

Queensland  
Ombudsman

2014-15  
ANNUAL  
REPORT



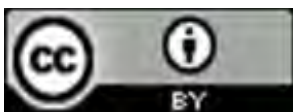
QUEENSLAND  
**ombudsman**

## About this report

This report highlights the achievements of the Office of the Queensland Ombudsman in 2014-15. It assesses our financial and non-financial performance against the objectives set out in the 2013-18 Strategic Plan and 2014-15 Service Delivery Statements. It meets reporting obligations under the *Ombudsman Act 2001*, the *Financial Accountability Act 2009* and the *Financial and Performance Management Standard 2009*. It also complies with the detailed requirements set out in the *Annual report requirements for Queensland Government agencies*. Appendices are available at [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au)

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1 September 2015

The Honourable Yvette D'Ath MP  
Attorney-General and Minister for Justice  
State Law Building  
Level 18, 50 Ann Street  
BRISBANE QLD 4000

Dear Mrs D'Ath

I am pleased to present the 2014-15 annual report and financial statements for the Office of the Queensland Ombudsman.

I certify that this Annual Report complies with:

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

A checklist outlining the annual reporting requirements can be found at Appendix 7 of this annual report or accessed at [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read "Clarke", with a long, sweeping line extending from the bottom left.

Phil Clarke  
Queensland Ombudsman

ombudsman

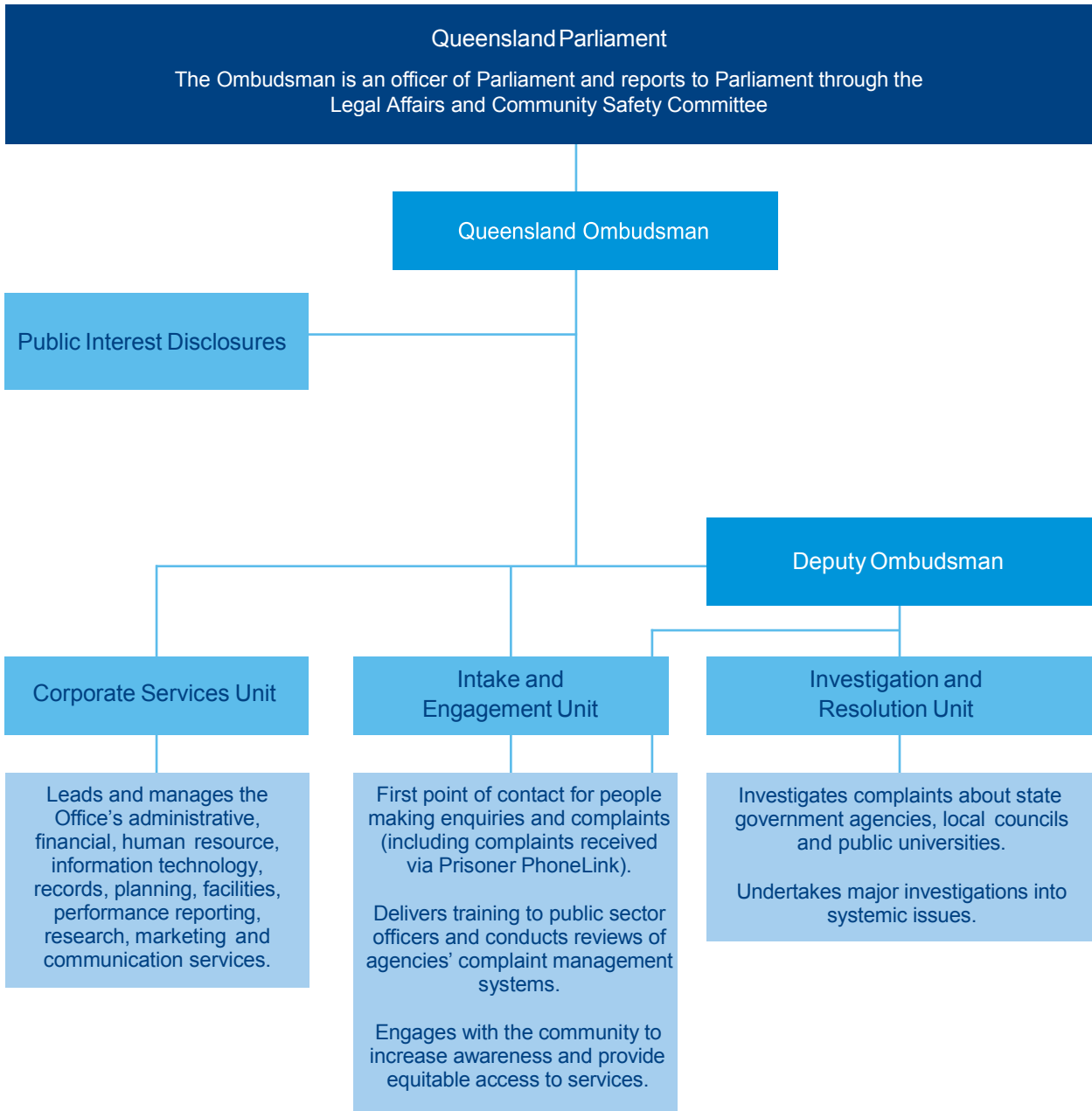
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# About us

Organisational structure



### The Ombudsman

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

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

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

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

The Ombudsman is also the oversight agency for the *Public Interest Disclosure Act 2010*.

### The Office

The Office of the Queensland Ombudsman was established in 1974 and celebrated its 40<sup>th</sup> anniversary in 2014-15.

First known as the Parliamentary Commissioner for Administrative Investigations, it investigated the administrative actions of government departments and authorities.

In 2001, the Ombudsman Act came into effect and gave the Office the dual role of investigating complaints against government agencies and assisting agencies to improve their decision-making and complaint handling.

Former Ombudsmen include:

- Sir David Longland (1974-79)
- Sir David Muir (1979-81)
- Mr Cedric Johnson (1981-90)
- Mr Fred Albietz (1991-2001)
- Mr David Bevan (2001-10).

### Jurisdiction

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

While the majority of investigations completed by the Ombudsman are based on complaints, the Ombudsman also conducts investigations on his own initiative.

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

The Ombudsman makes recommendations to agencies within jurisdiction to:

- rectify unlawful, unfair or unjust decisions
- improve administrative practice.

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

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

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

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

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

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

### Queensland Ombudsman

#### Strategic Plan 2013-18

##### Vision

*A trusted expert in fair and just public administration*

##### Intent

*Fairness in public administration*

The work of the Ombudsman improves fairness and accountability in public administration and, through better decisions by agencies, leads to better services for all Queenslanders.

##### Purpose

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

##### Values

###### Integrity and impartiality

- We are ethical and honest in everything we do.
- We respond to complaints without bias and we do not take sides.

###### Fairness and respect

- We treat people equitably.
- We respect and value diversity.

###### Responsiveness and diligence

- We respond to complaints quickly. If we cannot help, we will explain why and, if possible, suggest another action.
- We produce timely and high quality work.
- We develop our skills and innovate our processes to improve service.

##### Strategic objectives

- Fair and reasonable treatment of people's complaints.
- Unfair or unjust public agency decisions are rectified.
- Public sector agencies improve their decision-making.
- The Office is a capable and accountable organisation.

##### Delivering services

When dealing with this Office, people can expect:

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

# Highlights

### The Ombudsman's report

In introducing the Parliamentary Commissioner Bill in 1974, the then Premier stated:

*"He [the Ombudsman] is somewhat like a judge – part of the democratic process but to one side of it with special powers and immunities to examine and correct administrative mistakes and wrongs. I point out here that an Ombudsman works both ways. He also serves to safeguard the reputation and probity of the public service."*

Forty years on, this is still true. It is important the Office continues its essential and valuable service to help Queenslanders achieve fairness in their dealings with the public sector. It is also important to work with public sector agencies to make better decisions, improve services and enhance complaint management processes so matters are resolved quickly and justly.

#### Fair and reasonable treatment of complaints

During the year, the Office continued to carry out its major role of investigating complaints about state government agencies, local councils and public universities. Changes implemented over the last three years have seen significant improvements to business efficiency and effectiveness.

In 2014-15, the Office dealt with 12,982 contacts and finalised 6,962 complaints. Of these, 69% were finalised within 10 days of receipt.

Across the Office, it took an average of 12.2 days to finalise a complaint. The time taken to finalise a complaint at the preliminary assessment stage has increased slightly while improvements in the average time taken to investigate complaints has continued this year. Investigations took an average of 53.4 days to finalise in 2014-15 compared to 55.6 days in 2013-14.

As at 30 June 2015, 176 complaints remained open. Of these, 64% were matters received within the last 30 days of 2014-15 and no open complaints were more than 270 days old.

#### Rectifying unfair or unjust decisions

In 2014-15, the Office conducted 1,119 investigations. Of these, 247 (22%), resulted in the total or partial rectification of an issue.

Overall, the number of investigations completed increased by 20%, with a 58% increase in rectifications from 2013-14.

I made 301 investigation recommendations (including agreed actions), of which 99% were accepted by the agencies at the date of this report.

These outcomes underline the vital role the Office plays in assisting individual citizens to challenge unfair and unjust decisions and helping publicly funded agencies to improve their administration.

One major investigation was completed in 2014-15; *The Strip Searching of Female Prisoners Report: An investigation into the strip search practices at Townsville Women's Correctional Centre*.

#### Helping public agencies improve decision-making

Demand for training to public sector officers increased by 12%, compared to 2013-14.

During the year 154 training sessions were delivered to 2,655 public sector officers, with 65 sessions delivered in regional Queensland.

Training included good decision-making, effective complaints management, administrative investigations and ethical decision-making.

In addition, subscriptions to the Office's five newsletters for key stakeholders increased again this year by a further 11%.

This work is a pivotal part of the Office's administrative improvement function under the Ombudsman Act and helps to promote access to our services across the community.

#### Oversight of public interest disclosures

This year saw a significant decrease in public interest disclosures (PIDs), down 26% on the previous year.

The decrease can be attributed to a legislative change in the definition of 'official misconduct'. 'Corrupt conduct' replaced

## Highlights

'official misconduct' and matters that would have previously been categorised as official misconduct no longer meet the new tests for corrupt conduct, and therefore are not a PID.

Of the 535 PIDs reported to the Office, 78% were about corrupt conduct. State government departments were the main source of PIDs (59%), followed by statutory authorities (21%) and local councils (14%).

The Office continues to work with agencies to ensure that PIDs remain an accessible avenue for reporting inappropriate behaviour across the public sector. A new training workshop for staff who manage PIDs was piloted during the year and will continue in 2015-16.

### **Engaging with the community**

The Office continued to provide an equitable and accessible service for all Queenslanders this year.

Through the Regional Services Program (RSP) we aim to improve awareness of the Office and access to its services for communities in regional and remote areas. As part of the program, Queensland Ombudsman employees visit correctional centres, deliver training or information sessions, attend community meetings or meet with local councillors and Members of Parliament. Officers visited 29 regional centres this year.

In conjunction with the RSP, the Office continued to promote awareness and accessibility to Indigenous and multicultural communities, the homeless and prisoners. Activities included delivering presentations, attending festivals, meeting with peak agencies and distributing brochures and newsletters.

### **A capable and accountable organisation**

The Office's corporate services unit was at the forefront of significant changes this year.

In 2014-15, there was a significant emphasis on improving the way in which information is managed in the Office. This included replacing desktop computers and implementing an electronic document management system.

Professional development for staff continues as a priority to ensure the Office maintains a high standard of corporate governance and customer service. Professional development

sessions delivered during the year focused on investigation skills, awareness in bullying and harassment, mental health and anti-discrimination, internal financial management practices and procedures, people management, and legislative requirements.

### **Opportunities for the future**

Ombudsman officers and stakeholders have recently collaborated to develop a new strategic plan for the Office for 2015-19. This new plan builds on the success of recent years, clarifies the Office's strategic intent and purpose and outlines revised initiatives to enhance its effectiveness, particularly ensuring that citizens have the information and support necessary to manage their complaints across the Queensland public sector.

In association with the revised strategic plan, the Office has also refreshed its corporate logo and will shortly introduce a new website aimed at improved communication with clients and stakeholders. It will specifically target enhanced information for clients and agencies along with an improved online complaints form. Updated training content and advice will also be included for improved convenience to agencies.

The recent introduction of an electronic document management system for the Office will further enhance its efficiency and support more effective compliance with public records responsibilities.

I am confident that these changes will place the Office in a strong position as we progress into 2015-16 and look forward to promoting our role in ensuring a fair and just public sector in Queensland.

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



Phil Clarke  
**Queensland Ombudsman**

## Highlights

### Performance snapshot

The objectives, strategies and performance indicators shown here are drawn from the *Queensland Ombudsman Strategic Plan 2013-18*. Some performance indicators are also Service Delivery Statement measures.

**Table 1: Objective 1**

Fair and reasonable treatment of people's complaints		
Key performance indicators	Target	Actual
Average time to complete assessments	10 days	6 days
Proportion of investigations completed within target timeframes (straightforward in 3 months, intermediate in 6 months and complex in 12 months)	90%	95%
Proportion of complaints finalised within 12 months of lodgement <sup>1</sup>	99%	100%
Proportion of clients satisfied/very satisfied with the level of service provided <sup>2</sup>	80%	65%
Proportion of contacts received from outside of south-east Queensland metropolitan area <sup>3</sup>	35%	37%
Clearance rate for complaints <sup>4</sup>	100%	100%
Proportion of complaints reviewed where original decision upheld	80%	84%

Notes:

1. The Office finalised 99.9% of complaints within 12 months of lodgement. All figures in the table above have been rounded.
2. This is a weighted result based on two surveys, the first of clients with a complaint investigated by the Investigation and Resolution Unit (conducted in 2013-14) and the second a survey of clients who have dealt only with an officer from the Registration and Preliminary Assessment team (conducted in 2014-15). The calculation of satisfaction is based on the service elements of helpfulness, respectfulness, professionalism and timeliness with weightings applied that reflect the proportion of complaints finalised by each team in 2014-15.
3. South-east Queensland includes: Brisbane City Council, Moreton Bay Regional Council, Gold Coast City Council, Ipswich City Council, Logan City Council, Redland City Council, Sunshine Coast Council and Noosa Shire Council.
4. The clearance rate for complaints was 99.7%. All figures in the table above have been rounded.

**Table 2: Objective 2**

Unfair and unjust public agency decisions are rectified		
Key performance indicators	Target	Actual
Proportion of recommendations accepted by the relevant agency at the time of reporting <sup>1</sup>	90%	99%
Proportion of investigations resulting in agency rectification action	10%	22%

Note:

1. This includes agreed actions where the Office worked with the agency and complainant to negotiate a resolution without the need for a recommendation made under s.50 of the Ombudsman Act.

**Table 3: Objective 3**

Public sector agencies improve their decision-making		
Key performance indicator	Target	Actual
Number of training participants	2,500 annually	2,655
Number of agencies whose staff attended training	25 annually	38
Proportion of training participants who reported that training would assist their decision-making	80%	98%
Growth in subscriptions to Ombudsman publications <sup>1</sup>	5% annually	11%

Note:

1. The Office recorded a 10.9% increase in publication subscriptions. All figures in the table above have been rounded.

## Highlights

**Table 4: Objective 4**

The Office is a capable and accountable organisation		
Key performance indicator	Target	Actual
Workforce equity statistics	Not applicable	EEO statistics: <ul style="list-style-type: none"> <li>• 63% are women</li> <li>• 14% have a disability</li> <li>• 18% from a non-English speaking background</li> </ul>
Permanent staff separation <sup>1</sup>	Below 7.5%	17%
Staff training and development expenditure <sup>2</sup>	2% of salary budget	2.8% of salary budget
Unqualified financial statements	Achieved	Achieved
Staff satisfaction	Not applicable	The 2014-15 staff survey identified satisfaction with: <ul style="list-style-type: none"> <li>• pay</li> <li>• professional and career development</li> <li>• a good and safe working environment</li> <li>• working hours</li> <li>• The survey identified room for improvement with: <ul style="list-style-type: none"> <li>• morale</li> <li>• favouritism</li> <li>• team work</li> </ul> </li> </ul>

**Notes:**

1. Ten employees left during 2014-15 due to retirement, redundancy, opportunities for promotion and relocation overseas.
2. All staff attended at least one professional development activity during the year. Further information is provided at page 51.

## Highlights

### Service delivery statement

This section sets out the actual end of year position for all measures published in the Queensland Ombudsman's *Service Delivery Statement 2015-16* (SDS).

**Table 5: Performance statement**

	Notes	2014-15 Target/est.	2014-15 Estimated actual	2014-15 Actual
<b>Service area: Independent review of complaints about government administration</b>				
<b>Service standards</b>				
Proportion of recommendations accepted and agreed actions by agencies		90%	97%	99%
Average time to complete assessments	1	10 days	6 days	6 days
Proportion of investigations completed within target timeframes		90%	96%	95%
Proportion of complaints finalised within 12 months of lodgement	2	99%	100%	100%
Proportion of investigations resulting in agency rectification action	3	10%	22%	22%
Proportion of complaints reviewed where original decision upheld	4	80%	81%	84%
Proportion of clients satisfied/very satisfied with level of service provided by the Office	5	80%	65%	65%
Clearance rate for complaints	6	100%	99%	100%

**Notes:**

1. The time to complete an assessment is influenced by the number and complexity of matters and the availability of information from complainants and agencies. All figures in the table above have been rounded.
2. The Office finalised 99.9% of complaints within 12 months of lodgement.
3. This service standard measures the proportion of investigations that result in agency rectification actions. Improved decision-making by agencies/local councils will result in a lower percentage of rectifications from investigations by the Office.
4. This service standard measures the quality of investigation decisions made by the Office. Where complainants are dissatisfied with a decision of this Office in relation to their complaint, or subsequently are able to provide new information, they can request a review by a more senior officer. The Office has no control over the number of reviews requested. This measure confirms that effective investigations have been undertaken, or where decisions are overturned, provides opportunities to identify improvements in the investigation process.
5. This is a weighted result based on two surveys, the first of clients with a complaint investigated by the Investigation and Resolution Unit (conducted in 2013-14) and the second a survey of clients who have dealt only with an officer from the Registration and Preliminary Assessment team (conducted in 2014-15). The calculation of satisfaction is based on the service elements of helpfulness, respectfulness, professionalism and timeliness with weightings applied that reflect the proportion of complaints finalised by each team in 2014-15.
6. This service standard compares the number of matters closed with the number of new matters opened in the financial year. It is affected by both the number and timing of new matters and closures. A number below 100% does not necessarily indicate an increasing backlog, but may be a result of increased numbers of new matters being opened late in the year. The clearance rate for complaints is 99.7%. All figures in the table above have been rounded.

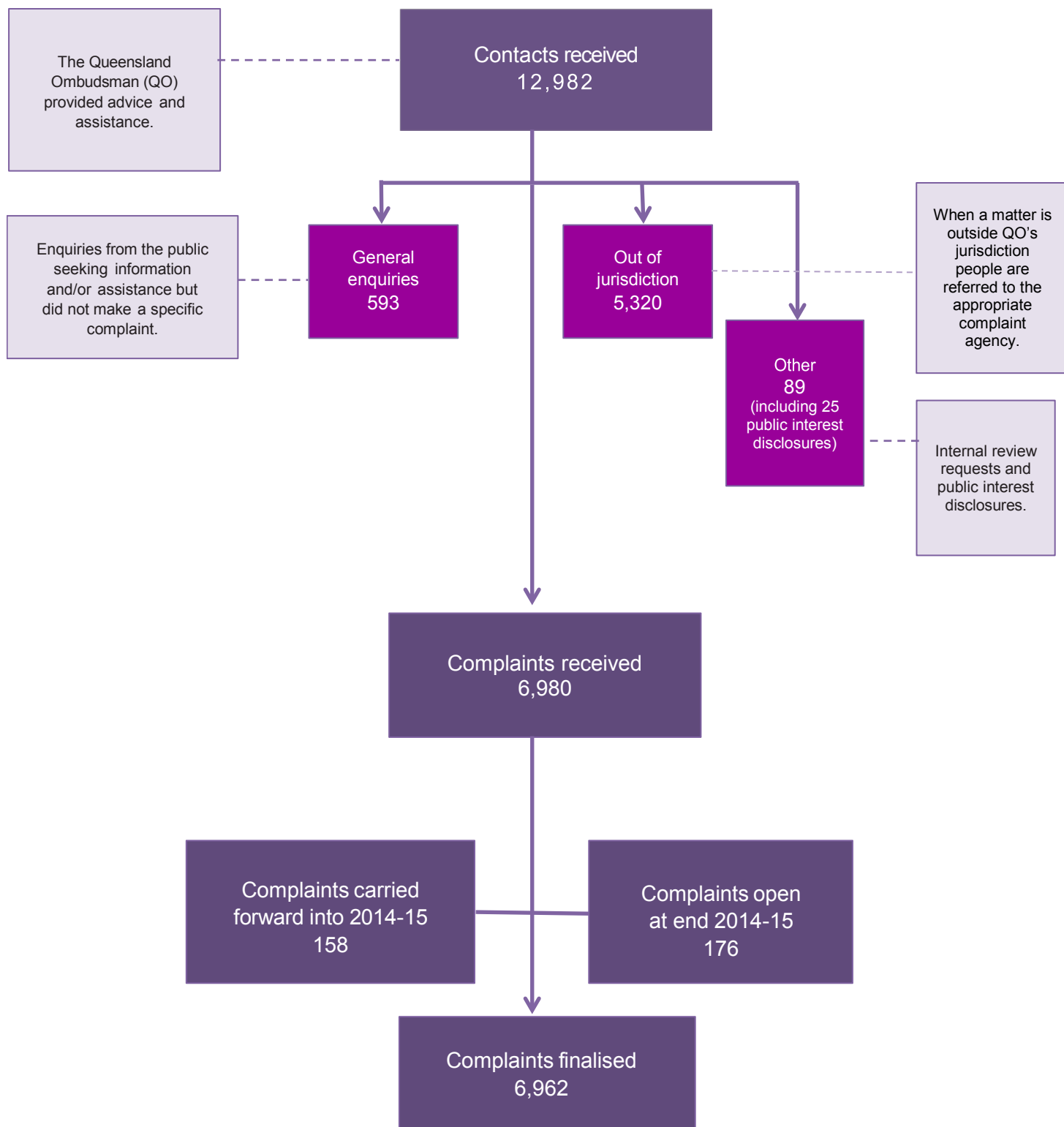
# Dealing with complaints

## Objective 1

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

## Dealing with complaints

**Figure 1: Contacts and complaints received in 2014-15**



# Dealing with complaints

## Overview

People who contact the Office are generally seeking help to resolve their complaint. This year, almost 13,000 Queenslanders contacted the Office, including members of the public, agency officers, Members of Parliament and other community representatives.

