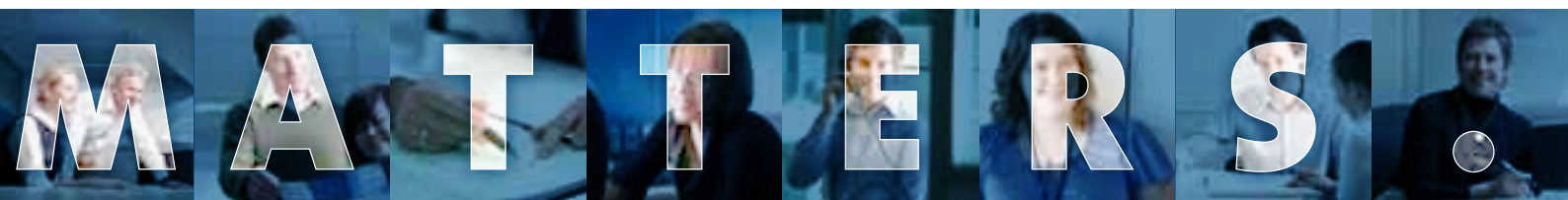




Annual Report 2008–2009



Our vision

Excellence in public sector decision-making and administrative practice.

Our goal

To play a lead role in providing fair decision-making by public sector agencies.

Our values

In everything we do, we value the principles of:

- fairness, independence and impartiality
- integrity and honesty
- respect for all people
- professionalism and diligence
- efficiency and responsiveness.

About this report

This report highlights the achievements of the Office of the Queensland Ombudsman for the 2008–2009 financial year. It assesses our performance against performance targets, meets reporting obligations under the *Ombudsman Act 2001* and the *Financial Administration and Audit Act 1977* and provides details of our future direction. Limited copies of this report can be requested by phone on (07) 3005 7000. It can also be downloaded at www.ombudsman.qld.gov.au.

We value your feedback

This report aims to ensure that the outcomes of our activities are clearly communicated to the community. We invite you to contact us with any comments or suggestions about the content or design of the report. By providing feedback, you will ensure that we continue to improve our reporting standards and meet your information needs.

You can send feedback via:

Mail: GPO Box 3314 Brisbane QLD 4001 **Email:** ombudsman@ombudsman.qld.gov.au **Web:** www.ombudsman.qld.gov.au

Tel: (07) 3005 7000 **Freecall:** 1800 068 908 (outside Brisbane) **Fax:** (07) 3005 7067 **TTY:** (07) 3006 8174



Fairness matters

Section 1: Fairness matters

Ombudsman matters	2
Highlights	3
Our service structure	4
Ombudsman's overview	5
Performance matters	10
Ombudsman Management Group	12
Our accountability framework	14

Section 2: Accountability matters

Complaints matters	15
How we managed complaints	16
State government matters	19
Corrective services matters	28
Local government matters	34
University matters	38
Major investigation matters	47
	50

Section 3: Engagement matters

Public administration matters	55
Community awareness matters	56
Service improvement matters	61
	65

Section 4: Our business matters

Remaining accountable to the community	67
Performance matters	68
	72

Section 5: Financial overview

Financial matters	77
Financial statements	78
Certificate of the Office of the	80
Queensland Ombudsman	
Independent auditor's report	95
	96

Section 6: Appendices, index and glossary

Appendices	97
Index	98
Glossary	101
	103

Ombudsman matters

Our core business is to investigate the actions of Queensland Government agencies, local councils and universities. Most investigations arise from complaints we receive but we can also start an investigation on our own initiative.

In accordance with the *Ombudsman Act 2001*, our role is to:

- give people a fair, independent and timely way of having the decisions or actions of public sector agencies investigated, and
- assist those agencies to improve their decision-making and administrative practice.

What we investigate

We can investigate the actions of state government agencies, local councils and universities. If we consider that an agency's action was unlawful, unreasonable, unjust, or otherwise wrong, we can make recommendations to the agency to:

- rectify the effect of the action, or
- improve the agency's administrative practice.

We can also make a recommendation if we think an agency's action is one for which reasons should have been given but were not.

Our jurisdiction

We do not have power to investigate many complaints that come to us, such as complaints about the decisions of:

- Ministers and Cabinet
- courts and tribunals
- private individuals or businesses (for example, insurance or telephone companies)
- the operational actions of police
- Commonwealth or interstate government agencies.

Except in special circumstances, we do not investigate complaints where a complainant:

- has known about the problem for more than 12 months before complaining, or
- has some other right of review that has not been used.

Also, we will generally not investigate a complaint if the complainant has not attempted to resolve the problem with the agency concerned. This is because we believe that each agency is responsible, in the first instance, for trying to resolve complaints about its actions and should be given the opportunity to do so.

Delivering our services

When dealing with us, people can expect that we will:

- give fair and independent advice
- conduct investigations in a timely manner
- deal confidentially with information they give us
- give clear explanations about what we can and cannot do
- provide regular updates on the stage their complaint has reached
- give clear reasons for our decisions
- ensure they have reasonable access to our complaint services, regardless of their background and circumstances.

Highlights

17,771

contacts to our Office
(16% increase due to an
increase in complaints
outside our jurisdiction)
(p. 18)

106

training sessions
delivered on good
decision-making
and complaints
management (p. 56)

184

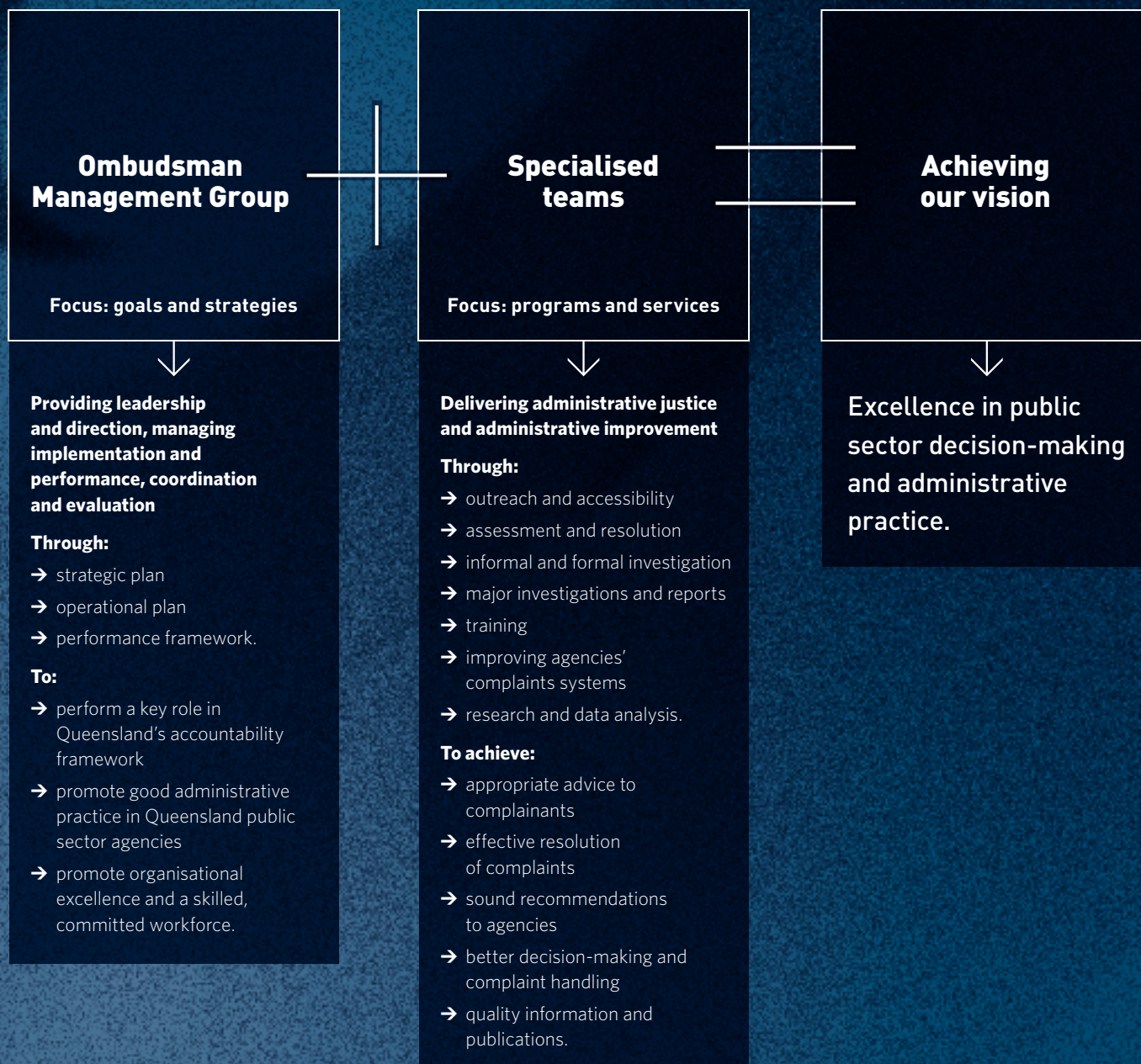
recommendations
(p. 22)

66%

of complaints were dealt
with within 10 days
(p. 20)

- Completed our investigation into the Department of the Premier and Cabinet's contracting process for the writing of a history of Queensland and reported to Parliament on the investigation (*Q150 Contract Report* p. 51)
- Conducted an investigation on our own initiative into the security classification and movement of prisoners, identifying systemic non-compliance by Queensland Corrective Services with legislative requirements and departmental procedures (p. 50)
- Monitored implementation of the recommendations in our report on the regulation of mine safety in Queensland. We noted the government's decision to implement our recommendation for the appointment of a Mine Safety and Health Commissioner, reporting directly to Parliament on the performance of the Queensland Mines Inspectorate (p. 52)
- Continued to regularly publish our series of *Perspective* newsletters containing advice for agencies on good decision-making and complaints management
- Launched *Legal Perspective*, a newsletter providing advice for public sector lawyers as well as private sector lawyers who have public sector clients (p. 58)
- Made 184 recommendations to agencies and councils (p. 23)
- Audited State Government agencies' compliance with the Public Service Commissioner's Directive on complaints systems and made 323 recommendations to them on how to improve their systems (p. 56)
- In collaboration with the Crime and Misconduct Commission and the Public Service Commission, released guidelines for officers thinking of blowing the whistle and separate guidelines for managers who have to deal with such disclosures (p. 59)
- After 29 years at our old premises, relocated to a new building at 53 Albert Street, sharing resources (such as training and interview rooms) with other independent complaint agencies (p. 68).

Our service structure



Our Office matters

Ombudsman's overview



In 2008–2009, my Office continued to effectively carry out its core responsibilities of fairly and independently investigating complaints and helping public sector agencies to improve their decision-making and practices.

A productive year

In the complaints area, our Assessment and Resolution Team had to cope with a significant increase in the number of people who contacted us. Although the number of complaints within our jurisdiction only rose by 4% (from 7,172 to 7,460), the complaints we referred to other complaint agencies increased by 1,762, an increase of almost 30%. All of these matters had to be assessed and the complainants referred to the most appropriate complaint agency.

Despite this increase in workload, we continued to deal efficiently with our own

complaints and finalised 7,448, 247 more than the previous year. Of those:

- 4,905 were finalised within 10 days of receiving them (66%)
- 6,654 were finalised within 60 days (89%).

Based on our investigations, we made 184 recommendations either to rectify the effect of an agency's defective decision or to help an agency improve its practices and procedures. We made 77 recommendations to councils, 80 to state government agencies, 17 to corrective services and 10 to universities (p. 23). Agencies accepted 154 of those recommendations and rejected three (p. 23). We are still awaiting responses on the remaining recommendations.

Training decision-makers

We continued to offer training to agencies on good decision-making and complaints management. During 2008–2009, our officers delivered 106 training sessions to 1,799 state and local government officers throughout Queensland. Five hundred and twenty officers attended our Complaints Management Training and 1,279 officers attended our sessions on Good Decisions Training. Those participating ranged from senior decision-makers to junior frontline staff.

We continued to ensure that officers in regional Queensland were able to readily access our training programs by delivering 46 sessions outside the Brisbane region including in Cooktown, Mount Isa and Barcaldine.



↑ We continue to report on the outcomes of our investigations.

Effective complaints management

We continued to carry out our Complaints Management Program – a long term initiative established in 2005 to improve the complaints management systems of Queensland agencies (p. 56).

We audited state agencies' compliance with a Directive issued by the Public Service Commissioner (on my recommendation) to implement accessible and responsive internal complaint management systems by November 2007. Between July and December 2008, we audited information we had obtained from 38 agencies about their complaint systems, as well as their websites, policies and procedures. In June 2009, we gave feedback to participating agencies on their level of compliance and made recommendations for improvements to their systems.

We also commenced a similar audit of the complaints systems of local councils. In 2009–2010, we will be providing councils with recommendations on ways of improving their systems.

We will report publicly on our findings from both audits in 2009–2010.

Identifying and addressing systemic maladministration

This year my Office completed three major investigations. They were our investigations into:

- The Department of the Premier and Cabinet's contracting process for the writing of a history of Queensland to coincide with Queensland's 150th anniversary celebrations (p. 51)

- Queensland Corrective Services' process for the classification, movement and transfer of prisoners (p. 50)
- Queensland Corrective Services' management of breaches of discipline by prisoners.

The *Q150 Contract Report* was tabled in Parliament in December 2008. The Director-General of the Department of the Premier and Cabinet agreed to implement all of my recommendations for improvements to the department's contracting processes.

My reports on the other two investigations, both 'own initiative' investigations, were tabled after the end of the reporting period.

We also actively monitored the implementation of recommendations I made in our major reports from previous years, including our reports on *The Regulation of Mine Safety in Queensland – A review of the Queensland Mines Inspectorate* and *The Pacific Motorway Report*.

I was particularly pleased that two of my most significant and far reaching recommendations in my report on mine safety were implemented by the government. These were:

- My recommendation that a Mine Safety and Health Commissioner be established to advise the Minister on mine safety issues and to monitor, and report directly to Parliament on, the performance of the Queensland Mines Inspectorate
- My recommendation to protect whistleblowers in the mining industry by amending legislation to make it an offence for anyone to cause detriment to a person because somebody has provided information about a mine safety concern to a government agency or the mine operator itself.

Perspective newsletters

We continued to regularly publish our series of *Perspective* newsletters containing advice for agencies on good decision-making, record-keeping and complaints management. We also released our first edition of *Legal Perspective*, a newsletter providing advice for public sector lawyers as well as private sector lawyers who have public sector clients (p. 58).

Communicating with all Queenslanders

We undertook a number of initiatives during the year to ensure all Queenslanders have reasonable access to our services, regardless of their location or ethnic origin. We conducted four regional awareness campaigns (p. 61) to increase awareness of my Office. We also travelled across the state, making 61 regional visits throughout the year (including to correctional centres), to conduct investigations and deliver training.

Members of the public are continuing to make frequent use of our website to make their complaints to our Office, with 737 complaints made via our online complaint form and 899 complaints via email – comprising 22% of all complaints we received (p. 17).

We also continued to carry out our corrections program, which involves assessing and resolving complaints and visiting each of Queensland's 14 correctional centres to conduct investigations and inspect registers and systems. We received 1,055 complaints for the year about Queensland Corrective Services and Queensland Parole Boards (p. 35).

Whistleblowing

Whistleblowing is an integral element of ensuring a transparent and accountable public service. My Office is committed to promoting a system where public sector officers can expose wrongdoing without fear of reprisal; where support and feedback are provided; and where cases are investigated in a thorough and timely manner.

To this end, we continued our involvement as an industry partner in the national Whistling While They Work research project – led by Griffith University and supported by 14 of Australia's leading integrity and public sector management agencies (see p. 59).

We worked with the CMC and the Public Service Commission to develop a series of three guides about public interest disclosures (PIDs) for the Queensland public sector. Two of the guides were launched on 1 June 2009. The first advises whistleblowers of the issues they should consider before reporting wrongdoing to afford themselves the best protection, and the second provides advice to managers on how to deal with such disclosures. The third guide, containing advice for agencies on good whistleblower practice, will be released in the new financial year.

The *Whistleblowers Protection Act 1994* (WP Act) does not create a centralised system with one agency responsible for protecting whistleblowers in Queensland. Rather, it makes each public sector agency responsible for receiving PIDs about the conduct of its officers, managing the disclosure process, and taking steps to protect its officers from reprisals.

In my view, this current system is seriously flawed. A decentralised whistleblowing model whereby the recognition, investigation and resolution of a PID can be handled totally within the agency whose officers are the subject of the PID, without any measure of external oversight (unless it involves official misconduct), does not represent best practice in this area and does not provide whistleblowers with an adequate level of protection.

The Honourable Geoffrey Davies in his report on the *Queensland Public Hospitals Commission of Inquiry* (November 2005), adopted and expanded upon recommendations I made to that Inquiry for improving whistleblowing in Queensland. In particular, he recommended that:

- the Queensland Ombudsman be given an oversight role with respect to all public interest disclosures save those involving official misconduct and that all PIDs be referred to the Ombudsman who may then either investigate the disclosure itself, or refer it back to the relevant department for investigation, subject to monitoring by the Ombudsman
- the categories of persons who may make a PID protected by the WP Act be expanded in cases involving danger to public health and safety, and negligent or improper management of public funds, to include any person or body.

As I observed in my submission to the three-year review of the CMC in 2006, I strongly suspect that there is significant under-reporting of PIDs of maladministration. My suspicion is supported by the very small number of PIDs in this category reported by large agencies. For example, in the 2007–2008 financial year, one of the largest state agencies reported receiving one maladministration PID, and another reported that it had received none.

In my view, this under-reporting is likely to be significantly attributable to the fact that there is currently no central body responsible for overseeing PIDs not involving official misconduct.

I consider my Office is ideally suited to take on the investigation and monitoring role in respect of PIDs that do not involve official misconduct. The Ombudsman's independence as an officer of the Parliament, together with the reputation my Office enjoys for conducting impartial, fair and thorough investigations would give whistleblowers confidence that their complaints will be handled fairly, efficiently and discretely.

The scheme I am proposing involves the CMC and the Ombudsman sharing responsibility for ensuring that agencies are appropriately administering their responsibilities under the WP Act so that the purposes of the Act are not defeated by misinterpretations, inconsistent approaches, inadequate investigations or lack of commitment.

I note that both the CMC and the Parliamentary Crime and Misconduct Committee (PCMC) have previously indicated their support for my proposals.

I consider that there is an urgent need for the WP Act to be reviewed and for the valuable research that has been conducted in this area over the past five years to be applied in developing a new and better whistleblowing model.

In my view, my Office is ideally placed to take a lead role in advising on the overhaul of the current model, and in implementing, delivering training, and auditing compliance with a new model.



↑ Our new premises at 53 Albert Street.

Queensland Civil and Administrative Tribunal

This year I made a submission to the government supporting its proposal to establish the Queensland Civil and Administrative Tribunal (QCAT), which will operate from 1 December 2009 and enhance Queensland's system of civil and administrative justice. QCAT will have a wide-ranging jurisdiction, taking over the powers and jurisdiction of a number of existing tribunals.

With a view to reducing the risk of duplication between our work and the work of QCAT, my submission suggested the QCAT legislation include provisions to allow us to work together to clarify our roles regarding the review of government decisions. Our suggestions were implemented and the *Queensland Civil and Administrative Tribunal Act 2009* allows the tribunal and the Ombudsman to enter into arrangements for the cooperative performance of their respective functions.

Jurisdiction over Government Owned Corporations

In the submission I made in March 2008 to the review conducted by the Independent Review Panel (chaired by Dr David Solomon AM) into the now repealed *Freedom of Information Act 1992* (FOI Act), I stated my view that entities that carry out public functions using public funds and public infrastructure are accountable to the public for the way in which they perform those services and spend those funds, and should be subject to all the usual accountability measures. These include the application of the *Right to Information Act 2009* (RTI Act), and scrutiny by the CMC, the Ombudsman and the Auditor-General.

I urged the government to increase my powers to enable me to scrutinise the administrative actions taken by Government Owned Corporations (GOCs). At present, as the government has converted all GOCs to company GOCs, my Office has no jurisdiction to investigate the administrative actions of these corporations, and the CMC has no jurisdiction relating to misconduct by officers of these corporations. In addition, GOCs that operate in competitive environments are not subject to the RTI Act.

In my view all GOCs should be subject to the jurisdiction of my Office and the CMC. In NSW, equivalent bodies are known as State Owned Corporations (SOCs) and are subject to the jurisdiction of the Ombudsman.

I also consider that all GOCs should be subject to the RTI Act, with appropriate exemptions included in the Act to cater for those situations where disclosure of a GOC's documents could reasonably be expected to cause commercial harm.

“In my view all GOCs should be subject to the jurisdiction of my Office and the CMC unless we are satisfied that an investigation of the relevant complaint or issue could reasonably be expected to cause commercial harm to the GOC.”

200 years of Ombudsmanship

2009 was a significant year for ombudsman offices in about 130 countries around the world who celebrated the 200th anniversary of the establishment of the first ombudsman, the Swedish Ombudsman. To commemorate the occasion, the World Conference of the International Ombudsman Institute, held every four years, was held in Stockholm in June.

The conference highlighted the increasing importance of ombudsmen in promoting and protecting human rights as well as the wide variety of responsibilities given to different ombudsman offices.

Relocating for efficiency

In March 2009, our office moved from premises it had occupied for 29 years, to new premises at 53 Albert Street, Brisbane.

The Anti-Discrimination Commission Queensland, the Commission for Children and Young People and Child Guardian, the Queensland Office of the Commonwealth Ombudsman, and the Health Quality and Complaints Commission have moved to the same building, allowing us to share the costs of a joint reception area as well as training and meeting rooms (p. 68).

My staff

Finally, I thank the skilled and dedicated people who work in my Office and whose hard work and understanding contribute to making our society a fairer one and our public sector more accountable.

David Bevan

Queensland Ombudsman



Performance matters

Outcomes sought 2008–2009

What we accomplished

Looking forward 2009–2010

Goal 1 Perform a key role in Queensland's accountability framework

Conduct investigations: Identify and address systemic maladministration	Completed three major investigations, including two 'own initiative' investigations and one stemming from a complaint	Continue to identify and address systemic maladministration and deficiencies through investigations and public reports Continue to conduct 'own initiative' investigations into systemic maladministration
Make recommendations: Make recommendations to improve administrative practice based on our investigations	Made 507 recommendations to public sector agencies of which 184 were based on our investigations and 323 arose from our review of the internal complaints systems of state agencies (p. 23)	Continue to focus on systemic maladministration and monitor agencies' implementation of our recommendations
Report publicly: Provide reports to Parliament highlighting significant deficiencies in public administration	Published <i>The Q150 Contract Report</i> (p. 51)	Continue to publish public reports highlighting deficiencies in administrative practice that are in the public interest
Work jointly: Participate in and, where appropriate, lead joint activities with other accountability agencies	Relocated the Office to new premises enabling us to share resources with four other complaint agencies and to provide a more coordinated complaint service (p. 68) Commenced the development of a web portal for complaints and a brochure translated into 15 languages with other accountability agencies (p. 63) Participated in NAIDOC and Multicultural Week activities with the Health Quality and Complaints Commission and the Commonwealth Ombudsman (p. 63)	Launch the web portal and brochure and promote them to key stakeholders Continue to work collaboratively with other accountability agencies to promote awareness of our respective roles
Ensure awareness: Effectively promote awareness of our role	Implemented the Office's annual communication plan (p. 61), including: → media activities → corporate communication collateral → website → events → direct mail → e-newsletters Undertook four regional awareness campaigns (p. 61) Visited 61 regional centres throughout the year (p. 62)	Review strategy of regional awareness campaigns and implement new campaigns Promote the Office through targeted publicity and advertising mechanisms Use media coverage of public reports to create awareness Develop and implement a strategy to promote the joint web complaints portal and multilingual brochures to key stakeholders in the community
Ensure access: Provide all sections of the community with ready access to our services	Visited regions to conduct investigations as required (p. 62) Promoted the Office's freecall number in all advertising and communication material Continued our partnership with Queensland Government Agents Program (QGAP) to provide ready access to information and complaint services for people in remote towns (p. 61) Maintained our website to ensure easy access to online complaint forms and other information (p. 64) Developed a multicultural action plan with engagement strategies for culturally and linguistically diverse communities, Aboriginal people and Torres Strait Islander people (p. 63) Provided prisoners with a reasonable level of access to our Office (p. 63)	Continue to visit regions to conduct investigations as required Continue to promote the Office's freecall number to people living outside Brisbane Continue to work with QGAP to ensure regional communities in Queensland have access to Ombudsman complaint services Upgrade our website to enhance user accessibility Commence implementation of the multicultural action plan Monitor the effectiveness of avenues available to prisoners for making complaints

Goal 2 Promote administrative justice by providing a fair and effective investigative service

Manage complaints: Maintain an efficient and timely complaint management service	Received 7,460 complaints (2007–08: 7,172) Finalised 66% of 7,460 complaints within 10 days of receipt (2007–08: 69%) (p. 20) Conducted the Agency Satisfaction Survey and Complainant Satisfaction Survey to identify areas where our Office can improve (p. 60)	Implement recommendations from our surveys of complainants and agencies
Conduct investigations: Conduct high quality investigations of complaints	Conducted 1,155 investigations (2007–08: 1,162) (p. 22) 73 standard investigations conducted (2007–08: 36)	Continue to prepare investigative plans for all significant investigations Ensure investigation officers complete Certificate IV in Government (Investigations)
Resolve informally: Continue our focus on using informal resolution processes	Resolved 99% of 7,460 complaints received in 2008–09 using informal resolution processes (2007–08: 99%, SDS target 95%) (p. 20)	Continue to monitor informal resolution practices Continue to train staff in informal resolution techniques
Work jointly: Collaborate effectively with other accountability agencies	Held regular liaison meetings with accountability agencies throughout the year (p. 65)	Continue to liaise with accountability agencies on case related issues
Make recommendations: Ensure agencies accept and implement a high proportion of our recommendations to address maladministration	98% of recommendations that public sector agencies responded to were accepted (2007–08: 99%, SDS target 90%) We are awaiting responses on 23 recommendations (p. 23) Encouraged acceptance of our recommendations by providing agencies' with opportunity to comment Monitored and assessed agencies acceptance of recommendations	Continue to monitor agencies' responses to our recommendations and report on their responses in significant cases Continue to provide agencies with a reasonable opportunity to comment on our proposed recommendations

Outcomes sought 2008–2009	What we accomplished	Looking forward 2009–2010
Goal 3 Contribute to improving the quality of administrative practice in Queensland public sector agencies		
Provide advice: Provide ongoing advice to agencies to improve administrative practice	Published quarterly issues of State/Local/Frontline Perspective newsletters (p. 58) Launched <i>Legal Perspective</i> , a newsletter for legal officers in the public sector as well as private sector lawyers providing legal advice to government agencies and councils (p. 58)	Increase circulation of all Perspective newsletters Obtain feedback to ensure relevance
Monitor agencies: Monitor the effectiveness of agencies' internal complaints management systems	Finalised a review of compliance by state agencies with Directive 13/06 on complaints management systems (p. 56) Commenced review of complaints management systems of local councils	Table report in Parliament on review of state agencies' compliance of systems Finalise and report on review of the complaints management systems of local councils
Provide training: Provide training programs on good decision-making and complaints management	Delivered 106 training sessions to 1,798 public sector officers across Queensland on good decision-making and complaints management practices (p. 56)	Continue to deliver Good Decisions Training and Complaints Management Training to public officers throughout Queensland Review training programs Develop additional training programs
Conduct research: Conduct research projects to help agencies improve administrative practice	Continued to participate in the Whistling While They Work research project and published two guides providing whistleblowing advice in collaboration with the Crime and Misconduct Commission and the Public Service Commission (p. 59)	Publish a whistleblowing guide for public sector agencies
Goal 4 Promote organisational excellence and a skilled, committed workforce		
Corporate governance: Maintain a high standard of corporate governance	Implemented the Corporate Procurement Plan Achieved unqualified audit with Queensland Audit Office	Review procedures to ensure compliance with the new <i>Financial Accountability Act 2009</i>
Skilled workforce: Attract, develop and retain a skilled workforce	Commenced training in Certificate IV in Government (Investigations) for our investigative staff (p. 72) Expended approximately \$91,000 on professional development and training (p. 100) Undertook informal resolution training with other independent complaint agencies Implemented the workforce capability strategy as a framework for professional development and training (p. 72) Managed workplace wellness programs, including initiatives such as ergonomic chairs and health checks (p. 72)	Ensure investigative staff complete the Certificate IV in Government (Investigations) training Provide Ombudsman Management Group with executive development training Continue to research and implement best practice staff retention strategies Continue to provide professional development and training opportunities Continue to train staff in informal resolution techniques Continue to provide programs to support a healthy workforce
Work culture: Foster a culture of commitment and service	Identified ways to improve service based on findings of our surveys of complainants and agencies Continued to promote a culture of innovation and improvement through creation of a staff-led innovation committee (p. 70)	Implement improvements identified by surveys Continue to encourage staff to submit ideas for improvement through the innovation committee
Provide resources: Provide staff with appropriate resources to support their work	Relocated to new facilities at 53 Albert Street, sharing training and interview rooms and reception with four other independent complaints agencies (p. 68) Upgraded our complaints management system and implemented significant enhancements (p. 75) Implemented a new knowledge database called SmartBase to assist our investigations (p. 75)	Continue to play an active role in the management of shared facilities at 53 Albert Street Upgrade the reporting capability of our complaints management system Continue to add information to, and promote the use of, SmartBase as a research tool within the Office Continue to resource and enhance internal communication strategies

Ombudsman Management Group



David Bevan
Ombudsman

David became Queensland's fifth Ombudsman in 2001. Immediately prior to that, he was the Director of the then Criminal Justice Commission's Official Misconduct Division having joined the Commission as head of its complaints section in 1990. From 1983 to 1990, he was an Assistant Parliamentary Counsel in the Office of the Queensland Parliamentary Counsel. Before that, he spent five years as a Crown Prosecutor before becoming a legal adviser within the Queensland Solicitor-General's Office. David holds degrees in Arts and Law and was admitted as a barrister in 1973.



Forbes Smith
Deputy Ombudsman

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



Peter Cantwell
Assistant Ombudsman
Administrative Improvement Unit

Peter joined the Office in 1997 as an Investigator and was appointed as Assistant Ombudsman in 1999. Prior to joining the Office, Peter was a solicitor in private practice for nearly twenty years. For most of this period he was a partner in the Brisbane office of a major Australasian law firm and practised in the areas of commercial and administrative law. Peter is an experienced workplace trainer. He holds a Bachelor Degree of Law with Honours and was admitted as a solicitor in 1983.



Louise Rosemann
Assistant Ombudsman
Assessment and Resolution Team

Louise was appointed in 2005 and 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 in a variety of settings. Louise holds a Bachelor of Arts and a Master of Business in Employment Relations.

“The OMG sets our Office’s corporate plans and ensures our performance satisfies our strategic priorities and statutory responsibilities.”



