrete surface and the alternative asphalt surface had similar noise profiles, with the consequence that noise levels on the motorway would be no worse than pre-construction levels. That advice was subsequently shown to be wrong. Measurements taken in 2003 indicated that, with the significant increase in traffic volume and a higher speed limit of 110 kph, typical noise levels near the pavement source were 8.8 dB(A) higher than previously.

Noise levels for 1996 (pre-construction environment), 2003 and the 2011 planning horizon were determined through noise modelling conducted in 2003 under the supervision of a noted Australian road traffic noise specialist.

DMR designed its noise barrier program to protect residential premises from motorway traffic noise levels exceeding 68 dB(A) and proposed to make offers of certain types of architectural treatments to residents whose premises could not be adequately protected by noise barriers.



The tabling of our Pacific Motorway Report in March this year resulted from a complex 12 month investigation into the matter.

Recommendations and outcome

Our investigation concluded that DMR had not yet met that part of the IMP commitment concerning the mitigation of sustained increases in noise levels. Noise modelling conducted in 2003 identified 294 premises within 300m of the motorway that would experience a sustained increase of at least 3 dB(A) by 2011. A further 529 premises within the 300m zone would experience an increase of <3 dB(A).

We tabled the report of the investigation in Parliament because of public and media interest in the matter. The report contained 15 opinions and 22 recommendations including that:

- DMR review the design levels in its Noise Code to assess whether they are justifiable compared to those adopted by the majority of other State and Territory road authorities in Australia
- DMR offer individual architectural treatments to the owners of all premises affected by a sustained increase in noise levels and undertake further noise modelling beyond the 300m zone to determine any other premises that might be eligible for similar treatments.

On the matter of motorway safety, after consulting the Queensland Police Service and the Royal Automobile Club of Queensland (RACQ) we concluded that accident statistics for the motorway were quite favourable compared to other major roads in South-East Queensland.

There was no evidence that the risk of aquaplaning on the motorway was any greater than elsewhere.

However, we recommended that DMR continue to investigate ways of improving motorist visibility on the concrete section in wet conditions.

The report did not recommend resurfacing of the concrete pavement, as requested by RAIN, because of higher maintenance requirements, traffic disruption and cost (more than \$40 m).

DMR has agreed to implement all 22 recommendations.

MAJOR INVESTIGATION

EPA ADMINISTRATIVE REVIEW

Investigation and findings

The *Ombudsman Act 2001* provides that the Ombudsman can consider the administrative practices and procedures of agencies and make recommendations or provide information or other help to those agencies for the improvement of their practices and procedures.

The Environmental Protection Agency (EPA) is an agency with a regulatory role. In 2006-2007, we completed an administrative review of the practices and procedures of the regulatory arm of the EPA.

During our investigation, we:

- conducted research into relevant matters, including various regulatory models
- obtained and examined documents relating to the EPA's practices and procedures
- drafted checklists, based on the EPA's procedures and other procedures that we consider to be best practice
- used the checklist to conduct a review of a sample of over 188 EPA cases from a variety of EPA offices
- conducted five workshops with EPA officers to discuss investigative issues
- interviewed 11 senior EPA officers to clarify certain practices and procedures
- held discussions with representatives of local councils.

Recommendations and outcome

We provided the EPA with a report on the administrative review, including our findings and recommendations. The report made 151 recommendations for change, with the aim of improving the effectiveness, consistency, transparency and accountability of the EPA's regulatory activities. More specifically, we made recommendations for changes to:

- investigative practices
- prioritisation of enforcement activity
- communication with informants
- internal supervision
- the use of enforcement tools (for example, fines and prosecutions)
- proactive regulation programs (for example, audits and inspections)
- record keeping
- the regime for cleaning up damage to the environment and recovering the cost of the clean up
- training for EPA officers
- the capture of details and data about incidents reported by informants, and the EPA's responses
- communication and coordination between the EPA and other regulators (primarily local councils)
- the process for reviewing EPA's regulation policies
- the availability to the public of EPA's regulation policies.



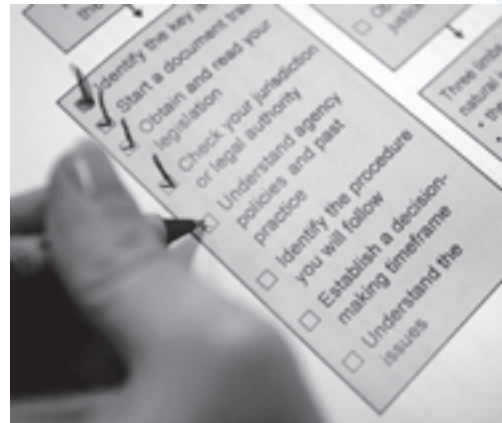
Our recommendations to the EPA will improve their investigative and record keeping practices which are vital to good administration.

The EPA accepted all but one of our recommendations, which is currently under negotiation. We intend to examine implementation of the recommendations after April 2008, thereby allowing for an implementation period.

We have asked the EPA to provide a progress report about the implementation of the recommendations by 31 October 2007.

During 2006-2007, we commenced preparing *Tips and Traps for Regulators*, a guide about regulatory best practice, which will discuss the principles of good regulatory practice and illustrate those principles by reference to de-identified case studies based on investigations we have conducted. The guide will also contain numerous recommendations to regulators on how they can improve their regulatory practices.

We expect to publish the guide before the end of 2007.



Our report, *Tips and Traps for Regulators*, makes recommendations for agencies to improve their regulatory practices.

MAJOR INVESTIGATION

COMPLAINT BY COUNCILLOR

Investigation and findings

During the year, we commenced an investigation into a council's management of a complaint about one of its councillors.

Along with all other Queensland councils, the council adopted its own Councillor Code of Conduct in early 2006 as required

by amendments to the *Local Government Act 1993* that commenced on 31 May 2005. In this case, a member of the public made a complaint about the councillor during 2006. The allegation related to a possible minor breach of the council's Code.

The councillor, the subject of the complaint, alleged that the investigation of the complaint and the subsequent action taken by the council under its Councillor Code of Conduct had been unfair.

We have interviewed a number of council staff and councillors in relation to the matter, and have considered a wide range of laws and policies of the council and the Department of Local Government, Planning, Sport and Recreation.

We expect to finalise our investigation and report before the end of 2007.



GOAL 1: OUTLOOK 2007-2008

PERFORM A KEY ROLE IN QUEENSLAND'S ACCOUNTABILITY FRAMEWORK

- Expand delivery of our training programs on good decision-making
- Continue to develop our complaints management project to assist agencies to deal appropriately with complaints
- Increase our focus on identifying and addressing systemic maladministration, including conducting more own initiative investigations
- Conduct research to ensure people in all regions of Queensland are aware of our role
- Continue to improve the community's access to our services
- Review the services we provide in regional areas to ensure resources are effectively utilised
- Review the Corrections Program to ensure resources are effectively utilised



GOAL 2

IMPROVING PUBLIC ADMINISTRATION

KEY HIGHLIGHTS

STRATEGIES	PERFORMANCE
Continue our proactive approach to improving administrative practice in public agencies by: <ul style="list-style-type: none">• assisting them to develop effective internal complaints systems• providing guidance, education and training	<ul style="list-style-type: none">• Delivered 74 Good Decisions Training sessions, attended by 1,278 public sector officers• Significantly progressed Phase 2 of our Complaints Management Project by assisting agencies to develop and update their complaints management systems
Produce informative publications on issues relating to good administrative practice	<ul style="list-style-type: none">• Distributed <i>State Perspective</i> and <i>Local Perspective</i>, our newsletters on good administrative practice, to more than 800 contacts across government in November 2006 and March 2007• Updated complaints management resources to reflect the requirements of <i>Directive 13/06 – Complaints Management Systems</i> in November 2006• Launched <i>Frontline Perspective</i> in May 2007 for public sector officers whose work involves dealing with the public or complaint handling
Report to Parliament on our investigations into serious and systemic maladministration	Tabled the following reports in Parliament: <ul style="list-style-type: none">• Daintree River Ferry Report (December 2006)• Miriam Vale IPA Report (December 2006)• Coronial Recommendations Project Report (December 2006)• Pacific Motorway Report (March 2007)
Report to public agencies on systemic problems	<ul style="list-style-type: none">• Conducted a detailed administrative review of an agency's regulatory practices and made recommendations for improvement• Of the 431 recommendations we made to agencies (2005-2006: 123):<ul style="list-style-type: none">› 398 were made to address systemic problems (improving public administration)› 33 were made to directly address complainants' concerns• As at 30 June 2007:<ul style="list-style-type: none">› 424 recommendations had been accepted or conditionally accepted› 7 recommendations had not been accepted

Better decisions for Queenslanders

This year, we expanded our Good Decisions Training (GDT) Program to reach more public sector agencies across Queensland as part of our Regional Services Program.

Designed to support public sector officers in their daily work, the training helps them to make better decisions and avoid unnecessary complaints by improving their work practices.

Since the launch of the GDT Program in May 2005, we have trained more than 2,500 officers, with 1,278 trained in 2006-2007.

We conducted 74 sessions this year for 45 public sector agencies. Some of these were combined sessions. More specifically, 22 State government departments and 23 local councils received training throughout Queensland. Participating agencies are listed in Table 10.

TABLE 10: PUBLIC SECTOR AGENCIES TRAINED 2006-2007

State Government	Local Government
Anti-Discrimination Commission Queensland	Barcaldine Shire Council
Commission for Children and Young People and Child Guardian	Beautesert Shire Council
Department of Child Safety	Boonah Shire Council
Department of Communities	Brisbane City Council
Queensland Corrective Services	Caboolture Shire Council
Disability Services Queensland	Cairns City Council
Department of Local Government, Planning, Sport and Recreation	Caloundra City Council
Department of Tourism, Fair Trading and Wine Industry Development	Dalby Town Council
Education Queensland	Gayndah Shire Council
Environmental Protection Agency	Gold Coast City Council
Department of Housing	Inglewood Shire Council
Department of Justice and Attorney-General	Ipswich City Council
Department of Main Roads	Kingaroy Shire Council
Department of Natural Resources and Water	Kolan Shire Council
Office of Fair Trading	Logan City Council
Public Trustee	Longreach Shire Council
Department of Public Works (Project Services)	Mareeba Shire Council
QBuild	Miriam Vale Shire Council
Queensland College of Teachers	Redcliffe City Council
Queensland Health	Toowoomba City Council
Queensland Transport	Townsville City Council
Department of State Development	Warwick Shire Council
	Woocoo Shire Council

WARWICK SHIRE COUNCIL

"This training was very well received by those who attended and therefore we would like to schedule another training session."

DEPARTMENT OF LOCAL GOVERNMENT, PLANNING, SPORT AND RECREATION

"We would like the Good Decisions Training put on our regular training calendar. The participants of the training were very impressed and thought others could get a lot of benefit out of it. Thanks for all your help with this."

TOOWOOMBA CITY COUNCIL

"Thanks for the certificates and copies of feedback sheets. The feedback was very positive – your presenters are great! Verbal feedback has been extremely positive, also."

We tailor the training for each agency and our presenters use scenarios based on real cases to demonstrate the importance of issues such as good record keeping and the principles of natural justice.

This year, we continued to service regional Queensland through our GDT Program with 42 out of the 74 sessions delivered outside of Brisbane. This helps officers in regional centres to make fairer and more balanced decisions which enhance their relationships with their local communities (see p63).

Training enhancement and feedback

We are constantly seeking to improve our GDT Program to ensure it is 'best practice' and relevant to the work of public sector officers. During the year, we:

- changed the training from a half-day to full day session so participants have more time to consider 'real life' scenarios
- redeveloped the training workbook to provide participants with a useful reference tool when making decisions
- targeted high complaint generating agencies for sessions.

The Department of Child Safety has made the program part of its induction process for all new officers. This is an initiative we are keen to see adopted by other agencies and will work to achieve this in the new financial year.

Feedback continues to confirm the value of the training with:

- 98% of respondents agreeing the course information will assist them in their daily work (2005-2006: 96%)
- 98% indicating they would recommend the training to other officers in the public sector (2005-2006: 98%)
- 97% of participants agreeing the scenario examples were helpful and relevant (2005-2006: 98%)
- 99% indicating the presenter's skills and knowledge were excellent (2005-2006: 99%).

Good Decisions Training is priced on a set fee-for-service basis across the State. There is no extra charge to provide the training to regional centres, making the training easily accessible to all public sector officers.



Our Good Decisions Training Program provides public sector officers with the tools to make better decisions and avoid unnecessary complaints.

ANTI DISCRIMINATION COMMISSION QUEENSLAND

"I just wanted to say thank you for an excellent training session yesterday. I have received a lot of very positive feedback about the workshop. People have commented how relevant the material and discussion was to our work, and they appreciated the way you made what could have been dry subject matter so interesting. We also liked the way you took the time to personalise the session for the ADCQ, and to understand our legislation."

Driving best practice in complaints management

Interest in our Complaints Management Project was boosted in 2006-2007 with the release of *Directive 13/06 – Complaints Management Systems* by the Public Service Commissioner in November.

The Directive requires all State government agencies to have an accessible, visible and responsive complaints management system in place by 10 November 2007. It was formulated in response to a recommendation in our *Complaints Management Project Phase I Report*, tabled in Parliament in December 2005.

We updated our complaints management resources (developed in Phase I of the project) to reflect the requirements of the new Directive and the new Australian Standard 10002 – 2006. These updated resources were made available on our website when the Directive was released.

Many agencies have indicated our resources and assistance to date have helped them develop and improve their complaints management systems. We will continue to provide assistance of this kind.

Closer liaison for better communications

Throughout the year, we kept agency liaison officers informed of developments in our Complaints Management Project and helped them improve their complaints management systems and procedures. Key events are listed in Table 11.



We updated our complaints management resources this year to help public agencies comply with the Directive's requirements.

We also maintained ongoing communication with these officers through our *Perspective* newsletters (see p61) to inform them of key initiatives and provide advice on complaints management issues.

In 2007-2008, we will remain focused on helping agencies meet the requirements of the Directive.

TABLE 11: COMPLAINTS MANAGEMENT PROJECT (CMP) EVENTS

Event	Date	Details
CMP Liaison Officer workshop	9 August 2006	<ul style="list-style-type: none"> • Provided information regarding Directive • Guest presentation from Department of Emergency Services (CMP Phase I participant)
Directive information session held jointly with the Office of the Public Service Commissioner	1 and 2 May 2007	<ul style="list-style-type: none"> • Explained requirements of Directive • Outlined updated complaints management resources
Database elements workshop	21 June 2007	<ul style="list-style-type: none"> • Attendees taken through our Office's complaints management system to identify required elements (Queensland Electoral Commission, Queensland College of Teachers, Department of Housing, Arts Queensland)

To this end, we have organised an additional series of workshops on the following topics:

- Key Concepts in Complaints Management
- Building your Complaints Management Policy
- Building your Complaints Management Procedures
- Getting your Complaints System off the Ground
- Capturing, Understanding and Managing your Complaints Outcomes.

Agencies will also be given the opportunity to have their policies reviewed by our officers and to receive one-on-one consultation before the 10 November 2007 deadline for compliance with the Directive.

We hope that through these workshops and ongoing consultation, all State agencies will be equipped with complaints management systems that meet the relevant requirements.

Improving complaints management in local councils

In March 2006, councils were required to have a General Complaints Process in place that met minimum requirements specified in amendments to the *Local Government Act 1993*.

We asked councils to provide us with a copy of their general complaints process so we could determine if they complied. We found approximately 80% of councils appeared to have met the requirements.



We are continuing to refine our Complaints Management Training program following its trial in June 2007.



Senior Business Analyst, Mal Seymour-Smith, demonstrates our complaints management system for agency officers.

We will continue to monitor council complaint handling processes and provide ongoing assistance.

We also seek to improve complaints management in councils, by disseminating to them our *Local Perspective* and *Frontline Perspective* newsletters (see p61).

Training for better complaints handling

As agencies work towards having a complaints management system that meets the minimum requirements of the Directive, we acknowledge the importance of providing training for officers so they can understand how to handle complaints more effectively.

During the year, we commenced development of a Complaints Management Training program.

This training complements our GDT program and is designed for frontline officers, officers who conduct internal reviews, and other officers who deal with complaints. The course will assist officers to understand the principles of effective complaints management and provide a suite of tools to enable them to fairly and efficiently manage and investigate complaints.

On 26 June, we trialled the program with the Anti-Discrimination Commission Queensland and Ombudsman staff. We are continuing to refine the program and expect to make it available to State agencies and councils in late 2007.

Improving agency systems for balanced decision-making

During our investigations, we often identify systemic problems in agencies that need to be addressed by improving their practices and procedures. A systemic problem is one where a deficiency in an agency's administrative processes, rather than an error in judgment by an officer, causes or contributes to a complaint.

This year, we made 431 recommendations to agencies. This represents a significant increase to the 123 recommendations made in 2005-2006. Of these:

- 398 were made to address systemic problems (improving public administration)
- 33 were made to directly address complainants' concerns.

Most of our recommendations were directed at improving some deficiency in public administration detected through our complaint investigations and addressed important areas such as:

- evidence-based decision-making
- investigative process
- natural justice
- record-keeping
- providing reasons for decisions
- communicating decisions properly.

Agencies nearly always implement our recommendations for improvement and are asked to provide reasons for rejecting a recommendation. As at 30 June 2007, 424 recommendations had been accepted or conditionally accepted and seven had not been accepted.



Our investigations have led to a number of systemic improvements in Queensland public sector agencies.

Of these seven recommendations:

- two related to a complaint about the Balonne Shire Council's failure to adequately assist residents to cool hot bore water (see p53)
- four related to a complaint about the Barcaldine Shire Council (see p55)
- one related to Bungil Shire Council. We decided not to pursue the recommendation on the basis that the council undertook other positive steps to deal with the issue of concern.

More examples of our recommendations can be found in case studies throughout this report.

Identifying trends for improved complaints management

In October 2006, we conducted our biennial complainant satisfaction survey which evaluates feedback from people who had a complaint handled by our Office. Specifically, the survey is designed to determine the level of satisfaction with our service so we can improve it.

The research showed a marked improvement in most aspects of our service relating to customer service skills, including professionalism, helpfulness and courtesy, and using plain language in discussions. This demonstrated that the service training program implemented after the previous (2004) survey continues to work well.

The survey highlighted the need to continue to improve the way we manage complainants' expectations about how long we will take to finalise their complaints and how often we will provide updates to them. These recommendations have been incorporated into our Strategic Plan and will be addressed as part of our ongoing operational planning.



The surveys we conduct help us to identify improvements to our business processes so we can continue to provide an effective complaints service.

We have also been investigating options for improving the feedback we obtain from these surveys. As a result, in 2007-2008, we will survey complainants for the 2006-2007 financial year and analyse the results.

Thereafter, we will collect the information on a quarterly basis. This will enable us to maintain a connection with our previous research data relating to 2004 and 2006 thereby allowing us to measure changes in key performance indicators over time. It will also:

- improve the quality and timeliness of information gathered
- provide us with more frequent feedback on our performance.

Our major analysis and reporting will continue to be undertaken biennially to allow us to continue to chart the trends identified from previous surveys and ensure that our key recommendations are based on a robust sample.

Maximising returns on the Whistling While They Work Project

This three year study, led by Griffith University, is supported by Ombudsman and anti-corruption bodies across Australia, as well as the Office of the Public Service Commissioner in Queensland. The project sets out to describe and compare organisational experience under the various public interest disclosure regimes across

Australia with a view to identifying and promoting best practice in workplace responses to public interest disclosures.

As an 'industry partner' in the project, we continue to work closely with the Crime and Misconduct Commission (CMC) and the academic research team in Queensland.

The project team is currently collecting a broad range of information from a range of surveys including:

- *Survey of Agency Practices and Procedures*, which has gathered information on existing procedures in place for reporting and managing wrongdoing.
- *Survey of Workplace Experiences and Relationships*, which gauges employees' experiences in working in the public sector, including experience of wrongdoing, awareness of policy and procedures as well as direct experience of reporting misconduct. This survey has now been completed and the team is beginning to analyse the results.
- *Survey of Internal Witnesses, Case Handlers and Case Managers*, which comprises both questionnaires and interviews of employees with key experience and perspectives on agency whistle blowing systems.
- *Surveys of Integrity Agencies Practices, Procedures and Staff*, which will obtain baseline information on the complaint handling and investigative processes used by integrity agencies in their management of complaints of public sector wrongdoing.

