

Fair decisions. Our business.
Annual Report 2007–2008

Fair decisions. Our business.



Annual Report 2007–2008



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Our vision

To achieve excellence in public sector decision-making and administrative practice.

Our goals

We work towards this vision by focusing on four goals:

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

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

Goal 3 – Contribute to improving the quality of administrative practice in Queensland public sector agencies

Goal 4 – Promote organisational excellence and a skilled, committed workforce.

Our values

In everything we do, we are guided by the values of:

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

ABOUT THIS REPORT

This report presents highlights of the achievements of the Office of the Queensland Ombudsman for the 2007–08 financial year. It also compares the Office's performance against its performance targets, meets reporting obligations under the *Ombudsman Act 2001* and the *Financial Administration and Audit Act 1977* and provides details of the Office's future direction. The report has been designed and written in a reader friendly style and printed on environmentally sustainable paper. Copies can be requested by phone on (07) 3005 7000 or accessed via www.ombudsman.qld.gov.au

WE VALUE YOUR FEEDBACK

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

Mail: GPO Box 3314 Brisbane Queensland 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 **Web:** www.ombudsman.qld.gov.au



SECTION 1:

Fair decisions.
Our business.

SECTION 1:

Fair decisions. Our business.

About us.

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

Our core business is complaints management and we exist to ensure that Queensland's public sector agencies act lawfully and fairly in their dealings with the community and are accountable for their actions.

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

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

WHAT WE INVESTIGATE

We can investigate the actions of State and local government agencies and universities to see if they are:

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

Based on our investigations, we often make recommendations to agencies that they take action to:

- ▶ rectify the effect of a wrong decision, or
- ▶ improve their administrative practice.

OUR JURISDICTION

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

- ▶ Ministers and Cabinet, courts and judges, and the Auditor-General
- ▶ private individuals or businesses (e.g. insurance or telecommunications providers)
- ▶ the operational actions of police
- ▶ Commonwealth or interstate government departments.

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
- ▶ some other right of review that has not been used.

Frequently, we will not investigate a complaint if the complainant has not attempted to resolve the problem with the agency concerned. This is because agencies should be given the opportunity to address the problem and take responsibility for their actions.

DELIVERING OUR SERVICES

When dealing with us, people can expect:

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

15,317

people contacted our Office this year

An increase of nearly 25% over last year. The increase was driven predominantly by complaints about matters that were not in our jurisdiction, which grew more than 60% (see p.14)

300

open complaints as at 30 June 2008

An 8.8% decrease from last year (2006-07: 329) (see p.14)

69%

of complaints dealt with within 10 days

And 90% within 60 days (see p.17)

100

training sessions delivered on good decision-making and complaints management

To approximately 1,700 State and local government officers, with 58 sessions delivered outside Brisbane (see p.53)

Our highlights.

- ▶ **Only one complaint older than 12 months** (2006-07: 4) (see p.17)
- ▶ **Published four major reports:**
 - *Tips and Traps for Regulators* (November 2007) (see p.50)
 - *The Councillor Code of Conduct Report* (December 2007) (see p.47)
 - *The Regulation of Mine Safety in Queensland* (June 2008) (see p.46)
 - *Local Government Casebook* (June 2008) (see p.50)
- ▶ **43% increase in contact via email and the online complaint form on our website compared to 2006-07**, with nearly 20% of all complaints received in this way. We also launched our new website in May 2008 (see p.14)
- ▶ **Commenced delivering a new Complaints Management Training program** in October 2007 for frontline officers who handle complaints and for internal review officers (see p.53)
- ▶ **Launched Phase 3 of our Complaints Management Program**, which includes auditing State agencies' complaint systems (see p.52)
- ▶ **Significantly progressed planning for our move to a new office** at 53 Albert Street, Brisbane in approximately March 2009, where we will be sharing some resources with four other independent complaint agencies (see p.62)

Key results

For year ended 30 June 2008 compared with 2007

	SDS* targets	2007-08	2006-07	% Change
COMPLAINTS				
Received		7,172	7,084	1.2 ↑
Finalised	7,000	7,201	7,134	1.0 ↑
Open at 30 June 2008		300	329	8.8 ↓
% of accepted recommendations	90%	95%	98%	3.0 ↓
TRAINING				
Number of sessions	100	100	74	35.1 ↑
Officers trained		1,700	1,278	33 ↑
Sessions delivered outside Brisbane	50	58	42	38.1 ↑
FINANCE				
		\$'000	\$'000	
Revenue		6,214	5,981	3.9 ↑
Expenses		6,179	5,978	3.4 ↑

* Service Delivery Statement

Our service structure.

FIGURE 1: SERVICE DELIVERY STRUCTURE



Ombudsman's overview.



► **David Bevan**
Queensland Ombudsman

“We dealt with 15,317 complaints and inquiries, an increase of almost 25% from the previous year.”

We have had another busy and productive year investigating complaints and carrying out programs to improve public administration.

This year also marked the start of our new strategic plan. The plan will guide our activities over the next five years to help us deliver our vision of achieving excellence in public sector decision-making and administrative practice.

FAIR DECISIONS FOR THE COMMUNITY

It has been particularly hectic for our intake and assessment team, which dealt with 15,317 complaints and inquiries, an increase of almost 25% from the previous year. The increase was mainly due to a more than 60% increase of complaints that were outside of our jurisdiction. We referred these complainants to the agency we considered to be the most appropriate one to help them with their concerns (see p.14).

We have maintained our focus on dealing with complaints as quickly as possible. The success of our approach is illustrated by the fact that we finalised 69% of complaints within 10 days of receiving them and 90% within 60 days. Most of these were straightforward matters but we also carefully monitored the progress of our complex investigations. Consequently, as at 30 June, only one of the 300 open complaints was older than 12 months (see p.17).

As a result of our investigations, we made 183 recommendations to agencies during the year to rectify the effect of their defective decisions or to improve their practices and procedures in order to reduce the risk of similar complaints arising (see p.18).

IMPROVING PUBLIC SECTOR DECISION-MAKING AND COMPLAINTS MANAGEMENT

As reported in last year's annual report, we secured additional funding to boost our administrative improvement programs. This enabled us to increase the number of staff engaged in this work without any adverse impact on our investigative function. This meant we were able to significantly increase our training program and I am pleased to report that we met our new target of delivering 100 training sessions for the year (see p.53).

Approximately 1,700 officers from a wide variety of State agencies and local councils participated in the training. We continued to deliver our popular Good Decision-making training and also launched our new Complaints Management Training program in November 2007.

This new program was developed for officers in agencies who deal with complaints, whether they work in customer service areas or have a more formal role of investigating or reviewing complaints (see p.53).

We also continued to make our training available throughout Queensland with 58 of the 100 training sessions delivered outside of Brisbane. These regional sessions provide a cost-effective option for regional officers who would otherwise have to travel to Brisbane to take part in training in many cases.

Our other major administrative improvement activity this year has been our Complaints Management Program. Our focus this year has been on encouraging and assisting State agencies to comply with the Public Service Commissioner's *Directive 13/06 Complaints Management Systems*. The Directive required agencies to have effective systems in place for dealing with complaints by November 2007 (see p.52).

We provided further assistance to agencies after the deadline expired and in April, we commenced an audit to evaluate their compliance with the Directive. The results of the audit will be analysed and a report prepared in early 2009.

“We finalised 69% of complaints within 10 days of receiving them, and 90% within 60 days.”

REPORTING PUBLICLY ON SYSTEMIC ISSUES

This year, we continued to investigate and report publicly on administrative problems of a systemic nature. I presented two reports on our major investigations to the Speaker for tabling in Parliament. They were:

- ▶ *The Councillor Code of Conduct Report: an investigation into the Redland Shire Council's management of a complaint against a councillor, December 2007* (see p.47), and
- ▶ *The Regulation of Mine Safety in Queensland: a review of the Queensland Mines Inspectorate, June 2008* (see p.46).

We also monitored implementation of the recommendations we made in major reports from previous years, such as the *Pacific Motorway Report* and initiated several 'own initiative' investigations (see p.48).

During the year we published two reports (with the approval of the Speaker) providing guidance for agencies based on our investigations. The first, *Tips and Traps for Regulators*, was published to assist agencies with regulatory responsibilities. The case studies and recommendations included in the report demonstrate how agencies can improve the effectiveness, consistency and accountability of their regulatory practices (see p.50).

The second report is called the *Local Government Casebook* and was issued as part of our ongoing commitment to improve public administration in councils. The collection of investigations summarised in the casebook relates to councils from across Queensland and highlights problems in council administration likely to be relevant to many (and, in some cases, all) councils (see p.50).

COMMUNICATING EFFECTIVELY FOR IMPROVED ADMINISTRATION

Our series of Perspective newsletters (*State Perspective, Local Perspective and Frontline Perspective*) is now well established and readership continues to increase across State and local government (see p.55).

The newsletters contain advice for officers on good decision-making and complaint handling using case studies based on our investigations as well as information about our major initiatives, such as our Complaints Management Program. The newsletters have also helped improve awareness of my Office's administrative improvement role across the public sector. They are published three times a year.

IMPROVING ACCESS FOR THE WHOLE COMMUNITY

My Office is contacted by people from right across Queensland, including people from minority or disadvantaged groups. This year we initiated a number of activities to improve awareness of and access to our services.

In January 2008, we commenced a partnership with Smart Service Queensland's Queensland Government Agent Program (QGAP). QGAP operates 68 offices throughout Queensland providing general government information and services to help 'bridge the gap' for rural and remote Queensland communities. Under the partnership, QGAP officers were given training on our role and are now able to provide information about our Office to members of the public who express concern about a government agency (see p.57).

We developed new material for Aboriginal people and Torres Strait Islanders to more effectively communicate our role to them. We also had our general brochure translated into eight languages (see p.60).

We maintained our Corrections Program, visiting each of the 12 correctional centres twice and providing ready access to our Office via the confidential Prisoner PhoneLink telephone service (see p.60).

Following an extensive review and upgrade of our website, we launched a new site in May 2008. As part of the review we also modified our online complaint form, based on feedback from complainants, to make it easier to use. Members of the public are making increasing use of our website and nearly 20% of all complaints are now received via the online complaint form on our website or email (see p.60).

LISTENING TO COMPLAINANTS

We continued to seek feedback from complainants to help us improve our customer service by conducting our Complainant Satisfaction Surveys. We now conduct these surveys more regularly so that complainants' recollections of their dealings with us are more accurate. The latest survey showed that the significant improvement in satisfaction with our service evident from the previous survey had continued (see p.61).

In most cases, where a person makes a complaint to us without having tried to resolve the complaint with the agency concerned, we advise the person to deal with the agency directly in the first instance. Sometimes we will make the initial contact with the agency on the person's behalf. We surveyed a broad group of these complainants this year to see what they thought of our service, whether they had followed our advice and what they thought of the relevant agency's complaint process (see p.56).



► Our surveys of complainants help us to improve our service.

The survey showed that people prefer us to contact the agency for them, which we had done in over 20% of cases in the sample. The survey also showed that about 60% of the group overall had taken their complaint back to the agency, an increase of about 6% from the last survey in 2004. A further 11% said they had resolved their complaint in some other way, in some cases as a result of information we had provided. Of those complainants who had gone back to the agency, about half were still waiting for a final decision to be reached. Of the complainants who had received a final decision, 62% considered the decision as unfair or unreasonable.

WE ARE MOVING

In approximately March 2009, we will move to a new building at 53 Albert Street. The Anti-Discrimination Commission Queensland, the Commission for Children and Young People and Child Guardian, the Health Quality and Complaints Commission and the Queensland office of the Commonwealth Ombudsman are also moving to the same building. Significant operational efficiencies will be achieved by this move as we will be sharing training facilities, interview and meeting rooms, a library and a reception area with those agencies (see p.62).

MY STAFF

Finally, I would like to acknowledge the efforts of my staff who work tirelessly to ensure people throughout the community are treated fairly and consistently in their dealings with public sector agencies. In February this year, we carried out a staff survey that revealed the personal values of staff are closely aligned with the values espoused in the Ombudsman Act, and that a strong, positive organisational culture exists. In other words, we have the right people working in the right roles in the Office, for which I am most grateful. (see p.72).

David Bevan
Queensland Ombudsman

Measuring our performance.

GOAL 1: Perform a key role in Queensland's accountability framework

OUTCOMES SOUGHT 2007–08	RATING	WHAT WE ACCOMPLISHED	LOOKING FORWARD 2008–09
Expand delivery of our training programs on good decision-making	A	Refined Good Decisions Training package and commenced delivering training on effective complaints management Increased training sessions for public sector agencies by almost 50%	Deliver training programs across Queensland, specifically: ▶ targeting councils post amalgamation ▶ targeting agencies based on complaint research
Continue to develop our Complaints Management Program to assist agencies to deal appropriately with complaints	A	Launched Phase 3 of our Complaints Management Program, which includes an audit of State agencies' complaint systems	Report on survey results and assist agencies with implementing recommendations based on survey findings
Increase our focus on identifying and addressing systemic maladministration, including conducting more own initiative investigations	A	Published four major reports and initiated nine own-motion investigations, two of which were finalised during 2007–08	Continue to identify and address systemic maladministration, by conducting own initiative investigations and reporting publicly in appropriate cases
Continue to effectively communicate to agencies information and advice on good administrative practice	A	Published three editions each of <i>State/Local/Frontline Perspective</i> , our newsletters to improve public administration	Increase circulation of <i>Perspective</i> newsletters
Conduct research to ensure people in all regions of Queensland are aware of our role	A	Participated in Queensland Householder's Survey in June 2008 to measure community awareness of our role; survey indicated awareness of our Office had increased Continued to analyse complaint data on a regional basis to identify underrepresented regions	Continue to monitor whether people in regional areas are aware of our services and address any communication gaps through targeted media campaigns Undertake review to identify improvements to regional awareness program
Continue to improve the community's access to our services	A	Initiated new partnership with Smart Services' QGAP ¹ to improve regional access to our services Reviewed and upgraded website, launched in May 2008 Dealt with an increase of nearly 25% in total office contact (from 12,261 to 15,266)	Review our partnership with QGAP to ensure active promotion of the Office's services in regional Queensland Promote the availability of our online complaint form and web facilities to encourage access to our services
Review the services we provide in regional areas to ensure resources are effectively utilised	A	Maintained regional awareness program targeting key regions throughout Queensland with advertising and other activities Continued to visit regional centres to investigate complaints as well as to provide training so that agencies can better service their local communities, with 58 training sessions conducted outside of Brisbane (SDS ² target 50)	Develop a multicultural action plan, including engagement strategies for Aboriginal people and Torres Strait Islanders Continue to travel to regional Queensland to present Good Decisions and Complaints Management training sessions to public sector officers
Review the Corrections Program to ensure resources are effectively utilised	A	Reviewed Corrections Program and developed new program, focusing on broad-based system reviews	Implement the new Corrections Program Continue to provide prisoners with reasonable access to the Office including via the Prisoner PhoneLink

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

OUTCOMES SOUGHT 2007–08	RATING	WHAT WE ACCOMPLISHED	LOOKING FORWARD 2008–09
Review the intake and assessment process to improve efficiency and timeliness	A	Completed business review of Assessment and Resolution Team in November 2007 Finalised 69% of 7,201 complaints within 10 days of receipt (2006–07: 67.6%)	Finalise the implementation of recommendations from review of the Assessment and Resolution Team
Monitor the use and effectiveness of informal resolution processes	A	Resolved 99.4% of 7,172 complaints received in 2007–08 using informal resolution processes (2006–07: 99.5%, SDS ² target 95%)	Continue to monitor the use and effectiveness of informal resolution processes
Review investigative processes to improve efficiency and timeliness	B	Commenced review by amending written procedures Only one complaint older than 12 months as at 30 June 2008 (2006–07: 4, SDS ² target 5%)	Finalise the review of our investigative practices and implement improvements identified
Report publicly on agencies' responses to our recommendations in significant cases	A	Reported on agencies' responses in this annual report (see p.20)	Continue to report on whether agencies have responded to our recommendations in significant cases
Continue to monitor and encourage acceptance of recommendations made to public sector agencies	A	Made 183 recommendations, 95% of which were accepted by public sector agencies (2006–07: 98%, SDS ² target 90%)	Continue to monitor the implementation of recommendations and audit implementation of recommendations made in major investigations
Enhance mechanisms to avoid duplication of investigative activity among other accountability agencies	A	Continued to exchange information with other complaint entities on complaints Entered into liaison agreements with CMC ³ and HQCC ⁴ and reviewed liaison agreement with CCYPCG ⁵	Continue to exchange information and complaint data to avoid duplication of investigative activity Monitor effectiveness of Liaison Agreements with other complaint agencies

A BALANCED SCORECARD



GOAL 3: Contribute to improving the quality of administrative practice in Queensland public sector agencies

OUTCOMES SOUGHT 2007–08	RATING	WHAT WE ACCOMPLISHED	LOOKING FORWARD 2008–09
Encourage and assist agencies to develop effective internal complaint management systems	A	Assisted more than 25 agencies through advisory meetings, and a series of complaints management forums and workshops	Continue to provide advice and leadership to agencies on appropriate complaint management practice
		Commenced audit of State agencies' complaint management systems	Report on results of audit of agencies' complaints management systems and assist agencies to implement recommendations based on audit findings Commence audit of councils' complaints management systems
Significantly increase the number of training sessions to agencies on good administrative practice	A	Delivered 100 Good Decisions and Complaints Management Training sessions (2006–07: 74, SDS ² target 100), training 1,693 officers	Continue to deliver training sessions on good decision-making and complaints management Review method of delivery of training program
Deliver a new training program to agencies on good complaints management	A	Launched Complaints Management Training in October 2007, with 34 sessions conducted to 30 June 2008 Provided training to 13 State Government departments and 9 councils	Investigate developing additional training programs to assist public sector agencies improve their administrative practice
Increase our focus on own initiative investigations	A	Initiated 9 own-motion investigations during 2007–08 Finalised Mine Safety Investigation	Continue to conduct own initiative investigations into systemic maladministration
Produce reports on significant investigations in a timely manner	A	Published the following reports: ▶ <i>Tips and Traps for Regulators</i> ▶ <i>The Councillor Code of Conduct Report</i> ▶ <i>The Regulation of Mine Safety in Queensland</i> ▶ <i>Local Government Casebook</i>	Produce public reports in a timely manner on major investigations, where it is in the public interest to do so
Participate in national project to identify best practice in the management of complaints by whistleblowers	A	Continued to work as an 'industry partner' with the Crime and Misconduct Commission (CMC), Public Service Commission (PSC) and the Griffith University research team on the <i>Whistling While They Work</i> project in Queensland; report expected in early 2009	Continue to participate in the <i>Whistling While They Work</i> project Jointly develop guidelines with the CMC and PSC to assist potential whistleblowers, managers, and agencies on how to manage internal witnesses

GOAL 4: Promote organisational excellence and a skilled, committed workforce

OUTCOMES SOUGHT 2007–08	RATING	WHAT WE ACCOMPLISHED	LOOKING FORWARD 2008–09
Continue to implement recommendations of the strategic review, as appropriate	A	Finalised 69 of the 70 recommendations made The recommendation not finalised relates to the review of the <i>Ombudsman Act 2001</i> , which is a matter for the State Government to implement	Finalise submission for review of Ombudsman Act and forward to Minister for Justice and Attorney-General
Identify and address the learning and development needs of staff	A	Developed new Workforce Capability Strategy to align staff core competencies with the professional development and training programs Spent approximately \$70,000 on professional development and related activities, representing 1.2% of our total budget	Implement the Workforce Capability Strategy as a framework for staff professional development and training
Continue to improve internal communication processes	A	Commenced upgrade of office intranet, expected launch in July 2008 Initiated development of 'SmartBase' document management system to increase work efficiency by facilitating information sharing	Continue to identify and use effective internal communication processes Complete development and launch new knowledge management system for staff
Undertake biennial staff survey to identify and address staff concerns	A	Conducted staff survey in February 2008, the results of which indicated there has been improvement across all aspects of our organisational climate when compared with 2005 result	Work with staff to develop a new enterprise bargaining agreement Continue to promote a culture of integrity, innovation and learning across the Office
Conduct regular surveys of complainants and agencies to identify improvements to the way we perform our functions	A	Conducted Complainant Satisfaction Survey	Continue to conduct regular surveys of complainants
		Conducted survey of complainants we refer to agencies	Conduct a survey of agencies Implement changes based on results of the survey of complainants referred to agencies

A Achieved **B** Partly Achieved

¹ Queensland Government Agent Program (QGAP)

² Service Delivery Statement (SDS)

³ Crime and Misconduct Commission (CMC)

⁴ Health Quality and Complaints Commission (HQCC)

⁵ Commission for Children and Young People and Child Guardian (CCYPCG)

Ombudsman Management Group.

The Ombudsman Management Group meets once a month to discuss corporate governance issues affecting the Office as well as operational issues of strategic significance.

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

DAVID BEVAN [1]
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 [2]
Deputy Ombudsman

Forbes joined the Office in December 2006 and was formerly the Chief Inspector, Queensland Corrective Services and Director, Misconduct Investigations at the Crime and Misconduct Commission. As well as playing a key role in the Office's management and strategic direction, Forbes is directly responsible for overseeing the Assessment and Resolution Team, 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 [3]
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 and holds a Bachelor Degree of Law with Honours.

LOUISE ROSEMANN [4]
Assistant Ombudsman
*Assessment and
Resolution Team*

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



GREG WOODBURY [5]
Assistant Ombudsman
*Community Services and
 Corrections Team*

Greg was appointed Assistant Ombudsman, Community Services and Corrections Team in September 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 [6]
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.