The Office provided a service to each and every one, ranging from:

- general advice and assistance
- direct referral of complaints to agencies
- informal resolution of complaints
- investigations
- recommendations to rectify administrative errors.

Of the 12,982 contacts in 2014-15:

- 6,980 were complaints
- 5,320 were matters outside jurisdiction
- 593 were general enquiries
- 64 were requests for a review of an Ombudsman decision
- 25 were public interest disclosures.

### Advice and assistance

The Office does not investigate every matter brought to its attention, but each and every contact is assessed and a response provided. In addition to dealing with 6,980 complaints, the Office responded to 5,320 matters outside the jurisdiction of the Office and provided people with advice and practical assistance to progress their complaint.

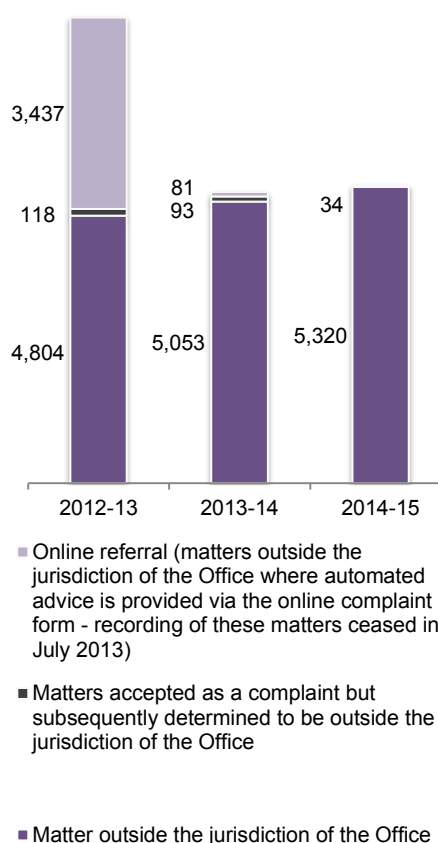
The Office also handled 593 general enquiries from people seeking information and assistance.

The Office continues to maximise its efficiency in dealing with out of jurisdiction matters while still providing advice to help people navigate the complaint process and find the appropriate avenue for resolution of their complaint.

The recording of out of jurisdiction matters changed in July 2013. Prior to this, out of jurisdiction matters lodged via the online complaint form and receiving only automated advice were described as online referrals and recorded as out of jurisdiction contacts. In July 2013, the Office stopped recording these matters to more accurately reflect the actual workload of the Office.

Once this year's data is adjusted for this policy change and for matters accepted as a complaint but subsequently determined to be outside the Office's jurisdiction, there was a 5% increase in out of jurisdiction contacts (5,320 in 2014-15 compared to 5,053 in 2013-14).

**Figure 2: Matters outside jurisdiction**



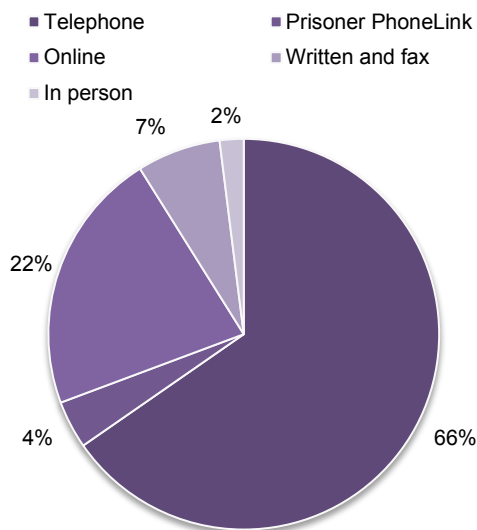
### Contact with the Office

In 2014-15, 8,536 people contacted the Office by telephone, a 13% increase from 7,556 people in 2013-14. A further 527 people used the Prisoner PhoneLink telephone service, up from 512 people in 2013-14.

This year, 2,798 people contacted the Office via email or the online complaint form, similar to the 2,810 in 2013-14.

This year, 1,121 people contacted the Office via letter, fax or in person, similar to 1,117 in 2013-14.

**Figure 3: Contact with the Office**



### Complaints received

The Office's primary role is to independently review complaints about state agencies (includes government departments and statutory authorities), local councils and public universities.

This allows individuals to raise concerns about decisions of public agencies and helps ensure open, honest and accountable government.

The Office received 6,980 complaints in 2014-15, compared to 6,308 the previous year, an increase of 11%.

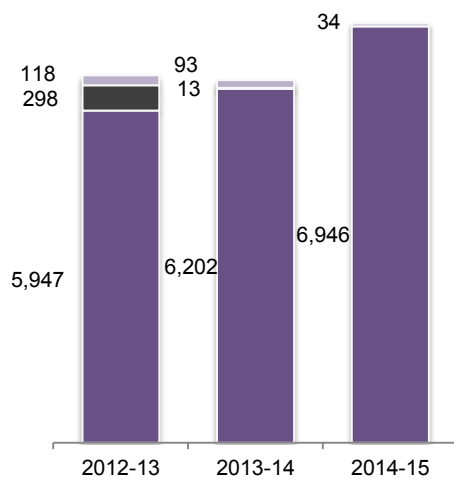
When a person uses the online complaint form to make a complaint about an agency within the jurisdiction of the Office, but indicates that they have not yet raised the matter with the agency concerned (thus the complaint is considered to be premature), they receive automated advice directing them to raise the complaint with the agency before lodging the matter with this Office. Before July 2013, these matters were reported as complaints.

In July 2013, the Office stopped recording premature complaints received via the online complaint form where people simply received automated advice. Figure 4 shows complaints received over the past three years, with an estimation of premature complaints received via the online complaint form and complaints subsequently determined to be out of jurisdiction matters. The number of online premature complaints recorded in the last two years is nominal (13 in 2013-14 and none in 2014-15). Given the low impact of such numbers, the following sections relating to complaints received will provide only top line trends

On a like-for-like basis, the Office received 6,946 in jurisdiction complaints or 12% more in 2014-15, compared to 2013-14.

## Dealing with complaints

**Figure 4: Complaints received**



■ Matters accepted as a complaint but subsequently determined to be outside the jurisdiction of the Office (out of jurisdiction matters received are estimates based on outcome coding).

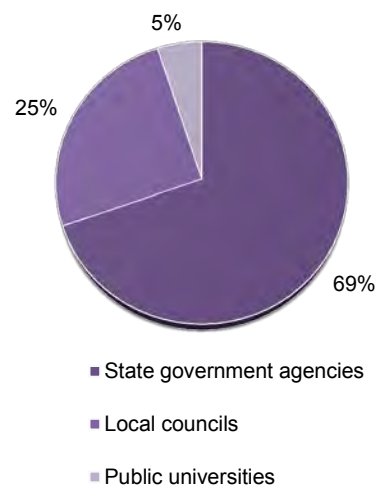
■ Online premature complaints (in jurisdiction, premature complaint where automated advice is provided via the online complaint form)

■ In jurisdiction complaint

Of the total complaints received (6,980):

- 69% were about state government agencies, including departments and statutory authorities (4,849)
- 25% were about local councils (1,744)
- 5% were about public universities (379)
- 8 complaints were about other authorities.

**Figure 5: Complaints received by agency type**



■ State government agencies

■ Local councils

■ Public universities

### Complaints received about state agencies

In 2014-15, the Office received 4,849 complaints about state agencies, including departments and statutory authorities. This represented 69% of all complaints received in 2014-15 and a 16% increase from 4,169 complaints in 2013-14.

**Figure 6: Complaints received about state agencies**



The Office received 3,972 complaints about state government departments, a 16% increase on the previous year.

Departments that provide key services continue to attract the majority of complaints:

- Department of Justice and Attorney-General, which now includes Queensland Corrective Services and Queensland Parole Board (29%)
- Department of Housing and Public Works (12%)
- Department of Transport and Main Roads (11%)
- Department of Education, Training and Employment (10%)
- Department of Communities, Child Safety and Disability Services (10%)
- Queensland Health (10%).

The increase in complaints about state government departments was widespread but the following areas saw significant increases:

- Queensland Treasury and Trade, where complaints specifically relating to the State Penalties Enforcement Registry have more than doubled, from 121 complaints in 2013-14 to 288 complaints. In particular, 210 complaints relating to payment arrangements were received in 2014-15, compared to 46 the previous year.
- Queensland Corrective Services (now part of the Department of Justice and Attorney-General) with

828 complaints, 25% more than the previous year

- Department of Communities, Child Safety and Disability Services with 26% more complaints (401 complaints)
- Department of Transport and Main Roads with 17% more complaints (434 complaints)
- Queensland Health with 387 complaints, a growth of 20%.

## Dealing with complaints

**Table 6: Complaints received about state government departments**

	2012-13	2013-14	2014-15
<b>Department of Justice and Attorney-General</b>	<b>211</b>	<b>161</b>	<b>1,138</b>
Queensland Corrective Services <sup>1</sup>	-	-	828
Queensland Parole Board <sup>1</sup>	-	-	74
Liquor, Gaming and Fair Trading	54	37	65
Fair and Safe Work Queensland	21	17	47
Queensland Civil and Administrative Tribunal <sup>2</sup>	55	52	-
Queensland Courts <sup>2</sup>	10	11	-
Justice Services <sup>2</sup>	-	-	65
Office of the Public Guardian <sup>3</sup>	-	-	38
Other business units/service areas	71	44	21
<b>Department of Housing and Public Works</b>	<b>516</b>	<b>488</b>	<b>481</b>
Housing Services	371	410	433
Queensland Building Services Authority <sup>4</sup>	91	50	0
Residential Tenancies Authority	31	15	28
Other business units/service areas	23	13	20
<b>Department of Transport and Main Roads</b>	<b>413</b>	<b>372</b>	<b>434</b>
<b>Department of Education and Training</b>	<b>459</b>	<b>370</b>	<b>412</b>
Education Queensland	372	356	402
TAFE Queensland <sup>5</sup>	74	-	-
Other business units/service areas	13	14	10
<b>Department of Communities, Child Safety and Disability Services</b>	<b>362</b>	<b>317</b>	<b>401</b>
Child Safety Services	296	266	334
Disability Services	44	27	37
Other business units/service areas	22	24	30
<b>Queensland Health</b>	<b>331</b>	<b>322</b>	<b>387</b>
<b>Queensland Treasury and Trade</b>	<b>191</b>	<b>183</b>	<b>321</b>
Office of State Revenue <sup>6</sup>	184	174	317
Other business units/service areas	7	9	4
<b>Queensland Police Service</b>	<b>46</b>	<b>46</b>	<b>42</b>
<b>Department of the Premier and Cabinet</b>	<b>4</b>	<b>3</b>	<b>6</b>
<b>Queensland Fire and Emergency Services<sup>7</sup></b>	<b>-</b>	<b>-</b>	<b>19</b>
<b>Public Safety Business Agency<sup>7</sup></b>	<b>-</b>	<b>-</b>	<b>18</b>
<b>Department of Community Safety<sup>8</sup></b>	<b>746</b>	<b>802</b>	<b>-</b>
Queensland Corrective Services <sup>1</sup>	599	664	-
Queensland Parole Board <sup>1</sup>	98	96	-
Emergency Services <sup>7</sup>	49	42	-
<b>Other state government entities<sup>9</sup></b>	<b>384</b>	<b>371</b>	<b>313</b>

**Notes:**

This data has not been adjusted for premature complaints received via the online complaint form where people simply received automated advice.

Reporting of these matters ceased in July 2013.

- From 1 November 2013, the Department of Justice and Attorney-General assumed responsibility for the administration of Corrective Services and Parole Boards. This change in reporting was implemented from 1 July 2014.
- In 2014-15, the Office adopted a structure for the Department of Justice and Attorney-General more closely aligned with the department's own business unit structure. The structure includes Justice Services which incorporates complaints relating to QCAT, community justice services, body corporate and community management and Queensland Courts Service. Consequently, data reported previously that relates specifically to QCAT or Queensland Courts is no longer available.
- The Office of the Adult Guardian was merged with the Office of the Child Guardian to create the Office of the Public Guardian from 1 July 2014 (refer to Table 7 for Office of the Adult Guardian complaints received during and prior to 2013-14).
- In December 2013, the Queensland Building and Construction Commission (QBCC) replaced the Queensland Building Services Authority (QBSA). The QBSA was part of the Department of Housing and Public Works while the QBCC is a statutory authority (refer to Table 7 for QBCC complaint data). The data above relates only to data previously recorded against the QBSA.
- TAFE Queensland was established as a statutory authority on 1 July 2013. In 2012-13, TAFE was part of the Department of Education, Training and Employment (refer to Table 7 for TAFE Queensland complaints received in 2013-14 and 2014-15).
- State Penalties Enforcement Registry (SPER) is a division of the Office of State Revenue.
- Queensland Fire and Emergency Services was established on 1 November 2013 and incorporated Queensland Fire and Rescue Services and Emergency Management Queensland. The Public Safety Business Agency was established at the same time. Changes to reporting were implemented from 1 July 2014.
- From 1 November 2013, the Department of Community Safety ceased to exist. Its operations were divided into several entities: Queensland Fire and Emergency Services, Queensland Corrective Services, Queensland Ambulance Service and the Public Safety Business Agency. This change was implemented in the Office's reporting from 1 July 2014.
- Complaint numbers about other entities include the Department of Energy and Water Supply; Department of Natural Resources and Mines; Department of Agriculture, Fisheries and Forestry; Department of Environment and Heritage Protection, Queensland Motorways Limited; Department of Tourism, Major Events, Small Business and Commonwealth Games; Department of Science, Information Technology, Innovation and Arts; Department of National Parks, Recreation, Sport and Racing; Department of State Development, Infrastructure and Planning; Department of Aboriginal and Torres Strait Islander and Multicultural Affairs and the Department of Local Government, Community Recovery and Resilience.

## Dealing with complaints

The Office received 877 complaints about statutory authorities. This constitutes a 20% increase from 2013-14.

The majority of statutory authority complaints were about:

- Legal Aid Queensland (21%)
- The Public Trustee (20%)
- WorkCover Queensland (12%)
- TAFE Queensland (12%)
- Queensland Building and Construction Commission (QBCC) (11%).

Complaints about Legal Aid Queensland, TAFE Queensland and QBCC have increased significantly in 2014-15:

- Legal Aid complaints increased by 84% to 180 in 2014-15. Of these, 70 related to applications for Legal Aid and 71 related to external review decisions following the initial decision.
- TAFE complaints increased by 79% to 102 with 36 relating to fees and 21 relating to enrolment.
- 98 QBCC complaints were received in 2014-15, of which 58 related to the manner in which QBCC had attempted to resolve the disputes and 25 related to QBCC's compliance role concerning insurance, licensing and prosecution.

**Table 7: Complaints received about statutory authorities**

	2012-13	2013-14	2014-15
Legal Aid Queensland	85	98	180
The Public Trustee	182	168	176
TAFE Queensland <sup>1</sup>	-	57	102
WorkCover Queensland	91	110	101
Queensland Building and Construction Commission <sup>2</sup>	-	19	98
Health Quality and Complaints Commission <sup>3</sup>	86	80	-
Health Ombudsman <sup>3</sup>	-	-	42
Legal Services Commission	39	65	31
Queensland Rail <sup>4</sup>	-	49	21
The Office of the Adult Guardian <sup>5</sup>	30	32	-
Q-COMP <sup>6</sup>	6	22	-
Other statutory authorities <sup>7</sup>	0	34	126

Notes:

1. TAFE Queensland was established as a statutory authority on 1 July 2013. In 2011-12 and 2012-13 TAFE was part of the Department of Education, Training and Employment (refer to Table 6).
2. In December 2013, Queensland Building and Construction Commission (QBCC) replaced Queensland Building Services Authority (QBSA) which was part of the Department of Housing and Public Works (refer to Table 6 for QBSA complaint data).
3. The Health Ombudsman replaced the Health Quality and Complaints Commission in 2014-15.
4. Queensland Rail was established as a statutory authority in May 2013. It was previously a government-owned corporation.
5. The Office of the Adult Guardian was merged with the Office of the Child Guardian to create the Office of the Public Guardian from 1 July 2014. Refer to Table 6 for OPG complaints.
6. Q-COMP ceased to exist as a statutory authority in 2014-15, becoming part of the Office of Fair and Safe Work Queensland business unit within the Department of Justice and Attorney-General and called the Workers Compensation Scheme Regulator.
7. Other authorities with three complaints or more include:
  - Queensland Urban Utilities (61 complaints) and Unity Water (37), both previously reported to the Department of Energy and Water Supply. In 2013-14, the Office received 35 complaints in relation to Queensland Urban Utilities and 34 complaints relating to Unity Water
  - Electoral Commission (7), previously reported as part of the Department of Justice and Attorney-General
  - Energy and Water Ombudsman Queensland (4), Queensland Anti-Discrimination Commission (3), QLeave (3), Public Service Commission (3).

## Dealing with complaints

### Complaints received about local councils

In 2014-15, the Office received 1,744 complaints about local councils, a decline of 2% on the previous year.

Major areas of complaint included:

- the actions taken by local councils to enforce state and local laws (16%)
- the levying of rates by local councils and the administration of various concessions (15%)
- local councils approving/failing to approve building and development applications (13%).

Given the relatively small number of complaints received within each category, trends can be volatile from one year to the next. For example, matters relating to water supply, particularly in relation to fees or charges imposed, including charges for excess water, maintenance or the quality of service provided returned to earlier year totals after experiencing a spike in 2013-14.

The categories with consistent trends over the three year period are:

- complaints relating to state and local laws and enforcement which declined by 19% in 2013-14 and a further 9% in 2014-15
- complaints relating to the levying and administration of rates which increased by 33% in 2013-14 and by 8% in 2014-15.

**Figure 7: Complaints received about local councils**



**Table 8: Complaints received about local councils**

	2012-13	2013-14	2014-15
Laws and enforcement	382	309	281
Rates and valuations	184	244	264
Development and building controls	224	202	227
Environmental management	154	142	178
Roads	112	99	126
Sewerage and drainage	92	75	107
Water supply	88	143	91
Complaint handling	66	82	69
Land use and planning	54	54	46
Waste management	23	77	32
Other	329	351	323

## Dealing with complaints

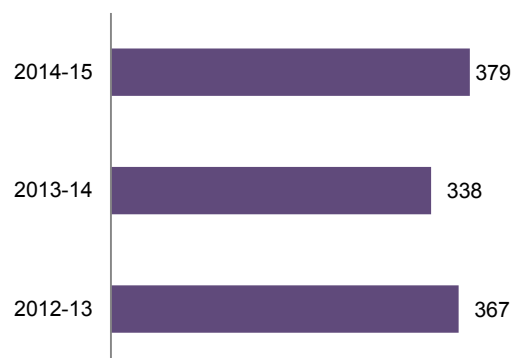
### Complaints received about public universities

In 2014-15, the Office received 379 complaints about Queensland's public universities, a 12% increase.

The main issues were:

- student grievance complaints about a postgraduate or undergraduate program or course (28%)
- complaints about decisions to exclude students, mainly international students where exclusion may lead to cancellation of a student's visa (26%)
- complaints about procedures, fees or withdrawal application processes in enrolment decisions (25%), distributed between complaints relating to procedures (10%), fees (8%) and applications for withdrawal (7%).

**Figure 8: Complaints received about public universities**



**Table 9: Complaints received about public universities**

	2012-13	2013-14	2014-15
Student grievance	95	89	105
Exclusion	102	92	99
Enrolment	66	76	94
Assessment	49	55	51
Investigation	29	9	15
Employee grievance	16	9	8
Internal review	10	8	7

## Dealing with complaints

### Open complaints

At the end of each financial year, some complaints remain open.

At 30 June 2015, 176 complaints remained open. Of these, 64% were matters received within the last 30 days of 2014-15.

**Table 10: Complaints open**

	2012-13	2013-14	2014-15
Complaints finalised	6,406	6,293	6,962
Complaints open	143	158	176

### Complaints finalised

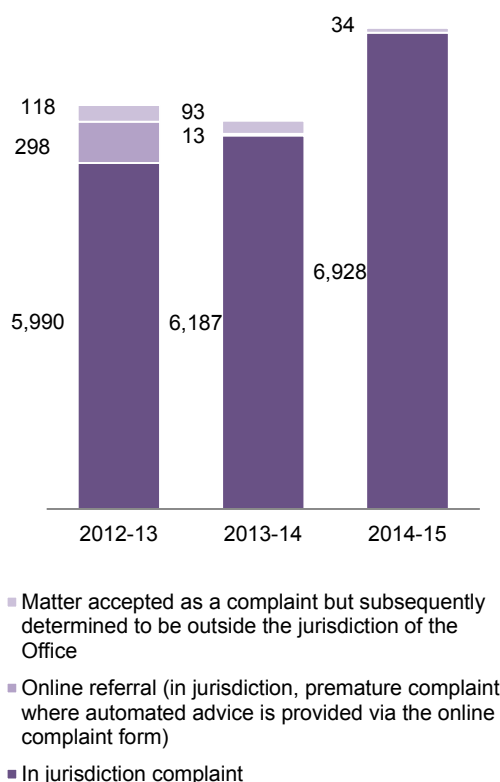
The Office finalised 6,962 complaints in 2014-15, an increase of 11%, or 12% when reporting changes and out of jurisdiction matters are excluded (6,928 complaints in 2014-15 compared with 6,187 complaints in 2013-14).