Some initial results will be highlighted at the Australian Public Sector Anti-Corruption Conference in October of this year with final reports to be available in mid-2008.

Our Office and the CMC are also jointly funding a Research Assistant to analyse the research outcomes from a Queensland perspective and ensure that Queensland public sector agencies receive the full benefit of any research findings.

FOCUS ON FAIRER DECISIONS

In many of our investigations, we make recommendations to improve public sector decision-making and administrative practices. The following case studies demonstrate the practical value our recommendations have in assisting agencies to make fairer decisions.

CASE STUDY

COMMUNICATION ESSENTIAL FOR EFFECTIVE COMPLAINT MANAGEMENT

Investigation and findings

A mother complained to us about Education Queensland (EQ) and, in particular, the behaviour of a State School principal who had written to her about an incident at the school. The incident followed the mother's attendance at the school to discuss her concerns about her children's teacher during which a heated exchange had erupted between the teacher, the mother and the principal.

The principal advised that no formal action regarding the incident would be taken but informed the mother of the legal power vested in the principal to deal with parents and visitors who do not conduct themselves appropriately while on school premises. The principal proposed certain arrangements to be followed by the mother if she had any concerns about her children's education and requested that she not attend the children's classrooms or approach teachers directly.

Another letter was sent to the mother reminding her about the arrangements after she had collected her children following a family emergency.

As a result of this correspondence, the mother complained to us that she was being harassed by the principal.

It was clear from the information provided by the mother that communication between her and the principal had become strained during the year.

Good communication practices are essential for effective complaints management.

The breakdown in communication between the mother and the school affected not only the parent/principal relationship and the ability to discuss concerns about the children's education, but also the relationship between teacher and student. In the present case, one child refused to follow a teacher's direction and commented that they didn't have to listen to anyone but their mother.

Recommendations and outcome

In the circumstances, we did not consider it would be useful to investigate the events that contributed to a breakdown in the relationship between the principal and the parent. Rather, we concentrated on suggesting actions that would allow the parties to move forward.

We strongly suggested EQ urgently consider mediation to restore the lines of communication between principal and mother and provide an opportunity for the mother to voice any current concerns she had regarding her children's education.

EQ extended an invitation for the mother to participate in a mediation session to discuss her concerns and we encouraged her to accept the invitation in the interests of improving her relations with the school.

CASE STUDY

NATURAL JUSTICE FOR INJURED WORKERS

Investigation and findings

We received complaints from two workers who had suffered psychiatric/psychological injuries in the workplace and were dissatisfied with the decision on their compensation claims by WorkCover Queensland (WorkCover).

In assessing their claims, WorkCover hired investigators to visit the workers' workplaces, question witnesses and compile reports. In each case, the injured worker's application for compensation was rejected by WorkCover because witness statements referred to in the report supported the view that management's decision was reasonable.

The injured workers complained to us that they were not provided with information regarding the witness statements or given the opportunity to comment on them prior to WorkCover's decision and, therefore had been denied natural justice.

We investigated the matter by seeking further information from, and having discussions with WorkCover representatives.

We found that:

- WorkCover had an obligation under common law to provide natural justice before making its decision and there was a clear legislative intention that WorkCover provide natural justice in the first instance
- WorkCover's procedures did not require injured workers to be provided natural justice.

In both cases, WorkCover had not:

- provided the injured workers with all the information adverse to them which it intended to use to make its decision
- provided the injured workers with an opportunity to respond to the information adverse to them or have any information they provided taken into account before making its decision.

Recommendations and outcome

We recommended that WorkCover:

- amend its procedures on the assessment of claims in respect of psychological and psychiatric injuries to make it clear that decision-makers must comply with the rules of natural justice
- review its procedures in relation to all other claims to ensure that the procedures make it clear that decision-makers must comply with those rules.

We were not able to take any action to directly assist the two injured workers because they had both exercised their appeal rights to Q-COMP and it had provided them with natural justice during the course of the appeal.

However, the implementation of our recommendations will result in fairer treatment by WorkCover for injured workers who seek compensation.

CASE STUDY

REVIEW OF UNREASONABLE DECISION RESULTS IN REASONABLE PAY FOR CARER

Investigation and findings

A grandmother was asked by the Department of Child Safety to care for her two grandchildren or they would be placed into foster care. The grandmother and her husband were not formally approved as carers by the Department until approximately eight months later.

Although she received advice from the department that she would receive a carer's payment for the period from the date she commenced to care for the children until approved as a carer, no payment was received for the intervening eight months. She complained to us about the department's refusal to provide the back pay.

The department based this decision on its policy which required the grandmother to have been an approved carer to receive the carer's payment.

During our investigation, we reviewed the department's Practice Manual and policies and discussed the matter with key departmental officers.

We identified issues in relation to the department's application of the carer payments policy, and carer approval processes and inadequate communication with the grandmother about the issues. As a result of our discussions with the department, it launched an internal review.

Recommendations and outcome

Following the review, the department made an ex gratia payment to the grandmother exceeding \$6,000 to cover the period from the commencement of her care of the children until her approval as a carer. In responding to our Office, the department explained that due to work load demands, a Relative Carer Assessment did not occur at the time the grandmother commenced caring for the children. This led to departmental officers misinforming her about her eligibility to receive the payment.

We were satisfied with the department's explanation and did not make any recommendations in view of the payment and information provided. This informal approach and co-operation by the department resulted in a favourable outcome for the complainant as well as an improvement in the department's administrative practices.

The complaint also highlighted the need for agencies to provide adequate training to staff regarding policy interpretation and communicating decisions to clients.



Our investigators work to provide complainants with fair and balanced outcomes.

there was no evidence of ongoing abuse of adults. He believed adults with intellectual impairment who continued to attend the day centre remained at risk of abuse.

We conducted an extensive review of the OAG's investigation file and the investigation report and met with the Adult Guardian to discuss past and present investigative practices. We concluded that, having regard to the deficiencies in the OAG's investigation and the lack of adequate records, it could not safely rely on its finding that there was no evidence of ongoing risk to adults with intellectual impairment.

Recommendations and outcome

As a result of our finding, we recommended that the OAG refer the allegations of abuse to Disability Services Queensland (DSQ) to further assess whether there was any ongoing risk to adults with intellectual impairment who continued to attend the day activity centre.

We also made numerous recommendations to the OAG about improvements to administrative practice including record keeping, investigative planning and training for investigation staff. We recommended the OAG urgently finalise arrangements with DSQ and the police so that complaints raising allegations of a criminal nature are referred to the police in a timely way.

The OAG agreed to implement all of our recommendations and we will monitor implementation.

CASE STUDY

ADDRESSING WHISTLEBLOWER COMPLAINTS ABOUT ABUSE OF PEOPLE WITH DISABILITIES

Investigation and findings

A residential support worker, who provided care to adults with severe intellectual impairment, complained about an investigation conducted by the Office of the Adult Guardian (OAG). The OAG had investigated complaints that adults with intellectual impairment were being physically and verbally abused by staff at a day activity centre.

The complainant was concerned that the OAG did not make findings about whether the abuse had taken place and that no action was taken against the alleged perpetrators. The complainant was also concerned that the OAG had incorrectly concluded

In addition to making recommendations to the OAG, we provided a submission to the 'Whistling While They Work' project, highlighting some of the issues demonstrated by this complaint in relation to whistleblower protection for those who work in not-for-profit organisations providing services to people with disabilities.

This complaint highlights the need for public sector organisations with investigative functions to be clear about the scope of those functions, the standard of evidence required to meet those functions and the usefulness of investigative planning in achieving investigations of an appropriate standard.

CASE STUDY

MAKING AMENDS AND IMPROVING WHISTLEBLOWER MANAGEMENT PRACTICES

Investigation and findings

Several DSQ residential care officers complained to us regarding the way their public interest disclosures (PIDs) had been dealt with by DSQ. They claimed that DSQ had downgraded the PIDs and treated them as grievances. They alleged that as a result, they lost the protection available to them as whistleblowers and were the subject of harassment and unfair treatment.

During our investigation, we obtained copies of documents relating to the investigations undertaken by DSQ as well as DSQ whistleblower management policies and procedures. We considered these policies and procedures, including the application and protections provided by the Act for officers making a PID or the subject of a PID.

We found that DSQ had failed to:

- communicate to the officers that any part of their disclosures would be treated as grievances, rather than PIDs
- adequately communicate with the officers throughout the process in accordance with the whistleblower management policies and procedures in operation at that time
- afford the officers the protection available to them under the whistleblower legislation.

We also noted that, since the complaint was made to our Office, DSQ had revised its whistleblower management policies and procedures and intends to provide training to its officers on whistleblowing protection.

DSQ had also implemented recommendations arising from its investigation of all matters raised by the officers.

Recommendations and outcomes

As a result of our investigation and negotiations, DSQ senior management agreed to meet with the officers to provide information about the improvements made to DSQ's whistleblower policies and procedures, address specific concerns about the treatment they had experienced and to provide closure for the officers.

In conducting this meeting, DSQ responded to both the direct impact on each of the officers and discussed the systemic administrative improvements made to reduce the likelihood of a similar complaint occurring.

CASE STUDY

MALADMINISTRATION REVEALED AT RURAL COUNCIL

Investigation and findings

The daughter of a deceased man complained to us after her father was buried in an already occupied grave-site situated in a cemetery managed by a rural council.

A council contracted gravedigger discovered metal, that was later identified as a coffin nameplate, when digging the grave. This was reported to a council manager but the instruction was given to proceed with the burial. Later it was discovered that there were bones in the soil removed when the grave was dug.

The woman was concerned that her family had not been informed of the circumstances of her father's interment, which she subsequently learned of unofficially.

During the course of our investigation council explained that the cemetery had been established many years ago, records were limited or non-existent, and the section of the cemetery in question was not known to contain unmarked gravesites.

Recommendations and outcome

Despite not acting proactively before the family of the deceased discovered the error, the council did take a number of important steps to address the issues of concern.

At a closed council meeting the family received a formal apology from the council, in addition to written apologies from managerial staff involved. The father's remains were exhumed and re-interred at the council's expense. The other remains located were re-interred in the original grave and at our suggestion, the coffin nameplate which had been discovered was installed as a marker.

After reviewing the circumstances of this case, we made a number of recommendations which were accepted and are being implemented by the council. These included the development of policy and procedures for staff on what action to take if human remains are located when preparing grave sites, such as, specifying responsibility for communicating with parties affected as well as other relevant agencies.

We also recommended that council ensure that new staff who work at any council-operated cemetery be provided with a copy of the policy and an explanation of their obligations under the policy upon the commencement of employment; this extends to those who have the management responsibility for such staff.

Staff have now received appropriate training and the council's Local Law Policy (Cemeteries) has been redrafted.

been enrolled in the correct course and under the university's refund policy, it was under no obligation to make a refund to the student. The university had acted more than reasonably in refunding 75% of the tuition fees for ten weeks of the course.

However, it appeared to us that the complaint primarily arose as a result of miscommunication between the student and the university. We made further inquiries which revealed a number of issues with the way the university dealt with international students. This included inconsistency in the advice provided to students about the different types of English language courses available, concerns about the fees charged and the way information about the courses was provided to students from non-English speaking backgrounds.

Recommendations and outcomes

In response to our concerns, the university advised that it was developing formal policies and procedures for students from non-English speaking backgrounds. This included providing information to students on the university website in a number of different languages, to assist students of non-English speaking backgrounds who had a grievance. The university also made an updated enrolment form available on its website to provide consistent advice about the English language program. It also reviewed and updated its general enrolment procedures.

As a result of our further investigation, better procedures were put in place to assist students from non-English speaking backgrounds to communicate effectively with the university.

CASE STUDY

ADMINISTRATION OF UNIVERSITY'S ENGLISH LANGUAGE PROGRAM

Investigation and findings

We received a complaint from an international student who attended university to undertake an English language course. The student had withdrawn from the course as she believed she had not been placed in the course she applied for. When she applied to the university for a refund of the course fees she had paid, the university decided to reimburse her for only part of the fee.

After reviewing the situation, including the university's refund policy, we were satisfied that the complainant had in fact



By looking deeper into the issue, our investigators can identify improvements to agency administrative practices for fairer decision-making.

BUILDING STRONGER TIES WITH LOCAL GOVERNMENT

As part of our dual role of investigating complaints and improving administrative practice, we work closely with councils to help them make fair and balanced decisions for Queenslanders.

Highlights

- Received 1,888 complaints about councils, 3.7% less than the previous year (2005-2006: 1,961).
- Approximately 28% of complaints investigated were resolved in favour of the complainant or by giving the complainant an explanation or advice.
- Made 142 recommendations to councils to resolve individual complaints and improve administrative practices.
- Completed two significant investigations into the administrative actions of the Douglas Shire Council and Miriam Vale Shire Council.
- Delivered 22 Good Decisions Training sessions to council officers.

Complaint categories

The highest complaint categories were Laws and Enforcement, and Development and Building Controls, comprising 18.8% and 15.5% respectively of all council complaints.

Other significant categories to dominate the complaint profile were Land Use and Planning, Rates and Valuations, and Roads.

Complaints recorded in the Laws and Enforcement category related to infringements, notifications, policy, licensing registration and local laws.

Complaints recorded in the Development and Building Controls category related to managing applications and approvals, applying development standards, the use of policies and procedures to guide decision-making and making information available to the public in relation to development applications and approvals.

TABLE 12 MAIN CATEGORIES OF COMPLAINT AGAINST COUNCILS

Rank	Complaint category	Complaints received 2006–2007	Overall % of complaints 2006–2007	Complaints received 2005–2006	Overall % of complaints 2005–2006
1	Laws and Enforcement	355	18.80	357	18.20
2	Development and Building Controls	294	15.57	364	18.56
3	Land Use and Planning	145	7.68	125	6.37
4	Rates and Valuations	131	6.94	232	11.83
5	Roads	127	6.73	145	7.39

Laws and Enforcement and Development and Building Controls were again our top two categories this year.

These complaints are distinguished from complaints involving the planning framework that are separately recorded in the Land Use and Planning Category. Complaints recorded in this category include those about planning schemes and related instruments and the standards imposed under those instruments (for example, car parking, developer contributions, and flood areas). Complaints in this category increased this year.

In 2005-2006, we received multiple complaints in relation to the Sarina Shire Council's decision to significantly increase rates for certain beachside areas, thereby inflating the number of complaints in the rates and valuations category for that year. In the absence of a multiple complaint issue this year, the number in the category has fallen.

Recommendations to councils

The recommendations made to councils focus not only on resolving an individual's complaint but also on improving the council's administrative practices. We made 142 recommendations to councils this year, more than double the recommendations made in the previous year (2005-2006: 52). This increase is largely attributable to our public reports on the Douglas Shire and Miriam Vale Shire Councils in which we made 65 recommendations in total.

Our recommendations that assisted individual complainants included that the relevant council:

- meet the cost of acquiring and installing an effluent disposal system for premises, including ancillary works, in circumstances where the council had failed to ensure the developer had met relevant development conditions



Our recommendations to councils focus on resolving the individual's complaint and improving council administrative processes.

- re-investigate noise from a mobile sawmill being used on a rural property causing nuisance to the complainant
- waive the registration fees for dogs that were unlawfully declared dangerous
- pay a community organisation the costs incurred in changing its publicised contact details following a change to the name of the road where the organisation's facilities were located
- waive the costs associated with the impounding of automated kerbside limousine booking machines because of a failure to follow statutory requirements for seizing and impounding materials placed on roads.

To improve administrative practices, we recommended that the councils concerned:

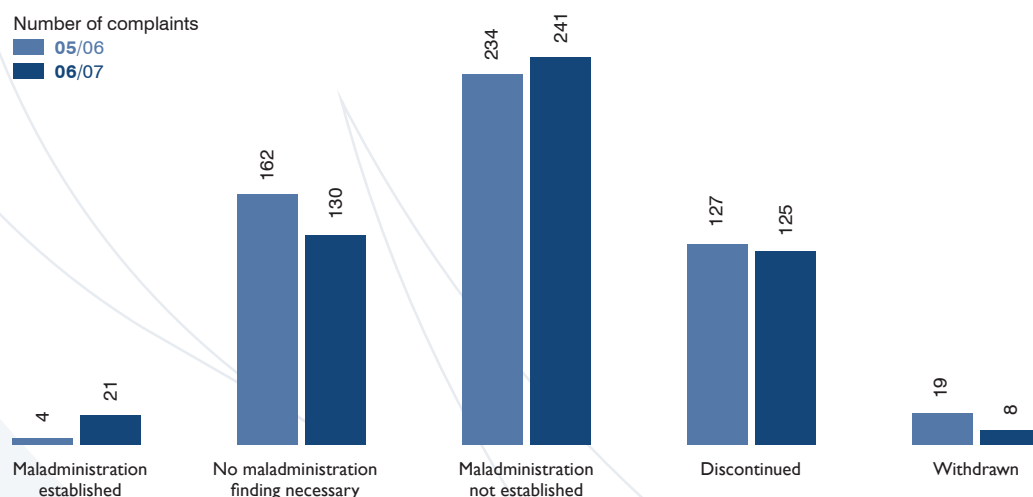
- provide training to officers on the council's Code of Conduct, and the statutory requirements and proper procedures relating to the calling and assessment of tenders, report writing and record keeping
- provide training to councillors on the Councillors' Code of Conduct
- develop or review policies, guidelines, strategic documents and systems for tenders and dealing with major infrastructure projects
- develop a formal means of recording and reporting on the timeliness of its management of Integrated Development Assessment System (IDAS) processes
- implement a system of periodic audits of a random sample of information requests and time extensions to check compliance with *Integrated Planning Act 1997* (IPA) requirements and timelines
- implement training for officers and councillors on providing clear and consistent reasons for development application decisions

- consider establishing a panel of advisers, or some similar arrangement, to increase the level of assistance applicants are able to access when involved in IDAS processes
- develop a formal policy to guide caravan park operations regarding maximum length of stay and conditions of use
- develop a compliance system for monitoring development projects to ensure developers have carried out all the works necessary to satisfy the conditions of development approval, whether those conditions are required to be met prior to the sealing of the plan of survey or prior to the commencement of the use of the land, or at some other nominated time
- consider requiring developers to provide adequate security for any works required to be undertaken to meet development approval conditions.



Of the 525 council complaints investigated, we made a finding of maladministration in 21.

FIGURE 6: FINDINGS OF COUNCIL COMPLAINTS INVESTIGATED



We found maladministration in 21 council complaints investigated this year.

Council complaint outcomes

We investigated 525 of the 1,888 council complaints we received. Figure 6 details the results achieved on complaints investigated.

We made findings of maladministration by councils in relation to 21 complaints compared with four complaints last year. Of those, nine concerned complaints in the Laws and Enforcement or Development and Building Controls categories.

Of the 21 complaints, seven involved findings that administrative action had been undertaken contrary to law. A further seven complaints resulted in findings the councils had acted unreasonably in the particular circumstances.

In addition, three complaints concerned a failure to provide reasons or adequate reasons for decisions. In the remaining four complaints we concluded that the decisions of the councils were based on a mistake of law or fact (two), involved unlawful discrimination (one) or had been otherwise wrong (one).

Good record keeping for better transparency

Public authorities (including local councils) are required to make and keep full and accurate records in accordance with the *Public Records Act 2002*.

The failure to make adequate records of in-person or telephone conversations is a recurrent theme in our investigations.

In the two major investigations conducted this year into local councils (namely the Miriam Vale and Douglas Shire Councils), we found multiple incidents of inadequate record keeping. These findings formed the basis of several formal opinions and recommendations in our reports of those investigations (see p30).

Properly managed public records and record keeping systems are critical as they facilitate and support:

- delivery of government services
- business continuity
- accountability.

However, based on our investigations, there appears to be an inadequate approach in some councils to recording the content of important discussions. Two examples were revealed in our investigations, which in slightly different circumstances, may have had serious consequences both for the council and the officers.

These involved the failure to:

- record an officer's verbal disclosure of a possible conflict of interest
- record the details of a telephone discussion with the adviser to a tenderer during the tender process.

The failure to record important operational discussions leaves councils and officers exposed to the criticism that their decision-making is neither impartial nor accountable.

Information about good record keeping practices is provided in our Good Decisions Training Program (see p37).



Our two major investigations of local councils highlighted the importance of good record keeping.

Ensuring better checks and balances in the development assessment system

Planning and development in Queensland are regulated by the *Integrated Planning Act 1997* (IPA). Chapter 3 of the IPA establishes the Integrated Development Assessment System (IDAS), which the IPA defines as a system for 'integrating State and local government assessment and approval processes for development'.