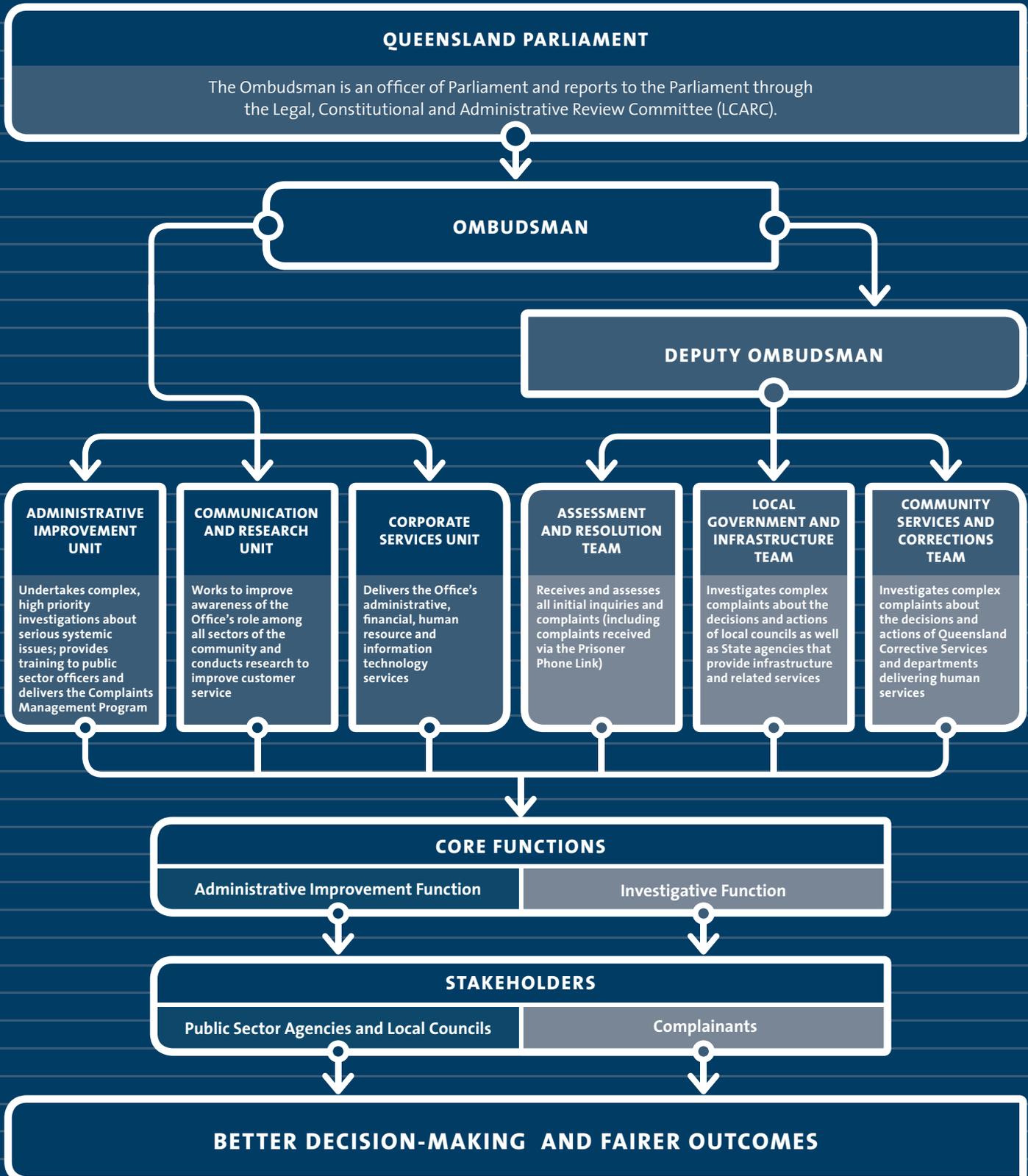
ADELINE YUKSEL [7]
Manager
*Communication
 and Research Unit*

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

SHAUN GORDON [8]
Manager
Corporate Services Unit

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

Our accountability framework.





SECTION 2:

Keeping agencies accountable

SECTION 2:

Keeping agencies accountable

Your complaints. Our business.

Investigating complaints is part of our core business and we work hard to ensure complainants receive a fair and timely response. If we cannot assist them, we refer them to someone who can.

CONTACT WITH OUR OFFICE

Often when people have a complaint with a private organisation, they don't know whom to contact.

The situation has become more confusing with the proliferation of Ombudsman Offices dealing with different issues such as telecommunications, banking, and energy. We are often the first point of contact in this process.

An increasing portion of our resources is used in referring people to the appropriate complaint agency or advising them of the process they should follow to have their concerns addressed.

This body of work increased by more than 60% and largely explains the increase of almost a quarter in total contact with our Office.

Our own complaints have remained relatively stable over the last three years. This year, they increased 1.2% from 7,084 to 7,172.

HOW WE RECEIVE COMPLAINTS

Members of the public can make a complaint to us by:

- ▶ telephone
- ▶ mail
- ▶ email
- ▶ completing our online complaint form
- ▶ fax
- ▶ attending our Office.

The most common way of making a complaint is by telephone (49.4%).

However, increasingly, people use email or the online complaint form on our website to contact our Office, with nearly 20% of all complaints received in this way in 2007–08. This represents a 43% increase compared to 2006–07.

Our online complaint form is particularly effective as it allows people to assess whether they should pursue a complaint with our Office or whether another agency is better able to deal with their issue. The form contains advice and contact details to help people identify the most appropriate agency to deal with their complaint.

Complaints received by mail decreased by 17% this year because of increased use of email and the online complaint form.

Complaints we receive 'in person' comprise a small proportion of the total complaints received (less than 1%).

COMPLAINT TRENDS

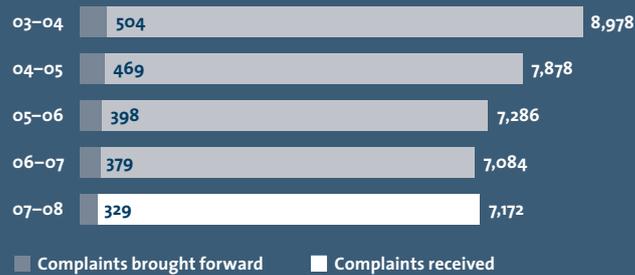
While we received 7,172 complaints, we finalised 7,201. As a result, we had only 300 open complaints at 30 June 2008. This is again an improvement from last year when we had 329 open complaints. This was the lowest number of open complaints on hand since 1984.

We have worked hard over the last five years to reduce the number of open complaints and provide a more timely and effective complaints handling service for the community. This is reflected in our improved results. In 2008–09, we will continue to strive to make operational improvements to further improve our service delivery.

7,172

complaints received
have been relatively
steady for the last
three years

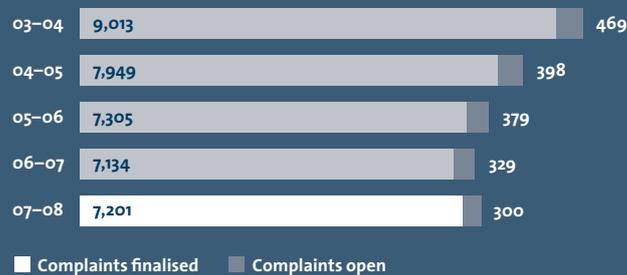
FIGURE 2: COMPLAINTS HANDLED



300

open complaints
as at 30 June 2008,
the lowest number
since 1984

FIGURE 3: COMPLAINTS RESOLVED



20%

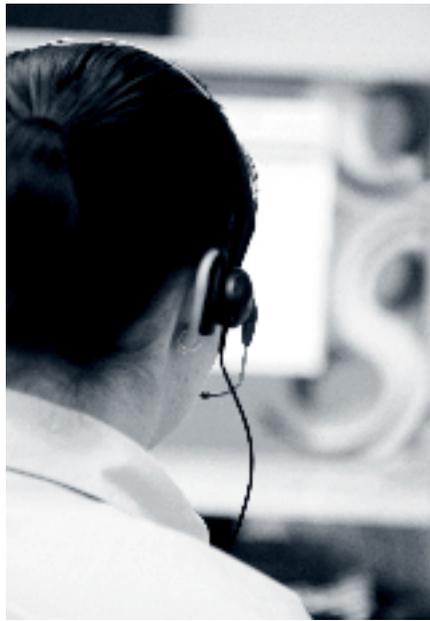
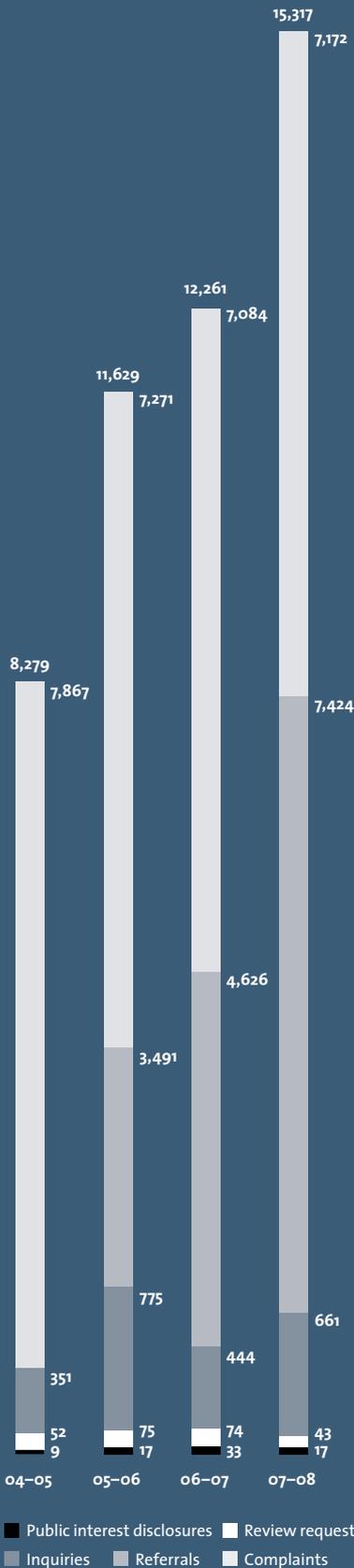
of complaints now
received by email or our
online complaint form

TABLE 1: HOW WE RECEIVED COMPLAINTS

	2006-07	%	2007-08	%	Change %
Telephone	3,407	48.4%	3,544	49.4%	4% ↑
Online complaint form	500	7.1%	649	9.1%	30% ↑
Email	464	6.6%	732	10.2%	58% ↑
Mail	1,663	23.6%	1,410	19.6%	15% ↓
Fax	150	2.1%	153	2.1%	2% ↓
Prisoner PhoneLink	508	7.2%	498	6.9%	2% ↓
Correctional centre interview	136	1.9%	115	1.6%	15% ↓
In person	66	0.9%	44	0.6%	33% ↓
Ombudsman own initiative	14	0.2%	27	0.4%	93% ↑
Call trip advertising	127	1.8%	0*	-	-
Regional visit interview	8	0.1%	0*	-	-
Total	7,084	100%	7,172	100%	1.2% ↑

* These methods of receiving complaints are no longer used.

FIGURE 4: ALL COMPLAINT RELATED AND OTHER CONTACT



WHAT PEOPLE COMPLAINED ABOUT

Complaints about State and local government remained reasonably stable in 2007-08. State Government complaints increased by 3.2% while local government complaints decreased by 2.4%. The decrease in local government complaints is possibly due to the impact of the local government amalgamations which came into effect in March 2008 (see p.35).

It is interesting to note that university complaints increased by 13.07% in 2007-08 and have almost doubled in the last two years. This is a significant increase and we will continue to monitor whether any complaint trends are emerging.

The decrease in local government complaints is possibly due to the impact of the local government amalgamations.

TABLE 2: COMPLAINT NUMBERS FOR AGENCY TYPES

	2003-04	2004-05	2005-06	2006-07	2007-08
State Government	5,156	4,505	4,271	4,137	4,268
Local Government	2,017	1,894	1,961	1,888	1,843
Universities	71	74	74	113	130
Other (Police, Private, Commonwealth, etc)*	1,734	1,394	965	905	931
Total	8,978	7,867	7,271	7,084	7,172

* We do not have jurisdiction over the operational actions of the Queensland Police Service (QPS) but we still receive complaints about it which we refer to the CMC or to the Assistant Commissioner of the relevant police region.

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

SECTION 2:

Keeping agencies accountable

How we dealt with complaints.

Wherever possible we seek to use informal resolution processes rather than conducting formal investigations to resolve complaints.

This approach often not only provides the complainant with a faster outcome, but it also reduces the effort agencies expend in responding to our requests.

For example, it is quicker and less resource intensive for an agency to respond to a telephone or email request for information, than to a formal written request.

This year, we informally resolved 99.4% of the complaints we received.

ACHIEVING TIMELY COMPLAINTS HANDLING

We continued our focus on finalising complaints in a timely way and this year, we finalised 99% of complaints within 12 months of receipt (2006–07: 98.4%).

The proportion of complaints finalised within 10 days of receipt also increased slightly to 68.7% (2006–07: 67.6%).

Wherever possible, we try to take action to progress a complaint within 10 days of receiving it, such as by:

- ▶ contacting the complainant to clarify the issues of concern
- ▶ researching relevant legislation
- ▶ requesting information or documentation from the relevant agency

▶ assessing the case as suitable for investigation by one of our investigative teams (Community Services and Corrections Team or Local Government and Infrastructure Team).

These actions are referred to as 'early intervention'. We took early intervention in 93% of complaints, exceeding our target of 90%.

The effectiveness of the strategies we employ to ensure timely finalisation of complaints is reflected in the age profile of complaints that were open as at 30 June 2008.

Of the 300 open complaints, only one (0.3%) was over 12 months old. This case was a complex matter under investigation by one of our investigative teams.

The majority (67%) were less than 90 days old and 28% (83) were less than 10 days old.

COMPLAINTS NOT INVESTIGATED

We decline to investigate many of the complaints we receive. We do not have the resources to investigate all complaints and often there is another agency better suited to investigating certain complaints.

In many cases, we encourage complainants to try to resolve their complaint with the agency concerned in the first instance, before we will deal with it.

HOW WE HANDLE YOUR COMPLAINT

Complaints may be handled in one of the following ways:

- ▶ **Assessment** – complaints are finalised on the basis of an assessment of the complaint or independent research of the issues without contacting the agency concerned.
- ▶ **Preliminary inquiry** – complaints are finalised after obtaining basic information from the agency concerned.
- ▶ **Informal investigation** – complaints are investigated by informally approaching the agency concerned to make verbal inquiries, seek correspondence and other documents, or negotiate with the parties involved to resolve the complaint.
- ▶ **Standard investigation** – where we conduct formal interviews with agency officers or other persons or seek formal written responses from the agency, but do not exercise evidence-gathering powers under the *Ombudsman Act 2001*.
- ▶ **Major investigation** – conducted in response to evidence of systemic maladministration in a public agency that requires significant dedicated time and resources.

With the introduction of *Directive 13/06 Complaints Management Systems* (see p.52), there is an expectation that all State agencies have appropriate systems in place for dealing with complaints about their own actions.

We will also decline to investigate a complaint where the complainant has raised it with the agency concerned, but not given the agency a reasonable time to deal with it. We invite these complainants to contact us again if they are dissatisfied with the agency’s decision.

Of the 7,201 complaints we finalised, we declined just over 76% (5,467) compared with 73% (5,208) complaints in 2006–07.

In 3% of the complaints we declined, we had already made preliminary inquiries with the agency concerned.

Of the 5,467 complaints we declined, we referred almost half (49%) back to the agency for internal review.

The fact that we refer many complaints back to the agency concerned for internal review is consistent with the principle that agencies should be responsible for resolving complaints through their own complaints management systems and should try and do so before we investigate.

The *Ombudsman Act 2001* also authorises us to decline complaints if the complainant:

- ▶ has known about the problem for more than 12 months before contacting us (unless we are satisfied there are special circumstances)
- ▶ has another right of appeal or review
- ▶ does not have sufficient direct interest in the action complained about.

Complaints recorded as ‘out of jurisdiction’ are usually written complaints or matters where we had to make preliminary inquiries to determine our jurisdiction. We also refer matters to other complaints entities which are better placed to, or specialise in investigating certain matters (for example, the Anti-Discrimination Commission Queensland or the Commission for Children and Young People and Child Guardian).

Our reasons for declining complaints are detailed in Table 3.

WHAT WE FOUND IN COMPLAINTS INVESTIGATED

Of the 1,162 complaints we investigated, we established some sort of wrongdoing (maladministration) by the agency concerned in 46 complaints (See Table 6). In some of these, we recommended that the agency take action to rectify the effects of the original decision which caused the complaint, through monetary payment, apology or other means.

We also made recommendations to agencies to improve their systems and processes to prevent similar complaints arising in the future.

1,125 of the 1,162 complaints investigated were resolved through informal investigation and resolution. We did not have to consider whether an agency’s actions involved maladministration in 595 complaints because, as a result of our intervention:

- ▶ the agency addressed or partly addressed the complainants’ concerns, or
- ▶ we were able to provide information to the complainant from the agency that satisfactorily explained its actions.

MAKING RECOMMENDATIONS TO BENEFIT COMPLAINANTS AND THE COMMUNITY

In 2007–08, we made 183 recommendations to public sector agencies, compared to 431 in 2006–07.

The decrease is largely attributable to the fact that in 2006–07:

- ▶ we completed four major investigations, which resulted in 83 recommendations, and
- ▶ we also made 151 recommendations to the Environmental Protection Agency as part of an administrative review we conducted of its regulatory practices (see p.48).

TABLE 3: WHY WE DECLINE COMPLAINTS

	2006–07	%	2007–08	%	Change %
Referred for internal review by agency	2,265	43.6%	2,684	49%	18%↑
Outside jurisdiction	1,076	20.6%	983	18%	9%↓
Await outcome of current decision process	606	11.7%	545	10%	10%↓
Investigation unnecessary or unjustifiable	348	6.7%	381	7%	9%↑
Appeal right should be exhausted	303	5.8%	282	5%	7%↓
Complaint to be put in writing	282	5.4%	276	5%	2%↓
Other complaints entity has/will investigate	128	2.5%	115	2%	10%↓
No sufficient direct interest	91	1.7%	92	2%	1%↑
Out of time	82	1.6%	78	1%	5%↓
Appeal right exhausted & further investigation unnecessary	9	0.2%	20	0.4%	122%↑
Frivolous, vexatious or not made in good faith	5	0.1%	8	0.2%	60%↑
Trivial	4	0.1%	3	0.1%	25%↓
Total	5,199	100%	5,467	100%	5%↑

7,201

complaints finalised during 2007-08

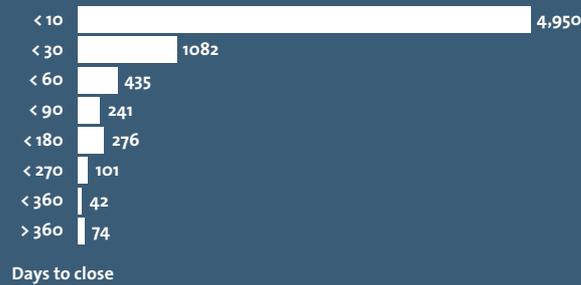
TABLE 4: COMPLAINTS FINALISED

	2005-06	%	2006-07	%	2007-08	%
Assessment	5,386	73.7%	5,109	71.6%	5,440	75.6%
Preliminary inquiry	251	3.4%	302	4.2%	209	2.9%
Informal investigation	1,518	20.8%	1,692	23.7%	1,506	20.9%
Standard investigation	149	2.0%	21	0.3%	36	0.5%
Major investigation	1	0.01%	10	0.1%	10	0.1%
Grand Total	7,305	100%	7,134	100%	7,201	100%

69%

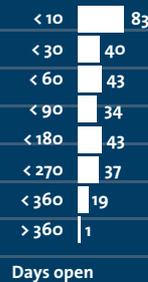
of all complaints finalised within 10 days

FIGURE 5: TIMEFRAME FOR COMPLETION AS AT 30 JUNE 2008



Only **1** complaint older than 12 months as at 30 June 2008

FIGURE 6: AGE OF OPEN COMPLAINTS AS AT 30 JUNE 2008



1,162 complaints investigated

TABLE 5: WHAT WE DID WITH COMPLAINTS RECEIVED DURING 2007-08

	2007-08	%
Declined at outset	5,256	73.0%
Declined after preliminary inquiry	211	3.0%
Sub total	5,467	76.0%
Withdrawn before investigation commenced	81	1.0%
Complaints investigated	1,162	16.0%
Discontinued	478	7.0%
Withdrawn during investigation	13	0.2%
Total	7,201	100%

Of the 183 recommendations, 118 were directed to State Government agencies, 63 to councils and two to universities.

Most of our recommendations focus on improving systems and processes in public sector agencies (161) rather than on individual complaint issues (22).

This approach helps make sure that procedures are put in place and other steps are taken so that the same type of complaint doesn't arise in the future.

Of the 183 recommendations, 118 were directed to State Government agencies, 63 to councils and two to universities.

Forty-four recommendations resulted from our major investigation into the Queensland Mines Inspectorate (see p.46)

Recommendations that assisted individual complainants included that the relevant agency:

- ▶ waive a parking fine issued to a not-for-profit organisation
- ▶ provide an apology for its actions
- ▶ refund \$220 to the affected complainant

- ▶ provide the appropriate licence for the complainant to resume practice
- ▶ refund the overpayment of fees.