Greg Woodbury
Assistant Ombudsman
*Community Services and
Corrections Team*

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



Craig Allen
Assistant Ombudsman
*Local Government and
Infrastructure Team*

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



Adeline Yuksel
Manager
*Communication
and Research Unit*

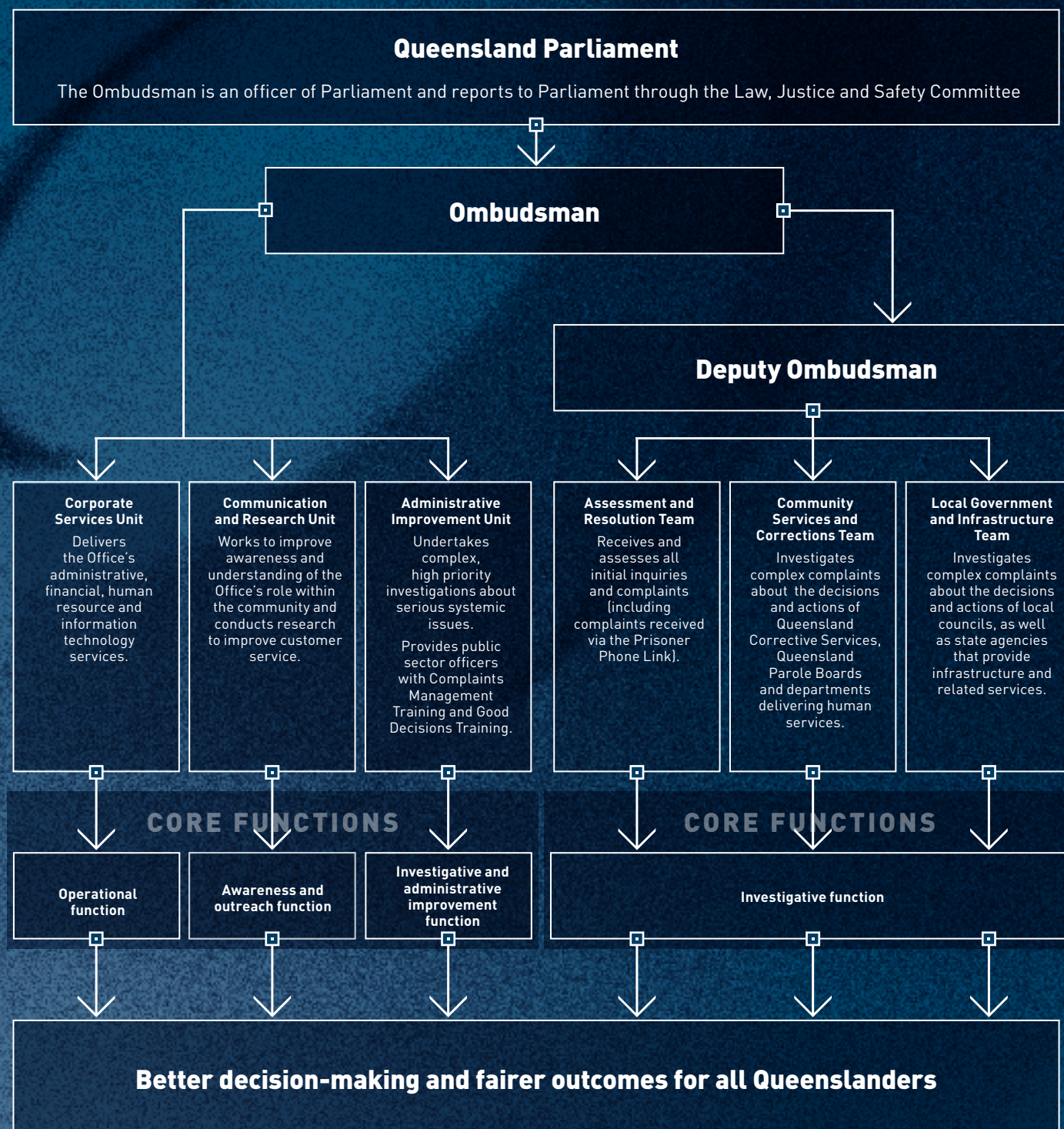
Adeline joined the Office in 2005. Her team has the dual function of improving awareness of the Office’s role among all sectors of the community and conduct research into complaint-related issues. She has a Bachelor of Communications and a Graduate Diploma in Marketing with extensive experience in issues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



Shaun Gordon
Manager
Corporate Services Unit

Shaun began his career in the Queensland public sector in 1986 and managed multiple administrative and policy roles across several agencies in that time. He joined the Office in 2004 and holds a Masters of Public Sector Management and a Bachelor of Arts. Shaun’s team manages the Office’s administrative, financial, human resource and information technology requirements.

Our accountability framework





**Accountability
matters**

Complaints matters

In 2008–2009, we received 17,771 contacts, a 16% increase from last year. With the increasing number of complaint resolution bodies being established, both in government and in the private sector, people are becoming confused about the correct agency to contact for assistance.

A significant number of the complaints we receive are 'referrals' where we have no power to investigate and so we refer the person to the most appropriate agency to assist them.

Last year we received 9,725 of these complaints, a 31% increase. Of these, 1,926 were managed electronically by our online complaint form. However, the other

7,799 complaints all had to be assessed by our officers and the complainants referred elsewhere, significantly adding to our workload. Referrals have increased by 136% since 2005–2006.

Complaints received within our jurisdiction rose for the second year in a row. We received 7,460 complaints in 2008–2009 (4% increase).

How we receive complaints

Members of the community can make complaints to us by:

- telephone (including a free 1800 service)
- attending our Office
- mail
- email
- online complaint form
- fax.

Prisoners can also use the Prisoner PhoneLink (p. 63)

Traditional mail comprises 20% of the complaints we receive. For the first time, we received more complaints electronically (that is, by email or by our online complaint form) than we received by traditional mail – 22% compared to 20%.

Despite accounting for less than 1% of complaints, complaints lodged at our Office in person increased by 45%.

Use of the Prisoner PhoneLink also increased by 20%, rising from 498 to 596 (see p. 17).



↑ Our Office assists Queenslanders from all walks of life.

“The 4% increase in complaints was not evenly distributed across the different categories of agencies. Complaints about state government agencies increased by 2% to 4,370 and complaints about local government increased by 7% to 1,979. Complaints about universities significantly increased by 40% to 182 (see p. 47).”

4%

increase in
complaints
received

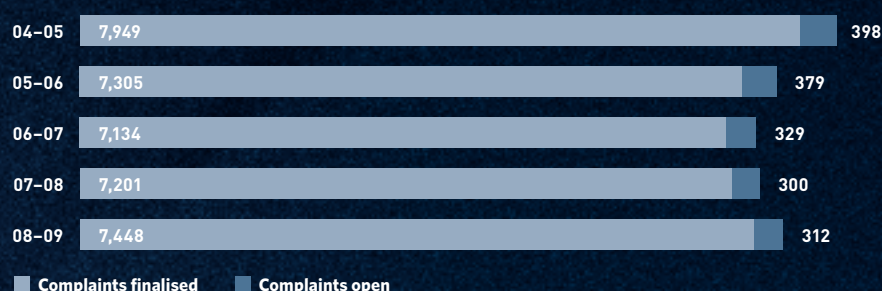
FIGURE 1: COMPLAINTS RECEIVED



3%

increase in
complaints finalised

FIGURE 2: COMPLAINTS FINALISED



22%

22% of complaints
received by email or
online complaint form

TABLE 1: HOW WE RECEIVED COMPLAINTS

	2007-08	%	2008-09	%
Telephone	3,544	49%	3,452	46%
Mail	1,410	20%	1,470	20%
Email	732	10%	899	12%
Online complaint form	649	9%	737	10%
Prisoner PhoneLink	498	7%	596	8%
Fax	153	2%	141	2%
Correctional centre interview	115	2%	101	1%
In person	44	<1%	64	<1%
Ombudsman own initiative	27	<1%	-	-
Total	7,172	100%	7,460	100%

↓ We investigate complaints free of charge.



312

open complaints
as at 30 June 2009

Complaint trends

As at 1 July 2008, we had 300 open complaints – the lowest number since 1984. The 4% increase in the complaints we received in 2008–2009 means that complaints increased at a slightly higher rate than Queensland's population (2.5% in 2008).

We finalised 7,448 complaints – 247 more than 2007–2008 (an increase of 3%). By close of business on 30 June 2009, 312 complaints were still open, just 12 more than at 30 June 2008.

TABLE 2: COMPLAINTS RECEIVED FOR AGENCY TYPES

Type of complaint	2005–06	2006–07	2007–08	2008–09
State government	4,271	4,137	4,268	4,370
Local government	1,961	1,888	1,843	1,979
Universities	74	113	130	182
Other (police, private, Commonwealth, etc)	965	905	931	929
Total	7,271	7,084	7,172	7,460

TABLE 3: ALL CONTACT WITH OUR OFFICE

Type of contact	2005–06	2006–07	2007–08	2008–09	% of total contact
Referral	3,302	3,771	6,037	7,799	44%
Online referral	189	853	1,387	1,926	11%
Complaint	7,271	7,084	7,172	7,460	42%
Inquiry	775	444	661	539	3%
Review request*	75	74	43	32	<1%
Public interest disclosure	17	33	17	15	<1%
Total	11,629	12,261	15,317	17,771	100%

* Review requests are made by complainants who disagree with our decisions. We internally review these decisions.

How we managed complaints

We aim to resolve all complaints in the most efficient and effective manner possible. This includes carefully assessing complaints to ensure serious matters requiring further investigation are identified, and ensure our involvement is not premature, unnecessary, or unjustifiable.

When investigating complaints, we generally employ informal resolution processes, which lead to a much faster outcome than a formal investigation. This year, we informally resolved 99% of complaints received.

Achieving timely complaints handling

This year, we finalised 7,366 complaints within 12 months, a 3% increase from 2007–2008 (7,127). This meant that 99% of complaints were closed within 12 months of receipt, which matched the result achieved in 2007–2008 (99%).

The proportion of complaints finalised within 10 days of receipt dropped slightly to 66% (2007–2008: 69%). This slight fall was caused by the increase in complaints. We finalised 83% of complaints within 30 days (2007–2008: 84%) and finalised 93% within 90 days (2007–2008: 93%). We have increased the number of officers in our Assessment and Resolution Team to manage the increased workload.

We undertake a number of ‘early intervention’ activities to progress complaints within 10 days of receiving them.

These include:

- contacting the complainant to clarify their concern or obtain additional information
- requesting information or documents from the agency concerned
- researching legislation, policies and procedures applicable to the complaint.

In 2008–2009, we took early intervention action in 94% of complaints (2007–2008: 95%).

Of the 312 open complaints as at 30 June 2009:

- nine (3%) were over 365 days old and require complex investigations compared to one as at 30 June 2008. However, six of these complaints related to the one case and the remaining three to another case. In other words, only two investigations were more than 12 months old
- more than half (55%) were less than 90 days old (2007–2008: 67%)
- 85% were less than 180 days old (2007–2008: 81%).

Our response to complaints depends on the issues raised.

HOW WE HANDLE COMPLAINTS

Complaints may be handled in one of the following ways:

→ Assessment

We finalise the complaint through research and assessment, without contacting the agency concerned.

→ Preliminary inquiry

We finalise the complaint after obtaining basic information from the agency concerned.

→ Informal investigation

We finalise the complaint by making informal inquiries with the agency concerned or elsewhere and/or by negotiating with the parties involved.

→ Standard investigation

We finalise the complaint by conducting formal interviews with agency officers or other persons or seek formal written responses from the agency.

→ Major investigation

We expend significant time and resources on investigating systemic maladministration.

99%

We informally resolved 99% of complaints

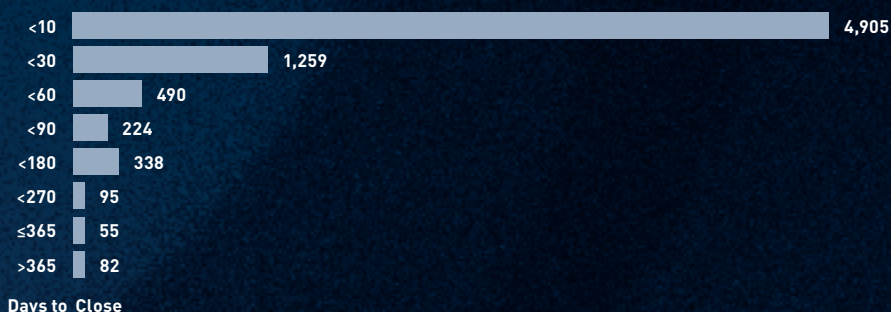
TABLE 4: COMPLAINTS FINALISED

	2006-07	%	2007-08	%	2008-09	%
Assessment	5,109	72%	5,440	75%	5,673	76%
Preliminary inquiry	302	4%	209	3%	172	2%
Informal investigation	1,692	24%	1,506	21%	1,529	21%
Standard investigation	21	<1%	36	<1%	73	1%
Major investigation	10	<1%	10	<1%	1	<1%
Total	7,134	100%	7,201	100%	7,448	100%

66%

66% of complaints were finalised within 10 days

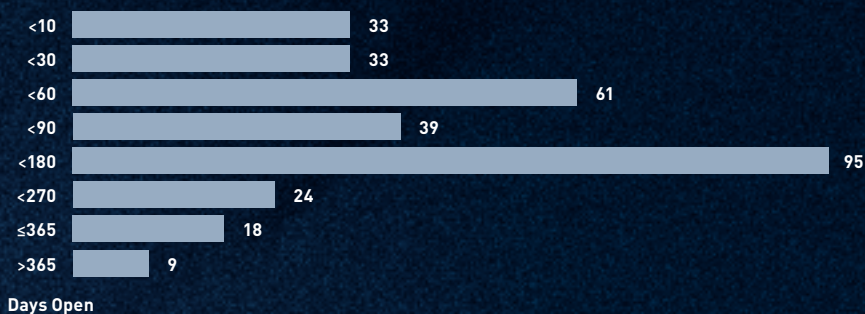
FIGURE 3: TIMEFRAME FOR COMPLAINTS BEING FINALISED



99%

99% of complaints finalised within 12 months

FIGURE 4: AGE OF OPEN COMPLAINTS AS AT 30 JUNE 2009



76%

We declined 76% of complaints received

TABLE 5: HOW WE FINALISED COMPLAINTS

	2007-08	%	2008-09	%
Declined at outset	5,256	73%	5,502	74%
Declined after preliminary inquiry	211	3%	170	2%
Sub Total	5,467	76%	5,672	76%
Withdrawn before investigation commenced	81	1%	122	2%
Withdrawn during investigation	13	<1%	11	<1%
Investigation discontinued	478	7%	488	7%
Investigation completed	1,162	16%	1,155	16%
Total	7,201	100%	7,448	100%

We completed about twice the number of standard investigations in 2008–2009 (73) than in 2007–2008 (36). Only one complaint was classified as a major investigation in 2008–2009, but we also conducted three major investigations of our own initiative (p. 50). Otherwise, our case management approach in finalising complaints was similar to 2007–2008.

Complaints not investigated

We receive a large number of complaints where:

- we decline to investigate
- the complainant withdraws the complaint
- we discontinue our investigation (see Table 6).

In 2008–2009, complainants withdrew 133 complaints (2007–2008: 94). Complainants can withdraw complaints for any number of reasons, including a satisfactory agency response, or changes to personal circumstances.

We discontinued investigations of 488 complaints (2007–2008: 478). Our reasons for discontinuing an investigation included:

- the agency agrees with the complainant
- our preliminary findings indicate that further investigation is unnecessary or unjustifiable.

Due to our limited resources and the need to focus on complaints involving serious or systemic issues, we declined 76% of complaints received (2007–2008: 76%).

Nearly half of the complaints we declined were because the complainant had not tried to resolve their complaint with the agency concerned (49%). We encourage people to do this because we consider that agencies have the responsibility for addressing their own poor decisions in the first instance. Local councils and state agencies are required to have appropriate complaints management systems in place (see p. 56). In some cases, we assist the complainant by referring their complaint to the agency, and seeking advice on the outcome.



↑ Almost half of the complaints we receive are referred back to the agencies involved.

TABLE 6: WHY WE DECLINED COMPLAINTS

Why we declined complaints	2007–08	% of complaints declined	2008–09	% of complaints declined
Referred for internal review by agency	2,684	49%	2,802	49%
Outside jurisdiction	983	18%	1,083	19%
Await outcome of current decision process	545	10%	489	9%
Complaint to be put in writing	276	5%	344	6%
Investigation unnecessary or unjustifiable	381	7%	336	6%
Appeal right should be exhausted	282	5%	333	6%
Other complaints entity has/will investigate	115	2%	103	2%
No sufficient direct interest	92	2%	80	1%
Out of time	78	1%	72	1%
Frivolous, vexatious or not made in good faith	8	<1%	14	<1%
Appeal right exhausted & further investigation unnecessary	20	<1%	13	<1%
Trivial	3	<1%	3	<1%
Total	5,467	100%	5,672	100%

In 103 cases, we considered that another complaints agency was better placed to investigate, and so we referred the complainant to that agency (2007–2008: 115). In relevant cases we will advise the complainant that they can renew their complaint with our Office if they are dissatisfied with the other complaint agency's response.

We also declined 489 complaints where the complainant had not allowed the agency a reasonable period of time to make and communicate their decision (2007–2008: 545). In some cases, we will make inquiries with the agency about the progress of the matter and convey this information to the complainant.

The *Ombudsman Act 2001* also allows us to decline a complaint if the complainant:

- has known about the problem for more than 12 months before contacting us (72 complaints in 2008–2009)
- does not have sufficient direct interest in the case (80 complaints in 2008–2009).



← In many cases, our intervention allowed a suitable outcome to be achieved.

Outcomes of complaints investigated

Of the 1,155 complaints we investigated, we established some sort of wrongdoing (maladministration) on 61 occasions – a 33% increase from last year (see Table 7).

In 562 cases, our intervention enabled a suitable outcome to be achieved, which meant that we did not have to consider whether an agency's decision or action amounted to maladministration (2007–2008: 595). In some cases the agency agreed to address or partly address the complainant's concerns. In other cases we were able to obtain information from the agency that satisfactorily explained its decision.

When maladministration was identified, the most common reason was that the decision was unreasonable or unjust (59% of identified reasons). Even where the decision or action of the agency is lawful, we also consider whether the effect of that decision or action was reasonable in all the circumstances. Often, agency decision-makers fail to exercise the discretion they have to ensure that the impact of their decisions does not adversely affect the rights and interests of the complainant (see Table 8).

We address these types of issues in our Good Decisions Training Program (p. 58).

Making recommendations to benefit complainants and the community

In 2008–2009, we made 184 recommendations based on our investigations (2007–2008: 183).

We also made 323 recommendations in our audit of the complaints management systems of state agencies (p. 56). A report on the results of our audit will be tabled in Parliament next year.

“Of the 184 recommendations, 80 were made to state government agencies, 17 to Queensland Corrective Services, 77 to local councils and 10 to universities.”

Of the 184 recommendations, 80 were made to state government agencies, 77 to local councils, 17 to Queensland Corrective Services and 10 to universities. Most recommendations were designed to achieve improvements in agencies' systems and processes (145), and thus minimise the likelihood of the similar complaint arising again. This approach achieves systemic improvements that can benefit other members of the community and not only the person lodging the complaint. Recommendations addressed important administrative areas including:

- record-keeping
- a wide range of decision-making processes
- communicating decisions to those affected by them
- investigative processes
- natural justice
- complaints management.

Some systemic recommendations included that the agency concerned:

- develop a standard checklist for use in assessing offers for the supply of goods or services against mandatory evaluation criteria and refer to the checklist in procurement documents
- provide relevant officers with procurement training
- ensure policies and procedures are in place to help officers comply with their obligations under the Public Records Act
- amend policies, information sheets and application forms to properly reflect legislative requirements.

We made 39 recommendations (2007–2008: 22) to agencies that directly benefited a person. Examples included:

- an apology for wrong advice
- an internal appeal re-opened to allow further information to be submitted
- an excluded student allowed to re-enroll in a course
- an ex gratia payment of approximately \$17,000 for expenses incurred because of unreasonable administrative action.

How agencies responded to our recommendations

While the Ombudsman has no power to direct agencies to implement recommendations, in nearly all cases, agencies do so. Where an agency does not accept a recommendation, the Ombudsman can require the principal officer to provide reasons.

We continued to achieve a very high rate of acceptance of our recommendations with 98% of responses received indicating acceptance or conditional acceptance. Only three recommendations were not accepted. At 30 June 2009, we were awaiting responses from agencies in relation to a further 23 recommendations.

The recommendations that were not yet accepted included:

→ Queensland Corrective Services

The Chief Inspector undertake a review, by 31 December 2010, to assess the extent of compliance by delegates with QCS' procedures and guidelines for the security classification, placement and transfer of prisoners (see p. 50)

→ Department of Communities

Permit a complainant's letter to be treated as an application (see p. 25)

→ Cairns Regional Council

If further pig trapping services are required at the expiry of the contract term, council not extend the contract but issue a new tender for those services (see p. 42).

TABLE 7: INVESTIGATION OUTCOMES

	2007-08	% of total	2008-09	% of total
No maladministration finding necessary	595	51%	562	49%
No maladministration established	521	45%	532	46%
Maladministration established	46	4%	61	5%
Total	1,162	100%	1,155	100%

TABLE 8: TYPES OF ADMINISTRATIVE ERROR ESTABLISHED

	2007-08	2008-09
Contrary to law	9	7
Unreasonable or unjust	18	36
Improperly discriminatory	0	1
Irrelevant grounds or considerations	4	4
Reasons not given/inadequate	4	7
Based on a mistake of law or fact	6	4
Wrong	5	2
Total	46	61

TABLE 9: NUMBER OF RECOMMENDATIONS MADE TO AGENCIES

	2007-08	% of total	2008-09	% of total
Councils				
Direct benefit	8	4%	19	9%
Systemic	55	30%	58	32%
Total Councils	63		77	41%
State Government				
Direct benefit	13	7%	17	9%
Systemic	102	56%	63	34%
Total State Government	115		80	43%
Correctional Services				
Direct benefit	0	0%	1	<1%
Systemic	3	2%	16	9%
Total Correctional Services	3		17	10%
Universities				
Direct benefit	1	<1%	2	1%
Systemic	1	<1%	8	4%
Total Universities	2		10	5%
Total Recommendations				
Direct benefit	22	12%	39	20%
Systemic	161	88%	145	80%
Total	183	100%	184	100%

TABLE 10: HOW AGENCIES RESPONDED TO RECOMMENDATIONS

	2007-08	% of total	2008-09	% of total
Accepted	173	95%	154	84%
Conditional acceptance	9	5%	4	2%
Not accepted	1	<1%	3	2%
Pending response	0	0%	23	12%
Total	183	100%	184	100%

Section No.:

2

Section Title:

Accountability matters

Case Studies:

Informal resolution

Page No.:

1 of 4

Case Study 1

Water charge halved for residents with 'low flow' water supply**Background**

A resident complained to us about an increase in his water access charges from \$60 to \$160 per half year. He thought this was unreasonable as his property received a 'low flow' water supply.

Investigation and findings

The complainant's property had been in a shire council area before the Toowoomba Regional Council was created in March 2008. Council transferred all rates and utility charges for eight amalgamating shires into a single software system, prior to issuing the first half-yearly rate notice for the 2008-2009 budget year. After the rates notices were issued, council discovered that approximately 160 properties, including the complainant's, received a 'low flow' water supply. This different standard of service was not flagged when records were transferred to the new system, meaning all properties were billed the standard water access charge under council's 2008-2009 budget.

Recommendations and outcome

Following approaches from our Office, council resolved to reduce charges for affected 'low flow' water connections by 50%. This reduced our complainant's water access charge from \$160 to \$80 per half year, backdated to the first half of the 2008-2009 budget year. Council agreed to write to all affected ratepayers, including the complainant, advising them of the reduced charge and that they would receive a credit of \$80 to their rate account. Council advised us that its budget resolution for the following financial year would make special provision for reduced charges for the 'low flow' water supply area.

Case Study 2

University fails to follow rules**Background**

A final year University of Queensland (UQ) student fell ill and missed two of his four exams. He applied for special examinations in each subject and submitted medical certificates in support of his application. The faculty refused to allow him to sit special examinations.

The student appealed to UQ's Appeals Committee. The Appeals Committee decided the Faculty had not adequately considered the student's applications and allowed one special examination, but refused the other on the basis that the relevant medical certificate was submitted outside the required timeframe.

The student was concerned that he had not been given a chance to comment on, or respond to, the committee's concerns before it made a final decision.

Investigation and findings

We obtained the student's academic file, academic transcript and the Appeals Committee's meeting minutes. We also considered this information in light of the General Award Rules, which outline the University's procedures in relation to special examinations. We concluded the committee had not complied with requirements of the General Award Rules, as it had not given the student an opportunity to comment on the material that formed the basis of its decision.

Recommendations and outcome

We discussed our concerns about the appeal process with UQ. We recommended that the student's appeal be re-opened to allow him to comment on and respond to the material which formed the basis of the committee's decision. UQ accepted our recommendation, re-opened the appeal, and invited the student to make a fresh submission.

Case Study 3

Overcharged pensioner receives rent refund**Background**

A 78-year-old pensioner complained to us after realising that the former Department of Housing had been charging him rent based on income for a married couple.

The pensioner's rent had not changed since his wife had passed away in 2003. The pensioner notified CentreLink that his wife had passed away, and assumed CentreLink would inform the department of his changed income.

In 2008, he learned he should have been paying rent based on a single person's income, not a married couple's income.

The pensioner contacted the department to query the rent. The department adjusted the rent payable from the day the pensioner notified it that his wife had passed away, but refused to refund the rent overpaid since 2003. This decision was in accordance with the department's policies.

Investigation and findings

We asked the department to consider refunding rent that the pensioner had overpaid since 2003, because of the exceptional circumstances which existed in this case, including the complainant's age, poor health, the loss of his wife, the absence of family members nearby, and financial position.

Recommendations and outcome

The department agreed to refund the overpaid rent. The pensioner subsequently received a payment from the department of \$7,291.05. The department also advised that amendments to tenant income review processes, which had occurred after the pensioner's wife had passed away, meant a similar situation should not occur in the future. Under the new processes, CentreLink advises the department of changes in income.

Section No.: 2

Section Title: Accountability matters

Case Studies: Informal resolution

Page No.: 2 of 4

Case Study 4**Lost application causes angst****Background**

The complainant, a former state ward, wrote to Redress Services in the (then) Department of Communities in August 2008, advising that he wished to apply for an ex gratia payment under the Forde Inquiry Redress Scheme.

When the complainant later telephoned Redress Services to inquire about his letter, he was told that it had not been received. He was invited to send his letter again, which he did in February 2009.

Redress Services wrote to him in March 2009, advising that the Scheme had closed and applications submitted after 5.00pm, Tuesday 30 September 2008 would not be accepted.

Investigation and findings

We asked the complainant to provide a statutory declaration stating that he had posted his initial letter to Redress Services before the 30 September 2008 deadline. He submitted his own statutory declaration, as well as statutory declarations from two other people, which confirmed the information in his letter about when and where the original letter was posted, and to whom the letter was addressed.

We wrote to the department asking that it:

- reconsider the decision to decline the complainant's application
- assess his eligibility for an ex gratia payment.

Recommendations and outcome

Redress Services agreed to accept the application, subject to certain conditions, including that the complainant submit an application on the approved form within seven days of its review decision.

The complainant submitted the application and was offered an ex gratia payment.

Case Study 5**Department pays company \$55,000 overnight****Background**

A concerned company manager contacted us about overdue payments totalling \$55,000, owed by the former Department of Child Safety. The man's company employed youth workers to provide specialised services to children placed in its care by the department.

The manager had made numerous unsuccessful requests for payment of overdue amounts. The delay in payment had forced him to take on alternative employment to meet the company's financial obligations, including salaries, and ensure the children in his care continued to receive the services they needed.

Investigating and findings

The department's Area Office advised us that a number of department sections were involved in processing payments. We asked the department to expedite payment of overdue amounts as there appeared to be no satisfactory reason for the delay and no suggestion that the company was not entitled to the payments.

Recommendation and outcome

The next day the department advised us that \$55,000 had been transferred overnight into the company's bank account. The payment ensured that staff could be paid their salaries and continue to provide services to the children placed in their care.

The manager was delighted with the outcome and especially pleased that a departmental manager had contacted him to discuss how to ensure that similar delays in payment did not occur again.

Case Study 6**Council refunds fees after failing to act on complaint****Background**

A property owner applied to Ipswich City Council for permission to raise a stormwater drain inspection plate on his property. The work was approved upon payment of an inspection fee and a private plumbing contractor later performed the work.

Upon receiving the bill, the property owner considered that the inspection fee (which amounted to two thirds of the cost of the actual works) was excessive given the minor works involved. The property owner wrote to council seeking a review of the inspection fee. Council had not responded to the complaint after several months and so the property owner contacted us.

Investigation and findings

We contacted council to determine what action had been taken to review fees charged to the property owner, as well as council's apparent failure to acknowledge the complaint.

Recommendations and outcome

After reviewing its charges, council agreed the fee was excessive having regard to the time involved in inspecting the completed works.

Council considered that the appropriate fee would have been half the amount originally charged. However, to acknowledge its initial failure to act on the complaint, council refunded the total amount of fees paid and apologised for the inconvenience caused.

Section No.:

2

Section Title:

Accountability matters

Case Studies:

Informal resolution

Page No.:

3 of 4

Case Study 7

Woman's licence details incorrect for nearly 40 years**Background**

For nearly 40 years, Queensland Transport had incorrectly recorded a woman as holding only an automatic driver's licence, rather than an Open Class manual licence. Queensland Transport was notified of the error on a number of occasions over the years, with the driver believing on each occasion that the records had been corrected. An insurance claim in 2008 revealed Queensland Transport's records were still incorrect. When the woman again approached Queensland Transport, it insisted she pay the prescribed fee and be retested on a manual transmission vehicle before it would issue the Open Class manual licence. She sought our assistance.

Investigation and findings

We requested Queensland Transport investigate the woman's driver licence history. This review confirmed that the woman had been issued with an Open Class manual licence in 1970, one year after the initial licence for an automatic vehicle was issued. Queensland Transport was unable to explain the ongoing error in its records.

Recommendations and outcome

Queensland Transport immediately rectified its electronic records, issued the woman with an Open Class manual driver licence and refunded the retesting fee. A written apology was also forwarded to the woman for inconvenience caused by the ongoing error.

Case Study 8

Poor communication leads to complaint**Background**

A council employee contacted our Office for assistance. He had worked with the council for 35 years and had made a complaint to the council about harassment he said he had experienced in his current role. His complaint detailed allegations of victimisation and harassment by two of his managing officers.