The IPA defines 'development' as:

- (a) carrying out building work
- (b) carrying out plumbing or drainage work
- (c) carrying out operational work
- (d) reconfiguring a lot
- (e) making a material change of use of premises.

Six of our investigations into development and planning matters resulted in a finding of maladministration.

Our investigation of the development and planning practices of the Miriam Vale Shire Council (see p30) resulted in our making numerous recommendations about such practices.

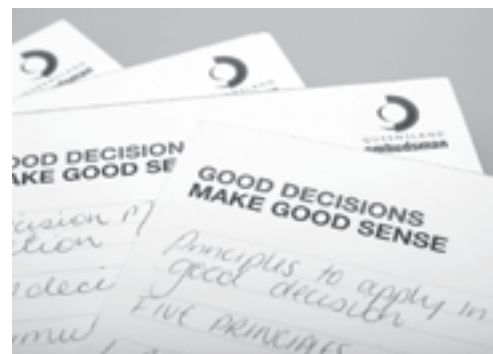
For example:

- recording and reporting on compliance with statutory timelines
- providing training and guidance to council officers dealing with development applications
- developing procedures to ensure that the requirements of the IPA are complied with
- developing key performance indicators
- developing and implementing a formal mechanism for recording and reporting on complaints made about councils dealing with development and planning applications.

Our work on this investigation helped inform our submission to the Department of Local Government, Planning, Sport and Recreation on its Discussion Paper, *Dynamic Planning for a Growing State: Options for improving Queensland's Integrated Planning Act 1997 and Integrated Development Assessment System (Discussion Paper)*, which was released in August 2006.

Aside from the Miriam Vale investigation, we identified the following types of maladministration in our investigations of council development approval processes:

- failure to ensure compliance with development conditions and related policies



It is important for councils to effectively manage development approval processes to avoid complaints.

- inadequate development approval procedures and guidelines
- failure to provide decision notices to objectors to development applications.

Two cases in relation to the Hervey Bay City Council (see p56) illustrate the difficulties caused for people when a council fails to properly administer its development process.

Better decisions in local government

We conducted a total of 22 training sessions for 23 councils during the year. A number of sessions were attended by officers from several councils and we conducted multiple training sessions for some councils. It's pleasing that councils have embraced our Good Decisions Training program so enthusiastically (see p38).



Our officers work to improve council decision-making and record keeping practices.

LOCAL GOVERNMENT KEY INITIATIVES FOR 2007–2008

- Continue to deliver the Good Decisions Training program to councils, including regional councils, and commence the delivery of Complaints Management Training.
- Continue to provide advice to councils and keep them informed of our work through our newsletters, *Local Perspective* and *Frontline Perspective*.
- Where appropriate, assist councils with the Local Government Reform process leading into and following the local government elections in March 2008.



CASE STUDY

FUNDING BORE WATER IN RURAL COMMUNITIES

Background

Our Office received a complaint about Balonne Shire Council's decision to cease to supply treated water from the Moonie River to the town of Thallon and replace that supply with artesian bore water. We were concerned about the application for the change submitted by the council under the Smaller Communities Assistance Program (SCAP) to the Department of Local Government, Planning, Sport and Recreation (DLGPSR).

In the application to the Minister, the council advised that the bore had significant community support as required under the SCAP guidelines for funding.

However, the complainant contended that most of the community did not support the proposal. Another concern was that the water supplied to the community via the bore was received at a temperature in excess of 50 °C, and that such technical considerations were not taken into account when the DLGPSR assessed SCAP applications.

Investigation and findings

We investigated the complainant's concerns and concluded that the council had not provided sufficient assistance to residents to deal with the hot bore water problem. We made two recommendations to the council about further assisting residents to deal with the problem. The council rejected the recommendations saying that it had already given some financial assistance and that providing further assistance would be inequitable for residents in other towns.

We also undertook an own motion investigation into the granting of funding to the Council under SCAP. Our review found that SCAP guidelines failed to sufficiently define the words 'significant community support'.

We also found that the SCAP guidelines did not give adequate guidance for the assessment of council applications for new or upgraded water supplies involving bore water, particularly where water is to be supplied to residences at a significantly higher temperature than normal domestic supply.

Recommendations

We made the following recommendations to the DLGPSR, proposing changes to the SCAP guidelines:

- the DLGPSR amend the SCAP guidelines to require councils applying for new or upgraded water supplies involving bore water to address in the application specified criteria if water to be supplied to the community exceeds, or is likely to exceed, nominated temperature threshold/s determined by DLGPSR in consultation with the Department of Natural Resources and Water (DNRW)
- the specified criteria include:
 - › the physical impact on the community
 - › the impact on private property
 - › alternative options for cooling water, and practices in other communities.
- DLGPSR liaise with the DNRW to develop guidelines to assist technical assessment panels assess SCAP applications for new or upgraded water supplies involving bore water that exceeds the identified temperature threshold/s.

The DLGPSR agreed to implement our recommendations.

CASE STUDY

REMUNERATION OF MAYORS AND COUNCILLORS

Background

We received a complaint from a Torres Strait resident about the remuneration of the Mayor of the Torres Shire Council, which he believed was excessive, particularly in comparison to other councils. The Torres Shire Council had resolved to set the remuneration for the Mayor at the same level as a State Member of Parliament and included extra allowances.

Investigation and findings

As part of our investigation we initially considered the resolution passed by the council granting the pay rise with reference to the relevant provisions of the *Local Government Act 1993*. We formed the view that the council had followed the law as set out in the Act. Significantly, we considered that decisions regarding remuneration of mayors and councillors were political decisions which are valid so long as councils conform with legislative provisions.

However, we noted that there was a substantial difference in the salary of the Mayors of Torres Shire Council and other similarly sized councils throughout Queensland. In this instance, the Mayor received up to five times the amount of other mayors. We formed the view that as a matter of sound public policy, remuneration of mayors and councillors should be on an equitable scale.

In addition, we found that although the resolutions on mayors' remuneration, passed by councils generally were in accordance with the Act, the councils did not provide substantive reasons for the decisions.

Recommendations and outcome

We concluded that no further action would be taken in this instance, as the Torres Shire Council and other councils surveyed complied with legislative requirements. However, we identified a number of issues through our assessment.

We found that in order to maintain public confidence and in the interests of public accountability, it was imperative that councils be able to justify any rises in remuneration packages.

Consequently, we recommended the following:

- in the future, if the Torres Shire Council seeks to pass a resolution on this issue, that it provide proper reasons for the decision
- in light of the current review of the Local Government Act, DLGPSR consider taking steps to ensure greater consistency among councils in this area and ensure that when making resolutions on these matters, councils provide adequate reasons to fully inform the public of the justification for the remuneration levels.

While we were unable to assist the complainant directly in this matter, we identified an important issue of public concern relevant to all councils which we were able to address directly with DLGPSR.



This complaint identified an important issue of public concern relevant to all councils.

CASE STUDY

PUBLIC CARAVAN PARKS: UNFAIR COMPETITION OR COMMUNITY BENEFIT?

Background

During the year, we received several complaints in relation to the Barcaldine and Blackall Shire Councils using public land (in particular the town showgrounds) for low-cost caravan parking. The complainants were owners of licensed private caravan parks.

Caravan parking facilities have historically been quite limited in both towns. Due to the growing number of visitors with caravans, the councils have allowed the use of the town showgrounds and other public land for caravan parking and camping.

The annual influx of visitors during the peak winter tourist season is a major source of revenue for the local communities, and the councils have been anxious to ensure that visitors are encouraged to stay in the region as long as possible. Providing low-cost caravan parking facilities is one way the councils have sought to achieve this.

The complainants, whose caravan parks were more recently established in the region, believed the councils' activities were undermining their businesses' viability as fewer visitors were choosing to stay with them, opting instead for the cheaper prices and more limited facilities of the public showgrounds.

The complainants also claimed that while they were required to pay rates and charges and operate on a for-profit basis, the councils did not have these burdens and instead could subsidise caravan parking operations from their general funds.

Investigation and findings

Based on our investigation we concluded that limited caravan parking and camping (for example, during annual shows) is a legitimate secondary use of public land. There is no doubt that the visitors contribute to the local economy and the councils are justified in encouraging them to stay.

The annual turnover of the caravan park operations in Barcaldine and Blackall was not large enough to trigger the

competitive neutrality principles for public sector agencies. Both councils had also exercised their right not to apply the Local Government Code of Competitive Conduct to their caravan parking operations.

However, we formed the view that before engaging in commercial activities on public land or using public property, councils should consider the effect the activities may have on local businesses, particularly in remote communities.

Councils in these situations should be careful to strike an appropriate balance between ensuring essential services are provided to residents and visitors and entering into competition with properly licensed local businesses, potentially undermining their viability.

Accordingly, we recommended the councils review their caravan park activities with a view to ensuring they do not compete directly against local private operators.

In response, the Blackall Shire Council entered into a co-operative agreement with the complainant to manage the caravan park trade in town. The Barcaldine Shire Council did not accept our recommendations in full, as the council was of the view that there were few, if any, statutory limitations on the use they could make of the town's showgrounds for caravan parking.

We did not agree with this view and requested that council review its decision due to the effect the operations were having on nearby private licensed caravan park operations. Our opinion was that, while legal, the extent of the Council's caravan park operations meant that council was unfairly competing with private park operators.

The Department of Natural Resources and Water has since advised us that an amendment to the *Land Act 1994* is being considered, which will provide that inconsistent uses by trustees (such as local councils) of reserve land require Ministerial approval. Under the amendment, the Minister will be required to assess the level of impact such uses will have on nearby businesses before granting an approval.

CASE STUDY

COVER YOUR BASES FOR DEVELOPER COMPLIANCE

The next two cases relate to Hervey Bay City Council's failure to ensure developers comply with development conditions.

CASE A

Background

We received a complaint from a Hervey Bay resident regarding the City Council's obligations to ensure that developers comply with development conditions and policies.

The matter arose when the council approved a developer's plan submitted in 1996 to subdivide a piece of land on a number of conditions. One of the conditions was that the developer submit plans to the council with an appropriate method for disposal of effluent. These plans were submitted to council and approval was granted in 2000, but the developer did not comply with the condition.

The complainant, who purchased one of the lots in the subdivision, became aware of the problem in 2005 after their neighbour began construction work. At that time, the complainant was still using the old septic system situated on their neighbour's property. The neighbour subsequently removed the septic system leaving the complainant without a working effluent disposal system.

When the complainant raised concerns, the council issued the person with a notice to install a working effluent disposal system.

Investigation and findings

Our investigation revealed the council had failed to ensure the original developer complied with the conditions of development.

We also found that the design of the original effluent disposal system approved by the council did not conform to the requirements under its own policy. In effect, an approved effluent disposal system could not be installed on the complainant's land because it was too small.



Councils should have monitoring processes to ensure developers comply with key conditions.

Finally, we found that the decision of council to make the complainant pay for the installation of an effluent disposal system was unreasonable. The council should have ensured the design submitted by the developer was in accordance with the legislative provisions and ensured the developer complied with the conditions of development. Further, the complainant could not have found the problem by undertaking the usual searches before purchasing the property and would not have purchased the property if the council had not approved the developer's plans.

Recommendations

We made a number of recommendations to the council, including to:

- make available council land for the purpose of installing an effluent disposal system for the affected block
- meet the cost of the works necessary to acquire and install an effluent disposal system
- carry out the works necessary as soon as is practicable.

We also recommended the council develop a compliance system for monitoring development projects to ensure developers have carried out all the works necessary to satisfy the conditions of development approval, prior to the sealing of the plan of survey or prior to the commencement of the use of the land, or at some other nominated time.

The council accepted all of these recommendations.

CASE B

Background

We received a complaint regarding the obligations of the Hervey Bay City Council to ensure that development conditions are complied with.

The matter arose after the council gave approval in 1997 to a developer to subdivide land. The approval was subject to a number of conditions, one of which was the developer cover the cost of all development works, including any necessary alteration or relocation of services, public utility mains or installations.

The complainant, who purchased one of the lots in the subdivision in 2003, subsequently found the underground telephone and electricity cables, and water mains servicing his property crossed the boundaries of adjoining lots. The telephone cable was subsequently relocated by the telecommunications company at no cost to the complainant after construction work on the adjoining lot severed the cable.

The complainant raised his concerns with the council about the remaining problem of the electricity cable and water main and was advised to take civil action against the developer.

Investigation and findings

Our investigation found the council had failed to ensure the developer's compliance with the condition of development approval requiring the necessary alteration or relocation of services, public utility mains or installations.

We considered it was unreasonable for the council to expect the complainant to pursue civil action against the developer to recover the costs of the relocation works, as the normal searches conducted by a prospective

purchaser would not have revealed the problem of the utility services.

However, the council argued that it was not necessary for the utility services to be relocated to be wholly contained within the boundaries of the complainant's lot.

While we accepted council's advice that it is common practice for council water mains to traverse property boundaries, and that the water main servicing the complainant's property could be left where it was, we considered that the relocation of the electricity cable was necessary. This was on the basis that under s.227 of the *Electricity Act 1994* it is unlawful to convey electricity beyond one's property, which was the situation facing the complainant.

Recommendations

We recommended the council address the problem of the utility services for the complainant's property by:

- arranging and paying for the necessary work to be undertaken to relocate the underground electricity cable so it was wholly contained with the boundaries of the complainant's lot
- undertake or arrange at its cost for a survey to identify the location of the water main servicing the complainant's property, and for the survey details to be recorded on council's property files and written advice given to the respective property owners.

Outcome

The council indicated its preparedness to accept our recommendation with respect to the water main. Negotiations are continuing on our recommendation for the relocation of the underground electricity cable.



GOAL 2: OUTLOOK 2007–2008

PROMOTE ADMINISTRATIVE JUSTICE BY PROVIDING A FAIR AND EFFECTIVE INVESTIGATIVE SERVICE

- Review the intake and assessment process to improve efficiency and timeliness
- Monitor the use and effectiveness of informal resolution processes
- Review investigative processes to improve efficiency and timeliness
- Enhance mechanisms to avoid duplication of investigative activity among other accountability agencies
- Continue to monitor and encourage acceptance and implementation of recommendations made to public sector agencies
- Report publicly on agencies' responses to our recommendations in significant investigations



GOAL 3

ENHANCING PUBLIC AWARENESS AND ACCESS

KEY HIGHLIGHTS

STRATEGIES	PERFORMANCE
Maximise opportunities to increase awareness and access through the Regional Visits Program	<ul style="list-style-type: none"> • Revitalised the Regional Visits Program into the Regional Services Program incorporating the delivery of Good Decisions Training, investigative trips and awareness activities to provide a more effective service • Visited 38 regional centres to train public sector officers and receive and resolve complaints
Ensure the needs of people who are difficult to reach and have problems accessing our services are addressed	<ul style="list-style-type: none"> • Created new languages section on website in top 12 languages spoken in Queensland to improve multicultural access • Visited each of the 12 correctional centres in Queensland twice to receive and resolve complaints • Received 456 complaints via the Prisoner PhoneLink service • Enhanced the prisoner communication strategy, including by updating the prisoner brochure and complaints form • Conducted awareness campaign with other independent complaint agencies targeting the Muslim and Arabic speaking communities to promote our services
Use the web, media and other communication networks to raise community awareness of our role and improve access to our services	<ul style="list-style-type: none"> • Increased use of our website by 70% from 4,000 sessions per month to 7,000 sessions per month • Gained widespread media coverage due to the Regional Services Program and public reports tabled in Parliament • Participated in community and cultural events to promote awareness of our services
Refine strategies for targeting, promoting and delivering our programs and services to the public sector	<ul style="list-style-type: none"> • Produced two issues of <i>State Perspective</i> and <i>Local Perspective</i>, our newsletters for decision-makers in State and local government • Launched <i>Frontline Perspective</i>, an electronic newsletter that provides tips and advice for frontline public sector officers dealing with complaints • Produced feature articles for public sector internal newsletters and publications

DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL FEEDBACK

"Thank-you, I found your State Perspective newsletter very interesting. Some of the tips can easily be applied to my own work when doing online services consultation! Much appreciated."

We consolidated our communication strategy this year to better reach our diverse audiences throughout Queensland. Our communication strategy also recognises the importance of ensuring that public sector officers are aware of our role and our initiatives to improve decision-making, record keeping and complaints management.

Building our profile across Queensland

We remain committed to promoting awareness of our services to groups that may be disadvantaged because of location, language or other circumstances. Through our regional awareness campaigns, we inform people of the various ways they can contact us, including via our toll-free phone number and our online complaint form. The activities we undertook this financial year as part of the regional awareness campaigns include:

- distributing information packs to key 'access points' for potential complainants, including community centres, councils, legal centres, libraries, electorate offices, and universities/TAFEs
- organising community service announcements on local radio stations
- radio and print advertising campaigns
- radio and newspaper interviews.

The campaigns target regions which are identified through ongoing analysis of complaint data as being under-represented in complaints to our Office.

This year, we conducted awareness campaigns in the Mount Isa, Townsville, Mackay, Sunshine Coast and Ipswich regions. We will continue this program in 2007-2008.

We generated positive media coverage across the State as a result of the regional awareness campaigns. Additional publicity was generated as a result of the tabling and public release of four major investigative reports.

We also conducted a number of information sessions for assorted community groups.

Maximising our online presence

Since our website was launched in December 2005, it has become a key access point for the public to find out more about our Office, as well as an important resource for public sector agencies on ways to improve administrative practice.

Website use continued to grow this financial year, with the total sessions increasing on average by 70%, from nearly 4,000 to nearly 7,000 sessions a month. A session is initiated when the visitor arrives at the site, and it ends when the browser is closed or there is a period of inactivity.

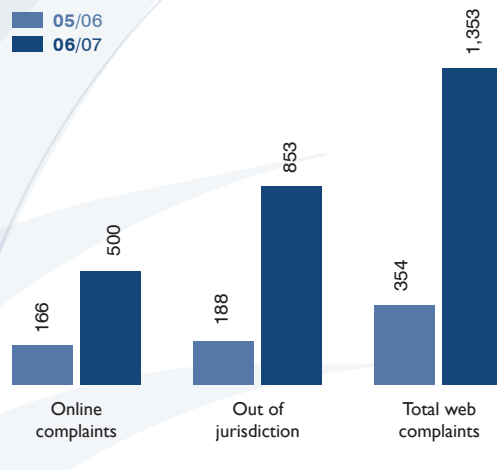
Use of our online complaint form has also dramatically increased over the last two years from 354 to 1,353 total web complaints (see Figure 7). Complaints received via email have remained static at 460.

In 853 cases, the complaint form on our website was used by members of the public to make their own assessment that they should refer their complaint to another agency rather than the Ombudsman (at least in the first instance).

Prior to the launch of the new website, these complaints would have been referred to us and we would have had to advise the complainants to contact another agency.



Our regional awareness campaigns aim to inform Queenslanders about our services in the event they need to make a complaint.

**FIGURE 7: WEB COMPLAINT COMPARISON
2005–2006 AND 2006–2007**

This year, we continued to promote the website by:

- listing the website on all material we distributed
- announcing in advertisements and media releases that people could complain online
- providing the web address in all radio interviews.

We will undertake a website review in December 2007 to identify improvements to the navigation and content.

Improving access for multicultural communities

This year, we continued our work to ensure that people from all ethnic backgrounds are aware of and able to easily access our services.

We created a new section on our website to better cater for multicultural audiences (www.ombudsman.qld.gov.au/languages).

Information about our Office, role and jurisdiction was translated into the top 12 languages spoken across Queensland and made readily available by clicking on the languages link. The languages are:

- | | |
|--------------|-----------------|
| • Chinese | • Dinka (Sudan) |
| • Vietnamese | • Amharic |
| • Spanish | • Dari |
| • Samoan | • Farsi/Persian |
| • Croatian | • Turkish |
| • Arabic | • Somalie |

We undertook an awareness campaign with other complaint agencies to inform the Muslim community about our services. This followed similar awareness campaigns in 2005 and 2006 for the Chinese and Vietnamese communities.

The campaign comprised letters to key community organisations enclosing our multi-language 'It's OK to complain' brochures, advertising in Arabic, Turkish and Persian languages on ethnic radio station 4EB and an editorial spread in the *Muslim Times*.

In conjunction with other independent complaint agencies such as the Health Quality and Complaints Commission and the Anti-Discrimination Commission Queensland,



Participating in events such as the Multicultural Festival, provides our Office with the opportunity to tell members of the community about our services.

we participated in a range of events to increase awareness of our services including:

- NAIDOC Week – July 2006
- Queensland Multicultural Festival – October 2006
- Queensland Muslim Symposium and Expo – March 2007.