We also made a range of systemic recommendations, including that the agency concerned:

- ▶ take steps to give a greater degree of operational autonomy to a regulatory body within the agency
- ▶ review its procedures for monitoring financial transactions involving clients' affairs and provide training for officers in relation to financial planning to properly manage their affairs
- ▶ review its internal complaints system to ensure proper record keeping practices are followed
- ▶ review its record keeping practices having regard to deficiencies we identified, implement appropriate procedures and standards for record keeping and give training to officers on those procedures and standards
- ▶ implement policies and procedures to guide decision-making on whether a public housing tenancy should be terminated because of the tenant's objectionable behaviour
- ▶ amend its compliance processes to provide guidance to its officers on how to apply the rules of natural justice.

HOW AGENCIES RESPONDED TO OUR RECOMMENDATIONS

Agencies nearly always implement our recommendations and are asked to provide reasons for rejecting a recommendation.

As at 30 June 2008, only one recommendation had not been accepted.

Our recommendations addressed important administrative areas such as:

- ▶ good record keeping practices
- ▶ following proper decision-making processes
- ▶ communicating decisions properly
- ▶ good investigative process
- ▶ providing natural justice
- ▶ effectively handling complaints.

The one recommendation that was not accepted arose from *The Councillor Code of Conduct Report* tabled in Parliament in December 2007. The Redland Shire Council (now the Redland City Council) has not yet implemented our recommendation that:

- ▶ council amend its Standing Orders to provide that a councillor about whom a complaints report has been given to council must not be present at any meeting of the council at which any matter arising from the report is discussed (see p.47).

TABLE 6: TYPE OF MALADMINISTRATION ESTABLISHED 2007–08

Administrative Error	Total
Contrary to law	9
Unreasonable unjust oppressive	18
Irrelevant grounds or considerations	4
Reasons not given/inadequate	4
Based on a mistake of law or fact	6
Otherwise wrong	5
Total	46

TABLE 7: RECOMMENDATIONS MADE TO AGENCIES

	Direct Benefit	Systemic	Total
Accepted	21	152	173
Conditional acceptance	1	8	9
Not accepted	-	1	1
Total	22	161	183

TABLE 8: COMPLAINT OUTCOMES 2007–08

	Assessment Only	Preliminary Inquiry Only	Informal Investigation	Subtotal	Standard Investigation	Major Investigation	Total
No maladministration established	83	5	419	507	7	7	521
No maladministration finding necessary	23	9	557	589	5	1	595
Maladministration established	-	-	29	29	15	2	46
Total	106	14	1,005	1,125	27	10	1,162

WORKERS' COMPENSATION CLAIM REOPENED

► Background

A worker fractured a finger while working and received workers' compensation for just over two months. A medical examination then determined that the worker was fit to return to work. However, the worker continued to experience pain and therefore sought to renew her claim with WorkCover Queensland. A further medical review was conducted and the doctor reported to WorkCover that the worker's finger was still fractured.

The worker contacted our Office to complain that after this report was provided to WorkCover, she had difficulties contacting her customer advisor at WorkCover and when she managed to contact the officer, found her manner and attitude very unhelpful. She was concerned about WorkCover not responding to her claim, as a period of about 12 months had passed from when she had requested that her claim be reviewed.

► Investigation and findings

We contacted WorkCover to establish the status of the worker's claim and to query the difficulties she had reported experiencing with her customer advisor.

► Recommendations and outcome

Following our Office's inquiries, a manager at WorkCover contacted the worker and apologised to her for the way she had been spoken to by her customer advisor. He advised that the attitude that she had encountered was not acceptable and did not meet WorkCover's service standards.

WorkCover reopened its file and a new customer advisor was appointed to handle the claim. An appointment with a medical specialist was organised to assess the worker's condition and determine what could be done to resolve her claim. The worker was happy that the claim was progressing and appreciated the apology.

COUNCIL INFRINGEMENT NOTICE DELIVERS UNFAIR OUTCOME

► Background

A not-for-profit community organisation contacted us about a parking infringement issued by Brisbane City Council for the organisation's mini-bus, claiming that a disability parking permit was on display in the bus at the time.

The organisation had used the bus to transport a number of disabled passengers and their carers to a park for a BBQ. As there were no available blue disabled parking spots sufficiently close to the BBQ area for passengers who were in wheel-chairs, the driver parked in a metered zone.

He advised that he had displayed the blue parking permit as required, which allows double the permitted period of parking time. He stated that, after looking after the passengers, he had returned to the bus 20 minutes after the ordinary metered time period had expired.

The organisation appealed to the council against the infringement and advised the council that a blue parking permit had been on display at the time. The council responded that it could not find any evidence to suggest this and upheld the infringement.

► Investigation and findings

At our request the bus driver provided a statutory declaration that a blue parking permit had been on display.

We then pursued our inquiries with the council which revealed that the council parking officer had not recorded whether a disabled parking permit was displayed, as required by procedure.

► Recommendations and outcome

In the circumstances, we requested that the council reconsider its appeal decision to confirm the issue of the infringement. The council had no evidence to dispute the statutory declaration of the bus driver that the disability parking permit had been displayed. The council agreed to waive the infringement and to advise the not-for-profit organisation of its decision.

COUNCIL POUND FEES

► Background

A worried pet owner contacted us about his two dogs which had been impounded at the Logan City Council pound two days earlier. The pet owner told our officer that the staff at the pound told him that, if he did not pay the requisite fees, including housing charges, by close of business that day, his dogs would be surrendered to the council and would be sold or destroyed. The pet owner told us he did not have the money to pay the fees within the required timeframe.

► Investigation and findings

We contacted the council's Manager of Animal and Pest Services who told us that in these situations, council was prepared to release impounded animals provided the owner paid a deposit and entered into a payment plan for the outstanding fees.

► Recommendations and outcome

As a result of our involvement, the council contacted the owner of the dogs and reached agreement that:

- he would rectify a hole in the fence at his property which was thought to be the dogs' means of escape
- the dogs would be released to him upon inspection of the fence by council
- he was to pay a 50% deposit and enter into a payment plan for the remaining fees to be paid within six months. The council also agreed to waive the housing charges.

The council also advised us it would provide training to the council staff involved about the options available to pet owners.

COUNCIL WAIVES LEGAL COSTS

► Background

In accordance with s.1038 of the *Local Government Act 1993*, the Johnstone Shire Council filed court proceedings against a pensioner for overdue rates. The legal action was withdrawn when some time later the ratepayer entered into a payment arrangement. Although the ratepayer believed there were discrepancies in her rates account, particularly in relation to pensioner discounts, she made regular payments to the council.

The ratepayer became concerned when the council added legal recovery costs of \$735 to her rates account. She subsequently complained to our Office.

► Investigations and findings

We discussed the matter with council management and inquired why legal costs had been added to overdue rates the pensioner was actively paying off through an instalment plan. We also sought clarification from the council as to what authority it relied upon to take that action.

The council recognised that there were only two ways it could recover legal costs for unpaid rates, excluding sale of the property for long term failure:

- if awarded by a court where obtaining judgement, or
- if council had filed a Statement of Claim that itemised costs and the ratepayer had paid the claim before or instead of filing a Statement of Defence.

Neither of these circumstances applied in this case.

► Recommendations and outcome

The council accepted it had made an error in law and wrote to the pensioner advising the legal recovery costs of \$735 had been written off.

INACCURATE ADVICE FROM QUEENSLAND TRANSPORT ON NEW LOG BOOK

► Background

This complainant arrived in Queensland with a New Zealand learners permit in July 2007, shortly after the introduction of the requirement for learner drivers to log up to 100 hours of experience before they can obtain their provisional licence. The complainant had held his New Zealand learners permit since 2004, but was advised by Queensland Transport that he would still be required to meet the 100 hours of driving requirement.

After he had logged 80 hours of driving, he came across information that suggested that, having regard to his age, he was only required to log 60 hours. He again contacted the Department using one of the online advice services and received a reply reiterating the previous advice that he would need to log the full 100 hours.

As he needed his licence for employment purposes, he reluctantly accepted this advice and continued to pay for driving lessons to log the required hours as soon as possible.

After he had completed the 100 hours, he submitted his log book. While he was awaiting confirmation from the Department to allow him to book his practical test, he received a telephone call from a Departmental officer advising that in fact he had not been required to fulfil 100 hours as previously advised but only 60 hours.

The complainant was concerned that he had been eligible for his provisional licence for over seven months at the time he lodged his logbook and that he had spent \$300 on lessons.

► Investigation and findings

We made inquiries with Queensland Transport and were advised that as the man already held a New Zealand learner's permit, he was not making an initial application for a learner's permit but for the transfer of his learner's permit to a Queensland one. Therefore, he was only required to log 60 hours of driving.

We obtained records from the Department confirming that it had given the complainant incorrect advice through its online advisory service.

► Recommendations and outcome

We raised with the Department the additional driving lesson fees incurred by the complainant because of the incorrect advice. The Department subsequently offered the complainant up to \$300 to compensate him for these fees.

DEBTS REGISTERED WITH THE STATE PENALTIES ENFORCEMENT REGISTRY

► Background

The complainant had an outstanding debt registered with the State Penalties Enforcement Registry (SPER) which related to a court ordered fine from 1998. SPER first contacted the complainant in 2003 about the debt and he told them that he had paid the fine in cash at the court registry on the day of the hearing, although he was unable to produce a copy of a receipt.

The complainant corresponded with both the Magistrates Court and SPER regarding the matter but was unable to resolve it. There was then a delay of several years before SPER again commenced to pursue the matter. This may have been because SPER mistakenly believed that he had changed his address.

The complainant lodged a written complaint with our Office in 2008.

► Investigation and findings

We asked SPER what it had done to verify the fine had not been paid. SPER advised it had obtained a copy of the court file in 2003. The court file and other information were provided to the complainant at that time. Following our inquiries, SPER contacted the court again and confirmed there was no record of the fine having been paid.

► Recommendations and outcome

We were concerned about the time that had elapsed from the original fine before SPER contacted the complainant in 2003 and the further time that elapsed before they again commenced to pursue the matter.

Assuming that the complainant's assertion that he had paid the fine in 1998 was correct, we considered it unreasonable to expect him to have kept a copy of the receipt until SPER commenced its inquiries in 2003.

SPER acknowledged the complainant's attempts to resolve the matter and decided that, although there were no time limitations for enforcing the fine and no evidence to confirm payment of the fine, no further action would be taken having regard to the passage of time and the uncertainty surrounding the payment.

EXCESSIVE LAND CLEARING CHARGES

► Background

An interstate landowner of a vacant allotment within a residential development complained to us after receiving an invoice for \$694 from Caboolture Shire Council for clearing the allotment following a complaint from a neighbour.

The landowner claimed he did not receive a notice to clear the allotment. If given the option, the landowner would have engaged his usual contractor to clear the land, as he had done for the last seven years.

The council's inspection of the property indicated that no action had been taken to clear the land and the council authorised its contractor to perform the work. The landowner advised that he was prepared to provide a partial payment on the invoice, equivalent to the cost of his usual contractor's invoice amount of \$165. This offer was declined by the council.

► Investigation and findings

We requested that the council provide information on:

- what constitutes overgrown land
- the process undertaken to issue the landowner with a notice to clear property
- how the charges were determined for the provision of clearing overgrown allotments and providing vermin breaks.

The council advised that a notice to clear was issued and that it adhered to the required procedures prior to entering the land and conducting the work. However, because it had not sent the notice by registered post, it could not refute the landowners' claim that he had not received the notice.

► Recommendations and outcome

As a result of our informal inquiries, the council undertook to review its policy and procedure for overgrown allotments and subsequently rewrote both.

Under the revised procedure, notices to clear will be forwarded by registered mail to the owner of the property. The council will also obtain quotes for the provision of vermin breaks and clearing and include copies of the quotes with council's notice so that the owner has the option of engaging their own contractor.

The council believes that these procedural changes will improve communication between owners and the council.

In response to the concerns we raised about the invoice costs, the council advised it was willing to waive its administration fee of \$89 and discount the contractor's costs by 50%, reducing the landowner's invoice to \$275.

Accountability in State Government agencies.

STATE AGENCIES MOST COMPLAINED ABOUT

Complaints about State Government agencies remained fairly static in 2007–08. The 15 agencies that were most complained about are listed in Table 9.

Complaints about the Department of Child Safety increased by 6% from 2006–07 and have increased by 27% over the last four years. The issues raised in some of these complaints are among the most sensitive we deal with as they involve parents and other relatives raising concerns about the removal of children from their families.

We referred some of these complainants to the Commission for Children and Young People and Child Guardian in accordance with a protocol we have entered into with it to avoid duplication of investigative activity.

Complaints about the Department of Transport increased significantly in 2007–08 (by almost 42%). The increase was not substantially attributable to an increase in complaints in any particular category except for complaints in the:

- ▶ ‘driving’ category (which includes complaints about driver licensing issues and penalties for driving offences) which increased from 83 in 2006–07 (35.3% of all complaints) to 145 in 2007–08 (43.5% of all complaints), and
- ▶ ‘public transport services’ category (which increased from 27 in 2006–07 (11.5%) to 51 in 2007–08 (15.3%).

Further analysis of these two categories did not show any disproportionately high increase in complaints about any particular aspect of the Department’s operations. The introduction of the Go Card in early 2008 has resulted in only seven complaints in the public transport services category.

Department of Housing complaints have also increased almost 20% this year. We believe this is attributable to several factors including:

- ▶ limited stock of public housing available in a period of increasing demand
- ▶ the Department is applying additional criteria in assessing eligibility, which include an assessment of the applicant’s liquid assets
- ▶ introduction of regular reassessments of eligibility for public housing for persons on the waiting list.

It should also be noted that complaints about the Department of Natural Resources and Water decreased significantly this year. This is because the Mines and Energy portfolio, which was previously part of the Department, became a separate Department in September 2007.

“The majority of complaints we receive concern the actions or decisions of State Government departments and agencies.”

TABLE 9: TOP 15 STATE AGENCIES MOST COMPLAINED ABOUT

Agency	2004-05	2005-06	2006-07	2007-08	Change %
1. Child Safety	434	483	517	550	6% ↑
2. Transport	244	229	235	333	42% ↑
3. Housing	268	254	276	331	20% ↑
4. Queensland Health	256	275	198	207	4% ↑
5. Education Queensland	161	173	205	184	10% ↓
6. Public Trustee	151	112	127	133	5% ↑
7. Queensland Building Services Authority	82	62	70	87	24% ↑
8. Office of Fair Trading	66	52	84	82	2% ↓
9. Natural Resources and Water*	137	149	127	78	39% ↓
10. WorkCover Queensland	137	117	79	78	1% ↓
11. Legal Aid Queensland	97	90	78	71	9% ↓
12. Main Roads	40	27	47	61	30% ↑
13. State Penalties Enforcement Registry (SPER)	59	37	76	58	24% ↓
14. Health Quality and Complaints Commission	-	-	52	56	7% ↑
15. Disability Services Queensland	39	44	44	46	4% ↑

* Formerly Department of Natural Resources, Mines and Water until 2006-07, when portfolio was split and new Department of Mines and Energy created.

Note 1: Table does not include complaints about Queensland Corrective Services or Parole Boards (see p.30).

Note 2: The Health Quality and Complaints Commission commenced operation on 1 July 2006.

PROOF OF AGE**► Background**

An 18 year old girl in licensed premises on the Gold Coast was approached by a police officer and asked to provide proof of age. The girl produced her current driver's licence (Learner's) and Schoolies Identification which indicated she was 18 years old. The police officer contacted the girl's mother by phone who also verified her age as 18.

Irrespective of this proof, the police officer issued an infringement notice to the girl for being under age in licensed premises.

The girl asked the Liquor Licensing Division to withdraw the infringement notice. She also complained to the Crime and Misconduct Commission about the conduct of the police officer. The Liquor Licensing Division reviewed the matter and refused to withdraw the infringement notice and informed the girl she was required to attend a Magistrates Court if she wanted to further contest the matter. The girl requested our assistance to avoid having to appear in court.

► Investigation and findings

The operational activities of the Queensland Police Service (QPS) are outside the jurisdiction of our Office so we could not investigate the actions of the police officer. However, the Liquor Licensing Division is an agency within jurisdiction. We contacted the Senior Investigations Officer of the Liquor Licensing Division to ascertain the evidence on which it had based its review decision.

On looking into the matter, the officer discovered that the QPS had in fact reviewed the matter and advised the Liquor Licensing Division that the infringement notice should be withdrawn. Regrettably, an Inspector from the Liquor Licensing Division had misread the QPS advice and advised the girl the infringement notice would not be withdrawn.

► Recommendations and outcome

The Liquor Licensing Division agreed to withdraw the infringement notice and an apology was sent to the girl.

Our intervention saved the girl from attending court to have the infringement notice dismissed. She was very pleased with the outcome and thanked our Office for its assistance.

TRIBUNAL REGISTRY CHANGES 'NO REFUNDS' POLICY**► Background**

A community legal centre wrote to us on behalf of a disability support pensioner. The pensioner, who was suffering from cerebral palsy, had taken a matter to the Commercial and Consumer Tribunal (CCT) to be reviewed. Before filing his application with the CCT Registry, the pensioner inquired whether he would be refunded his filing fee of \$220 if the matter was found to be non-reviewable. This fee represented a significant sum of money for the pensioner. The man was assured by one of the Registry staff that in those circumstances he would receive a refund.

The matter went before the CCT which determined that the issue was not reviewable and the pensioner was sent a letter stating that the registry had no power to refund the filing fee.

► Investigation and findings

We contacted the Director of the CCT and were informed that a standard proforma letter is sent to people when a matter is determined to be non-reviewable, stating that the CCT "has no power to refund a filing fee". We considered that this was incorrect and that the letter should have stated "it is not the policy" of the CCT to make a refund.

► Recommendations and outcome

We recommended to the Director that:

- the wording of the proforma letter declining a request for a refund be revised to refer to the relevant policy under which such requests are refused and provide appropriate reasons for the decision,
- the policy be revised to address the situation where an application is not within the CCT's jurisdiction but has already been served.

Our recommendations were accepted and the policy was modified to allow the Director to exercise a discretion in such matters.

The Director subsequently exercised his discretion to refund the fee.

DELIVERING NATURAL JUSTICE**► Background**

A board member of a disability service provider complained to us that during a compliance investigation by Disability Services Queensland she was denied natural justice.

She claimed she was not given the opportunity to respond to allegations that were published in the Department's investigation report concerning her performance as a board member.

The Department advised the complainant that natural justice principles were followed and that she was not asked to comment on the allegations because they could not be supported by the findings of the investigation.

► Investigation and findings

We investigated the matter by having informal discussions with the Department's representatives.

We considered that the Department had an obligation under common law to provide natural justice when carrying out investigations and that its compliance processes confirmed this obligation. We found that:

- the report did not contain the finding that the allegations made against the complainant had not been substantiated
- as the allegations had been included in the report, natural justice required she be provided with the opportunity to respond before the report was finalised.

► Recommendations and outcome

We recommended that the Department:

- provide a written apology to the complainant acknowledging she was not afforded natural justice and confirming that no findings had been made against her
- provide the complainant with an opportunity to have the departmental file amended to show this
- amend its compliance processes to adequately reflect how its officers should comply with the rules of natural justice in practice.

The Department accepted all our recommendations. The informal approach and co-operation by the Department resulted in a positive outcome for the complainant and an improvement of the Department's administrative practices.

BETTER SYSTEMS IMPROVE SERVICE FOR PEOPLE WITH IMPAIRED CAPACITY

► Background

An advocacy group contacted us on behalf of a person with impaired capacity whose affairs were being managed by the Public Trustee of Queensland (PT) complaining about the way the PT had managed the person's affairs, including that the PT:

- did not properly manage his assets leading to financial loss
- did not consult the person and his family on decisions affecting him
- failed to 'hand over' the person's matters once the PT's appointment as administrator ceased
- failed to respond to a written complaint.

In considering the matter, we also looked at:

- the PT's fees and the reporting of those fees
- record keeping by the PT's officers.

► Investigation and findings

We conducted a detailed investigation of the complaint which included inspecting the PT's extensive records and holding lengthy discussions with PT officers regarding the way the agency had handled the matter.

Our findings included that:

- there were a number of unreasonable actions in the planning and management of the person's affairs
- consultation with the person and his family was adequate in the circumstances
- although the PT's decision to hold the person's money until legal expenses were paid was reasonable, its failure to advise the person of the decision in writing as soon as its administration ended was unreasonable
- the PT's failure to respond to the letter of complaint was unreasonable and/or wrong
- the PT had incorrectly calculated the fees it charged the person
- the PT had failed to provide adequate financial information, in that financial statements did not contain sufficient details to allow the person to see how the fees were calculated
- the PT's records in relation to the matter were inadequate.

► Recommendations and outcome

We made many recommendations as a result of our investigation. These included that the PT:

- review its procedures for monitoring financial transactions and provide training for officers in relation to planning
- refund the overpayment of fees
- amend the format of its financial statements to ensure clients are given adequate information about any fees charged, including the basis on which they are calculated
- review its internal complaints system to ensure proper record keeping practices are utilised
- review its record keeping practices having regard to deficiencies identified in our investigation and implement appropriate procedures and standards for record keeping and give training to officers on proper record keeping procedures.

The PT is in the process of implementing our recommendations, which will improve communication with its clients and the service they receive.

The resulting systemic improvements within the PT will ensure its clients receive better service through improved processes and communication.