In response to the employee's seven page complaint, council provided a very brief letter that did not discuss any of the issues he had raised. Nor did it explain how his complaint had been investigated, or outline the evidence that was considered. The employee was simply advised that his allegations were unsubstantiated.

The employee was dissatisfied with the response, which, he believed, did not show that his concerns had been properly investigated.

Investigation and findings

We contacted council and found the employee's grievance had been investigated by an independent external investigator and the issues raised in the complaint comprehensively considered. A detailed report had been compiled about the investigator's findings. We reviewed the report and found that it considered each of the employee's issues and reported on evidence and reasons for the conclusions.

However, we considered the council's reply to the employee was inadequate.

Recommendations and outcome

We recommended that council provide a more detailed response to the employee, including:

- the evidence considered by the decision-maker
- the decision-maker's understanding of the relevant legislation and policy requirements
- material findings with reference to the evidence relied on
- an explanation of how the conclusion was reached.

We also suggested the council review its policies and procedures relevant to handling employee grievances to ensure decision-makers are given adequate guidance about providing sufficient reasons for decisions.

Case Study 9

Pensioner rebate refund**Background**

In 2005, the Department of Main Roads resumed an elderly pensioner couple's home of 22 years, for major road construction. At the time, the couple was receiving the full pensioner rebate on their rates for that property, as it was their 'principal place of residence'.

After moving into their new home in 2006, they went to the former Bundaberg City Council office to advise of their new address and obtain the pensioner entitlement on their new property. A council officer sighted their pension cards and the couple left the office believing the entitlement would be applied to the rates on their new home.

The couple continued paying rates until the second rating period in 2008, when they realised they had not been receiving the pensioner rate rebate on their new property. Council refused their request to backdate the entitlement to mid-2006.

Investigation and findings

Although council policy requires property owners to formally re-apply for the entitlement, a misunderstanding had occurred between the couple and the council officer at the time they notified their change of address. The couple had not been informed of council's requirement that they lodge a fresh application for their new home.

Section No.: 2

Section Title: Accountability matters

Case Studies: Informal resolution

Page No.: 4 of 4

Recommendations and outcome

We requested that the council review its decision in view of all the circumstances, in particular the state's resumption of the couple's former home, and their assertion that they had not been informed they needed to re-apply in writing for the entitlement.

Council's CEO subsequently approved that the rate rebate be backdated two and a half years to the date the couple took up residence in their new home, which provided them with a credit of \$523.20.

Case Study 10**Council refund on incorrect fee quote****Background**

Brisbane City Council was implementing a new infrastructure charges policy incorporating increased contribution payments for 2007–2008. Council allowed a grace period up to 17 August 2007 for these charges to be paid at the previous 2006–2007 rate.

On 10 August 2007, council issued a development approval with conditions to the complainant. One condition stated that infrastructure charges would be calculated on the lower 2006–2007 rates if paid within seven days. The Decision Notice was not received until 15 August. At the first opportunity, on 22 August, the complainant went to the council office to pay the outstanding amount and was charged at the lower rate.

In October, the council requested the complainant to pay at the higher 2007–2008 rate in order to have his development plans sealed. To avoid any further delay with his development, he paid an extra \$12,782.80 to obtain the plan of survey so that he could register it in the Queensland Land Registry.

He later complained to my Office.

Investigation and findings

Our investigation established that when the complainant attended the council office on 22 August to pay the charges, a fee quote was incorrectly generated by the counter staff at the old rate, allowing payment to be made at that rate within 14 days. The complainant paid that amount immediately.

After we discussed the matter with council officers, the council decided that, in the circumstances, it would be unreasonable to retain the higher amount.

Outcome

The council refunded \$12,782.80 to the complainant. It also advised that it had taken steps to ensure counter-staff check carefully prior to accepting payment to ensure payments are calculated in accordance with current infrastructure charges.

Case Study 11**Stormwater diversion resolves dispute****Background**

The owner of a property complained to the Laidley Shire Council (and later to the Lockyer Valley Regional Council) about a stormwater nuisance causing damage to her property. The stormwater passed through a council drainage easement located on the neighbouring property and discharged across the rear of the complainant's property.

The stormwater caused a gully in her property several metres wide and several metres deep in some places. The gully had steep embankments, was in close proximity to rainwater tanks and an on-site effluent disposal system, and effectively divided the land in two.

Council officers inspected the property and initially told the complainant they could not assist her because the easement works did not concentrate the flow of stormwater and they considered that the water discharged into an existing natural drainage path through the owner's property.

Investigation and findings

We examined council's response to the complaint and decided to meet with senior council officers at the property.

During on-site discussions, council officers acknowledged the situation required attention and agreed to develop possible solutions for council to consider in order to:

- prevent further erosion on the property
- allow safe vehicle and pedestrian access to the rear portion of the property
- avoid damage, erosion or nuisance to downstream properties.

A number of tentative options were developed on-site in consultation with us. Council officers agreed to:

- commence surveying and design work as soon as possible
- present the options and their recommendations to council for decision
- maintain regular direct contact with the owner
- negotiate a satisfactory resolution directly with the owner.

Recommendations and outcome

Council considered a report from its officers and decided to divert water from the stormwater system to an existing culvert that was downstream from the property, at a cost of approximately \$13,000.

The owner advised us that she was satisfied with the outcome.

State government matters

State agencies most complained about

The state government agencies about which we received most complaints are listed in Table 11.

As would be expected, the agencies that directly provide key services to the public are the subject of most complaints. We stress that the table relates to the complaints we received and not the complaints we substantiated.

The main purpose of including the table is to show any complaint trends. We further consider any apparent trends to identify possible causes for significant increases and decreases.

For the first time in five years, there was a reduction in the number of complaints recorded about the Department of Child Safety (down 27%). This may have been influenced by greater public awareness of the role of the Commission for Children and Young People and Child Guardian, which has primary responsibility for investigating complaints about child protection matters. This explanation is supported by our understanding that there has been a significant increase in complaints to the Commission.

“As would be expected, the agencies that directly provide key services to the public are the subject of most complaints.”

In the past two years, complaints about the Department of Housing have increased by 41%. From early 2008, the department progressively implemented major changes to its criteria for assessing social housing needs, to assist it in managing the limited public housing stock and increasing demand. This meant many people were assessed as being appropriately housed and removed from the waiting list. We note that the number of complaints we received is low compared to the number dealt with through the department's internal appeal system. During the year, we also reviewed the department's policies and procedures relating to its complaints management system and were satisfied that they complied with recognised standards for such systems.

Queensland Transport continues to generate a significant number of complaints to our Office, although in 2008–2009 there was a small reduction (1%). Licensing issues, including management and enforcement of driving offences and administration of driver licence renewals are a major source of complaints.

We also received a significant increase in complaints about Queensland Health which can be explained in part by its added responsibility for the administration and provision of health services in all state run correctional centres across Queensland (excluding the two privately managed correctional centres, Arthur Gorrie and Borallon).

Complaints about the Public Trustee also increased noticeably (up 19%). Many of these concerned the management of wills and estates (and, in particular, the timetable for, and amount of, distributions to beneficiaries), and the administration of the finances of persons under Guardianship and Administration Tribunal orders.

There was a marked increase in complaints about the Department of Natural Resources and Water (23%).

“Of the 7,460 complaints we received during the year, 4,370 were related to state government agencies. The top 15 state agencies most complained about made up over half that number at 2,347 complaints.”

TABLE 11: TOP 15 STATE AGENCIES MOST COMPLAINED ABOUT ¹

	2005-06	2006-07	2007-08	2008-09	% of complaints received 2008-09	Change %
Child Safety	483	517	550	402	5%	27% ↓
Housing	254	276	331	389	5%	18% ↑
Queensland Transport	229	235	333	329	4%	1% ↓
Queensland Health	275	198	207	260	3%	26% ↑
Education Queensland	173	205	184	165	2%	10% ↓
Public Trustee	112	127	133	158	2%	19% ↑
Natural Resources and Water ²	149	127	78	96	1%	23% ↑
Queensland Building Services Authority	62	70	87	96	1%	10% ↑
WorkCover Queensland	117	79	78	91	1%	17% ↑
Legal Aid Queensland	90	78	71	74	<1%	4% ↑
Office of Fair Trading	52	84	82	70	<1%	15% ↓
Main Roads	27	47	61	67	<1%	10% ↑
Health Quality and Complaints Commission ³	-	52	56	55	<1%	2% ↓
State Penalties and Enforcement Registry	37	76	58	53	<1%	9% ↓
Disability Services Queensland	44	44	46	42	<1%	9% ↓

Note 1: Table is based on agencies' organisational structures prior to the Machinery of Government (MoG) changes which were implemented from 26 March 2009

Note 2: Formerly Department of Natural Resources, Mines and Water until 2006-2007 when portfolio was split and new Department of Mines and Energy created

Note 3: The Health Quality and Complaints Commission commenced operation on 1 July 2006

Note 4: Table does not include complaints about Queensland Corrective Services

Section No.:

2

Section Title:

Accountability matters

Case Studies:

State government agencies

Page No.:

1 of 4

CASE STUDY 1

Inadequate investigation and review of workplace complaint**Background**

An employee of the Department of Justice and Attorney-General applied to work from home under the department's working from home policy but the application was refused. The employee then met with departmental officers to discuss the refusal and subsequently resigned from the department claiming unfair treatment.

The complaint was investigated by a departmental officer who concluded that the conduct of the other officers was appropriate and no further action was necessary. Unhappy with the decision, the complainant wrote to the department's then Director-General and requested that the decision be reviewed. The Director-General subsequently wrote to the complainant confirming the decision, stating that the investigator had acted fairly and impartially.

The complainant still did not agree with the decision and complained to us.

Investigation and findings

We examined the department's investigation of the original complaint and its review of the investigation. We also considered the department's recently introduced *Complaint Management Policy and Procedures*.

While the department appeared to have a process for dealing with 'serious' complaints, such as the present one, this process had not been followed. Furthermore, the department could only produce limited records concerning the investigator's appointment, the investigative process, and the outcome.

We concluded that the investigator should not have been appointed because he had made the original decision refusing the complainant's application to work from home.

We also concluded that, despite the then Director-General's letter to the complainant advising the outcome of the review, no review had in fact been undertaken. Again, departmental processes had not been followed and we found that the officer who had investigated the original complaint had an inappropriate level of input into the Director-General's letter.

Recommendations and outcome

We considered that the departmental complaint management policy and procedures did not provide sufficient guidance on:

- the circumstances in which external investigators should be appointed to undertake formal investigations
- the process for reviewing formal investigations
- record-keeping.

We made four recommendations to address the procedural deficiencies we had identified and also recommended that an apology be given to the complainant for wrong advice that the complaint had been reviewed.

The current Director-General accepted all of our recommendations and advised that a written apology had been sent to the complainant.

CASE STUDY 2

Shadecloth suppliers dispute building contract tender process**Background**

In March 2006, shade sails and related structures at approximately 56 North Queensland schools were damaged by Cyclone Larry and required replacement or repair. We received a complaint about the tender process managed on behalf of Education Queensland by the relevant office of QBuild, a business unit of the Department of Public Works (DPW).

QBuild issued Invitations to Offer (Invitations) to local contractors in August 2006. The total value of work performed for the project was about \$482,000, with one successful tenderer winning \$405,000 of work.

The complainants raised concerns that the successful tenderer did not use an approved shadecloth product in undertaking the works. On most occasions, the successful tenderer used an alternative product known as Polyfx, which the complainants alleged did not conform with Invitation conditions.

Towards the end of 2006, a representative of another shadecloth company contacted QBuild to enquire whether any alternative products had been approved for use and to clarify the status of alleged nonconforming offers under the project. He was told that no other product had been approved.

Following an internal review by QBuild, it advised the representative of the shadecloth company that Polyfx had been approved for use. The complainants lodged complaints with the Director-General of DPW in August/September 2007 and with our Office in February/March 2008.

Section No.: 2

Section Title:

Case Studies: State government agencies

Page No.: 2 of 4

Investigation and findings

We investigated whether QBuild's activities during the tender process were consistent with the State Purchasing Policy and DPW's own procurement documents.

During the investigation, QBuild surveyed schools that had been involved in the shadecloth replacement project. The survey indicated most of the schools were satisfied with the shadecloth installed under the project.

Following media reports in November 2008, we contacted each of the schools to confirm their levels of satisfaction with the work undertaken. Our investigation revealed that most of the schools were satisfied with the quality of the work undertaken and confirmed that they were also satisfied with the shadecloth supplied.

We found that some of QBuild's administrative actions were unreasonable or wrong. For example, QBuild had:

- failed to comply with procurement documents by not approving the successful contractor's proposed product prior to installation
- failed to assess whether Polyfx should be approved as a product equal to other products prior to its installation (this was contrary to product requirements in the Invitation)
- issued an Addendum to Offer, which added to the list of usable products a product that did not exist
- failed to take timely action to provide tenderers and potential tenderers with clear information about conforming products within the Invitation conditions
- failed to comply with the *Public Records Act 2002* by not making and keeping full and accurate records of activities throughout the project.

Recommendations and outcome

We recommended that QBuild:

- review procurement documents used in building contracts
- develop a standard checklist for use in assessing offers against mandatory evaluation criteria and refer to the checklist in procurement documents
- review procurement documents and ensure proper record-keeping and internal and external communication practices when Invitations specify use of a named product, but another product is later approved for use
- provide guidance in procurement documents on evaluating offers on price based contracts, including evaluation factors relevant to the conditions of offer, product types, or alternative products where an assessment needs to be made of 'equal' products
- provide relevant officers in the office that managed the tender processes with procurement training, including their obligations under the Public Records Act
- apologise in writing to one of the complainants and the company representative for not providing more timely advice about the approval of Polyfx and another product for use in the project
- advise the principal of each school involved in the project of the name of the shadecloth product used in the project at the school and of the terms of the warranty

- conduct regular checks of the shadecloth installed to ensure that it performs as warranted by the successful tenderers
- ensure policies and procedures are in place to help officers comply with their obligations under the Public Records Act.

QBuild accepted all of our recommendations.

CASE STUDY 3**Ensuring procedural fairness in contract administration****Background**

We recently concluded an investigation highlighting the significance of ensuring procedural fairness when administering contracts.

A department entered into a three-year funding contract with an organisation. The contract contained a 'termination for convenience' clause, which allowed the department to terminate without reason on 30 days notice.

A short time into this contract, the department became seriously concerned about the organisation's financial viability and its capacity to deliver the outcomes required under the funding agreement. Therefore, the department commissioned an independent review, which produced a number of recommendations.

The department then varied the contract, by requiring the organisation to provide an implementation plan to implement the review recommendations. The department paid further instalments but stipulated payment did not indicate its acceptance of the organisation's implementation plan.

As the department remained dissatisfied with the implementation plan, and with the organisation's capacity and commitment to implement the recommendations, it sought internal legal advice about whether it could terminate the contract.

Despite the organisation inquiring whether its implementation plan was satisfactory, the department did not respond for two months and did not advise the organisation that it was considering terminating the contract.

Meanwhile, the department's internal legal unit advised it that it did not have to provide procedural fairness and could terminate the contract, as it had invested considerable time and money in helping the organisation address these issues.

The department then terminated the contract without providing notice to the organisation of its intention to do so. It also provided no reasons for the decision.

The organisation complained to our Office that the department had not provided procedural fairness before terminating the contract. It requested payment of the outstanding contract sum (approximately \$27,000).

Section No.:

2

Section Title:

Accountability matters

Case Studies:

State government agencies

Page No.:

3 of 4

Investigation and findings

We considered that although the department's contract had a 'termination for convenience' clause, this was not an absolute right. As a government agency, the department was obliged to exercise the termination option in good faith.

We formed the view that:

- the department was required to give procedural fairness to the organisation because the decision affected the rights, interests and legitimate expectations of the organisation
- procedural fairness was required before the contract could be terminated, and the department's past conduct did not satisfy that requirement
- the department's failure to provide procedural fairness was unreasonable, because it did not notify the organisation of the grounds on which it proposed terminating the contract, or provide the organisation with an opportunity to be heard before making the decision.

However, we also formed the view that the department's decision to terminate the contract was neither unreasonable nor made in bad faith.

Therefore, as the department had taken extensive steps to work with the organisation prior to terminating the contract, including by expending significant funds to assist it, we declined to recommend that the department pay the remainder of the contract sum.

Lessons

Three main lessons can be drawn from this investigation:

- The obligation to provide procedural fairness was not satisfied by past conduct as a fresh decision was made, which affected the rights, interests and legitimate expectations of the organisation.
- A department is obliged to act reasonably, fairly and in good faith even where it is exercising rights under a contract.
- Legal professional privilege does not operate to prevent the Ombudsman from considering the legal advice on which a department acted.

CASE STUDY 4**Improving regulations for special need licences****Background**

The complainant who held a learner's car licence and an open motorbike licence wanted to drive her car unaccompanied to and from her employment. As she worked late at night and had to travel down a mountain range, she did not feel safe undertaking this travel on a motorbike.

The complainant enquired with Queensland Transport (QT) to see if she could apply for a 'special need' provisional licence, which would allow her to drive her car to work unaccompanied. This licence would allow her to hold a provisional licence.

QT told the complainant that she was not eligible for a 'special need' provisional licence, because:

- she had a motorbike registered in her name, meaning she had other transport reasonably available to her
- she did not have sufficient family responsibilities to justify the licence
- she held an open motorbike licence, and therefore could not hold a provisional licence of another class.

The complainant considered this restriction was unfair and complained to our Office.

Although the complainant subsequently became eligible to apply for a provisional car licence through ordinary processes, we continued our investigation on a systemic basis. We investigated the correctness of:

- QT's application of the legislative criteria for assessing 'special need' licence applications
- QT's response to the complainant's inquiries about her eligibility to apply for a 'special need' licence.

Section No.: 2

Section Title: Accountability matters

Case Studies: State government agencies

Page No.: 4 of 4

Investigation and findings

We identified several concerns about the legislative criteria applied in assessing 'special need' licences.

First, in order to demonstrate a 'special need' for a licence, a person must show that refusal to grant the licence would cause severe hardship. The criteria used by QT to assess 'severe hardship' were not clear and QT was unable to provide a policy or guidelines which guided the exercise of its discretion in determining if an applicant has 'severe hardship'. QT had informed the complainant she would need to have dependants or children to satisfy the severe hardship test but this was not required under legislation.

We also found:

- the absence of guidelines may have resulted in widely-divergent decisions across different QT regions
- the requirement in QT's policy that an applicant for a 'special need' licence must not hold a driver licence of another class was not contained in legislation
- the current definitions for eligibility adopted by QT may have resulted in a more restrictive application of the legislation than intended by Parliament
- QT template letters declining an application did not require QT to provide any reasons for its decision.

We found the reasons QT provided to the complainant were unreasonable, illogical and not required by the legislation. For example, under QT's reasoning only less-experienced applicants would be eligible for a 'special need' provisional licence, while more experienced drivers who held an open licence of another class were not eligible.

QT stated its database system was limited by administrative requirements. We did not believe the application of legislation could be constrained by the limitations of QT's own administrative processes regardless of the difficulties this may entail for QT.

Recommendations and outcome

We recommended that QT prepare detailed guidelines for officers authorised to determine 'special need' licence applications, including on circumstances that constitute 'severe hardship'. We also recommended that QT amend its policies, information sheets and application forms to properly reflect legislative requirements.

Finally, we recommended QT amend its letter templates to ensure clear reasons are provided for any refusal to issue a 'special need' licence.

QT accepted our recommendations and amended the required documents and database.

CASE STUDY 5**Finding path to fair outcome****Background**

The Public Trustee occasionally acts as an agent for the sale of motor vehicles owned by Queensland Government agencies.

A purchaser attended a public auction and was interested in buying a Holden Caprice. He was given an invoice stating the car was fitted with a satellite navigation system. After purchasing the car he discovered that it was not fitted with that system.

The purchaser raised his concerns with us about the discrepancy between the invoice and the car he had purchased.

Investigation and findings

Our investigation revealed that the discrepancy had been caused by circumstances peculiar to the sale of that vehicle, as a result of which the usual procedures had not been followed.

Although the usual legal position is that a purchaser at auction takes the item 'as is, where is', we considered whether it was reasonable and fair for a government agency to sell a car that did not include all of the features on the invoice in circumstances where the purchaser was not at fault.

Recommendations and outcome

We facilitated discussions between the purchaser and the Public Trustee, as a result of which the Public Trustee reimbursed the purchaser for the cost of a satellite navigation system for the car.

Corrective services matters

The Queensland Ombudsman fulfils an important role in ensuring accountability and fair process for prisoners affected by decisions made by Queensland Corrective Services (QCS).

Following machinery of government changes on 26 March 2009, QCS is now part of the Department of Community Safety.

During 2008–2009, we commenced three own-initiative systemic investigations into QCS, two of which have been completed. They related to:

- the placement, movement and transfer of prisoners
- disciplinary procedures relating to prisoners
- public and prisoner access to QCS policies and procedures.

Complaints about QCS

During 2008–2009, we received 832 complaints about the actions and decisions of QCS and 223 complaints about the Queensland Parole Board (QPB). The combined total of 1,055 complaints is slightly down on last year's combined total of 1,112 complaints (5% decrease) and continues the trend over the past five years (refer to Figure 5).

The significant increase in complaints relating to the QPB is attributed to difficulties prisoners have experienced concerning the processes associated with parole applications. This includes delays in processing or determining applications or failing to communicate progress in processing applications or the outcome.

“We received 832 complaints about the actions and decisions of Queensland Corrective Services and 223 complaints about the Queensland Parole Board.”

What prisoners complained about

In 2008–2009, 50% of complaints about QCS related to Offender Management issues, which included:

- the transfer of prisoners between correctional centres (18% of this category)
- the assessment process undertaken by correctional centres relating to parole applications (16% of this category).

Other prominent complaint categories were:

- **Prisoner services** – including issues relating to access to or loss of property and communication issues (such as phone, fax, mail or privileged mail) (23% of complaints about QCS)
- **Safety and security** – including issues relating to visits and searches of prisoners and visitors (13% of complaints about QCS).

The significant decrease in complaints about health and medical issues is explained by the transfer of responsibility for medical services at state operated correctional centres from QCS to Queensland Health from 1 July 2008.

1,055

We received 832 complaints about QCS and 223 complaints about QPB

FIGURE 5: QUEENSLAND CORRECTIVE SERVICES AND PAROLE BOARD COMPLAINTS


579

Prisoner complaints were finalised by investigation during 2008-2009

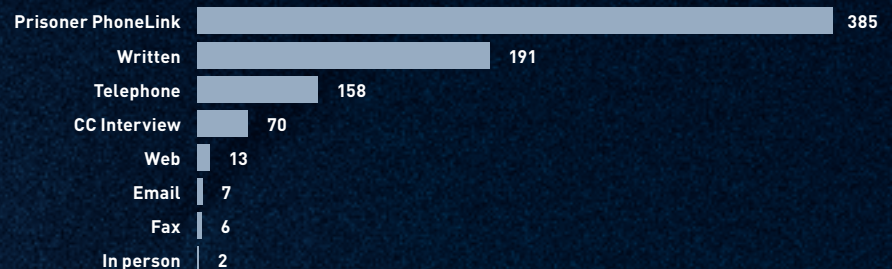
TABLE 12: NUMBER OF PRISONER COMPLAINTS WE FINALISED BY INVESTIGATION

	2005-06	2006-07	2007-08	2008-09
QCS complaints finalised by investigation	566	603	516	433
QPB complaints finalised by investigation	*	*	75	146
Total complaints finalised by investigation	566	603	591	579
Total complaints received	1211	1117	1112	1055
% of complaints investigated	47%	54%	52%	55%

* 2005-2006 data and 2006-2007 data did not distinguish between QCS and QPB complaints.

385

Prisoner complaints were made by Prisoner PhoneLink

FIGURE 6: HOW COMPLAINTS ARE MADE ABOUT QUEENSLAND CORRECTIVE SERVICES


Method of complaint

“50% of complaints about QCS related to Offender Management issues, which included the transfer of prisoners between correctional centres, and the assessment process relating to parole applications ...”

TABLE 13: WHAT PRISONERS COMPLAINED ABOUT (EXCLUDES QPB COMPLAINTS)

	2007-08	% of total	2008-09	% of total
Offender management	466	47%	417	50%
Prisoner services	200	20%	187	23%
Safety and security	98	10%	105	13%
Conduct – staff	47	5%	36	4%
Incident management	30	3%	29	4%
Complaint management	22	2%	24	3%
Health and medical	96	10%	11	1%
Legal	17	2%	10	1%
Industrial relations – staff	14	1%	9	1%
Operational support services	5	<1%	2	<1%
Communication	3	<1%	1	<1%
Investigation	1	<1%	1	<1%
Total	999	100%	832	100%

How complaints are made about QCS

The most common method for prisoners to complain to us is via the Prisoner PhoneLink service. This is a free and confidential service available at every Queensland correctional centre. It is particularly useful for prisoners who have limited literacy skills. In 2008-2009, 46% of complaints we received about QCS were received via the Prisoner PhoneLink. Other methods of receiving complaints included by letter (23%) and regular telephone (19%) (see Figure 6).

This year, we visited each of Queensland’s 14 correctional centres. Our visits to centres provide the opportunity to:

- investigate and resolve complaints
- undertake broader investigations of systemic issues
- raise awareness of our services among prisoners
- provide information and advice to centre management
- audit administrative processes
- monitor the QCS Complaints Management System.

Prisoner complaints investigated

In 2008-2009, we finalised 858 complaints about QCS of which 433 (55%) were the subject of some form of investigation (usually by informal investigative processes). This proportion is similar to that of the previous year (52%) (see Table 12).

What we found

Of the 433 complaints about QCS that we investigated during 2008-2009, we established maladministration in only two cases. In 218 complaints, our intervention quickly rectified the problem or we provided information to the complainants that addressed their concerns. In those complaints, it was not necessary for us to make any finding about whether or not the decision complained about involved maladministration.



↑ Prisoner PhoneLink continues to be a popular method for prisoners to contact our Office.

TABLE 14: RECOMMENDATIONS MADE TO QUEENSLAND CORRECTIVE SERVICES

	2007-08	%	2008-09	%
Direct Benefit	0	0	1	6%
Systemic	3	100%	16	94%
Total	3	100%	17	100%

“We visited each of Queensland’s 14 correctional centres to investigate and resolve complaints; undertake broader investigations; raise awareness of our services; provide information and advice; audit administrative processes; and, monitor the QCS Complaints Management System.”

What we recommended

We made 17 recommendations during 2008-2009 – a significant increase from the three we made in 2007-2008. Most of the recommendations stemmed from our investigation into the placement, movement and transfer of prisoners which was finalised in 2008-2009 although we reported to Parliament on the investigation after the end of the financial year.

All but one of the recommendations were ‘systemic’ recommendations – intended to improve QCS’ processes and procedures. The one ‘direct benefit’ recommendation related to QCS reviewing a decision about a prisoner and providing reasons for its decision to the prisoner. QCS agreed to implement all of our recommendations although in three cases we agreed to some changes to the way they would be implemented.

Section No.: 2**Section Title:** Accountability matters**Case Studies:** Queensland Corrective Services**Page No.:** 1 of 1**CASE STUDY 1****Parole application successfully re-heard****Background**

We received a complaint from a prisoner who had been unsuccessful in her parole application. The Parole Board had issued her with a show cause notice, and asked her to provide it with a submission about her parole. The Parole Board did not receive a submission, but the prisoner claimed she had given it to a member of the Sentence Management Unit at the correctional centre where she was placed.

Investigation and findings

After discussions between our Office, the Parole Board and the Sentence Management Unit, we discovered the prisoner's submission had been received by the Sentence Management Unit. Unfortunately, the submission had been placed on file, rather than being sent to the Parole Board.

Recommendations and outcome

The Parole Board agreed to consider the prisoner's submission and re-hear her parole application. The prisoner was very pleased with this outcome.

CASE STUDY 2**Woman's visiting rights granted****Background**

We received a complaint from a woman who had applied to Queensland Corrective Services for approval to visit her daughter in prison. The woman had completed all the required paperwork but had heard nothing from QCS for six weeks. Consequently, she had not been able to visit her daughter in that time.

Investigation and findings

After discussing the matter with the woman and the visits manager at the correctional centre where her daughter was placed, we discovered that the visits manager had received the paperwork and intended approving her visits but that there had been a delay in informing the woman of her successful application.

Recommendations and outcome

The woman was advised that her application had been approved, but that she had missed that week's final booking date and would have to wait another week to see her daughter. We then contacted the correctional centre on her behalf to see if a visit could be arranged.

The visits supervisor agreed to ring the woman, and a visit was organised.

Local government matters

During 2008–2009, we continued to review the activities of Queensland’s 73 local councils following amalgamations of the previous year. We investigated a range of complaints and worked closely with councils to improve their administrative activities.

We also continued with the Complaints Management Program – a long term initiative that aims to improve local councils’ complaints management systems. We commenced an audit of the compliance of local councils’ systems against the General Complaints Process outlined in the Local Government Act and other best practice complaints management indicators. For more information, see p. 56.

From 2006 to June 2009, we investigated a number of complaints by councillors who had been found guilty by their respective councils of breaches of their councillor code of conduct. Examples include the *Councillor Code of Conduct Report* tabled in Parliament in December 2007 and the case study reported on p. 43.

However, when substantive provisions of the *Local Government Act 2009* commence, the councillor code of conduct will be replaced with a new system for dealing with complaints about councillor misconduct and poor performance. For example, mayors will be given new powers to warn or suspend councillors who conduct themselves inappropriately in meetings. Serious allegations about councillors can be investigated by independent regional conduct review panels and dealt with by the new Local Government Remuneration and Discipline Tribunal. When serious cases of misconduct occur, the Minister for Local Government can recommend to the Governor in Council that an individual councillor be suspended or dismissed.

As we do not have jurisdiction to review the decisions of the new tribunal, it is likely that we will have a more limited role in reviewing complaints by councillors of unfair disciplinary action in the future.

Significantly, the new Act will also provide clear principles, roles and responsibilities for mayors, councillors, chief executive officers and other employees.

Local council complaint trends

During 2008–2009, we received 1,979 complaints about councils, a 7% increase from 2007–2008. Complaints about councils have remained stable over the past five years, and have decreased when measured against population growth.

What people complained about

For the last three financial years, the two main categories of complaints about councils were development and building controls (18% of complaints in 2008–2009) and laws and enforcement (17% of complaints in 2008–2009).

Other complaints categories where numbers increased from the 2007–2008 year were:

- rates and valuations (11% of complaints), where there was a 47% increase
- sewerage and drainage (35% increase)
- complaints about the way councils had handled complaints (39% increase)
- complaints about personnel (50% increase).

Conversely, complaints about land use and planning issues decreased by 52%.

Council complaints finalised and investigated

We conducted some form of investigation into 457 of the 1,926 council complaints we finalised.