These events provided a great opportunity to reach key multicultural audiences and inform them of our role and how they can access our services.

In 2007-2008, we will focus on updating our resources for Aboriginal and Torres Strait Islander (ATSI) people and working more closely with those communities to inform them of our role. We will also continue to participate in major multicultural events.

Getting governance into *Perspective*

One of our principal vehicles for promoting good decision-making in the public sector is our newsletter – *State Perspective* and *Local Perspective* – launched in June 2006. The newsletter has been very well received across State and local government and is distributed to more than 800 senior decision-makers.

It contains information on our initiatives to improve practices and procedures, including our Complaints Management Project, and administrative improvement advice relevant to this audience. It was published twice during the year. Three editions are planned for 2007-2008.

In May this year, we also launched our latest newsletter, *Frontline Perspective*, which complements *State* and *Local Perspective*.



Our *Perspective* newsletters provide news, tips and advice for public sector officers to improve their administrative practices.

The first edition was distributed to 600 nominated contacts across government who then distributed the publication via internal networks.

Frontline Perspective is tailored to officers working at the front end of State government agencies and local councils including those working in call centres, customer service counters and complaint units. It provides these officers with the tools to make better decisions and improve their complaints handling at the first point of contact to prevent the escalation of complaints.

The first issue of *Frontline Perspective* was read by more than 2,500 officers.

To date, we have been successful in negotiating with the Department of Communities, Department of Justice and Attorney-General and Queensland Corrective Services to make the newsletter available on their intranet systems. We aim to further increase *Frontline Perspective's* readership in the new financial year by making similar arrangements with other agencies and councils.

Frontline Perspective will be published three times each year in April, August and November.

DISABILITY SERVICES QUEENSLAND FEEDBACK

"I am currently an Intake Officer with Disability Services Queensland in the Maryborough office. In State Perspective Queensland Ombudsman Issue 2 November 2006, I found the Case Focus to be very relevant to my present role. I intend to share the section 'lessons for agencies' with other staff members. Thank you for the focus."

FOCUS ON REGIONAL QUEENSLAND

During our strategic planning process this year, we identified ways of improving our services for people in regional Queensland.

Better access through the new Regional Services Program

Previously we advertised in local newspapers to inform the community our officers would be in a particular region to receive complaints. However, increasingly, people outside Brisbane are using our toll-free number (see p14), the online complaint form on our website and email to contact us. This provided the catalyst to review our regional program.

In November 2006, we decided to change the focus of the regional program from the receipt and assessment of new complaints to the following activities:

- providing training on good administrative practice to public sector officers in regional offices
- continuing to undertake investigations in regional locations, where this is the most effective investigative response
- visiting correctional centres to investigate complaints and inspect registers and procedures.



Assistant Ombudsman Craig Allen and Investigator Greg Jesberg met with Boorunga Shire Council CEO Donna Burke during their visit to the region in August 2006 to investigate complaints.

While we are in a region, we will also continue to take complaints from members of the community who are unable to effectively lodge their complaint by telephone, the internet or mail.

We trialled the new Regional Services Program from February 2007 and found it to be an efficient and effective way of discharging our investigative and administrative improvement functions.

In 2007-2008, we will continue to refine the program to ensure Queenslanders can make complaints easily, public sector officers in regional areas are supported in their decision-making and our services are provided in the most cost-effective way possible.

CASE STUDY

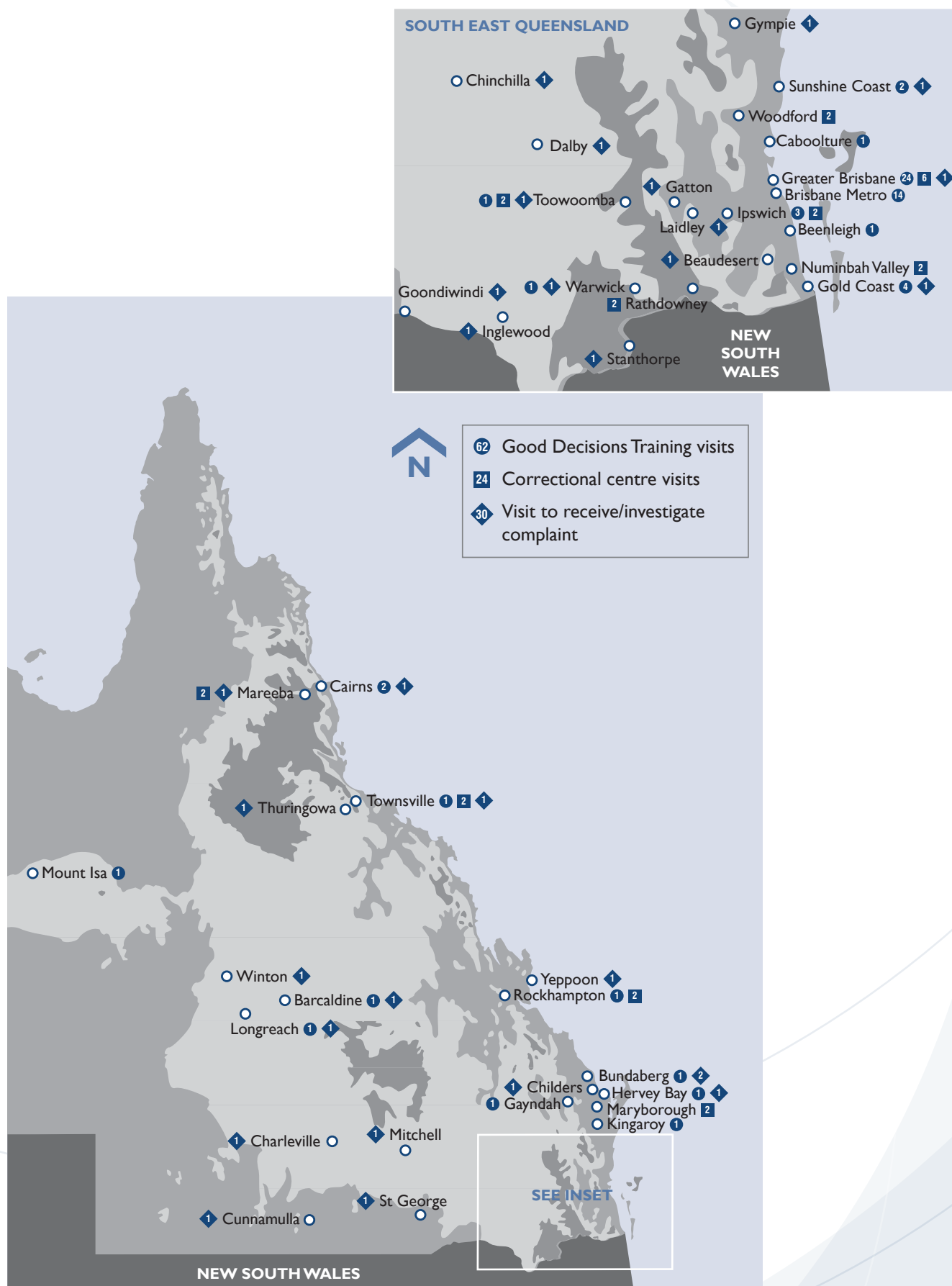
UNFORESEEN CONSEQUENCES OF TOWN PLAN

Investigation and findings

A property owner in a rural shire contacted us about a planning issue affecting his property. Recent town planning changes had introduced a total building ban on properties within 100m of a gas pipeline running through the township. The gas pipeline ran under the footpath outside the complainant's property, and as his land was only 50m from the pipeline, there was effectively a total building ban on his 'residential property'.

As the complainant resided outside of the shire he only became aware of this situation after a potential purchaser of his property terminated a contract of sale.

QUEENSLAND CENTRES VISITED IN 2006–2007



Upon investigation, we determined that this outcome for the complainant's property and a series of similar properties in his street, was an unintended consequence of the town planning changes. It had been assumed that in a rural area there would be no difficulty in selecting house sites 100m away from the pipeline. This series of small residential 'town' blocks had not been specifically considered in the planning process and the situation had remained undetected by all of the owners of these properties until the complainant had attempted to sell his property.

Recommendations and outcome

The local council agreed to commence town planning amendments to reverse the building ban affecting these properties, acknowledging the previous amendment had caused this unintended consequence. Council agreed with the complainant that in the meantime, any prospective purchaser of his property would be advised accordingly.



Providing an accessible complaints service for regional Queensland continues to be a key priority for our Office.

CASE STUDY

DISALLOWED RATES DISCOUNT DECISION OVERTURNED

Investigation and findings

A businesswoman living in one of the larger regional centres in Queensland had her rates discount for prompt payment disallowed. She paid via the BPay option on the afternoon of the due date before going to hospital for surgery. The complainant was unaware that a payment made after 3.00pm (the end of a banking day) on a business day is generally not received by a council until the next business day.

Under the *Local Government Act 1993*, a local government has discretion to grant a rates discount to a ratepayer if circumstances 'beyond their control' prevent them from paying in due time to receive the rates discount.

It became apparent that under the council's existing policy, discounts were granted to ratepayers paying by cheque if the mailed cheque was postmarked prior to the due date.

Our Office queried the apparent inconsistency that a person making conditional payment by posting a cheque prior to the last day was granted the discount, and yet a person making unconditional payment electronically (albeit payment does not reach the recipient until the next day) was not.

Furthermore, while a person posting a cheque on the due date would be aware payment would not be credited to the council until after that date, a person using electronic payment methods may well have a reasonable expectation that payment would be effected immediately.

Recommendations and outcome

The council acknowledged its policy favoured the more traditional method of payment by cheque. It reversed its decision and the complainant's rates discount was allowed. A revised policy was prepared which now addresses delays in electronic payments.

CASE STUDY

THE COST OF NEW STOCK GRIDS ON A RURAL ROAD

Investigation and findings

A rural property owner was advised by their shire council they would be obliged to contribute to the cost of replacing cattle grids along a road adjoining their property. The replacement of the grids was part of a Commonwealth funded roadwork program. The council had included the cost of the grids in the funding request for the roadwork but still insisted on a contribution from the property owner.

We learnt that, in making this decision, the council was implementing a proposed new policy concerning the ownership and maintenance of cattle grids throughout the shire before the policy had been approved or adopted by the council at a General Meeting.

We contacted the CEO of the council and made inquiries that established that no other property owners along the same road, whose grids had also been replaced, had been required to make any contributions. In our view, the request to obtain a contribution from the complainant was unfairly discriminatory. We also considered the request for a contribution was unreasonable as council had already received Commonwealth funding to replace the grids.

Recommendations and outcome

We suggested the council reconsider its decision and it agreed to waive the contribution of \$6,423.50 being sought from the property owner. The new gates and grids policy has now been approved by the council.



Our investigations may result in a positive outcome for the complainant.

CASE STUDY

RATING FARMERS HIGHLY

Investigation and findings

A farmer in a rural shire contacted us about the level of rates being charged by the local council on a small block (5m x 15m) of Crown land held by the complainant under a Permit to Occupy issued by the Department of Natural Resources and Water (DNRW).

The block of land was used by the farmer to house a lift pump to draw water from a small drainage channel and irrigate a much larger rural property located almost adjacent to the pump site but on a separate land title and in the neighbouring shire.

The farmer advised he had held the land for five years but the council had only started charging him rates in the past two years. The level of rates being charged was approximately \$1,000 per annum, which the farmer considered excessive.

We made inquiries with the council which advised that it had placed the land in the rating category of Intensive Broad Acre Farming (IBAF) rather than Rural, as it considered the use of the land for a pump was 'commercial' in nature. The minimum general rate for the IBAF category was approximately double the amount charged for land categorised as Rural. We considered the issues, including the existence of a separate rating category for commercial

property, and formed the view the land may not have been categorised correctly.

Due to the unusual circumstances, whereby the pump site and the rural land it was servicing were in neighbouring shires, we carried out a benchmarking exercise with other similarly sized councils to assist in determining if similar circumstances existed elsewhere and whether the amount of rates being charged was reasonable. Six councils were contacted and the results compared.

Recommendations and outcomes

Our investigation revealed that under the *Land Act 1994* it is the usual practice for councils to integrate these small parcels of land held under a Permit to Occupy into the ratepayer's principal landholding, resulting in a minimal increase in the amount of rates payable. This was not possible in this instance as the landholdings were located in different shires. We therefore asked the council to reconsider the rating category applied to the small parcel of land.

Following consideration of our views the council responded advising it had resolved to alter the rating category to Rural, effectively halving the amount of rates payable. The council also provided the farmer with a credit for the amounts paid over the previous two years that were in excess of the amount that would have been charged if the land had been rated in the Rural category.

The farmer later wrote to our Office and acknowledged the 'favourable outcome' achieved due to our intervention. He stated: *"I would like to take this opportunity to thank you and your fellow staff members for your time and patience taken in resolving this matter. It is greatly appreciated"*.

FOCUS ON CORRECTIONS

We continue to play an important role in promoting accountability and good administrative practice in Queensland Corrective Services (QCS). It is vital for an independent body like ours to scrutinise actions and decisions, as well as procedures and processes that affect people who do not have the same rights as the general community.

Key events this year that impacted on our Corrections Program were the commencement of the *Corrective Services Act 2006* and the launch of the QCS Complaints Management System.

In the previous year, we had considerable input into both the proposals for the new Act and the new complaints system. This year we modified our Corrections Program to align it with the new Act and system.

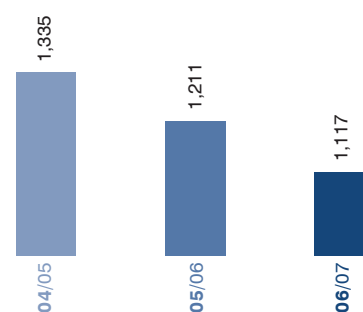
Highlights

- We received 1,117 complaints about corrections matters, which represented an 8.4% decrease on the number of complaints received in 2005-2006.
- Of the 1,125 complaints finalised, over half (53.6%) were the subject of some form of investigation, usually through informal investigative processes.
- The largest category of complaint was Offender Management (which includes issues such as parole and transfers), comprising just over half of all complaints received (50.9%).
- 40.8% of the complaints received were made via the Prisoner PhoneLink – a decrease of 2.9% from last year.

Complaint trends

The decrease in the number of complaints we received in 2006-2007 about corrections issues continues the trend over the past three years (see Figure 8).

FIGURE 8 : PRISONER COMPLAINT TRENDS



This decrease can be attributed to:

- improved procedures in receiving and dealing with complaints within correctional centres
- significant improvements to the Official Visitors scheme since it became the responsibility of the Chief Inspector leading to an increase in complaints to Official Visitors
- consequential changes to our procedures to avoid duplication of investigative resources.

The improvements in the QCS' complaint procedures culminated in the launch of the QCS Complaints Management System on 20 February 2007. This resulted in a more effective process for dealing with complaints from prisoners and the public. As reported last year (see 2005-2006 annual report p47), we assisted QCS to develop its complaint system during Phase I of our Complaints Management Project.

Although complaint numbers declined this year, finalised complaints that were the subject of some form of investigation (usually by informal investigative processes), increased by more than 6%.

Of the complaints investigated in 2006-2007, we made a finding of maladministration in relation to six complaints. In 294 complaints, due to our intervention, the problem was quickly rectified, or we provided information to the complainants that in our view addressed their concerns. In those complaints it was therefore not necessary for us to make any finding about whether or not the decision complained about involved maladministration.

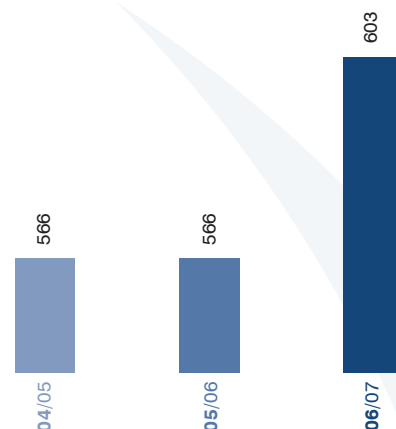
Complaint issues

We reviewed our corrections complaint categories to take into account the provisions of the *Corrective Services Act 2006* that commenced on 28 August 2006, the outcome of the consequential review of QCS procedures and QCS' new Complaints Management System.

Sentence Management, which was the main complaint category in previous years, was renamed Offender Management to reflect terminology used by QCS. In 2006-2007, 50.9% of all corrections complaints related to issues in this category, which includes:

- the assessment process undertaken by correctional centres relating to parole (26.2% of the category)

FIGURE 9 : PRISONER COMPLAINTS INVESTIGATED AND FINALISED



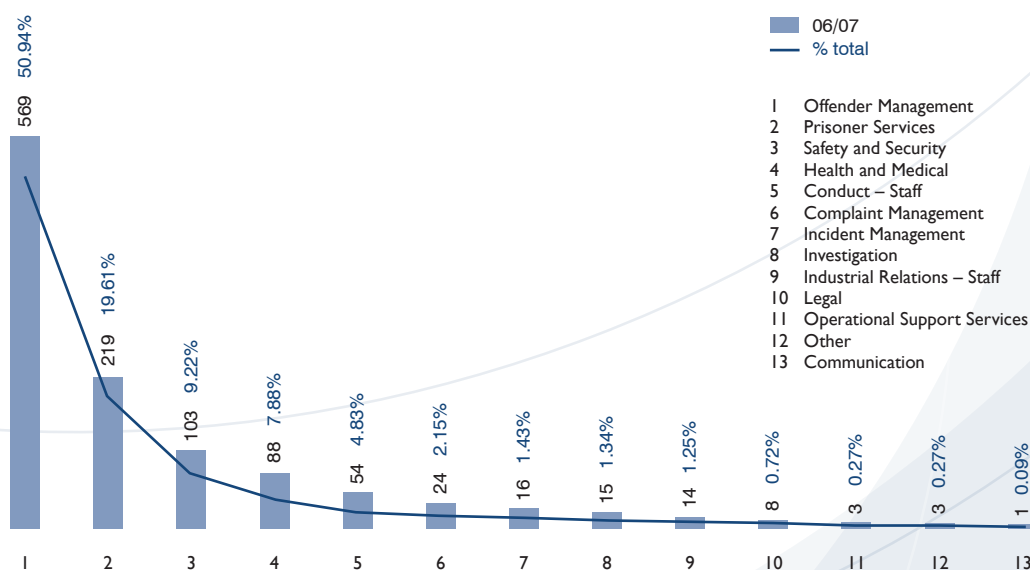
- transfer of prisoners from one correctional centre to another (18.1%).

Other prominent complaint categories were:

- Prisoner Services – including issues relating to loss of property and the processing of prisoners' ordinary and privileged mail (19.6% of all corrections complaints)
- Safety and Security – including issues relating to visits and searches of prisoners and visitors (9.2% of all corrections complaints).

As reported last year, as a result of the enactment of the *Corrective Services Act 2006*, prisoners lost their access to judicial review of decisions about transfers and security classification.

FIGURE 10: CORRECTIONS COMPLAINT TYPES



Offender Management remains our largest prisoner complaint category comprising half of all prisoner complaints received.

We have been monitoring the number of complaints received concerning both of these categories to ascertain the impact of these legislative changes on the corrections complaints we receive.

As mentioned, the transfer of prisoners was a significant complaint issue during 2006-2007. It was also a significant issue in 2005-2006. Unfortunately, individual and 'one off' factors have complicated analysis of the complaint data.

For example, in 2005-2006, the number of complaints we received relating to the transfer of prisoners was significantly affected by the closure of the Sir David Longland Correctional Centre for extensive refurbishment and extension and the movement of prisoners out of that centre. In 2006-2007, the extensive rebuilding work at the Townsville Correctional Centre and the associated transfer of prisoners also resulted in complaints.

Similarly, in relation to complaints concerning prisoner security classification, it is difficult at this time to draw a conclusion that the loss of access to judicial review has resulted in an increase in complaints to our Office.

As well as removing access to judicial review, the *Corrective Services Act 2006* made far reaching changes concerning the classification of prisoners by:

- reducing the security classifications from five to three
- providing a review of classification for prisoners on remand
- varying the periods for mandatory reviews of a prisoner's classification.

Ensuring fair access to our services

Of critical importance to our Corrections Program is the ability of prisoners to have ready access to our services in a confidential manner. The primary means of achieving this is the Prisoner PhoneLink which allows prisoners at every correctional centre in Queensland to contact our Office.