ASSISTING REGISTRATION AUTHORITIES AND COMPLAINANTS**► Background**

A nurse was advised by the Queensland Nursing Council (QNC) to voluntarily surrender her nursing licence and submit to a health assessment, rather than be suspended. After surrendering her licence, she realised she had lost the right of appeal that existed if her licence had been suspended by the QNC. The nurse contended that she had surrendered her licence under duress and also raised concerns about the protracted nature of the QNC's approach to the matter and its lack of communication.

► Investigation and findings

During the investigation we conducted interviews and considered the QNC's policies and procedures about advising a nurse of the possibility that their licence may be suspended. We also reviewed the QNC's investigation, criminal history checking and registration processes.

Our investigation established that the QNC had purported to defer the operation of a suspension order pending the voluntary surrender of her licence. We told the QNC that this was not appropriate as its governing legislation did not allow the Executive Officer to defer an order to suspend.

We also found that the QNC's direction to the nurse to attend a health assessment was contrary to law because, at the time of the direction, the nurse had already surrendered her licence to practice and was neither a registered nurse nor an applicant for registration. This removed the QNC's power to issue the direction.

We also identified record keeping flaws, particularly an inadequate file note relating to the discussion between the QNC and the nurse during which she was advised to voluntarily surrender her licence, rather than be suspended.

► Recommendations and outcome

We made recommendations to the QNC about the manner in which it should deal with suspensions having regard to our view of the limits of the Executive Director's statutory power. We emphasised the importance of good record keeping and recommended that a notation be placed on the nurse's file. We suggested the notation state that certain allegations against the nurse, which she had not been given an opportunity to comment on, had not been substantiated in criminal or disciplinary proceedings.

The QNC accepted our recommendations.

We were subsequently informed by the nurse that she had successfully reapplied for her licence to resume practice.

PROVIDING DETAILS TO TENANT OF TERMINATION PROCEDURES**► Background**

A tenant contacted us to complain about the way the Department of Housing had dealt with her in seeking to terminate her tenancy due to her behaviour. The Department had applied to the Small Claims Tribunal for a termination order on the basis that her behaviour was 'objectionable'.

The tenant also raised concerns that:

- the Department failed to enter into a conciliation process designed to resolve disputes between a lessor and tenant, and
- when she sought information from the Department about the termination proceedings, she was told she would need to make a Freedom of Information (FOI) application.

► Investigation and findings

As the tenant had voluntarily vacated the premises at the time she made her complaint to us, our investigation focussed on the Department's compliance with legislation and the adequacy of its policy and procedures. We also considered the appropriateness of referring information requests about termination proceedings to the FOI process.

► Recommendations and outcome

Following investigation, we advised the Department of our view that it was obliged to provide the tenant with details of the alleged behaviour on which its application to the Tribunal was based. This could have been done by the Department providing to the tenant:

- copies of relevant material it had filed in the Tribunal, or
- particulars of the allegations.

Further, we recommended that the Department:

- prepare and implement policies and procedures to guide decision-making around terminating tenancies for objectionable behaviour, and
- provide ongoing training on the new procedures to relevant decision-makers.

The Department accepted the recommendations.

SEEKING MEMBERS' VIEWS ON DISPOSAL OF ASSETS

► Background

The National Trust of Queensland (NTQ) is responsible for preserving Queensland's cultural and historic heritage. Members and volunteers contribute towards NTQ's work in a number of ways, including by acting as custodians and protectors of local artefacts.

NTQ members complained to us that it had failed to consider local views when deciding the future of local assets.

► Investigation and findings

Our investigation revealed that NTQ had no effective system for registering the receipt of gifts and the conditions, if any, on which the gifts are donated.

We also considered there was a need for NTQ to make decisions concerning the acceptance, improvement and disposition of property based on objective criteria to ensure the decision-making process is defensible and transparent.

We explored the need for NTQ to have policies that accommodate the views of its members and require it to consult about the disposition of significant property.

► Recommendations and outcome

Following consultation with the NTQ Executive Director, we proposed that NTQ should:

- update its Register of Assets
- develop clearer procedures concerning the disposition of property that is unfit for or is not required by NTQ
- update policies and procedures regarding the acceptance, retention and disposal of significant assets
- develop a communication strategy to enhance communication between NTQ and its members and volunteers
- publish NTQ's policies and procedures on the internet.

The NTQ accepted our recommendations and we are currently working with them regarding their implementation.

RHINO'S USE RESTRICTED ON ISLAND

► Background

We received a complaint from a resident of an island about the actions of the Queensland Police Service (QPS) and the Queensland Parks and Wildlife Service (QPWS) in not issuing him with a permit to drive his conditionally registered Yamaha Rhino on the island. The Rhino is a small, off-road vehicle.

Certain types of vehicles (such as agricultural or recreation vehicles) can be registered under Queensland Transport's conditional registration scheme to be driven on Queensland roads.

In order to drive a conditionally registered vehicle on the island, the resident was required to hold both a permit from the QPS and a permit from the QPWS.

The resident initially complained regarding the QPWS's refusal to issue him with a permit. The QPWS refused to issue a permit on the grounds that these types of vehicles are generally prohibited in protected areas in Queensland, including the island. The QPWS also stated that it was seeking to prevent any expansion of the types of larger recreation vehicles that could be used on the island. There had been a longstanding arrangement that other types of conditionally registered vehicles such as trail bikes, quads and trikes could be used by residents on the island.

The resident believed that it was unreasonable for the QPWS to deny him a permit to use his Rhino.

► Investigation and findings

We considered the relevant legislation and QPWS's policy for the use of conditionally registered vehicles on the island.

We concluded that the decision to deny the resident a permit was unreasonable because no valid reason had been provided for not granting a permit. The decision was also inconsistent with previous decisions made by the QPWS to grant permits for the use of other conditionally registered vehicles on the island.

We considered that there was no evidence that the decision was based on any reasonable ground – for example, it was not claimed:

- that the Rhino, being heavier than a quad, may have a greater impact upon the environment, or
- that it may have posed a greater danger to people than other conditionally registered vehicles permitted to operate on the island.

► Recommendations and outcome

We recommended that the QPWS issue a permit for the use of the Yamaha Rhino and the policy be amended to clearly define the types of conditionally registered vehicles that will or will not be eligible for a permit.

The QPWS agreed to update its policy and issue the resident with a one-year permit to drive on the island, on the condition that this permit would not be renewed.

Soon after receiving the QPWS permit, the QPS cancelled the resident's police permit. We then held discussions with the QPS which agreed to issue a temporary police permit to the resident which would operate until the QPWS permit expired.

We are currently assessing whether QPWS's revised policy correctly reflects its intention that Rhinos not be driven on the island.

SECTION 2:

Keeping agencies accountable

Focus on corrections.

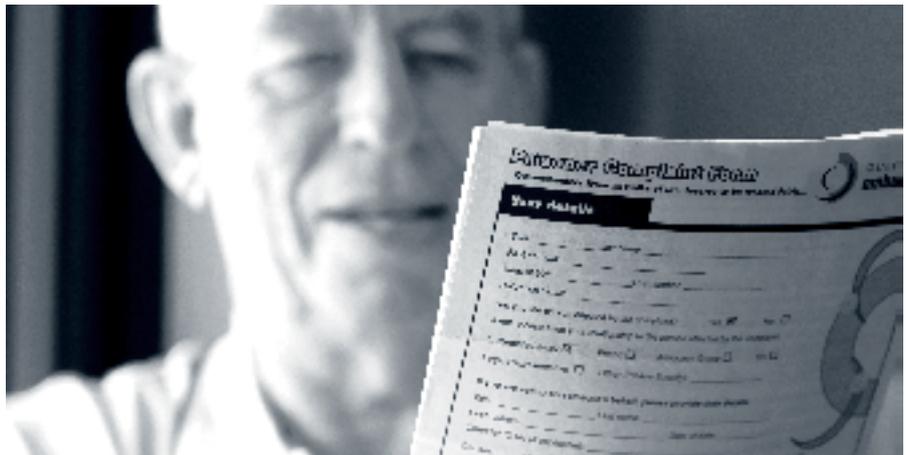
We play an important role in promoting accountability and fair process within Queensland Corrective Services (QCS) in the treatment of prisoners.

It is vital that an independent body such as our Office is able to scrutinise actions, decisions, systems and processes that affect people who do not have the same rights as the general community.

PRISONER COMPLAINT TRENDS

In previous years, we have reported on a combined total of complaints received against the QCS and the Queensland Community Corrections Board. The Board was renamed the Queensland Parole Board by the *Corrective Services Act 2006* and we then decided to report separately on complaints about the Board from the start of 2007–08.

We received 999 complaints about QCS in 2007–08 and 113 about the Queensland Parole Board. The combined total of 1,112 is very similar to the combined total of 1,117 in 2006–07.



► We help ensure that prisoners are treated fairly in correctional centres.

WHAT PRISONERS COMPLAINED ABOUT

In 2007–08, 46.6% of all corrections complaints received related to Offender Management issues. This category includes issues relating to:

- transfer of prisoners from one correctional centre to another (20.8% of the category)
- the assessment process undertaken by correctional centres relating to applications for parole to the Parole Board (11.8%).

Other prominent complaint categories were:

- **Prisoner Services** – including issues relating to the loss of property and the processing of prisoners' ordinary and privileged mail (20% of all corrections complaints)
- **Safety and Security** – including issues relating to visits and searches of prisoners and visitors (9.8% of all corrections complaints).

In 2007–08, we investigated 516 of the 1,009 complaints we finalised. The proportion of the complaints we finalised that were the subject of some form of investigation (usually by informal investigative processes) decreased only slightly from 2006–07 (see Table 11).

999

corrections
complaints
received
in 2007-08

TABLE 10: CORRECTIONS COMPLAINT CATEGORIES

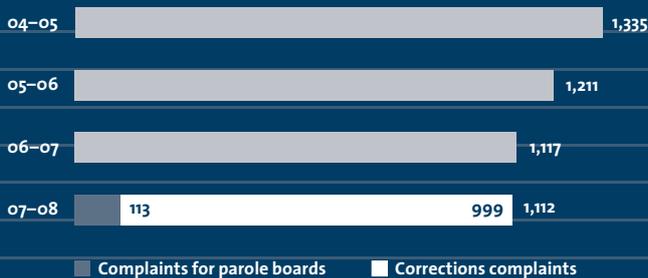
	2007-08	%
Offender Management	466	46.6%
Prisoner Services	200	20.0%
Safety and Security	98	9.8%
Health and Medical	96	9.6%
Conduct - Staff	47	4.7%
Incident Management	30	3.0%
Complaint Management	22	2.2%
Legal	17	1.7%
Industrial Relations - Staff	14	1.4%
Operational Support Services	5	0.6%
Communication	3	0.3%
Investigation	1	0.1%
Grand Total	999	100%

Note: We are unable to provide a 2006-07 comparison as these figures included complaints about the Queensland Parole Boards.

113

Queensland Parole
Board complaints
received in 2007-08

FIGURE 7: CORRECTIONS COMPLAINT TRENDS



51.6%

of prisoner
complaints investigated
during 2007-08

TABLE 11: PRISONER COMPLAINTS INVESTIGATED AND FINALISED

	2005-06	2006-07	2007-08
Prisoner complaints investigated and finalised	566	603	516
% of complaints received	46.8%	53.6%	51.6%

“Our visits to correctional centres provide the opportunity to raise awareness of our services among prisoners”

WHAT WE FOUND

Of the complaints investigated in 2007–08, we made a finding of maladministration in relation to seven complaints.

In 262 complaints, due to our intervention, the problem was rectified, or we provided information that addressed the complainant’s concerns. In those complaints it was therefore not necessary for us to make any finding about whether or not the decision complained about involved maladministration.

HOW COMPLAINTS ARE MADE

Prisoners can contact our Office via a free Prisoner PhoneLink service (see p.59) and also through our Corrections Visit Program.

This year, we continued to visit the 12 correctional centres once every six months as part of the program. Our visits to centres provide the opportunity to:

- ▶ investigate and resolve complaints
- ▶ raise awareness of our services among prisoners, in particular, via the prisoner representatives to the prisoner advisory committee
- ▶ provide information to centre management concerning complaints we have received relevant to the centre (complaint analysis)
- ▶ obtain information relevant to systemic issues being investigated
- ▶ audit administrative processes
- ▶ monitor the operation of the QCS Complaints Management System.

REVIEW OF CORRECTIONS PROGRAM

We also initiated a review of our Corrections Program to gauge whether our resources are being effectively used. The outcomes of the review are that:

- ▶ visits at each centre will be reduced from once every six months, to not less than once every 12 months in 2008–09
- ▶ while we will continue to receive, assess and investigate complaints while visiting the centres, the focus of some visits will be on reviewing in detail some aspect of the centre’s operations or systems to enable comparison with other centres with a view to improving practices within centres.

Our reasons for making these changes to our Corrections Program include:

- ▶ the Prisoner PhoneLink allows prisoners to contact us and submit complaints without the need to wait for our next visit. Many complaints made via the PhoneLink system can be dealt with immediately. Therefore, we found there was little necessity for our officers to spend several days at each centre receiving and assessing complaints from prisoners and trying to resolve those that appeared to have substance at the centre as this could often be done without a visit.
- ▶ Our officers who deal with corrections complaints have online access to the QCS’s Integrated Offender Management System (IOMS), which enables them to search for information relating to prisoners’ concerns without visiting the centres.

- ▶ Many complaints received from prisoners related to issues about their basic needs and access to privileges. These are more appropriately dealt with by Official Visitors. Our officers work closely with the QCS Official Visitors’ coordinator, especially prior to our visiting a centre, to enable complaint details and statistics to be exchanged and avoid duplication of activities. Prior to visiting a centre, contact is also made with the Official Visitors for the centre to discuss issues of interest as well as particular complaints.
- ▶ Correctional centres have improved their procedures for dealing with prisoner complaints as a result of QCS implementing a new Complaints Management System in the last two years.

In 2008–09, we will implement changes arising from the review of our Corrections Program and monitor their effectiveness.

HUNGER STRIKE ENDED

► Background

During a correctional centre visit, our officers interviewed a prisoner in the detention unit. He was well known to our officers through contact with him over a number of years.

The prisoner had been transferred to the detention unit after he threatened to harm the General Manager, on hearing of a head office decision to deny him contact visits with his partner.

The prisoner stated that he was in the seventh day of a hunger strike over the denied visits, had lost seven kilos in weight and had dangerously low blood sugar levels.

He was recovering from a recent serious medical condition and was aware of the consequences of his present actions, but informed our officers that he was quite prepared to die.

► Investigation and findings

Our officers discussed with the prisoner the likely consequences of his actions and the options available to him. He was willing to speak to an 'independent person' whom he trusted.

He agreed that his actions would ultimately lead to his being hospitalised and forcibly fed food and water and that his actions were not going to achieve his aim of being allowed contact visits.

Our officers discussed the matter with centre management who advised that, although the threat was probably mostly bravado, the Centre could not overlook the incident.

Our officers advised centre staff that the prisoner appeared to be willing to consider his options but that mediation was required to resolve the matter quickly while the prisoner was well enough to participate. Centre staff agreed to discuss options with the prisoner.

► Recommendations and outcome

Centre staff interviewed the prisoner who stated that following his discussion with our officers, he had given the matter further thought and was willing to take some water and food. He was subsequently visited by the General Manager and apologised for his threats.

PRISONER'S PROGRESSION IMPEDED BY LIMITED ACCESS TO QUALIFIED PSYCHOLOGISTS

► Background

A prisoner who had served almost 20 years telephoned our Office to complain that, despite being granted low security classification, she was unable to progress to open security placement until completion of a psychologist's report. However, she was advised that there were no psychologists at her correctional centre capable of undertaking the assessment.

► Investigation and findings

We informally discussed the prisoner's concerns with centre management. The centre agreed to take the matter up with head office.

► Recommendations and outcome

The centre advised that following discussions with head office, it was agreed that a centre psychologist was in fact qualified to undertake the assessment and the prisoner would be advised of this.

PRISONER ADMITTED TO HOSPITAL FOLLOWING OMBUDSMAN INTERVENTION

► Background

A prisoner at a work camp developed an infected leg.

Although he had been treated for his condition, the prisoner became concerned that he needed further treatment and contacted us from the work camp. The correctional centre where the prisoner was based had apparently told the prisoner that he would not be medically assessed until after the weekend on the following Monday.

► Investigations and findings

We contacted the supervising correctional centre with effective control over the prisoner. It transpired that the Health Services Coordinator who would have been the decision-maker was absent at the time.

► Recommendations and outcome

Following our intervention, the prisoner was taken to hospital and was subsequently admitted and put on a course of antibiotics for blood poisoning.

CONTACT VISITS PERMITTED

► Background

We received a complaint from a female prisoner that she had been refused contact visits with her nine year old daughter because of her criminal history. The child was not involved in the prisoner's offences.

At the time of the visit application, the child was the subject of a Short Term Guardianship Order as both parents were in prison. Therefore, it was necessary for the General Manager of the correctional centre and the Department of Child Safety to consider the application on the basis of the child's best interests. The Department advised the prisoner that it was not prepared to permit contact visits between her and her daughter.

In reaching this decision, the Department relied on information from the centre that it would only permit non-contact visits. The centre, on the other hand, advised the prisoner that it would only permit non-contact visits because of information provided by the Department.

The Guardianship Order expired when the daughter was adopted by a relative. The prisoner renewed her visit application to the General Manager without success but the basis for the decision was unclear.

► Investigation and findings

During the investigation, we reviewed legislation and documentation provided by the centre and the Department. We also reviewed relevant policy documents which outlined a range of matters that needed to be taken into account by a General Manager when determining such applications. The visits procedure did not necessarily preclude such a visit.

We accepted that the General Manager, as the original decision-maker, had considerable discretion when considering such matters. However, in reviewing the relevant documents we found:

- inaccuracies in record keeping, and
- references to repealed legislation.

The General Manager also did not record the reasons for the decision or evidence taken into account in reaching the decision.

► Recommendations and Outcomes

We outlined our concerns relating to the General Manager's decision and suggested that he review it based on current legislation, the change of circumstances (that the Department no longer had a legislative interest in the child) and the list of relevant issues contained in the visits procedure.

We were advised that following the review, monthly visits had been approved between the prisoner and her daughter. The centre also arranged for family and professional support for the daughter during and following the contact visits.

IMPROVED SYSTEM IN CORRECTIONAL CENTRE INCREASES ACCOUNTABILITY

► Background

Several prisoners from a correctional centre complained to us that they had requested video recordings of incidents that had allegedly occurred in a unit within the centre but were advised that the recording could not be found. After considering and finalising the individual complaints, we decided to look at the system in place at the centre.

► Investigation and findings

We considered the centre's policy and procedures and the relevant legislation in relation to the storage and disposal of audio and video recordings. We then visited the centre and undertook an audit, talked to correctional officers and inspected the existing system.

We found that the system was inadequate to achieve an appropriate level of security or accountability and did not comply with the Departmental procedure.

► Recommendations and outcome

We recommended that the centre review the existing system concerning the security and storage of video and audio tapes to ensure that access to them is sufficiently restricted and monitored to prevent improper use.

By implementing this recommendation, the centre will be able to effectively investigate any irregularities. We also recommended that more detailed records in relation to the tapes be maintained.

In response, the centre advised that it had installed a new digital recording system which will address the issues we identified and ensure that evidence is available in relation to future incidents in the centre. This will protect both correctional officers and prisoners.

SECTION 2:

Keeping agencies accountable

Local government in transition.

This year, we worked closely with councils to ensure they continued to make fair and lawful decisions for the community in what was a challenging year for them as the number of councils was reduced 157 to 73 through the local government amalgamations.

HIGHLIGHTS

- ▶ Made 63 recommendations to councils to resolve individual complaints and improve administrative practices.
- ▶ Completed a significant investigation into a council's management of a complaint against a councillor and reported to Parliament on our investigation.
- ▶ Took a range of actions in the lead-up to and following the council amalgamations to ensure complaints to us and recommendations we had made were addressed by amalgamating councils in the best interests of the community.
- ▶ Published a *Local Government Casebook* highlighting investigations, recommendations and lessons for councils as part of our administrative improvement role.

LOCAL GOVERNMENT COMPLAINTS RECEIVED

The 1,843 council complaints we received this year represent a 2.4% decrease from 2006–07.

This is the second year in a row in which local government complaints have decreased, which may be attributable to a number of factors, including:

- ▶ the local government amalgamations in March 2008, and
- ▶ councils improving the way they deal with complaints as a result of the requirement for them to implement a General Complaints Process from March 2006.

WHAT PEOPLE COMPLAINED ABOUT

Development related issues became the top issue complained about this year, replacing the laws and enforcement category which came in at number two.

This reflects the significant population growth and development currently being experienced in many councils, particularly in south-east Queensland. Nearly 44% of complaints in this category related to the actions of Brisbane, Gold Coast, Maroochy, Redland, Logan and Caboolture councils.

The environmental management category crept into the top five this year, increasing by 60% from 63 to 101 complaints. The category includes complaints relating to councils' activities in dealing with applications for environmental licences and approvals, monitoring and compliance work related to those approvals, and their obligations relating to a broad range of environmental nuisances.

WHAT WE FOUND

We investigated 448 of the 1,843 complaints received this year. Of these, we established maladministration in 16 cases. In these cases:

- ▶ six decisions were found to have been made contrary to law
- ▶ five were unreasonable or unjust
- ▶ three were decisions for which reasons should have been given but weren't or the reasons given were inadequate
- ▶ two decisions were made based on a mistake of law or fact.

WHAT WE RECOMMENDED

In 2007–08, we made 63 recommendations to address complainants' concerns or to improve councils' administrative practices.