### Continuing complaints

The Office continues to identify whether a complaint has previously been received (a continuing complaint). For example, in a number of instances, a complaint may be declined initially because it had not been considered by the appropriate agency in the first instance. This is referred to as a premature complaint. If the complainant is dissatisfied with the agency's internal review, they may approach the Ombudsman again to review the decision.

In 2014-15, 456 continuing complaints were identified or 6.5% of the complaints finalised. Continuing complaints are identified separately but are reported as a separate complaint.

**Figure 9: Complaints finalised**



## Dealing with complaints

### Time taken to finalise complaints

The Office continues to closely monitor the time taken to finalise complaints to ensure that improvements from business practices implemented over the past three years are maintained.

In 2014-15, it took an average of 12.2 days to finalise a complaint compared with 11.6 days in 2013-14. This average includes complaints finalised after preliminary assessments or investigation.

This increase is driven by the time taken to finalise a complaint at the preliminary assessment stage, which increased slightly to 6 days in 2014-15 (from 5.6 days in 2013-14).<sup>1</sup>

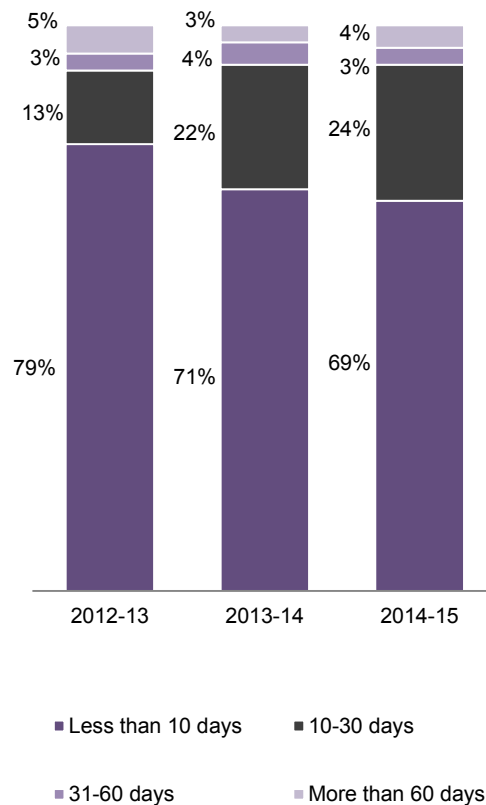
The average time taken to finalise an investigation reduced slightly to 53.4 days in 2014-15 from 55.6 days in 2013-14 and 75.3 days in 2012-13.

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

This year:

- 69% of complaints were finalised within 10 days (71% in 2013-14)
- 93% of complaints were finalised within 30 days (93% in 2013-14)
- more than 99% of complaints were finalised within 12 months (for the third year running)
- as at 30 June 2015, no complaints that remained open were more than 12 months old.

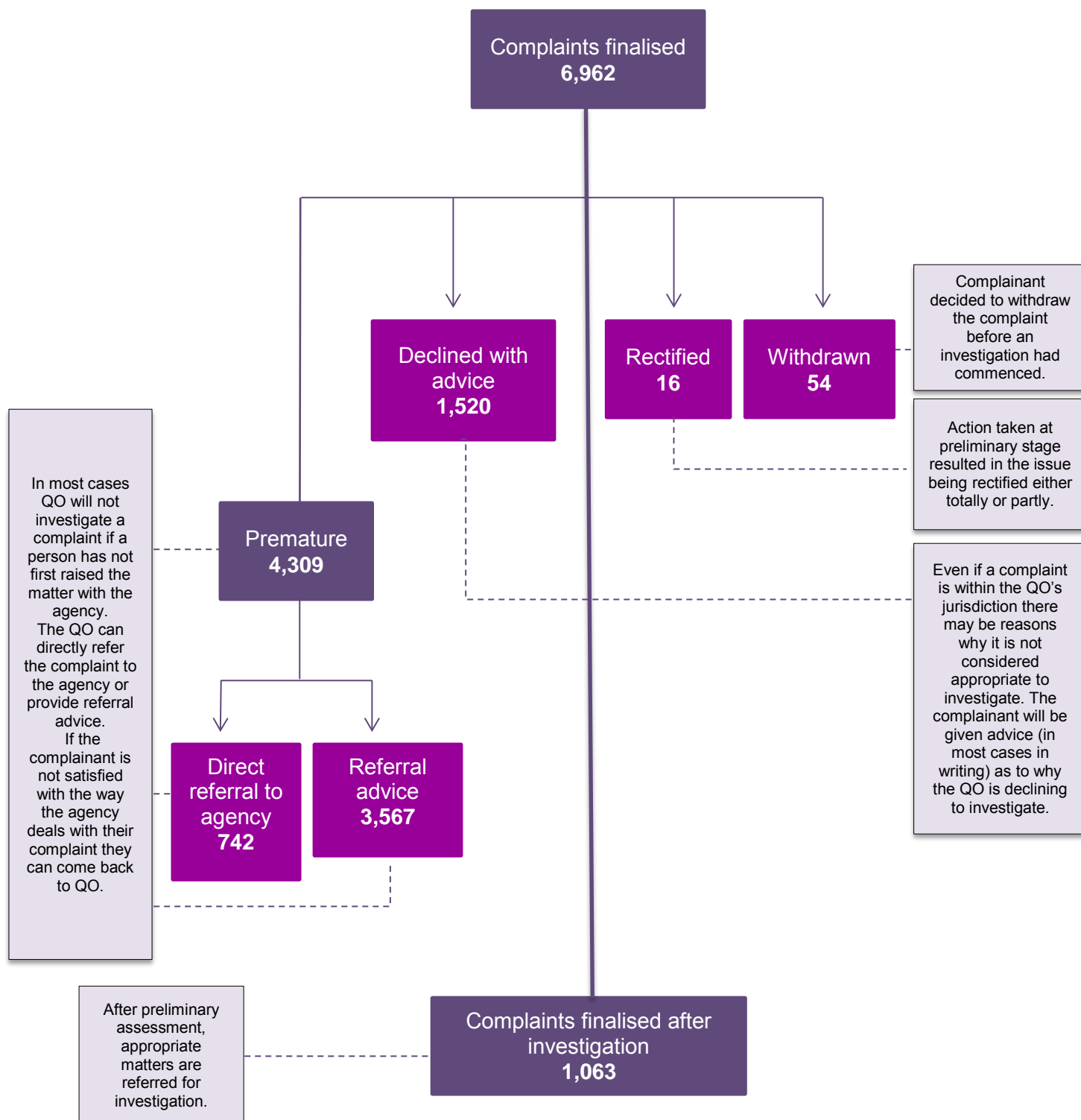
**Figure 10: Time taken to finalise complaints**



<sup>1</sup> The average time to finalise a complaint at the preliminary assessment stage is a subset of the Key Performance Indicator (KPI) Average Time to Complete Assessments, as shown in Table 1. The KPI measure encompasses all preliminary assessments, including both those resulting in the finalisation of a complaint along with preliminary assessments conducted on complaints that are referred for further investigation.

## Dealing with complaints

Figure 11: Complaints finalised after preliminary assessment



## Dealing with complaints

### Complaints finalised after preliminary assessment

The Office's assessment and advice function provides an important service to the thousands of Queenslanders who seek assistance each year.

The Office's complaint management process is a part of the broader whole of public sector system that includes agencies' complaint management systems. In most cases, the Office requires complainants to raise their concerns directly with the agency before seeking help from the Ombudsman.

Of the 6,962 complaints finalised in 2014-15, 5,845 were finalised after a preliminary assessment. This represented 84% of the total number of complaints finalised and is consistent with 2013-14 when 85% of complaints were finalised after preliminary assessment.

The majority of complaints finalised at this stage are identified as premature. In these instances, a person contacted the Office before following the full complaint management process available within the agency. In 2014-15, 4,309 complaints or 62% of all complaints finalised were premature.

In most cases, the Office will provide the person with advice on how to lodge a complaint with the appropriate agency and how to bring the matter back to the Office if the agency's response is unsatisfactory. This year, the Office provided referral advice on 3,567 premature complaints.

With the complainant's consent, the Office can also directly refer a premature complaint to the agency at the preliminary assessment stage. This year, the Office directly referred 742 premature complaints, a 20% increase on the 618 direct referrals made in 2013-14.

The Office decided that an investigation was not warranted after preliminary assessment of 1,520 complaints.

Further information was requested in 742 complaints (11% of complaints finalised). This included situations where the complainant was asked, but failed to provide further material within 14 days of initial contact, either for a preliminary assessment to be completed or for the Office to directly refer the complaint to

the appropriate agency. Other instances where the Office decided an investigation was not warranted included situations where:

- the complainant had an appeal right that should first be exhausted (297 complaints or 4%)
- a more appropriate entity could investigate the complaint (226 complaints or 3%)
- the complainant did not have a sufficient direct interest in the matter (84 complaints or 1%)
- the resources necessary to investigate the complaint were disproportionate to any likely outcome (65 complaints or 1%).

A remaining 106 complaints were declined after preliminary assessment for a range of reasons, including that appeal rights had been exhausted (32), the matter was more than 12 months old (25) or the complaint was identified, after preliminary assessment, to be outside the Office's jurisdiction (25).

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

This year, 16 complaints were rectified by the Office during preliminary assessment. Fifty-four people chose to withdraw their complaint during preliminary assessment. Matters not finalised at preliminary assessment are referred for investigation.

### Feedback from stakeholders

The Office is committed to continuous service improvement and regularly seeks feedback from a range of stakeholders, including complainants (clients) and officers in public sector agencies.

Between October and November 2014, an external research agency conducted a telephone survey of clients on behalf of the Office. This year the survey focused on clients with complaints recently finalised by the Registration and Preliminary Assessment team (RAPA). Most of these complaints were identified as premature, and the client was provided with advice on how to lodge their complaint with the appropriate agency.

The Office measures satisfaction using the service elements of helpfulness, respectfulness, professionalism and timeliness. In the latest survey, 68% of clients were satisfied with the service provided by RAPA versus 64% previously.

Explanations provided to clients were generally positively rated and have improved since the previous survey. For example, 78% of clients reported that they received an explanation of how their complaint would be handled (74% previously) and, where relevant, 66% of clients were provided with an explanation of why their complaint should first be dealt with by the appropriate agency (61% previously).

Ratings on a number of measures differed depending on the method by which clients initially contacted the Office. Typically, those making telephone contact were more positive towards the Office than those making contact via the online complaint form, email or letter. Additionally, a significantly higher proportion of clients were satisfied with the time taken to answer their initial telephone call (82% versus 63% previously).

The launch of the new Office website in 2015-16 will incorporate a new online complaint form that is expected to improve service perception levels for people lodging their matter online. Running parallel to this initiative, the Office is undertaking a broad review of its communication portfolio, including factsheets, brochures and templates to use in responding to clients by letter or email.

A project to obtain feedback from public sector agencies will take place in 2015-16.

### Equitable and accessible service

#### Community outreach

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

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

In response, the Office developed the *Communication and Community Engagement Plan*. Targeted outreach focused on sectors of the community that may have trouble accessing its services or difficulty communicating their needs.

Wherever possible, the Office works jointly with other integrity agencies to improve the efficiency of its outreach programs.

In 2014-15, the Office continued to progress the implementation of its diversity engagement plan. This plan guides engagement with Indigenous communities, culturally and linguistically diverse communities, refugees, prisoners, people with disabilities and special needs, and the homeless.

#### Improving services for Indigenous Queenslanders

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

Initiatives undertaken in 2014-15 to improve awareness and accessibility to the Office's services included presentations, training and administrative improvement advice to Indigenous councils, building relationships with Community Justice Groups and participation in NAIDOC Week activities and the Booin Gari festival.

#### Improving services for multicultural communities

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

The Office produces a *Community Perspective* newsletter distributed to multicultural community groups and undertakes regular mail-outs of its multilingual publications.

#### Improving services for regional Queenslanders

The Regional Services Program (RSP) included visits to 29 regional centres across Queensland in 2014-15.

The RSP is designed to improve awareness of the Office and access to its services for communities in regional and remote areas.

The RSP meets the needs of several key stakeholders, including:

- agency officers
- Indigenous communities
- Community Justice Groups
- community/advocacy groups
- correctional centres
- Members of Parliament (MP) offices
- Queensland Government Agent Program (QGAP)
- Local Area Multicultural Partnership and Community Action for a Multicultural Society contacts.

RSP activities in 2014-15 included training sessions, correctional centre visits, presentations and community meetings.

The priority for 2015-16 is to build awareness and relationships with key intermediaries such as community groups, Community Justice Groups, MPs and QGAP offices as well as building relationships with regional agencies and councils to improve complaints management and decision-making.

#### Improving services for the homeless

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

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

## Dealing with complaints

### Improving services for prisoners

In 2014-15, Queensland Ombudsman officers visited each of the state's 13 correctional centres. These visits enable officers to investigate and resolve complaints, investigate systemic issues, provide information and advice to centre management and prisoners, and audit administrative processes.

A range of posters, brochures and stickers continues to be distributed to each centre to inform prisoners about the Prisoner PhoneLink service, the privileged mail system and upcoming visits by Ombudsman officers.

### Improving services for people with a disability

The Office is working towards becoming a National Relay Service (NRS) friendly organisation. The NRS is a phone service for people who are deaf or have a hearing or speech impairment.

Staff received training on communicating with people using the NRS. In addition, the Office has included NRS contact information on its website and on promotional material, and included NRS information in the induction program for new staff.

### Collaboration

The Office continued to work with integrity and complaint organisations this year: the Anti-Discrimination Commission Queensland, the Office of the Information Commissioner, the Commonwealth Ombudsman, the Crime and Corruption Commission, and the Health Ombudsman.

The *It's OK to complain* one-stop-shop complaints website was decommissioned on 25 June 2015. User experience research conducted by the Office found it no longer met customer needs and caused confusion on where to direct complaints. Information on alternative complaints bodies has now been included on the Office's website.

Collaboration continued during the year with informal networking opportunities and attending community events together. It is expected these collaborative activities will increase in 2015-16.

### Improving accessibility

The Office's website is a significant resource for clients to learn more about the role of the Ombudsman, its complaints process and to lodge their complaint online. In 2014-15, 93,328 website sessions were recorded.

In September 2014, website usability consultants were engaged to better understand how the Office's current website was performing and to identify opportunities to improve business efficiencies and customer experience.

As a result of this engagement, it was determined that the website required a comprehensive redesign with a more customer-centric and contemporary approach.

A request for tender was issued to selected suppliers in June 2015 and subject to selecting a suitable supplier, a new website that is responsive to multiple devices, meets accessibility guidelines, and will support self-service via a user-friendly experience is anticipated to go live in 2015-16.

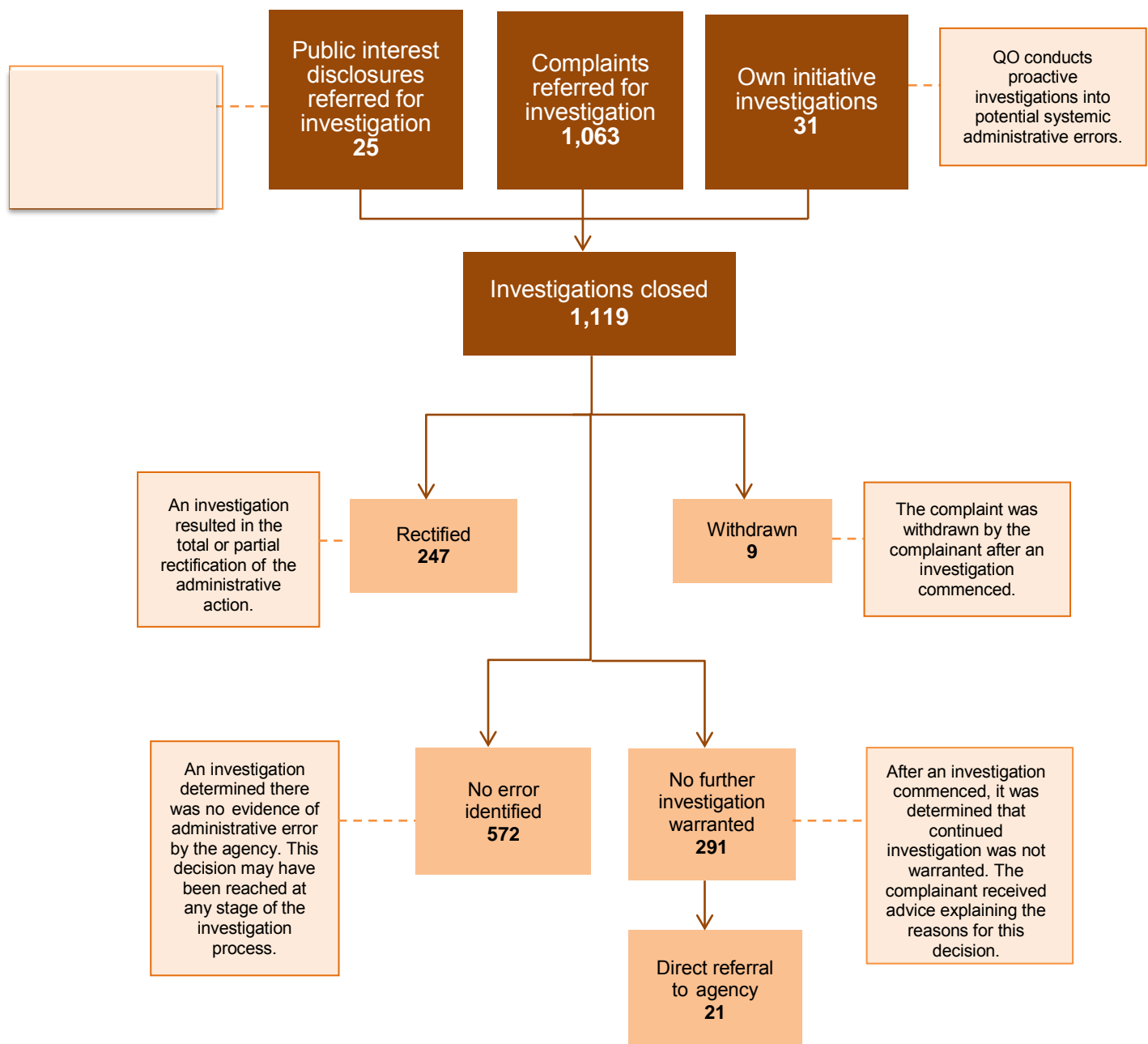
# **Rectifying unfair decisions**

## **Objective 2**

### **Rectifying unfair or unjust public agency decisions**

## Rectifying unfair decisions

Figure 12: Investigations in 2014-15



# Rectifying unfair decisions

## Overview

A complaint is investigated after preliminary assessment if:

- there is not a more appropriate complaints body to deal with the matter
- it is within jurisdiction
- it is not premature (the complaint has already gone through the appropriate agency complaint management process)
- relevant material has been provided
- there is no reason why an investigation is not warranted.

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

An investigation starts with a careful and detailed analysis of the complaint and information provided by the complainant or obtained from the agency.

In 2014-15, the Office investigated 1,063 complaints, an increase of 18% on the previous year and representing 15% of the total number of complaints finalised. A further 31 matters were the subject of own initiative investigations (12 matters in 2013-14) and 25 matters were identified as public interest disclosures (20 matters in 2013-14).

In total, 1,119 matters were investigated in 2014-15, an increase of 20% on the previous year (932 in 2013-14).

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

In some instances, a number of related investigations may be part of one case. The 1,119 complaints investigated in 2014-15 related to 903 cases. Of these, 854 cases related to complaints referred after preliminary assessment, 19 cases related to public interest disclosures and 30 related to own initiative cases.

## Investigative outcomes

Of the 1,119 investigations finalised in 2014-15, 247 investigations resulted in the total or partial rectification of the issue. This accounts for 22% of all investigations, up from 17% in the previous year.

Rectification is achieved either by formally finding an administrative error (14 investigations) or more commonly, by negotiating a resolution with the agency that removes the need to find administrative error (233 investigations).

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

- unreasonable, unjust, oppressive or improperly discriminatory (eight investigations)
- contrary to law (four investigations)
- based on a mistake of law or fact (one investigation)
- otherwise wrong (one investigation).

No administrative error was identified in 572 investigations. This accounted for 51% of the investigations finalised (down from 57% the previous year).

In 291 investigations (26%), the Office decided that continuing the investigation was not warranted (up from 25% the previous year).

Reasons for not continuing an investigation include:

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

## Rectifying unfair decisions

Nine complainants withdrew their complaint after an investigation had commenced.

In 2014-15, the investigative function of the Office:

- finalised 187 more investigations (an increase of 20%)
- achieved 91 more rectification outcomes (an increase of 58%)
- improved the timeliness of finalising investigations to an average of 53.4 days (compared to 55.6 days in 2013-14).

### Investigative recommendations

If administrative error is found during an investigation, a resolution can be negotiated with the agency or the Ombudsman can make recommendations to rectify the problem.

Remedies may include a request that the agency remake the decision, provide reasons for a decision, apologise or provide a refund to the complainant. The Ombudsman can also recommend the agency improve its policies and procedures to avoid similar errors in future.

If an investigation does not find administrative error, the complainant is provided with a detailed explanation of the Office's findings.

The Office made a total of 301 investigative recommendations in 2014-15.