7%

We received a 7% increase in complaints about councils in 2008–2009

FIGURE 7: COMPLAINTS RECEIVED ABOUT COUNCILS



99%

of recommendations to councils were accepted

TABLE 15: RECOMMENDATIONS MADE TO COUNCILS

	2007-08	%	2008-09	%
Direct benefit	8	13%	19	25%
Systemic	55	87%	58	75%
Total	63	100%	77	100%

63%

increase in findings of maladministration against councils

TABLE 16: OUTCOMES OF INVESTIGATION OF COUNCIL COMPLAINTS

	2006-07	2007-08	2008-09
Maladministration established	21	16	26
No maladministration finding necessary	130	99	87
No maladministration established	241	235	234
Discontinued	125	94	84
Withdrawn	8	4	26
Total	525	448	457

1,926

We finalised 1,926 complaints about councils in 2008–2009

TABLE 17: COMPLAINTS FINALISED – WHAT PEOPLE COMPLAINED ABOUT

	2006-07	2007-08	2008-09
Development and building controls	294	372	347
Laws and enforcement	355	335	339
Rates and valuations	131	144	211
Roads	127	107	131
Sewerage and drainage	117	92	124
Environmental management	63	101	94
Complaint handling	58	62	86
Personnel	52	52	78
Water supply	76	70	71
Land use and planning	145	100	48
Other issues	470	408	397
Total	1,888	1,843	1,926

What we found

Of the 457 council complaints investigated and finalised, we found that maladministration had occurred on 26 occasions. On 87 occasions, our involvement helped to resolve the complaint without our having to formally investigate whether maladministration was involved.

In relation to the 26 decisions involving maladministration, we considered that:

- five were contrary to law
- 17 were unreasonable or unjust
- two were decisions for which reasons should have been given but were not
- two were based on a mistake of law or fact, or were wrong.

During 2008–2009, we completed a number of significant investigations into councils. These investigations included:

- Mount Isa City Council's actions relating to an exhumation and double interment burial
- The former Douglas Shire Council's contract for the removal of feral pigs on council land
- The former Hervey Bay City Council's approval of an on-site sewerage facility to be installed by a landowner
- Townsville City Council's objection to a renewal of a lease on Crown land
- Hinchinbrook Shire Council's decision to reprimand a councillor for allegedly breaching the code of conduct
- Cairns Regional Council's actions in allowing a consultant to incur expenses in developing training courses for the Council which it then did not take up.

Case summaries are reported at p. 41–46.

What we recommended

We made 77 recommendations to councils during 2008–2009 – a 22% increase on 2007–2008. The majority of these recommendations stemmed from the significant investigations outlined above.

Fifty-eight of the 77 recommendations were 'systemic' recommendations – intended to improve councils' processes and procedures. Some examples of the systemic recommendations we made include:

Delegations

- appropriately delegate to the CEO the authority to make decisions under local laws and ensure relevant officers are provided with proper sub-delegations by the CEO (p. 42).
- ensure officers exercising power under local laws have relevant qualifications or have received appropriate training (p. 42).

Standard Operating Procedures

- review and amend Standard Operating Procedures to ensure consistency with local laws (p. 42).
- train relevant staff on the local laws and operating procedures (p. 42).

Record-keeping systems

- improve record-keeping systems (p. 44).
- ensure full and accurate records are kept (p. 43).
- improve record-keeping policies and procedures to ensure compliance with the Public Records Act, and provide training to staff in record-keeping requirements (p. 44).

Procurement

- provide adequate training to officers on procurement policies and procedures (p. 43).
- amend the procurement policy to improve the way officers deal with approaches from people wishing to provide goods or services to council and provide training to staff in procurement requirements (p. 44).

Recommendations made to provide redress to individual complainants included that the relevant council:

- pay a \$12,782 refund to a developer after quoting an incorrect fee for the development (p. 27).
- make a \$17,000 ex gratia payment to a consultant for expenses incurred as a result of council's unreasonable administrative action (p. 44).
- refund an application fee to an applicant and all other applicants who had paid the fee in the previous four-year period because the council had no power to charge the fee (p. 45).
- divert stormwater from a council drain that was channelling through a resident's property (p. 27).

Local government post-amalgamation activities

Last year, we reported that we had developed a strategy targeting local government post-amalgamation to enhance awareness of our role and reinforce good administrative practice.

The Deputy Ombudsman and Assistant Ombudsman of the Local Government and Infrastructure Team met with newly amalgamated councils in Far-North Queensland and South-West Queensland in July and August 2008.

They promoted the Office's role and reinforced the importance of making good decisions and handling complaints properly. They also presented each council with the *Local Government Casebook*, which contains summaries of a number of local government cases we have investigated in recent years that demonstrate common administrative errors made by councils.

While in the region, they visited community and information centres to talk about the Office's role of investigating complaints about state agencies and local councils. The regional tour also attracted significant media coverage for the Office.



↑ Development and building controls continue to be a common category of complaint for local councils.

Section No.: 2

Section Title: Accountability matters

Case Studies: Local government

Page No.: 1 of 6

CASE STUDY 1

Burial causes community grief**Background**

We received a complaint about an exhumation and double interment conducted by Mount Isa City Council officers.

A woman informed the funeral director that her deceased mother wished to be buried with her pre-term infant son who had died in 1982. For that to occur, the son's remains had to be exhumed and re-interred with his mother. The funeral director raised the proposal with the council's sexton who discussed it with his supervisor, before approving it.

On the morning of the funeral (a Friday), the sexton attempted to locate the son's remains at a depth normal for infant burials. He then enlarged the grave in preparation for the double interment later that day. Material excavated from the grave was placed onto the back of a truck.

The funeral service was conducted at 4.00pm and the funeral party proceeded to the grave site where the double interment was conducted. When grave site proceedings had concluded, it was getting dark. Council officers placed the material from the truck into the grave and piled excess material up into a mound on the grave site. An approaching storm with rain and strong winds postponed the site dressing until the following Monday morning.

Over the weekend, the woman and other members of her family attended the grave site and were upset to find it was left in an unfinished state. Among the mound of material, they found a small brown object they thought may have been a piece of human bone, presumably of the son. There were also pieces of timber and plastic lining that they believed to be from a small coffin. Family members took photos of the grave site.

On Monday morning, council officers 'dressed' the grave by clearing the excess mound of soil to another nearby location and spreading loam over the top of the grave. The woman attended the grave shortly after it had been dressed and asked the council officers where they had placed the brown object, timber and plastic lining. She said they told her the front part of the grave had been dug out and the items buried.

Some days later, the photo of the object thought to be human bone was examined by a local doctor. After discussion with the doctor, the woman believed it was possible the object was a piece of a human pelvic bone. She raised her concerns with a local identity and then the council's Mayor.

The council's Mayor and CEO spoke with the woman soon after the complaint was raised. Under supervision from the CEO, council's Director of Engineering and family members, council officers sieved the stockpile of excess material. No remains or other material were found.

The woman consulted a local solicitor who wrote to the council on her behalf. She was concerned the son's remains had not been re-interred with her mother and the material placed into the grave may have damaged her mother's coffin. She requested council exhume her mother's coffin, but council refused.

The woman then spoke to her local Member of Parliament, who approached council on her behalf. The local member wrote to my Office on the woman's behalf, seeking a review of council's decision to take no further action.

Issues for investigation

We sought to establish whether council and its staff had acted lawfully and/or reasonably in:

- exhuming the son's remains
- carrying out the double interment
- responding to the woman's complaint (including the refusal to exhume her mother's coffin).

We also considered whether the new Standard Operating Procedure for the Mount Isa and Camooweal Memorial Cemeteries produced by council following this incident was adequate.

Investigation and findings

We found:

- the decision to exhume the son's remains was taken unlawfully because neither the council nor an authorised delegate had made the decision, as was required under its cemeteries local law
- council had not obtained approval from an authorised person to deepen the grave, thus breaching its cemeteries local law
- the sexton exercised reasonable care in undertaking the exhumation and double interment
- there was insufficient evidence to conclude that the object found in the excavated material and shown to the local doctor was human remains
- council's refusal to exhume the mother's coffin was reasonable because there was no greater likelihood of damage having occurred to the coffin at the time of burial or subsequently, than in relation to any other burial and damage may have been caused if an attempt had been made to exhume it
- council's explanation that its workers had been unable to dress the grave because of an approaching storm amounted to a valid workplace health and safety excuse. However, council's failure to tidy the grave site until the following Monday was unreasonable
- council's response to concerns raised by the woman and the local member was reasonable in that an investigation was immediately undertaken by a senior officer, an apology was given by the CEO for the state of the grave site over the weekend following the funeral, action was taken to sieve the material to locate any remains and regular contact was maintained with the woman
- council failed to make and keep proper records of decisions and authorisations relating to the double interment.

Section No.:

2

Section Title:

Accountability matters

Case Studies:

Local government

Page No.:

2 of 6

Recommendations and outcome

We made 11 recommendations to council, including:

- council delegate its local law decision-making authority about exhumations to the CEO
- if appropriate, the CEO sub-delegate this authority to the officer responsible for cemetery operations
- council grant appropriate authorisations to persons who exercise powers under the local law and ensure those persons have relevant qualifications or appropriate training
- council ensure authorised persons are in attendance when exhumations are conducted
- council review its Standard Operating Procedures to ensure officers tidy up grave sites on the day of a funeral, or at the first opportunity on the day immediately following, regardless of weekends or public holidays
- council review its Standard Operating Procedures to ensure consistency with local laws and, include information about the decision-making process for exhumations, delegations and authorisations
- council train relevant staff on the local laws and Standard Operating Procedures
- council improve its record-keeping systems.

The council accepted all of our recommendations.

Investigation and findings

We investigated a number of the council's administrative actions, including:

- its contractual processes and actions in assessing the tender
- whether the contract was awarded under proper delegation
- whether the tender assessment panel correctly applied the evaluation criteria
- whether the panel failed to remedy an error in the tender documents
- whether the decision to award the tender was tainted by bias
- council's response to the complaint.

We formed the view that some of the administrative actions of the council were unlawful, unreasonable, unjust and/or otherwise wrong. These included:

- calling for and assessing the pig-trapping tenders
- responding to the complaint received from the trapping company.

We found:

- the officer who gave approval to the successful tenderer to begin performing the contract was not authorised to do so by the council
- the officer who signed the contract was not authorised to do so as the council had not delegated its power to the officer to enter into the contract
- the panel inconsistently and unreasonably applied tender evaluation criteria, and made a number of scoring errors
- council did not provide external panel members with any guidance in properly completing tender documentation
- there was an error in the tender documents, in that the quoted price of the successful tenderer was for a shorter period than the other two short listed tenderers. This error was not discovered despite council being aware that its tender documents contained an error in the tender time period. The tender was therefore awarded on the basis of a mistake of fact caused by the error in pricing
- council acted unreasonably by allowing a panel member to remain on the panel when there were allegations that he had made adverse public comment about a tenderer and the allegations had not been investigated
- the actions of that panel member towards the owner gave rise to a reasonable apprehension of bias
- council's response to the complaint was inadequate.

Despite the relevant panel member's denial, we found that the member had asked the owner of the trapping company a specific question about his relationship with members of the community. We found that the question was unfair as other tenderers were not asked a similar question and the panel members had not believed the owner's response. Furthermore, the question was not properly particularised to enable the owner to understand the allegation or respond adequately.

CASE STUDY 2**Feral pig trappers suffer bias in tender process****Background**

A trapping company held a contract with the former Douglas Shire Council, (now called Cairns Regional Council) for the removal of feral pigs on council land.

Towards the end of the contract period, council called for tenders for the removal of feral pigs on certain land. Some of the land was owned by the council and other parts were separately owned by a state government agency and a private foundation. While the new contractor was to be employed by the council, the project was a partnership between council and the other two land owners. A representative of each land owner sat on the assessment panel.

A short list of three tenderers was established. After an interview with the panel, the owner of the trapping company was informed that his tender was not successful.

The owner alleged that before the tender was issued, one of the panel members made adverse public comment about his company and was biased against him. The owner also alleged that the same panel member had asked him a question in the interview that was not asked of other tenderers, which was evidence of bias.

The owner complained that council's actions in calling for and awarding the tender were unfair.

Between receiving the complaint and concluding our investigation, council was amalgamated into a new local government area, the Cairns Regional Council.

Section No.: 2

Section Title: Accountability matters

Case Studies: Local government

Page No.: 3 of 6

Recommendations

We made a number of recommendations to the new council under s.50 of the Ombudsman Act. We recommended that the new council:

- ensure all tender assessment panel members receive adequate training and guidance about their responsibilities and obligations, and about tender assessment procedures
- in future, correct all known errors in tender documents in writing
- provide adequate training to officers on procurement procedures and policies
- provide training to officers to ensure full and accurate records are kept.

We also recommended that the council not extend the contract but issue a new tender for these services.

Outcome

The new council accepted all but one of our recommendations and has begun implementing them.

The council explained that it was unable to implement the recommendation to issue a new tender because there was insufficient time to do so prior to the end of the contract period, significant gains had been made in the eradication of feral pigs in the last 12 months and the level of service provided warranted the option of the contract period being extended for 12 months. We accepted the council's reasons.

However, the council agreed to go to tender for the services if they were still required at the end of the extended contract period.

CASE STUDY 3

Investigation into councillor code of conduct

Background

A councillor on the Hinchinbrook Shire Council wrote a letter to the local newspaper expressing her regret over the council's continued practice of holding confidential briefing sessions on various issues, some of which would normally have been dealt with under the item 'general business' on council meeting agendas.

Her letter was consistent with her pre-election commitment to support the return of 'general business' to the agenda.

In response to the councillor's letter, another councillor brought a complaint alleging she had breached the Code of Conduct for Councillors (Code).

The complaint was forwarded to an external reviewer by the council CEO. In his letter of instruction to the external reviewer, the CEO expressed his opinion that the councillor had breached the Code by not upholding the integrity of council and maintaining and strengthening the public's trust and confidence in council's actions.

The CEO also:

- made several statements regarding the adverse views of the complainant held by other councillors
- included background information beyond the scope of the complaint
- outlined the history of disagreements between the councillor and the rest of the council

- included his opinion that the councillor regularly leaked information to the local print media.

The external reviewer's report stated that the councillor had breached three sections of the Code and recommended she be reprimanded. Council gave the councillor an opportunity to respond to the report before determining that she had breached the Code and giving her a written reprimand.

The councillor alleged the CEO's instructions to the external reviewer and his investigation were inadequate because, among other things:

- the instructions included information beyond the scope of the complaint
- the instructions included the CEO's opinion that she was guilty of the breach
- the external reviewer had pre-judged the issue.

The councillor argued that the alleged breach of the Code was vexatious and without substance.

She also alleged that council's actions in making the informal briefing sessions confidential were illegal, as s.463 of the *Local Government Act 1993* did not generally authorise councils to close meetings for such a purpose.

Investigation and findings

We investigated the following administrative actions of council:

- the referral of the complaint by the CEO to the external reviewer
- whether the investigation was adequate and the findings and penalty appropriate.

An investigation into council's meeting procedures was not required because the (then) Department of Local Government was already investigating this issue. A report was issued by the department and the council agreed to significantly change its procedures.

We found that the CEO's decision to refer the complaint to the external reviewer was reasonable.

However, his letter of instruction to the reviewer was unreasonable because he:

- expressed the opinion that the councillor had breached the Code
- asserted that his opinion was shared by the other councillors
- expressed the opinion that the councillor had leaked confidential information to the media about the council.

The letter gave rise to a reasonable apprehension of bias in relation to the investigation and, in those circumstances, the external reviewer should have advised the CEO he could not investigate the complaint. The CEO could then have prepared more appropriate instructions for another external reviewer.

The council's finding that the councillor had breached the Code was wrong and based on an incorrect interpretation of the Code. We found the councillor had not misused any confidential information, and the Code does not prevent a councillor from expressing disagreement with a council's decision that is already a matter of public record. Further, the council's finding was based in part on irrelevant information, namely, that the councillor's letter had resulted in public criticism of the council. In our view, such criticism by others did not demonstrate a lack of respect on the councillor's part for other councillors sufficient to breach the Code.

Section No.:

2

Section Title:

Accountability matters

Case Studies:

Local government

Page No.:

4 of 6

Recommendations and outcome

We recommended that when issuing instructions to an internal or external reviewer, the CEO should ensure that the letter of instruction does not convey any opinions or assumptions and contains relevant factual information only.

We recommended council nullify its previous resolution that the councillor had breached the Code and withdraw its reprimand. We also recommended council correct the public record by publishing an addendum to its annual report in which the councillor's alleged breach had been reported.

The council accepted all of our recommendations.

CASE STUDY 4**Indigenous heritage consultant not paid for work****Background**

The complainant, an indigenous cultural heritage consultant, met with officers of Cairns City Council (now Cairns Regional Council) to discuss providing an indigenous cultural heritage training program to council staff. The consultant said that she was then asked to train 300 staff and 30 managers.

The consultant developed the training material and provided it to council. She submitted quotes for the cost of developing three training courses and later submitted invoices to the council totalling about \$25,000.

Council refused to pay any of the invoices on the basis that it had no records that a contract or agreement had been entered into with the consultant to supply training or to develop training materials for the exclusive use of council.

After realising council had retained the training material, the consultant submitted amended invoices to reflect council's use of copyright and intellectual property. Other amounts were also claimed, totalling approximately \$35,000.

Council also refused to pay the amended invoices as it denied the existence of a contract with the consultant for the provision of services. Although it conceded that the material was reviewed by its officers, the council denied that it had used the material and stated that the material had been destroyed.

Investigation and findings

We investigated whether the consultant reasonably believed that council had agreed to the work being carried out.

We found that a series of meetings and information exchanges had occurred between the consultant and council officers. Over time, the consultant provided work progress reports and sought clarification on specific elements of the training program she was developing.

We found council's conduct was unreasonable and unjust in dealing with the consultant because:

- its responses to information provided by her led her to reasonably believe she had been engaged, or would be engaged, by the council to deliver training

- as a result of that belief, she incurred significant expenses she would not otherwise have incurred and did a significant amount of work she would not otherwise have done.

Council did not provide reasons when rejecting the training proposal, which we also considered to be unreasonable in the circumstances. Further, there was evidence of poor record-keeping by the council which did not comply with the requirements of the *Public Records Act 2002*.

Recommendations and outcome

We examined invoices submitted by the consultant and found council should not be responsible for some of the items claimed. Therefore, we recommended that council:

- make an ex gratia payment of approximately \$17,000 to compensate the consultant for expenses she incurred as a result of council's unreasonable administrative action
- amend its procurement policy to improve the way officers deal with approaches from people wishing to provide goods or services to council and provide training to its staff in procurement requirements
- improve record-keeping policies and procedures to ensure compliance with the Public Records Act, and provide training to its staff in record-keeping requirements.

The council accepted all of our recommendations.

CASE STUDY 5**Council objects to lease renewal application on Crown land****Background**

The complainants held a lease over a property on Magnetic Island. The lease was initially granted by the Department of Natural Resources and Water (DNRW) for 30 years.

The original leaseholder had applied to DNRW in 2005 to renew the lease and was advised by DNRW that she must seek the written views of the Townsville City Council and pay a \$390 council-imposed fee. Not all Queensland councils impose a fee for this service. DNRW's policy was that where it knew that the relevant council would charge a fee, it would require the applicant to seek the views of the council so that DNRW would not incur the fee.

The council provided DNRW with a written objection to the renewal of the lease.

The complainants then purchased the lease in 2006 and also sought its renewal. They were advised by DNRW that council had objected to the renewal of the lease.

They complained to us, alleging that council acted improperly in objecting to the renewal of the lease because:

- council had no statutory power to object to the renewal of the lease
- council's objection to the lease renewal was improper as it denied them procedural fairness, was unreasonable, unlawful, made without evidence and wrong.

Section No.: 2

Section Title: Accountability matters

Case Studies: Local government

Page No.: 5 of 6

Investigation and findings

We considered that it was reasonable for DNRW to obtain the views of the council, even though there was no statutory process by which the council could object to the lease renewal.

However, we considered that it was unreasonable for DNRW to require a lease renewal applicant to seek a council's views, in circumstances where DNRW knew that the council would charge a fee for providing those views.

We also considered that council's objection included irrelevant information and unsubstantiated assertions. The original objection was also prepared by an officer without proper delegation.

We found there was no obligation on council to provide the leaseholder with procedural fairness, as this was the role of the officer in DNRW who was the decision-maker. We had no concerns regarding the fairness of the process.

Finally, we concluded that it was improper for council to charge the fee because the fee was not authorised under the *Local Government Act 1993*.

Recommendations and outcome

We made a number of recommendations, including that council:

- reconsider the issue of the lease renewal and resubmit any objection it wished to make based on satisfactory evidence and under proper delegation
- provide a copy of any resubmitted objection to the complainants
- refund the fee to the original leaseholder and all other applicants who had paid the fee in the previous four-year period.

The council accepted all of our recommendations. It also decided to submit a revised objection to DNRW. The complainants will have an opportunity to respond to DNRW on the council's objection before a final decision is made on the renewal of the lease.

CASE STUDY 5**Council response to complaint unreasonable****Background**

A man owned a property that backed onto a canal and included a boat ramp constructed around 1990.

Cracks started to appear in the boat ramp in mid 2005, which coincided with low levels of sand around the adjacent revetment wall. In June 2005, heavy rain caused flooding to the canals.

The Gold Coast City Council canal maintenance program required dredging every three years. The council had dredged the canal in November 2002. The man complained that dredging was not conducted when it was due in November 2005 and this led to the failure of his boat ramp.

In January 2006, the man complained to the council about the condition of his revetment wall and boat ramp. Council officers inspected his property and carried out dredging. The man's neighbour undertook dredging around his own pontoon at around the same time.

In March 2006, the man demanded council provide compensation to replace the boat ramp. Council again inspected the ramp in April 2006 and denied liability, without providing reasons. In the meantime, dredging was conducted again in April 2006 as part of council's canal maintenance program.

In May 2006, we declined to investigate an initial complaint because council was yet to reach a decision. Council then informed the man that it denied liability for the ramp but did so without providing reasons.

In October 2006, the man contacted us again after council failed to respond to his request for review of the initial decision. Council initiated a second investigation into his complaint and the CEO advised us that a report about the boat ramp was being sought from 'engineering experts in the field'. Based on this advice, we considered our involvement to be premature.

In November 2006, council instructed a loss adjuster to investigate and report on the man's concerns. The report stated the delay in dredging may have contributed to damage to the boat ramp and advised council to seek expert engineering advice if it intended to deny the claim.

Council did not seek engineering advice, but sought legal advice on issues regarding its city-wide responsibility to maintain revetment walls.

In May 2007, the man notified us that council had not responded to his complaint. Council advised us that it did not want to respond to the complaint until 'a city-wide solution' regarding maintenance of revetment walls was developed.

It wasn't until October 2007 that council again advised the man that it denied liability for the boat ramp. It claimed that the damage could have been caused by five factors outside of council's responsibility.

Investigation and findings

The man alleged council's failure to dredge the canal regularly led to the damage to the boat ramp and that council should meet part of the cost of replacing it. He was also dissatisfied with how council had handled his complaint, in particular, the delay and failures to respond to him.

During our investigation, council argued that the loss adjuster's report was not an expert engineering report, and therefore could not be relied upon. Council argued the factors that may have contributed to the boat ramp's collapse could only be identified by an expert engineer.

Council admitted that it had not instructed an expert engineer, despite having told us in November 2006 that it would do so. Further, the five factors identified by council in its letter denying liability for the boat ramp were not based on any expert report and were not the same factors identified in the loss adjuster's report. Council's letter denying liability also failed to mention the one factor identified in the loss adjuster's report that could have resulted in some liability for the council (the delay in dredging).

Section No.:

2

Section Title:

Accountability matters

Case Studies:

Local government

Page No.:

6 of 6

We concluded that some of council's administrative actions in dealing with and responding to the complaint were unreasonable and/or wrong. In particular, council had acted unreasonably in:

- failing to respond to the initial complaint in writing
- failing to carry out sufficient inquiries before denying liability for the boat ramp, and not providing reasons for this denial
- incorrectly characterising the complaint as a request for services, rather than complying with the requirements of its complaints policy
- sending the final letter denying liability in October 2007 without a proper basis for the assertions in that letter
- instructing loss adjusters rather than engineering experts in November 2006, and ignoring a recommendation by the loss adjusters to instruct expert engineers if it intended to deny liability
- unreasonably delaying its response to the complainant until October 2007.

We also formed the opinions that:

- the CEO's advice provided to us in November 2006 about council obtaining an expert opinion was incorrect and misleading
- council failed to adequately keep us informed of its actions and advise us that it did not intend to follow the loss adjuster's advice.

Finally, we commented adversely on council's failure to provide to us its entire file relevant to the complaint. Throughout the later stages of our investigation, the council continued to find further relevant documents that should have been provided in response to our previous requests.

Recommendations

We made a number of recommendations to council, including that it:

- amend its complaints policy to provide a process to be followed when a complaint includes a claim for compensation
- comply with the timeframes set out in its complaints policy
- comply with record-keeping obligations under IS40 and the Public Records Act.

We also recommended that council instruct a qualified engineering expert to investigate the cause of the boat ramp damage and consider whether council had any liability for that damage. We recommended that council, after receiving the report, reconsider whether it should contribute to the costs of removing and replacing the boat ramp.

Finally, we recommended that when responding to future requests from us, the CEO take steps to ensure council provides accurate information and all relevant documents in a timely manner.

Outcome

Council accepted our recommendations and undertook to implement them during the ongoing review of its complaints policy.

Council instructed an engineer who inspected the boat ramp and provided a report to council on the causes of the damage. On the basis of the report, council again decided that it was not liable for the damage to the boat ramp. This time we were satisfied that it had made its decision on reasonable grounds.

CASE STUDY 6

Unauthorised wastewater device approved by council

Background

While constructing a new house in 2005, an owner-builder applied to the former Hervey Bay City Council to install an on-site sewerage facility (OSF). The owner-builder wanted an OSF with a sand filter component. She said a council officer recommended a particular type of OSF that had been installed in other premises in Hervey Bay and a plumber who could install the device. Installation was completed in August 2005.

After the OSF was installed, the owner-builder claimed that it did not comply with the *Plumbing and Drainage Act 2002*. To fix the problem, she asked council to install at its own expense a compliant sand-filtered OSF. She was unable to occupy her new residence until council issued a compliance certificate under the Act for all plumbing, sewerage and drainage work undertaken on her premises.

Investigation and findings

Under the Act, council was unable to approve the work unless satisfied that the type of OSF had approval from the chief executive of the state department administering the Act. In this case, part of the OSF, comprising the sand filter, did not have the necessary approval.

We found:

- council's practice of not requiring device details to be included on an application was unreasonable, as the absence of such information would prevent council from ensuring the device complied with the Act
- council's approval of the OSF to be installed on the complainant's premises was unlawful, as the device did not comply with the Act
- there was insufficient evidence to conclude that a council officer had recommended a particular OSF or plumber to the owner-builder.

Recommendations and outcome

We recommended that council:

- at its own expense, replace the non-compliant sand filter with a similar device that complied with the Act
- implement procedures to ensure information about the type of OSF device to be installed and any plumbing code authorisation or chief executive approval is included in applications for compliance assessment of on-site sewerage work.

The new Fraser Coast Regional Council accepted both recommendations and agreed to install a compliant sand filter on the property. Once installed, the owner-builder would be able to apply for the issue of the requisite compliance certificate in order to occupy the residence.

University matters

In 2007–2008, we reported that university complaints had increased by 15% (from 113 to 130). This year, they rose by 40% (from 130 to 182). Over the past three years they have escalated by 146% (from 74 to 182).

As was observed last year, the greatest number of complaints were from international students seeking external review of university decisions to terminate their enrolment. Such decisions can lead to a student's visa being cancelled by the Commonwealth Department of Immigration and Citizenship (DIAC), and therefore international students are highly motivated to pursue all available avenues of review and appeal. While their complaint is being considered by our Office, the university is unable to proceed to cancel the student's enrolment, and thus the possibility of visa cancellation is also on hold.

As we reported last year, in 2007 the Commonwealth Department of Education, Science and Training issued a new *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007* (the National Code 2007) in accordance with the *Education Services for Overseas Students Act 2000* (Commonwealth). The National Code 2007 includes 15 standards that tertiary education providers have been required to comply with since 1 July 2007.

Standard 8 requires that before a tertiary education provider can exclude a student from enrolment, it must ensure that the student, if unsuccessful in an internal appeal, is advised of their external appeal rights. While not obliged to nominate the Ombudsman as the external review body, in practice, several universities ordinarily refer dissatisfied appellants to our Office.

We anticipate that this category of complaint will continue to increase.

Universities complained about

Griffith University accounts for around half of the complaints we receive about universities (49%). Two reasons for this are the significant numbers of overseas students attending the university, and Griffith's practice of clearly informing international students of their external appeal rights, including to make a complaint to our Office.

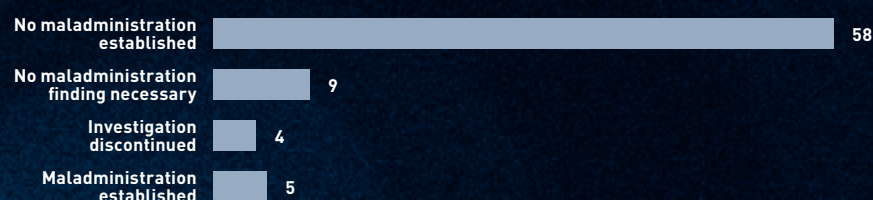
Around 17% of complaints were about the University of Queensland. Other universities registered 18 or fewer complaints. Queensland University of Technology and the University of Southern Queensland were the only universities to record a reduction in complaints.

“We investigated 76 complaints about universities. In 93% of investigations, maladministration was not identified.”

76

complaints about universities were investigated

FIGURE 8: OUTCOMES OF INVESTIGATIONS ABOUT UNIVERSITIES



146%

Over the past three years, complaints about universities have increased by 146%

TABLE 18: UNIVERSITIES COMPLAINED ABOUT

	2006-07	%	2007-08	%	2008-09	%
Griffith University	23	20%	46	35%	89	49%
University of Queensland	30	27%	30	23%	30	17%
James Cook University	9	8%	11	9%	18	10%
Central Queensland University	12	11%	8	6%	16	9%
Queensland University of Technology	15	13%	18	14%	11	6%
University of Southern Queensland	14	12%	13	10%	7	4%
University of the Sunshine Coast	9	8%	1	1%	5	3%
Out of jurisdiction universities*	1	1%	2	2%	3	2%
Unspecified	-	-	1	0.8%	3	2%
Total	113	100%	130	100%	182	100%

* Bond University and the Australian Catholic University are outside the jurisdiction of the Ombudsman

Recommendations made to universities

We investigated 76 complaints about universities, with outcomes shown at (Figure 8). In 93% of investigations, maladministration was not identified. We found the decisions of universities involved maladministration in five cases (7%):

- a university's appeal process did not comply with the National Code 2007
- the process followed by a university's appeals committee was inconsistent with its policies

- a university's rules did not allow for exceptional circumstances to be considered
- a student was unreasonably refused access to a course because he had previously refused an offer
- a student was not given sufficient notice of his probationary status so his subsequent exclusion was unfair.