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

- ▶ make an ex gratia payment to the complainants to recompense them for the costs they had incurred in respect of the supply of water and sewerage services to the property boundary of their motel development, in the order of \$135,000
- ▶ make an ex gratia payment to the complainants of not less than \$20,000 to partially compensate them for the loss they incurred in respect of the sale of their property where the loss was partly attributable to council's decision to approve a building plan within an easement
- ▶ make an ex gratia payment to the complainant of \$11,590 to compensate him (at least partly) for the loss he incurred when council sold his property for overdue rates without notifying him
- ▶ apologise to the complainant, in writing, for acting on information provided by a State department without checking its accuracy
- ▶ submit a complaint back into its General Complaints Process for further review
- ▶ rescind a decision in relation to reprimanding a councillor for an alleged minor breach of the Councillor Code of Conduct.

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

- ▶ amend its General Complaints Process to require that any councillor against whom an adverse report is to be made to council in relation to a minor breach of the Councillor Code of Conduct be given a copy of the proposed report or informed of its contents and given a reasonable opportunity to make submissions about it prior to the report being considered by council
- ▶ document procedures for dealing with vermin complaints, including by providing clear guidance on the roles and responsibilities of the relevant departments

- ▶ develop and implement a written procedure for council officers on recording requests for road construction, maintenance and improvement, the circumstances under which they may approve expenditure for such purposes and the circumstances under which a decision is to be made by council or a standing committee
- ▶ develop and document its procedures to guide its officers on amending the land record to record changes of ownership
- ▶ ensure that any officers involved in supplying 1080 baits (Sodium Fluoroacetate) to landholders in Queensland to control feral dogs are familiar with the area to be baited and with the distance requirements set out in the Vertebrate Pesticide Manual.

FACILITATING TRANSITIONS

We took a range of actions in the lead-up to and following the council amalgamations to ensure complaints to us and recommendations we had made to former councils were addressed by amalgamating councils in the best interests of the community. These included:

- ▶ Making a submission to the Department of Local Government, Sport and Recreation on transitional regulations for new and adjusted councils, focusing on general complaints processes, codes of conduct and administrative actions.
- ▶ Undertaking a review of all council complaints on hand to conclude as many as possible prior to the new councils commencing to avoid complications for new councils.
- ▶ Writing to all new councils advising of current complaints about old councils and Ombudsman recommendations not yet implemented and requesting contact details for their liaison officers.

Internally, we also took a number of steps to prepare for the amalgamations. These included:

- ▶ Making extensive changes to our case management system to cater for the new list of councils, including preserving complaint information about former councils for the relevant part of the financial year for reporting purposes.

- ▶ Conducting an information session for our staff on the amalgamations, the transitional regulations and necessary actions within our Office.

REINFORCING AWARENESS OF OUR ROLE AND FUNCTION

The local government amalgamations presented an ideal opportunity for us to build awareness of our role among councils and reinforce our message that, as well as investigating complaints, we also help councils to improve their administrative practices and procedures.

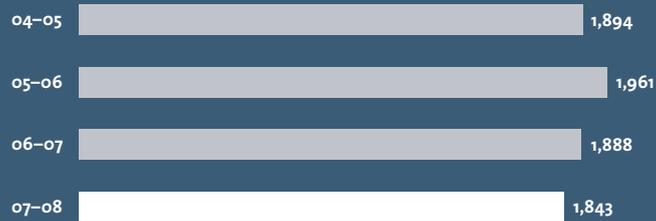
We developed a list of activities for promoting our role but we delayed implementing some activities until after June 2008 to allow the new councils to deal with transitional issues.

Activities included:

- ▶ Publishing a *Local Government Casebook* in June 2008 which highlights a range of council complaints investigated by our Office and contains key recommendations, lessons and advice to help councils make better decisions for the community and guide their administrative practices.
- ▶ Organising speaking engagements to promote our role and emphasise the importance of fair and transparent decision-making at the following forums:
 - Summit of new council mayors convened by the Premier (March 2008)
 - Local Government Association Queensland (LGAQ) Civic Leader's Summit (June 2008)
 - Local Government Managers Australia (LGMA) Darling Downs Branch Conference (August 2008)
 - LGMA Far North Branch Conference (November 2008).
- ▶ Planning regional tours to the Far North (July 2008) and Darling Downs (August 2008) to:
 - establish positive relationships with local government leaders to improve responsiveness to our complaint inquiries and promote understanding of our role, and
 - promote the *Local Government Casebook*.

1,843
council complaints
received during
2007-08

FIGURE 8: COUNCIL COMPLAINT TRENDS



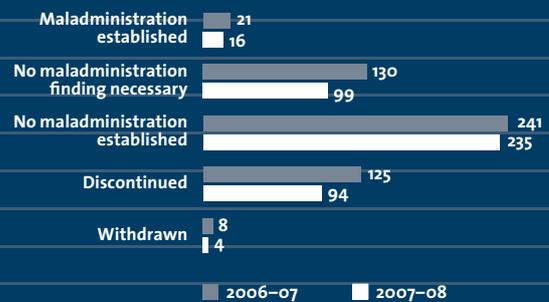
2.4%
decrease in council
complaints as
at 30 June 2008

TABLE 12: MAIN CATEGORIES OF COMPLAINTS AGAINST COUNCILS

Complaint category	2006-07	2007-08	Change %
Development and Building Controls	294	372	26% ↑
Laws and Enforcement	355	335	7% ↓
Rates and Valuations	131	144	10% ↑
Roads	127	107	16% ↓
Environmental Management	63	101	60% ↑
Land Use and Planning	145	100	31% ↓
Sewerage and Drainage	117	92	21% ↓
Water Supply	76	70	10% ↓
Complaint Handling	58	62	7% ↓
Personnel	52	52	0%
Other issues	470	408	13% ↓
Total	1,888	1,843	2.4% ↓

448
council complaints
were investigated
during 2007-08

FIGURE 9: OUTCOMES OF COUNCIL COMPLAINTS INVESTIGATED



ABSENTEE LANDOWNER CHALLENGES COUNCIL LAND CLEARING CHARGES

► Background

An absentee landowner of a property situated in a rural community complained to us about an invoice for \$1,000 to clear his overgrown allotment of approximately 1,000m².

The landowner had previously received a notice to clear his allotment but he maintained that when he contacted Dalrymple Shire Council concerning this matter he received verbal advice that the usual cost was in the vicinity of \$200. On that basis, he authorised the council to undertake the necessary work.

► Investigation and findings

We requested that the council produce the information on which it had based its decisions to:

- issue the landowner with a notice to clear the property, and
- engage the contractor who performed the work and raised the invoice.

The council indicated that clearing of the landowner's property had been undertaken as part of its annual clearing program prior to fire season, but was not able to produce any of the other requested information.

► Recommendations and outcome

We understood that the remoteness of some rural properties could make it difficult for council staff to conduct inspections of some overgrown allotments. However, we considered it was reasonable for the owner of a property to be given sufficient information about its condition to justify action taken by council at the ratepayer's expense.

We recommended to council that the landowner receive a 50% reduction in the amount of the original invoice he received. The council accepted our recommendation.

We suggested that to prevent similar complaints occurring, the council improve its procedures to ensure properties were inspected and appropriate records kept to substantiate decisions taken by council to clear a property.

This could involve:

- council staff or council's contractor inspecting overgrown properties
- recording property file notes or taking photographs in order to support action
- requiring the contractor to supply a quote prior to undertaking work.

We understand the landowner has now engaged a contractor with an ongoing brief to keep his property regularly cleared for approximately \$300 per clearance.

HOMEBUYER HAS INFRASTRUCTURE CHARGES WAIVED BY COUNCIL

► Background

A couple purchased a 'house and land' packaged property on the outskirts of a country town. The couple were not informed by the real estate agency they dealt with that in buying the property they would incur sewerage and water infrastructure charges of over \$10,000, which they would have to repay over several years. These charges related to the construction of new infrastructure that benefited this and other properties.

The couple had carefully compared the target property with others in the area before entering into a contract. They engaged a local solicitor to do the conveyancing on their behalf and instructed him to do all relevant searches, including a local government search. Despite their thoroughness, they were shocked when they received their first rates notice at their new home and found that additional infrastructure charges had been added.

► Investigation and findings

We contacted the Clifton Shire Council's Chief Executive Officer (CEO). In his view, the council was not acting unreasonably as it was only fair that a small selection of landowners who had benefited from the council's extended services, should contribute to the cost of the services.

Following the council amalgamation process, we discussed the matter with the interim CEO of the new Toowoomba Regional Council. The fairness of the decision that the couple should pay for the infrastructure charges came into question when it became apparent that long term residents in the immediate vicinity had received significant reductions in the charges they were required to pay.

► Recommendations and outcome

At our request, the case was considered by a full council meeting where it was decided that the ongoing infrastructure charges would be discontinued.

While the couple did not receive a refund for the charges they had already paid, the council ceased listing the charges on the couple's rates notices, thereby saving them almost \$9,000.

The couple thanked us for our assistance.

ACTING FAIRLY AS WELL AS LAWFULLY

► Background

A land purchaser contacted us about the former Taroom Shire Council's actions regarding her purchase of commercial land from the council to build and operate a motel. The contract contained two special conditions:

- that council meet the cost of designing and constructing the infrastructure connecting water and sewerage services to the property
- that the purchaser submit plans for the development within six months from the date of completion of the contract.

The six month deadline elapsed without the submission of plans. Four months following the deadline, in response to a council enquiry, the land purchaser advised the council that plans had been lodged. In fact, only concept plans had been lodged.

During the following six months, there was regular contact between the land purchaser and council. This included council advising the land purchaser it had not started design work on sewerage and therefore could not provide the details required by the land purchaser to prepare development plans.

A further two months elapsed before council resolved to terminate the contract on the grounds that the plans had not been lodged. The land purchaser lodged a development application with detailed building plans the following day.

Council advised the land purchaser that lodging the plans did not remedy the initial breach of contract and resolved to terminate the contract. Negotiations followed which resulted in a Deed of Variation of the Contract, under which the land purchaser was responsible for the water and sewerage connection costs.

► Investigation and findings

We were satisfied that the concept plans submitted by the land purchaser did not satisfy the relevant contractual condition to submit development plans. However, we reached the view that the land purchaser had not been able to lodge the development plans until council had provided the relevant information regarding the design work of the sewerage and water services.

Our investigation established that, after council enquired about the development plans (four months following the deadline for submitting them), there had been regular communication between the parties concerning aspects of the contract, the motel development and council's development approval requirements and processes.

► Recommendations and outcomes

We formed the view that council's decision to terminate the contract on the basis that the land purchaser was in breach was unreasonable.

We considered that council had failed to take into account relevant considerations including:

- the fact that there had been regular communication between the relevant parties since the date for submitting the plans had expired
- that the land purchaser had been unable to finalise development plans because council had not developed the sewerage and water connection plans, and
- that the land purchaser had submitted plans within a reasonable time after receiving the relevant information from council.

We considered that council's actions in refusing to enter into the Deed of Variation unless the land purchaser agreed to meet the cost of the sewerage and water connections were unreasonable. The council was essentially taking advantage of its decision to terminate the contract in circumstances where that decision was itself unreasonable. We recommended that the new Dalby Regional Council make an ex gratia payment of \$135,000 to compensate the land purchaser for the cost incurred as a result of these actions. They accepted the recommendation and payment was made.

We also found that council officers had failed to make adequate notes of conversations with the land purchaser and suggested that council provide training to its officers on proper record-keeping procedures, in accordance with *Information Standard 40 Recordkeeping*.

COUNCIL FEES MUST HAVE STATUTORY BASIS

► Background

We received a complaint about the actions of the former Mount Morgan Shire Council in charging a \$75 fee to issue a Statutory Notice Fee – Visual Pollution to a landowner.

The fee was imposed by the council for administering a scheme under which it issued statutory notices to landowners who had allowed an accumulation of objects and materials on land which, in the opinion of the council, seriously detracted from the visual amenity of the land and the neighbourhood.

In the initial stages of our investigation, the landowner complied with the statutory notice and the administrative fee was applied to another account for which the complainant owed monies to the council.

However, we still had some concerns regarding the council's power to charge the fee.

► Investigation and findings

In response to our queries, the former council advised that the fee had been imposed on 162 occasions, resulting in revenue of \$12,150.

The former council had written off the fee on 95 occasions (amounting to \$7,125) where landowners had complied with the notice. The former council claimed that the fee was imposed under s.1071A and s.36(2)(c) of the *Local Government Act 1993* (LG Act). These sections permit councils to fix regulatory fees and other fees under their general powers.

The former council also advised that it was no longer imposing the fee.

We asked the former council to seek legal advice regarding its power to charge the fee under s.1071A and s.36(2)(c) of the LG Act. While waiting for that advice, the former council ceased to exist on 15 March 2008 and was amalgamated into the new Rockhampton Regional Council.

► Recommendations and outcome

The new council's legal advice indicated that the former council did not have power under the LG Act to impose the fee.

We therefore formed the opinion that the former council had acted contrary to law in imposing the fee.

The new council advised that it would refund the fees collected by the former council, amounting to just over \$5,000.

FOLLOWING PROPER PROCEDURES UNDER FERAL DOG BAITING PROGRAM

► Background

We received a complaint from a land owner regarding the use of 1080 poison baits (Sodium Fluoroacetate) in Hinchinbrook Shire to poison feral dogs under a baiting program. The land owner claimed that use of the 1080 bait had resulted in the deaths of three of his working dogs and was dissatisfied with an investigation undertaken by the Department of Natural Resources and Water (DNRW) into the program.

The 1080 baiting program is the responsibility of the State Government but day-to-day use of the baits is handled by councils. In this case, the actions of two councils were relevant as the baiting occurred on the border of one council area in a location where the neighbouring council was assisting with the baiting.

At a State Government level, the responsibility for the 1080 baiting program was transferred to the Department of Primary Industries and Fisheries (DPIF) during our investigation.

► Investigation and findings

As part of our investigation, we reviewed the investigation conducted by the DNRW into the deaths of the land owner's dogs. Our investigation also looked at the actions of Hinchinbrook Shire Council and Dalrymple Shire Council in preparing and providing the 1080 bait. We sought further information from both councils and from the DPIF in relation to issues relevant to the DNRW investigation.

We also:

- examined the various manuals and information sheets used in administering the 1080 baiting program
- considered other issues relevant to the ongoing management of the program in Queensland.

We identified deficiencies in DNRW's investigation, including its assessment of the:

- strength of baits used
- placement of baits closer to public facilities than provided for by the conditions of baiting.

► Recommendations and outcome

We made 19 recommendations to the DPIF regarding its administration of the program relating to:

- DPIF's oversight of baiting
- the training given to local government officers who assist with the baiting
- the 1080 baiting manual, and
- the information sheets given to residents about baiting requirements.

We also made a number of practical recommendations about the way baiting is undertaken in Queensland. The DPIF agreed to implement our recommendations.

Five recommendations were made to both Hinchinbrook Shire Council and Dalrymple Shire Council in relation to the training of council officers and their adherence to the requirements of the 1080 baiting manual issued by the DPIF. Both councils agreed to immediately implement all recommendations.

Implementation of our recommendations will improve the administration of the 1080 baiting program by the State Government and councils.

COUNCIL ACTION FOR RECOVERY COST OF PRIVATE WORKS**► Background**

We received a complaint on behalf of the owner of land in a community titles scheme about an invoice for \$1,546.88 issued by Brisbane City Council to the owner for private works undertaken on common property in dealing with a sewerage blockage.

► Investigation and findings

Our inquiries revealed that the body corporate manager had authorised the council to undertake the works on common property and been aware that costs would be involved. The manager had suggested that the council send the invoice to the owner, who was believed to have benefited from the private works.

► Recommendation and outcomes

Interviews with council officers established that there was no contract between the owner and the council to undertake the private works. As a result, we believed that it was unreasonable for the owner to be held responsible for payment of the invoice. We asked the council to review the matter and it consequently withdrew the invoice.

ENSURING BUILDING APPLICATIONS ARE PROPERLY MADE**► Background**

A married couple bought a property but said they were not told by their solicitor of a Powerlink easement on the land. While they knew that power lines crossed the land, they did not understand what an easement was.

At the time, s.30A of the *Building Act 1975* prevented a person from carrying out building work unless the building application was accompanied by written consent from the owner of the land. This included an owner of an easement (Powerlink).

The couple later applied to the Noosa Shire Council to build a house. One of the documents submitted with the application was a site plan showing the easement and that the house would be built within the easement.

The council approved the application and the house was built. A few years later the couple applied for and were granted approval to build a pool, also within the easement.

A few years later, the couple listed the house for sale and received an offer. The sale did not go ahead after the prospective purchaser discovered that the house and pool had been built within the easement. This was when the couple first became aware of the effect of the easement.

Powerlink offered to alter the easement conditions so long as it was able to use the house surrounds as a construction site if it needed to erect any new lines.

The couple stated that they had little choice but to agree.

► Investigation and findings

The couple alleged the council had acted unreasonably in approving the construction of their house within an easement. The council denied liability on the basis that its insurer would not cover the claim.

We investigated whether the council, when assessing the building application, had a responsibility to ensure the house was not built within an easement. We also examined whether council's policy and procedures were reasonable.

► Recommendation and outcome

In our opinion, the fact that the site plan showed the proposed house located within the easement, should have alerted council that it should not approve the application but should conduct further inquiries.

We formed the opinion that:

- council's approval of the building application was unlawful in that it was not 'duly made' under s.30A of the *Building Act 1975*
- council's approval was unreasonable because the site plan clearly showed the proposed house was to be built within an easement and council did not inquire whether Powerlink had agreed to the application
- council had an obligation under the Act to ensure that the holder of an easement had consented to proposed building work
- the administrative action of the council was unlawful and/or unreasonable in approving the building application, which caused the couple a substantial financial loss when they sold their property.

We recommended that council make an ex gratia payment of \$20,000 to the couple to partially compensate them for the loss they had incurred.

We also recommended that the council apologise to the couple in writing and that for all new building applications, the council require the applicant to provide a copy of the current certificate of title for the subject land with the application.

The council accepted and implemented our recommendations.

As illustrated in the next two cases, we do not recommend in every case that an agency rectify the detriment caused to a complainant by its administrative error. Each case must be decided on its own circumstances, including the extent to which the complainant's own actions have resulted in the detriment.

IMPROVED PROCEDURES FOR SALE OF LAND

► Background

A woman became aware that land she had owned jointly with her former husband had been sold two years earlier by the Miriam Vale Shire Council to recover overdue rates. She contacted the council and sought compensation for wrongful sale. The council advised that it had sold the land in accordance with the processes under the *Local Government Act 1993* (LG Act).

At the time of the auction, the unimproved value of the land was \$28,500 which was set as the reserve. The reserve was not reached and the land was sold to the highest bidder for \$6,000 following the auction. After rates and other expenses of approximately \$4,000 were deducted by the council, a residual amount of approximately \$2,000 was held in council's trust account.

The woman complained to our Office that the council had not taken sufficient steps to advise her or her husband about the intended sale and that the land was sold well below its market price and its unimproved value.

► Investigation and findings

For several years before the sale of the land, the address for the service of rate notices had been a post office box in south-east Queensland. However, prior to council selling the land, the woman had telephoned the council to advise new residential addresses in Victoria, as she and her husband had separated. The council noted the information but did not change the land record as its policy required the notification to be in writing.

We found that the council had sent the notice of intention to sell the land to the Queensland post office box noted in the land record and that it had been returned unclaimed. Consequently, the council had placed public notices in the *Government Gazette* and major Queensland newspapers to bring the proposed sale to the owner's attention. Prior to sending its notice of intention to sell, the council had also sent other correspondence seeking written confirmation of the new addresses. However, this correspondence contained inaccurate and/or wrong address information.

Of relevance to our investigation was a determination by the Victorian Civil and Administrative Tribunal in relation to orders the complainant had sought against a firm of solicitors regarding their alleged failure to take steps to register her interest in the subject property following separation from her husband. After hearing a considerable amount of oral evidence, the Tribunal had been satisfied that the woman had received the correspondence sent by the council about overdue rates and its intention to sell the land for non-payment of rates. However, the complainant claimed she had not opened the correspondence but had simply re-addressed and forwarded it to her husband.

The council submitted that its obligation under s.39(1)(a)(ii) of the *Acts Interpretation Act 1954* when posting the notice of intention to sell was to post it to 'the address of the place of residence or business of the person last known to the person serving the document'. We agreed.

However, in our view, the council had not complied with that section in serving the notice of intention to sell because:

- a post office box is not an address of a 'place of residence or business', and
- the post office box was clearly not the 'last known address of the place of residence' of the woman or her husband. The last known places of residence were those communicated verbally by the complainant to the council.

In relation to the complainant's concerns about the low price for which the council had sold the property, we considered that the council had complied with the requirements of the LG Act in setting the reserve price at the unimproved value. As no bid had been received at that price, the council had been entitled to negotiate with the highest bidder to sell the land at a price greater than the highest bid at auction.

► Recommendations and outcome

We recommended that the council document its procedures for the sale of land for overdue rates and comply with statutory requirements when preparing notices of intention to sell land.

We did not believe that the woman was entitled to any compensation from the council as the evidence showed she had received the council's letter containing the notice of intention to sell but chose to forward it on to her husband without opening it. We asked the council to inform her about the application of the balance of the proceeds held in its trust account.

The council accepted our recommendations.

CHECKING ACCURACY OF INFORMATION BEFORE MAKING DECISIONS

► Background

In May 2007, a man who lived overseas, became aware through his real estate agent that his vacant land at Tara had been sold by the Tara Shire Council in 2003 for overdue rates. After dealing unsuccessfully with the council, he complained to our Office. He believed that the council's action in selling his land was unreasonable because he did not receive rate notices after 1997 or any notice of its intention to sell the land.