In 2014-15, the Office negotiated 270 agreed actions with agencies to rectify errors, and the Ombudsman made a further 31 recommendations under s.50 of the Act. In 2013-14, the Ombudsman made 22 recommendations under s.50 of the Act and negotiated 124 agreed actions with agencies.

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

During the year, the Office reviewed its procedures to document agreed actions which were not being applied in some cases. This review ensured consistent reporting of all agreed actions.

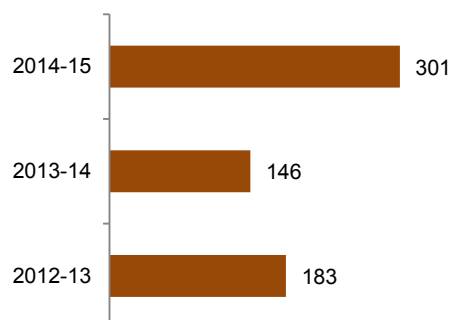
The significant increase in agreed actions, from 124 in 2013-14 to 270 in 2014-5, is driven by the higher number of rectifications achieved in 2014-15, and clarification of the procedures.

Recommendations or agreed actions can be divided into those that directly benefit an individual and those that deal with systemic concerns. Direct benefit recommendations produce an outcome for an individual complainant. Systemic recommendations address faults with policies, procedures or practices.

In 2014-15, there were 172 direct benefit recommendations/agreed actions and 129 systemic recommendations/agreed actions. As in previous years, the majority of recommendations identified improvements to agencies' policies or procedures (31%).

The Ombudsman has no powers to enforce recommendations. However, they are generally accepted by agencies. In 2014-15, 99% of recommendations that received a response from the agency by 30 June 2015 were accepted (96% in 2013-14).

**Figure 13: Number of investigative recommendations**



## Rectifying unfair decisions

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

	2012-13	2013-14	2014-15
Improve policy or procedure	130	62	94
Give better explanation or reasons	16	18	46
Change decision	14	9	40
Review decision	9	10	37
Expedite action	4	15	34
Follow policy or procedure	2	11	20
Financial remedy	1	8	9
Provide training	5	4	7
Admit error or apologise	1	7	7
Explanation given by agency	1	2	5
Take counselling or disciplinary action	-	-	2

The Office does not track the outcome of direct referrals but it does believe that they often lead to the rectification of a complaint. The Office directly referred 763 matters during 2014-15, 742 complaints during preliminary assessment and a further 21 during an investigation. This is a significant increase on the 629 complaints directly referred in 2013-14.

## Investigative outcomes

### Investigative outcomes for state agencies

The Office finalised 615 investigations into the administrative actions of state agencies, an increase of 26% compared to the 490 investigations finalised in 2013-14.

In 2014-15, this included 478 investigations about state government departments and 137 investigations about statutory authorities. Of these:

- 207 investigations were discontinued after it was determined that further investigation was not warranted
- 274 investigations identified no administrative error
- 129 investigations resulted in some form of rectification, an increase of 37% on the previous year:
  - in 118 cases the agency agreed to address the concerns identified by the Office without the need for a recommendation (an agreed action)
  - in 11 cases the Ombudsman made a finding of administrative error
- five matters were withdrawn by the complainant.

As a result of these investigations, the Ombudsman made 24 recommendations and the Office negotiated 142 agreed actions across 14 state agencies. Of these, 92 were of direct benefit to individual complainants and 74 addressed systemic issues.

### Case study 1

#### Prolonged isolation for prisoners

##### The complaint

A number of prisoners complained about being accommodated in a correctional centre's detention unit for an extended period of time after being charged with an offence against another prisoner.

According to the department, the prisoners required accommodation in the detention unit on a safety order for their own protection and for the security and good order of the facility. The prisoners were segregated from each other and all other prisoners. With the exception of very limited interaction with correctional staff during the day, the prisoners could not associate with any other person. They were not able to leave the detention unit to exercise or engage in any activity and were allowed access to only very limited personal property.

The prisoners wanted to be moved into a normal secure unit where they could associate with other prisoners, have access to their personal property and have more time out of their cells.

##### The investigation

During the investigation it was determined that the prisoners had all been isolated in the detention unit for six months. The Office had two main concerns with the action of the department:

1. The conditions imposed on the prisoners appeared to be too restrictive and too prolonged.
2. Having regard to the heightened risk of keeping prisoners in isolation, it did not appear that enough had been done to monitor their psychological wellbeing.

##### Making a difference

During the course of the investigation, the department agreed to move the prisoners out of the detention unit and into a secure unit where they had greater time out of their cells, including access to an exercise yard and a common room, and they were able to associate with a limited number of other prisoners.

## Rectifying unfair decisions

### Case study 2

#### Employee compensated for incorrect advice

##### The complaint

The complainant's permanent position with a department was abolished and she was offered a voluntary redundancy. At the same time, she was also employed by the same department in a casual position.

The complainant received a written separation advice from the department showing what her entitlements would be should she accept the redundancy offer. It included a tax-free lump sum amount of \$60,965.

The complainant sought clarification from the department on a number of occasions regarding her tax-free entitlements having regard to her casual role. However, she was consistently advised that the termination payment correctly specified the tax free amount. She relied upon that advice, accepted the redundancy and retained her casual position.

Following the submission of a tax return, and contrary to the advice received from the department, the complainant was assessed as having a tax debt of approximately \$20,000 on her redundancy payment.

She immediately complained to the department about the accuracy of the advice she had been given. The department denied liability for the error. She then contacted the Office believing she had been treated unfairly.

##### The investigation

During the investigation, the department was asked to justify the decision that had been made to deny liability for the inaccurate advice.

The department said that the complainant was told, among other things, that each employee was responsible for their own taxation affairs. The department also sought to rely on a general disclaimer that accompanied its original advice.

The complainant argued that irrespective of the legal position, the department had mislead her and she had acted to her detriment.

### Making a difference

After examining the file records of the department, and speaking with departmental officers and the complainant, the Office formed a preliminary view. The view was the department appeared to have misapplied the tax guidelines because on any reasonable reading, the complainant had not separated as she remained employed in a casual position. While perhaps not having a strict legal obligation to pay any compensation for the error, enquiries from the Office found the department gave incorrect advice to the complainant on a number of occasions which she relied upon to her detriment. Accordingly, it was felt the department could not reasonably escape liability by claiming it was under no obligation to give advice in the first place or rely on a general disclaimer.

The Office recommended the department negotiate with the complainant to compensate for her financial loss as a result of the incorrect advice that had been provided.

The department accepted the Office's preliminary view and agreed to compensate the complainant.

# Rectifying unfair decisions

## Case study 3

### PID investigations must be reasonable

#### The complaint

A complainant raised various concerns with the Office about a public interest disclosure (PID) she had made to her employer about a number of work issues, the most serious being allegations of systemic timesheet fraud by staff. Specifically, she raised concerns about the time taken to finalise the investigation, the quality of feedback provided to her during the process, the management of confidentiality requirements, and the action taken to manage the risk of reprisal.

Given the serious nature of the allegations, the Office commenced an investigation about how the PID was managed.

#### The investigation

The investigation identified a number of problems and opportunities for improvement.

It was apparent the managers failed to identify from the beginning that the complainant's verbal disclosure about widespread timesheet fraud was a PID.

There was also unexplained and unacceptable delay during the course of the investigation. While the *Public Interest Disclosure Act 2010* does not contain any specific timeframes in which a PID investigation must be completed, good investigative practice requires departments to act within a reasonable time. Similarly, disclosers should be kept informed during the investigation in a timely and appropriate way, including at key milestones. Taking an inordinate period of time, in this case years, to finalise investigations was unfair to both the discloser and officers who were the subject of allegations.

#### Making a difference

An effective system for managing PIDs helps to safeguard the integrity of a department and the wider public sector. It also provides protection for people who make PIDs or are the subject of a PID.

Training is a key element in equipping departmental managers to deal promptly and appropriately with PIDs. The Office made recommendations to the department, which were accepted, about improving processes and committing to an effective training program.

## Case study 4

### TAFE withdraws fees

#### The complaint

The complainant enrolled in a TAFE course as part of her apprenticeship program. After a short time the complainant and her manager were not happy with the training provided by the TAFE and the complainant withdrew. The TAFE sent her an invoice charging her approximately \$500 for the units she enrolled in. The complainant believes these charges were unfair as she withdrew from the course after only four days.

#### Assessment

The complaint was premature for this Office as the complainant had not exhausted TAFE's complaints management system (CMS). With the complainant's consent, this Office directly referred her complaint to TAFE for assessment in accordance with its CMS.

#### Making a difference

After an investigation into the complaint, TAFE agreed to withdraw the charges for the units the complainant did not commence.

## Rectifying unfair decisions

### Case study 5

#### Hospital waived prosthetic charges

##### The complaint

Prior to a surgical procedure, the complainant obtained a quote from the public hospital for the cost of the operation and her stay (bed fees). The patient stated she was provided a verbal quote of \$331 per night, and that she was only responsible for the bed fees. Based on this quote, she decided to go ahead with the operation.

Approximately one month after the operation, she received an invoice from the hospital which included a prosthetic charge of approximately \$900. Four months later, she received another invoice from the hospital for prosthetic charges of approximately \$1,400. The complainant believed she should not pay either invoice (a total of \$2,300) as the hospital did not provide a quote for these expenses.

She attempted to resolve her complaint through the hospital's CMS but the hospital declined to waive the prosthetic charges. The hospital stated that they send a letter to patients before surgery informing them of the potential costs for that procedure. The complainant stated she never received this letter.

##### Assessment

Although the complainant attempted to resolve her complaint through the hospital's CMS, she did not exhaust that process. She had not requested an internal review of the hospital's decision not to waive the prosthetic charges.

With the complainant's consent, this Office directly referred the complaint to the chief executive officer of the relevant hospital and health service for internal review.

##### Making a difference

After the internal review, it could not be established that the complainant had received a written quote for possible costs, including the prosthetic charges. The hospital agreed to waive the \$2,300 in prosthetic charges.

### Case study 6

#### Deceased required to sign form

##### The complaint

A few years after the complainant's wife passed away he attempted to remove her name from the vehicle registration details held by the department. He posted a letter to the department detailing the situation, a copy of his wife's death certificate and requested her name be removed from the vehicle's registration details. The department posted back to the complainant a form that is required to be completed to remove a party from a vehicle's registration details. This form had to be signed by all parties, which in this case, was the complainant and his deceased wife.

##### Assessment

Although the complainant attempted to resolve the complaint with the department, he had not exhausted the department's CMS. With consent, this Office directly referred his complaint to the department for its assessment in accordance with its CMS.

##### Making a difference

After the department's investigation of the complaint, it removed the deceased wife's name from the vehicle's registration details.

### Investigative outcomes for local councils

The Office finalised 342 investigations about the administrative actions of local councils, an increase of 12% compared to the 306 investigations finalised in 2013-14. Of these:

- 61 investigations were discontinued after it was determined that continued investigation was not warranted
- 187 investigations identified no administrative error
- 91 investigations resulted in some form of rectification, an increase of 78% on the previous year:
  - in 88 cases the agency agreed to address the concerns identified by the Office without the need for a recommendation (an agreed action)
  - in three cases the Ombudsman made a finding of administrative error
- three matters were withdrawn by the complainants.

As a result of these investigations, the Ombudsman made seven recommendations and the Office negotiated 98 agreed actions across 32 different local councils. Of these, 59 were of direct benefit to the complainant and 46 addressed systemic issues.

### Case study 7

#### Reprieve for additional dogs

##### The complaint

A dog owner complained about a local council's decision to refuse their application to keep more than two dogs on a residential property. The complainant's mother had recently passed away and they sought local council's permission to keep their mother's dogs as well as their own.

At the same time, the local council was dealing with the dog owner in response to complaints about noise and other dog-related issues.

##### The investigation

The investigation found that the local council's processes for assessing the application from the dog owner and investigating the complaints against the dog owner required review and improvement.

The council applied processes for assessing applications that were inconsistent with its local laws. Further, communications between council and the dog owner were unclear which led to administrative errors and confusion.

##### Making a difference

Following discussions between the local council and this Office, it agreed to reassess the application for the additional dogs at no cost to the dog owner and later approved the application.

The council reviewed its procedures for assessing applications and investigating complaints to make them consistent with its local laws and to ensure communication is clear and complete. It also agreed to undertake staff training to support these changes.

The changes the council made as a result of the investigation mean it can undertake its role in animal management in a way that is compliant with its local laws and easier for residents to understand.

# Rectifying unfair decisions

## Case study 8

### Ratepayer receives \$480 credit

#### The complaint

A ratepayer complained that a local council used debt recovery agents to recover outstanding rates and passed on the agent's costs (\$480.89) to her.

The ratepayer had moved to another residence and advised the council of her change of address. The council said it did not receive the change of address letter, and sent the rates notice, and subsequent reminder notices, to her previous address. The rates notice had been 'returned to sender' and the ratepayer said she did not receive any of council's letters.

This Office's investigation proceeded on the basis that both the council and the ratepayer had sent information that had not been received by the other party.

#### The investigation

This Office investigated the reasonableness of the council's rates recovery action in regard to its policy. The policy contained discretion for council staff to make telephone contact with ratepayers to obtain payment before starting debt recovery action.

This Office formed the view that the council's failure to make contact with the ratepayer by telephone before starting debt recovery action was an unreasonable administrative action because:

- the policy's principles support the early collection of overdue rates in a simple, cost effective, and equitable way
- making a telephone call at an early stage is authorised
- making a telephone call was reasonable as the council held contact details for the ratepayer in its system.

## Making a difference

The council agreed to make every effort to contact ratepayers by telephone before engaging debt recovery agents, particularly where previous payment histories show payments are usually made on time, and it is efficient to do so.

The council also agreed to credit the \$480.89 to the ratepayer.

Changes made as a result of this Office's intervention will mean that it is less likely that debt recovery agent's fees will be charged by this council to ratepayers in circumstances where rates notices have not been received because of a change of address.

## Rectifying unfair decisions

### Case study 9

#### A tree worth the trouble

##### The complaint

A resident experienced ongoing nuisance and maintenance issues with a large poinciana tree planted on the road reserve outside her property.

The resident wanted the local council to fix the damage to her property caused by the tree's roots, take responsibility for regular maintenance, and prevent further damage to her property from future growth.

##### The investigation

On inspection, the tree canopy extended over a large area of the resident's property, including portions of the roof of her house. Root damage to the front fence of the property and adjacent footpath was also evident.

The investigation found the tree would continue to grow and cause further property damage and nuisance to the resident and footpath users. However, the investigation also found that removal of the tree was not warranted as the tree was a community asset of some beauty and significantly enhanced the attractiveness of the immediate streetscape and general neighbourhood. Both the council and the resident agreed with this finding.

##### Making a difference

Following contact from this Office, the tree was placed on the council's yearly proactive maintenance program. This would enable the tree to be maintained to minimise impacts of leaf litter on the resident's property and ensure the continued health of the tree.

The council agreed to consult with the resident and review its previous decision to replace the damaged footpath. A new, more suitable alignment of the footpath on the road reserve will be considered.

The council also agreed to investigate root barrier treatments to protect the resident's property from damage by future tree root growth and repair the front fence of her property.

Damage from the tree was rectified and action taken to prevent future issues.

### Case study 10

#### Problems processing development application

##### The complaint

The complainant submitted a code assessable development application to his local council to build a duplex. The application was made under the *Sustainable Planning Act 2009*.

The complainant was not satisfied that the local council had dealt with him fairly during its processing or assessment of the development application. He complained that poor processes had resulted in inaccuracies in the planning report prepared by council officers and that these inaccuracies had led to the council refusing his development application.

##### The investigation

Investigation by this Office identified discrepancies in information provided to the complainant by council officers at different times during processing of the application. This included unexplained differences in stated requirements in the council's information request letter to the applicant and the final council officer's planning report.

The *Public Records Act 2002* requires council officers to make complete and accurate records of all discussions with development applicants. However, the investigation found that council officers had not kept details of discussions with the applicant either prior to or after the development application was lodged.

The investigation also found that council officers made no further contact with the applicant after his response to its information request and before it prepared the planning report. The council stated the complainant refused to comply with its information request when in fact the council failed to respond to his reasonably raised concerns about the accuracy of information it contained.

## Rectifying unfair decisions

### Making a difference

The council was reminded that council officers are required to reasonably liaise with applicants when processing their development applications, made under the Sustainable Planning Act. This includes taking action to clarify and attempt to resolve with applicants their concerns raised which, unless properly clarified, are likely to adversely impact the chances of a successful application.

The council was also reminded that its officers are obliged to prepare planning reports for council which do not contain inaccurate or misleading information. Council officers are required to hold evidence to support assertions made in planning reports and provide justification and credible reasons for recommendations made to refuse a development application.

The council agreed to provide the complainant with a 50% refund of the development application fees paid.

# Rectifying unfair decisions

## Investigative outcomes for public universities

The Office finalised 162 investigations about the administrative actions of public universities, an increase of 19% compared to the 136 investigations finalised in 2013-14. Of these:

- 23 investigations were discontinued after it was determined that further investigation was not warranted
- 111 investigations identified no administrative error
- 27 investigations resulted in a rectification where the agency agreed to address the concerns identified by the Office without the need for a recommendation (an agreed action)
  - this is more than double the previous year when 11 rectifications were identified
- one matter was withdrawn by the complainant.

In 2014-15, the Office negotiated 30 agreed actions across five universities. Of these, 21 were of direct benefit to the complainant and nine addressed systemic issues.

## Case study 11

### Students complete MBA part-time

#### The complaint

The Office received complaints from two students who had commenced a Master of Business Administration (MBA) part-time with a public university in 2013.

After starting the course, the Australian Qualifications Framework (AQF) changed the course requirements. This resulted in major changes to the course structure. The university set a teach-out period which effectively gave MBA students one year (2015) to complete their studies under the old structure.

The complainants each had several subjects remaining under the old structure to complete the MBA requirements. If they did not complete those subjects within the one year teach-out period, they would be required to complete the course under the new structure. This meant they would have to study full-time in 2015 to complete the program under the old structure.

#### The investigation

The investigation focused on the reasonableness of the university's actions and in particular, the transitional arrangements for the new course structure.

The implementation arrangements for the new course structure stated that students already enrolled in qualifications may complete the qualification which they are enrolled in, or may transfer without disadvantage to an equivalent qualification that meets the requirements of the AQF.

The preliminary view reached by this Office was that in the absence of an express contrary statutory requirement, students who commenced the MBA under one structure - subject credit and course duration - should be able to continue within that structure with appropriate transitional arrangements in place. In the case of the students who commenced their MBAs in 2013 with a course duration of four years for part-time study, the students would have been able to continue with the old structure until at least the end of 2016.

## Rectifying unfair decisions

The Office recommended that the university extend the MBA program teach-out period until the end of Term 3 2016 and that similar principles be applied to all other students enrolled in post graduate courses before 1 January 2015.

### Making a difference

The university accepted the recommendations and informed all affected students in the MBA course.

The students can now complete their MBA under the course structure they enrolled in, with a part-time work load.

## Case study 12

### Cancellation fee deemed unfair

#### The complaint

An overseas student had to withdraw from an MBA before it started, due to an unforeseeable illness experienced by her son. She obtained a medical certificate which confirmed that her son had an acute illness that required at least three months of treatment.

Under the public university's tuition fee policy for overseas students, a written notice of an intention to withdraw from the course at least four weeks prior to its commencement is required to be eligible for a full refund.

The student missed the timeframe by four days and the university exercised its right under the policy to retain 50% of her deposit, a total of \$5,500. The student appealed this decision but as she did not include sufficient supporting evidence, the university refused her appeal for a full refund.

The student subsequently provided a copy of the medical certificate that showed her exceptional circumstances. However, the university refused to consider it as the appeal outcome had been determined.

#### The investigation

On assessment of the case it appeared that the university had considered that there was no discretion in the policy whether to retain a partial deposit. The strict application of the appeal timeframes was considered unreasonable in the circumstances.

The investigator identified to the university that evidence of the student's situation fell under the definition of 'exceptional circumstances' in the policy, which would allow for a full refund. The university was asked to reconsider its decision.

On reassessment, the university was satisfied the child's medical condition was beyond the student's control and made it impractical for her to undertake the intended course. It refunded the balance of the deposit. The university also agreed to review its policy to ensure clarity in the future.

## Rectifying unfair decisions

### Making a difference

Although an agency may establish rules for appeals and reviews, refusing to reconsider a matter solely because of them, may amount to unreasonable administrative action.

When exercising discretion, it is important that policies are not rigidly applied and that the decision-maker considers and evaluates the circumstances and merits of the case. This will minimise the risk of a decision being unreasonable, unfair or otherwise incorrect.

# Rectifying unfair decisions

## Public reports

By releasing major investigative reports, the Ombudsman is able to bring systemic issues to the attention of the Parliament, public sector agencies, and the wider public.

The Office published one public report in 2014-15. *The Strip Searching of Female Prisoners Report: An investigation into the strip search practices at Townsville Women's Correctional Centre* was tabled in Parliament on 30 September 2014.

The investigation examined the practice of routinely strip searching female prisoners before and after receiving a restricted medication. The practice was introduced in response to suspected medication diversion by a small number of prisoners.

The investigation found the practice was unlawful as it had not been authorised by the Director-General or Commissioner. It was also unreasonable as the correctional centre failed to consider other less invasive measures, no other correctional centre was routinely strip searching prisoners taking that class of medication, and the centre did not take into account the known potential negative impacts of strip searches on female prisoners.

The Ombudsman made four recommendations which were accepted.

A copy of the report is available online at [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au).

## Outcome of The Ownership Transfer Fee report

In December 2013 the Speaker of the Parliament approved the public release of the Ombudsman's report on Brisbane City Council's fee for recording a change of property ownership in its land record.

The report found some of the costs included in the fee were unlawful under the *City of Brisbane Act 2010*. The report recommended council recalculate the fee for transactions since July 2011 and refund the difference between the fee charged and the properly calculated fee to affected property owners.