In 2006-2007, we received 456 complaints via the Prisoner PhoneLink (40.8% of complaints received about corrections issues). Although this is a decrease of 2.9% from the previous year, the PhoneLink remains by far the most common method for prisoners to submit their complaints to us.



Improvements to our prisoner brochure and complaint form mean prisoners can more easily make a complaint to our Office.

The Prisoner PhoneLink also allows prisoners who have limited literacy skills or who may be unwilling to state their concerns in writing to contact our Office.

Even if we decline to investigate a complaint, (for example, it may be premature for us to deal with it as the prisoner has not attempted to resolve it at the correctional centre) we may still take some action or provide information that will assist the prisoner to have their complaint addressed.

Prisoners can also contact us by letter through the privileged mail system.

We have maintained our program of visiting each of the 12 correctional centres in Queensland every six months. As part of our advertising strategy for each visit, we encourage prisoners to contact us by letter or Prisoner PhoneLink prior to our visit so that, during our visit, we can concentrate on advancing and resolving complaints previously received.

This year, we reviewed our communication strategies to promote the Prisoner PhoneLink and provide prisoners, in particular indigenous prisoners, with improved access to our services.

The resulting initiatives include:

- redesigning our prisoner brochure, complaints form and visits poster – taking into account the new QCS Complaints Management System
- inserting a section about the role of our Office in the Official Visitor Induction Handbook to inform Official Visitors of our role so that they know to refer prisoners and/or complaints to us, if required

- including information about our role in an induction pack for QCS indigenous liaison officers, the aim of which is to reach the officers who work with indigenous prisoners and who, through their work, are able to access prisoners more regularly than our twice a year visit program
- working with indigenous prisoners in the Cultural Centre at Arthur Gorrie Correctional Centre to develop artwork we can use to better communicate with this audience
- providing advice and training to QCS officers on good decision-making.

We will continue to implement these communication initiatives in 2007-2008 to ensure prisoners are aware of and can easily access our services. In addition, our administrative improvement publications – *Frontline Perspective* and *State Perspective* (see p61) – are available to QCS staff on the QCS intranet.

Building stronger relations with QCS

We acknowledge that, wherever appropriate, agencies should be given the opportunity to resolve complaints at a local level. With corrections complaints, this requires developing effective working relationships between our officers and key decision-makers at correctional centres. These relationships also help us to resolve complaints informally and expeditiously.

In addition, when receiving and dealing with complaints, our officers are conscious of the need to avoid unnecessary duplication of investigative resources. Where possible, and with the assistance of the Chief Inspector, we contact the relevant Official Visitors (prior to undertaking a visit to a correctional centre) to receive information concerning complaint issues.

The Director-General of QCS also provides us with copies of the final reports prepared by the Chief Inspector following his inspections of correctional centres.

These reports inform us of broader administrative deficiencies at particular centres that we can bear in mind during our visits to those centres.

Our visits to correctional centres provide us with the opportunity to:

- investigate and resolve complaints
- raise awareness of our services among prisoners
- provide information to centre management concerning complaints we have received relevant to the centre
- obtain information relevant to systemic issues being investigated
- audit administrative processes
- monitor the operation of the QCS Complaints Management System.

As reported last year, we signed a memorandum of understanding with QCS to allow our officers to access QCS' Integrated Offender Management System (IOMS) as well as QCS procedures and other documents. Unfortunately, due to technical issues, the full extent of the benefit expected to be gained from such access has not been realised. However, we anticipate this will be remedied early in the new financial year.

We commend the QCS for its willingness to provide our officers with this access, which demonstrates a commitment to transparency and accountability.



Our monitoring of correctional centre administrative processes helps ensure prisoners are treated fairly and given due process.

We will continue to:

- assist QCS to implement its Complaints Management System
- monitor significant complaint issues, including prisoner transfers and prisoner security classification
- audit administrative processes in correctional centres
- monitor and refine how we promote and deliver our services to take into account the operation and delivery of QCS' Complaints Management System
- liaise with the Chief Inspector and Official Visitors to avoid unnecessary duplication of investigative resources
- continue to analyse complaints data to identify possible systemic issues, whether specific to a particular centre or to all centres, and provide the results to QCS
- make our Good Decisions Training and Complaints Management Training programs available to correctional officers.

CORRECTIONS KEY INITIATIVES FOR 2007–2008

CASE STUDY

UNREASONABLE TRANSFER OF PRISONERS

Investigation and findings

During a correctional centre visit, our officers were contacted by several prisoners, all of whom complained about the circumstances relating to their transfer from a northern correctional centre.

In particular they claimed:

- they received less than seven days' notice of the transfer, as prescribed in the relevant QPS' procedure in circumstances where, as far as they were aware, they did not constitute a safety or security risk
- prior to their transfer they had been gainfully employed at the centre
- they were removed from their family connections in North Queensland
- they received no paperwork containing the reasons for the transfer and therefore were not informed of their rights to request a review of the transfer and did not apply for a review.

Our inquiries indicated the transfers were undertaken largely to satisfy QCS operational needs without adequate regard to the provisions of the QCS procedure about the transfer of prisoners between

correctional centres. We also expressed our concern to QCS about difficulties the prisoners were now experiencing in maintaining family contact.

The QCS Director-General directed the Office of the Chief Inspector to undertake a review of inter-regional prisoner transfers during the period, including the transfers of the complainants.

Recommendations and outcomes

The Office of the Chief Inspector undertook the review which resulted in:

- recommendations relating to prisoners who had been transferred during the relevant period
- amendment of QCS procedures to provide greater guidance concerning the selection of and notification to prisoners who were considered suitable for transfer
- improvements concerning the physical transfer process.

For the prisoners who had submitted complaints to our Office, those who had not since been discharged had their transfers reconsidered. Most were approved to be transferred back to the northern correctional centre when a vacancy occurs.

We are following up with QCS about the implementation of the recommendations of the Chief Inspector's review.



CASE STUDY

IMPROVING INTERNAL COMMUNICATION PROCESSES WITHIN CORRECTIONAL CENTRES

Investigation and findings

One of our functions during our visits to correctional centres is to audit administrative processes. Because we visit all centres we are able to make comparisons concerning implementation of processes by different centres.

During our last round of visits, we conducted a review of the operation of Prisoner Advisory Committees (PACs) within correctional centres. The QCS procedure – *Prisoner Advisory Committees* provides that the purpose of the PACs is to:

- provide input into the centre's functioning
- promote positive communication between centre management and prisoners
- assist to reduce conflict.

Although a PAC is not a decision-making forum, we consider that an effective PAC can assist both centre management and prisoners in promptly resolving issues of concern at a local level before they escalate. PACs are also a useful management and communication tool. This has been recognised by the Chief Inspector in his reports following announced inspections of several correctional centres undertaken to date.

In the course of our visits, we interviewed prisoner PAC representatives and centre management concerning the effectiveness of the PAC within each centre. We also considered documents relating to PAC meetings, including agendas and minutes of meetings. The QCS procedure contains provisions about the frequency of meetings, how prisoners are to be appointed and the meeting format.

Compliance with the QCS procedure by centres varied greatly. Furthermore, our officers noted that some PACs operated well while others suffered from a lack of motivation – on the part of both prisoners and centre management.

Recommendations and outcomes

Where relevant, we made recommendations to centre management to assist in

reinvigorating the PAC process. We also assisted to improve current processes by suggesting:

- changes to the format of minutes of meetings and affixing them to prisoner noticeboards, and providing for regular meetings
- that meetings be attended by suitable management representatives
- that explanations for decisions be provided, especially where prisoners' requests are refused.

In making our recommendations, we were able to draw on our experience in considering the PAC processes in other centres where prisoners and management were satisfied with the processes being followed. Also, during our discussions with prisoner PAC representatives, we were able to provide information to assist them to understand the purpose of PACs.

We were also able to assist prisoner PAC representatives in proposing matters for consideration. In particular, we were able to inform them of the range and type of issues that are able to be considered during a PAC meeting that are beyond the authority of a General Manager to determine, such as prisoner remuneration.

Where recommendations have been made concerning the operation of the PAC within a particular centre, we will follow up implementation during subsequent visits.



An effective relationship with key decision-makers in correctional centres means we can better expedite prisoner complaints.

CASE STUDY

FAILURE TO ADHERE TO REGULATIONS REGARDING PRIVILEGED MAIL

Investigation and findings

A prisoner complained that the centre refused to forward his privileged mail letters to the Small Claims Tribunal (SCT) and the Information Commissioner although it had previously forwarded an earlier letter to the Tribunal as privileged mail.

The *Corrective Services Act 2006* and associated Regulation provide that prisoners can send privileged mail to certain entities (for example, legal representatives and complaint handling agencies) without it being subject to scrutiny by correctional centre staff.

We contacted the General Manager of the centre to investigate the inconsistency in the handling of privileged mail.

A review of the Regulation established that the Tribunal is not an agency to which the prisoner could send privileged mail and the prisoner was advised of this.

However, the Information Commissioner is an agency to whom a prisoner can send privileged mail and the prisoner's blue envelope letter should have been forwarded accordingly. Although we acknowledged the centre's response that mistakes can occur from time to time in administering the privileged mail system, we reiterated that these mistakes breached the relevant legislation.



Our recommendations to correctional centres help improve their processes to facilitate fairer decisions for prisoners.

Recommendations and outcome

We recommended the centre review its current practices and policy in relation to the handling of privileged mail. We also suggested the centre conduct training to inform relevant officers, in particular new officers at the centre of the entities that fall within the definition of 'privileged mail' under the relevant legislation.

The centre accepted the recommendation to review its practices and policy in relation to privileged mail. It also informed us that once the error was recognised in relation to the prisoner's privileged mail to the Information Commissioner, the mail was duly forwarded.



GOAL 3: OUTLOOK 2007–2008

CONTRIBUTE TO IMPROVING THE QUALITY OF ADMINISTRATIVE PRACTICE IN QUEENSLAND PUBLIC SECTOR AGENCIES

- Encourage and assist agencies to develop effective internal complaint management systems
- Significantly increase the number of training sessions to agencies on good administrative practice
- Deliver a new training program to agencies on good complaints management
- Increase our focus on own initiative investigations
- Produce public reports on significant investigations in a timely manner
- Participate in national project to identify best practice in the management of complaints by whistleblowers
- Participate in national project on dealing effectively with difficult complainant behaviour



GOAL 4

PROGRESSIVE, CLIENT-FOCUSED ORGANISATION

KEY HIGHLIGHTS

STRATEGIES	PERFORMANCE
Ongoing refinement and extension of use of the <i>Catalyst</i> case and records management system	<ul style="list-style-type: none"> Implemented the <i>Resolve</i> Automation Project, which achieved significant improvements in the recording and reporting of complaint data for case management purposes
Position the Office as a best practice employer	<ul style="list-style-type: none"> Significantly increased expenditure on professional development Implemented a staff rotation scheme to expand the skills of our investigators Continued to work with other agencies to generate efficiencies through shared training, professional development and knowledge exchange
Promote a client service culture	<ul style="list-style-type: none"> Improved our complainant survey methodology to obtain more frequent feedback to improve our services
Pursue administrative efficiencies by participating in shared corporate services	<ul style="list-style-type: none"> Moved operational human resource tasks to the Queensland Parliamentary Service as part of our shared service arrangement
Continue to develop a high standard of corporate governance, communication and strategic leadership	<ul style="list-style-type: none"> Implemented the majority of the recommendations of the 2006 Strategic Review of our Office Provided leadership training to three members of the management team

During 2006-2007, we made further improvements to our governance and client service. We will continue to remain accountable to complainants and other stakeholders as we implement key strategies from our Strategic Plan 2007-2012.

Planning for the future

In last year's annual report, we reported on the Strategic Review of the Office, which is conducted every five years as required by the *Ombudsman Act 2001*. This review assessed whether we were discharging our functions and delivering our services in an economical, effective and efficient manner. The final report was tabled in Parliament in May 2006.

During 2006-2007, we commenced implementation of the Review's recommendations, a number of which will significantly impact on the way we do business. For example, the existing two Deputy Ombudsman structure was replaced with a single Deputy who is responsible for the Office's investigative teams, as well as providing whole of office support and strategic advice to the Ombudsman.

While we continue to work on the implementation of the recommendations, we can report that as at 30 June 2007 we had:

- developed 185 actions in response to the 70 recommendations
- completed 110 of these actions
- commenced work on 65 actions
- not commenced 10 actions.



The strategic planning undertaken this year ensures we are well placed to meet future opportunities and challenges in the next five years.

Many of the recommendations are reflected in our new Strategic Plan which will guide our business over the next five years. They will also be reflected in our 2007-2008 operational plan.

Strategic Plan 2007-2012

The new Strategic Plan, which was developed in close collaboration with staff aligns with the five yearly cycle of the Strategic Review. In this way, the next Strategic Plan will be informed by the outcomes of the Strategic Review to be conducted in 2010.

As part of the strategic planning process, we changed the focus of our four strategic goals to reflect the changing priorities of our work (as shown in Table 13).

The Strategic Plan will ensure that our Office is well placed to effectively discharge its investigative and administrative improvement roles.

TABLE 13: STRATEGIC GOALS

	Strategic Plan 2003-2007		Strategic Plan 2007-2012
Goal 1	Achieving Administrative Justice	→	Perform a key role in Queensland's accountability framework
Goal 2	Improving Public Administration	→	Promote administrative justice by providing a fair and effective investigative service
Goal 3	Increasing Public Awareness and Access	→	Contribute to improving the quality of administrative practice in Queensland public sector agencies
Goal 4	Progressive, Client-Focused Organisation	→	Promote organisational excellence and a skilled, committed workforce

Mid-year review budget submission

A number of key recommendations of the Strategic Review suggested that the Office seek additional funding from Queensland Treasury to progress our administrative improvement initiatives.

Following the tabling of the Review report on 11 May 2006, we made a submission at the earliest possible opportunity to the Cabinet Budget Review Committee for an increase to our funding. In December 2006, we were notified that our submission had been successful in securing approximately \$460,000 in recurrent funding to:

- further resource the delivery of our Good Decisions Training program
- design and implement a complementary program of Complaints Management Training
- progress Phase 2 of our Complaints Management Project
- resource the ongoing development of our complaints management system.

The additional funding will enable our Office to effectively deliver its administrative improvement function without diverting significant resources from our investigative teams.

Collocation to new premises

The Review noted that we have been in our present location for the last 27 years, and recommended that additional funding be sought to relocate the Office to more suitable accommodation.

Fortuitously, the accommodation leases for our Office, the Health Quality and Complaints Commission, Anti-Discrimination Commission Queensland, and the Commission for Children and Young People and Child Guardian all expire at around the same time.

Based on our shared responsibility for taking complaints from members of the public, we made a successful submission to the Cabinet Budget Review Committee for funding to collocate. Consequently, we have commenced working on the collocation, which will provide significant efficiencies and savings through the use of shared resources.

In developing our accommodation plans, we are mindful of the need to ensure that we maintain our status as independent statutory complaint entities.

Delivering QPASS outcomes

As anticipated in last year's Annual Report, we finalised the implementation of all actions arising from the 2005 QPASS staff survey by December 2006. In achieving this goal, we:

- reviewed and expanded delegations to investigative staff
- sourced additional funding for administrative improvement activities to avoid further resources being diverted from investigative work
- implemented a staff rotation policy to facilitate learning and development across teams
- continued with the Training Needs Analysis to identify our training and professional development needs



- continued with our staff newsletter, *In touch*, and developed the intranet as key internal communication tools
- continued with the Staff Awards, and Recognition process
- established debriefing policies for front-line staff to better manage stress when dealing with difficult situations.

We will conduct staff surveys every two years for comparison purposes. The second staff survey will be undertaken in early 2008.

Progressive approaches to information management

Last year we reported on the *Resolve* Automation Project. The purpose of the project was to automate certain actions taken on new complaints received from 1 July 2006. The new system was enabled in 2006-2007 and has significantly improved the way we record the actions we take to deal with complaints. This has greatly assisted our case management and performance reporting.

The ongoing success of our initiatives in developing *Catalyst* is due to the commitment and expertise of our *Catalyst* Development Team. Once again, we recorded no downtime of our system during business hours.



Our new intranet has become a key knowledge and information source for our officers.

Our office, our intranet

With the launch of our intranet in June 2006 and completion of phase 2 of its development in September 2006, staff are increasingly using it to access information relevant to their work such as:

- agency/council information
- internal templates and forms
- training and development
- internal publications.

We are continuing to enhance our intranet to facilitate information sharing among our officers by creating an interactive learning and knowledge hub.



Our *Catalyst* Development Team upgraded our systems this year so we can record, manage and report on our complaints effectively.

FOCUS ON OUR PEOPLE

The significant achievements of the Office this year would not have been possible without the dedication of our people. To support them in their work, it is important they continue to have access to professional development opportunities and up-to-date technology.

Initiating staff rotation for professional development

In April 2007, we implemented a staff rotation program for our investigative teams. Staff rotation is designed to broaden and enhance the expertise of investigators and to provide them with the challenge of dealing with issues they haven't previously encountered. We will undertake another round of staff rotation in June 2008.

Working on our succession planning

In 2005-2006, we developed a succession plan to identify whether any systemic issues were contributing to staff turnover and to provide staff coverage for extended absences. We also developed strategies to improve recruitment practices and training and development activities.

The plan was renewed in 2006-2007, and in 2007-2008 we will further refine it to ensure that we maintain a stable and well qualified workforce.

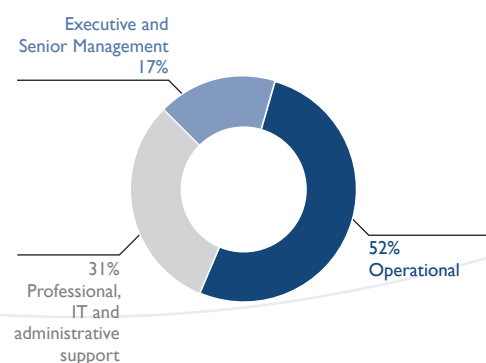
We are committed to ensuring our officers work in a safe environment and are afforded ample opportunities for professional and personal growth.

Increase to budget

In December 2006, the Cabinet Budget Review Committee approved an increase in recurrent funding for our Office which enabled us to employ additional staff to assist with our administrative improvement activities.

As at 30 June 2007, we employed 51.2 full-time equivalent staff (2005-2006: 50.8 full-time equivalents), which includes both temporary and seconded employees. Our commitment to family-friendly working conditions is evidenced by the employment of 7 staff on a part-time basis (equivalent to 4.6 full-time officers).

**FIGURE 11: PROFILE OF OUR WORKPLACE
2006-2007**



Our operational staff comprises mostly investigators whose duties include investigating complaints and assisting public sector agencies to improve their administrative practices.

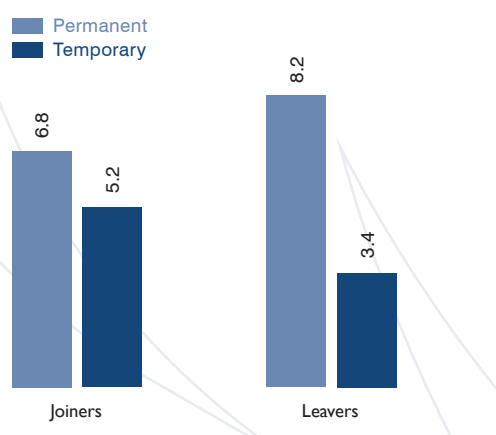
TABLE 14: STAFF TURNOVER

	2004–2005	2005–2006	2006–2007
Staff at beginning of year	46	49	50.8
Losses	10	14.2	11.6
Gains	13	16	12
Net staff at end of year	49	50.8	51.2

Figures for the 2005–2006 and 2006–2007 years also include secondments both into and out of our Office.