► Investigation and findings

The man had purchased the land in 1992 and paid rates through to 1997 while he resided in Australia. Rate notices were sent to his Canberra address. In 1995, he changed his name by Deed Poll and the council recorded his name change in its land record. However, the man did not change his name on the land title.

In 1997, the Millmerran Shire Council was notified of a change of address for service (to a New South Wales address) for a property in the Millmerran Shire owned jointly by a person with the same first name and surname as the complainant's former name. This change of address was also notified to the former Department of Lands (now Department of Natural Resources and Water).

The Department's staff mistakenly changed the complainant's address for service on the Department's valuation system relating to his land in Tara. They had confused him with the person who owned the property in the Millmerran Shire.

The Tara Shire Council received information from the Department's valuation system in 2000. On the basis of that information, it changed the address for service for the complainant's property. The council's record was also amended to change the name of the owner of the property from the complainant's new name to a name that was similar to his former name. Council made this change in the mistaken belief that the property had been sold and there was a change of owner.

The council sent notices of intention to sell and of the sale of the land to the New South Wales address. As the notices were not returned and no response was received, the council proceeded to sell the land at auction in 2003.

We found that council acted unreasonably in making changes in its land record in the mistaken belief that there had been a change of ownership. The council had relied solely on the Department's information which was not a sufficiently reliable source of information for that purpose. It had also failed to examine its own records, which contained information clearly inconsistent with the Department's information.

► Recommendations and outcome

We considered that the complainant contributed to his own loss as:

- he had failed to safeguard his own interest by changing his name on the land title
- he had not disclosed to council that he was not receiving rate notices and had not sought an explanation for that, and
- for a continuous period of over four years he had failed to pay any rates.

However, we considered this did not relieve the council of responsibility for the outcome of its own unreasonable action.

Therefore, we recommended that the council apologise to the complainant and make an ex gratia payment to him of \$11,590. The amount was based on the land's unimproved value in 2007 less the balance of proceeds from the sale already paid to him and outstanding rates at the time of sale in 2003.

We also made six recommendations to the council to:

- document its procedures for amending its land record for changes of ownership and addresses and the sale of land for recovery of overdue rates, and
- train relevant staff in the new procedures.

Tara Shire Council was amalgamated as part of the new Dalby Regional Council on 15 March 2008. The new council accepted all of our recommendations.

SECTION 2:

Keeping agencies accountable

Monitoring complaints about universities.

In our Annual Report for 2006–07 we noted a 52.7% increase in complaints about universities. In 2007–08, complaints about universities increased by another 15%.

While last year the increase was seen across virtually all universities, in 2007–08 the increase was primarily attributable to a 100% increase in complaints about Griffith University.

We have noted in previous years that there is usually a disproportionately high representation of post-graduate students or former students among complainants.



► This year, many of our complaints about universities were from international students.

However, this year, we saw a shift in the trend, with the greatest number of complaints coming from international students seeking external review of decisions by universities to exclude them from enrolment for inadequate attendance or course progress. Such decisions can lead to a student's visa being cancelled by the Commonwealth Department of Immigration and Citizenship (DIAC) and, ultimately, deportation.

This trend follows the release by the Commonwealth Department of Education, Science and Training of the 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 were required to comply with from 1 July 2007. Of particular significance in terms of our complaint trends is Standard 8 which requires that tertiary education providers ensure that students are advised of their external appeal rights if they are dissatisfied with the result or conduct of internal complaints and appeal processes. In practice, this means that an international student must be advised of, and afforded an opportunity to exercise, their external appeal rights before the university reports to DIAC that the student has been excluded from enrolment.

The complaints recorded against Griffith University are a result of the university clearly informing international students of their external appeal rights in all internal appeal decision notices, including review by our Office. Given the potential consequences of such decisions, it is not surprising that students would seek to exhaust every avenue to ensure that the decision of the university is fair and reasonable. We anticipate that, for universities with a high number of overseas students, complaint numbers will continue to reflect the trends observed in the past year.

15%

Complaints about universities increased by 15% in 2007–08

TABLE 13: COMPLAINTS ABOUT UNIVERSITIES

Agency	2006–07	2007–08	Change %
Central Queensland University	12	8	33% ↓
Griffith University	23	46	100% ↑
James Cook University	9	11	22% ↓
Queensland University of Technology	15	18	20% ↓
University of Queensland	30	30	0% ↓
University of Southern Queensland	14	13	7% ↓
University of the Sunshine Coast	9	1	88% ↓
Out of jurisdiction universities*	1	2	0%
Unspecified university	-	1	0%
Grand Total	113	130	15% ↑

* Australian Catholic University and Bond University

SECTION

KEEPING AGENCIES ACCOUNTABLE

2

UNIVERSITIES

CASE STUDIES

FOREIGN STUDENT TUITION FEES

► Investigation and findings

A student from Zimbabwe, enrolled at Griffith University, was advised her enrolment would be cancelled due to non-payment of tuition fees for 2007 and in advance for Semester 1 of 2008.

The student's delay in payment of the tuition fees was caused by the economic situation in Zimbabwe and difficulties in obtaining foreign currency from Zimbabwean banks.

The student appealed against the cancellation of enrolment, made part-payment of the outstanding fees and gave an undertaking to pay the remainder of the tuition fees by April 2008. However, this was after the due date for Semester 1, 2008 and the university rejected the student's appeal. The student requested the university reconsider its decision.

As the student had not been advised by the university of its review decision, and Semester 1, 2008 had already commenced, the student contacted our Office.

We contacted the Director of Student Administration at the university to discuss the matter and learned the university had already made a decision to further review some foreign students' eligibility to continue their enrolment.

In this instance the outstanding tuition fees had been received and the university advised it would reverse the appeal decision and allow the student to continue her enrolment in 2008.

The university's decision however, had not been communicated to the student at that time.

► Recommendations and outcome

The university agreed to allow the student to enrol after the enrolment cut-off date and delay payment of tuition fees based on evidence of exceptional circumstances for non-payment.

We communicated the university's decision to the student and advised that she would be able to enrol for Semester 1, 2008. The student was informed that formal notification from the university would follow shortly. The student was pleased that she would be able to continue her university education.

We published four reports in 2007–08, either by presenting them to the Speaker for tabling in Parliament or by obtaining his authority to publish them.

Three were about best practice in public sector regulation and administration. The fourth was about a complaint with broader implications for local government. Summaries of the reports appear below and copies of the reports are available on our website.

We also monitored agency implementation of our recommendations from previous years and initiated several new significant investigations.

THE REGULATION OF MINE SAFETY IN QUEENSLAND

► Investigation and findings

Mine safety in Queensland is regulated by the Queensland Mines Inspectorate (QMI), a unit of the Department of Mines and Energy (DME).

During the past few years there has been media and academic criticism of the way the QMI carries out its functions and enforces mine safety legislation generally. This criticism has included allegations that the QMI:

- is understaffed and cannot do its job properly
- has a high staff turnover rate which hinders its work
- announces most of its inspections in advance to mine operators, losing the element of surprise
- fails to take enforcement action, even for clear breaches of mine safety legislation
- is too close to the mining industry.

We commenced an own initiative investigation of the QMI in April 2007. Our investigation included discussions with the Director-General of DME and senior staff of the QMI. We also spoke to key stakeholders in the mining industry, such as unions, industry associations, academics and a barrister who had acted as counsel assisting the State Coroner in several mining death inquests.

Our investigators visited QMI regional offices in Mt Isa, Townsville, Rockhampton and Brisbane to speak to mine safety inspectors and to audit the QMI's complaint and investigation files. Our investigators also accompanied QMI inspectors on routine above and below ground inspections of two mines in North Queensland.



► Queensland Ombudsman, David Bevan speaks to the media after his report on mine safety was tabled in Parliament.

► Recommendations and outcomes

We found that, on the whole, the QMI's complaint handling, investigation and enforcement practices were reasonable and appropriate. For example, it was clear that, following mining deaths, the QMI produces comprehensive reports of a high standard for the Coroner and other audiences on what happened and how similar tragedies can be avoided in future.

Our investigation revealed that the QMI could benefit from a broader range of compliance options (such as voluntary enforceable undertakings) which are used by other regulators. Its present options are to prosecute or issue a formal directive to an operator.

We also found that the QMI experiences staff retention problems due to the high salaries on offer in the mining industry.

We found that most of the work the QMI does centres on informal, low-level advice and recommendations to mine operators. While useful, much of this work is not recorded on the QMI's databases or publicly reported. This leads to the perception that the QMI does little to enforce mine safety and is too close to the mining industry, though we were satisfied that this is not the case. We therefore recommended greater recording and publication of the QMI's activities, including its compliance actions.

We recommended that a Commissioner for Mine Safety be established to advise the Minister on mine safety issues and monitor and report on the QMI's performance. Finally, we recommended that the QMI be given a greater degree of operational autonomy from the DME to ensure the QMI continues to be, and is seen to be, an impartial and effective regulator.

Our report on the investigation was tabled in Parliament in June 2008. The Department of Mines and Energy has accepted all of our recommendations.

THE COUNCILLOR CODE OF CONDUCT REPORT

► Background

A councillor of the Redland Shire Council (now the Redland City Council) complained about the council's investigation of an alleged breach by her of the Councillor Code of Conduct (the Code).

The representative of a quarry business had complained to council that the councillor, with two officers, had trespassed on its property and that one of the officers had stepped out of a vehicle to take photographs in the quarry car park. The councillor denied having trespassed, stating she was simply showing the officers locations relevant to a local plan they were preparing.

The councillor subsequently complained to our Office, alleging council's investigation had not had proper regard to procedural fairness, and that the eventual findings demonstrated bias against her.

► Investigation and findings

We conducted a number of interviews and reviewed council's file on the complaint.

In this case, council's CEO had directed a complaints officer to investigate and report to the next General Meeting, less than a week away. At the meeting, the councillor claimed the land in question was actually part of a public road and not quarry property.

The matter was adjourned while investigations continued. During this time, the mayor suggested that the councillor apologise to the quarry representative. At a later meeting, the council found the relevant land was public land, but that the councillor had nonetheless committed a minor breach of its Code. Council formally reprimanded her.

In response to our draft report, council challenged our jurisdiction. However, we obtained Senior Counsel's advice that we had jurisdiction to investigate the matter and to have our report on the investigation tabled in Parliament. The report was tabled in December 2007.

► Recommendations and outcome

We were satisfied the CEO's decision to proceed to a formal investigation was reasonable. However, we recommended that in future, where council formally investigates a councillor's conduct, it appoint an external investigator.

As the land in question was public land, the councillor had not been on private property without permission and the evidence did not establish that the councillor had breached quarry safety legislation. Therefore, there was no basis on which to find that she had breached the Code of Conduct.

We considered that council had failed to afford procedural fairness in its investigation, in that it had failed to provide the councillor:

- with a reasonable opportunity to consider the report on the investigation and prepare a submission
- with details of the provision of the Code allegedly breached, and
- with an opportunity to be heard on the action council should take in relation to the breach it believed had occurred.

We also formed the opinion that the mayor's suggestion to the councillor that she apologise made it appear he had prejudged the issue. However, we considered that the evidence did not support the councillor's allegation that council as a whole had prejudged her or tried to intimidate or discredit her.

Finally, we found that the complaints officer had been given an unreasonably short time to investigate the matter.

We made a recommendation to council that it rescind its reprimand, which it initially rejected but later implemented. We also made nine other recommendations to council about its Code of Conduct investigation and decision-making process.

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

SECTION KEEPING AGENCIES ACCOUNTABLE

2 IMPLEMENTATION UPDATES

DOUGLAS SHIRE COUNCIL – DAINTREE RIVER FERRY REPORT

In 2006, we conducted an investigation into the tender process and other issues relating to the Douglas Shire Council's administrative actions in awarding a contract in 2005 for the operation of the Daintree River Ferry.

The Douglas Shire Council initially accepted all our recommendations and advised us that it had begun implementing them. The Cairns Regional Council, which assumed responsibility for the implementation of our recommendations following the local government amalgamations, has also accepted all our recommendations.

It is clear from advice provided by council that most recommendations have been fully implemented and substantial progress has been made in implementing the others.

In addition, the council has advised that it commissioned a due diligence review for the period 17 July 2007 to 29 February 2008 for both the former Cairns City Council and Douglas Shire Council. The review is being used to ensure that all process failures, such as those identified in our report, are fully addressed.

DEPARTMENT OF MAIN ROADS – THE PACIFIC MOTORWAY REPORT

During the year the Director-General of the Department of Main Roads (DMR) reported that the department is continuing to make considerable progress towards full implementation of all 22 recommendations outlined in the Pacific Motorway Report, tabled in Parliament last financial year, with 14 recommendations already completed.

The DMR intends to finalise the remaining recommendations following consultation with other relevant agencies or following completion of further noise modelling (as addressed in recommendations 12 and 13).

Following the tabling of the report, DMR established a project team to proceed with community engagement and complete in-house noise reduction measures at previously identified properties within 300m of the motorway.

A review of the 2003 noise model is being undertaken for all properties within the 300m zone to identify any further properties eligible for noise reduction treatment. Additional noise modelling is also underway with a view to identifying eligible properties beyond the 300m zone.

According to DMR, this modelling work and the resulting identification of properties is expected to be completed by the end of 2008.

MIRIAM VALE SHIRE COUNCIL – IMPROVING ADMINISTRATION OF DEVELOPMENT ASSESSMENT PROCESSES

In 2006, we conducted a major investigation into planning and development processes at the former Miriam Vale Shire Council.

We made a number of recommendations to the council to improve its management of development applications and its customer service functions.

In June 2007, we conducted a compliance audit which found significant improvements in the way the council was managing these functions. During 2007–08, council continued implementation of our recommendations.

The council was amalgamated into the Gladstone Regional Council in March 2008.

However, the new council's Miriam Vale office will have responsibility for many local planning and development matters for the foreseeable future and will continue to benefit from the recommendations we made.

ENVIRONMENTAL PROTECTION AGENCY – ADMINISTRATIVE REVIEW

In 2006–07, 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.

Implementation of these recommendations is ongoing and the EPA provided us with a progress report in October 2007.

In 2008–09, we will commence an audit to evaluate how the EPA is progressing with our recommendations.



“Our broad ‘own initiative’ investigations of agencies with regulatory functions enable us to assess their practices against a range of criteria and make recommendations to improve those practices.”



TIPS AND TRAPS FOR REGULATORS

One of our functions under the *Ombudsman Act 2001* is to help agencies to improve the quality of their decision-making and administrative practices. With this function in mind, during the year we prepared a report entitled *Tips and Traps for Regulators*, which provides guidance for public sector agencies with regulatory responsibilities.

The report explains the principles of good regulatory practice from a public sector perspective and illustrates those principles by using 82 case studies drawn from investigations conducted by our Office.

It contains recommendations about how agencies can improve the effectiveness, consistency and accountability of their regulatory practices. It also includes a Regulator's Audit Tool, based on the report's recommendations that agencies can use in reviewing their own regulatory systems.

In November 2007, the Speaker of Parliament authorised publication of the report without it being formally tabled in Parliament.

LOCAL GOVERNMENT CASEBOOK – ASSISTING COUNCILS TO MAKE BETTER DECISIONS

In June 2008, the Speaker also authorised publication of our *Local Government Casebook*, which contains summaries of twelve cases we have investigated in recent years. In each case, we made recommendations to the council concerned which we believe are of relevance to other councils.

Our purpose in publishing the casebook was to make councils aware of some of the significant administrative deficiencies we have identified in our investigations of councils and the recommendations we made to help them address those deficiencies. Councils can use the casebook to improve their own decision-making systems to avoid similar types of complaints being made.

The councils referred to in the case studies are not identified, except in three cases the subject of previous reports to Parliament.

SECTION 2: KEEPING AGENCIES ACCOUNTABLE

Outlook 2008–09

INVESTIGATIONS

- ▶ Monitor the use and effectiveness of informal resolution processes
- ▶ Finalise the review of our investigative practices and implement improvements identified
- ▶ Continue to report on whether agencies have responded to our recommendations in significant cases

CORRECTIONS

- ▶ Implement the new Corrections Program

MAJOR INVESTIGATIONS

- ▶ Continue to identify and address systemic maladministration, by conducting own initiative investigations and reporting publicly in appropriate cases
- ▶ Produce public reports in a timely manner on major investigations, where it is in the public interest to do so
- ▶ Continue to monitor the implementation of recommendations made to agencies and audit implementation of recommendations made in major investigations



SECTION 3:

Engaging with the public sector and community

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Engaging with the public sector and community

Actively improving public administration.

Our Office is committed to improving administration in public sector agencies to ensure their decisions and actions are fair and transparent.

While we investigate complaints from the community and make recommendations to address their concerns, we also work with State Government agencies and councils to improve their administrative practices. Our main initiatives for achieving this are our Good Decisions and Complaints Management Training programs (see p.53–54), Complaints Management Program and *Perspective* newsletters (see p.55).

LEADING EFFECTIVE COMPLAINTS MANAGEMENT

As part of our administrative improvement role, our Office has been conducting the Complaints Management Program (CMP) as a long term initiative to improve the complaints management structures and processes of Queensland's public agencies.

The Public Service Commissioner's *Directive 13/06 – Complaints Management Systems* was issued by the Public Service Commissioner on 11 November 2006 following a recommendation made by the Ombudsman to achieve an appropriate standard in complaints handling across agencies that come under the *Public Service Act 1996*.

The Directive required agencies to implement a visible, accessible and responsive complaints management system (CMS) to better handle complaints from the public by 11 November 2007.

In the lead-up to and after the November deadline, we provided practical assistance to State agencies to develop and implement systems that complied with the Directive.

Activities included:

- ▶ A series of complaints management workshops conducted between 21 August 2007 and 20 September 2007 that covered the following topics:
 - **Week 1** Key concepts in complaints management
 - **Week 2** Building your complaints policy
 - **Week 3** Building your complaints procedures
 - **Week 4** Getting your complaints system off the ground
 - **Week 5** Capturing, understanding and managing your complaints outcomes

- ▶ Seventeen agencies attended some or all of the workshops. Feedback from the workshops was so positive that we published the workshop material on our website. This material is one of the most frequently downloaded items on our website
- ▶ Agency Advisory Meetings held to provide agencies with advice on the adequacy of their own complaints policies, and
- ▶ a Complaints Management Forum held on 3 March 2008 to:
 - inform agencies of the next phase of our Complaints Management Program
 - identify key issues relevant to effective complaints management in the public sector
 - provide a networking and liaison opportunity among fellow policy officers and complaints managers.

Officers from 19 State agencies and two universities attended the forum.

MEASURING COMPLIANCE WITH THE DIRECTIVE

In April 2008, we commenced an audit of State agencies' compliance with the Public Service Commissioner's Directive, which is part of our Complaints Management Program Phase Three.

We developed a self-audit questionnaire based on the Directive and prepared instructions for completing the survey. Agencies were asked to fill out the questionnaire and send their responses to us by 30 June 2008.



“Thank you for providing the opportunity for complaints management officers across government to network, and gain a common understanding of the Ombudsman’s perspective.”

Officer from Queensland Treasury

- ▶ Our complaints management workshops helped participating agencies to develop complaints management systems that complied with the Directive

Early in the new financial year, we will assess the responses and provide further assistance where necessary.

Later in the financial year, we intend to report to Parliament outlining:

- ▶ the extent to which agencies have complied with the Directive
- ▶ whether agencies are achieving a level of best practice above that required by the Directive
- ▶ where appropriate, recommendations to specific agencies about ways they can improve their complaint systems.

TRAINING FOR BETTER COMPLAINTS HANDLING

We began delivering our Complaints Management Training module for internal review officers in October 2007 and introduced a module for customer service and other frontline officers in November 2007.

We offer the training to agencies that have their complaints policies and procedures in place, either in accordance with Directive 13/06 or, in the case of councils, the *Local Government Act 1993*.

Complaints management is a vital component of every decision-making framework and is especially important for agencies that have daily interaction with the community for the purposes of providing services and benefits.

Both training modules complement our Good Decisions Training program by providing officers with an understanding of the principles of effective complaints management.

The training is designed to assist participants to:

- ▶ identify specific complaint types
- ▶ manage difficult customer behaviour
- ▶ understand their authority

- ▶ use effective interview techniques
- ▶ record and report outcomes properly.

Every training session is a unique blend of best practice theory and scenarios based on real cases and the agencies’ policies and procedures. This allows us to tailor our training to ensure it is relevant to every officer.

We conducted a total of 34 complaints management sessions this year, comprising 19 sessions for frontline officers and 15 sessions for internal review officers. Thirteen State Government departments and nine councils received the training throughout Queensland and approximately 520 public sector officers participated.

Participating State agencies and councils are listed in Table 14.

TABLE 14: PARTICIPATING AGENCIES FOR COMPLAINTS MANAGEMENT TRAINING 2007–08

State Government		Local Government
▶ Arts Queensland	▶ Department of Primary Industries and Fisheries	▶ Bundaberg Regional Council
▶ Department of Communities	▶ Department of Tourism, Regional Development and Industry	▶ Cooloolool Shire Council
▶ Department of Child Safety	▶ Department of Local Government Sport and Recreation	▶ Ipswich City Council
▶ Department of Employment and Industrial Relations	▶ Disability Services Queensland	▶ Logan City Council
▶ Department of Main Roads	▶ Environmental Protection Agency	▶ Mackay Regional Council
▶ Department of Natural Resources and Water	▶ Queensland Transport	▶ Redland City Council
	▶ Queensland Treasury	▶ South Burnett Regional Council
		▶ Townsville City Council
		▶ Whitsunday Regional Council

“This training is invaluable and should become a part of our Child Care Regulation Induction Program.”
Officer from Department of Communities

We constantly work to improve our training program to ensure it is ‘best practice’ and relevant to the work of public sector officers. During the year we:

- ▶ drafted a comprehensive training workbook to provide participants with a useful reference tool when managing complaints
- ▶ continued to develop new case studies to ensure their relevance to each participating agency.