In each of these cases we made recommendations to the respective universities to address the issues identified in our investigations. All of our recommendations were accepted.

In nine other cases involving universities, the complaint was resolved as a result of our intervention and so we did not need to investigate whether there had been maladministration.

Section No.: 2

Section Title: Accountability matters

Case Studies: University matters

Page No.: 1 of 1

CASE STUDY 1

QUT reviews appeal process after excluding under-performing student**Background**

An international student was excluded from the Queensland University of Technology (QUT) because of unsatisfactory course progress. His appeal to the QUT Appeals Committee was unsuccessful. The student contacted us, complaining that the appeal process was unfair because he was not provided with an opportunity to appear in person before the Committee to present his appeal.

Investigation and findings

Our investigation considered the requirements of the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*. The Code contains nationally consistent standards for the conduct of registered education providers for international students. Standard 8, which relates to complaints and appeals, states that a university's complaints and appeals process should provide a student the opportunity to formally present their case.

Our inquiries with the Commonwealth Government department responsible for establishing the Code indicated that an education provider has the discretion to decide whether a student can present a written submission or personally appear before an Appeals Committee.

The Code also requires the education provider to provide the student with a written statement of the outcome, including reasons for the outcome. During our investigation, we found that an internal faculty committee provided a recommendation to the Appeals Committee containing reasons for its recommendation to dismiss the student's appeal. The Appeals Committee adopted the recommendation when making its final decision but failed to communicate the reasons for its decision to the student.

Recommendations and outcome

Our investigation indicated the student had not requested attendance before the Appeals Committee to personally present his appeal. Having considered his appeal submission, we were satisfied that there were no issues the student could have raised had he appeared before the Committee that he had not already raised in his initial submission.

Despite this, we were not satisfied that QUT's appeal process complied with the Code and good administrative practice. We recommended QUT develop guidelines to assist the Appeals Committee in exercising discretion over whether to invite a student to personally appear before it to present submissions or clarify issues. We also recommended that QUT undertake a review of its general process to ensure a consistent approach to the provision of reasons by both the internal faculty committee and Appeals Committee.

QUT agreed to implement our recommendations.

CASE STUDY 2

Griffith University's late probation notice leads to re-enrolment and process review**Background**

An international student was excluded from Griffith University for unsatisfactory course progress. The student appealed to the university's Appeals Committee, claiming his poor academic performance was caused by medical conditions that the Committee had failed to properly consider. His appeal was unsuccessful.

Investigation and findings

After reviewing the situation, including the student's medical certificates and supporting documentation, we were not satisfied that the student's medical conditions contributed to his poor performance. In the absence of any other information about the Committee's decision, we initially considered there was no basis for us to intervene.

During our investigation, we discovered the student had not been placed on probation for a full semester, as required by the university's policy in circumstances where a student has a cumulative grade point average of less than three at the end of a semester. Also, the university had not prepared a report showing all students with unsatisfactory performance or course progress until late in the semester, which resulted in notice of the probation only being provided to the student shortly before the examination period.

We considered it was unreasonable for the university to exclude the student as he had not been made aware of his probation status for the full semester, as required by the university's policies. Had the university undertaken this process in accordance with its policies, the student would have had a reasonable opportunity to address his poor academic performance before the end of the semester.

Recommendations and outcome

We recommended that the university allow the student to re-enrol to enable him to continue his Bachelor degree with the academic standing of probation for a full semester.

The university agreed to re-enrol the student on probation. It also informed us that:

- ➔ students the subject of probation or exclusion during a semester would be advised to seek assistance to improve their academic performance
- ➔ students would be advised of the conditions imposed on them should their performance fall below the required standard.

We also recommended that the university review its academic standing procedures to ensure students are not placed on probation or excluded during a semester.

The university agreed to implement our recommendations.

Major investigation matters

We completed three major investigations in 2008–2009. Two were own-initiative investigations into Queensland Corrective Services. The third was about contract processes used in the Department of the Premier and Cabinet.

MAJOR INVESTIGATION 1

The classification and movement of prisoners report

Background

Security classification and placement reviews of prisoners are conducted by Queensland Corrective Services (QCS) through a process known as a security classification and placement assessment (SPA).

Each correctional centre has an Offender Management Team to make assessments and provide recommendations about the security classification, placement and transfer of prisoners. The chief executive or a delegate then makes these decisions. All decisions are recorded on a SPA form.

The new Corrective Services Act, which commenced in 2006, removed a prisoner's right to apply for judicial review of decisions about security classifications and transfers. Prisoners dissatisfied with these decisions can apply to have them reviewed through internal QCS processes. However, our Office is the only independent body external to QCS that can review these types of decisions.

Previous investigation

In 2007, a prisoner complained to us about a QCS security classification and placement decision. The prisoner had allegedly breached discipline and had been transferred to a higher security prison while the breach was investigated.

Following a QCS investigation, the prisoner was not charged with any breach. Despite this outcome, and despite the prisoner having a low security classification, the QCS delegate decided the prisoner should remain at the higher security prison.

The QCS delegate did not follow the Offender Management Team's recommendations for the prisoner to be returned to the original prison. The delegate failed to record any reasons for the placement decision and did not provide any reasons to the prisoner, who wished to be transferred.

We investigated the complaint and recommended that QCS:

- provide reasons for security classification decisions
- provide reasons to the prisoner when a placement decision made by a QCS delegate does not follow the recommendations of an Offender Management Team.

Following correspondence and meetings with QCS' acting chief executive, we believed QCS had agreed to implement both recommendations. We also understood the acting chief executive would ensure delegates provided reasons for their decisions unless, in the circumstances of a particular case, security concerns prevented some/all reasons from being given.

Some time later, the same delegate carried out another assessment of the prisoner's placement. The delegate again failed to follow the Offender Management Team's recommendation that the prisoner be returned to the initial prison, did not record reasons for the decision and did not provide reasons to the prisoner.

Major investigations

Investigation and findings

We conducted an own-initiative investigation into QCS' security classification, placement and transfer practices and procedures to determine whether the maladministration in the prisoner's case was present in the management of other prisoners.

The investigation aimed to:

- determine QCS officers' compliance with legislation and with QCS' procedures surrounding security classification, placement and transfer of prisoners
- determine the adequacy of those practices and procedures
- identify and recommend improvements to those practices and procedures.

The investigation included a review of the files of 200 prisoners serving sentences of 10 years or more and workshops and interviews with relevant QCS officers and also with prisoners. Our investigation identified serious deficiencies in QCS' administrative practices. In particular, we found that in a significant number of the cases we examined, QCS officers had failed to:

- give prisoners adequate reasons for decisions about security classifications as required by the Corrective Services Act
- record and provide prisoners with adequate reasons for placement decisions
- advise prisoners of their right to apply in writing to the chief executive for a reconsideration of a transfer decision.

Recommendations and outcome

We made 15 recommendations to address the deficiencies we had identified, including:

Security classification and placement recommendation

- QCS develop and implement procedures and guidelines requiring an Offender Management Team to inform prisoners at review meetings of factors that may adversely affect the prisoner's security classification or placement assessment unless this disclosure could prejudice the security or good order of a centre.

Security classification recommendation

- QCS develop and implement procedures and guidelines requiring corrections officers to record in SPA forms adequate reasons for security classification decisions and provide a print-out of these forms to prisoners within two days of the decision.

Placement recommendations

- QCS develop and implement procedures and guidelines to ensure reasons for placement decisions are recorded in SPA forms, unless this disclosure could prejudice the security or good order of a centre.

- QCS develop and implement procedures requiring that prisoners be given a print-out of the SPA form immediately after placement decisions are made.
- QCS develop and implement procedures requiring records to be kept of when print-outs of the SPA are provided to the prisoner, including written acknowledgement from the prisoner (if practicable).
- QCS make changes to its electronic information management system to ensure all information entered in SPA forms can be easily printed or reproduced electronically.

Transfer recommendations

- QCS develop and implement procedures to ensure prisoners are made aware of their right to apply to have a transfer decision reconsidered, in enough time for them to make an application.
- QCS develop and implement procedures to ensure reasons for transfer decisions are recorded and provided to prisoners, unless disclosing them to the prisoner could prejudice the security or good order of a centre.
- QCS develop and implement procedures and guidelines to ensure information entered in a SPA form is sufficient to clearly show the purpose for which the form was created, namely, to record:
 - » outcomes of security classification or placement reviews
 - » prisoner transfers occurring at the prisoner's request and unrelated to a review
 - » prisoner transfers to facilitate a medical appointment, court appearance or leave of absence.
- By 31 December 2010, the Chief Inspector of QCS review and assess the extent of compliance by correctional officers with QCS procedures and guidelines for the security classification, placement and transfer of prisoners.
- QCS provide a copy of the Chief Inspector's report to the Ombudsman's Office within 14 days of receiving it.

Confidential information

- QCS record any reasons or other information relevant to decisions about security classifications, placements or transfers, that cannot be given to a prisoner for security reasons, in a confidential document.

QCS agreed to implement all of our recommendations. The Ombudsman's report of this investigation, titled *The Classification and Movement of Prisoners Report* was tabled in Parliament outside the reporting period on 23 July 2009.

Major investigations

MAJOR INVESTIGATION 2

The Q150 contract report

Background

As part of the celebration for Queensland's 150th anniversary, former Premier, the Honourable Peter Beattie, arranged for Professor Ross Fitzgerald to write a commemorative history of Queensland.

Having selected the author, Mr Beattie directed the then Director-General of the Department of the Premier and Cabinet (the department) to implement his decision by preparing a contract between the state and Professor Fitzgerald.

Mr Mark McArdle MP, the then leader of the Queensland Liberal Party and Member for Caloundra, complained to our Office that normal accountability processes had not been followed and other potential authors were not considered in awarding the contract to Professor Fitzgerald.

Investigation and findings

We conducted a number of interviews with individuals involved in the procurement process and reviewed the department's relevant policies and procedures. We also investigated the procurement process that led to Queensland University Press being engaged to publish the history.

Our investigation established that Mr Beattie had decided the commemorative history was to be authored by Professor Fitzgerald, and his decision had been approved by the Cabinet Budget Review Committee. Mr Beattie then directed the department's Director-General to implement this decision, and the Director-General had directed departmental officers accordingly.

As we do not have jurisdiction to investigate the decisions of the Premier or the Cabinet Budget Review Committee, the focus of our investigation was on the actions of the department's officers in implementing the decision.

We found that departmental officers believed that, to give effect to the decision, they had to complete documentation for each relevant contract to justify exempting the contract services from the department's normal competitive offer procedures.

Therefore, they produced documentation indicating there were reasons for exempting the contracts from the standard competitive tendering process, without indicating the true reason for the exemptions was the fact that the decision had already been made by Mr Beattie.

We considered such actions were unnecessary and potentially misleading as they gave the impression the department had made the decisions by itself and in accordance with normal procedures. Further, the documentation that was produced contained insufficient detail to justify the exclusions sought.

We also considered that the decision to appoint the particular officer who oversaw the contract process to that role was unreasonable, as the contract was of considerable public significance and the officer had not received adequate procurement training.

We received submissions from almost every party involved in the contract process, which were taken into account in finalising our investigation and report. The report was tabled in Parliament in December 2008.

Recommendations and outcome

To address the administrative deficiencies we had identified, we recommended that:

- the department amend its agency purchasing procedures to improve officers' understanding on the meaning of certain terms
- exemption documents include sufficient information about the reason exemption is being sought from obtaining other quotations
- where a Minister or Cabinet has decided that the department is to enter into a contract with a specified provider, officers preparing the contract must make a record of the decision on the file relating to the contract
- the Department of Public Works consult with government and issue all agencies with guidance on appropriate procedures for managing contract processes where a Minister or Cabinet has made a decision that requires a department to enter into a contract with a specified provider
- the department ensure staff involved in significant purchasing matters receive adequate training.

The Director-General of the Department of the Premier and Cabinet and the Director-General of the Department of Public Works agreed to implement all of our recommendations and we are involved in ongoing consultation to monitor their implementation.

MAJOR INVESTIGATION 3

A review of Queensland Corrective Services' management of breaches of discipline by prisoners

The statutory framework for the discipline system for prisoners is provided in the *Corrective Services Act 2006* in chapter 3, part 1, which is titled 'Breaches of discipline by prisoners'.

In August 2008, we commenced an own-initiative investigation into the practices and procedures of Queensland Corrective Services (QCS) in relation to breaches of discipline ('breach') proceedings. We decided to conduct the investigation because of the significant impact breach decisions can have on prisoners' access to privileges and on their progression through the prison system. We were also mindful of the limited access prisoners have to independent review of those decisions. A fair and effective discipline system is also vital to proper management of a prisoner.

The investigation was conducted by, among other things, reviewing a sample of 200 minor and major breach proceedings, including the video tapes of hearings for major breaches, and holding discussions with QCS officers at three South-East Queensland correctional centres.

Although the investigation was substantially finalised before 30 June 2009, we intend to provide a full report on the investigation to Parliament in the new financial year. The report will include a substantial number of recommendations for administrative improvements. Therefore, it is premature to provide details of the outcome of the investigation in this annual report.

Implementation updates

IMPLEMENTATION UPDATE 1

Queensland Mines Inspectorate – the regulation of mine safety in Queensland

Mine safety in Queensland is regulated by the Queensland Mines Inspectorate (QMI). In 2007–2008, we concluded an own-initiative investigation into the effectiveness of QMI's regulatory activities. Our report, containing 44 recommendations, was tabled in Parliament in June 2008.

We found most of QMI's activities centred on providing informal advice and recommendations to mine operators. This created the perception that QMI did little to enforce mine safety and was too close to the mining industry, though we were satisfied that this was not the case.

The then Department of Mines and Energy accepted all of our 44 recommendations and the new Department of Employment, Economic Development and Innovation is in the process of implementing them.

One of our key recommendations was that a Commissioner for Mine Safety be established by legislation to advise the Minister on mine safety matters and to report to Parliament on the performance of the QMI and the regulation of mine safety in Queensland.

In early June 2009, the Queensland Government announced that it would amend legislation allowing the appointment of the state's first Mine Safety and Health Commissioner. The first Commissioner has since been appointed.

The Commissioner is responsible for advising the Minister on mine safety and health issues, acting as an advocate for mine safety and is required to provide written reports to Parliament on the performance of the QMI. The Commissioner can also commence prosecutions under Queensland's various mining safety and health laws.

In accordance with another recommendation we made, the legislation also makes it illegal to harass any person, including other mine workers, who provide information about safety concerns.

IMPLEMENTATION UPDATE 2

Redland City Council – the councillor code of conduct report

We investigated a complaint from a councillor of the Redland Shire Council (now the Redland City Council) about the council's investigation of an alleged breach of the Councillor Code of Conduct (the Code). Our report was tabled in Parliament in December 2007.

We made 10 recommendations, primarily concerning changes to the council's Code and its decision-making process in respect of possible breaches of the Code.

The only recommendation that has not been implemented to date is our recommendation that a councillor who is the subject of Code proceedings should not be present in council meetings when the matter is discussed or voted on.

Council advised that its further consideration of that recommendation will depend on its review of its Standing Orders [Subordinate Local Law No. 5 (Meetings)]. In May 2009, it advised that the review would be taking place later in 2009.

IMPLEMENTATION UPDATE 3

Environmental Protection Agency – administrative review

In 2006–2007, we made 151 recommendations to the Environmental Protection Agency (EPA) as part of an administrative review of the practices and procedures of its regulatory arm.

The recommendations aimed to improve the effectiveness, consistency, transparency and accountability of the EPA's administrative practices.

In 2008–2009, we monitored the EPA's progress in responding to our recommendations. Initially, we met with the EPA to discuss progress and later analysed a progress report it provided. We also considered the impact of significant amendments to the *Environmental Protection Act 1994* and new Environmental Protection Regulation 2008, which commenced in late 2008.

We noted that those amendments imposed on local governments the responsibility for regulating nuisance and minor water pollution, and gave them powers to enforce those laws. Some of our recommendations related to improving the coordination of responses to such events (including the clean up of contaminated sites) and we considered that the amendments may have rendered some of those recommendations irrelevant or impracticable. Therefore, we advised the EPA that we would review the situation after these new laws have been in operation for some time.

We also followed up on EPA's progress in implementing our recommendations for improvements to:

- investigative planning
- case progression, that is, practices that ensure cases are dealt with in a timely manner, such as bring-ups and appropriate supervision
- enforcement policies
- the procedure for selecting cases for more serious enforcement action
- the prioritisation of complaints about alleged offenders
- managing the expectations of the public, including people who complain about alleged offenders and the alleged offenders themselves
- proactive compliance programs
- EPA's database of procedures for compliance and investigations
- procedures governing which policies are to be publicly available.

We analysed the EPA's response to our queries on these issues. We were pleased to note that many of the EPA's recent improvements have taken into account the comments and recommendations in our report. However, we requested further particulars about nine matters mentioned in that response, which we did not receive until after the machinery of government changes came into effect on 26 March 2009. As a result of these changes, the EPA's resources have been transferred to the Department of Environment and Resource Management (DERM), along with the resources of the former Department of Natural Resources and Water.

Implementation updates

We decided to cease monitoring the implementation of our recommendations because:

- the merger is likely to result in new DERM procedures (many of our recommendations were about changes to procedures)
- DERM undertook to take into account our recommendations in developing those new procedures.

We recommended to DERM that it use our *Tips and Traps for Regulators* and accompanying Regulator's Audit Tool (available on our website) to help it ensure that the administrative practices it develops are effective, consistent, transparent and accountable. We have also offered to provide advice to DERM on this process.

IMPLEMENTATION UPDATE 4

Department of Main Roads – the Pacific Motorway report

We have been continuing to monitor the Department of Main Roads' (DMR) implementation of all 22 recommendations contained in the *Pacific Motorway Report*, tabled in Parliament in March 2007. The latest report we have received from the Director-General of DMR indicates that 19 recommendations have been fully implemented. The status of the implementation of the three remaining recommendations is as follows:

Recommendation 12 was that, to satisfy a commitment given by DMR (before construction of the motorway commenced) about baseline noise levels, DMR offer noise reduction treatments for all premises existing in 1996 that are within 300m of the motorway and will be exposed to a sustained increase in their baseline noise levels by 2011.

DMR has advised that the traffic noise modelling for the zone within 300m of the concrete section of the motorway has been completed.

Four hundred and nine premises, including two halls, two schools and three churches, have been identified as eligible to receive air-conditioning and mechanical ventilation noise treatments at an estimated cost of \$10.5 million. Another 69 premises have been identified to receive mechanical ventilation noise treatments at an estimated cost of \$250,000. Half of this work has been completed. The remaining work should be completed by June 2010.

Recommendation 13 was that DMR undertake noise modelling for the zone beyond 300m of the motorway to identify premises, existing before motorway construction commenced, that will be exposed to a sustained increase in their baseline noise levels by 2011 and that DMR offer noise reduction treatments for those premises.

DMR has advised that modelling for that zone is expected to be completed by late 2009. If additional premises are identified, DMR will consider the best way forward with completing in-house noise treatments.

Finalisation of **Recommendation 14**, concerning the development of a works program for the installation of all in-house treatments associated with the motorway, is dependent on the completion of modelling being undertaken for Recommendation 13.

IMPLEMENTATION UPDATE 5

Coronial Recommendations Project Report

The Coronial Recommendations Project analysed 72 inquest reports prepared by Queensland coroners in 2002 and 2003, involving 23 agencies. The Coronial Recommendations Project report was tabled in Parliament in December 2006. The investigation revealed systemic problems that reduced the effectiveness of the coronial system in Queensland, including the following:

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

The report contained seven opinions and three recommendations to address deficiencies we identified in public sector agencies frequently involved in coronial inquiries.

We also recommended several amendments to the *Coroners Act 2003* for consideration by the Department of Justice and Attorney-General as part of its review of the Act.

The *Coroners and Other Acts Amendment Bill 2008*, introduced into Parliament in October 2008, addressed some of our suggested amendments to the *Coroners Act 2003*. These included:

- Section 32(1)(b) will require the Notice of Inquest to include the issues to be investigated at the inquest
- Section 32(4) will require the Coroner's Court to publish a statement of the issues to be investigated at the inquest and the date, time and place of the inquest on the Office of the State Coroner's website
- Section 34(2) will provide that the Coroner's Court may publish, in a daily newspaper circulating generally in the state, a notice of:
 - » the matter to be investigated at the inquest
 - » the proposed issues to be investigated at the inquest
 - » the date, time and place of the conference set by the coroner.

The Coroners and Other Acts Amendment Act was passed after the reporting period ended.



Engagement matters

您
需要
提出
投诉
吗?

Public administration matters

An accountable and effective public administration requires officers to make sound decisions for the community. The Queensland Ombudsman has a statutory role to help agencies improve the quality of decision-making and administrative practices.

Our Complaints Management Program, which includes our training (p. 58) and newsletters (p. 58) for agencies is our key initiative in carrying out our statutory role.

Measuring state government agencies' compliance with Directive 13/06

During 2008–2009, we continued to audit state government agencies' compliance with *Directive 13/06* by asking them to complete questionnaires. Between July and December 2008 we audited the 38 responses we received and identified areas for improvement. We also audited agency websites to assess the visibility and accessibility of their complaints management systems. We also reviewed agency policies, procedures and other documents.

We then wrote to participating agencies outlining their level of compliance and providing recommendations for improvement. In 2009–2010, we will report publicly on our findings. The report will identify:

- whether agencies complied with *Directive 13/06*
- whether agencies achieved a level of best practice superior to the requirements of the Directive
- recommendations we made to agencies about how they could improve their complaints management systems and their responses to the recommendations.

Measuring local councils' compliance with the Local Government Act

During 2008–2009, we audited the compliance of local councils' complaints management systems against:

- the General Complaints Process outlined in the Local Government Act
- other best practice complaints management indicators.

We distributed self-audit toolkits to 56 councils in February 2009. All councils responded and we are presently assessing their responses. In May 2009, we also completed an audit of councils' websites that assessed the visibility and accessibility of their complaints management systems.

In 2009–2010, we will be providing councils with feedback about their compliance and recommending improvements to their systems. We will also be reporting publicly on our findings.

Training agencies to improve complaints handling

During 2008–2009, we continued to deliver complaints management training for state agencies and local councils.

This training provides customer service officers and officers responsible for internally reviewing complaints in their agencies with an understanding of effective complaints management principles. The training combines best practice theory with 'real life' cases and scenarios and teaches officers to:

- identify and appropriately respond to specific complaint types, such as whistleblower complaints
- manage difficult customer behaviour
- understand their authority
- use effective interview techniques
- record and communicate outcomes properly.

“I thoroughly enjoyed the training. I had heard very good things about this training and it lived up to everything I had heard. Great presenters, relevant scenarios, relevant content and well timed. Great for all levels of staff to enhance decision-making.”

– Officer from Department of Communities

TABLE 19: AGENCIES PARTICIPATING IN COMPLAINTS MANAGEMENT TRAINING 2008–09

LOCAL COUNCILS	STATE GOVERNMENT	
<ul style="list-style-type: none"> » Cairns Regional Council » Cloncurry Shire Council » Mackay Regional Council » Mount Isa City Council » Rockhampton Regional Council » Scenic Rim Regional Council » Toowoomba Regional Council » Townsville City Council 	Pre machinery of government changes: <ul style="list-style-type: none"> » Commission for Children and Young People and Child Guardian » Department of Communities » Department of Infrastructure & Planning » Environmental Protection Agency » Department of Main Roads » Queensland Health » QLeave » Department of Public Works » WorkCover Qld 	Post machinery of government changes: <ul style="list-style-type: none"> » Department of Community Safety » Department of Transport and Main Roads » Department of Communities » Department of Public Works » Department of Environment and Resource Management » Department of Education and Training » Family Responsibilities Commission » Queensland Health

TABLE 20: PARTICIPATING AGENCIES FOR GOOD DECISIONS TRAINING

LOCAL COUNCILS	STATE GOVERNMENT	
<ul style="list-style-type: none"> » Brisbane City Council » Cairns Regional Council » Cook Shire Council » Gold Coast City Council » Logan City Council » Mackay Regional Council » Mount Isa City Council » Rockhampton Regional Council » Toowoomba Regional Council » Townsville City Council 	Pre machinery of government changes: <ul style="list-style-type: none"> » Department of Child Safety » Department of Communities » Department of Corrective Services » Department of Education, Training and the Arts » Department of Housing » Department of Justice and Attorney General » Department of Local Government Sport and Recreation » Department of Main Roads » Department of Transport » Disability Services Queensland » Environmental Protection Agency » Queensland Water Commission » QLeave » Shared Service Agency 	Post machinery of government changes: <ul style="list-style-type: none"> » Department of Communities » Department of Community Safety » Department of Education and Training » Department of Employment, Economic Development and Innovation » Department of Environment and Resource Management » Department of the Premier and Cabinet » Department of Public Works » Department of Transport and Main Roads » Queensland Health



↑ Our training sessions have been a success.

The training program is tailored to the specific needs of each agency by incorporating their own complaints policies and procedures.

During 2008–2009, we conducted 35 complaints management sessions, comprising 19 sessions for frontline officers and 16 sessions for internal review officers.

Training was delivered to 15 state government agencies and eight councils, and 519 public sector officers took part.

We will continue to deliver complaints management training and advice to raise the capacity of agencies to appropriately manage complaints.

Participating state government agencies and councils are listed in Table 19.

Training for better decision-making

During 2008–2009, our officers travelled extensively to regional areas to provide training to state government agencies and councils. We delivered 71 sessions, which were attended by 1,279 officers from 14 state government agencies (pre-machinery of government changes) and nine state government agencies (post machinery of government), and 10 local councils. Since 2005, we have trained 4,930 officers in good decision-making.

Agencies that participated in Good Decisions Training are listed in Table 20.

“The presenters were excellent! This has been one of the best organised and facilitated training sessions I have attended in a long time. Real-life scenarios were excellent.” – Officer from Shared Service Agency

Evaluating our training performance

We are continually looking for ways to improve our training modules for state government agencies and local councils.

For that purpose, we obtain and analyse feedback from participants after every training session.

Feedback received during 2008–2009 indicated:

- 95% of participants agreed the training would help them in their daily work
- 95% said they would recommend the training to other officers in the public sector.

Training sessions are priced on a set fee-for-service basis throughout Queensland. This means that we do not charge extra for training sessions held in regional areas, making the training easily accessible and affordable for all public sector agencies.

Ombudsman’s Perspective newsletters

Each year we publish a series of newsletters to improve the administrative practices of public sector agencies. These publications also increase awareness of our Office and our role. They contain information on good decision-making and complaints management as well as relevant case studies, and timely news.

State Perspective and *Local Perspective* target decision-makers in state government agencies and local councils respectively. Online editions of each newsletter were published in August and October 2008 and March 2009. Hard copies were also distributed to 1,800 officers who attended our training sessions. Overall, 421 officers subscribe to *Local Perspective* and 869 officers subscribe to *State Perspective* – a combined 29% increase on the previous year.

Frontline Perspective aims to improve decision-making and complaints handling of first contact officers in state government agencies and local councils. Delivered electronically, *Frontline Perspective* is issued to 1,147 officers in call centres, customer service counters and complaints units. Editions were published in August and December 2008 and April 2009.

Legal Perspective provides valuable information for public sector lawyers as well as private sector lawyers who have public sector clients. The inaugural edition was sent to 100 subscribers in March 2009. The key message was that public sector decisions must not only be lawful, they must also be fair.

We have received positive feedback from *Perspective* newsletter recipients, and some agencies reproduce articles in their internal publications for further staff review. We will continue to publish the range of *Perspective* newsletters in 2009–2010.

Managing unreasonable complainant conduct

Unreasonable complainants create stress for frontline officers and require more resources than other equally or more deserving complainants. In many cases, they also seek outcomes that accountability agencies are unable to deliver, including retribution.

During 2008–2009, we continued our involvement with the Unreasonable Complainant Conduct Project – a joint initiative of Australia’s State, Territory and Commonwealth Ombudsman offices that was coordinated by the New South Wales Ombudsman.

The project aimed to:

- ensure equity and fairness through consistency in the handling of all complaints within each office and across all Ombudsman offices
- improve efficiency in resource use
- reduce stress experienced by staff and complainants.

The project reviewed literature, surveyed frontline staff and trialled strategies for a 12-month period. The project encouraged staff to focus on problems rather than people, and emphasised the need for agencies to view challenging conduct as part of their core work.

It also recommended systemised management strategies, management support and training for staff who deal with challenging interactions with members of the public.

The project also led to the development of the *Managing Unreasonable Complainant Conduct Practice Manual*. The ideas in the manual can assist officers to better manage

“Staff across accountability agencies are now using the manual on a regular basis. 89% of frontline staff indicated strategies within the manual helped them to do their job.”

unreasonable complainant behaviour and provide a more effective complaints service for the community.

Benefits of the manual include:

- agencies have improved consistency in complaints handling activities
- agency resources are less impacted by unreasonable complainant conduct
- complainants are treated with fairness and respect
- complainants’ rights are protected.

Staff across accountability agencies are now using the manual on a regular basis. Eighty-nine percent of frontline staff indicated strategies within the manual helped them to do their job. The manual is now available on our website.

Improving accountability through the Whistling While They Work project

During 2008–2009, we continued as an industry partner in the national Whistling While They Work research project. The study is the largest of its kind ever undertaken in Australia, involving six universities and 14 of Australia’s leading accountability and public sector management agencies. The project included the world’s most comprehensive empirical study of whistleblowing activities, with evidence captured from 7,663 public officials across 118 public agencies.

The project aims to identify and develop best practice systems for managing public sector officers who are willing to make public interest disclosures or give evidence about misconduct or maladministration.

The first report, *Whistleblowing in the Australian public sector* has been published and a second report will be released in the latter half of 2009.



← We delivered 71 sessions in Good Decisions Training.



↑ We continued as an industry partner in the national Whistling While They Work project.

This year, using findings from the research project, our Office worked with the Crime and Misconduct Commission and the Public Service Commission to develop a series of guides about public interest disclosures for the Queensland public sector.

These guides inform whistleblowers on what to consider before reporting wrongdoing, and assist organisations in developing a workplace where employees are encouraged to disclose wrongdoing without fear of reprisal, where employees receive the necessary support and feedback, and where cases are investigated in a thorough and timely manner.

They also aim to encourage organisational cultures that support whistleblowing, thus ensuring the integrity of the Queensland public sector.

The guides are:

- *Making a public interest disclosure: A guide for individuals working in the public sector*
- *Handling a public interest disclosure: A guide for public sector managers and supervisors.*

They were launched on the websites of the Queensland Ombudsman, the Public Service Commission and the Crime and Misconduct Commission on 1 June 2009.

A third guide to assist agencies and councils manage public interest disclosures will be released next financial year. It will outline agency responsibilities for encouraging disclosures of wrongdoing, developing appropriate assessment and investigation mechanisms, and supporting disclosers.