The council rejected the finding that the fee was not lawfully imposed and did not implement the recommendations made in the report. Instead, council took action to adopt an 'administration fee' of an unchanged amount for 2014-15 under a different provision of the City of Brisbane Act.

The Ombudsman does not consider the council provided adequate justification for its position in relation to the report's findings and recommendations. Although it is disappointing that the council responded in this way, the Office will continue to investigate complaints and report on unlawful fees obtained by local councils.

# **Improving decision-making**

**Objective 3  
Public sector agencies improve  
their decision-making**

## Overview

The Office supports public agencies to improve their administration in a number of ways, including investigation of complaints, own initiative investigations, compliance reviews, training and community engagement.

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

## Reviews

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

Since 2012, following a strategic review, the Office has implemented an ongoing program of targeted compliance reviews, focusing on the operation of CMS.

This year, 17 reviews were undertaken:

- 11 state government agencies
- 6 local councils.

These reviews considered six key elements of each CMS:

- policy and procedures
- external visibility and accessibility
- internal communication and training
- complaints resolution
- maintenance and improvement
- external reporting.

The reviews measured compliance against the applicable legislative requirements and other recognised standards.

From 1 July 2014, state government agencies have been required by s.219A of the *Public Service Act 2008* to have a CMS for customer complaints complying with the Australian Standard for complaints management currently in force. In October 2014, Standards Australia released AS/NZS 10002:2014 *Guidelines for complaints management in organisations*.

Since 2010, local councils have been required, under s.268 of the *Local Government Act 2009* and related regulations, to have a CMS in place to manage and resolve administrative action complaints.

Australian universities that provide services to overseas students are required by the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* to develop complaints and appeals processes.

Overall, the CMS reviews conducted in 2014-15 found state agencies needed to review and update their CMS to ensure compliance with new legislative and standard requirements, particularly AS/NZS 10002:2014, and local councils had improved CMS policy and procedures and visibility and accessibility.

Individually, the reviews identified room for improvement in some or all of the following areas:

- policy and procedures
- complaints information on websites
- training to staff about the CMS
- complaint identification, capture and monitoring
- final responses to complainants
- internal analysis and reporting on complaints data
- reviewing CMS effectiveness
- annual reporting on the CMS operation.

The state agencies and local councils reviewed have been asked to report on the implementation of accepted recommendations in 2015-16.

## Administrative improvement advice

The Office responded to 89 administrative improvement advice requests from agencies in 2014-15.

These advices help agencies improve their policy and practice in complaints management and decision-making, in line with recognised standards and statutory requirements.

Generally, advice was provided on:

- the Australian Standard for complaints management
- frivolous and vexatious complaints
- complaint review and appeal processes
- complaint investigative procedures
- reasonableness of complaint handling timeframes
- recordkeeping requirements
- confidentiality and information privacy
- complaint content on agencies' websites
- managing unreasonable conduct
- anonymous complaints
- complaint management frameworks
- assessing complaints
- receiving verbal complaints
- providing feedback to agencies on their complaint policy and procedures
- administrative decision-making.

## Publications

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

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

Each newsletter is produced twice a year and distributed to state and local government officers, public sector legal practitioners, corrections officers and community groups.

Subscription rates grew by 11% in 2014-15, bringing the total number of subscribers to 4,904.

The Office also publishes *Ombudsman Advisory* to share the broader, systemic lessons learned from recent unpublished investigations.

In 2014-15, the Office published three *Ombudsman Advisory* bulletins:

- Consider all the circumstances when making a decision
- Improving the management of Public Interest Disclosures
- Scope of appeals limited.

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

**Table 12: Publication subscriptions**

Title <sup>1</sup>	2012-13	2013-14	2014-15	Change
State Perspective <sup>2</sup>	2,285	2,159	2,123	-2%
Local Perspective	714	731	765	5%
Legal Perspective	795	1,007	1,255	25%
Community Perspective	215	526	761	45%
<b>Total</b>	<b>4,009</b>	<b>4,423</b>	<b>4,904</b>	<b>11%</b>

Notes:

1. *Corrections Perspective* is published on the Department of Justice and Attorney-General's intranet, so subscription numbers are not available.
2. The decrease in the number of *State Perspective* subscribers may be attributed to extensive structural and personnel changes within state government departments.

### Training

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

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

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

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

Managing Unreasonable Conduct Training is designed to help officers manage unreasonable conduct they may encounter when delivering services to the public. The content includes tips and traps, various scenarios and group activities with clear strategies to assist in managing unreasonable behaviour.

In 2014-15:

- 154 training sessions were delivered to 2,655 public sector officers
- 65 sessions were held in regional Queensland.

The number of training sessions delivered increased by 12.4%, compared with 2013-14 (137 sessions delivered to 2,202 officers).

Training delivery is dependent on client demand and there was an increased demand for training in south-east Queensland and regional areas throughout the year.

In 2014-15, the Office's training programs received positive feedback from participants, with 98% reporting that the training would help them in their daily work and 97% of participants were willing to recommend the training to other officers in the public sector.

Appendix 2 provides a detailed breakdown of the agencies that participated in training in 2014-15.

# Capable and accountable organisation

## Objective 4

**The Office is a capable and accountable organisation**

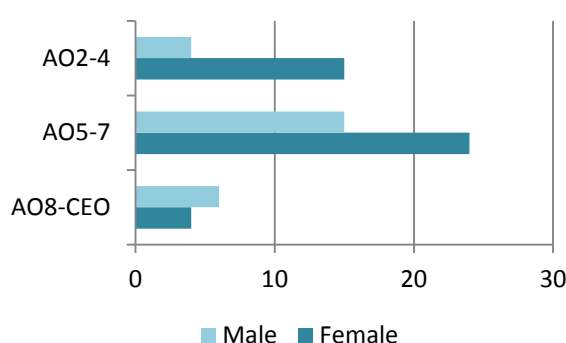
## People

### Workforce planning, attraction and retention

At 30 June 2015, 68 officers were employed on a full or part-time basis equating to 61 full-time equivalents (FTE). The establishment for the Office is 63 FTE.

Ombudsman officers come from diverse professional backgrounds, including law, public administration, social work, journalism and teaching. In total, 63% of the Office's workforce is female.

**Figure 14: All staff gender profile as at 30 June 2015**



The Office's equal employment opportunity census found 14% of staff identified as having a disability and 18% identified as having a language other than English as their first language. No staff identified as Aboriginal or Torres Strait Islander. The permanent staff turnover for the year was 17% (10 employees). The table below outlines the reasons why employees left the Office.

**Table 13: Reason why staff left**

Reason for leaving	Number of staff
Promotion	4
Moving overseas	3
Retirement	1
Redundancy	2

### Workforce planning framework

The Office recognises the importance of building a skilled and capable workforce.

The following initiatives contribute to the Office's capacity to create a supportive workplace and attract, retain and develop staff:

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

### Performance management framework

The Office's integrated performance management framework includes employee induction, probation, achievement planning, performance management and an annual staff awards program.

Managers work with staff to develop employee achievement plans that are relevant to their work unit and drive performance. All staff had an achievement plan in 2014-15. Achievement plans include:

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

### Code of Conduct

The Office's Code of Conduct provides staff with guidance on appropriate ethical standards for work-related behaviour.

The code, based on the ethical principles and values contained in the *Public Sector Ethics Act 1994*, was reviewed in consultation with staff this year. Information about the Code is provided to new staff during induction and is published on the Office's website.

### Professional development

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

Development initiatives delivered during 2014-15 focused on investigation skills, bullying and harassment awareness, anti-discrimination awareness, mental health awareness and resilience, internal financial management practices and procedures, people management, and legislative requirements.

In 2014-15, the Office spent 2.8% of its salary budget on professional development activities. Employees attended a number of training programs and all staff attended at least one corporate professional development activity during the year.

As part of the achievement planning process, staff members negotiate a career development plan to identify training opportunities based on their individual needs. This year, 37 different individual professional development activities were undertaken by 58 staff members.

In 2014-15, the Office spent \$7,000 on the Study and Research Assistance Scheme (SARAS). This allowed staff to maintain professional qualifications, and complete studies in law and professional communication.

**Table 14: Corporate professional development program 2014-15**

Program	Audience	No of staff
Business continuity training	Business continuity team	14
Discrimination awareness	New staff	16
Introduction to the financial management practice manual	All staff	48
Introduction to records management	New staff	15
Investigation skills workshop	Investigators	2
Mental health awareness and resilience	All staff	51
MOVE for life training	All staff	57
National Relay Service training	All staff	23
Style guide refresher	All staff	19
Practical people management matters	AO5-AO8	8
Practical skills for job applicants	All staff	26
Recordkeeping	All staff	41
Recruitment and selection workshop	Selection panel members	15
Workplace bullying awareness	All staff	55
Unwelcome behaviours	RAPA <sup>1</sup> staff Investigators	31
Building evacuation plan <sup>2</sup>	All staff	71
Administrative law	Investigators	23
Right to information	RTI decision makers	13
SARAS		3

Note:

1. RAPA – Registration and Preliminary Assessment
2. All staff must complete this training annually as a refresher and all new staff must complete within 48 hours of commencing. The reason for more staff completing than FTE reported on page 50 is due to staff turnover.

### Recognising staff achievements

Staff performance is recognised through the Ombudsman's annual awards program.

These awards acknowledge outstanding contributions made by staff. The Award of Excellence is given at the Ombudsman's discretion while candidates for the Staff Choice Award are nominated by their peers.

The ninth annual awards ceremony was held on 29 October 2014 as part of the Office's 40 year anniversary celebrations. Awards were presented by former Ombudsman, Mr David Bevan (2001-10).

The recipients were:

- **Ombudsman's Award of Excellence**  
Karin Crase, Executive Coordinator
- **Outstanding Contribution – CSU, PID and Executive**  
Nicola Nesbitt, Desktop Support Officer
- **Outstanding Contribution – IRU**  
Lauren Zanetti, Senior Investigator
- **Outstanding Contribution – IEU**  
Suzen Arthur, Enquiry Officer

### Flexible work arrangements

The Office encourages staff to establish flexible and balanced work arrangements and has 14 employees working in part-time arrangements.

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

### Health and safety

The Office's Health and Safety Committee continued to promote and provide oversight for workplace health and safety in consultation with a qualified safety advisor. Two workers' compensation claims were made this year. No days were lost to injury.

Information about health and wellbeing is regularly communicated to staff. Staff are encouraged to report any situations likely to cause injury.

Initiatives undertaken in 2014-15 included:

- flu vaccinations for all staff
- ergonomic assessments as requested by staff to minimise risk of musculoskeletal injury and enhance productivity
- MOVE for life workshops aimed at preventing sprain and strain injuries in the workplace through safe and efficient movement practices
- promotion of bowel cancer awareness month in June
- purchase of three sit-to-stand workstations which are available to all staff to use.

### Early retirement, redundancy, retrenchment

Two redundancy packages were paid during the year. One redundancy was recognised as a liability in the previous financial year as the staff member had accepted the redundancy but negotiated to leave in this financial year.

Performance

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

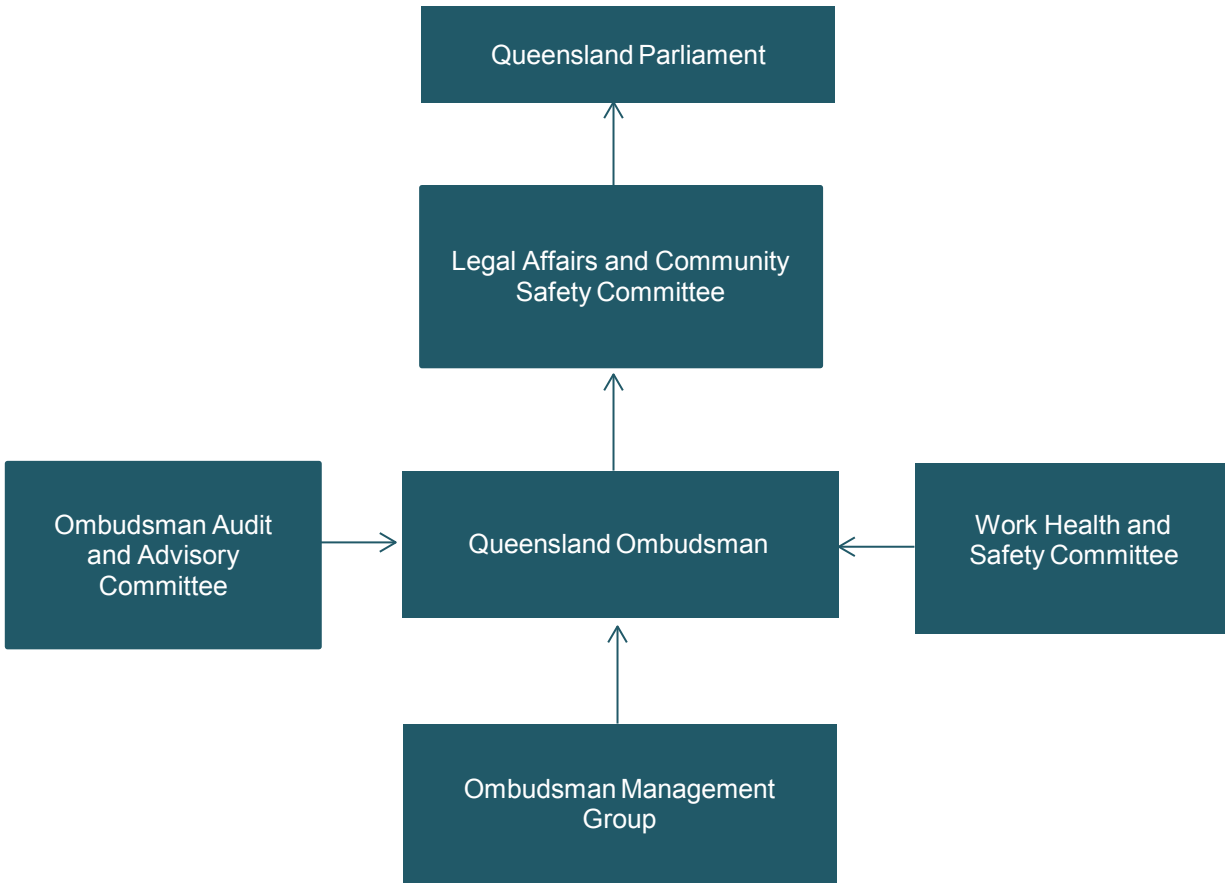
- ensure operations are carried out efficiently, effectively and economically
- establish and maintain appropriate systems of internal control and risk management
- ensure annual financial statements are prepared, certified and tabled in Parliament in accordance with the prescribed requirements
- undertake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

The Queensland Ombudsman’s corporate governance framework ensures:

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

A range of internal accountability measures are used by the Queensland Ombudsman, refer to Table 15.

Figure 15: Corporate governance framework



## Capable and accountable organisation

**Table 15: External accountability measures**

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

**Table 16: Internal accountability measures**

Measure	Description	Outcome
Ombudsman Management Group	Principal strategic and tactical body that considers the Office's significant statutory, accountability and risk-related responsibilities and all strategic and operational activity. It also functions as the Office's Finance Committee and endorses corporate priorities and objectives.	Accountability, transparency, high performance and compliance with statutory requirements
Audit and Advisory Committee	<p>Provides independent assurance and assistance to the Ombudsman on risk, control and compliance frameworks and external accountability responsibilities as prescribed in the <i>Financial Accountability Act 2009</i> and the <i>Financial Accountability Regulation 2009</i>.</p> <p>The Audit and Advisory Committee, which meets quarterly, observed the terms of its charter and had due regard to the Queensland Treasury's <i>Audit Committee Guidelines</i>.</p> <p>At every meeting, the Audit and Advisory Committee meets with the Head of Internal Audit, internal and external auditors and gives consideration to the implementation of all audit recommendations by the Office.</p> <p>The two external members of the Committee are the Chair, Mr Pat McCallum (CPA) and Mr Greg Argue. The Deputy Ombudsman, Mr Andrew Brown, also sits on the Committee.</p> <p>The Chair is the only member eligible for payment as the other members are part of the public service. In the financial year 2014-15 the Chair was paid \$5,806 including an amount of \$2,426 which was owing to the Chair for the financial year 2013-14. An accrual of \$1,040 has been made to reflect the remuneration owing to the Chair for the financial year 2014-15. This amount will be paid in the financial year 2015-16.</p>	

## Capable and accountable organisation

**Table 16: Internal accountability measures (continued)**

Measure	Description	Outcome
Internal audit	<p>An Ombudsman-approved audit charter, consistent with relevant audit and ethical standards, is central to the internal audit process. This charter directs independent auditors and ensures they have unrestricted access to the Office's corporate systems.</p> <p>The Head of Internal Audit is Mr Leon Smith of the Department of Justice and Attorney-General.</p> <p>This year's internal audit was undertaken by Bentleys (Qld) Pty Ltd, an auditing firm independent from management and the Queensland Audit Office.</p> <p>The internal audit plan, approved and regularly reviewed by the Audit and Advisory Committee, primarily focused on:</p> <ul style="list-style-type: none"> <li>• human resources processes including accuracy of timesheets and payroll documentation</li> <li>• financial processes including mobile phones, training revenue, allocation of shared office costs, and cab charge usage</li> <li>• compliance with policies and procedures in the Financial Management Practice Manual.</li> </ul> <p>The internal audit plan considers areas of significant operational and financial risk and what arrangements are in place to manage these risks.</p> <p>The internal audit function had due regard to the Queensland Treasury's <i>Audit Committee Guidelines</i>.</p>	
Finance Committee	The Ombudsman Management Group and Principal Officer – Finance and Facilities are responsible for planning, monitoring and reporting on the Office's budget.	
Code of Conduct	The Office's Code of Conduct was updated in May 2015.	

### External accountability measures

#### Legal Affairs and Community Safety Committee

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

The committee:

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

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

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

#### Estimates Committee hearing

In July 2014, the Ombudsman attended the annual Parliamentary Estimates Committee hearing as Chief Executive of the Office.

#### External audit

The Ombudsman met the timeframes for the preparation of financial reports for 2014-15. The audit report and certificate for the financial statements is contained in Appendix 8 – Audited financial statements.

## Internal accountability measures

### Planning for the future

The Office continued operating under its Strategic Plan 2013-18. As part of the annual strategic planning process, the Office reconfirmed its four strategic objectives to reflect current priorities. The strategic plan ensures the Office is well-placed to carry out its core functions.

The Operational Plan 2014-15 aligned core strategies to specific activities, assigned responsibility to relevant officers and outlined key performance indicators.

Both the strategic and operational plans are reported on quarterly to the Ombudsman Management Group (OMG).

### Identifying and managing risk

OMG continued its commitment to risk management.

External committee members, experienced in managing public sector risk issues, are members on the Office's Audit and Advisory Committee.

The Audit and Advisory Committee reviews the Office's risk plan on a quarterly basis. Under its guidance, contemporary risk assessment practices have been implemented, strengthening the governance framework.

### Ombudsman Management Group

OMG is the principal strategic and tactical executive body for the Office.

In June 2015, the OMG Operating Charter was reviewed. The role of OMG is to:

- advise the Ombudsman on the strategic direction and priorities for the Office, and monitor implementation
- monitor strategic and operational risks
- provide strategic oversight of major operational activities
- ensure the efficient deployment of resources to meet priorities
- promote Office-wide ownership of, and involvement, in major operational projects
- identify and oversee the implementation of business improvement initiatives
- establish and oversee the budget to meet performance targets
- endorse policies and procedures
- monitor performance to achieve planned outcomes.

### Phil Clarke Ombudsman

Mr Clarke was appointed Queensland Ombudsman in 2011.

His career in the public sector spans nearly 30 years. Before being appointed Ombudsman, he was Acting Director-General and Deputy Director-General of the Department of Justice and Attorney-General.

He began his career as a surveyor before joining TAFE Queensland. He served as director of several TAFE institutes, General Manager in the Department of Employment, Training and Industrial Relations, Executive Director of the Department of Emergency Services and Deputy Director-General of the Department of Local Government, Planning, Sport and Recreation.

He holds a Bachelor of Applied Science (Surveying), a Master of Regional Science and a Diploma of Teaching (Technical and Further Education).

### **Andrew Brown** **Deputy Ombudsman**

Mr Brown was appointed Deputy Ombudsman in 2011. His career in the public sector spans more than 20 years.

Before being appointed Deputy Ombudsman, he was Chief Inspector of Prisons, Queensland Corrective Services (QCS). Other previous roles include the Director, Legal Services, QCS, and various positions with Legal Aid Queensland.

He plays a key role in the strategic management of the Office and is responsible for overseeing complaint intake and investigations.

He holds a Bachelor of Arts/Law and a Master of Public Administration.

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

Mr Cantwell joined the Office in 1997 as an investigator and was appointed Assistant Ombudsman in 1999.

He has wide experience across the Office having led major investigations, training, community engagement and intake functions. Mr Cantwell currently leads an investigative team that deals with state agency complaints.

Before joining the Office, he was a solicitor in private practice for almost 20 years. For most of this time he was a partner in the Brisbane office of a major Australasian law firm and practiced in areas of commercial law, incident investigation, coronial law, work health and safety and administrative review.

Mr Cantwell is also an experienced workplace trainer and holds a Bachelor of Laws with Honours.

### **Louise Rosemann** **Assistant Ombudsman, Registration and Preliminary Assessment Unit**

Ms Rosemann joined the Office in 2005 as Assistant Ombudsman, Assessment and Resolution.

In 2012, she was appointed to the Investigation and Resolution Unit overseeing investigations about state government agencies. Since June 2014, Ms Rosemann has managed the intake and preliminary assessment function.

Ms Rosemann has diverse experience in public sector and community sector management, human resource management, equal opportunity employment, discrimination law, training and development, and administrative law. She has an extensive background in complaints handling and mediation.