The feedback received from participants has also been very encouraging with:

- ▶ 96% agreeing that the information presented will help them manage complaints more effectively in their daily work
- ▶ 95% indicating that they would recommend the training to other officers in the public sector.

Some agencies have made a substantial commitment to our training.

For example, the Department of Employment and Industrial Relations has encouraged its regional managers to have their officers trained. To date, 230 of its officers throughout Queensland have participated in the training.

THE FUTURE OF COMPLAINTS MANAGEMENT

In the past, many State Government agencies were ill equipped to handle complaints, which is why they often escalated to our Office.

By assisting agencies to implement good complaints management systems and encouraging them to view complaints more positively, we are confident that agencies will provide an improved service to the community.

We will continue to provide training and advice to agencies to help them improve their complaints systems.

PROMOTING GOOD DECISION-MAKING

This year, our Good Decisions Training Program focused on agencies identified by complaint trends as being in need of training. We also continued to increase the number of sessions we provided to officers in regional Queensland.

The training program was launched in May 2005 to assist officers in public sector agencies to make and record better decisions. Since its inception, we have trained more than 3,600 officers with 1,173 officers taking part during 2007–08.

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

During the year, we conducted 66 sessions for 28 public sector agencies. More specifically, 21 State Government departments and seven councils received training.

Fewer officers undertook this training in 2007–08 compared to 2006–07 because of the availability for the first time of our Complaints Management Training.

Agencies whose officers took part in Good Decisions Training are listed in Table 15.

The training has proved to be popular, partly because sessions are customised for the participating officers by using case studies relevant to their work (based on real cases) to illustrate the various aspects of good decision-making.

TABLE 15: PARTICIPATING AGENCIES FOR GOOD DECISIONS TRAINING 2007–08

State Government		
▶ Commission for Children and Young People and Child Guardian	▶ Department of Justice and Attorney-General	▶ Queensland Corrective Services
▶ Crime and Misconduct Commission	▶ Department of Local Government, Sport and Recreation	▶ Queensland Health
▶ Department of Child Safety	▶ Department of Main Roads	▶ Queensland Transport
▶ Department of Communities	▶ Department of Natural Resources and Water	
▶ Department of Education, Training and the Arts	▶ Department of Primary Industries and Fisheries	Local Government
▶ Department of Employment and Industrial Relations	▶ Disability Services Queensland	▶ Brisbane City Council
▶ Department of Housing	▶ Environmental Protection Agency	▶ Bundaberg Regional Council
▶ Department of Infrastructure and Planning	▶ Priority Country Area Program (PCAP)	▶ Gold Coast City Council
	▶ Public Trustee	▶ Mackay Regional Council
	▶ Queensland College of Teachers	▶ Mount Isa City Council
		▶ Townsville City Council
		▶ Whitsunday Regional Council

We are committed to providing equitable access for officers throughout Queensland. This year 22 of the 66 Good Decisions Training sessions were delivered outside of Brisbane (see map on p.58).

TRAINING ENHANCEMENT AND FEEDBACK

We continually seek ways in which we can improve our training program to ensure it is relevant to the work of public sector officers.

In keeping with this objective, during the year, we re-printed the training workbook to provide participants with a useful reference tool when making decisions.

In the past year, Brisbane City Council made the training mandatory for several types of officers working in Compliance and Regulatory Services.

The council has advised that the approach has resulted in a drastic reduction of their avoidable correspondence from 26% in June 2006 to 6.5 % in June 2008, despite significantly rising volumes.

In 2008–09, we will encourage other agencies to take a similar approach towards reducing and effectively managing their complaints by improving their decision-making capabilities.

Feedback from participants continues to confirm the value of the training with:

- ▶ 98% agreeing the course information will assist them in their daily work (2006–07: 98%)
- ▶ 98% indicating they would recommend the training to other officers in the public sector (2006–07: 98%)
- ▶ 97% agreeing the scenario examples were helpful and relevant (2006–07: 97%).

All training provided by our Office is priced on a set fee-for-service basis across the State. There is no extra charge to provide the training to regional centres, making the training easily accessible to all public sector officers.



- ▶ Our *Perspective* newsletters increase awareness of our administrative improvement role across government and provide advice on good decision-making.

OUR PERSPECTIVE ON GOVERNMENT

We continue to publish our *State Perspective* and *Local Perspective* newsletters for decision-makers in government with issues published in July and November 2007 and April 2008.

The newsletters contain information on our initiatives to improve administrative practices and procedures, including our Complaints Management Program, and advice based on our investigative case studies.

The April 2008 issue was distributed electronically to more than 1,000 contacts across State and local government. *State/Local Perspective* is also distributed to every officer who participates in our training (approximately 2,000).

Our other newsletter, *Frontline Perspective*, also continues to be well received. It is intended for officers in direct contact with the public, such as officers working in call centres, customer service counters and complaint units.

Frontline Perspective provides these officers with advice to help them to make sound decisions in the first place as well as improve their complaints handling at the first point of contact to prevent complaints from escalating.

We published this newsletter in August and December 2007 and March 2008.

Readership continues to increase across our suite of *Perspective* newsletters. The initiative has helped improve awareness of our Office and reinforce our administrative improvement role across government.

MANAGING UNREASONABLE COMPLAINANT CONDUCT

We continued to participate in the *Unreasonable Complainant Conduct Project* (UCCP) this year, along with all State and Territory Ombudsman Offices and the Commonwealth Ombudsman.

The project aims to identify a range of techniques for dealing with unreasonable complainant conduct and to evaluate their effectiveness.

During Phase One of the project, a practice manual was developed that identified commonly observed unreasonable complainant conduct and provided appropriate management strategies and procedures to deal with the conduct. Our case management staff participated in training on the strategies contained in the manual. This was presented by the Office of the NSW Ombudsman, which has co-ordinated the project since its inception.

As a result of significant interest among public sector agencies across Australia, a revised version of the manual was developed which is geared to complaint handlers across the public sector. The manual is now available from our website, so all agencies can access it.

Phase Two of the project commenced in May 2007 and concluded in May 2008. This phase encompassed:

- ▶ a 12 month trial of the techniques and strategies identified in the manual
- ▶ a follow-up training session attended by our officers in November 2007
- ▶ completion of case evaluation forms throughout the trial by staff of the participating Ombudsman Offices reporting their assessment of the utility and effectiveness of those strategies in particular cases
- ▶ a survey of staff in the participating offices to elicit their feedback on the usefulness of the strategies presented in the Manual and of the project overall.

The results of the staff survey and case evaluations were collated and provided to the participating Ombudsman Offices in early July 2008. The preliminary results indicated that 89% of our staff found the management strategies were useful and assisted them to do their job.

A report is currently being drafted which incorporates analysis of data collected by various means throughout the project and will evaluate the effectiveness of the project. The practice manual will also be updated to reflect the learnings from the trial and made available to other agencies. The project is expected to be completed in early 2009.

STRENGTHENING ACCOUNTABILITY THROUGH THE WHISTLING WHILE THEY WORK PROJECT

This three year national study, led by Griffith University, aims to describe and compare organisational experience under the various public interest disclosure regimes across Australia to identify and promote best practice in workplace responses to public interest disclosures (PIDs).

We continued to work as an ‘industry partner’ with the Crime and Misconduct Commission (CMC), the Office of Public Service Commissioner (PSC) and the Griffith University research team on this project in Queensland.

The data from a broad range of survey instruments has now been collected and the first national report, entitled *Whistling While They Work: Enhancing the Theory and Practice of Internal Witness Management in Public Sector Organisations*, will be launched in September 2008.

The research focus is now on working with public sector agencies across Australia to identify best practice in managing public interest disclosures.

The report for this part of the research is expected in early 2009.

As the results of the research become available, three sets of guidelines for potential whistleblowers, managers and

agencies respectively are being developed by the CMC, PSC and our Office as practical tools to assist Queensland public sector agencies in this area.

MEASURING THE IMPACT OF REFERRING COMPLAINANTS TO AGENCIES

We encourage agencies to take responsibility for their actions. In most cases, we will not commence an investigation unless the complainant has made a genuine attempt to resolve their complaint with the agency concerned. This is our main reason for declining many of the complaints we receive (see p.17).

This approach explains why we are putting significant resources into building the capacity of agencies to appropriately deal with complaints themselves, through our Complaints Management Program (see p.52) and Training Programs (see p.54).

We conducted a survey in May 2008 (the Referred to Agency survey) based on a random sample of 480 complainants who had approached our Office with a complaint and been referred by us to the relevant agency between July and December 2007.

The survey focused on complainants’ satisfaction with our Office and the agencies the subject of the complaints in responding to their complaints.

Of the 480 people interviewed, 70% had either:

- ▶ directly pursued their complaint (59%) with the appropriate agency, or
- ▶ resolved their complaint in some other way (11%) after an initial discussion with our Office.

Of those complainants who had gone back to the agency, about half were still waiting for a final decision to be reached. Of the complainants who had received a final decision, 62% considered the decision as unfair or unreasonable.

In the new financial year, we will develop an information sheet for this category of complainant to assist them to better understand the complaints process.

We will also share with agencies some of the findings from the survey as we continue to work with them to implement effective complaints management systems.



▶ The UCCP aims to provide strategies to more effectively manage unreasonable complainant behaviour.

SECTION 3:

Engaging with the public sector and community

Community awareness and engagement.

Making sure the community knows who we are and how they can make a complaint is a core part of our business. We exist to provide a service to the community, including those in minority or disadvantaged groups.

Overall, contact with the Office increased 19.7% from 2006–07 to 2007–08. We believe some of this increase can be attributed to the awareness campaigns.

Our communication strategy and outreach activities reflect the diversity of the Queensland community.

Over the last 18 months, we reviewed and modified our publications to ensure they conveyed consistent messages about our role and values to the community and public sector. We also redeveloped our website to make the information on it more readily accessible.

REACHING OUT TO REGIONAL AUDIENCES

This year, we undertook a range of activities to ensure we continued to provide an effective service for people living in regional Queensland.

This included:

- ▶ conducting regional awareness campaigns
- ▶ initiating a partnership with Smart Service Queensland's Queensland Government Agent Program (QGAP) to improve access to our services for regional Queenslanders
- ▶ undertaking investigations in regional locations where this is the most effective investigative response – this year, we conducted 16 trips to 11 different regions to carry out investigations.

Maximising regional awareness

Our regional awareness campaigns target those regions we identify through ongoing analysis of complaint data as being under-represented in complaints to our Office.

The primary objective of the campaigns is to increase awareness of our Office and how to make a complaint.

We organise newspaper and radio advertising in each region and distribute information packs to key 'access points' for potential complainants, such as community centres, council offices, legal centres, libraries, electorate offices, and universities/TAFEs.

During 2007–08, the regions we targeted included the North West, Fitzroy, Far North, Northern, Wide Bay and South West.

In December 2007, we evaluated the impact of the regional awareness campaigns undertaken in that year and found that they had raised awareness levels in the targeted regions – most notably in the North West and Far North regions where contact with the Office significantly increased following each awareness activity.

Bridging the regional gap

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.

The Program provides general government information and services to help 'bridge the gap' for rural and remote Queensland communities.

Launched in January 2008, the partnership will help ensure that people living in small communities have ready access to information and assistance in relation to making a complaint through a QGAP office in their own area. All QGAP officers received comprehensive training in the Ombudsman's role and how to make a complaint.

With 68 offices across Queensland, QGAP will facilitate a more visible and accessible complaints service for regional Queensland communities.

Regional centres we visited.



“We continued to visit regional centres to investigate complaints as well as to provide training so that agencies can better service their local communities, with 58 training sessions conducted outside of Brisbane .”

	Investigate complaint	Correctional centre visit	Training
Beaudesert	1	-	-
Borallon	-	2	-
Brisbane	-	-	42
Bundaberg	-	-	3
Cairns	2	-	6
Gold Coast	1	-	3
Greater Brisbane	1	6	22
Gympie	-	-	1
Hervey Bay	1	-	-
Mackay	-	-	7
Mareeba	-	2	-
Maroochydore	-	-	1
Maryborough	-	2	-
Mossman	1	-	-
Mt Isa	1	-	2
Nambour	-	-	1
Numinbah	-	2	-
Palen Creek	-	2	-
Ravenswood	1	-	-
Rockhampton	1	2	5
Toowoomba	4	2	4
Townsville	2	2	3
Woodford	-	2	-
Total	16	24	100

ENSURING FAIR ACCESS FOR PRISONERS

We have systems in place to ensure that prisoners have reasonable access to our services while they are in a correctional centre. We have an important role as an impartial observer and monitor to ensure decisions made about prisoners are fair and just. Corrections complaints comprise a significant part of the total number of complaints we receive (see p.30).

The primary way we provide prisoners with access to our Office is through the free and confidential Prisoner PhoneLink service available at every Queensland correctional centre.

Prisoners can call our Office via the Prisoner PhoneLink during specified access times and speak with an officer regarding any complaints they may have (e.g. complaints regarding transfers, sentence management or contact with family).

While we don't investigate every complaint we receive, we can advise the prisoner what they should do to help resolve their issue. For example, they may not have raised their complaint with the correctional centre before contacting our Office. We help them to do this.

404 complaints were received via the PhoneLink in 2007–08 (40.4% of the total of 999 corrections complaints).

Prisoners can also confidentially contact us by letter through the privileged mail system with 257 complaints (26%) received in this way.



▶ Major events, like the Queensland Multicultural Festival, are a great opportunity for our Office to get out among the community and communicate the message that 'It's OK to complain'.

To ensure prisoners are aware of our services, we initiated a number of communication activities in 2007–08 including:

- ▶ a general information poster that correctional centres can display
- ▶ ensuring our Prisoner PhoneLink stickers are prominently displayed near access phones at each centre highlighting the times prisoners can contact us
- ▶ briefings to legal, field and administrative officers of the Aboriginal and Torres Strait Islander Corporation for Legal Services about our role and jurisdiction
- ▶ continuing to promote our correctional centre visits through visits posters.

We will continue to carry out these activities in 2008–09.

BUILDING AWARENESS AMONG MULTICULTURAL AUDIENCES

We continued our work this year to make sure that people from multicultural backgrounds could access our services and better understand what we do.

To this end, in January 2008, we updated the text and design of our complaints brochure and had it translated into eight different languages to ensure people for whom English is a second language could better understand our role and services.

We also have a dedicated languages section on our website with basic descriptions about our role and jurisdiction in the following languages:

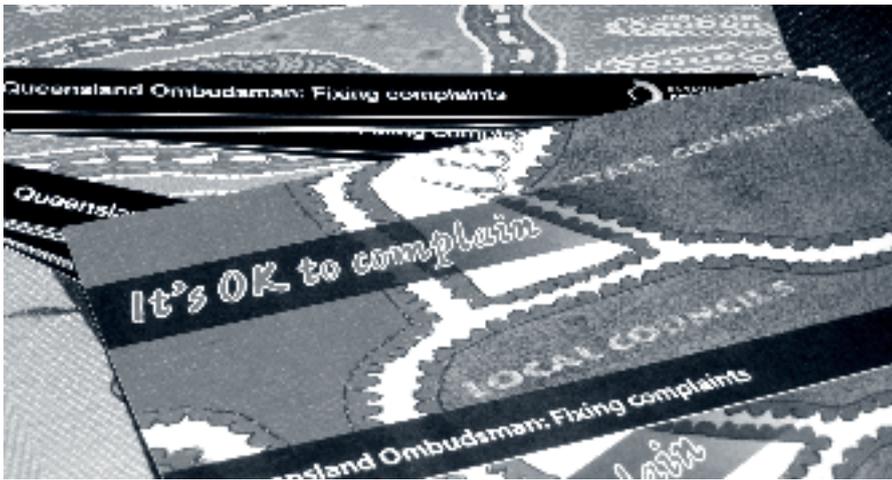
- ▶ Chinese
- ▶ Arabic
- ▶ Turkish
- ▶ Spanish
- ▶ Italian
- ▶ Vietnamese
- ▶ Dinka (Sudanese)
- ▶ Farsi/Persian.

In 2008–09, we will translate our information sheet into these languages to ensure that multicultural audiences better understand how we will deal with their complaint.

In conjunction with the Health Quality and Complaints Commission, we again participated in key outreach events including:

- ▶ NAIDOC Week – July 2007
- ▶ Queensland Multicultural Festival – October 2007.

These events help us to increase awareness of our role and services and communicate the message that 'It's OK to complain' among multicultural and indigenous audiences.



IMPROVING MATERIALS FOR ABORIGINAL AND TORRES STRAIT ISLANDERS

This year, we reviewed our materials that communicate our role to Aboriginal people and Torres Strait Islanders.

We developed a new poster and brochure specifically for Aboriginal people, based on artwork designed by an indigenous prisoner at the Arthur Gorrie Correctional Centre. We consulted extensively with opinion leaders in the Aboriginal community to ensure the new materials met their needs.

As a result of community feedback, we also developed a new poster and brochure specifically for Torres Strait Islanders.

In 2008–09, we will develop a whole-of-office indigenous engagement strategy incorporating complaints assessment, corrections matters and community engagement. We are also exploring carrying out some joint engagement activities with other complaint agencies (see p.64).

MAKING IT EASIER FOR THE COMMUNITY TO COMPLAIN

In December 2005, we launched our redeveloped website which included an online complaint form. Since 2005, website usage has continued to increase to the point that:

- ▶ online and other email complaints now comprise almost 20% of all complaints we receive. Before December 2005, they comprised less than 5%
- ▶ frequency of access to our website has increased by 33%, from 51,529 in 2006–07 to 71,923 in 2007–08
- ▶ the public frequently access our online complaint form to make a complaint with 2,036 people using the form in 2007–08. Of these, 1,387 people made their own assessment that they should refer their complaint to another agency rather than our Office (50% increase from 2006–07)

▶ Our newly updated Aboriginal and Torres Strait Islander materials more effectively explain our role to these communities.

▶ public sector officers regularly access our administrative improvement publications with our *Perspective* newsletters, *Good Decision-Making Guide* and *Complaints Management resources* being the items downloaded most frequently. Downloads have more than doubled – from 20,489 in 2006 to 41,504 in 2007.

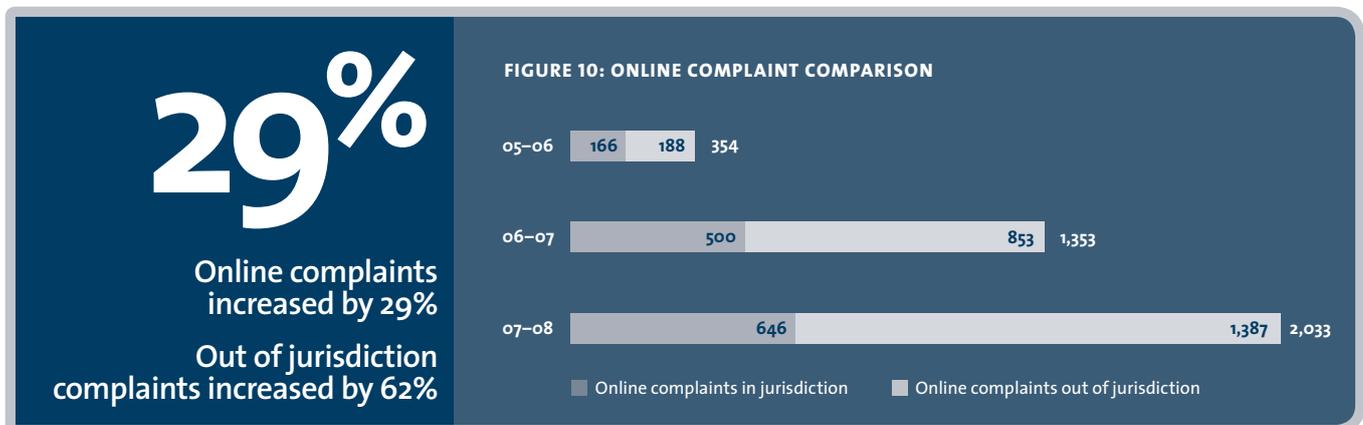
To improve the site's functionality and to incorporate current technology, in January 2008, we commenced a review and upgrade of our website.

On 6 May 2008, we launched the new website, which now provides a simpler and more user-friendly interface so that complainants and public agencies are better able to:

- ▶ understand our role
- ▶ determine the process for making a complaint
- ▶ obtain access to our complaints management resources and other administrative improvement publications.

We also reviewed and modified our online complaint form to make it easier to use, based on feedback from complainants.

The new website has been well received in the community and across government.



MEASURING COMMUNITY AWARENESS AND COMPLAINANT SATISFACTION

During the year, we continued to evaluate our awareness activities by using surveys.

Queensland Householder's Survey

In June 2007, we participated in a Queensland Householder Survey, conducted by the Office of Economic and Statistical Research (part of the Office of the Government Statistician). We last participated in this survey in 2003, which allowed us to compare results over time.

The survey is used to measure awareness of our Office, both in terms of people simply understanding that we exist, and understanding the types of complaints we can investigate. The survey outcomes also guide and assist us in developing effective awareness strategies to promote equitable access to our services.

The survey indicated that awareness of our Office had increased both as a first point of contact and as an avenue for receiving complaints if the issue was unresolved.