Joiners and leavers 2006–2007

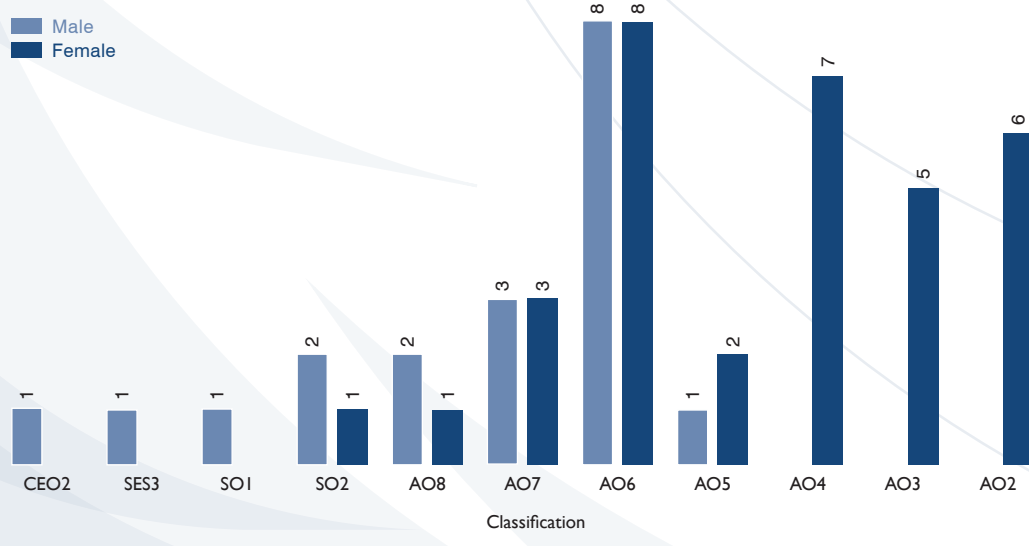
There have been some significant changes to the staff this year, some of which were as a consequence of implementing recommendations of the Strategic Review, including the recommendation that the office have one Deputy Ombudsman rather than two.

FIGURE 12: JOINERS AND LEAVERS 2006–2007

Significant departures

This year, the Office farewelled long-serving Deputy Ombudsmen, Frank King and Rodney Metcalfe.

Frank King joined our Office in December 1977 as an investigator after working as an articled clerk and solicitor for four years and then as an Assistant Public Defender for two years. Mr King, who became Deputy Ombudsman in 1991, constantly promoted the Office's core values of independence and fair process. His high level analytical skills enabled him to identify the key issues in and solutions to even the most complex complaints. Mr King also supervised our Complaints Management Project, the purpose of which is to assist all public sector agencies to implement effective complaint management systems.

FIGURE 13 : DISTRIBUTION OF MALE AND FEMALE STAFF ACROSS THE CLASSIFICATION LEVELS AT 30 JUNE 2007



We farewelled Deputy Ombudsmen Frank King and Rodney Metcalfe in 2006.

Rodney Metcalfe was appointed Deputy Ombudsman in 1995 after an extensive career in local government. His contribution to the Office included promoting our local government role throughout Queensland. Mr Metcalfe was often able to use his extensive knowledge of local government and negotiating skills to persuade councils to change wrong decisions.

Another significant departure this year was **Marilyn MacFarlane** who gave 21 years of valuable service to the Office. Her most recent role was the Human Resource Administration Officer, responsible primarily for payroll and leave processing functions.

Key appointments

Forbes Smith commenced as Deputy Ombudsman on 11 December 2006 (see p12).



Our new Deputy, Forbes Smith joined our Office in December 2006 and oversees our investigative teams.

Training for excellence

This year we expended approximately \$66,000 for staff to attend training courses, conferences and professional development seminars which represents a 55% increase on the 2005-2006 expenditure.

Staff recognition for better performance

On 30 October 2006, our second annual Staff Awards and Recognition ceremony was held to acknowledge officers who had excelled in their roles, either as individuals or as part of a team.

Mrs Dianne Reilly MP, Chair of the Legal, Constitutional and Administrative Review Committee and Mr Tim Nicholls MP, Deputy Chair, presented awards to the following staff:

- Innovation and Improvement – Ed Perry, Investigator
- Client Service – Sue Kerswill, Complaints Officer and Sharon Stewart, Systems Administrator
- Leadership – Adeline Yuksel, Manager, Communication and Research Unit
- Ombudsman Award of Excellence – Leanne Trotter, Investigator; The *Catalyst* Development Team comprising Mal Seymour-Smith, Senior Business Analyst, Sharon Stewart, Systems Administrator and Bill Duffy, Senior IT Officer.



The Catalyst Development Team received the Ombudsman Award of Excellence, from Mrs Dianne Reilly MP for their work on our complaints management system.

Maintaining our duty of care

Managing our Workplace Health and Safety (WHS) responsibilities

We maintained our duty of care to ensure the Office continued to be a safe place to work in and that any issues identified by staff were actioned quickly and effectively.

Code of conduct training

Last year we reported on the development of our new Code of Conduct, which was endorsed by the Attorney-General and Minister for Justice in July 2006.

During 2006-2007, we again met our obligation under the *Public Sector Ethics Act 1994*, by conducting mandatory training for staff on the Code of Conduct. Workplace Consulting Queensland (a business unit of the Department of Industrial Relations) was engaged to deliver the training.

We also provided training to all staff on the appropriate use of government information and communication technology devices.

Working towards a healthier workforce

We engaged the Ford Health Group to deliver a comprehensive working well program in 2006-2007. Based on staff input from the previous year's activities, 12 presentations were given to staff on issues such as 'Health Goal Setting', 'Men's Health Awareness' and 'Women's Health Awareness'. General health, cholesterol and glucose screenings were also offered.

Looking forward, we will survey staff for input into the design of a program for 2007-2008.

TABLE 15: MANAGING OUR WORKPLACE HEALTH AND SAFETY (WHS) RESPONSIBILITIES

Requirement/responsibility	Activity
WHS framework	<ul style="list-style-type: none"> New member joined the WHS Committee who is an accredited Workplace Health and Safety Officer Existing WHS representatives' appointments confirmed for a further 12 month period
Accidents and incidents	<ul style="list-style-type: none"> Two occurrences of repetitive strain injury were reported to the Committee
Training and accreditation	<ul style="list-style-type: none"> First Aid Officers maintained currency of certificates Fire Wardens undertook off-site fire extinguisher training and annual building fire officer training
Employee assistance service	<ul style="list-style-type: none"> Ongoing promotion of Interlock as the provider of employee assistance services to the Office Interlock conducted training sessions on stress management
Corporate health initiatives	<ul style="list-style-type: none"> Influenza vaccinations offered to all staff at Office expense

REMAINING ACCOUNTABLE FOR BETTER PERFORMANCE

We constantly strive to strengthen our governance systems including financial and risk management, workforce capability, knowledge management and performance management.

The Legal, Constitutional and Administrative Review Committee

The Ombudsman is an officer of Parliament and reports to Parliament through the Legal, Constitutional and Administrative Review Committee (LCARC), whose role is to:

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

- report to the Assembly on any changes to the Ombudsman's functions, structures and procedures that LCARC considers desirable for the more effective operation of the Act.

The following arrangements are in place to help LCARC carry out its role of monitoring and reviewing our Office:

- two meetings are held between LCARC, the Ombudsman and senior officers each year; one following the tabling of the Ombudsman's annual report and the other preceding the estimates process
- prior to the meetings, the Ombudsman provides a written response to questions on notice from LCARC, and these and other issues are discussed at the meeting
- the Ombudsman provides responses to LCARC's requests for information as they arise.

GOVERNANCE FRAMEWORK



CORPORATE PLANNING CYCLE



Ombudsman Management Group

The Ombudsman Management Group (OMG) consists of the Ombudsman, Deputy Ombudsman, Assistant Ombudsmen, Manager of Communication and Research and Manager of Corporate Services. The group meets monthly to discuss corporate governance issues affecting the Office as well as operational issues of strategic significance.

The OMG provides leadership and direction to the Office and ensures that our activities and performance meet our priorities and statutory responsibilities. (see p12 for OMG team).

Consulting with staff

This year, the Staff Consultative Committee (SCC) worked more closely with management than in any other year since its inception in January 2002. The SCC's involvement during the strategic planning process (see p74), and input into the development of the implementation plan for the Strategic Review, are just two examples of the important work it has undertaken this year.

The SCC ensures that:

- staff views, concerns and proposals are effectively communicated to management and timely responses provided
- staff have input into key decisions affecting them.

The SCC meets quarterly, with additional meetings as required. This year, the SCC discussed issues such as:

- staff rotation policy
- staff recognition awards
- training and development for officers
- performance planning and review process
- working well program
- accommodation plans.

Financial accountability

Internal audit

An external consultant performs the internal audit function under a Charter approved by the Ombudsman. This guarantees independence of the auditor and unrestricted access to our Office's corporate systems to undertake the audit.

In 2006-2007, the internal audit function was assisted by the implementation of the Systems Appraisal process in the preceding year.

Among other things, the audit program for this year focused on reviewing our new organisational structure to ensure that appropriate governance arrangements remained in place, and reviewing how the Office managed the implementation of the *International Financial Reporting Standards* requirements in 2005-2006.

External audit

The audit report and certificate for our financial statements can be found on pages 106-107. The Auditor-General's delegate has provided an unqualified certificate indicating the Office's compliance with financial management requirements and the accuracy and fairness of the financial statements.

Identifying and managing risks

The Ombudsman's risk management framework is guided by the Australian/New Zealand Standard for Risk Management AS/NZS 3460.

The objective of this policy is to assist all staff to implement sound risk management practices that eliminate or minimise potential losses and add value to our business operations.

Our Office recognises that effective risk management is necessary to meet the governance expectations of our stakeholders to ensure satisfactory financial and operational performance outcomes.

We spent considerable time during the year implementing a sound and robust risk management process that can be easily replicated from year to year.

This process has enabled us to identify risks and create the Risk Treatment Plan for 2006-2007.

The plan includes a set of standard risk assessment guidelines for major strategic and operational risks to ensure a consistent approach to risk evaluation. The plan is reviewed every six months by the Ombudsman Management Group to ensure that the Office is taking the necessary actions to address the identified risks.

Compliance and transparency

Advancing the shared service provision

In 2006-2007, we continued our partnership with the Queensland Parliamentary Service as an active participant in the government's shared service provider initiative. For the first time, we entered into a formal Service Level Agreement setting out the administrative processing requirements relating to human resources and financial functions, as well as our service provider's remuneration.

We will continue to purchase shared services and to source further opportunities in 2007-2008.

Purchasing and tendering

We adhere to the principles of the State Purchasing Policy for the purchase of goods and services to ensure an accountable and transparent methodology is applied at all times.

Major purchases for our Office in 2006-2007 included:

- 66 desktop computers to replace our ageing fleet at a cost of \$83,216
- 2 new photocopiers costing \$27,688
- \$100,883 in software licences mainly related to the *Catalyst* complaints management system.



The following consultants were engaged in 2006-2007:

TABLE 16: EXTERNAL CONSULTANTS 2006-2007

Vendor	Purpose	Amount
Griffith University	Whistling While They Work Project	\$5,000
Mercer Consulting	Evaluation of position descriptions	\$2,887
Market Facts	Complainant Satisfaction Survey	\$5,648
Federation Chambers	Financial advice	\$660
TEF Consulting	Advice associated with major investigation	\$1,040
OD Consulting	Strategic planning workshops	\$4,900
TOTAL		\$20,135

The following contractors were engaged in 2006-2007:

TABLE 17: EXTERNAL CONTRACTORS 2006-2007

Vendor	Purpose	Amount
Miss Organisation	Transcription services	\$3,267
Qld Parliamentary Service	Shared service provider expenses	\$16,095
Protocol I	IT desktop support	\$21,572
EKCO	Ergonomic assessments	\$1,031
Ford Health Group	Wellness program	\$4,555
Department of Industrial Relations	Industrial relations advice	\$2,136
Consulting Solutions	Scribe services for recruitment process	\$2,000
Interlock	Employee Assistance Service	\$330
TOTAL		\$50,986

Executive remuneration

Implementation of the recommendation in the Strategic Review that our Office adopt a flatter management structure means our executive structure now consists of the Ombudsman and one Deputy Ombudsman. The superannuable salary range in Table 18 does not include allowances, leave loading and fringe benefits such as private use of a motor vehicle and employer superannuation contributions.

Report of voluntary early retirements

This year, we offered three voluntary early retirements packages that were accepted by staff with the monetary value of the severance benefits totalling \$269,976.00 (see p79).

TABLE 18: EXECUTIVE REMUNERATION

Position	Superannuable salary – \$ p.a.		
	Number	Min	Max
Ombudsman CEO 2	1	\$168,585	\$245,606
Deputy Ombudsman SES 3	1	\$135,893	\$158,137

Other statutory obligations

Public interest disclosures

Under the *Whistleblowers Protection Act 1994*, we are required to report on public interest disclosures made to our Office, concerning our Office as well as entities within our jurisdiction.

In 2006–2007, we received 33 public interest disclosures of maladministration on the part of public sector agencies. Of those:

- seven are still under consideration
- 21 were assessed as not warranting investigation
- one was investigated with the finding of no maladministration established
- one was investigated and no finding of maladministration was necessary
- investigation into three matters was discontinued after the agency concerned agreed to internally review the matters and respond directly to the complainants.

Freedom of Information

A summary of our arrangements for managing applications made to us under the *Freedom of Information Act 1992*, including the number and nature, is at Appendix 3 (see p109).

Annual report

Our annual report for 2005–2006 was tabled in Parliament in November 2006. Our efforts to continually improve the presentation, content and readability of the report were formally recognised by the Institute of Internal Auditors Queensland at the Public Sector Annual Reports Awards in April 2007, where our report received third prize in its category. Our Office also received national recognition for the report by winning a bronze award at the Australasian Reporting Awards in June 2007.



We were pleased to receive two awards for our 2005–2006 annual report.



GOAL 4: OUTLOOK 2007–2008

PROMOTE ORGANISATIONAL EXCELLENCE AND A SKILLED, COMMITTED WORKFORCE

- Continue to implement recommendations of the Strategic Review, as appropriate
- Identify and address the learning and development needs of staff
- Continue to improve internal communication processes
- Undertake biennial staff surveys to identify and address staff concerns
- Conduct regular surveys of complainants and agencies to identify improvements to the way in which we perform our functions



FINANCIAL SUMMARY

Context

We operate on funds provided by the Parliament for carrying out our investigation and improvement functions.

Revenue

Our operations are funded through the budget estimates process, by an appropriation for specific outputs, as well as through receiving payments from public sector agencies and councils for our Good Decisions Training program. Overall, our budget increased by 7.1%.

Our appropriation received a boost from the mid-year budget review process, where we were successful in our submission for increased funding to:

- engage additional staff to expand our administrative improvement activities
- meet the ongoing licence and development fees of our complaints management database
- cover the costs of voluntary early retirements of the two Deputy Ombudsmen (see p84).

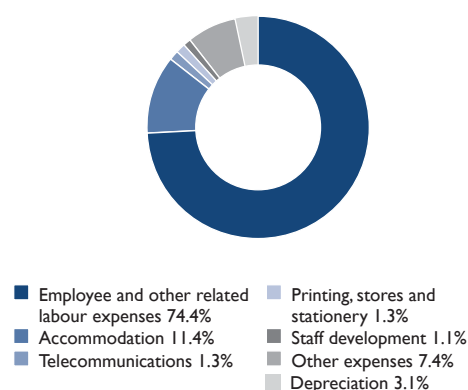
Demand for our Good Decisions Training program exceeded expectations and we received \$187,000 in revenue from this source, which highlights the success of our ongoing administrative improvement initiatives (see p37).

Expenditure

The total actual expenditure for the year was \$5,978,000. While salary costs increased as a result of the 3.8% salary rise, the proportion of the budget spent on employee costs decreased by 5.5%. The decrease was achieved by the abovementioned increase to our budget for additional staffing positions that were not filled immediately. Areas where

costs increased significantly related to the replacement of outdated photocopiers, the purchase of 66 desktop computers and additional computer software and licences.

FIGURE 14: EXPENDITURE BY AREA



Capital acquisitions

We spent approximately \$28,000 on capital acquisitions which included updating our photocopiers.

Assets

At the end of the financial year, our assets were worth \$521,000 comprising:

- office fit out, furniture and equipment \$146,000
- receivables \$111,000
- cash at bank \$221,000
- computer software \$43,000.

Liabilities

Excluding accounts payable to the value of \$166,000, the only liability we hold is the provision for employee entitlements, totalling \$393,000.

FINANCIAL STATEMENTS

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GENERAL INFORMATION

The financial report covers the Office of the Queensland Ombudsman.

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

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

The principal address is:
288 Edward Street, Brisbane.

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

For information in relation to the department's financial report please call Shaun Gordon, Manager Corporate Services, on 3005 7007 or email sgordon@ombudsman.qld.gov.au

INCOME STATEMENT

FOR THE YEAR ENDED 30 JUNE 2007

	Note	2007 \$'000	2006 \$'000
INCOME			
Revenue			
Output revenue	2	5,765	5,017
User charges	3	210	223
Other revenue	4	3	9
Gains			
Gains on sale of plant and equipment	4	3	-
Total Income		5,981	5,249
EXPENSES			
Employee expenses	5	4,456	4,166
Supplies and services	6	1,301	913
Depreciation and amortisation	7	162	150
Other expenses	8	59	29
Total Expenses		5,978	5,258
Operating Surplus/(Deficit)		3	(9)

The accompanying notes form part of these statements.

BALANCE SHEET

AS AT 30 JUNE 2007

	Note	2007 \$'000	2006 \$'000
CURRENT ASSETS			
Cash and cash equivalents	9	221	144
Receivables	10	94	99
Other	11	17	6
Total Current Assets		332	249
NON CURRENT ASSETS			
Intangible assets	12	43	129
Property, plant and equipment	13	146	215
Total Non Current Assets		189	344
Total Assets		521	593
CURRENT LIABILITIES			
Payables	14	164	94
Accrued employee benefits	15	314	335
Total Current Liabilities		478	429
NON CURRENT LIABILITIES			
Payables	14	4	5
Accrued employee benefits	15	79	95
Total Non Current Liabilities		83	100
Total Liabilities		561	529
Net Assets		(40)	64
EQUITY			
Contributed equity		24	131
Retained surpluses		(64)	(69)
Asset revaluation reserve	16	-	2
Total Equity		(40)	64

The accompanying notes form part of these statements.

STATEMENT OF CHANGES IN EQUITY

FOR THE YEAR ENDED 30 JUNE 2007

	Retained Surpluses		Asset Revaluation Reserve (Note 16)		Contributed Equity	
	2007 \$'000	2006 \$'000	2007 \$'000	2006 \$'000	2007 \$'000	2006 \$'000
BALANCE 1 JULY	(69)	(67)	2	9	131	284
Operating Surplus/(Deficit)	3	(9)	-	-	-	-
Non-Owner changes in equity:						
Increase/(Decrease) in Asset Revaluation Reserve	2	7	(2)	(7)	-	-
Transactions with Owners as Owners:						
Equity Withdrawal (Note 2)	-	-	-	-	(120)	(122)
Net leave liabilities transferred to (from) other departments	-	-	-	-	13	(31)
BALANCE 30 JUNE	(64)	(69)	-	2	24	131

The accompanying notes form part of these statements.

CASH FLOW STATEMENT

FOR THE YEAR ENDED 30 JUNE 2007

	Note	2007 \$'000	2006 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Inflows:	I		
Output receipts		5,765	5,017
User charges		181	210
GST input tax credits from ATO		145	111
GST collected from customers		24	33
Interest receipts		9	8
Outflows:			
Employee expenses		(4,468)	(4,137)
Supplies and services		(1,221)	(914)
GST paid to suppliers		(147)	(108)
GST remitted to ATO		(22)	(36)
Other		(41)	(34)
Net cash provided by (used in) operating activities	17	225	150
CASH FLOWS FROM INVESTING ACTIVITIES			
Inflows:			
Sales of property, plant and equipment		-	-
Outflows:			
Payments for property, plant and equipment		(28)	(25)
Net cash provided by (used in) investing activities		(28)	(25)
CASH FLOWS FROM FINANCIAL ACTIVITIES			
Inflows:			
Equity injections		-	-
Outflows:			
Equity withdrawal		(120)	(122)
Net cash provided by (used in) financing activities		(120)	(122)
Net increase (decrease) in cash held		77	3
Cash at beginning of the financial year		144	141
Cash at end of the financial year	9	221	144

The accompanying notes form part of these statements.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

OBJECTIVES AND PRINCIPAL ACTIVITIES OF THE OFFICE OF THE OMBUDSMAN

- *Administrative Justice*—to achieve administrative justice for members of the community in their dealings with state and local government agencies;
- *Improved Public Administration*—to make a significant contribution to improving the quality of administrative practice in agencies;
- *Public Awareness and Access*—to ensure that there is a high level of community awareness of the Ombudsman's services and that these services can be readily accessed by all;
- *Progressive Client Focussed Organisation*—to ensure that the Department exhibits best practice in the performance of its functions and is a progressive and responsive organisation.

The Office of the Ombudsman is funded by parliamentary appropriations.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) Basis of Accounting

The financial statements have been prepared in accordance with Australian Equivalents to International Reporting Standards (AEIFRS).