A good practice checklist is already available to help agencies and councils evaluate existing policies and procedures and identify areas for improvement.

Ensuring our professionalism and integrity

We conducted our third agency survey during the year. The survey evaluated our performance when obtaining documents, conducting inquiries or investigating state government agencies and local councils.

We used an online survey tool to obtain feedback from a random sample of agency and council officers we worked with during 2008–2009 to ascertain:

- their perceptions of the processes we use to obtain information from them
- their perceptions of the Office's independence and impartiality
- levels of awareness of the Office and the usefulness of *Perspective* newsletters
- our performance against our client service charter.

The survey revealed:

- 80% of respondents were satisfied in their dealings with our Office
- 94% were satisfied we had liaised with them in a courteous manner
- 96% were satisfied with the professionalism demonstrated by our officers
- 90% believed they were treated fairly and with respect
- 93% perceived our Office to be independent and impartial.

More than 50% of respondents were familiar with our *Perspective* publications and the majority of those found them informative and useful to their role.

Results from this survey will be used to develop an action plan to improve our interactions with agencies, which will be included in our 2009–2010 Operational Plan.

Community awareness matters

Central to our business is ensuring the community is aware of our Office, understands our role and knows how to make a complaint. We are committed to ensuring our services are accessible by the entire Queensland community, including those in minority or disadvantaged groups.

Our major investigations, regional visits and quarterly media campaigns in regional Queensland are still our principal vehicles for generating publicity and raising awareness of the Office.

This year, we worked closely with other independent complaints agencies to better communicate our respective roles and services to the community.

We also developed a new publication (*Legal Perspective*, see p. 58) and improved the accessibility of our online information resources.

During 2008–2009, we continued to focus on improving regional awareness and understanding of our role and how complaints can be made by conducting:

- geographically targeted regional awareness campaigns
- investigations of complaints made in regional locations.

Geographically targeted regional awareness campaigns

The 2008–2009 regional awareness campaign targeted specific regional areas identified as being under-represented in complaints data.

Regions targeted this year included Darling Downs, South-West, Far North, North and Wide Bay Burnett.

Campaign activities included:

- advertising and publicity in local newspapers and local radio
- information packs distributed to key 'community hubs', including community centres, council offices, legal centres, libraries, electorate offices and higher education centres.

In June 2009 we evaluated the effectiveness of regional awareness campaigns conducted over the past financial year. We found that our Office had experienced increased contact and complaints from people living in the South-West and Wide Bay Burnett areas during and immediately after campaigns in those regions.

In November 2007, we initiated a partnership with Smart Service Queensland's Queensland Government Agent Program (QGAP) to improve access to our services for regional Queenslanders. QGAP offices provide general government information and services to the public in rural or remote areas. There are currently 70 offices throughout Queensland.

This year we continued to develop the relationship by reinforcing awareness of our role among QGAP officers. We sent them information about our role as well as regular email updates and visited their offices when in the area on other business. (see Table 21).

Regional centres we visited



Table 21: Regional centres we visited

Place	Correctional centre visit	Training visit	Investigate complaint
Barcaldine		2	
Borallon	1		
Brightview			2
Bundaberg		3	
Cairns		5	1
Capricornia	1		
Cooktown		1	
Darling Downs	1		
Eumundi			1
Gladstone		2	
Gold Coast		5	
Mackay		6	
Mareeba	1		
Maryborough	1		
Mount Isa		2	
Numinbah	1		
Palen Creek	1		
Rockhampton		1	
Sippy Downs		6	
Sippy Downs		1	
Toowoomba		4	
Townsville	1	7	
Woodford	1	1	2
Total	9	46	6

Remaining accessible to prisoners

The Queensland Ombudsman plays an important role in ensuring decisions made about prisoners are reasonable and fair.

We strive to ensure prisoners in correctional centres are aware of our Office and know how to make a complaint. The most common methods used by prisoners or prisoner advocates to contact our Office in 2008–2009 were:

- the Prisoner PhoneLink (46% of complaints about QCS)
- privileged mail (23% of complaints about QCS)
- regular telephone (19% of complaints about QCS).

Available at specified times at every correctional centre, the Prisoner PhoneLink is a free and confidential service allowing prisoners to contact our Office to make complaints. Frequent areas of complaint include decisions about transfers or assessment processes relating to parole applications.

On many occasions, we advise the prisoner what they can do to resolve the issue, rather than initiate an investigation ourselves. For example, the prisoner may not have raised their complaint with management of the correctional centre before contacting our Office.

The privileged mail system also allows prisoners to communicate with us confidentially.

We managed a number of communication activities during 2008–2009 to ensure prisoners were aware of Prisoner PhoneLink and the privileged mail system, including:

- multiple posters displayed at correctional centres, including visit posters alerting prisoners to our visit to a centre.
- Prisoner PhoneLink stickers displayed near access phones at each centre, highlighting times when prisoners can contact us.

We will continue these activities in 2009–2010.

Communicating with all Queenslanders

We actively work towards ensuring people from multicultural backgrounds are aware of our Office, understand our role and know how to make a complaint.

This year we began developing a Multicultural Action Plan to provide a more structured and strategic approach to liaising with multicultural communities in Queensland. The plan identifies established and emerging multicultural communities and sets out communication objectives. Three key goals of the plan are to:

- improve awareness and understanding of our Office among multicultural communities
- improve multicultural communities' understanding of how they can make a complaint
- improve our skills and capacity to liaise with these communities.

Implementation activities associated with the plan will occur throughout 2009–2010.

We also worked with other independent complaint agencies to revise the 'It's OK to complain' joint brochure, which explains the different types of complaints each agency can investigate, the role of each agency and their contact details.

This brochure will be translated into 15 of the most common languages (other than English) spoken in Queensland households. We researched Australian Bureau of Statistics data and liaised with Multicultural Affairs Queensland to identify these languages.

These brochures will be available on our website as well as at www.complaints.qld.gov.au – a shared website providing basic information about the roles of the main complaint agencies operating in Queensland, with links to each agency's website. More information on the shared complaints website is available at p. 64.

We also shared a display with the Health Quality and Complaints Commission at the Queensland Multicultural Festival to help us increase awareness of our roles among multicultural audiences.

Connecting with Indigenous Queenslanders

Aboriginal and Torres Strait Islander people continue to be an important stakeholder group for our Office.

This year, we continued to distribute materials specifically designed for Aboriginal and Torres Strait Islander people to relevant 'access points' throughout Queensland, including indigenous councils, land councils and community/health/legal centres.

We continued our involvement in an inter-agency group designed to share knowledge and resources among independent complaint agencies. Joint activities included a shared stall with the Commonwealth Ombudsman at the Musgrave Park NAIDOC Week festival, as well as the complaint website and shared brochures.



↑ We actively participated in a range of community events and activities.



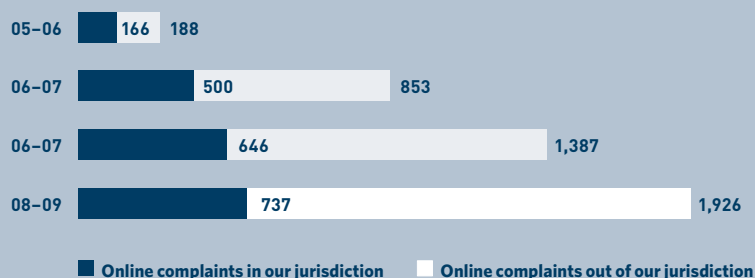
“During 2008–2009 there were over 38,000 visits to our website, and 31,445 visits to the online complaint form.”

13%

13% increase in online complaints in our jurisdiction

61% increase in online complaints out of jurisdiction

FIGURE 9: ONLINE COMPLAINT COMPARISON



Queensland Ombudsman online

Community usage of our website continues to grow rapidly. Complaints received via email (899) and our online complaints form (737) now comprise 22% of the total we receive.

Key figures

- 38,734 site visits
- 183,702 pages viewed on our website
- 31,445 visits to the online complaint form.

A comprehensive website review will be undertaken in 2009–2010 to ensure it continues to meet the needs of users.

Combined complaints web portal

This year we began to develop a shared complaints portal at www.complaints.qld.gov.au – a joint initiative of our Office, the Anti-Discrimination Commission Queensland, the Commonwealth Ombudsman, the Commission for Children and Young People and Child Guardian, the Crime and Misconduct Commission and the Health Quality and Complaints Commission.

To be launched in 2009–2010, the portal outlines the roles of the main complaint agencies operating in Queensland – including some with jurisdiction over private sector businesses and organisations. The portal seeks to reduce the level of ‘out of jurisdiction’ complaints received by each agency, thus saving significant time and resources used in referring complaints.

Complainant Satisfaction Survey

Every two years, we conduct a survey of complainants to assess their satisfaction with our service. Between 2006 and 2008, we conducted regular interviews with a random sample of complainants whose issues we had investigated. This financial year we evaluated the feedback to:

- identify opportunities to improve the service we provide
- determine understanding and expectations of our role.

Comparison of the results from the research with the results for 2004–2006 indicates continued improvement in performance, in particular our professionalism, helpfulness and availability. For example, 76% of complainants said we had clearly explained the reasons for our final decision compared with 64% in 2004–2006.

Respondents reported strong levels of satisfaction with the informal approach used during our assessment of cases. We will use the feedback obtained to continue to improve our communication with complainants.

Service improvement matters

Informal relationships with other complaint agencies

We meet regularly with the other independent complaint agencies, namely the ADCQ, CCYPCG, CMC, Commonwealth Ombudsman and HQCC. These meetings seek solutions to common challenges and issues facing each agency. For example, the shared complaints brochure (see p. 63) and the combined agency complaints portal (see p. 63) were conceived at these meetings.

The chief executive officers of the complaint agencies at 53 Albert Street meet quarterly to discuss management of shared facilities and joint communication activities.

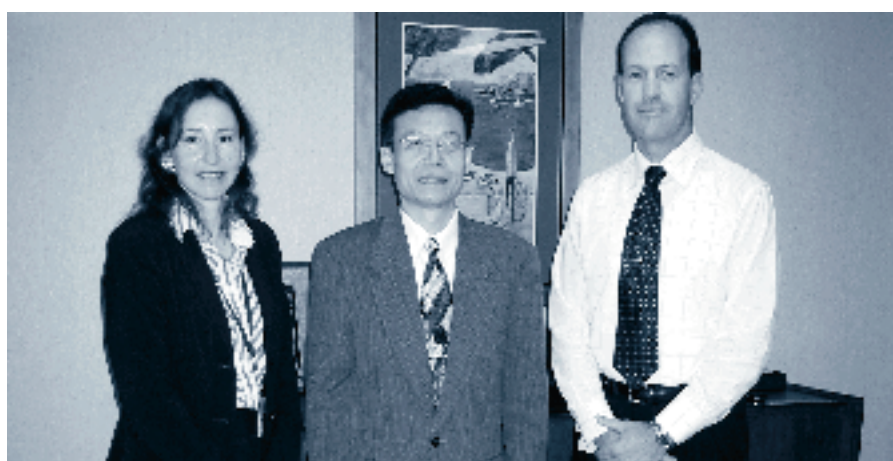
Enhancing public sector relationships

Our Office also meet regularly with the agencies that generate the highest number of complaints and have formal liaison agreements with some of those agencies. These arrangements facilitate our preliminary inquiries and investigations enabling us to finalise complaints speedily.

During the year, we continued to meet regularly with Queensland Transport, Department of Main Roads, Department of Housing, Education Queensland, Department of Child Safety, Queensland Corrective Services and the Gold Coast City Council.

Strengthening global Ombudsmanship

During the 2008–2009 financial year, we continued to assist other Ombudsman offices in the Australasian and Pacific region.



↑ One of our assistant Ombudsmen and our Deputy Ombudsman with a Control Yuan representative.

“Our Office meets regularly with the agencies that generate the highest number of complaints and have formal liaison agreements with some of those agencies. These arrangements facilitate our preliminary inquiries and investigations enabling us to finalise complaints speedily.”

These activities included:

Ombudsman Commission, Papua New Guinea

A Queensland Ombudsman representative helped implement administrative improvement activities during an exchange program. Our assistance was highly regarded and resulted in a six month extension to the exchange, ending in October 2008.

Control Yuan, Taiwan

In July 2008, we hosted an investigator from Taiwan's Control Yuan (similar to an Ombudsman's office) for five days as part of his study tour of Australia's Ombudsman systems.

Pacific Ombudsman Alliance

In November 2008, representatives from 11 countries met in Brisbane to launch the Pacific Ombudsman Alliance. The group aims to support development of legislation and programs that recognise the right of citizens to transparent and accountable government services. This includes strengthening Ombudsman services throughout the region.

Australasian and Pacific Ombudsman Manual

In June 2009, the Commonwealth Ombudsman advised he had obtained funding from the International Ombudsman Institute to produce a reference manual for Australasian and Pacific Ombudsmen. All Ombudsmen in the region were asked to prepare a ten page entry for the manual. This manual is expected to be a useful resource for Ombudsmen offices and other external audiences.

9th International Ombudsman Institute World Conference

The International Ombudsman Institute World Conference, which is held every four years, was held in Sweden in June 2009. Keynote speakers included Mr Kofi Anan, former Secretary-General of the United Nations and Ms Navanethem Pillay, the United Nations High Commissioner for Human Rights. The conference was followed by a one-day seminar to mark the bicentennial of the Swedish Parliamentary Ombudsman. The theme of the seminar was the way the Ombudsman concept had spread throughout the world.

National activities

Deputy Ombudsman meeting

Meetings of Deputy Ombudsmen from Australia and New Zealand are held biannually to share information on current activities and to seek advice about issues of common interest to all offices. Recent meetings were held in Hobart in November 2008 and in Brisbane in April 2009.

Unreasonable Complainant Conduct Project

We also participated in the Unreasonable Complainant Conduct Project, an initiative involving accountability agencies throughout Australia. Further details can be found on p. 59.



Section 3: Engagement matters

Good decisions and complaints management training

- Continue to deliver training throughout Queensland, with a continued focus on regional areas
- Review training provided by our Office to ensure best outcomes for state government agencies and local councils
- Investigate the development of further training modules.

Complaints Management Program

- Report to Parliament on state government agencies' compliance with *Directive 13/06* and assess local councils' compliance with recognised standards for complaints management
- Continue to provide advice to local councils and state government agencies on effective complaints management.

Administrative improvement

Perspective newsletters

- Continue to produce high quality publications to promote good public administration
- Develop new strategies for increasing readership.

Whistling While They Work Project

- Release the third whistleblowing guide (jointly with the Crime and Misconduct Commission and the Public Service Commission) that will assist state government agencies and councils manage public interest disclosures.

Community awareness, understanding and accessibility

Communication strategies

- Continue to refine our communication strategies to increase awareness and understanding of our role within the community.

Website

- Review our website to improve accessibility and usability
- Launch a series of online fact sheets to assist complainants and agencies
- Update the online complaint form.

Regional awareness

- Continue to monitor the success of regional awareness campaigns
- Continue to promote the ways that regional communities can contact the Office, including the QGAP partnership and our freecall number.

Multicultural Action Plan

- Finalise and implement the plan.

Prisoners

- Continue to ensure prisoner accessibility to our Office and review key communication methods.

Inter-agency initiatives

- Continue to participate in inter-agency activities, including the steering committee and human resource mentoring programs
- Continue to share information and data to prevent duplication of activity.

Complainant and agency satisfaction surveys

- Continue to assess complainant and agency satisfaction through comprehensive surveys.



**Our business
matters**



Remaining accountable to the community

After 29 years in the same premises, the Queensland Ombudsman's Office moved to a newly constructed, Four-Green-Star rated building at 53 Albert Street in March 2009.

The move has made possible the sharing of some resources with four other independent complaint agencies that have also relocated to the same building. They are the Anti-Discrimination Commission Queensland, the Commission for Children and Young People and Child Guardian (CCYPCG), the Health Quality and Complaints Commission and the Queensland Office of the Commonwealth Ombudsman.

We share a reception area, interview rooms, meeting rooms and training facilities, with our Office managing the use of the shared facilities and providing reception services for all of those agencies except the CCYPCG. One of the benefits of this arrangement is that it provides a more accessible and coordinated complaint service to the public without impacting the operational independence of each agency.

Governance for performance

Effective governance of our Office is evident in the achievements highlighted throughout this report, and by the Auditor-General's audit report recording the Office's attainment of full compliance with all statutory requirements.

Our governance framework

Our governance framework is designed to ensure the Office:

- meets its statutory responsibilities under the Ombudsman Act and the Financial Administration and Audit Act
- effectively and efficiently manages performance
- improves service delivery through an ongoing quality improvement program
- integrates risk management into organisational activity
- reports fully on performance.

Our governance framework incorporates both internal and external accountability measures.

External accountability measures

Multiple external measures ensure the Queensland Ombudsman's accountability.

These include:

- Parliamentary Law, Justice and Safety Committee
- Estimates Committee
- External audit conducted by Queensland Audit Office
- Freedom of Information
- Public Interest Disclosures
- Annual Report.

Parliamentary Law, Justice and Safety Committee

While we are independent of government, we remain accountable to the community by reporting to the Queensland Legislative Assembly through a parliamentary committee. In May 2009, the previous parliamentary committee to which we reported, the Legal, Constitutional and Administrative Review Committee (LCARC), was replaced by the Law, Justice and Safety Committee (LJSC).

The LJSC comprises Members of Parliament from government and other political parties and expands on activities previously carried out by LCARC.

In relation to our Office, the committee's role is to:

- monitor and review the performance of our Office
- report to the Assembly on any matter concerning the Ombudsman's functions or the performance of those functions that the committee considers should be drawn to the Assembly's attention
- examine our annual report after it has been tabled in the Assembly and comment if appropriate
- report to the Assembly any changes to the functions, structures and procedures of the Office that the committee considers desirable for the more effective operation of the Ombudsman Act.

A meeting with LCARC took place on 25 November 2008. The Chair of the committee tabled a report on that meeting in Parliament on 11 February 2009 entitled *Report 68 Biannual meeting with the Ombudsman – November 2008*.

As the new committee was formed in May 2009, the usual May meeting prior to the estimates budget process did not occur. We expect to meet with the new committee later in the year.

External audit

Our Office was able to meet the timeframes imposed on government agencies for the preparation of financial reports for 2008–2009.

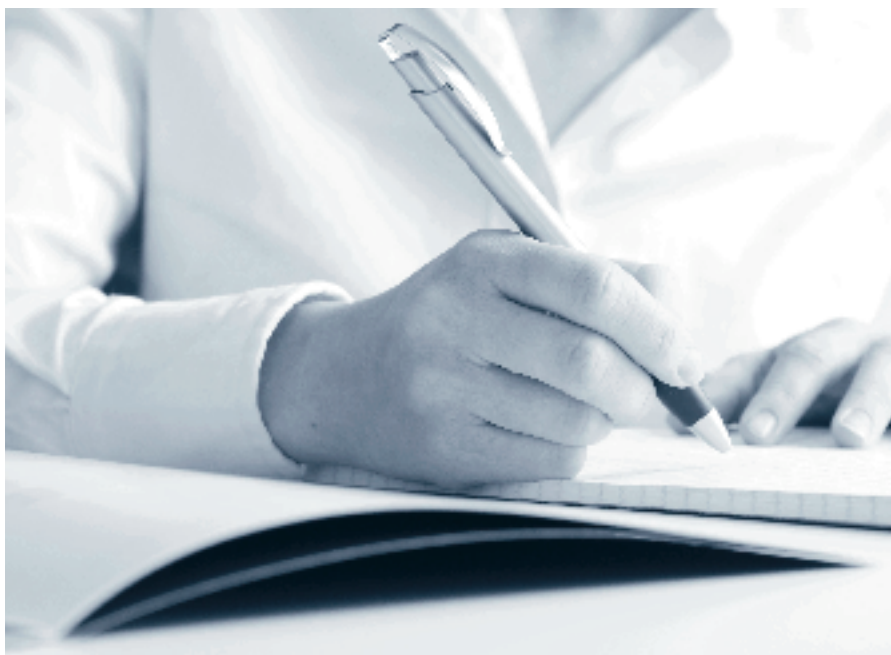
The audit report and certificate for our financial statements can be found on p. 95–96. The Auditor-General's delegate has provided an unqualified certificate indicating the Office's compliance with financial management requirements and the accuracy and fairness of our financial statements.

Freedom of Information

Under the *Freedom of Information Act 1992*, members of the community are entitled to:

- apply for access to documents held by our Office
- apply to amend personal information that is held by our Office.

In 2008–2009, we received 18 FOI applications. A full summary of applications received and processed, including their nature and outcomes, can be found in Appendix 3.



↑ Our Office utilises a range of internal and external accountability measures.

FIGURE 10: OUR GOVERNANCE FRAMEWORK

EXTERNAL ACCOUNTABILITY MEASURES		Outcome Accountability, transparency, high performance and compliance with statutory requirements
Measure	Description	
Parliamentary Law, Justice and Safety Committee	Monitor and review the Office's performance and report to the Legislative Assembly.	
External audit	Ensure the Office's compliance with financial management requirements and the accuracy and fairness of our financial statements.	
Freedom of Information	Ensure transparency by allowing the public to apply to access documents held by our Office or apply to amend personal information held by our Office.	
Public Interest Disclosures	Under the <i>Whistleblowers Protection Act 1994</i> , we are required to report on Public Interest Disclosures made to our Office that concern our Office or entities within our jurisdiction.	
Annual Report	Report on all significant activities undertaken by the Office each financial year.	
Estimates Committee	Scrutinise our Office's recent and future (planned) financial and non-financial performance.	
INTERNAL ACCOUNTABILITY MEASURES		Outcome Accountability, transparency, high performance and compliance with statutory requirements
Measure	Description	
Ombudsman Management Group	This Group is the chief decision-making body for our Office. It sets our Office's corporate plans and ensures our performance satisfies our strategic priorities and statutory responsibilities.	
Innovation Committee	Provides a forum for staff views to be raised with management and for suggestions to be considered and implemented by management, where appropriate.	
Workplace Health and Safety Committee	Ensures wellbeing and safety of staff.	
Internal audit	An Ombudsman approved charter is central to our internal audit process, providing guidance to independent auditors.	

Public Interest Disclosures

Under the *Whistleblowers Protection Act 1994*, we are required to report on Public Interest Disclosures made to our Office that concern our Office or entities within our jurisdiction.

In 2008–2009, we received 15 Public Interest Disclosures of maladministration on the part of public sector agencies. Of those:

- 10 are still under consideration
- five were assessed as not warranting investigation.

Annual Report

Our 2007–2008 annual report was tabled in Parliament on 14 November 2008. The annual report is one of the key vehicles we use to report on our activities in each financial year, as part of our governance framework.

Every year we aim to improve the content, readability and format of our annual report. Our 2007–2008 annual report was awarded the gold medal for 'Most Readable Annual Report' by the Institute of Internal Auditors Association Queensland. Winning this award reflects the tireless efforts of staff in ensuring the Office's role and activities are clearly understood by stakeholders.

Estimates Committee

Each year, the Ombudsman attends the Parliamentary Estimates Committee Hearing, which represents the last stage of the budget process. The hearing is supported by the information contained in the Service Delivery Statement (SDS) and is used to scrutinise our Office's recent and future (planned) financial and non-financial performance. The Committee comprises four government members and three non-government members.

Internal accountability measures

Our Office has implemented multiple internal measures to ensure it attains its accountability objectives. These include:

- Ombudsman Management Group
- Innovation Committees
- Workplace Health and Safety Committee
- Internal audit.

Ombudsman Management Group (OMG)

The OMG is the chief decision-making body for our Office.

The OMG comprises the Ombudsman, the Deputy Ombudsman, four Assistant Ombudsmen, the Manager of the Communication and Research Unit and the Manager of the Corporate Services Unit.

It sets our Office's corporate plans and ensures our performance satisfies our strategic priorities and statutory responsibilities.

“The OMG is the chief decision-making body for our Office. It sets our Office's corporate plans and ensures our performance satisfies our strategic priorities and statutory responsibilities.”

Innovation Committees

The Innovation Committee replaces the Staff Consultative Committee, which was the previous mechanism used to bring staff views and proposals to management's attention.

The committee, which is managed by interested staff members, provides a forum for ideas to be raised and improvements to be implemented. It demonstrates our Office's strong consultative culture and allows staff to influence the Office's policies and practices, as well as a wide range of issues.

Because of the increasing number of ideas coming from staff, the committee was recently split into three committees:

- Business, Technology and Outreach Innovation
- People Innovation
- Social Innovation.

The entire committee meets quarterly, and subcommittees meet monthly to submit proposals for OMG's consideration and approval.

Workplace Health and Safety Committee

A safe and healthy workforce is a productive workforce – and our Office supports a safe work environment. During 2008–2009, our Workplace Health and Safety Committee actively identified potential workplace hazards and worked to remove them to ensure a safe and healthy workplace.

All staff are encouraged to report any incidents causing injury. If an incident occurs, factors contributing to the incident are identified and removed (if possible).

We share resources with other complaint agencies in our building, including a first-aid room and qualified first aid officers. We have conducted two fire evacuations and multiple workplace assessments since our move to 53 Albert Street.

Internal audit committee

An audit committee for the Office will be implemented to ensure we continue to meet our requirements under the *Financial Accountability Act 2009*. The audit committee will report directly to the Ombudsman and will be supported by secretarial services provided by the Corporate Services Unit. The Audit Committee is expected to meet quarterly.



↑ Innovation Committees are a successful staff led initiative improving the Office's business practices.

Internal audit

An Ombudsman approved charter is central to our internal audit process. This charter provides guidance to independent auditors and ensures their unrestricted access to our corporate systems. This year's internal audit was undertaken by Hayes Knight Queensland Pty Ltd, an auditing firm selected following a competitive tendering process. The internal audit primarily focused on lease contracts, building owner incentives and governance framework surrounding our move to 53 Albert Street this year and made no adverse findings about those matters.

Enhancing strategic governance

During 2008–2009, we implemented our *Strategic Plan 2009–2014*. The plan identifies four objectives that reflect our Office's priorities, namely:

- promote administrative justice by providing an independent, fair and effective investigative service
- contribute to improving the quality of administrative practice in Queensland public sector agencies
- ensure all sections of the community are aware of and have reasonable access to our services
- promote organisational excellence and a skilled, committed workforce.

An Operational Plan has been devised to ensure effective implementation of the Strategic Plan.

Identifying and managing risks

Risk management forms an integral part of our Office's decision-making, planning and service delivery. Our risk management framework is guided by the Australian/New Zealand Standard for Risk Management AS/NZS 3460.

We recognise effective risk management is necessary to meet the governance expectations of our stakeholders and to achieve satisfactory financial and operational performance outcomes.

The Ombudsman Management Group continues to update and implement the Office's Risk Treatment Plan to assess major strategic and operational risks. The plan includes standard risk assessment guidelines to ensure strategic and operational risks are evaluated consistently.

TABLE 22: EXTERNAL CONSULTANTS ENGAGED IN 2008–2009

Vendor	Purpose	Amount
Carole V & Associates Pty Ltd	Strategic Planning	\$6,268.75
Mercer	Job evaluations	\$3,250
WorkForce Consulting Qld	Job evaluations	\$1,200
Griffith University	Whistling While they Work	\$10,000
Market Facts	Complainant Satisfaction Survey	\$1,600
Total		\$22,318.75

TABLE 23: EXTERNAL CONTRACTORS ENGAGED IN 2008–2009

Vendor	Purpose	Amount
Protocol 1	ICT relocation and desktop support	\$90,661
Commission for Children and Young People and Child Guardian	Project Team salary for relocation project	\$31,026.09
Resolve Computer Services	Complaints management database	\$75,798.27
Ford Health Group	Wellness program	\$2,598
Interlock	Employee Assistance Service	\$2,155
Dept. of Justice & Attorney-General	Industrial relations advice	\$2,850
Qld Parliamentary Services	Shared service provider expenses	\$43,659.39
PipeNetworks	Fibre optic cable connection for relocation project	\$14,000
Miss Organisation	Transcription services	\$3,204.11
Total		\$265,951.86

Submission on Queensland Civil and Administrative Tribunal

Significant reforms in the area of public administration have been taking place in Queensland over the past 12 months. The most important has been the establishment of the Queensland Civil and Administrative Tribunal (QCAT), which will begin operating from 1 December 2009. With a Supreme Court judge as President, and a District Court judge as Deputy President, QCAT will have a wide-ranging jurisdiction, taking over the powers and jurisdiction of a number of existing tribunals.

QCAT will have the power to review certain government decisions specified by legislation. It therefore has the potential to overlap with our jurisdiction in certain areas. With a view to reducing the risk of duplication between our work and the work of QCAT, we submitted to the independent expert panel responsible for the establishment of QCAT that provisions should be included in the QCAT legislation that would allow us to work together to clarify our roles regarding the review of government decisions. Our suggestions were implemented, with the result that s.227 of the Queensland Civil and Administrative Tribunal Bill 2009 provides for QCAT to enter into certain arrangements with the Ombudsman regarding the exercise of our respective functions.

We welcome the establishment of QCAT and consider it will greatly enhance Queensland's system of civil and administrative justice.

Compliance and transparency

Shared service provision

We continued to work with our shared service provider, the Queensland Parliamentary Service, to deliver aspects of our human resource functions, namely the provision of systems for payroll and leave. We met regularly during the year to improve and streamline the services provided.

Purchasing and tendering

We continued to comply with the State Procurement Policy in 2008–2009 and consistently applied a transparent methodology.

This year we introduced the Corporate Procurement Plan, linking our procurement with our Strategic Plan. This state government initiative aims to ensure public funds are expended in a strategic and planned manner. It identifies the Office's budgeted procurement for 2008–2009 and assesses procurement risks.



Performance matters

We are committed to ensuring our staff are provided with suitable opportunities to enhance their professional and personal growth. We implemented a number of initiatives during 2008–2009 to support this commitment.

Maximising staff capability

In 2008–2009, we continued to implement our Workforce Capability Strategy. The strategy seeks to identify the core competencies that all staff must possess to perform their duties effectively as well as the special needs of officers in each occupational stream.

Training

Training is a key element of our workforce capability strategy. There were a number of important training programs that staff participated in during 2008–2009, with the most significant being Certificate IV in Government (Investigations). Thirty-two investigative staff commenced the accredited and nationally recognised advanced investigative qualification, which required an initial investment of \$25,000. The course will assist investigative staff to build their practical investigative knowledge and skills.

Mentoring program

The Office completed the pilot cross-agency mentoring program in November 2008. In May 2009, we participated in the second cross-agency mentoring program. This program was undertaken with the Anti-Discrimination Commission Queensland, the Crime and Misconduct Commission, the Health Quality and Complaints Commission, the Commission for Children and Young People and Child Guardian and the Queensland Audit Office.

“In 2008–2009, we spent approximately \$90,000 on professional development and related activities, representing 1.3% of our total budget.”

The six-month program links officers from each agency, allowing senior officers to act as mentors and provide a sound platform for professional development of their mentees.