Ms Rosemann holds a Bachelor of Arts and a Master of Business in Employment Relations, as well as the Certificate IV in Government (Investigations).

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

Mr Woodbury joined the Office in 1999 as an investigator. In 2004, he was appointed Assistant Ombudsman, Community Services and Corrections Team.

In 2012, Mr Woodbury was appointed to the new Investigation and Resolution Unit. He oversees investigations about state government agencies, including corrections and universities.

He has more than 20 years legal experience and was a partner of a Brisbane law firm specialising in corporate law and general litigation.

## Capable and accountable organisation

### **Craig Allen**

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

Mr Allen joined the Office as a senior investigator in 1999. In 2000, he was appointed Assistant Ombudsman, Local Government and Infrastructure.

In 2012, Mr Allen was appointed to the new Investigation and Resolution Unit. He oversees investigations about local council complaints and manages major investigations.

He has extensive experience in finance, operations, policy and legislation gained with the Department of Local Government and Planning and the Brisbane City Council.

Mr Allen holds a Bachelor of Business, with majors in local government and law.

### **Diane Gunton**

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

Ms Gunton joined the Queensland Ombudsman in 2011.

She leads the Corporate Services Unit and manages the Office's administrative, financial, human resource, information technology, records management, planning, facilities, performance reporting, research, marketing and communication services.

Ms Gunton began her career at Brisbane City Council where she spent almost 20 years managing administrative and business improvement projects across several divisions.

She worked on a range of strategic projects at Queensland Health before joining the Queensland Ombudsman.

Ms Gunton holds a Bachelor of Business, with a major in management.

# Public interest disclosures

An annual report on the operations of the *Public Interest Disclosure Act 2010* as required under s.61 of the Act

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

The *Public Interest Disclosure Act 2010* (PID Act) encourages disclosure, in the public interest, of information about wrongdoing in the public sector.

#### Oversight function

The Office of the Queensland Ombudsman is the oversight agency for the PID Act.

Under the PID Act, the oversight functions include:

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

#### Changes to the PID Act

Changes to the PID Act have had an impact on the number of PIDs reported to the oversight agency in 2014-15.

On 1 July 2014, 'corrupt conduct' became a type of public interest information that public officers can disclose as a PID. 'Corrupt conduct' replaced 'official misconduct' in the PID Act and this was consistent with amendments to the *Crime and Corruption Act 2001*.

The definition of corrupt conduct includes four elements and, in effect, sets a higher threshold for reporting. 'Corrupt conduct' is focused on more serious matters than the previous wider definition of 'official misconduct'.

Some matters that would previously have been categorised as official misconduct do not meet the new tests for corrupt conduct and are therefore no longer categorised as PIDs. Such matters are now managed by public sector entities as complaints, using their respective complaints management systems.

#### Monitoring

Public sector entities are required to report information about PIDs they receive to the oversight agency, the Queensland Ombudsman.

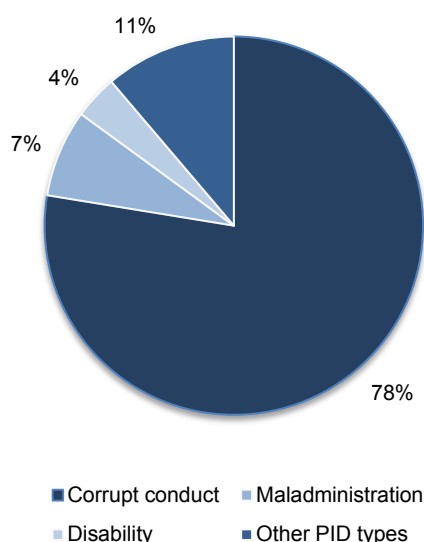
During the period from 1 July 2014 to 30 June 2015, a total of 535 PIDs were reported to the oversight agency, a significant decrease (26%) on the previous year.

The main cause of this reduction in the overall number of disclosures is the smaller number of PIDs in the new category of 'corrupt conduct' (415 in 2014-15) compared with the number in the previous category of 'official misconduct' (658 in the 2013-14).

In 2014-15, 26 PIDs of official misconduct were recorded. This reflects a transitional period where matters reported to entities prior to the commencement of the new provision must be reported to the oversight agency.

Other reported PID information does not show any significant changes in the overall percentages of PIDs reported by agency type, by type of discloser, by location of subject officer or by investigative outcomes.

**Figure 16: PIDs reported by type**



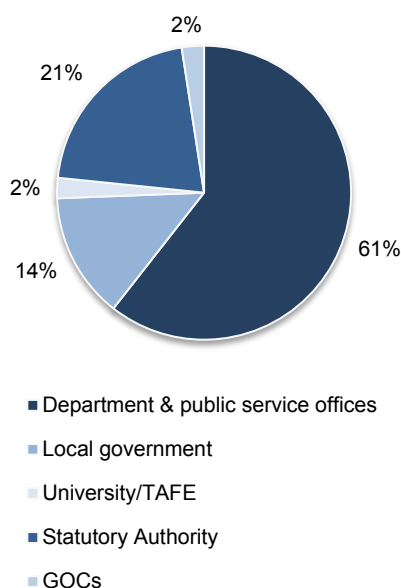
Note:  
'Other PID types' includes PIDs about official misconduct reported to the oversight agency in 2014-15. See Table 17 for further details.

## Public interest disclosures

Most PIDs are now about corrupt conduct (77.6%) and employees of entities make the most PIDs (86% of all PIDs).

State government departments continue to be the main source of PIDs (59.3% of all PIDs made) and 42.5% of all PIDs are reported in the Brisbane area.

**Figure 17: PIDs reported by entity type**



The reported outcomes in response to PIDs in 2014-15 were:

- 50.5% substantiated
- 10% partially substantiated
- 31.5% not substantiated.

The Office has worked with entities subject to the PID Act to improve their compliance with the requirement to publish PID policies and procedures on a publicly accessible website.

State government, public universities and government-owned corporations (GOC) now have a high level of compliance with this requirement.

Local councils' compliance with this requirement has significantly improved over recent years and now more than 70% of councils publish information about their public interest disclosure procedures. However, further work is needed to ensure the published information complies fully with requirements set in s.28 of the PID Act. In 2015-16, the Office will provide further information to councils about PID policy requirements and work with PID coordinators in councils.

### Reviewing

As the oversight agency, the Office also has a role in reviewing the way in which public sector entities deal with PIDs.

As part of its review function, the Office provided advice to entities to help in the development and implementation of PID policies and procedures.

During the year, feedback was provided to 19 entities on draft agency-specific PID policies and procedures.

In September 2014, the Office released *Ombudsman Advisory 20 - Improving the management of Public Interest Disclosures*. The advisory provided general observations about findings of recent Ombudsman investigations of complaints about public sector entities' management of PIDs. The Ombudsman investigated these complaints under the Ombudsman Act, identifying a number of areas for improvement including:

- Identification of a complaint as a PID - Managers of public sector entities need to identify and act promptly on matters that may be PIDs. It is not necessary for the discloser to identify their disclosure as a PID to make it a PID.
- Timeliness - Entities have an obligation to act on PID reports and finalise any investigation within a reasonable time.
- Risk assessment - A reprisal risk assessment should be conducted as soon as possible after receiving a PID. Risk management arrangements should also be reviewed during the investigation of a PID.
- Information management – Proper management of the confidentiality requirements of the PID Act help to protect the discloser, the alleged subject officer and any other person affected by the allegation.

## Public interest disclosures

- Awareness and training – Relevant information and timely training are key elements in equipping public authority officers and managers to deal promptly and appropriately with PIDs.

### Education and advice

The Office's PIDs education and advisory services include:

- online information and publications
- presentations to public sector entities and audiences
- responding to queries about PIDs generally.

The Office continued to facilitate the PID Coordinators Network as a means of raising awareness about the PID Act, its purpose and compliance requirements.

A new half-day training workshop to improve the skills of officers whose work included managing PIDs (such as staff in corporate governance, ethical standards and human resources in public sector entities) was developed and piloted. More than 40 officers, from state government, local councils and public universities, participated in two workshops. Based on the positive feedback, the Office will offer this workshop again in 2015-16.

During 2014-15, public sector entities sought advice from the Office on a wide range of PID management matters, including:

- the requirements for an entity to have a PID policy
- the application of the definition of 'public officer' (for example, volunteers, contractors and public officers who have since left public sector entity employment are not considered 'public officers' for the purposes of the PID Act)
- how to practically apply the 'substantial and specific' provisions when assessing disclosures about disability or maladministration
- managing obligations to provide support and protection to disclosers and others supporting a PID investigation
- undertaking a reprisal risk assessment

- managing confidentiality and natural justice obligations
- the provisions relating to disclosure of a PID to a journalist
- requirements for providing outcome advice about a PID matter to a discloser.

### Review of the PID Act

Under s.62 of the PID Act, the oversight agency must carry out a review of the operations of the Act within five years of its commencement. This review is required to start by 1 January 2016.

Preparatory work has been undertaken and the review will begin in the first half of the 2015-16 financial year.

## Public interest disclosures

**Table 17: PIDs reported by disclosure**

Disclosure type <sup>1</sup>	2013-14		2014-15	
	No.	%	No.	%
Corrupt conduct <sup>2</sup>	-	-	415	77.6
Official misconduct <sup>3</sup>	658	90.8	26	4.9
Maladministration	16	2.2	40	7.5
Environment	5	0.7	5	0.9
Disability	14	1.9	20	3.7
Misuse of public resources	20	2.8	15	2.8
Public health/safety	7	1	5	0.9
Reprisal	5	0.7	9	1.7
<b>Total</b>	<b>725</b>		<b>535</b>	

Notes:

1. A PID may include more than one type of disclosure (for example, corrupt conduct and maladministration) therefore the number of PIDs by disclosure type may exceed the number of PIDs reported by agency type.
2. Corrupt conduct became a type of PID from 1 July 2014.
3. Official misconduct ceased to be a type of PID at 30 June 2014. However, 26 PIDs about official misconduct made in 2013-14 were reported to the oversight agency in 2014-15.

**Table 20: PIDs reported by location of subject officer**

Location	2013-14		2014-15	
	No.	%	No.	%
Brisbane	384	55.0	209	42.5
Central West	10	1.4	1	0.2
Darling Downs	18	2.6	25	5.1
Far North	32	4.6	22	4.5
Fitzroy	34	4.9	22	4.5
Gold Coast	83	11.9	116	23.6
Mackay	13	1.9	3	0.6
Moreton	3	0.4	4	0.8
Northern	32	4.6	30	6.1
North West	14	2.0	3	0.6
South West	20	2.9	0	0.0
Sunshine Coast	20	2.9	27	5.5
West Moreton	7	1.0	3	0.6
Wide Bay/Burnett	26	3.7	22	4.5
Not categorised	2	0.3	5	1.0
<b>Total</b>	<b>698</b>		<b>492</b>	

**Table 18: PIDs reported by agency type**

Agency type	2013-14		2014-15	
	No.	%	No.	%
Department	436	62.5	292	59.3
Local council	83	11.9	68	13.8
University	23	3.3	11	2.2
Statutory authority	111	15.9	103	20.9
GOCs	39	5.6	12	2.4
Public service office	6	0.9	6	1.2
<b>Total</b>	<b>698</b>		<b>492</b>	

**Table 21: PIDs investigation outcomes**

Outcome <sup>1</sup>	2013-14		2014-15	
	No.	%	No.	%
Substantiated	317	47.3	217	50.5
Partially substantiated	68	10.1	43	10.0
Not substantiated	256	38.2	136	31.6
Other	29	4.3	34	7.9
<b>Total</b>	<b>670</b>		<b>430</b>	

Note:

1. This table reports on the PID matters closed in a financial year. This may vary from the number of PIDs reported in the same period.

**Table 19: PIDs reported by type of discloser**

Discloser type	2013-14		2014-15	
	No.	%	No.	%
Anonymous	29	4.2	20	4.1
Manager/supervisor	13	1.9	10	2.0
Auditor	3	0.4	0	0
Employee of agency	632	90.5	424	86.2
Employee of another public sector agency	9	1.3	16	3.3
Member of the public	12	1.7	22	4.5
<b>Total</b>	<b>698</b>		<b>492</b>	

# Financials

## Financial summary

### Managing the budget

In 2014-15, the operational budget totalled \$8.557 million. This represented a 5.8% increase from 2013-14.

In 2014-15, \$0.500 million in appropriation has been deferred to later financial years. Deferred funds will be used for altered accommodation arrangements and upgrading business systems, including redevelopment of the Office's website. As at 30 June 2015, \$0.130 million in appropriation was allowed to lapse.

In 2014-15, the Office benefitted from increased user charges and fees of \$0.221 million from delivering statewide training programs.

The Office also recognised \$0.182 million in free archival services received from Queensland State Archives. The offsetting expenditure is included in other expenses.

Employee expenses in 2014-15 included the full-time equivalent of six staff transferred from the Commission for Children and Young People and Children's Youth Guardian, as a result of the Office resuming responsibility for the oversight of child safety complaints in Queensland from 1 July 2014.

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

### Funding

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

### Expenses

The Queensland Ombudsman provides a complaint investigation service for the community and administrative improvement services for public agencies. The biggest cost in delivering these services is employee expenses, which represents 75% of total expenditure. The remaining 25% is expended on general operating costs including accommodation, information and telecommunication costs.

Other expenses included \$0.130 million in lapsed appropriation repayable to Queensland Treasury.

### Assets

At 30 June 2015, assets totalled \$1.820 million which comprised:

- plant and equipment \$0.666 million
- receivables and other current assets \$0.223 million
- cash at bank \$0.883 million.

### Liabilities

As at 30 June 2015, liabilities totalled \$0.976 million which included:

- \$0.175 million in accounts payable
- \$0.130 million in lapsed appropriation payable
- \$0.233 million owing to employees
- provision for the unearned portion of the building owner's incentive of \$0.438 million (this is associated with the construction and fit-out of premises at 53 Albert Street, which is being amortised over a period of 10 years).

The audited financial statements are available at Appendix 8.

**Table 22: Financial summary 2014-15**

	<b>Budget \$'000</b>	<b>Actual \$'000</b>	<b>Variance \$'000</b>
<b>Income statement</b>			
Direct appropriations	8,222	7,792	(430)
User charges	300	529	229
Goods and services below fair value	0	182	182
Other revenue	80	54	(26)
<b>Total income from continuing operations</b>	<b>8,602</b>	<b>8,557</b>	<b>(45)</b>
Employee expenses	6,804	6,400	404
Supplies and services	1,532	1,545	(13)
Depreciation and amortisation	210	267	(57)
Other expenses	56	345	(289)
<b>Total expenses from continuing operations</b>	<b>8,602</b>	<b>8,557</b>	<b>45</b>
<b>Operating surplus/(deficit)</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Balance sheet</b>			
Cash assets	580	883	303
Receivables	234	168	(66)
Payables (including employee benefits)	321	538	(217)
Capital/contributed equity	834	844	(10)

# Glossary

### Acronyms

CMS – Complaint Management System

CSU – Corporate Services Unit

eDRMS – Electronic Document and  
Record Management System

FTE – Full time equivalents

IRU – Investigation and Resolution Unit

IS – Information Standard

MBA – Master of Business  
Administration

MP – Member of Parliament

NAIDOC – National Aboriginal and  
Islander Day Observance Committee

NRS – National Relay Service

OMG – Ombudsman  
Management Group

PIDs – Public interest disclosures

QBCC – Queensland Building and  
Construction Commission

QCS – Queensland Corrective Services

QGAP – Queensland Government Agent  
Program

QPB – Queensland Parole Board

QO – Queensland Ombudsman

QSA – Queensland State Archives

RAPA – Registration and Preliminary  
Assessment Unit

RSP – Regional Services Program

SARAS – Study and Research  
Assistance Scheme

SDS – Service Delivery Statements

### Glossary

#### *Administrative error*

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

#### *Agency*

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

#### *Agreed action*

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

#### *Complainant*

A person bringing a complaint to the Office.

#### *Complaint*

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

#### *Complaint finalised*

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

#### *Complaint management system (CMS)*

A system for dealing with complaints.

#### *Complaint received*

A complaint received during the financial year.

#### *Contact*

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

#### *Corporate governance*

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

## Glossary

### *Direct benefit recommendation*

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

### *Enquiry*

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

### *Internal review*

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

### *Internal review request*

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

### *Major investigation*

Significant time and resources are expended on investigating systemic administrative errors.

### *Maladministration*

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

### *Out of jurisdiction matter*

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

### *Own initiative investigation*

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

### *Preliminary assessment*

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

### *Prisoner PhoneLink*

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

### *Public administration*

The administrative practices of Queensland public sector agencies.

### *Public interest disclosure (PID)*

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

### *Public reports*

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

### *Recommendation*

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

### *Rectification*

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

### *Referral*

When a matter is outside the Queensland Ombudsman's jurisdiction, and advice or help is provided to the complainant about the right complaints agency. Recording matters as referrals ceased in 2013-14.

### *Review*

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

### *Systemic issue*

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

# Appendices

## Appendices

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## Appendix 1: Statistical report

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

	2012-13	2013-14	2014-15
Referral (online complaint form) <sup>1</sup>	3,437	81	0
Out of jurisdiction <sup>1</sup>	4,804	5,053	5,320
Complaint	6,363	6,308	6,980
Inquiry	528	467	593
Review request	54	58	64
Public interest disclosures	5	28	25
<b>Total</b>	<b>15,191</b>	<b>11,995</b>	<b>12,982</b>

Note:

1. From July 2013, out of jurisdiction matters received via the online complaint form (where automated referral advice only is provided) are no longer reported.

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

	2012-13	2013-14	2014-15
Telephone	2,963	3,105	3,726
Voicemail	100	86	77
Prisoner PhoneLink	401	450	457
Email	1,006	975	1,023
Online complaint form	983	808	843
Mail	751	717	650
Fax	45	41	23
In person	64	72	59
Correctional centre interview	50	54	122
<b>Total</b>	<b>6,363</b>	<b>6,308</b>	<b>6,980</b>

Note:

1. This data has not been adjusted for premature complaints received via the online complaint form where people simply received automated advice. Reporting of these matters ceased in July 2013, hence the impact on 2013-14 data is nominal (81 complaints), with no impact on 2014-15 data.

**Table 3: Complaints received and brought forward**

	2012-13	2013-14	2014-15
Complaints received <sup>1</sup>	6,363	6,308	6,980
Complaints brought forward	186	143	158

Note:

1. This data has not been adjusted for premature complaints received via the online complaint form where people simply received automated advice. Reporting of these matters ceased in July 2013, hence the impact on 2013-14 data is insignificant (13 complaints), with zero impact on 2014-15 data.

**Table 4: Complaints finalised**

	2012-13	2013-14	2014-15
Complaints finalised <sup>1</sup>	6,406	6,293	6,962
Complaints open	143	158	176

Note:

1. This data has not been adjusted for premature complaints received via the online complaint form where clients simply received automated advice. Reporting of these matters ceased in July 2013, hence the impact on 2013-14 data is nominal (13 complaints), with no impact on 2014-15 data.

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

	2012-13	2013-14	2014-15
State government departments	3,663	3,435	3,972
Statutory authorities <sup>2</sup>	554	734	877
Local councils	1,708	1,778	1,744
Universities	367	338	379
Other <sup>2</sup>	71	23	8
<b>Total</b>	<b>6,363</b>	<b>6,308</b>	<b>6,980</b>

Notes:

1. This data has not been adjusted for premature complaints received via the online complaint form where clients simply received automated advice. Reporting of these matters ceased in July 2013, hence the impact on 2013-14 data is nominal (13 complaints), with no impact on 2014-15 data.
2. In previous annual reports, statutory authorities and other sources were reported as one total denoted as Other. This has now been separated with this table restated to align with the text and data reported in the main body of the report.

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

	2012-13	2013-14	2014-15
<10	5,091	4,436	4,797
<30	835	1,401	1,701
<60	184	220	202
<90	74	89	74
<180	143	122	160
<270	41	15	24
≤365	18	7	1
>365	20	3	3
<b>Total</b>	<b>6,406</b>	<b>6,293</b>	<b>6,962</b>

Note:

1. This data has not been adjusted for premature complaints received via the online complaint form where clients simply received automated advice. Reporting of these matters ceased in July 2013, hence the impact on 2013-14 data is nominal (13 complaints), with no impact on 2014-15 data.

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

	2012-13	2013-14	2014-15
<10	65	64	60
<30	38	40	53
<60	22	20	30
<90	8	18	13
<180	4	12	18
<270	4	1	2
≤365	2	1	0
>365	0	2	0
<b>Total</b>	<b>143</b>	<b>158</b>	<b>176</b>

**Table 8: Reasons why complaints were declined<sup>1</sup>**

	2012-13	2013-14	2014-15
Referred for internal review by agency	3,741	3,463	3,859
Await outcome of current decision process	432	446	450
Complaint to be put in writing	420	626	742
Other complaints entity has/will investigate	214	244	297
Appeal right should be exhausted	266	209	226
Investigation unnecessary or unjustifiable	142	129	84
No sufficient direct interest	64	78	65
Out of jurisdiction	113	73	32
Appeal right exhausted and further investigation unnecessary	33	23	25
Out of time	35	12	25
Frivolous, vexatious or not made in good faith	3	0	2
Trivial	1	0	0
Other	46	13	22
<b>Total</b>	<b>5,510</b>	<b>5,316</b>	<b>5,829</b>

Note:

1. Complaints shown in the table above as 'referred for internal review by the agency' or 'await outcome of current decision process' are referred to as premature matters in the main body of the report. The remaining categories are referred to as 'declined with advice' in the main body of the report.