This financial report is a general purpose financial report.

In particular, the financial statements comply with AAS 29 *Financial Reporting by Government Departments*, as well as the Treasurer's Minimum Reporting Requirements for the year ending 30 June 2007, and other authoritative pronouncements.

Except where stated, the historical cost convention is used.

(b) The Reporting Entity

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

A Statement of Outputs/Major Activities Expenses and Revenues has not been prepared as the department only has one output.

An Income Statement for Administered Expenses and Revenues has not been prepared as there were no administered expenses or revenues for the year.

There are no administered assets and liabilities that relate to the Office of the Ombudsman.

(c) Output Revenue

Appropriations provided under the Annual Appropriation Act are recognised as revenue in the reporting period in which the revenue is due, either received in cash or accrued.

(d) User Charges, Taxes, Penalties and Fines

User charges and fees controlled by the department are recognised as revenues when invoices for the related services are issued. User charges and fees are controlled by the Office of the Ombudsman where they can be deployed for the achievement of its objectives.

(e) Cash and Cash Equivalents

For the purposes of the Balance Sheet and Cash Flow Statement, cash assets include all cash and cheques receipted but not banked at 30 June and available franking machine credit.

(f) Receivables

Trade debtors are recognised at the amount due at the time of sale or service delivery. Settlement of these amounts is required within 30 days from invoice date.

The collectability of receivables is assessed periodically with provision being made for impairment. All known bad debts have been written off as at 30 June 2007.

(g) Acquisition of Assets

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

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

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

(h) Plant and Equipment

Items of plant and equipment with a cost, or other value, in excess of the following thresholds are recognised for financial reporting purposes in the year of acquisition. Items with a lesser value are expensed in the year of acquisition:

Plant and Equipment	\$5,000
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Items with a lesser value are expensed in the year of acquisition.

(i) Revaluation of Non-Current Physical and Intangible Assets

Where intangible assets have an active market, they are measured at fair value, otherwise they are measured at cost.

Plant and equipment is measured at cost. The carrying amounts for plant and equipment at cost should not materially differ from their fair value.

(j) Intangibles

Intangible assets with a cost or other value greater than \$100,000 are recognised in the financial statements, items with a lesser value being expensed. Each intangible asset is amortised over its estimated useful life to the agency, less any anticipated residual value. The residual value is zero for the department's intangible assets.

It has been determined that there is not an active market for any of the department's intangible assets. As such, the assets are recognised and carried at cost less accumulated amortisation and accumulated impairment losses.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

(j) Intangibles (continued)

Expenditure on research activities relating to internally-generated intangible assets is recognised as an expense in the period in which it is incurred.

Internal Use Software

Costs associated with the development of computer software have been capitalised and are amortised on a straight-line basis over the period of expected benefit to the department, namely 5 years.

(k) Amortisation and Depreciation of Intangibles and Plant and Equipment

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

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

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

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

Class	Useful Life (Yrs)
Plant and equipment	
Computer equipment	3
Office equipment	3
Office furniture and fit out	10
Intangibles	3 to 5 years

(l) Impairment of Non-Current Assets

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

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

An impairment loss is recognised immediately in the Income Statement, unless the asset is carried at a revalued amount. When the asset is measured at a revalued amount, the impairment loss is offset against the asset revaluation reserve of the relevant class to the extent available.

(m) Leases

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

(n) Payables

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

(o) Employee Benefits

Wages, Salaries, Recreation Leave and Sick Leave

Wages, salaries and recreation leave due but unpaid at reporting date are recognised in the Balance Sheet at the remuneration rates expected to apply at the time of settlement and include related on-costs such as payroll tax, WorkCover premiums, long service leave levies and employer superannuation contributions.

For unpaid entitlements expected to be paid within 12 months the liabilities are recognised at their undiscounted values. For those entitlements not expected to be paid within 12 months, the liabilities are recognised at their present value, calculated using yields on Fixed Rate Commonwealth Government bonds of similar maturity.

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

As sick leave is non-vesting, an expense is recognised for this leave as it is taken.

Long Service Leave

Under the Queensland Government's long service leave scheme, a levy is made on the department to cover this cost. Levies are expensed in the period in which they are paid or payable. Amounts paid to employees for long service leave are claimed from the scheme as and when leave is taken.

No provision for long service leave is recognised in the financial statements, the liability being held on a whole-of-Government basis and reported in the financial report prepared pursuant to AAS 31 *Financial Reporting by Governments*.

Superannuation

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

Therefore no liability is recognised for accruing superannuation benefits in these financial statements, the liability being held on a whole-of-Government basis and reported in the financial report prepared pursuant to AAS 31 *Financial Reporting by Governments*.

Executive Remuneration

The executive remuneration disclosures in the employee expenses note (Note 5) in the financial statements include:

- the aggregate remuneration of all senior executive officers (including the Chief Executive Officer) whose remuneration for the financial year is \$100,000 or more; and
- the number of senior executives whose total remuneration for the financial year falls within each successive \$20,000 band, commencing at \$100,000.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

(o) Employee Benefits (continued)

The remuneration disclosed is all remuneration received or receivable, directly or indirectly, from the entity or any related party in connection with the management of the affairs of the entity, whether as an executive or otherwise. For this purpose, remuneration includes:

- wages and salaries;
- accrued leave (that is, the increase/decrease in the amount of annual and long service leave owed to an executive, inclusive of any increase in the value of leave balances as a result of salary rate increases or the like);
- performance pay received or due and receivable in relation to the financial year, provided that a liability exists (namely a determination has been made prior to the financial statements being signed), and can be reliably measured even though the payment may not have been made during the financial year;
- accrued superannuation (being the value of all employer superannuation contributions during the financial year, both paid and payable as at 30 June);
- car parking benefits and the cost of motor vehicles, such as lease payments, fuel costs, registration/insurance, and repairs/maintenance incurred by the agency during the financial year, both paid and payable as at 30 June, net of any amounts subsequently reimbursed by the executives;
- housing (being the market value of the rent or rental subsidy—where rent is part-paid by the executive—during the financial year, both paid and payable as at 30 June);
- allowances (which are included in remuneration agreements of executives, such as airfares or other travel costs paid to/for executives whose homes are situated in a location other than the location they work in); and
- fringe benefits tax included in remuneration agreements.

The disclosures apply to all senior executives appointed by Governor in Council and classified as SES1 and above, with remuneration above \$100,000 in the financial year. 'Remuneration' means any money, consideration or benefit, but excludes amounts:

- paid to an executive by an entity where the person worked during the financial year wholly or mainly outside Australia during the time the person was so employed; or
- in payment or reimbursement of out-of-pocket expenses incurred for the benefit of the entity.

In addition, separate disclosure of separation and redundancy/termination benefit payments is included.

(p) Provisions

Provisions are recorded when the department has a present obligation, either legal or constructive as a result of a past event. They are recognised at the amount expected at reporting date to settle the obligation in a future period, but where the timing and/or amount required to settle the obligation is uncertain at reporting date, discounted to the present value using the pre-tax discount rate.

(q) Insurance

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

(r) Contributed Equity

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

(s) Taxation

The Department is a State body as defined under the *Income Tax Assessment Act 1936* and is exempt from Commonwealth taxation with the exception of Fringe Benefits Tax and Goods and Services Tax (GST). As such, GST credits receivable from/payable to the ATO are recognised and accrued.

(t) Issuance of Financial Statements

The financial statements are authorised for issue by the Ombudsman and Manager of Corporate Services at the date of signing the Management Certificate.

(u) Judgements and Assumptions

The department has made no judgements or assessments which may cause a material adjustment to the carrying amounts of assets and liabilities within the next reporting period.

(v) Rounding and Comparatives

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

(w) New and Revised Accounting Standards

Disclosure is required when initial application of an Australian Accounting Standard has an effect on the current period or any prior period, would have such an effect, except that it is impracticable to determine the amount of the adjustment, or might have an effect on future periods.

In the current year, the Department had adopted all of the new and revised Standards and Interpretations that are relevant to its operations and effective for 2006–07 reporting period.

The adoption of these new and revised Standards and Interpretations has resulted in a change to the Department's accounting policies in relation to financial guarantee contracts.

The AASB released AASB 2005–9 *Amendments to Australian Accounting Standards [AASB 4, AASB 1023, AASB 139 & AASB 132]* in September 2005. AASB 2005–9 amends AASB 139 *Financial Instruments: Recognition and Measurement* to require certain financial guarantee contracts to be recognised in accordance with AASB 139 and measured initially at their fair values, and subsequently measured at the higher of the amount recognised as a provision and the amount initially recognised less cumulative amortisation in accordance with revenue recognition policies.

Disclosure is required when a new Australian Accounting Standard which has been issued but is not yet effective has not been applied.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

(w) New and Revised Accounting Standards (continued)

The Ombudsman cannot early adopt a new accounting standard ahead of the specified commencement date unless approval is obtained from Treasury. The Treasurer mandated the early adoption of AASB 7 *Financial Instruments: Disclosures* in the 2005–06 financial year. No additional standards have been early adopted in 2006–07. Consequently, the Ombudsman has not applied the other Australian Accounting Standards and AASB and UIG Interpretations that have been issued but are not yet effective. These will be applied from their operative date.

At the date of authorisation of the financial report, the following Standards and Interpretations had been issued/revised but were not yet effective:

	Operative for reporting periods beginning on/after
AASB 1: <i>First-time Adoption of Australian Equivalents to International Financial Reporting Standards</i>	1 January 2008
AASB 2: <i>Share-based Payment</i>	1 March 2007
AASB 4: <i>Insurance Contracts</i>	1 January 2007
AASB 8: <i>Operating Segments</i>	1 January 2009
AASB 101: <i>Presentation of Financial Statements</i>	1 January 2007
AASB 114: <i>Segment Reporting</i>	1 January 2007
AASB 117: <i>Leases</i>	28 February 2007
AASB 118: <i>Revenue</i>	28 February 2007
AASB 120: <i>Accounting for Government Grants and Disclosure of Government Assistance</i>	28 February 2007
AASB 121: <i>The Effects of Changes in Foreign Exchange Rates</i>	28 February 2007
AASB 127: <i>Consolidated and Separate Financial Statements</i>	28 February 2007
AASB 131: <i>Interests in Joint Ventures</i> 28 February 2007	28 February 2007
AASB 132: <i>Financial Instruments: Presentation</i>	1 January 2007
AASB 133: <i>Earnings per Share</i>	1 January 2007
AASB 139: <i>Financial Instruments: Recognition and Measurement</i>	28 February 2007
AASB 1023: <i>General Insurance Contracts</i>	1 January 2007
AASB 1038: <i>Life Insurance Contracts</i>	1 January 2007
AASB 1048: <i>Interpretation and Application of Standards</i>	31 March 2007
AASB 1049: <i>Financial Reporting of General Government Sectors by Governments</i>	1 July 2008
AASB 2007–1: <i>Amendments to Australian Accounting Standards arising from AASB Interpretation 11 [AASB 2]</i>	1 March 2007
AASB 2007–2: <i>Amendments to Australian Accounting Standards arising from AASB Interpretation 12 [AASB 1, AASB 117, AASB 118, AASB 120, AASB 121, AASB 127, AASB 131 & AASB 139]</i>	28 February 2007
AASB 2007–3: <i>Amendments to Australian Accounting Standards arising from AASB 8 [AASB 5, AASB 6, AASB 102, AASB 107, AASB 119, AASB 127, AASB 134, AASB 136, AASB 1023 & AASB 1038]</i>	1 January 2009
Interpretation 4: <i>Determining whether an Arrangement contains a Lease [revised]</i>	1 January 2008
Interpretation 10: <i>Interim Financial Reporting and Impairment</i>	1 November 2006
Interpretation 11: <i>AASB 2 Group and Treasury Share Transactions</i>	1 March 2007
Interpretation 12: <i>Service Concession Arrangements</i>	1 January 2008
Interpretation 129: <i>Disclosure—Service Concession Arrangements [revised]</i>	1 January 2008

It is anticipated that the above Standards and Interpretations are either not applicable to the Department or adoption of them in future periods will have no material financial impact on the Department financial statements.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

	2007 \$'000	2006 \$'000
2. RECONCILIATION TO PAYMENTS FROM CONSOLIDATED FUND TO OUTPUT REVENUE RECOGNISED IN INCOME STATEMENT		
Budgeted output appropriation	5,765	5,017
Transfer from/to other departments	-	-
Transfers to/from other headings	-	-
Unforeseen expenditure	-	-
Total output receipts	5,765	5,017
Less opening balance of output revenue receivable	-	-
Output revenue recognised in Income Statement	5,765	5,017
Reconciliation to Payments from Consolidated Fund to Equity Adjustment Recognised in Contributed Equity		
Budgeted equity adjustment appropriation	(120)	(122)
Transfer from/to other departments	-	-
Transfers to/from other headings	13	(31)
Equity adjustment recognised in Contributed Equity	(107)	(153)
3. USER CHARGES		
Commonwealth Ombudsman for reception services	22	22
"Good Decisions" Training Program	188	136
Office of the Information Commissioner for corporate services	-	65
	210	223
4. OTHER REVENUE		
Interest revenue	3	9
	3	9

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

	2007 \$'000	2006 \$'000
5. EMPLOYEE EXPENSES		
Wages and salaries	3,076	3,082
Employer superannuation contributions	404	406
Long service leave levy	67	60
Redundancy payments	268	1
Annual and sick leave expenses	305	343
Workers Compensation premium	9	8
Other related expenses	327	266
	4,456	4,166
The number of employees including both full-time employees and part-time employees measured on a full-time equivalent basis is:		
Number of Employees	51	49
Executive Remuneration		
The number of senior executives who received or were due to receive total remuneration of \$100,000 or more:		
\$100,000 to \$119,999	1	
\$120,000 to \$139,999	2	
\$140,000 to \$159,999	1	
\$200,000 to \$219,999	1	
Total	5	
The total remuneration of executives shown above*	645	
* The amount calculated as executive remuneration in these financial statements includes the direct remuneration received, as well as items not directly received by senior executives, such as the movement in leave accruals and fringe benefits tax paid on motor vehicles. This amount will therefore differ from advertised executive remuneration packages which do not include the latter items.		
Two separation and redundancy/termination benefit payments were paid during the year to executives shown above.	217	

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

	2007 \$'000	2006 \$'000
6. SUPPLIES AND SERVICES		
Consultants and contractors	61	30
Computer support	124	96
Electricity	26	25
Legal Expenses	10	-
Books	3	4
Motor vehicle expenses	25	24
Office maintenance	43	39
Operating lease rentals	640	443
Payments to employment agencies	4	4
Printing	50	38
Stores and stationery	25	28
Telephones/communication	58	55
Travel	26	37
"Good Decisions" training expenses	43	23
General supplies and services	163	67
Total	1,301	913
7. DEPRECIATION AND AMORTISATION		
Depreciation and Amortisation were incurred in respect of:		
Office Furniture and Fit-Out—at cost	54	54
Computer Equipment	11	3
Office Equipment	6	2
Library	5	5
Software	86	86
Total	162	150
No impairment losses were recorded during the year. No revaluation adjustments were necessary during the year.		
8. OTHER EXPENSES		
External audit fees*	14	13
Insurance premiums—QGIF	2	3
Sundry expenses	22	13
Assets written down	21	-
Total	59	29

* Total external audit fees relating to the 2006–07 financial year are estimated to be \$14,000 (2006: \$13,000).

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

	2007 \$'000	2006 \$'000
9. CASH AND CASH EQUIVALENTS		
Cash at bank and on-hand	219	142
Imprest accounts	2	2
Total	221	144
10. RECEIVABLES		
Current		
Trade debtors	75	58
Less: provision for impairment	-	-
	75	58
GST receivable	17	16
GST payable	(5)	(4)
Net receivable	87	12
Long service leave reimbursements	7	27
Interest receivable	-	2
Total	94	99
11. OTHER CURRENT ASSETS		
Prepayments	17	6
Total	17	6
12. INTANGIBLE ASSETS		
Software purchased		
At cost	395	395
Less: accumulated amortisation	(352)	(266)
Total	43	129
Intangibles Reconciliation		Software
Carrying amount at 1 July 2006		129
Amortisation		(86)
Carrying amount at 30 June 2007		43

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

	2007 \$'000	2006 \$'000
13. PLANT AND EQUIPMENT		
Office furniture and fitout		
At cost	528	528
Less: accumulated depreciation	(421)	(367)
	107	161
Computer equipment		
At cost	85	85
Less: accumulated depreciation	(68)	(57)
	17	28
Office equipment		
At cost	46	51
Less: accumulated depreciation	(24)	(51)
	22	-
Library		
At cost	36	36
Less: accumulated depreciation	(15)	(10)
Asset written down	(21)	-
	-	26
Total	146	215

Plant and equipment is valued at cost in accordance with Queensland Treasury *Non-Current Asset Accounting Policies for the Queensland Public Sector*.

	Office Furniture and Fitout \$'000	Computer Equipment \$'000	Office Equipment \$'000	Library \$'000	Total \$'000
Plant and Equipment Reconciliation					
Carrying amount at 1 July 2006	161	28	-	26	215
Acquisitions	-		28	-	28
Depreciation	(54)	(11)	(6)	(5)	(76)
Disposals	-	-	-	(21)	(21)
Carrying amount at 30 June 2007	107	17	22	-	146

The department has plant and equipment with an original cost of \$103,388 and a written down value of zero still being used in the provision of services. 50 percent of these assets with a gross replacement cost of \$68,000 are expected to be replaced in 2006–07 with the remaining 50% to be replaced in the 2007–08 financial year.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

	2007 \$'000	2006 \$'000
14. PAYABLES		
Trade creditors	164	94
Total	164	94
Non-current		
Trade creditors	4	5
Total	4	5
15. ACCRUED EMPLOYEE BENEFITS		
Current		
Recreation leave	246	262
Wages outstanding	68	73
Total	314	335
Non-current		
Recreation leave	79	95
Total	79	95
16. ASSET REVALUATION RESERVE		
Balance 1 July 2006	2	9
Transfer to retained earnings on disposal	(2)	(7)
Balance 30 June 2007	-	2
17. RECONCILIATION OF OPERATING SURPLUS TO NET CASH PROVIDED BY (USED IN) OPERATING ACTIVITIES		
Operating Surplus/(Deficit)	3	(9)
Depreciation and amortisation	162	150
Disposal of Library	21	-
Transfer of employee entitlements—non cash	13	(31)
Changes in assets and liabilities:		
Increase (decrease) in accrued employee benefits	(37)	21
Increase (decrease) in payables	69	22
(Increase) decrease in net receivables	5	(9)
(Increase) decrease in other assets	(11)	6
Net cash provided by operating activities	225	150

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

	2007 \$'000	2006 \$'000
18. COMMITMENTS FOR EXPENDITURE		
(a) Finance Lease Liabilities		
There were no finance lease liabilities at 30 June 2007.		
(b) Non-Cancellable Operating Leases		
Commitments under operating leases at reporting date are inclusive of anticipated GST and are payable as follows:		
• Not later than one year	725	687
• Later than one year and not later than five years	13	635
Total	738	1,322

The rental agreement in respect of the department's premises covers the period to 30 June 2008.

The net present value of the outstanding rent at 30 June 2007 amounted to \$707,695 all of which is current.

The Office's vehicles are leased from QFleet. The net present value of the outstanding leases at 30 June 2007 amounted to approximately \$26,330, of which \$10,380 is non-current.

The franking machine is also leased. The net present value of the outstanding rentals at 30 June 2007 amounted to approximately \$4,660, of which \$2,200 is non-current.

(c) Capital Expenditure Commitments

There were no capital commitments at 30 June 2007.

19. CONTINGENCIES

(a) Guarantees and Undertakings

The department was not committed to any guarantees or undertakings at 30 June 2007.

(b) Litigation in Progress

No litigation involving the department was in progress at 30 June 2007.

20. EVENTS OCCURRING AFTER BALANCE DATE

There were no material occurrences after 30 June 2007.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

21. FINANCIAL INSTRUMENTS

Categorisation of Financial Instruments

The department has categorised the financial assets and financial liabilities held as:

Financial Assets	Category
Cash	
Receivables	Loans and receivables (at nominal value)
Financial Liabilities	
Payables	Financial liability not at fair value through the Profit and Loss (at nominal value)

Credit Risk Exposure

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

There are no amounts offset as per AASB 132.

All figures for credit risk referred to do not take into account the value of any collateral or other security.