Evaluation of the program revealed, among other things, high staff satisfaction and increased morale. The Office will continue to participate in this initiative in the new financial year.

In 2008–2009, we spent approximately \$90,000 on professional development and related activities, representing 1.3% of our total budget.

Sustaining a healthy workforce

Our Corporate Health and Wellness Program continues to promote staff awareness of key health issues. This year, we surveyed staff to determine their health priorities so the program could be tailored to meet their needs.

During 2008–2009, the program delivered a number of informal health and wellbeing activities as well as:

- glucose, cholesterol and biometric screenings
- flu vaccinations
- ergonomic and workstation assessments.

15

15 new staff members
joined the Office
during 2008–2009

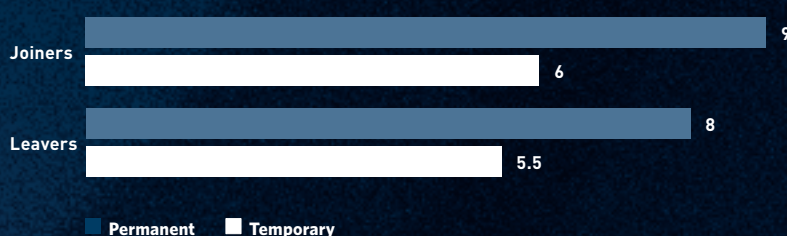
TABLE 24: STAFF TURNOVER

	2005–06	2006–07	2007–08	2008–09
Staff at beginning of year	49	50.8	51.2	55.6
Losses	14.2	11.6	9	13.5
Gains	16	12	13.4	15
Net staff at end of year	50.8	51.2	55.6	57.1

1.5

Our staff numbers
increased by 1.5 FTEs
in 2008–2009

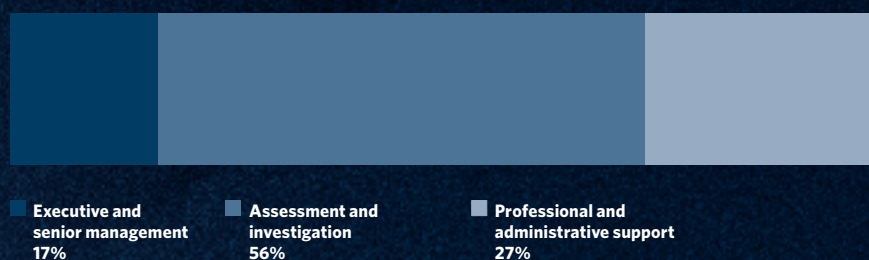
FIGURE 11: JOINERS AND LEAVERS 2008–09



56%

Of our staff are
involved in assessment
and investigation

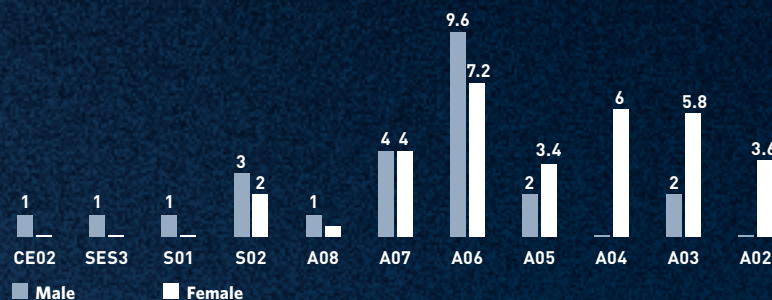
FIGURE 12: PROFILE OF OUR WORKPLACE



57%

Of our staff
are female

FIGURE 13: GENDER DISTRIBUTION BY CLASSIFICATION





↑ Staff award winners 2008–2009.

TABLE 25: EXECUTIVE REMUNERATION

Position	Number	Superannuable salary – \$p.a. Min	Superannuable salary – \$p.a. Max
Ombudsman	1	\$180,058	\$245,452
Deputy Ombudsman	1	\$141,329	\$164,463

Delivering results as a team

Our Office is dedicated to providing the best working environment we can for our diverse staff of investigators, complaint officers, trainers, communication specialists, and administrative officers. We offer working conditions comparable to the Queensland public service, including enterprise bargaining, and we adhere to government policies on equal employment opportunity and workplace health and safety. In addition, we provide training opportunities, avenues for regular internal communication, and various mechanisms for staff to have their concerns heard by senior management.

During 2008–2009, the number of staff increased slightly by 2.6% (this represented 1.5 FTEs). The number of actual staff as at 30 June 2009 was 57.1, expressed as all Queensland Ombudsman staff working in a part-time and/or full-time capacity.

Executive remuneration

Our executive structure consists of the Ombudsman and the Deputy Ombudsman whose remuneration is shown in Table 25 – ‘Executive Remuneration’.

The superannuable salary range in the table does not include allowances, leave loading or fringe benefits such as private use of motor vehicle and employer superannuation contributions.

Recognising staff achievements

In November 2008, we held our fourth annual Staff Awards and Recognition ceremony.

These awards recognise outstanding contributions made by our staff. Candidates are peer nominated and then assessed by a committee that makes recommendations on successful nominees to the Ombudsman.

“Training is a key element of our workforce capability strategy.”

The awards were presented by the Legal, Constitutional and Administrative Review Committee (LCARC) Chair Mrs Dianne Reilly MP and LCARC Research Director Alison Tate. Award recipients included:

Leadership

→ **Assistant Ombudsman** Peter Cantwell

Innovation and Improvement

→ **Individual:** Communication Officer (Media and Publications) Melanie Saxby

→ **Team:** Communication and Research Unit

Client Service

→ **Individual:** Graduate Enquiry Officer Kelly Bergin

→ **Team:** The Administrative Improvement Unit

Outstanding Teamwork

→ **Project Officer** (Training and Events) Emma Croft

Ombudsman Award of Excellence

→ **Assistant Ombudsman** Louise Rosemann.

In memoriam

We were saddened by the passing of our colleague Margaret Newbery on 4 March 2009.

Margaret joined our Office as Senior Investigator in the Assessment and Resolution Team in February 2006, continuing a long career in which she demonstrated her commitment to fairness and public service in a variety of roles.

We were fortunate that Margaret brought such a breadth of valuable skills to the Senior Investigator position. In particular, her expertise in dispute resolution contributed enormously to her team’s development. Margaret’s insight and analytical skills, as well as her significant knowledge of administrative law and the Queensland public sector, were greatly valued and enabled her to provide sound guidance to staff in dealing with complaints.

Margaret’s loss continues to be felt by everyone in the Office and we extend our sincere condolences to her family.

Managing information and technology

The objective of information management is to ensure that the optimal information assets required by the Office to achieve its objectives are obtained, managed and used to best effect.

We significantly improved our efficiency and effectiveness by upgrading our information technology infrastructure during 2008–2009.

The most important upgrade was to our case management software. This upgrade improves data integrity and reporting capability and enables system amendments to meet operational requirements.

Other upgrades included:

- new cabling with increased bandwidth and processing capacity
- several new servers to replace aged units
- a new data room facility, which we are sharing with other independent complaint agencies.

During the 2008–2009 financial year, we developed SmartBase – a knowledge management system for investigators and other operational staff. SmartBase, which is located on our Office's intranet, is used to ensure corporate knowledge is consistently retained and readily available. This reduces the time officers spend researching issues, cases or recommendations.



↑ Our Office is committed to delivering the best working environment we can.



Section 4: Managing our business

Actions from Outlook 2008–2009

- Implement the workforce capability strategy to provide professional development and training to staff.
- Work with staff to develop a new enterprise bargaining agreement.
- Continue to promote a culture of integrity, innovation and learning across the Office.
- Continue to identify and use effective internal communication processes.
- Complete development of new knowledge management system for staff.

Outlook 2009–2010

- Undertake a review and implement recommendations to the performance reporting of our case management system.
- Continue to play a lead role in managing shared facilities at 53 Albert Street.
- Continue to survey complainants and implement improvement findings of those surveys.
- Continue our Workforce Capability strategy focusing on:
 - » informal resolution techniques
 - » Certificate IV in Government (Investigations)
 - » Executive Leadership training
 - » emerging leaders training.
- Ensure compliance with the new *Financial Accountability Act 2009*.

A hand holding a pen, poised to write on a document. The background is blurred, showing office equipment like a printer or scanner. The entire image has a blue tint.

“Our Office is dedicated to providing the best working environment we can for our diverse staff of investigators, complaint officers, trainers, communication specialists, and administrative officers.”

Financial overview

Financial matters	78
Financial Statements	80
Income Statement	80
Balance Sheet	81
Statement of Changes in Equity	82
Cash Flow Statement	83
Notes to and forming part of the financial statements	84
1. Summary of Significant Accounting Policies	84
2. Reconciliation to Payments	88
3. User Charges	88
4. Employee Expenses	88
5. Supplies and Services	89
6. Depreciation and Amortisation	89
7. Other Expenses	89
8. Cash and Cash Equivalents	89
9. Receivables	89
10. Other Current Assets	90
11. Intangible Assets	90
12. Plant and Equipment	90
13. Payables	91
14. Accrued Employee Benefits	91
15. Other Liabilities	91
16. Reconciliation of Operating Surplus	91
17. Commitments for Expenditure	92
18. Contingencies	92
19. Events Occurring After Balance Date	92
20. Financial Instruments	92
Certificate of the Office of the Queensland Ombudsman	95
Independent audit report	95

Financial matters

In 2008–2009, the Office’s operational budget totalled \$7.006 million, representing an 12.5% increase from the previous year.

The funding increase was predominantly associated with moving our Office to new premises at 53 Albert Street.

In 2008–2009, the Office again delivered on its agreed outputs and ended the year with a neutral budget.

Where our money comes from

The Office receives the majority of its funding via direct appropriation from Queensland Treasury, consistent with its status as a department under the *Financial Administration and Audit Act 1977* (and also reflected in the *Financial Accountability Act 2009*, which commenced on 1 July 2009). We also receive revenue from our training programs, which are offered to agencies on a partial cost-recovery basis. These funds are used to meet costs associated with the delivery of training in regional areas, such as air fares and accommodation, as well as costs associated with the production of workbooks and training material.

Where we spend our money

Our Office provides a complaint service for the community and administrative improvement services to Queensland’s public sector entities. A large part of our costs in delivering these services is made up of employee expenses, which increased by \$0.497 million to \$5.061 million, largely as a result of enterprise bargaining increases consistent with those applicable to the Queensland public service.

What we own

Unlike other departments, the Queensland Ombudsman’s Office does not have many assets of significant value. At the end of the 2008–2009 year, our assets totalled \$1.421 million comprising:

- Furniture and equipment \$0.663 million
- Receivables \$0.408 million
- Cash at bank \$0.350 million

What we owe

Our liabilities for 2008–2009 amounted to \$0.375 million, which includes \$0.247 million in accounts payable to our suppliers, and \$0.128 million owing to the Crown and our employees for salary and recreation leave entitlements.

“The Office receives the majority of its funding via direct appropriation from Queensland Treasury.”

12.5%

Increase to our
budget to relocate
our office

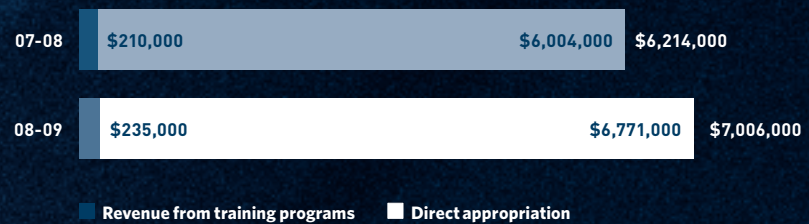
FIGURE 14: ANNUAL BUDGET



\$235k

\$235,000 revenue
generated from training
provided to agencies

FIGURE 15: OFFICE REVENUE SOURCES



“In 2008–2009,
the Office again
delivered on its
agreed outputs and
ended the year with
a neutral budget.”

TABLE 26: TOTAL EXPENSES 2008–09

	\$	% of total
Employee expenses	\$5,061,000	72.2%
Accommodation	\$1,060,000	15.1%
Communication, advertising and contractors	\$207,000	3.1%
Depreciation	\$51,000	0.7%
Telecommunications	\$98,000	1.4%
Minor equipment	\$73,000	1.0%
Printing, stores and stationery	\$75,000	1.1%
Other expenses	\$190,000	2.7%
Staff development	\$91,000	1.3%
Travel expenses	\$71,000	1.0%
Publications	\$29,000	0.4%
Total expenses	\$7,006,000	100%

Financial statements

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*.

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

The head office and principal place of business is 53 Albert Street, Brisbane.

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

For information in relation to the Office's financial statements please call Shaun Gordon, Manager Corporate Services, on (07) 3005 7007 or email sgordon@ombudsman.qld.gov.au or visit the Ombudsman's web site at www.ombudsman.qld.gov.au

Amounts shown in these financial statements may not add to the correct sub-totals or totals due to rounding.

Section 5: Financial Statements

Office of the Queensland Ombudsman

Section No.:

5

Title:

Financial Statements

Part:

Income Statement

Date:

For the year ended 30 June 2009

Income statement for the year ended 30 June 2009

	Notes	2009 \$'000	2008 \$'000
Income			
Revenue			
Output revenue	2	6,771	6,004
User charges	3	235	210
Total Income		7,006	6,214
Expenses			
Employee expenses	4	5,149	4,634
Supplies and services	5	1,756	1,370
Depreciation and amortisation	6	51	170
Other expenses	7	51	39
Total Expenses		7,006	6,213
Operating Surplus		-	1

The accompanying notes form part of these statements.

Office of the Queensland Ombudsman

Section No.: 5

Title: Financial Statements

Part: Balance Sheet

Date: As at 30 June 2009

Balance sheet as at 30 June 2009

	Notes	2009 \$'000	2008 \$'000
Current Assets			
Cash and cash equivalents	8	352	479
Receivables	9	216	112
Other	10	62	20
Total Current Assets		630	611
Non Current Assets			
Intangible assets	11	49	-
Property, plant and equipment	12	1,716	27
Total Non Current Assets		1,765	27
Total Assets		2,395	638
Current Liabilities			
Payables	13	140	385
Accrued employee benefits	14	110	112
Other	15	110	-
Total Current Liabilities		360	497
Non Current Liabilities			
Other	15	990	-
Total Non Current Liabilities		990	-
Total Liabilities		1,350	497
Net Assets		1,045	141
Equity			
Contributed equity		1,108	204
Retained surpluses		(63)	(63)
Total Equity		1,045	141

The accompanying notes form part of these statements.

Office of the Queensland Ombudsman

Section No.:

5

Title:

Financial Statements

Part: Statement of changes in equity

Date:

For the year ended 30 June 2009

Statement of changes in equity for the year ended 30 June 2009

	Notes	Retained Surpluses		Contributed Equity	
		2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000
Balance 1 July		0	0	0	0
Operating Surplus/(Deficit)		(63)	(64)	204	24
		-	1	-	-
Transactions with Owners as Owners:					
- Equity injection/(withdrawal)	2	-	-	904	40
- Net leave liabilities transferred to (from) other departments (Note 2)	2	-	-	-	12
- Non-appropriated equity injection for non-current leave entitlements transferred to Crown (See note 1 (p))	1 (p), 2	-	-	-	128
Balance 30 June		(63)	(63)	1,108	204

The accompanying notes form part of these statements.

Office of the Queensland Ombudsman

Section No.:

5

Title:

Financial Statements

Part:

Cash flow statement

Date:

For the year ended 30 June 2009

Cash flow statement for the year ended 30 June 2009

	Notes	2009 \$'000	2008 \$'000
Cash flows from operating activities			
Inflows:			
Output receipts		6,801	5,974
User charges		233	223
GST input tax credits from ATO		140	141
GST collected from customers		38	23
Outflows:			
Employee expenses		(5,539)	(4,498)
Supplies and services		(1,718)	(1,432)
GST paid to suppliers		(205)	(145)
GST remitted to ATO		(37)	(25)
Other		(55)	(35)
Net cash (used in)/provided by operating activities	16	(342)	226
Cash flows from investing activities			
Inflows:			
Outflows:			
Payments for plant and equipment		(689)	(8)
Net cash provided by/(used in) investing activities		(689)	(8)
Cash flows from financing activities			
Inflows:			
Equity injections		904	40
Outflows:			
Equity withdrawal		-	-
Net cash provided by/(used in) financing activities		904	40
Net increase/(decrease) in cash held		(127)	258
Cash at beginning of the financial year		479	221
Cash at end of the financial year	8	352	479

The accompanying notes form part of these statements.

Objectives and Principal Activities of the Office of the Queensland Ombudsman

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

The Office of the Queensland Ombudsman is funded principally by parliamentary appropriations.

1. Summary of Significant Accounting Policies

(a) Basis of Accounting

The financial statements have been prepared in accordance with Australian Accounting Standards. In addition, the financial statements comply with the Treasurer's Minimum Reporting Requirements for the year ended 30 June 2009, and other authoritative pronouncements.

These financial statements constitute a general purpose financial report.

Except where stated, the historical cost convention is used.

(b) The Reporting Entity

The financial statements include the value of all revenues, expenses, assets, liabilities and equity of the Office of the Queensland Ombudsman. There are no controlled entities.

A Statement of Outputs/Major Activities Expenses and Revenues has not been prepared as the department only has one output.

An Income Statement for Administered Expenses and Revenues has not been prepared as there were no administered expenses or revenues for the year.

There are no administered assets and liabilities that relate to the Office of the Queensland Ombudsman.

(c) Output Revenue

Appropriations provided under the Annual Appropriation Act are recognised as revenue in the reporting period in which the revenue is due, either received in cash or accrued.

(d) User Charges, Taxes, Penalties and Fines

User charges and fees controlled by the Office are recognised as revenues when invoices for the related services are issued. 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 Balance Sheet and Cash Flow Statement, cash assets include all cash and cheques receipted but not banked at 30 June and also includes available franking machine credit.

(f) Receivables

Trade debtors are recognised at the nominal amounts due at the time of sale or service delivery. Settlement of these amounts is required within 30 days from invoice date.

The collectability of receivables is assessed periodically with provision being made for impairment. All known bad debts were written off as at 30 June 2009.

Other debtors generally arise from transactions outside the usual operating activities of the office and are recognised at their assessed values. Terms are for a maximum of 3 months, no interest is charged and no security is obtained.

(g) Acquisition of Assets

Actual cost is used for the initial recording of all non-current physical and intangible asset acquisitions. Cost is determined as the value given as consideration plus costs incidental to the acquisition, including all other costs incurred in getting the assets ready for use, including architects' fees and engineering design fees. However, any training costs are expensed as incurred.

Where assets are received free of charge from another Queensland Public Sector entity (whether as a result of a machinery-of-Government or other involuntary transfer), the acquisition cost is recognised as the gross carrying amount in the books of the transferor immediately prior to the transfer together with any accumulated depreciation.

Assets acquired at no cost or for nominal consideration, other than from an involuntary transfer from another Queensland Government entity, are recognised at their fair value at date of acquisition in accordance with AASB 116 *Property, Plant and Equipment*.

(h) Plant and Equipment

Items of plant and equipment with a cost, or other value, 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.

(i) Revaluation of Non-Current Physical Assets

Plant and equipment is measured at cost. The carrying amounts for 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.

(j) 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 being expensed.

It has been determined that there is not an active market for any of the office's intangible assets. As such, the assets are recognised and carried at cost less accumulated amortisation and accumulated impairment losses.

1. Summary of Significant Accounting Policies (continued)

(j) Intangibles (continued)

Internally Generated Software

Expenditure on research activities relating to internally-generated intangible assets is recognised as an expense in the period in which it is incurred.

Costs associated with the development of computer software have been capitalised and are amortised on a straight-line basis over the period of expected benefit to the Office, namely 5 years.

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

Items comprising the Office's technical library are expensed on acquisition.

Each intangible asset is amortised over its estimated useful life to the agency, less any anticipated residual value. The residual value is zero for the Office's intangible assets.

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

Class	Rate %
Plant and equipment	
Computer equipment	33.3
Office equipment	33.3
Office furniture and fit out	10.0
Intangibles	
Software purchased	33.3

(l) Impairment of Non-Current Assets

All non-current physical and intangible assets are assessed for indicators of impairment on an annual basis. If an indicator of possible impairment exists, the Office determines the asset's recoverable amount. Any amount by which the asset's carrying amount exceeds the recoverable amount is recorded as an impairment loss.

The asset's recoverable amount is determined as the higher of the asset's fair value less costs to sell and depreciated replacement cost.

An impairment loss is recognised immediately in the Income Statement, unless the asset is carried at a revalued amount. When the asset is measured at a revalued amount, the impairment loss is offset against the asset revaluation reserve of the relevant class to the extent available.

Where an impairment loss subsequently reverses, the carrying amount of the asset is increased to the revised estimate of its recoverable amount, but so that the increased carrying amount does not exceed the carrying amount that would have been determined had no impairment loss been recognised for the asset in prior years. A reversal of an impairment loss is recognised as income, unless the asset is carried at a revalued amount, in which case the reversal of the impairment loss is treated as a revaluation increase. Refer also note 1 (i).

(m) Leases

Operating lease payments are representative of the pattern of benefits derived from the leased assets and are expensed in the periods in which they are incurred. Incentives received on entering into operating leases 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 and are measured at the agreed purchase/contract price, gross of applicable trade and other discounts. Amounts owing are unsecured and are generally settled on 30 day terms.

(o) Financial Instruments

Recognition

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

Classification

Financial instruments are classified and measured as follows:

- Cash and cash equivalents – held at fair value through profit and loss
- Receivables – held at amortised cost
- Payables – held at amortised cost

The Office does not enter transactions for speculative purposes, nor for hedging. Apart from cash and cash equivalents, the Office holds no financial assets classified at fair value through profit and loss.

All other disclosures relating to the measurement and financial risk management of financial instruments held by the Office are included in note 20.

1. Summary of Significant Accounting Policies (continued)

(p) Employee Benefits

Wages, Salaries and Sick Leave

Wages and salaries due but unpaid at reporting date are recognised in the Balance Sheet at the nominal salary rates. Payroll tax and workers' compensation insurance are a consequence of employing employees, but are not counted in an employee's total remuneration package. They are not employee benefits and are recognised separately as employee related expenses. Employer superannuation contributions, annual leave and long service leave levies are regarded as employee benefits.

Prior history indicates that on average, sick leave taken each reporting period is less than the entitlement accrued. This is expected to continue in future periods. Accordingly, it is unlikely that existing accumulated entitlements will be used by employees and no liability for unused sick leave entitlements is recognised.

As sick leave is non-vesting, an expense is recognised for this leave as it is taken.

Annual Leave

The Queensland Government's Annual Leave Central Scheme (ALCS) became operational on 30 June 2008 for departments, commercialised business units and shared service providers. Under this scheme, 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.

Effective from 30 June 2008, no provision for annual leave has been recognised in the Office's financial statements, the liability being 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*. On 30 June 2008, the current portion of employees' annual leave liabilities was extinguished by recognising a short-term payable to the Crown (refer to note 14).

The non-current portion of employees' annual leave liabilities was also extinguished on that date by the Crown making a non-appropriated equity injection to the Office (refer to the Statement of Changes in Equity).

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.

No provision for long service leave is recognised in the Office's financial statements, the liability being 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*.

Superannuation

Employer superannuation contributions are paid to QSuper, the superannuation plan 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.

Therefore no liability is recognised for accruing superannuation benefits in these financial statements, the liability being held on a whole-of-Government basis and reported in the financial statements prepared pursuant to AASB 1049 *Whole of Government and General Government Sector Financial Reporting*.

Executive Remuneration

The executive remuneration disclosures in the employee expenses note (Note 4) in the financial statements include:

- the aggregate remuneration of all senior executive officers (including the Chief Executive Officer) whose remuneration for the financial year is \$100,000 or more; and
- the number of senior executives whose total remuneration for the financial year falls within each successive \$20,000 band, commencing at \$100,000.

The remuneration disclosed is all remuneration paid or payable, directly or indirectly, from the Office or any related party in connection with the management of the affairs of the Office, whether as an executive or otherwise. For this purpose, remuneration includes:

- wages and salaries;
- accrued leave (that is, the increase/decrease in the amount of annual and long service leave owed to an executive, inclusive of any increase in the value of leave balances as a result of salary rate increases or the like);
- performance pay paid or due and payable in relation to the financial year, provided that a liability exists (namely a determination has been made prior to the financial statements being signed), and can be reliably measured even though the payment may not have been made during the financial year;
- accrued superannuation (being the value of all employer superannuation contributions during the financial year, both paid and payable as at 30 June);
- car parking benefits and the cost of motor vehicles, such as lease payments, fuel costs, registration/insurance, and repairs/maintenance, and fringe benefits tax on motor vehicles incurred by the agency during the financial year, both paid and payable as at 30 June, net of any amounts subsequently reimbursed by the executives;
- fringe benefits tax included in remuneration agreements.

The disclosures apply to all senior executives appointed under the *Public Service Act 2008* classified as SES1 and above, with remuneration above \$100,000 in the financial year. 'Remuneration' means any money, consideration or benefit, but excludes amounts:

- paid to an executive by the Office where the person worked during the financial year wholly or mainly outside Australia during the time the person was so employed; or
- in payment or reimbursement of out-of-pocket expenses incurred for the benefit of the entity.

In addition, separate disclosure of separation and redundancy/termination benefit payments is included where applicable.

Office of the Queensland Ombudsman

Section No.:

5

Title:

Financial Statements

Part:

Notes to and forming part of the Financial Statements

Date:

For the year ended 30 June 2009

1. Summary of Significant Accounting Policies (continued)

(q) Provisions

Provisions are recorded when the Office has a present obligation, either legal or constructive as a result of a past event. They are recognised at the amount expected at reporting date for which the obligation will be settled in a future period. Where the settlement of the obligation is expected after 12 or more months, the obligation is discounted to the present value using the appropriate discount rate.

(r) 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.

(s) Contributed Equity

Non-reciprocal transfers of assets and liabilities between wholly-owned Queensland State Public Sector entities as a result of machinery-of-Government changes are adjusted to 'Contributed Equity' in accordance with Interpretation 1038 *Contributions by Owners Made to Wholly-Owned Public Sector Entities*. Appropriations for equity adjustments are similarly designated.

(t) Taxation

The Office of the Queensland Ombudsman is a State body as defined under the *Income Tax Assessment Act 1936* and is exempt from Commonwealth taxation with the exception of Fringe Benefits Tax (FBT) and Goods and Services Tax (GST). FBT and GST are the only taxes accounted for by the Office of the Queensland Ombudsman. GST credits receivable from, and GST payable to the ATO, are recognised (refer to note 9).

(u) Issuance of Financial Statements

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

(v) Judgements

The preparation of financial statements necessarily requires the determination and use of certain critical accounting estimates, assumptions, and management judgements that have that 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:

- Valuation of Plant and Equipment – note 12
- Contingencies – note 18

(w) 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.

(x) New and Revised Accounting Standards

The Office did not voluntarily change any of its accounting policies during 2008–09. The significance of those new and amended Australian accounting standards that were applicable for the first time in the 2008–09 financial year and have had a significant impact on the Office's financial statements is as follows.

A review has been undertaken of revised accounting standard AASB 1004 *Contributions*, and it is considered the financial statements adequately reflect the matters required to be disclosed, given the Office's present operating circumstances.

The Office is not permitted to early adopt a new accounting standard ahead of the specified commencement date unless approval is obtained from the Treasury Department. Consequently, the Office has not applied any Australian accounting standards and interpretations that have been issued but are not yet effective. The Office will apply these standards and interpretations in accordance with their respective commencement dates.

At the date of authorisation of the financial report, a number of new or amended Australian accounting standards with future commencement dates will have a significant impact on the Office. Details of such impacts are set out below.

The Office will need to comply with a revised version of AASB 101 *Presentation of Financial Statements* as from 2009–10. This revised standard does not have measurement or recognition implications. Keeping in line with the new concept of 'comprehensive income' in the revised AASB 101 there will be no significant changes to the presentation of the Office's income and expenses that are currently presented in the Income Statement and the Statement of Changes in Equity.

All other Australian accounting standards and interpretations with future commencement dates are either not applicable to the Office, or have no material impact on the Office.

Office of the Queensland Ombudsman

Section No.:

5

Title:

Financial Statements

Part: Notes to and forming part of the Financial Statements

Date:

For the year ended 30 June 2009

	2009 \$'000	2008 \$'000
2. Reconciliation of Payments from Consolidated Fund to Output Revenue Recognised in Income Statement		
Budgeted output appropriation	6,801	6,004
Less opening balance of output revenue receivable	(30)	-
Output revenue recognised in Income Statement	6,771	6,004
Reconciliation of Payments from Consolidated Fund to Equity Adjustment Recognised in Contributed Equity		
Budgeted equity adjustment appropriation	904	40
Net leave liabilities transferred to other departments	-	12
Non-appropriated equity injection for non-current leave entitlements transferred to the Crown (see note 1 (p))	-	128
Equity adjustment recognised in Contributed Equity	904	180
3. User Charges		
'Good Decisions' and 'Complaint Management' Training Programs	235	210
	235	210
4. Employee Expenses		
Employee Benefits		
Wages and salaries	3,820	3,412
Employer superannuation contributions*	514	454
Annual leave levy*	378	-
Long service leave levy*	73	67
Other employee benefits	25	393
Employee Related Expenses		
Workers Compensation premium**	9	8
Payroll Tax**	227	200
Other employee related expenses	103	100
	5,149	4,634
	2009	2008
The number of employees including both full-time employees and part-time employees measured on a full-time equivalent basis is:		
Number of Employees	57	53
Executive Remuneration		
The number of senior executives who received or were due to receive total remuneration of \$100,000 or more:		
\$160,000 to \$179,999	-	1
\$220,000 to \$239,999	1	-
\$260,000 to \$279,999	1	1
	2	2
	\$'000	\$'000
The total remuneration of executives shown above***	484	434
The total separation and redundancy/termination benefit payments to executives shown above.	-	-

* Employer superannuation contributions, the annual leave levy and the long service levy are regarded as employee benefits.

** Costs of workers' compensation insurance and payroll tax are a consequence of employing employees, but are not counted in employees' total remuneration package. They are not employee benefits, but are rather employee related expenses.

***The amount calculated as executive remuneration in these financial statements includes the direct remuneration received, as well as items not directly received by senior executives, such as the movement in leave accruals and fringe benefits tax paid on motor vehicles. This amount will therefore differ from advertised executive remuneration packages which do not include the latter items.