**Table 9: Outcome of complaints finalised**

	2012-13	2013-14	2014-15
Declined at outset/preliminary assessment	5,510	5,316	5,829
Rectified during preliminary assessment	38	20	16
Complaints finalised at preliminary assessment	5,548	5,336	5,845
Withdrawn by complainant before investigation commenced	63	57	54
Withdrawn by complainant during investigation	11	7	9
Complaints withdrawn	74	64	63
Investigation discontinued <sup>1</sup>	302	234	291
Investigation completed <sup>1</sup>	505	691	819
<b>Total</b>	<b>6,429</b>	<b>6,325</b>	<b>7,018</b>

Note:

1. In previous annual reports, the investigation data reported in this table excluded own-initiative investigations to allow consistent reporting of a three-year trend. Since 2012-13, own initiative investigations have been incorporated in the main body of the report. Consequently, the investigation data in this table has now been restated for 2012-13 and 2013-14 to include own initiative investigations and align with the main body of the report.

**Table 10: Types of administrative error<sup>1</sup>**

	2012-13 <sup>2</sup>	2013-14 <sup>2</sup>	2014-15
Unreasonable or unjust	11	6	8
Contrary to law	4	4	4
Based on a mistake of law or fact	3	3	1
Wrong	1	0	1
Reasons not given/inadequate	0	1	0
Irrelevant grounds or considerations	1	0	0
<b>Total</b>	<b>20</b>	<b>14</b>	<b>14</b>

Notes:

1. The administrative error types relate only to recommendations made by the Ombudsman. Agreed actions are excluded.
2. The types of administrative error identified in 2012-13 and 2013-14 and contained within this table excluded any in relation to own initiative investigations. Own initiative investigations are included in the main body of the report. To provide consistency between this table and the main body of the report, the data for 2012-13 and 2013-14 has now been restated to incorporate own initiative investigations.

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

	2012-13	2013-14	2014-15
Direct benefit	33	56	172
Systemic	150	90	129
<b>Total</b>	<b>183</b>	<b>146</b>	<b>301</b>

## Appendix 2: Training

### Agencies that participated in Complaints Management training

Local councils	Cairns Regional Council
	Logan City Council
State agencies	Cairns and Hinterland Hospital and Health Service
	Department of Environment and Heritage Protection
	Department of Health
	Department of Housing and Public Works
	Legal Aid Queensland
	Sunshine Coast Hospital and Health Service
	Wide Bay Hospital and Health Service
Universities	James Cook University

### Agencies that participated in Good Decisions training

Local councils	Balonne Shire Council
	Boulia Shire Council
	Brisbane City Council
	Gladstone Regional Council
	Gold Coast City Council
	Goondiwindi Regional Council
	Lockyer Valley Regional Council
	Rockhampton Regional Council
	Toowoomba Regional Council
State agencies	Crime and Corruption Commission
	Department of Communities, Child Safety and Disability Services
	Department of Education, Training and Employment
	Department of Environment and Heritage Protection
	Department of Housing and Public Works
	Department of National Parks, Recreation, Sport and Racing
	Department of Natural Resources and Mines
	Department of Science, Information Technology, Innovation and the Arts
	Department of Transport and Main Roads
	Energy and Water Ombudsman Queensland
	Office of Fair Trading
	Office of the Public Guardian
	Office of State Revenue
	Queensland College of Teachers
	Queensland State Archives
	Sunshine Coast Hospital and Health Service
Universities	James Cook University
	University of the Sunshine Coast

**Agencies that participated in Your Ethical Compass training**

Local councils	Tablelands Regional Council
	Western Downs Regional Council
State agencies	Department of Housing and Public Works
	Department of Justice and Attorney-General
	Department of National Parks, Recreation, Sport and Racing
	Office of the Health Ombudsman

**Agencies that participated in Managing Unreasonable Conduct training**

Local councils	Tablelands Regional Council
	Toowoomba Regional Council
State agencies	Department of Education, Training and Employment
	Department of Environment and Heritage Protection
	Department of Transport and Main Roads
	Energy and Water Ombudsman Queensland
	Legal Aid Queensland
	Office of Fair Trading
	Office of the Health Ombudsman
	West Moreton Hospital and Health Service
Universities	James Cook University

## Appendix 3: Right to information and privacy

### Number of applications received 2014-15

Right to information	2
Information privacy	5
Third party consultation requests	8
Administrative access requests	10

### Disciplinary action/fees

No disciplinary action or offences occurred in relation to any officers under the relevant legislation. Fees received amounted to \$86.70.

## Appendix 4: Managing complaints

### Complaints management system (CMS)

Complaints and requests for the internal review of decisions made by Ombudsman staff are a valuable source of feedback and a means of identifying areas for improvement.

A CMS has been implemented to manage complaints about this Office in a fair, objective and timely way.

The CMS is supported by written policy and procedures, and a complaints database. The policy is consistent with the Strategic Plan, Client Service Charter and s.219 of the *Public Service Act 2008*.

The policy applies to:

- any case where a person expressed dissatisfaction with the assessment, investigation or final decision
- any aspect of service provided by the Office
- the conduct of an Ombudsman officer.

### Complaints reporting and analysis

A review of a complaint may:

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

In 2014-15, 64 internal review requests were received and 57 were finalised. The original decision was confirmed in 49 cases. In eight cases further investigation was undertaken.

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

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

## **Appendix 5: Information systems and recordkeeping**

### **Open Text eDOCS**

During 2014-15, planning commenced for the acquisition and implementation of an electronic document and records management system (eDRMS).

In April 2015, OpenText eDOCS was the chosen system and CGI Technologies and Solutions Australia Pty Ltd was engaged from the government's standing offer arrangement to conduct workshops with staff, prepare a roadmap for the design and implementation, migrate data and provide training for staff. The system will provide improved functionality, such as searching, sentencing and archiving. It is expected to be operational in early 2015-16.

### **Training**

After attending general recordkeeping training in 2013-14, staff were provided with Office-specific training in September 2014 on issues such as the core functional retention and disposal schedule, records naming convention, sentencing, restricted access periods and identifying ephemeral records.

The Executive Coordinator completed the Certificate IV Recordkeeping training during the year and received the qualification.

eDRMS training will be provided to all staff in early 2015-16.

Officers responsible for recordkeeping continue to keep up to date with information provided by Queensland State Archives and complete surveys and provide comments on discussion papers when invited to do so.

## **Appendix 6: Open data**

The Queensland Ombudsman Annual Report 2014-15 includes extensive information about the work of the Office and statistics about complaints and complaint handling.

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

Details of the Office's expenditure on consultancies, overseas travel and interpreters are published online at: [www.ombudsman.qld.gov.au/Aboutus/Righttoinformation/PublicationScheme/OurLists](http://www.ombudsman.qld.gov.au/Aboutus/Righttoinformation/PublicationScheme/OurLists).

## Appendix 7: Compliance checklist

Summary of requirement		Basis for requirement	Annual report reference
Letter of compliance	<ul style="list-style-type: none"> <li>A letter of compliance from the accountable officer or statutory body to the relevant Minister</li> </ul>	ARRS – section 9	Opening pages
Accessibility	<ul style="list-style-type: none"> <li>Table of contents</li> </ul>	AARs – section 10.1	Opening pages
	<ul style="list-style-type: none"> <li>Glossary</li> </ul>		Page 68
	<ul style="list-style-type: none"> <li>Public availability</li> </ul>	AARs – section 10.2	Inside front cover
	<ul style="list-style-type: none"> <li>Interpreter service statement</li> </ul>	<i>Queensland Government Language Services Policy</i> ARRs – section 10.3	Inside front cover
	<ul style="list-style-type: none"> <li>Copyright notice</li> </ul>	<i>Copyright Act 1968</i> ARRs – section 10.4	Inside front cover
General information	<ul style="list-style-type: none"> <li>Information licensing</li> </ul>	<i>Queensland Government enterprise Architecture – Information licensing</i> ARRs – section 10.5	Inside front cover
	<ul style="list-style-type: none"> <li>Introductory information</li> </ul>	ARRs – section 11.1	Page 1
	<ul style="list-style-type: none"> <li>Agency role and main functions</li> </ul>	ARRs – section 11.2	Page 3
	<ul style="list-style-type: none"> <li>Operating environment</li> </ul>	ARRs – section 11.3	Pages 6-7
	<ul style="list-style-type: none"> <li>Machinery of Government changes</li> </ul>	ARRs – section 11.4	Not applicable
Non-financial performance	<ul style="list-style-type: none"> <li>Government objectives for the community</li> </ul>	ARRs – section 12.1	Page 4
	<ul style="list-style-type: none"> <li>Other whole-of-government plans/specific initiatives</li> </ul>	ARRs – section 12.2	Not applicable
	<ul style="list-style-type: none"> <li>Agency objectives and performance indicators</li> </ul>	ARRs – section 12.3	Pages 8-9
	<ul style="list-style-type: none"> <li>Agency service areas, service standards and other measures</li> </ul>	ARRs – section 12.4	Page 10
Financial performance	<ul style="list-style-type: none"> <li>Summary of financial performance</li> </ul>	ARRs – section 13.1	Pages 66-67
Governance – management and structure	<ul style="list-style-type: none"> <li>Organisational structure</li> </ul>	ARRs – section 14.1	Page 2
	<ul style="list-style-type: none"> <li>Executive management</li> </ul>	ARRs – section 14.2	Pages 57-59
	<ul style="list-style-type: none"> <li>Government bodies (statutory bodies and other entities)</li> </ul>	ARRs – section 14.3	Not applicable
	<ul style="list-style-type: none"> <li><i>Public Sector Ethics Act 1994</i></li> </ul>	<i>Public Sector Ethics Act 1994</i> ARRs – section 14.4	Page 51
Governance – risk management and accountability	<ul style="list-style-type: none"> <li>Risk management</li> </ul>	ARRs – section 15.1	Page 57
	<ul style="list-style-type: none"> <li>External scrutiny</li> </ul>	ARRs – section 15.2	Page 56
	<ul style="list-style-type: none"> <li>Audit committee</li> </ul>	ARRs – section 15.3	Page 54
	<ul style="list-style-type: none"> <li>Internal audit</li> </ul>	ARRs – section 15.4	Page 55
	<ul style="list-style-type: none"> <li>Information systems and recordkeeping</li> </ul>	ARRs – section 15.5	Appendix 5

Summary of requirement		Basis for requirement	Annual report reference
Governance – human resources	<ul style="list-style-type: none"> <li>• Workforce planning and performance</li> </ul>	ARRs – section 16.1	Pages 50-52
	<ul style="list-style-type: none"> <li>• Early retirement, redundancy and retrenchment</li> </ul>	Directive No 11/12 <i>Early Retirement, Redundancy and Retrenchment</i> ARRs – section 16.2	Page 52
Open data	<ul style="list-style-type: none"> <li>• Consultancies</li> </ul>	ARRs – section 17 ARRs – section 34.1	Appendix 6
	<ul style="list-style-type: none"> <li>• Overseas travel</li> </ul>	ARRs – section 17 ARRs – section 34.2	Appendix 6
	<ul style="list-style-type: none"> <li>• Queensland Language Services Policy</li> </ul>	ARRs – section 17 ARRs – section 34.3	Appendix 6
	<ul style="list-style-type: none"> <li>• Government bodies</li> </ul>	ARRs – section 17 ARRs – section 34.4	Not applicable
Financial statements	<ul style="list-style-type: none"> <li>• Certification of financial statements</li> </ul>	FAA – section 62 FPMS – sections 42, 43 and 50 ARRs – section 18.1	Appendix 8
	<ul style="list-style-type: none"> <li>• Independent Auditors Report</li> </ul>	FAA – section 62 FPMS – sections 50 ARRs – section 18.2	Appendix 8
	<ul style="list-style-type: none"> <li>• Remuneration disclosures</li> </ul>	Financial Reporting Requirements for Queensland Government Agencies ARRs – section 18.3	Appendix 8

ARRs – *Annual report requirements for Queensland Government agencies*

FAA – *Financial Accountability Act 2009*

FPMS – *Financial and performance Management Standard 2009*



**OFFICE OF THE QUEENSLAND  
OMBUDSMAN  
FINANCIAL STATEMENTS**

**For the year ended 30 June 2015**

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## General Information

These financial statements cover the Office of the Queensland Ombudsman.

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

For financial reporting purposes, the Office is a department in terms of the *Financial Accountability Act 2009* and is subsequently consolidated into the Report on State Finances of the Queensland Government.

The head office and principal place of business is:

Level 17, 53 Albert Street  
Brisbane QLD 4000

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

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

Office of the Queensland Ombudsman Statement of Comprehensive Income for the year ended 30 June 2015	Notes	2015 \$'000	2014 \$'000
<b>Income from continuing operations</b>			
Appropriation revenue	2	7,792	7,257
User charges and fees	3	529	436
Goods and services received below fair value	1(q), 7	182	186
Other revenue		54	209
<b>Total income from continuing operations</b>		<b>8,557</b>	<b>8,088</b>
<b>Expenses from continuing operations</b>			
Employee expenses	4, 5	6,400	6,318
Supplies and services	6	1,525	1,356
Depreciation and amortisation		267	199
Other expenses	7	365	205
<b>Total expenses from continuing operations</b>		<b>8,557</b>	<b>8,078</b>
<b>Operating result from continuing operations</b>		<b>0</b>	<b>10</b>
<b>Other comprehensive income</b>			
<b>Total comprehensive income</b>		<b>0</b>	<b>10</b>

The accompanying notes form part of these statements.

Office of the Queensland Ombudsman Statement of Financial Position as at 30 June 2015	Notes	2015 \$'000	2014 \$'000
<b>Current assets</b>			
Cash and cash equivalents	1 (e)	883	671
Receivables	8	168	167
Prepayments		55	58
<b>Total current assets</b>		<b>1,106</b>	<b>896</b>
<b>Non-current assets</b>			
Intangible assets	9	48	-
Plant and equipment	10	666	946
<b>Total non-current assets</b>		<b>714</b>	<b>946</b>
<b>Total assets</b>		<b>1,820</b>	<b>1,842</b>
<b>Current liabilities</b>			
Payables	11	305	119
Accrued employee benefits	12	233	330
Lease Incentive	13	110	110
<b>Total current liabilities</b>		<b>648</b>	<b>559</b>
<b>Non-current liabilities</b>			
Lease Incentive	13	328	439
<b>Total non-current liabilities</b>		<b>328</b>	<b>439</b>
<b>Total liabilities</b>		<b>976</b>	<b>998</b>
<b>Net assets</b>		<b>844</b>	<b>844</b>
<b>Equity</b>			
Contributed equity		880	880
Accumulated surplus/(deficit)		(36)	(36)
<b>Total equity</b>		<b>844</b>	<b>844</b>

Office of the Queensland Ombudsman Statement of Changes in Equity	Notes	Accumulated Surplus/ (Deficit) \$'000	Contributed Equity \$'000	Total \$'000
<b>for the year ended 30 June 2015</b>				
Balance as at 1 July 2013		-46	880	834
Operating result from continuing operations		10	-	10
<b>Balance as at 30 June 2014</b>		<b>-36</b>	<b>880</b>	<b>844</b>
Balance as at 1 July 2014		-36	880	844
Operating result from continuing operations		0	-	0
<b>Balance as at 30 June 2015</b>		<b>-36</b>	<b>880</b>	<b>844</b>

*The accompanying notes form part of these statements.*

Office of the Queensland Ombudsman Statement of Cash Flows for the year ended 30 June 2015	Notes	2015 \$'000	2014 \$'000
<b>Cash flows from operating activities</b>			
<i>Inflows:</i>			
Service appropriation receipts		7,792	7,257
User charges and fees		547	415
GST input tax credits from Australian Tax Office		56	168
GST collected from customers		170	53
Other		54	131
<i>Outflows:</i>			
Employee expenses		(6,502)	(6,150)
Supplies and services		(1,581)	(1,510)
GST paid to suppliers		(180)	(161)
GST remitted to Australian Taxation Office		(60)	(51)
Other		(40)	(18)
<b>Net cash provided by operating activities</b>	14	<b>256</b>	<b>134</b>
<b>Cash flows from investing activities</b>			
<i>Outflows:</i>			
Payments for plant and equipment		(44)	0
<b>Net cash (used in) investing activities</b>		<b>(44)</b>	<b>0</b>
Net increase in cash and cash equivalents		212	134
Cash and cash equivalents at beginning of financial year		671	537
<b>Cash and cash equivalents at end of financial year</b>	1 (e)	<b>883</b>	<b>671</b>

The accompanying notes form part of these statements

## Notes to and forming part of the Financial Statements

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## Objectives and principal activities of the Office

The Queensland Ombudsman has roles including:

- to provide a fair, independent and timely investigative service for people who believe they have been adversely affected by the decisions of public agencies
- help agencies improve their decision-making and administrative practice
- monitor and review the management of public interest disclosures (PIDs) and provide education and advice about PIDs

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

The objectives of the Office are:

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

### 1. Summary of significant accounting policies

#### (a) Statement of compliance

The Office of the Queensland Ombudsman is a not-for-profit entity.

The financial statements are general purpose financial statements, and have been prepared on an accrual basis in accordance with:

- section 42 of the Financial and Performance Management Standard 2009
- Australian accounting standards and interpretations
- Queensland Treasury's Minimum Reporting Requirements for the year ending 30 June 2015 and other authoritative pronouncements.

The historical cost convention is used, unless otherwise stated. This means that assets are recorded at their initial cost and are not subsequently revalued upwards and liabilities are valued at the amount initially received in exchange for the obligation.

#### (b) The reporting entity

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

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

#### (c) Appropriation revenue

Appropriations provided under the *Appropriation Act 2014* are recognised as revenue when received.

**(d) User charges and fees**

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

**(e) Cash and cash equivalents**

For the purposes of the Statement of Financial Position and the Statement of Cash Flows, cash assets includes all cash and cheques receipted but not banked at 30 June as well as imprest amounts.

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

**(f) Acquisitions of assets**

All assets are initially recorded at their purchase price plus any costs incurred that are directly attributable to bringing the asset to the location and condition necessary for it to be able to operate as intended. If an asset is acquired at no or nominal cost it is recorded at 'fair value' at the date of acquisition.

**(g) Recognition of plant and equipment**

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

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

**(h) Revaluation of non-current physical assets**

Plant and equipment, (that is not classified as major plant and equipment) is measured at cost in accordance with Queensland Treasury's Non-Current Asset Policies for the Queensland Public Sector. The carrying amounts for such plant and equipment at cost should not materially differ from their fair value.

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

**(i) Recognition of intangibles**

Intangible assets with a cost or other value equal to or greater than \$100,000 are recognised in the financial statements. Items with a lesser value are expensed.

**(j) Fair value measurement**

The Office records its assets and liabilities at cost which are not materially different from fair value. Consequently the Office does not categorise its assets and liabilities within the levels described by AASB 13 Fair Value Measurement paragraph 72.

**(k) Amortisation and depreciation of intangibles and plant and equipment**

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

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

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

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

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

Class	Rate %	Useful Life
Plant and equipment:		
Computer equipment	33.3	3
Office equipment	33.3	3
Office furniture and fit out	10.0	10
Intangibles:		
Software purchased	33.3	3

**(l) Impairment of non-current assets**

All non-current physical and intangible assets are assessed for indicators of impairment on an annual basis, with any impairment loss recognised immediately in the Statement of Comprehensive Income.

**(m) Leases**

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

**(n) Payables**

Trade creditors are recognised upon receipt of the goods or services ordered 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**

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

Workers' compensation insurance is not counted in an employee's total remuneration package. It is recognised separately as employee related expenses. From 1 July 2014 the Office is exempt from payroll tax.

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

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

As the Office expects such liabilities will be wholly settled within 12 months of reporting date, the liabilities are recognised at their undiscounted values. As sick leave is non-vesting, an expense is recognised for this leave as it is taken.

***Annual leave***

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

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

***Long service leave***

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

***Superannuation***

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

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

**(p) Insurance**

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

**(q) Services received free of charge or for nominal value**

Contributions of services are recognised only if the services would have been purchased if they had not been donated and their fair value can be measured reliably. Where this is the case, an equal amount is recognised as revenue and an expense. The Office recognises the archival services it receives from Queensland State Archives.

**(r) Taxation**

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

GST credits receivable from, and GST payable to the Australian Taxation Office, are recognised (refer to note 8).

**(s) Accounting estimates and judgements**

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

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

- Estimate of useful lives of plant and equipment and intangible assets – notes 1(k), 9 and 10.

**(t) Rounding and comparatives**

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

Comparative information has been restated where necessary to be consistent with disclosures in the current reporting period. Where comparative information has been restated, such restatements are not material and would not require disclosure in accordance with AASB 108 Accounting Policies, Changes in Accounting Estimates and Errors.

**(u) New and revised accounting standards**

The Australian Accounting Standard applicable for the first time from 2014-15 that had the most significant impact on the Office's financial statements is AASB 1055 Budgetary Reporting.

AASB 1055 became effective from reporting periods beginning on or after 1 July 2014. In response to this new standard, the Office has included in these financial statements a comprehensive new note 'Budget v Actual Comparison' (note 19). This note discloses the Office's original published budgeted figures for 2014-15 compared to actual results, with explanations of major variances.

The Office is not permitted to early adopt a new or amended accounting standard ahead of the specified commencement date unless approval is obtained from Queensland Treasury. The Office applies standards and interpretations in accordance with their respective commencement dates.

**(v) Issuance of financial statements**

The financial statements are authorised for issue by the Queensland Ombudsman, Manager, Corporate Services and Principal Officer, Finance and Facilities at the date of signing the Management Certificate.

	2015 \$'000	2014 \$'000
<b>2. Reconciliation of payments from consolidated fund to appropriation revenue recognised in Statement of Comprehensive Income</b>		
Budgeted appropriation revenue for services	8,222	7,634
Lapsed appropriation revenue for services	(430)	(377)
<b>Appropriation revenue for services recognised in Statement of Comprehensive Income</b>	<b>7,792</b>	<b>7,257</b>

As a result of the Government's response to the recommendations of the Queensland Child Protection Commission of Inquiry, the Commission for Young People and Child Guardian (CCYPCG) ceased operations on 30 June 2014. From 1 July 2014, \$0.5 million each year has been transferred from the CCYPCG to the Office to assume responsibility for oversight of the child safety complaint management system across government.