The Ombudsman manages credit risk through the use of the Credit Management Strategy. This strategy aims to reduce the exposure to credit default by ensuring that the Ombudsman invests in secure assets, and monitors all funds owed on a timely basis. Exposure to credit risk monitored on a regular basis. The method for calculating any provisional impairment for risk is based on past experience, current and expected changes in economic conditions and changes in client credit ratings.

The following table represents the Ombudsman's maximum exposure to credit risk based on contractual amounts net of any allowances as per AASB 139:

	2007 \$'000	2006 \$'000
Maximum Exposure to Credit Risk		
Financial Assets		
Cash	221	144
Receivables	94	99
Total	315	243

Past due or impaired

No collateral is held as security relating to the financial assets held by the Ombudsman. No credit enhancements relate to the financial assets held by the Ombudsman.

No financial assets have had their terms renegotiated so as to prevent them from being past due or impaired, and are stated at the carrying amounts as indicated. Aging of past due or impaired financial instruments are disclosed in the Credit, Liquidity and Interest Risk table at the end of this note.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

21. FINANCIAL INSTRUMENTS (CONTINUED)

Liquidity Risk

The Ombudsman manages liquidity risk through the use of the Liquidity Management Strategy. This strategy aims to reduce the exposure to liquidity risk by ensuring the Ombudsman has sufficient funds available to meet employee and supplier obligations at all times. This is achieved by ensuring that minimum levels of cash are held within the various bank accounts so as to match the expected duration of the various employee and supplier liabilities.

The contract maturity analysis is disclosed in the Credit, Liquidity and Interest Risk table at the end of this note.

Market Risk

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

Fair Value

The fair value of financial assets and liabilities is determined as follows:

- The fair value of financial assets and liabilities cash and cash equivalents and non-interest bearing monetary financial assets and financial liabilities approximate their carrying amounts and are not disclosed separately below.
- The fair value of other monetary financial assets and financial liabilities is based on market prices where a market exists, or is determined by discounting expected future cash flows by the current interest rate for financial assets and liabilities with similar risk profiles.
- The fair value of prepayments is represented by the book value as the period of time to consumption is short and there are no rates involved in the calculation, therefore they are not disclosed separately below.

The Ombudsman has not offset any assets and liabilities

The carrying amounts of all financial and most financial liabilities are representative of their fair value.

	2007		2006	
	Carrying Amount	Fair Value	Carrying Amount	Fair Value
	\$'000	\$'000	\$'000	\$'000
Financial Instruments				
Financial Liabilities				
Payables	168	168	99	99
Total	168	168	99	99

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2007

21. FINANCIAL INSTRUMENTS (CONTINUED)

The following table sets out the credit, liquidity and interest risks of financial instruments held by the Ombudsman in a format as it might be provided to management. The maturity amounts relate to the actual contractual payments before net present value calculation with the associated adjustment back to book value disclosed.

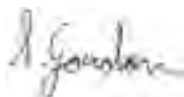
	Credit, Liquidity and Interest Risk Tables Maturity Date:						Weighted Average Rate %
	Less than 1 month	1–3 months	3 months to 1 year	1 to 5 years	Greater than 5 years	Carrying Amount	
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	
2007							
Financial Assets							
Cash	221	-	-	-	-	221	NA.
Receivables	70	16	8	-	-	94	NA.
Total	315	16	8	-	-	315	
Financial Liabilities							
Payables	151	13	-	4	-	168	NA.
Total	151	13	-	4	-	168	

	Credit, Liquidity and Interest Risk Tables Maturity Date:						Weighted Average Rate %
	Less than 1 month	1–3 months	3 months to 1 year	1 to 5 years	Greater than 5 years	Carrying Amount	
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	
2006							
Financial Assets							
Cash	144	-	-	-	-	144	NA
Receivables	99	-	-	-	-	99	NA
Total	243	-	-	-	-	243	
Financial Liabilities							
Payables	99	-	-	-	-	99	NA
Total	99	-	-	-	-	99	

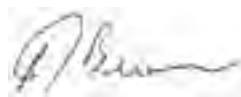
CERTIFICATE OF THE OFFICE OF THE QUEENSLAND OMBUDSMAN

These general purpose financial statements have been prepared pursuant to section 40(1) of the *Financial Administration and Audit Act 1977* (the Act), and other prescribed requirements. In accordance with section 40(3) of the Act we certify that in our opinion:

- (a) the prescribed requirements for establishing and keeping the accounts have been complied with in all material respects; and
- (b) the statements have been drawn up to present a true and fair view, in accordance with prescribed accounting standards, of the transactions of the Office of the Ombudsman for the financial year ended 30 June 2007 and of the financial position at the end of that year.



S.A. GORDON
Manager,
Corporate Services Division



D.J. BEVAN
Queensland Ombudsman



C.B. DEWET
Senior Finance Officer,
Corporate Services Division

26 September 2007



INDEPENDENT AUDIT REPORT

TO THE ACCOUNTABLE OFFICER OF THE OFFICE OF THE QUEENSLAND OMBUDSMAN

REPORT ON THE FINANCIAL REPORT

I have audited the accompanying financial report of the Office of the Queensland Ombudsman, which comprises the balance sheet as at 30 June 2007, and the income statement, statement of changes in equity and cash flow statement for the year ended on that date, a summary of significant accounting policies, other explanatory notes and the certificates given by the Queensland Ombudsman, Manager, Corporate Services Division and Senior Finance Officer, Corporate Services Division.

The Accountable Officer's Responsibility for the Financial Report

The Accountable Officer is responsible for the preparation and fair presentation of the financial report in accordance with prescribed accounting requirements identified in the *Financial Administration and Audit Act 1977* and the *Financial Management Standard 1997*, including compliance with applicable Australian Accounting Standards (including the Australian Accounting Interpretations). This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

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

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

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

INDEPENDENCE

The *Financial Administration and Audit Act 1977* promotes the independence of the Auditor-General and QAO authorised auditors.

The Auditor-General is the auditor of all public sector entities and can only be removed by Parliament.

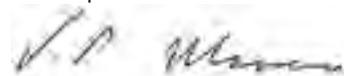
The Auditor-General may conduct an audit in any way considered appropriate and is not subject to direction by any person about the way in which powers are to be exercised.

The Auditor-General has for the purposes of conducting an audit, access to all documents and property and can report to Parliament matters which in the Auditor-General's opinion are significant.

AUDIT OPINION

In accordance with s.40 of the *Financial Administration and Audit Act 1977*—

- (a) I have received all the information and explanations which I have required; and
- (b) in my opinion—
 - (i) the prescribed requirements in respect of the establishment and keeping of accounts have been complied with in all material respects; and
 - (ii) the statements have been drawn up so as to present a true and fair view, in accordance with the prescribed accounting standards of the transactions of the Office of the Queensland Ombudsman for the financial year 1 July 2005 to 30 June 2006 and of the financial position as at the end of that year.



V.P. MANERA, FCPA
(As Delegate of the Auditor-General of Queensland)



Queensland Audit Office
Brisbane



APPENDICES

Appendix 1: Energy consumption

As a tenant in a privately owned building it is difficult to control energy consumption to the extent we would like. However, we try to contain consumption to essential levels by using effective energy saving, waste management and recycling practices. During 2006-2007, the owners of the building in which we reside responded to the worsening drought crisis by refurbishing all bathrooms in the building. These refurbishments consisted of water efficient toilets and lower pressure taps on hand basins and kitchen sinks.

In particular, a part of our decision-making process for the purchase of any office equipment includes the consideration of energy efficiencies achieved by the equipment. For example, during 2006-2007 we replaced 66 desktop computers with new, more energy efficient models.

Expenditure on electricity in 2006-2007 was \$26,165 compared to \$21,551 in 2005-2006. We spent \$6,357 on motor vehicle fuel, compared with \$7,143 the previous year.

Appendix 2: Overseas travel

The Ombudsman did not undertake any overseas travel in 2006-2007.

Appendix 3: Freedom of information applications

APPLICATIONS RECEIVED AND PROCESSED

	2005–2006	2006–2007
Applications carried over from previous year	4	-
Number of applications received	17	14
Applications received under s.51 (consultation as an affected third party)	4	2
Applications withdrawn or deemed withdrawn	3	0
Number of applications requiring a decision	18	12
Applications on hand – carry over to next year	-	2

OUTCOMES OF APPLICATIONS FINALISED DURING 2006-2007

Application type	Number of applications	Number of documents considered	Access in full	Access in part	Access refused	% of documents released in full or part
Non-personal	-	-	-	-	-	-
Personal	12	617	611	6	-	100%

EXEMPTIONS INVOKED

	Number of times
41(1) Disclosure of an obtained opinion, advice or recommendation	-
42(1)(b) Disclosure of the identity of a confidential source	-
43(1) Would violate legal professional privilege	-
44(1) Would disclose someone else's personal affairs	2
45(1)(c) Would disclose someone's trade secrets, business affairs or research	-
46(1) Disclosure could bring an action for breach of confidence	-

There were no applications for internal review during 2006-2007.

No money was collected for non-personal application fees and charges.

Appendix 4: Presentations delivered by staff of the Queensland Ombudsman's Office

PRESENTATIONS REGISTER (1/7/2006 – 30/6/2007)

Date	Organisation/topic	Venue
28/6/06	Central City Library – Role of Ombudsman community information session	Brisbane
4/7/06	Department of Child Safety – Role of Ombudsman	Brisbane
13/7/06	Queensland Police Service, Indigenous Justice Entry students – Role of Ombudsman	Brisbane
13/7/06	WorkCover – Role of Ombudsman	Brisbane
14/7/06	Queensland Corrective Services, Official Visitor's Conference – Role of Ombudsman and relationship with prisons	Brisbane
26/7/06	Central City Library – Role of Ombudsman community information session	Brisbane
28 /07/06	CCYPCG – Queensland Ombudsman Case and Records Management System demonstration	Brisbane
9/8/06	Caboolture Women's Business Network's AGM – Role of Ombudsman	Caboolture
15/8/06	Sunshine Coast Library Information Sessions – Role of Ombudsman community information	Maroochydore, Nambour, Coolumb
15/8/06	Noosa Salvation Army Community Centre – Role of Ombudsman	Noosa
21/8/06	Citizen's Advice Bureau – Role of Ombudsman	Gold Coast
13/09/06	State Land and Asset Management Conference	Mackay
26/9/06	Sherwood Neighbourhood Centre – Role of Ombudsman	Sherwood
26/09/06	QLD Health Patient Liaison Officers Network – Role of Ombudsman	Brisbane
19/09/06	HQCC – Queensland Ombudsman Case and Records Management System demonstration	Brisbane
2/10/06	Townsville Multicultural Support Group – Role of the Ombudsman	Townsville
4/10/06	New Members of Parliament – Role of Ombudsman	Brisbane
13/10/06	Best Practice Committee of AELERT (Australian Environmental Law Enforcement Regulators Network)	Brisbane
23/10/06	Department of Natural Resources & Water – 2005-2006 complaints report	Brisbane
24/10/06	5 th Annual Resolve User Group Conference – Showcase of the Queensland Ombudsman's Resolve Automation Project (RAP)	Melbourne
30/10/06	Department of Corrective Services – 2005-2006 complaints report	Brisbane
3/11/06	Department of Child Safety – 2005-2006 complaints report	Brisbane
10/11/06	Gold Coast City Council – 2005-2006 complaints report	Gold Coast
16/11/06	Department of Housing – 2005-2006 complaints report	Brisbane

Date	Organisation/topic	Venue
21/11/06	Department of Education, Training and the Arts – 2005-2006 complaints report	Brisbane
24/11/06	WorkCover – Role of the Ombudsman	Brisbane
29/11/06	Queensland Health – 2005-2006 complaints report	Brisbane
6/12/06	Department of Transport – 2005-2006 complaints report	Brisbane
14/12/06	DPI & ADCQ – Queensland Ombudsman Case and Records Management System demonstration	Brisbane
01/02/07	Community Queensland – Role of the Ombudsman	Brisbane
7/2/07	Brisbane City Council – 2005-2006 complaints report	Brisbane
21/02/07	OPSC Illuminate Graduate Program – Decision-making in government	Brisbane
1/03/07	JAG – Complaint Management System	Brisbane
12/04/07	Main Roads (METIS) – Queensland Ombudsman Case and Records Management System demonstration	Brisbane
26/03/07	JAG – Presentation to Chinese delegation	Brisbane
12/04/07	WorkCover – Role of the Ombudsman	Brisbane
13/04/07	Regional Managers Coordination Network – current administrative improvement activities	Rockhampton
17&18/4/07	Members of Parliament – amendments to Whistleblowers Protection Act (Ombudsman's role in receiving public interest disclosures from MPs)	Brisbane
19/04/07	QUT Environmental Health Officers – Effective regulation	Brisbane
24/04/07	SE Local Government Meeting – Complaints management and our role	Brisbane
1/05/07	Men's Probus Club – Role of the Ombudsman	Burleigh Heads
1&2/05/07	Multiple agencies – CMS Presentation joint with OPSC	Brisbane
2/05/07	Culture Centre, Arthur Gorrie Correctional Centre – Information workshop	Brisbane
12/06/07	Rosewood Women's Group – Role of the Ombudsman	Ipswich
16/05/07	WorkCover – Role of the Ombudsman	Brisbane
19/06/07	WorkCover – Role of the Ombudsman	Brisbane
19/06/07	Main Roads (METIS) – CMS Presentation	Brisbane
26/06/07	Department of Housing, QTC, Arts Qld, QEC – Demonstration of Queensland Ombudsman complaints management system	Brisbane

Appendix 5: Professional development activities undertaken in 2006-2007

Program	Provider
Marketing/Communication/Client services	
Certificate IV in Training and Assessment	Odyssey Training
SPSS Training	SPSS Australia
Can PR Change People Behaviour	Society of Business Communications QLD Inc
Changing Behaviours	Society of Business Communications QLD Inc
How to prepare a successful business case	IPAA
How to handle change in an organisation	Society of Business Communications QLD Inc
Using emergent technologies to improve communication	Society of Business Communications QLD Inc
Not just for Nerds	Society of Business Communications QLD Inc
Legal/Investigative	
Unreasonable Complainant Conduct Project	NSW Ombudsman
Privacy Training	Justice and Attorney-General
Mediation Training	Queensland University of Technology
Advanced Public Sector Writing	IPAA
IPA/IDAS Review State Agencies Workshop	Department of Local Government, Planning, Sport and Recreation
Provision of Corrective Services Act 2006 & Offender Program	Queensland Corrective Services
QCS – Complaints management system	Queensland Corrective Services
IOMS - (Offender Management System's Training)	Queensland Corrective Services
Interpersonal	
Anti-Discrimination Training	Anti-Discrimination Commission Queensland
Performance Management Training	Odyssey
Voice and Spirit of Leadership Program	IPAA
QWIPS Women to Leadership Mentoring Program	Queensland Women in the Public Service
QWIPS Peer Coaching Program	Queensland Women in the Public Service
Stress Management / Coping with Workloads / Debriefing	Interlock
Stress Management Course	Odyssey
Mental Health Issues Presentation	ITIM
First Aid & Resuscitation Training	Red Cross
Indispensable Assistant	Skill Path
Disability Issues and the Act	Anti-Discrimination Commission Queensland

Program	Provider
Administrative/Computer	
Code of Conduct	Workplace Consulting Qld
Corporate Health Program	Ford Health Group
Certificate IV in Business	TAFE (OLI)
Information and Training Session – Workplace Health & Safety	National Safety Council of Australia
Fire Safety Training	Wormald
Fire Warden Training	Quadra Pacific
Processing FOI Applications	Justice and Attorney-General
JEMS and Job Analysis (Qld Public Sector Job Evaluation)	Mercer Consulting
Windows 2003	Protocol I
Word (Basic/Intermediate/Advanced)	Odyssey Training
PowerPoint (Basic/intermediate/Advanced)	Odyssey Training
Excel (Basic/Intermediate/Advanced)	Odyssey Training
Adobe Design Level I	Odyssey Training
Managing Your Time Using Outlook	Odyssey Training
Strategic Planning Workshop	OD Consulting
Aurion training	Parliamentary Services
Catalyst & Dataworks	Queensland Ombudsman
Conference attendance	
Ethical Leadership & Governance in the Public Sector Conference	Liquid Learning
Deputy Ombudsman Conference	WA Ombudsman
LGMA Qld Annual Conference	LGMA
Resolve Conference	Resolve/Beethoven
IAG Finance Training	Qld Government – IAG
Public Law Weekend – ANU	ANU, Canberra
ADRA Conference 2007 – The next 20 Years	ADRA
Resolve Conference	Beethoven

GLOSSARY

- AAO** – Australian Audit Office
- AeIFRS** – Australian Equivalent to International Financial Reporting Standards
- ADCQ** – Anti-Discrimination Commission Queensland
- AIU** – Administrative Improvement Unit
- ART** – Assessment and Resolution Team
- CARS** – Catalyst Automated Report System
- Catalyst** – Case and records management system
- CBRC** – Cabinet Budget Review Committee
- Complainant** – Person bringing a complaint to the Office
- CCYPCG** – Commission for Children and Young People and Child Guardian
- CSCT** – Community Services and Corrections Team
- CDT** – Catalyst Development Team
- CEO** – Chief Executive Officer
- CMP** – Complaints Management Project
- CMC** – Crime and Misconduct Commission
- CMT** – Complaints Management Training
- Complaint** – An expression of dissatisfaction we have jurisdiction to investigate
- CRU** – Communication and Research Unit
- CSSC** – Child Safety Service Centre
- CRP** – Coronial Recommendations Project
- CSU** – Corporate Services Unit
- DChS** – Department of Child Safety
- DLGPSR** – Department of Local Government, Planning, Sport and Recreation
- DOH** – Department of Housing
- DMR** – Department of Main Roads
- DNRW** – Department of Natural Resources and Water
- DSC** – Douglas Shire Council
- DSQ** – Disability Services Queensland
- DTFTWID** – Department of Tourism, Fair Trading and Wine Industry Development
- EEO** – Equal Employment Opportunity
- EPA** – Environmental Protection Agency
- EQ** – Education Queensland
- FOI** – Freedom of Information
- GCCC** – Gold Coast City Council
- GCP** – General Complaints Process
- GDT** – Good Decisions Training
- HR** – Human Resources
- HQCC** – Health Quality and Complaints Commission
- Inquiry** – Caller seeks information or assistance but does not make a specific complaint
- IT** – Information Technology
- IFAC** – International Federation of Accountants
- IDAS** – Integrated Development Assessment System
- IOMS** – Integrated Offender Management System
- Internal review** – Investigation of a decision undertaken by the agency who made the initial decision
- IPA** – *Integrated Planning Act 1997*
- JAG** – Department of Justice and Attorney-General
- LCARC** – Legal, Constitutional and Administrative Review Committee
- LG Act** – *Local Government Act 1993*
- LGAQ** – Local Government Association of Queensland
- LGIT** – Local Government and Infrastructure Team
- MPS** – Ministerial Portfolio Statement
- MVSC** – Miriam Vale Shire Council
- OAG** – Office of the Adult Guardian
- OFT** – Office of Fair Trading
- OIC** – Office of the Information Commissioner
- OMG** – Ombudsman Management Group
- OPSC** – Office of the Public Service Commissioner
- OSR** – Office of State Revenue
- PID** – Public Interest Disclosure
- PNG** – Papua New Guinea
- Public administration** – The administrative practices used by officers of the Queensland public sector in making decisions and in their dealings with members of the community
- Public agencies/public sector agencies** – Queensland State government departments or authorities and local councils
- QAO** – Queensland Audit Office
- QPASS** – Queensland Public Agency Staff Survey
- QPS** – Queensland Police Service
- QCS** – Queensland Corrective Services
- QT** – Queensland Transport
- QUT** – Queensland University of Technology
- RAIN** – Residents Against Increased Noise
- RAP** – Resolve Automation Project
- Referral** – Out of our jurisdiction so the caller is referred to another agency
- Review request** – The complainant requests their case to be reviewed
- SARAS** – Study and Research Assistance Scheme
- SCAP** – Smaller Communities Assistance Program
- SCC** – Staff Consultative Committee
- SPER** – State Penalties Enforcement Registry
- SR** – Strategic Review
- Systemic problem or issue** – Where some error in the agency's administrative process (its system), is causing or contributing to complaints.
- UCCP** – Unreasonable Complainant Conduct Project
- WEP** – Workplace Electrocution Project
- WHS** – Workplace Health and Safety

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ANNUAL REPORT **2006–2007**

Fair decisions for Queenslanders

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ISBN: 978-0-9803386-5-2