Office of the Queensland Ombudsman

Section No.: 5

Title: Financial Statements

Part: Notes to and forming part of the Financial Statements

Date: For the year ended 30 June 2009

	2009 \$'000	2008 \$'000
5. Supplies and Services		
Consultants and contractors	72	129
Computer support	168	133
Electricity	31	34
Legal Expenses	1	6
Books	2	2
Motor vehicle expenses	31	20
Office maintenance	37	35
Operating lease rentals	1,032	645
Payments to employment agencies	3	-
Printing	52	59
Stores and stationery	23	20
Telephones/communication	80	69
Travel	33	37
'Good Decisions' training expenses	66	53
General supplies and services	125	128
Total	1,756	1,370
6. Depreciation and Amortisation		
Depreciation and amortisation were incurred in respect of:		
Office Furniture and Fit-Out	18	107
Computer Equipment	17	11
Office Equipment	11	9
Software	5	43
Total	51	170
No impairment losses were recorded during the year. No revaluation adjustments were necessary during the year.		
7. Other Expenses		
External audit fees*	17	18
Insurance premiums - QGIF	2	2
Sundry expenses	31	19
Total	50	39
* Total external audit fees relating to the 2008-09 financial year are estimated to be \$16,500 (2008: \$15,000). There are no non-audit services included in this amount.		
8. Cash and Cash Equivalents		
Imprest accounts	1	2
Cash at bank and on-hand	351	477
Total	352	479
9. Receivables		
Trade debtors	63	58
Less: provision for impairment	-	-
	63	58
GST receivable	86	21
GST payable	(5)	(4)
	81	17
Annual leave central scheme reimbursement	61	-
Long service leave reimbursements	11	7
Output revenue	-	30
	72	37
Total	216	112

Office of the Queensland Ombudsman

Section No.:

5

Title:

Financial Statements

Part: Notes to and forming part of the Financial Statements

Date:

For the year ended 30 June 2009

	2009 \$'000	2008 \$'000
10. Other Current Assets		
Prepayments		
Motor Vehicle leases	-	1
Software licences	-	19
Insurance	2	-
Salaries	60	-
	62	20
11. Intangible Assets		
Software purchased		
At cost	448	395
Less : Accumulated amortisation	(399)	(395)
Total	49	-
Intangibles Reconciliation		
Software Purchased		
Carrying amount at 1 July	-	43
Acquisitions	54	-
Amortisation	(5)	(43)
Carrying amount at 30 June	49	-

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

The office has a software program with an original cost of \$395,000, which has been fully amortised, but is still being used in the provision of services. The system was initially developed as a file and complaints management system. It has been further upgraded in the 2008-09 financial year at a cost of \$54,000 and its continued viability will be assessed in the 2009-10 financial year.

	2009 \$'000	2008 \$'000
12. Plant and Equipment		
Office furniture and fitout		
At cost	1614	528
Less: Accumulated depreciation	(18)	(528)
	1596	-
Computer equipment		
At cost	185	93
Less: Accumulated depreciation	(95)	(78)
	90	15
Office equipment		
At cost	75	46
Less: Accumulated depreciation	(45)	(34)
	30	12
Total	1716	27

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

Office of the Queensland Ombudsman

Section No.: 5

Title: Financial Statements

Part: Notes to and forming part of the Financial Statements

Date: For the year ended 30 June 2009

12. Plant and Equipment (Continued)**Plant and Equipment Reconciliation**

	Office furniture and fitout		Computer equipment		Office equipment		Total	
	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000	2009 \$'000	2008 \$'000
Carrying amount at 1 July	-	107	15	17	12	22	27	146
Acquisitions	1,614	-	92	8	29	-	1,735	8
Depreciation	(18)	(107)	(17)	(10)	(11)	(10)	(46)	(127)
Carrying amount at 30 June	1,596	-	90	15	30	12	1,716	27

The Office has plant and equipment with an original cost of \$86,000 and a written down value of zero still being used in the provision of services. 60 % of these assets with a gross replacement cost of \$60,000 are expected to be replaced in 2009-10 with the remaining 40% to be replaced in the 2010-11 financial year.

	Note	2009 \$'000	2008 \$'000
13. Payables			
Trade creditors		140	118
Other – annual leave balances payable to Crown	1(p)	-	267
Total		140	385
14. Accrued Employee Benefits			
Wages outstanding		-	112
Annual leave central scheme levy payable		110	-
Total		110	112
15. Other Liabilities			
Current			
Lease incentive		110	-
Non Current			
Lease incentive		990	-
Incentives received on entering into operating leases are recognised as liabilities. Lease payments are allocated between rental expense and reduction of the liability.			
16. Reconciliation of Operating Surplus to Net Cash From Operating Activities			
Operating Surplus/(Deficit)		-	1
Depreciation and amortisation		51	170
Transfer of employee entitlements – non cash		-	140
Changes in assets and liabilities:			
Decrease in accrued employee benefits		(2)	(281)
Increase (decrease) in payables		(245)	217
(Increase) decrease in trade receivables		(40)	(13)
(Increase) decrease GST input tax credits receivables		(65)	(4)
Increase (decrease) GST payable		1	(1)
(Increase) decrease in prepayments		(42)	(3)
Net cash (used)/from operating activities		(342)	226

Office of the Queensland Ombudsman

Section No.:

5

Title:

Financial Statements

Part:

Notes to and forming part of the Financial Statements

Date:

For the year ended 30 June 2009

	2009 \$'000	2008 \$'000
17. Commitments for Expenditure		
(a) Finance Lease Liabilities		
There were no finance lease liabilities at 30 June 2009.		
(b) Non-Cancellable Operating Leases		
Commitments under operating leases at reporting date are inclusive of anticipated GST and are payable as follows:		
- Not later than one year	749	1,102
- Later than one year and not later than five years	3,227	3,870
- Later than 5 years	1,444	1,796
Total	5,420	6,768

In 2009 the Office relocated to a new building at 53 Albert Street in terms of a collocation initiative with other complaint agencies. The rental agreement in respect of the Office's premises covers the period to 5 February 2016. The new lease has a seven year term with an escalation clause of 4.5% p.a.

The value of the outstanding rent at 30 June 2009 amounted to \$5,360,813 of which \$715,926 is current and \$4,644,887 is non-current. The Office's vehicles are leased from QFleet. The value of the outstanding leases at 30 June 2009 amounted to approximately \$55,825 of which \$26,003 is non-current.

The franking machine is also leased. The value of the outstanding rentals at 30 June 2009 amounted to approximately \$3,417 all of which is current.

No lease arrangements create restrictions on other financing transactions.

(c) Capital Expenditure Commitments

A capital commitment for further fit-out expenditure for the new premises existed at 30 June 2009. This expenditure amounted to approximately \$117,000.

18. Contingencies

(a) Guarantees and Undertakings

The Office was not committed to any guarantees or undertakings at 30 June 2009.

(b) Litigation in Progress

No litigation involving the Office was in progress at 30 June 2009.

19. Events Occurring After Balance Date

There were no material occurrences after 30 June 2009.

	Note	2009 \$'000	2008 \$'000
20. Financial Instruments			
(a) Categorisation of Financial Instruments			
The Office has the following categories of financial assets and financial liabilities:			
Financial Assets			
Cash and cash equivalents	8	352	479
Receivables	9	216	112
Total		568	591
Financial Liabilities			
Payables	13	140	385
Total		140	385

Office of the Queensland Ombudsman

Section No.: 5

Title: Financial Statements

Part: Notes to and forming part of the Financial Statements

Date: For the year ended 30 June 2009

20. Financial Instruments (continued)**(b) Financial Risk Management**

The Office's activities do not expose it to significant financial risks.

(c) Credit Risk Exposure

Credit risk exposure refers to the situation where 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 in relation to each class of recognised financial assets is the carrying amount of those assets inclusive of any provisions for impairment.

The following table represents the Office's maximum exposure to credit risk based on contractual amounts net of any allowances:

	Note	2009 \$'000	2008 \$'000
Financial Assets			
Cash and cash equivalents	8	352	479
Receivables	9	216	112
Total		568	591

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

The Ombudsman 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 Ombudsman 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 Balance Sheet.

The method for calculating any provisional impairment for risk is based on past experience, current and expected changes in economic conditions and changes in client credit ratings.

No financial assets have had their terms renegotiated so as to prevent them from being past due or impaired, and are stated at the carrying amounts as indicated.

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

	Contractual Repricing/Maturity Date						Total financial assets \$'000
	Not Overdue \$'000	Less than 30 days Overdue \$'000	30 to 60 days Overdue \$'000	61 to 90 days Overdue \$'000	More than 90 days Overdue \$'000	Total Overdue \$'000	
2009 Financial Assets Past Due But Not Impaired							
Financial Assets							
Receivables	158	43	2	-	13	58	216
Total	158	43	2	-	13	58	216
2008 Financial Assets Past Due But Not Impaired							
Financial Assets							
Receivables	46	30	5	15	16	66	112
Total	46	30	5	15	16	66	112

2009 Impaired Financial Assets

There were no impaired financial assets at 30 June 2009 (2008: nil).

Office of the Queensland Ombudsman

Section No.:

5

Title:

Financial Statements

Part:

Notes to and forming part of the Financial Statements

Date:

For the year ended 30 June 2009

20. Financial Instruments (continued)**(d) Liquidity Risk**

Liquidity risk refers to the situation where the Office may encounter difficulty in meeting obligations associated with financial liabilities.

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

The Ombudsman manages liquidity risk through the use of a Liquidity Management Strategy. This strategy aims to reduce the exposure to liquidity risk by ensuring the Ombudsman has sufficient funds available to meet employee and supplier obligations as they fall due. This is achieved by ensuring that minimum levels of cash are held within the various bank accounts so as to match the expected duration of the various employee and supplier liabilities.

The following table sets out the liquidity risk of financial liabilities held by the department:

	Note	Payable in < 1 year \$'000	Payable in 1-5 years \$'000	Payable in > 5 years \$'000	Total \$'000
2009					
<i>Financial Liabilities</i>					
Payables	13	140	-	-	140
Total		140	-	-	140
2008					
<i>Financial Liabilities</i>					
Payables	13	385	-	-	385
Total		385	-	-	385

(e) Market Risk

The Ombudsman does not trade in foreign currency and is not materially exposed to commodity price changes. The Office is not exposed to interest rate risk. The Ombudsman does not undertake any hedging in relation to interest risk and manages its risk as per the liquidity risk management strategy.

Interest Rate Sensitivity Analysis

The Ombudsman does not earn interest on cash and cash equivalents and consequently has no exposure to interest rate changes.

Fair Value

The fair value of financial assets and liabilities must be estimated for recognition and measurement and for note disclosure purposes.

The fair value of financial assets and liabilities is determined as follows:

The carrying amounts of cash, cash equivalents, receivables, payables and the lease liability approximate their fair value and are not disclosed separately.

Office of the Queensland Ombudsman	Section No.: 5	Title: Financial Statements
Part: Certificate of the Office of the Queensland Ombudsman	Date: 29 August 2009	

Certificate of the Office of the Queensland Ombudsman

These general purpose financial statements have been prepared pursuant to section 40(1) of the *Financial Administration and Audit Act 1977* (the Act), and other prescribed requirements. In accordance with Section 40(3) of the Act we certify that in our opinion:

- (a) the prescribed requirements for establishing and keeping the accounts have been complied with in all material respects; and
- (b) the statements have been drawn up to present a true and fair view, in accordance with prescribed accounting standards, of the transactions of the Office of the Queensland Ombudsman for the financial year ended 30 June 2009 and of the financial position at the end of that year.

S.A. Gordon
Manager,
Corporate Services Division

D.J. Bevan
Queensland Ombudsman

C.B De Wet
Senior Finance Officer,
Corporate Services Division

28 August 2009

Office of the Queensland Ombudsman

Section No.:

5

Title:

Financial Statements

Part: Independent Auditor's Report

Date:

29 August 2009

Independent Auditor's Report

To the Accountable Officer of the Office of the Queensland Ombudsman

Matters Relating to the Electronic Presentation of the Audited Financial Report

The audit report relates to the financial report of the Office of the Queensland Ombudsman for the financial year ended 30 June 2007 included on the Office of the Queensland Ombudsman's web site. The Accountable Officer is responsible for the integrity of the Office of the Queensland Ombudsman's web site. We have not been engaged to report on the integrity of the Office of the Queensland Ombudsman's web site. The audit report refers only to the statements named below. It does not provide an opinion on any other information which may have been hyperlinked to/from these statements. If users of the financial report are concerned with the inherent risks arising from electronic data communications they are advised to refer to the hard copy of the audited financial report, available from the Office of the Queensland Ombudsman, to confirm the information included in the audited financial report presented on this web site.

These matters also relate to the presentation of the audited financial report in other electronic media including CD Rom.

Report on the Financial Report

I have audited the accompanying financial report of the Office of the Queensland Ombudsman, which comprises the balance sheet as at 30 June 2007, and the income statement, statement of changes in equity and cash flow statement for the year ended on that date, a summary of significant accounting policies, other explanatory notes and the certificates given by the Queensland Ombudsman, Manager, Corporate Services Division and Senior Finance Officer, Corporate Services Division.

The Accountable Officer's Responsibility for the Financial Report

The Accountable Officer is responsible for the preparation and fair presentation of the financial report in accordance with prescribed accounting requirements identified in the *Financial Administration and Audit Act 1977* and the *Financial Management Standard 1997*, including compliance with applicable Australian Accounting Standards (including the Australian Accounting Interpretations). This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial report that is free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditor's Responsibility

My responsibility to express an opinion on the financial report based on the audit is prescribed in the *Auditor-General Act 2009*. This act including transitional provisions, came into operation on 1 July 2009 and replaces the previous requirements contained in the *Financial Administration and Audit Act 1977*. The audit was conducted in accordance with the *Auditor-General of Queensland Auditing Standards*, which incorporate the *Australian Auditing Standards*. These Auditing Standards require compliance with relevant ethical requirements relating to audit engagements and that the audit is planned and performed to obtain reasonable assurance whether the financial report is free from material misstatement.

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

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

Independence

The *Financial Administration and Audit Act 1977* promotes the independence of the Auditor-General and QAO authorised auditors. The Auditor-General is the auditor of all Queensland public sector entities and can only be removed by Parliament.

The Auditor-General may conduct an audit in any way considered appropriate and is not subject to direction by any person about the way in which 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.

Auditor's Opinion

In accordance with s.40 of the *Financial Administration and Audit Act 1977* –

- (a) I have received all the information and explanations which I have required; and
- (b) in my opinion –
 - (i) the prescribed requirements in respect of the establishment and keeping of accounts have been complied with in all material respects; and
 - (ii) the financial report has been drawn up so as to present a true and fair view, in accordance with the prescribed accounting standards of the transactions of the Office of the Queensland Ombudsman for the financial year 1 July 2006 to 30 June 2007 and of the financial position as at the end of that year.

JF Welsh FCPA

(As Delegate of the Auditor-General of Queensland)



Queensland Audit Office
Brisbane

Appendices, index and glossary



Section No.:

6

Section Title:

Appendices, index and glossary

Part:

Appendices

Page No.:

1 of 3

Appendix 1 – Energy consumption

Our new office at 53 Albert Street is a Four Green Star rated building – meaning environmental factors were considered during its construction. The building has a range of water and energy conservation initiatives. Recycling initiatives are also in place for managing every day refuse.

The table below details our expenditure on electricity and motor vehicle fuel.

	2006-2007	2007-2008	2008-2009
Electricity	\$26,165	\$28,415	\$34,513
Motor vehicle fuel	\$6,357	\$6,146	\$5,695

Appendix 2 – Overseas travel

Officer	Destination	Purpose	Date	Cost
David Bevan	Sweden	9 th International Ombudsman Conference	9-12 June 2009	\$3,013
Total				\$3,013

Total cost includes accommodation, some meals, allowances and conference registration.

Appendix 3 – Freedom of information applications

FOI applications received and processed in 2008–2009

	2006-07	2007-08	2008-09
Applications carried over from previous year	0	2	4
Number of applications received	14	24	18
Applications received under s.51 (consultation as an affected third party)	0	3	3
Applications withdrawn or deemed withdrawn	0	4	6
Number of applications requiring a decision	12	20	21
Applications on hand – carry over to next year	2	4	1

Outcomes of applications finalised during 2008–2009

Application type	Number of applications	Number of documents considered	Access in full	Access in part	Access refused	% of documents released in full or part
Non-personal	6	136	133	3	0	100%
Personal	15	1,790	1,784	6	0	100%

Section No.:	6	Section Title:	Appendices, index and glossary
Part:	Appendices	Page No.:	2 of 3

Exemptions invoked

		Number of times
39(1)	Disclosure could reasonably be expected to prejudice the conduct of an investigation by the Ombudsman	1
41(1)	Disclosure of an obtained opinion, advice or recommendation	0
42(1)(b)	Disclosure of the identity of a confidential source	0
43(1)	Would violate legal professional privilege	0
44(1)	Would disclose someone else's personal affairs	2
45(1)(c)	Would disclose someone's trade secrets, business affairs or research	0
46(1)	Disclosure could bring an action for breach of confidence	0

There was one application for internal review during 2008–2009. A total of \$170.25 was collected for non-personal application fees and charges.

Appendix 4 – Presentations delivered by staff of the Queensland Ombudsman Office in 2008–2009

Date	Organisation / topic	Location
22 Jul 2008	Department of Justice & Attorney General (Qld Public Sector Privacy Coordinators)	Brisbane
23 Jul 2008	Griffith University graduates	Brisbane
28 Jul 2008	Disability Services Queensland	Brisbane
22 Aug 2008	Official Visitors Conference	Brisbane
10 Sep 2008	Sunnybank Probus	Brisbane
22 Sep 2008	Queensland Transport – CMP audit	Brisbane
16 Oct 2008	Department of Housing – 2007–2008 complaints report	Brisbane
27 Oct 2008	Department of Education, Training & The Arts – 2007–08 complaints report	Brisbane
31 Oct 2008	Department of Child Safety – 2007–2008 complaints report	Brisbane
03 Nov 2008	Queensland Corrective Services – 2007–2008 complaints report	Brisbane
05 Nov 2008	Department of Transport – 2007–2008 complaints report	Brisbane
06 Nov 2008	Local Authorities Revenue Management Association Conference	Brisbane
17 Nov 2008	Department of Health – 2007–2008 complaints report	Brisbane
20 Nov 2008	Interdepartmental Accounting Group (IAG) Conference 2008	Gold Coast
26 Nov 2008	Brisbane Legal Counsel Conference	Brisbane
27 Nov 2008	The Australian National Parking Workshop – Good decision-making	Brisbane
04 Dec 2008	The Far North Queensland Local Government Manager's Association – Fair and transparent decision-making	Innisfail
10 Mar 2009	Managing Prosecutions – Improving Outcomes – Workshop	Brisbane
01 Apr 2009	DETA – Metropolitan South Institute of TAFE	Brisbane
08 Apr 2009	Induction for new Members of Parliament – role of Ombudsman	Brisbane
21 Apr 2009	Queensland University of Technology Environmental Health Law (graduates)	Brisbane
24 Apr 2009	University of Queensland students – public sector accountability	Brisbane
03 Jun 2009	Queensland Public Sector Ethics Network	Brisbane

Section No.:

6

Section Title:

Appendices, index and glossary

Part:

Appendices

Page No.:

3 of 3

Appendix 5: Professional development activities undertaken in 2007–2008

Provider	Program
Marketing/Communication/client services	
Department of the Premier and Cabinet	Family Responsibilities Commission Briefing
Public Relations Institute Australia	Media Release Writing
Institute of Public Administration Australia	Memorable Presentations
Ethnic Communities Council of Queensland	Culturally Competent Customer Service
Queensland Ombudsman	Good Decisions Training
Legal/Investigative	
Queensland Police Service	Tactical Communication
Telecommunications Ombudsman	Complaints Handling
Clayton Utz	Statutory Interpretations
Department of Justice and Attorney-General	Judicial Review Issues
Queensland Ombudsman	Complaints Management Training
Queensland University of Technology	Mediation Skills Training – Full Program
Queensland University of Technology	Mediation Skills Training – Refresher Program
Queensland Police Service	Certificate IV Government (Investigations)
Queensland Corrective Services	IOMS – (Offender Management System's Training)
Interpersonal	
Institute of Public Administration Australia	Growing the Leader Within
Institute of Public Administration Australia	First Time Supervisors
Institute of Public Administration Australia	Workplace Assertion Skills
Institute of Public Administration Australia	Managing Challenging Behaviours
Learning at Work through Department of Employment and Training	Experiential Leadership Development Program
Queensland Women in the Public Service	Women to Leadership Mentoring Program
Ford Health Group	Corporate Health Program
Coordinated by Queensland Ombudsman	Inter-agency Mentoring Program
Administrative/Computer	
Open Learning Institute	Certificate V Government (Administration)
MRWED Training and Assessment	Certificate IV Training and Assessment
Odyssey Training	Creating Complex Documents
Odyssey Training	InDesign-Adobe
Institute of Public Administration Australia	Time Management Essentials
Institute of Public Administration Australia	Turning Policy into Legislation
Queensland University of Technology	Plain English Writing-Advanced
Odyssey Training	Microsoft Word Training-Intermediate
Institute of Public Administration Australia	Proofreading and Editing
Workplace Consulting Queensland	Code of Conduct
Quadra Pacific	Fire Warden Training
Red Cross	First Aid and Resuscitation Training
Conference attendance	
Liquid Learning	Public Sector IP and Governance Conference
Tasmanian Ombudsman and Queensland Ombudsman	Deputy Ombudsman Conferences
Local Government Managers Association	LGMA Qld Annual Conference
Resolve/Beethoven	Resolve Conference
Interdepartmental Accounting Group	IAG Financial Conference
Office of the Ombudsman Sweden	Ombudsman Conference

Section No.: 6

Section Title: Appendices, index and glossary

Part: Index

Page No.: 1 of 3

Index and list of acronyms

Name	Acronym	Page
Aboriginal and Torres Strait Islander	ATSI	63
Agency Satisfaction Survey	-	10, 60, 66
Australian and Pacific Ombudsman Manual	-	66
Administrative Improvement Unit	AIU	12, 14, 74
Assessment and Resolution Team	ART	12, 14, 19, 74
Communication and Research Unit	CRU	13, 14, 70, 74
Community Services and Corrections Team	CSCT	12, 13, 14
Complainant Satisfaction Survey	-	10, 64, 71
Complaints Management Program	CMP	6, 38, 56, 66
Complaints Management Training	CMT	5, 11, 14, 56, 58, 66
Control Yuan (Taiwan)	-	65
Corporate Procurement Plan	-	11, 71
Corporate Services Unit	CSU	13, 14, 70
Directive 13/06 Complaints Management Systems	-	11, 56, 66
Freedom of Information	FOI	8, 68, 69, 98
Good Decisions Training	GDI	5, 11, 14, 22, 58, 59, 89, 100
Government Owned Corporation	GOC	8
Innovation Committees	IC	11, 69, 70
Law, Justice and Safety Committee	LJSC	14, 68, 69, 103
Legal, Constitutional and Administrative Review Committee	LCARC	68, 74, 101
<i>Local Government Act 1993</i>	LGA	38, 43, 45, 56
Local Government and Infrastructure Team	LGIT	12, 13, 14, 40
Maladministration	-	6, 7, 10, 19, 22, 23, 36, 39, 40, 47, 48, 51, 59, 70

Name	Acronym	Page
Multicultural Action Plan	MAP	10, 63, 66
<i>Ombudsman Act 2001</i>	-	2, 21, 43, 68, 69, 80
Ombudsman Commission (Papua New Guinea)	-	65
Ombudsman Institute World Conference	-	8, 66
Ombudsman Management Group	OMG	4, 11, 12, 69, 70, 71
Pacific Ombudsman Alliance	-	66
Perspective Newsletters	-	3, 6, 11, 58, 60, 61, 66
Prisoners	-	3, 6, 10, 14, 16, 17, 23, 34, 35, 36, 37, 50, 51, 52, 63, 66
Public Interest Disclosure	PID	7, 18, 59, 60, 66, 68, 69, 70
Public Service Commission	PSC	3, 6, 7, 11, 60, 66
Queensland Civil and Administrative Review Tribunal	QCAT	8, 71
Queensland Government Agency Program	QGAP	10, 61, 66
Regional Awareness Campaigns	-	6, 10, 61, 66
Right to Information	RTI	8
The Regulation of Mine Safety in Queensland	-	3, 6, 53, 79
Unreasonable Complainant Conduct Project	UCCP	59, 66
Whistling While They Work Project	WWTW Project	6, 11, 59, 66, 71
Whistleblowers Protection Act	-	6, 69, 70

Section No.:

6

Section Title:

Appendices, index and glossary

Part:

Index

Page No.:

2 of 3

List of councils and agencies mentioned

	Page
Councils	
Brisbane City Council	27, 57
Bundaberg City Council	26, 62
Cairns Regional Council	40, 42, 57
Cloncurry Shire Council	57
Cook Shire Council	57
Douglas Shire Council	40, 42
Fraser Coast Regional Council	46
Gold Coast City Council	45, 57, 65
Hinchinbrook Shire Council	40, 43
Ipswich City Council	25
Laidley Shire Council	27
Lockyer Valley Regional Council	27
Logan City Council	57
Mackay Regional Council	57
Mount Isa City Council	41
Redland City Council	53
Rockhampton Regional Council	57
Scenic Rim Regional Council	57
Toowoomba Regional Council	57
Townsville City Council	40, 44, 57
Agencies (includes pre and post machinery of government names)	
Anti-Discrimination Commission Queensland	8, 64, 68, 72
Commission for Children and Young People and Child Guardian	8, 28, 57, 64, 68, 71, 72
Crime and Misconduct Commission	3, 7, 11, 12, 60, 64, 66, 72
Department of Child Safety	25, 28, 29, 57, 65, 99
Department of Communities	23, 25, 57
Department of Community Safety	34, 57
Department of Education and Training	57
Department of Employment, Economic Development and Innovation	52, 57
Department of Environment and Resource Management	53, 57
Department of Housing	24, 28, 57, 65, 99

	Page
Department of Justice and Attorney General	30, 54, 57, 99, 100
Department of Local Government, Sport and Recreation	57
Department of Main Roads	29, 54, 57, 65
Department of Natural Resources and Water	28, 29, 44, 53
Department of the Premier and Cabinet	3, 6, 50, 51, 52, 57, 100
Department of Public Works	30, 52, 57
Department of Transport and Main Roads	57
Disability Services Queensland	29, 57, 99
Environmental Protection Agency	53, 57
Family Responsibilities Commission	57, 100
Health Quality and Complaints Commission	8, 10, 29, 63, 64, 68, 72
Public Trustee	28, 29, 33
Queensland Health	28, 29, 34, 57
QBuild	30, 31
QLeave	57
Queensland Corrective Services	3, 6, 12, 14, 22, 29, 34, 37, 50, 65, 99, 100
Queensland Civil and Administrative Tribunal	8, 71
Queensland Mines Inspectorate	3, 6, 52
Queensland Parole Board	6, 14, 34
Queensland Water Commission	57
Queensland Audit Office	11, 68, 72, 96
WorkCover Queensland	29, 57
Universities	
Central Queensland University	48
Griffith University	6, 47, 48, 49, 71, 99
James Cook University	48
Queensland University of Technology	47, 48, 49, 99
University of Queensland	24, 47, 48, 99

Section No.: 6

Section Title: Appendices, index and glossary

Part: Index and glossary

Page No.: 3 of 3

List of tables

Table	Page
1 How we received complaints	17
2 Complaints received for agency types	18
3 All contact with our Office	18
4 Complaints finalised	20
5 How we finalised complaints	20
6 Why we declined complaints	21
7 Investigation outcomes	23
8 Types of administrative error established	23
9 Number of recommendations made to agencies	23
10 How agencies responded to recommendations	23
11 Top 15 state agencies most complained about	29
12 Number of prisoner complaints we finalised by investigation	35
13 What prisoners complained about	35
14 Recommendations made to QCS	36
15 Recommendations made to councils	39
16 Outcomes of investigations of council complaints	39
17 Complaints finalised - what people complained about	39
18 Universities complained about	48
19 Agencies participating in Complaints Management Training	57
20 Agencies participating in Good Decisions Training	57
21 Regional centres we visited	62
22 External consultants we engaged in 2008-2009	71
23 External contractors engaged in 2008-2009	71
24 Staff turnover	73
25 Executive remuneration	74
26 Total expenses 2008-2009	79

List of figures

Figure	Page
1 Complaints received	17
2 Complaints finalised	17
3 Timeframe for complaints being finalised	20
4 Age of open complaints as at 30 June 2009	20
5 QCS and parole board complaints	35
6 How complaints are made about QCS	35
7 Complaints received about councils	39
8 Outcomes of investigations about universities	48
9 Online complaint comparison	64
10 Our governance framework	69
11 Joiners and leavers 2008-2009	73
12 Profile of our workplace	73
13 Gender distribution by classification	73
14 Annual budget	79
15 Office revenue sources	79

Glossary

Item	Description
Complainant	A person bringing a complaint to the Office
Complaint	An expression of dissatisfaction we have jurisdiction to investigate
Complaint finalised	A complaint that our Office reviews and establishes an outcome
Complaint received	A complaint received by our Office during the financial year
Inquiry	Contact with our Office where the person seeks information or assistance but does not make a specific complaint
Internal review	Investigation of a decision undertaken by the agency who made the initial decision
Law, Justice and Safety Committee	The LJSC comprises members of Parliament. We report to the LJSC on a biannual basis
Maladministration	The decisions and administrative actions of public agencies that are unlawful, unfair, unreasonable or wrong
<i>Ombudsman Act 2001</i>	<p>The <i>Ombudsman Act 2001</i> :</p> <ul style="list-style-type: none"> → recognises a dual role for the Ombudsman to remedy complaints about administrative actions and assist agencies to improve their decision-making and administrative practice → facilitates informal investigation and resolution of complaints → empowers the Ombudsman to use investigative powers if necessary → provides for our Office's independence.
Out of jurisdiction	A complaint received that we do not have the authority to investigate
Public administration	The administrative practices of Queensland public sector agencies
Public agencies/public sector agencies	State government agencies and local councils
Public interest disclosure (PID)	An appropriate disclosure of public interest information made by the proper person to an appropriate entity
Recommendation	We do not force agencies to accept our recommendations but have the power to report publicly if they don't
Referral	Out of our jurisdiction so the complainant is referred to another agency
Review request	The complainant requests we reconsider our decision on their case
Systemic problem or issue	Where some error in the agency's administrative process (its system) is causing or contributing to complaints



QUEENSLAND
ombudsman



This report is printed on Sovereign Offset.



Environmental Accreditation

Paper is manufactured by a mill that is accredited with ISO 14001.



Sustainable Forestry Practice

Fibre used in the production of paper is sourced from suppliers who practice sustainable forestry techniques, FSC, PEFC.



Chlorine Free

No chlorine gases are used in the bleaching process.



Acid Free

Ensuring longer life and less discolouration of paper.



Graphic Design

Designed and produced with D10 Creative
www.d10.com.au



Fairness matters.

Annual Report 2008–2009

Level 17, 53 Albert Street Brisbane QLD 4000
GPO Box 3314 Brisbane QLD 4001

Tel: (07) 3005 7000 **Freecall:** 1800 068 908 (outside Brisbane)

Fax: (07) 3005 7067 **TTY:** (07) 3006 8174

Email: ombudsman@ombudsman.qld.gov.au

www.ombudsman.qld.gov.au