Lapsed appropriation revenue for services relates to a deferral of expenditure on employees due to unanticipated staff vacancies and the benefits from higher training revenue reflected in note 3 below. The deferral of funding is for purposes including accommodation arrangements and upgrading business systems including redevelopment of the Office's website.

The Office also had additional lapsed funding of \$130,000 for 2015 which is shown as deferred appropriation payable in note 7 and note 11.

	2015 \$'000	2014 \$'000
<b>3. User charges and fees</b>		
Training programs	521	380
Training room hire	8	56
<b>Total</b>	<b>529</b>	<b>436</b>

**4. Employee Expenses**

	<b>2015</b> <b>\$'000</b>	<b>2014</b> <b>\$'000</b>
Wages and salaries	4,839	4,609
Employer superannuation contributions*	656	624
Annual leave levy*	523	458
Long services leave levy*	99	104
Termination benefits	68	126
Other employee benefits	43	19
<b>Employee related expenses</b>		
Workers' compensation premium*	26	25
Payroll tax*	0	276
Other employee related expenses	146	77
<b>Total</b>	<b>6,400</b>	<b>6,318</b>

\*Refer to Note 1(o)

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

	<b>2015</b>	<b>2014</b>
Number of employees as at 30 June	60	57

The number of employees in 2015 includes the full-time equivalent of 6 staff transferred from the Commission for Children and Young People and Children's Youth Guardian, as a result of the Office assuming responsibility for the oversight of child safety complaints in Queensland from 1 July 2014.

#### 5. Key management personnel and remuneration expenses

Key management personnel and remuneration disclosures are made in accordance with section 5 of the Financial Reporting Requirements for Queensland Government Agencies issued by Queensland Treasury.

##### (a) Key management personnel

The following details for key management personnel include those positions that had authority and responsibility for planning, directing and controlling the activities of the Office during 2014-15. Further information on these positions can be found in the body of the Annual Report under the section relating to internal accountability measures.

Position	Responsibilities	Current Incumbents	
		Contract classification and appointment authority	Date appointed to position (Date resigned from position)
Ombudsman	The efficient, effective and economic administration of the Office.	CEO 5	10/01/2011
Deputy Ombudsman	The management of the Registration and Preliminary Assessment Team (RAPA) and the Investigation and Resolution Unit (IRU) in meeting the Office's statutory functions efficiently and effectively.	SES 3	10/10/2011
Manager, Corporate Services	Leading and managing the Corporate Services.	SO	03/05/2011

**(b) Remuneration expenses**

Remuneration policy for the Office's key management personnel is set by the Queensland Public Service Commission as provided for under the *Public Service Act 2008*. The remuneration and other terms of employment for the key management personnel are specified in employment contracts. The contracts provide for other benefits including motor vehicles. In 2014-15 remuneration of key management personnel increased by 2.2% in accordance with government policy.

Remuneration packages for key management personnel comprise the following components:-

- short term employee expenses which include:
  - salaries, allowances and leave entitlements earned and expensed for the entire year or for that part of the year during which the employee occupied the specified position.
  - non-monetary benefits – consisting of provision of vehicle together with fringe benefits tax applicable to the benefit.
- long term employee benefits include amounts expensed in respect of long service leave.
- post-employment benefits include amounts expensed in respect of employer superannuation obligations.
- termination benefits are specified within individual contracts of employment. Contracts of employment provide for notice periods, service and separation payments and a repayment clause. No reason needs to be given for a contract termination.
- performance bonuses are not paid under the contracts in place.

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

1 July 2014 - 30 June 2015

Position (date resigned if applicable)	Short Term Employee Expenses		Long Term Employee Expenses	Post-Employment Expenses	Termination Benefits	Total Expenses
	Monetary Expenses \$'000	Non-Monetary Benefits \$'000	\$'000	\$'000	\$'000	\$'000
Ombudsman	281	13	10	32	0	336
Deputy Ombudsman *	192	13	5	22	0	232
Manager, Corporate Services Unit	129	0	3	16	0	148

\* Includes relieving allowance whilst relieving in the position of Ombudsman.

1 July 2013 - 30 June 2014

Position (date resigned if applicable)	Short Term Employee Expenses		Long Term Employee Expenses	Post-Employment Expenses	Termination Benefits	Total Expenses
	Monetary Expenses \$'000	Non-Monetary Benefits \$'000	\$'000	\$'000	\$'000	\$'000
Ombudsman	259	11	14	32	0	316
Deputy Ombudsman *	192	11	7	20	0	230
Manager, Corporate Services Unit	111	0	4	15	0	130

\* includes relieving allowance whilst relieving in the position of Ombudsman.

	2015 \$'000	2014 \$'000
<b>6. Supplies and services</b>		
Consultants and contractors	190	45
Computer support	204	177
Electricity	16	17
Legal expenses	12	12
Motor vehicle expenses	18	14
Office maintenance	38	68
Operating lease rentals	628	669
Payments to employment agencies	53	16
Printing	5	11
Stores and stationery	24	26
Telephones/communication	78	74
Travel	35	25
Training expenses	71	73
General supplies and services	153	129
<b>Total</b>	<b>1,525</b>	<b>1,356</b>

	2015 \$'000	2014 \$'000
<b>7. Other expenses</b>		
External audit fees*	30	13
Insurance premiums - QGIF	5	5
Sundry expenses	5	1
Loss on disposal of assets	13	0
Deferred appropriation payable	130	0
Storage services received free of charge from Queensland State Archives #	182	186
<b>Total</b>	<b>365</b>	<b>205</b>

\* Total external audit fees paid to the Queensland Audit Office relating to the 2014-15 financial year are estimated to be \$18,900 (2014: \$19,000). There are no non-audit services included in this amount.

# The corresponding income recognised for the archival storage services provided by State Archives is shown in the Statement of Comprehensive Income. Also refer note 1(q).

	2015 \$'000	2014 \$'000
<b>8. Receivables</b>		
Trade debtors	14	32
Less: allowance for impairment loss	0	0
<b>Total</b>	<b>14</b>	<b>32</b>
GST receivable	31	21
GST payable	(4)	(9)
<b>Total</b>	<b>27</b>	<b>12</b>
Annual leave reimbursements	88	92
Long service leave reimbursements	39	31
<b>Total</b>	<b>127</b>	<b>123</b>
<b>Total</b>	<b>168</b>	<b>167</b>

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

The recoverability of receivables is regularly reviewed and an allowance for impairment is provided when there is evidence that they are not fully recoverable. There were no bad debts written off during the financial year.

	2015 \$'000	2014 \$'000
<b>9. Intangible assets</b>		
Software purchased		
At cost	471	471
Less: Accumulated amortisation	(471)	(471)
	0	0
Work in progress		
At cost	48	0
	48	0
<b>Total</b>	<b>48</b>	<b>0</b>

	2015 \$'000	2014 \$'000
<b>Intangibles reconciliation</b>		
Software purchased		
Carrying amount at 1 July	0	0
Acquisitions	0	0
Amortisation	0	0
Work in progress	48	0
<b>Total</b>	<b>48</b>	<b>0</b>

Amortisation of intangibles is included in the line item "Depreciation and Amortisation" in the Statement of Comprehensive Income.

The Office has a complaints management system with an original cost of \$471,000, which has been fully amortised, but is still being used in the provision of services.

**10. Plant and equipment**

At cost  
Less: Accumulated depreciation  
**Total**

<b>2015</b>	<b>2014</b>
<b>\$'000</b>	<b>\$'000</b>
<b>1,970</b>	<b>2,034</b>
<b>(1,304)</b>	<b>(1,088)</b>
<b>666</b>	<b>946</b>

Plant and equipment is valued at cost in accordance with Queensland Treasury's Non-Current Asset Policies for the Queensland Public Sector.

**Plant and Equipment reconciliation**

Carrying amount at 1 July  
Acquisitions  
Disposals  
Depreciation  
**Carrying amount at 30 June**

<b>2015</b>	<b>2014</b>
<b>\$'000</b>	<b>\$'000</b>
<b>946</b>	<b>1,025</b>
<b>0</b>	<b>120</b>
<b>(13)</b>	<b>0</b>
<b>(267)</b>	<b>(199)</b>
<b>666</b>	<b>946</b>

The Office has plant and equipment with an original cost of \$225,117 (2014: \$169,842) and a written down value of zero still being used in the provision of services. The majority of these assets will be replaced, with assets with an original cost of \$188,000 scheduled for replacement within the next two financial years.

No impairment losses were recorded during the year.

**11. Payables**

Trade creditors  
Deferred appropriation payable  
Revenue received in advance  
Capital creditors  
Other Expenses  
**Total**

<b>2015</b>	<b>2014</b>
<b>\$'000</b>	<b>\$'000</b>
<b>149</b>	<b>112</b>
<b>130</b>	<b>0</b>
<b>8</b>	<b>7</b>
<b>4</b>	<b>0</b>
<b>14</b>	<b>0</b>
<b>305</b>	<b>119</b>

	2015 \$'000	2014 \$'000
<b>12. Accrued employee benefits</b>		
<b>Current</b>		
Wages outstanding	52	152
Annual leave levy payable	151	149
Long service leave levy payable	30	29
<b>Total</b>	<b>233</b>	<b>330</b>

	2015 \$'000	2014 \$'000
<b>13. Other current and non-current liabilities</b>		
<b>Current liabilities</b>		
Lease incentive	110	110
<b>Total</b>	<b>110</b>	<b>110</b>
<b>Non-Current liabilities</b>		
Lease incentive	328	439
<b>Total</b>	<b>328</b>	<b>439</b>

Incentive received in relation to accommodation lease.

	2015 \$'000	2014 \$'000
<b>14. Reconciliation of operating surplus to net cash from operating activities</b>		
Operating surplus/(deficit)	0	10
Depreciation and amortisation	267	199
Assets acquired at no cost	0	(120)
Loss on disposal of assets	13	0
Changes in assets and liabilities		
Increase/(decrease) in accrued employee benefits	(96)	142
Increase/(decrease) in payables and other liabilities	70	(96)
(Increase)/decrease in trade receivables	14	48
(Increase)/decrease in GST input tax credits receivables	(10)	6
Increase /(decrease) in GST payable	(5)	3
(Increase)/decrease in prepayments	3	(58)
<b>Net cash from/(used in) operating activities</b>	<b>256</b>	<b>134</b>

**15. Commitments for expenditure****(a) Non-cancellable operating leases**

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

	<b>2015</b>	<b>2014</b>
	<b>\$'000</b>	<b>\$'000</b>
Not later than one year	404	895
Later than one year and not later than five years	0	554
<b>Total</b>	<b>404</b>	<b>1,449</b>

The rental agreement in respect of the Office's premises has a term of seven years to 5 February 2016. The Office is in negotiations with the Department of Housing and Public Works regarding its future accommodation arrangements.

**16. Contingencies****(a) Litigation in progress**

No litigation involving the Office was in progress at 30 June 2015.

**(b) Financial guarantees**

The Office was not committed to any guarantees or undertakings at 30 June 2015.

**17. Events occurring after balance date**

There were no material occurrences after 30 June 2015.

**18. Financial instruments****(a) Recognition of financial assets and financial liabilities**

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

Financial instruments are classified and measured as follows:

- Receivables - held at amortised cost
- Payables - held at amortised cost

The Office does not enter into transactions for speculative purposes, nor for hedging.

(b) Categorisation of financial instruments

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

Category	Notes	2015 \$'000	2014 \$'000
<b>Financial assets</b>			
Cash and cash equivalents	1 (e)	883	671
Receivables	8	168	167
<b>Total</b>		<b>1,051</b>	<b>838</b>
<b>Financial liabilities</b>			
Payables	11	305	119
<b>Total</b>		<b>305</b>	<b>119</b>

(c) Financial risk management

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

(d) Credit risk exposure

The Office may incur financial loss as a result of another party to a financial instrument failing to discharge their obligation.

The maximum exposure to credit risk at balance date is the gross carrying amount of each category of recognised financial asset inclusive of any provisions for impairment.

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

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

No financial assets and financial liabilities have been offset and presented net in the Statement of Financial Position.

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

2015 Financial assets past due but not impaired

	Less than 30 days \$'000	30 - 60 Days \$'000	61-90 Days \$'000	Overdue More than 90 Days \$'000s	Total \$'000
<b>Financial assets</b>					
Receivables	6	0	0	0	6
<b>Total</b>	<b>6</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>

**2014 Financial assets past due but not impaired**

	Less than 30 days \$'000	30 - 60 Days \$'000	61-90 Days \$'000	Overdue More than 90 Days \$'000s	Total \$'000
<b>Financial assets</b>					
Receivables	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**(e) Liquidity risk**

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

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

The Office ensures it has sufficient funds available to meet employee and supplier obligations by ensuring that minimum levels of cash are held within its bank account so as to match the expected duration of the various employee and supplier liabilities.

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

**2015 Payable in:**

	Note	< 1 year \$'000	1 - 5 years \$'000	> 5 years \$'000	Total \$'000
<b>Financial liabilities</b>					
Payables	11	305	0	0	305
<b>Total</b>		<b>305</b>	<b>0</b>	<b>0</b>	<b>305</b>

**2014 Payable in:**

	Note	< 1 year \$'000	1 - 5 years \$'000	> 5 years \$'000	Total \$'000
<b>Financial liabilities</b>					
Payables	11	119	0	0	119
<b>Total</b>		<b>119</b>	<b>0</b>	<b>0</b>	<b>119</b>

**(f) Market risk**

The Office does not trade in foreign currency and is not materially exposed to commodity price changes. The Office is not exposed to interest rate risk.

(g) Fair value

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

The fair value of cash, cash equivalents and the lease liability approximate their fair value and are not disclosed separately. The fair value of trade receivables and payables is assumed to approximate the value of the original transaction, less any allowance for impairment.

19. Budget vs actual comparison

Statement of Comprehensive Income	Variance Notes	Original Budget 2015 \$'000	Actual 2015 \$'000	Variance \$'000	Variance % of Budget
<b>Income from continuing operations</b>					
Appropriation revenue	1	8,222	7,792	(430)	-5%
User charges and fees	2	300	529	229	76%
Goods and services below fair value	3	0	182	182	-
Other revenue		80	54	(26)	-33%
<b>Total income from continuing operations</b>		<b>8,602</b>	<b>8,557</b>	<b>(45)</b>	<b>-1%</b>
<b>Expenses from continuing operations</b>					
Employee expenses	4	6,804	6,400	404	6%
Other supplies and services		1,532	1,525	7	0%
Depreciation and amortisation	5	210	267	(57)	-27%
Other expenses	6	56	365	(309)	-552%
<b>Total expenses from continuing operations</b>		<b>8,602</b>	<b>8,557</b>	<b>45</b>	<b>1%</b>
<b>Operating result from continuing operations</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>-</b>
<b>Other comprehensive income</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total comprehensive income</b>		<b>0</b>	<b>0</b>	<b>0</b>	<b>-</b>

## Statement of Financial Position

	Variance Notes	Original Budget 2015 \$'000	Actual 2015 \$'000	Variance \$'000	Variance % of Budget
<b>Current assets</b>					
Cash and cash equivalents	7	580	883	303	52%
Receivables		234	168	(66)	-28%
Other current assets		6	55	49	817%
<b>Total current assets</b>		<b>820</b>	<b>1,106</b>	<b>286</b>	<b>35%</b>
<b>Non-current assets</b>					
Intangible assets		0	48	48	-
Plant and equipment		774	666	(108)	-14%
<b>Total non-current assets</b>		<b>774</b>	<b>714</b>	<b>(60)</b>	<b>-8%</b>
<b>Total assets</b>		<b>1,594</b>	<b>1,820</b>	<b>226</b>	<b>14%</b>
<b>Current liabilities</b>					
Payables		321	305	16	5%
Accrued employee benefits	8	0	233	(233)	-
Other current liabilities		110	110	0	0%
<b>Total current liabilities</b>		<b>431</b>	<b>648</b>	<b>(217)</b>	<b>-50%</b>
<b>Non-current liabilities</b>					
Other non-current liabilities		329	328	1	0%
<b>Total non-current liabilities</b>		<b>329</b>	<b>328</b>	<b>1</b>	<b>0%</b>
<b>Total liabilities</b>		<b>760</b>	<b>976</b>	<b>(216)</b>	<b>-28%</b>
<b>Net assets</b>		<b>834</b>	<b>844</b>	<b>442</b>	<b>53%</b>
<b>Equity</b>					
Contributed equity		881	880	1	0%
Accumulated surplus/(deficit)		-47	-36	(11)	23%
<b>Total equity</b>		<b>834</b>	<b>844</b>	<b>(10)</b>	<b>-1%</b>

<b>Statement of Cash Flows</b>	<b>Variance Notes</b>	<b>Original Budget 2015 \$'000</b>	<b>Actual 2015 \$'000</b>	<b>Variance \$'000</b>	<b>Variance % of Budget</b>
<b>Cash flows from operating activities</b>					
<i>Inflows:</i>					
Appropriation receipts	9	8,222	7,792	(430)	-5%
User charges and fees	10	304	547	243	80%
GST input tax credits from Australian Tax Office		0	56	56	-
GST collected from customers		0	170	170	-
Other		198	54	(144)	-73%
<i>Outflows:</i>					
Employee expenses	11	(6,807)	(6,502)	305	-4%
Supplies and services		(1,652)	(1,581)	71	-4%
GST paid to suppliers		0	(180)	(180)	-
GST remitted to Australian Taxation Office		0	(60)	(60)	-
Other		(159)	(40)	119	-75%
<b>Net cash provided by operating activities</b>		<b>106</b>	<b>256</b>	<b>150</b>	<b>142%</b>
<b>Cash flows from investing activities</b>					
<i>Outflows:</i>					
Payments for non-financial assets	12	(160)	(44)	116	-73%
<b>Net cash (used in) investing activities</b>		<b>(160)</b>	<b>(44)</b>	<b>116</b>	<b>-73%</b>
Net increase (decrease) in cash and cash equivalents		(54)	212	266	-493%
Cash and cash equivalents at beginning of financial year		634	671	37	6%
<b>Cash and cash equivalents at end of financial year</b>		<b>580</b>	<b>883</b>	<b>303</b>	<b>52%</b>

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**Explanations of Major Variances****Statement of Comprehensive Income**

1. Actual appropriation is lower than budget due to a deferral of expenditure of \$0.5 million to later financial years for expenses related to accommodation and upgraded business systems, offset by a carry-over into 2014-15 of \$0.07 million.
2. The increase in User charges and fees is due to an unanticipated increase in demand for the Office's training courses.
3. The revenue and expenditure recognised in relation to the provision of free archival services by Queensland State Archives have been included in the financial statements for the first time in 2015. This has no net financial effect on the operations of the Office.
4. Employee expenses were lower than expected due to unanticipated vacancies arising from higher than usual staff turnover.
5. Depreciation was higher than budgeted due to additional depreciation associated with assets acquired from the Health Quality Complaints Commission in June 2014.
6. Other expenses include \$0.182 million recognised in relation to the provision of free archival services by Queensland State Archives. The matching revenue item is shown as Goods and services below fair value.

**Statement of Financial Position**

7. Cash at bank increased due to a significant increase in payables including lapsed appropriation to be refunded and depreciation exceeding capital expenditure.
8. Accrued employee expenses were included in Payables in the budget.

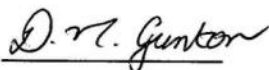
**Statement of Cash Flows**

9. Actual appropriation is lower than budget due to the deferral of expenditure to later financial years, offset by a carry-over from 2013-14.
10. The increase in User charges and fees is due to an unanticipated increase in demand for the Office's training courses.
11. Employee expenses were lower than expected due to unanticipated vacancies arising from higher than usual staff turnover.
12. The balance of expenditure on the redevelopment of the Office's website has been deferred until 2015-16.

## Management Certificate

These general purpose financial statements have been prepared pursuant to section 62(1) of the *Financial Accountability Act 2009* (the Act), section 42 of the *Financial and Performance Management Standard 2009* and other prescribed requirements. In accordance with section 62(1)(b) of the Act we certify that in our opinion:

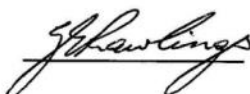
- (a) the prescribed requirements for establishing and keeping the accounts have been complied with in all material respects; and
- (b) the financial statements have been drawn up to present a true and fair view, in accordance with prescribed accounting standards, of the transactions of the Office of the Queensland Ombudsman for the financial year ended 30 June 2015 and of the financial position at the end of that year; and
- (c) these assertions are based on an appropriate system of internal controls and risk management processes being effective, in all material respects, with respect to financial reporting throughout the reporting period.



**D. M. Gunton**  
Manager  
Corporate Services



**P. N. Clarke**  
Queensland Ombudsman



**G. E. Rawlings CPA**  
Principal Officer, Finance and Facilities

19 August 2015

## INDEPENDENT AUDITOR'S 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 statement of financial position as at 30 June 2015, the statement of comprehensive income, statement of changes in equity, statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the certificates given by the Queensland Ombudsman, the Manager, Corporate Services and the Principal Officer, Finance and Facilities.

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

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

#### *Auditor's Responsibility*

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

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

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

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


*Opinion*

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

- (a) I have received all the information and explanations which I have required; and
- (b) in my opinion –
  - (i) the prescribed requirements in relation to the establishment and keeping of accounts have been complied with in all material respects; and
  - (ii) the financial report presents a true and fair view, in accordance with the prescribed accounting standards, of the transactions of the Office of the Queensland Ombudsman for the financial year 1 July 2014 to 30 June 2015 and of the financial position as at the end of that year.

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

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

  
AM GREAVES FCA FCPA  
Auditor-General of Queensland



Queensland Audit Office  
Brisbane

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QUEENSLAND  
**ombudsman**