For example, of the 3,609 households interviewed, 20.6% said they would first go to the Queensland Ombudsman if they had a complaint about a decision or action of a Queensland Government department, increasing from 17.2% in 2003.

Media in its broadest sense continues to be the key driver of awareness through press articles, radio and TV, followed by general knowledge and word of mouth.

These findings will help guide our communication planning in 2008–09, particularly in relation to our regional awareness activities (see p.57).



► Our regional awareness campaigns and new QGAP partnership help to ensure regional Queenslanders are aware of and can access our services.

We continually work to improve our processes for dealing with complaints. For this purpose, we regularly survey a random sample of complainants whose issues we have investigated.

Complainant Satisfaction Survey

We continually work to improve our processes for dealing with complaints. For this purpose, we regularly survey a random sample of complainants whose issues we have investigated.

Since the beginning of this financial year, these surveys have been conducted every four months to ensure the complainants have a clear recollection of their experience. The information is collated and analysed annually to ensure we consistently track our performance.

Specifically, the survey aims to:

- identify areas where service delivery and processes could be improved
- determine complainants' perception of our independence
- determine complainants' understanding and expectation of the Ombudsman's role.

The latest annual survey, for cases closed between July 2006 and June 2007, showed that the significant improvement in satisfaction evident from the 2004–06 survey has continued. In particular:

- individual service elements continue to improve, particularly in relation to helpfulness and professionalism
- communication with complainants has improved. More complainants also reported feeling encouraged to contact our officers during an investigation and considered they had been well informed of progress. More than 75% of complainants stated that the final decision on their investigation had been explained clearly
- our officers are demonstrating a better understanding of the main issues of concern to complainants, both when they initially respond to complainants and during the investigation phase.

While we welcome such positive findings, we continue to seek new ways to improve our service focusing on improving:

- our availability (with additional resources allocated to answering telephones)
- the timeliness of our assessment and investigation of cases.

SECTION 3:

Engaging with the public sector and community

Building positive relationships.

Establishing and maintaining positive working relationships across the public sector and with other complaints entities and Ombudsman Offices help us to more effectively carry out our functions.

CONNECTING WITH PUBLIC SECTOR AGENCIES

This year, we continued to develop our working relationships with agencies and other complaints entities through regular meetings and liaison agreements to:

- ▶ facilitate preliminary inquiries and investigations
- ▶ resolve complaints faster through informal resolution (see p.17)
- ▶ develop and pursue projects and initiatives of mutual benefit
- ▶ avoid duplication of investigative and other activity.

We established new liaison agreements with the Crime and Misconduct Commission and the Health Quality and Complaints Commission and reviewed our existing liaison agreement with the Commission for Children and Young People and Child Guardian to facilitate more timely outcomes for complainants. We are also working on a new liaison agreement with the Gold Coast City Council. Table 16 details our current liaison arrangements with agencies.

FOSTERING OUR NATIONAL AND INTERNATIONAL TIES

We continued to strengthen our relationships with other Ombudsman Offices this year, particularly in the Asia-Pacific region.

These Offices have shown a keen interest in replicating our administrative improvement initiatives such as the Good Decisions Training Program and the Complaints Management Program.

One of our officers is currently working at the Papua New Guinea Ombudsman Commission in Port Moresby as part of an exchange program and assisting with the implementation of administrative improvement activities.

In 2008–09, we will continue to assist Ombudsman Offices in the region through knowledge sharing and training.

We have also continued to support the *Unreasonable Complainant Conduct Project*, a project being undertaken collaboratively by all Australian Ombudsman Offices (see p.55).

WE ARE MOVING

We mentioned in our previous annual report that the Office had been successful in securing additional funding from the Cabinet Budget Review Committee to move premises within the Brisbane CBD. We have occupied our current premises for 29 years.

In March 2009, we will move to a new building at 53 Albert Street. The Anti-Discrimination Commission Queensland, the Commission for Children and Young People and Child Guardian, the Health Quality and Complaints Commission and the Commonwealth Ombudsman are also moving to that building.

This provides the opportunity for the agencies concerned to share resources.

In the last year, a considerable amount of work and planning has been undertaken to progress the design of our accommodation, as well as one floor that will house shared resources, including:

- ▶ a reception counter
- ▶ state of the art training facilities
- ▶ multiple interview and meeting rooms of various sizes
- ▶ a library and a data centre.

Moving from our current tenancy which is spread over three floors, to the one floor in our new premises, will improve our business operations as well as internal communication.

“This year, we continued to develop our working relationships with agencies and other complaints entities.”

TABLE 16: OMBUDSMAN LIAISON ARRANGEMENTS WITH AGENCIES

Agency	Liaison Arrangement	Status 2007–08
Queensland Transport Department of Main Roads	Formal protocol	Maintained protocols signed with QT in 2003 and DMR in 2004
Crime and Misconduct Commission		Finalised liaison agreement in April 2008
Health Quality and Complaints Commission		Finalised liaison agreement in June 2008
Commission for Children and Young People and Child Guardian		Finalised reviewed liaison agreement in June 2008
Department of Housing Education Queensland	Quarterly meetings	Continued meetings: ▶ to facilitate improved liaison and response times, and ▶ ensure department responds quickly to our requests
Crime and Misconduct Commission		Conducted meetings to discuss cases referred, joint projects and issues of mutual interest
Gold Coast City Council	Bi-monthly meetings	Maintained regular meetings to monitor performance and identify complaint trends Currently finalising new liaison arrangement for implementation in early 2008–09
Commission for Children and Young People and Child Guardian	Monthly meetings	Continued meetings to discuss complaints and receive updates on matters we had referred to the Commission
Department of Child Safety Commission for Children and Young People and Child Guardian	Combined meetings	Continued meetings to discuss complaints data and issues of mutual interest
Queensland Corrective Services	Access to Department's systems	Continued to have direct access to the Department's offender management system to deal with prisoner complaints more easily
Crime and Misconduct Commission Commission for Children and Young People and Child Guardian	Case-based liaison	Regular informal discussion of cases at the assessment stage to avoid duplication of investigative activity

MAXIMISING HR RESOURCES

We have been working with other complaint agencies (the Health Quality and Complaints Commission, the Anti-Discrimination Commission Queensland, the Commission for Children and Young People and Child Guardian, and the Crime and Misconduct Commission) as well as the Queensland Audit Office since late 2005 to identify opportunities to jointly participate in Human Resources (HR) activities.

In 2007–08, key activities included:

- ▶ initiating combined professional development and training activities which resulted in lower costs for the agency involved
- ▶ piloting a Cross-Agency Mentoring Program from June 2008 to further enhance staff professional development involving participants from all of those agencies mentioned above excluding the Crime and Misconduct Commission.

In 2008–09, we will continue to look for opportunities to undertake HR activities with these agencies.

JOINT INTER-AGENCY ACTIVITIES

In 2007–08, an inter-agency communication group was formed to streamline resource use and ensure minority groups, particularly Aboriginal people and Torres Strait Islanders, know their rights and understand that it's OK to complain.

The group comprises community liaison and communication officers from our Office and other independent complaint agencies and aims to identify and implement joint activities to improve awareness among minority audiences.

For 2008–09, the group has planned a number of activities including:

- ▶ sharing stands at events such as NAIDOC under the 'It's OK to complain' banner
- ▶ jointly developing shared educational resources for indigenous people to improve understanding of the complaints process and each agency's role in that process
- ▶ conducting information sessions for key groups throughout regional Queensland.

SECTION 3: ENGAGEMENT AND IMPROVEMENT

Outlook 2008–09

PUBLIC SECTOR

Training

- ▶ Deliver training programs, including in regional Queensland, specifically:
 - targeting councils post amalgamation
 - targeting agencies based on complaint analysis and other research
- ▶ Review method of delivery of training program
- ▶ Investigate developing additional training programs to assist public sector agencies to improve their administrative practice

Complaints Management Program

- ▶ Report on results of audit of agencies' complaints management systems and assist agencies to implement recommendations based on audit findings
- ▶ Commence audit of councils' complaints management systems
- ▶ Continue to provide advice and leadership to agencies on appropriate complaint management practice

Other administrative improvement activities

- ▶ Increase circulation of *Perspective* newsletters
- ▶ Continue to participate in the *Whistling While They Work* project
- ▶ Jointly develop guidelines with the CMC and PSC to assist potential whistleblowers, managers, and agencies in effectively managing internal witnesses

COMMUNITY

- ▶ Review our partnership with QGAP to ensure active promotion of the Office's services in regional Queensland
- ▶ Refine our communication strategies to ensure we deliver clear and consistent information about our role
- ▶ Promote the availability of our online complaint form and web facilities to encourage access to our services
- ▶ Continue to monitor whether people in regional areas are aware of our services and address any communication gaps through targeted media campaigns
- ▶ Develop a multicultural action plan encompassing engagement strategies for Aboriginal people and Torres Strait Islanders
- ▶ Undertake review to identify improvements to regional awareness program
- ▶ Continue to provide prisoners with reasonable access to the Office including via the Prisoner PhoneLink
- ▶ Continue to conduct regular surveys of complainants
- ▶ Implement changes based on results of the survey of complainants referred to agencies

RELATIONSHIPS

- ▶ Monitor effectiveness of Liaison Agreements with other complaint agencies
- ▶ Continue to exchange information and complaint data to avoid duplication of investigative activity



SECTION 4:

Managing our business

Remaining accountable to the community.

Our governance framework provides the mechanism through which our organisational goals and objectives can be achieved. It supports accountable decision-making by providing for clear lines of authority and for the monitoring and reporting of operational performance.

OUR GOVERNANCE FRAMEWORK

Specifically, our governance framework aims to ensure the Office maintains its focus on:

- ▶ meeting its statutory responsibilities under the *Ombudsman Act 2001*
- ▶ effective and efficient performance management
- ▶ improving service delivery through an ongoing quality improvement program
- ▶ integrating risk management into organisational practices and processes
- ▶ reporting on performance.

Internally, we have a number of committees to support the Ombudsman in achieving the abovementioned goals, the principal ones being the:

- ▶ Ombudsman Management Group
- ▶ Staff Consultative Committee
- ▶ Workplace Health and Safety Committee.

Our accountability and compliance are also supported and monitored by the following external agencies and/or processes:

- ▶ Legal, Constitutional and Administrative Review Committee
- ▶ Estimates Committee
- ▶ Queensland Audit Office
- ▶ Freedom of Information.

ROLES AND ACCOUNTABILITIES

Legal, Constitutional and Administrative Review Committee

While our Office is independent of government, to ensure we remain accountable to the community, we report to the Queensland Legislative Assembly through the Legal, Constitutional and Administrative Review Committee (LCARC).

The LCARC comprises Members of Parliament from government and other political parties. Its role is to:

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

The following arrangements are in place to help LCARC monitor and review our Office:

- ▶ LCARC, the Ombudsman and senior officers meet twice a year – once following the tabling of our annual report (November) and once preceding the estimates process (May)
- ▶ prior to the meetings, the Ombudsman provides a written response to questions on notice from LCARC, and these and other issues are discussed at the meeting
- ▶ the Ombudsman provides responses to LCARC's requests for information as they arise.



► The Staff Consultative Committee provides valuable feedback to management on staff-related issues and participated in strategic planning.

OMBUDSMAN MANAGEMENT GROUP

The Ombudsman Management Group is the chief decision-making body for our Office and consists of the Ombudsman, the Deputy Ombudsman, four Assistant Ombudsmen, the Manager of the Communication and Research Unit and the Manager of the Corporate Services Unit (see p.10).

The group meets monthly to discuss financial and corporate governance issues, as well as operational issues of strategic significance.

The group provides leadership and direction to the Office and ensures that our activities and performance meet our strategic priorities and statutory responsibilities.

CONSULTING WITH OUR STAFF

This year, our Staff Consultative Committee (SCC) continued to play a key role in ensuring that:

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

The SCC meets quarterly, with additional meetings as required. The SCC's staff representatives were again actively involved in the 2008–09 strategic planning process (see p.68) to ensure staff input into the strategic direction of our Office.

The SCC also provided valuable staff feedback and input on issues such as:

- the results of a survey of our staff conducted by external consultants
- planning for the relocation of the Office
- changes to internal policies.

Maintaining our duty of care – Workplace Health and Safety Committee

This committee oversees and provides advice to manage workplace health and safety risks in our Office. It continued its quarterly meetings to facilitate a whole-of-office approach to improve workplace health and safety.

STATUTORY OBLIGATIONS

Once again, our Office maintained a credible audit program by working cooperatively with both internal and external audit parties.

Internal audit

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

2007–08 was the last year of a three year contract with our internal auditors, GPS Business Systems. The audit program was assisted by the internal systems appraisal process undertaken by the Corporate Services Unit on a quarterly basis.

This year's audit primarily focused on checking processes following the handover of the majority of our payroll tasks to our shared service provider, the Queensland Parliamentary Service.

External audit

Our Office was able to meet the new timeframes imposed on government agencies for the preparation of financial reports for 2007–08.

The audit report and certificate for our financial statements can be found on pages 93–94. The Auditor-General's delegate has provided an unqualified certificate indicating the Office's compliance with financial management requirements and the accuracy and fairness of the financial statements.

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. They are also entitled to apply to amend personal information that is held by our Office.

In 2007–08, we received 24 FOI applications. A full summary of applications received and processed, including their nature and outcomes can be found in Appendix 3.



▶ The Ombudsman Management Group developed the 2008–13 *Strategic Plan* in March 2008 with input from staff representatives.

Public interest disclosures

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

In 2007–08, we received 17 public interest disclosures of maladministration on the part of public sector agencies. Of those:

- ▶ five are still under consideration
- ▶ three were assessed as not warranting investigation
- ▶ four were investigated and resulted in our finding that no maladministration had been established
- ▶ one was investigated and resulted in our finding that maladministration had been established
- ▶ two were withdrawn by the complainant
- ▶ two were the subject of investigations which we discontinued.

Annual report

Our 2006–07 annual report was tabled in Parliament in November 2007. 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.

We continually work to improve our annual report's readability and format and our efforts were rewarded this year when we received a Bronze Award at the Australasian Reporting Awards in June 2008.

ENHANCING STRATEGIC GOVERNANCE

During 2007–08, we implemented a number of initiatives to further develop our already robust corporate governance framework and improve our service delivery.

We also commenced implementation of our new *Strategic Plan 2007–12* which included new goals to reflect our changing work priorities.

Implementing Strategic Review recommendations

We reported in last year's annual report that we would continue to work on implementing any outstanding recommendations from the Strategic Review (completed in May 2006), many of which have had a significant impact on the way we operate. As at 30 June 2008, we had finalised 69 of the 70 recommendations made.

The outstanding recommendation relates to a review of the *Ombudsman Act 2001*. This review is a matter for the State Government to undertake. However, we have been working on a submission relating to possible amendments to the Act, which we will forward to the Minister for Justice and Attorney-General early in 2008–09.

Finalising business review of Assessment and Resolution Team (ART)

The ART Business Review was conducted within the Office in response to several of the recommendations from the Strategic Review. The recommendations focused on examining the operations of ART with a view to:

- ▶ ensuring the team has appropriate resources to provide timely service to complainants, and
- ▶ improving the service we provide to the many complainants who contact us without having tried to resolve their complaint with the agency concerned (we call these complaints 'premature').

The report was finalised on 30 November 2007. It contained 33 recommendations to enhance ART's efficiency and effectiveness, including the service we provide in relation to premature complaints.

The majority of recommendations have been implemented. We have commenced work on three projects to complete implementation of the remaining recommendations.

Planning for the future

2007–08 was the first year of our new five year strategic plan which was developed in 2007, and we commenced implementation of a number of new strategies and initiatives to achieve our organisational goals.

At our 2008–09 strategic planning sessions held in March this year, the Ombudsman Management Group developed the 2008–13 *Strategic Plan* with input from representatives of the Staff Consultative Committee.

We also undertook operational planning in collaboration with our staff to ensure we continue to provide an effective complaints service and to help improve public administration in 2008–09.

Submission on Civil and Administrative Review Tribunal

In October 2007, we lodged submissions in response to LCARC's *Accessibility of Administrative Justice* discussion paper and the Attorney-General's *Reform of Civil and Administrative Justice* discussion paper. Our submissions supported the establishment of a generalist merits review tribunal as soon as practicable.

The Government subsequently announced that it intended to establish a Civil and Administrative Review Tribunal and a panel of independent experts was established to advise the Government on how best to implement the amalgamated tribunal.

In April 2008, we responded to the independent panel's call for submissions regarding the jurisdiction of the new tribunal and discussed potential areas of overlap of our jurisdiction and the tribunal's.

We will continue to monitor the outcomes of this initiative.

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

We continued to implement our *Risk Treatment Plan* in 2007–08. The plan includes a set of standard risk assessment guidelines for major strategic and operational risks to ensure a consistent approach to risk evaluation.

The plan was reviewed by the Ombudsman Management Group in April 2008 to ensure we are taking the necessary actions to address identified risks.

COMPLIANCE AND TRANSPARENCY

Consolidating our shared service provision

2007–08 was a year in which we consolidated our arrangements with our shared service provider, the Queensland Parliamentary Service. During the year, we met regularly to work on streamlining our human resource processes in relation to payroll and leave applications.

A major initiative this year was the introduction of Employee Self Service (ESS), an online human resource management package.

Since November 2007, staff have been able to apply for leave online and to check their leave balances, view their pay slips, and make calculations for future leave requirements.

The implementation of ESS has led to considerable efficiency gains, particularly for the Corporate Services Unit, by reducing the amount of paperwork that needs to be created for basic human resource functions.

Minimising our environmental footprint

Our Office is committed to minimising our environmental footprint. This is reflected in our daily operations and in the products and services we purchase.

However, as a tenant in a privately-owned building, it is often difficult to control energy consumption to the extent we would like. We expect to see improvements in our energy consumption in 2009 when we move to a new building, which will have a five star green rating (see p.62).

Measures undertaken this year to minimise consumption included:

- ▶ ensuring staff were mindful of water consumption and reported leaking taps/toilets
- ▶ promoting energy saving measures by turning off lights and using powersave functions on electrical equipment
- ▶ replacing fluorescent tubes with energy efficient light bulbs
- ▶ purchasing appliances and equipment with good energy and water saving ratings
- ▶ recycling printer cartridges, paper, cardboard and plastics.

See Appendix 1 regarding our expenditure on energy consumption.

Purchasing and tendering

We continued to comply with the principles of the State Purchasing Policy in 2007–08 to ensure an accountable and transparent methodology was consistently applied.

TABLE 17: EXTERNAL CONSULTANTS ENGAGED IN 2007–08

Vendor	Purpose	Amount
Griffith University	Whistling While they Work Project	\$7,500
Griffith University	Training program development	\$6,817
NSW Ombudsman	Unreasonable Complainant Conduct Project	\$5,000
Market Facts	Complainant Satisfaction Survey	\$8,488
Office of Economic and Statistical Research	Householders Survey	\$11,363
National Field Services	Referred Back to Agency Survey	\$12,384
QUT	QPASS survey	\$10,412
Smart Services Qld	QGAP establishment	\$10,000
OD Consulting	Strategic Planning & staff survey results workshops	\$6,600
Total		\$78,564

TABLE 18: EXTERNAL CONTRACTORS ENGAGED IN 2007–08

Vendor	Purpose	Amount
Protocol 1	IT desktop support	\$27,048
Ford Health Group	Wellness program	\$2,388
Department of Industrial Relations	Industrial relations advice	\$2,848
Interlock	Employee Assistance Service	\$715
ECKO	Ergonomic assessments	\$820
Qld Parliamentary Services	Shared service provider expenses	\$58,993
Miss Organisation	Transcription services	\$4,081
Total		\$96,893

SECTION 4:

Managing our business

Commitment to our people.

Without the efforts of our dedicated staff, we would not have met our performance targets in 2007–08. To support them in their work, it is important that they continue to have access to professional development opportunities and up-to-date technology.

WORKING TOGETHER TO DELIVER RESULTS

This year, due to a budgetary increase approved by the Cabinet Budget Review Committee in December 2006, we were able to recruit new staff to the Administrative Improvement Unit to increase training and assist agencies to develop and implement their complaints management systems.

As a result, our total full time equivalents (FTEs) increased 7% from 51.2 to 55.6. This refers to the number of people working in the Office and combines all part-time, casual and temporary roles.

EXECUTIVE REMUNERATION

Our executive structure consists of the Ombudsman and the Deputy Ombudsman whose remuneration is shown in Table 19.

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

MANAGING OUR PEOPLE EFFECTIVELY

We are committed to ensuring our staff are provided with suitable opportunities to enhance their professional and personal growth. Consequently, we implemented a number of initiatives in support of this commitment.

Maximising staff capabilities

We formulated and introduced the Workforce Capability Strategy in 2007–08 as a direct result of our strategic planning process.

This initiative replaces the Training Needs Analysis process to identify training requirements of the Office.

It seeks to identify the core competencies that all members of the Office must possess to perform their duties effectively and the special needs of officers in each occupational stream.

For example, several training programs have been identified that will enhance the capability of our investigators. Some of these programs involve nationally recognised competency based training.

Throughout the year, we also held a series of internal professional awareness sessions for staff focusing on investigative best practice and legislative changes which impacted on their work. The sessions often involved guest speakers from other agencies.

In 2007–08, we spent approximately \$70,000 on professional development and related activities, representing 1.4% of our total budget.

TABLE 19: EXECUTIVE REMUNERATION

Position	Number	Superannuable salary – \$p.a. Min	Superannuable salary – \$p.a. Max
Ombudsman CEO 2	1	168,585	245,606
Deputy Ombudsman SES 3	1	135,895	158,200

82%
Staff retention

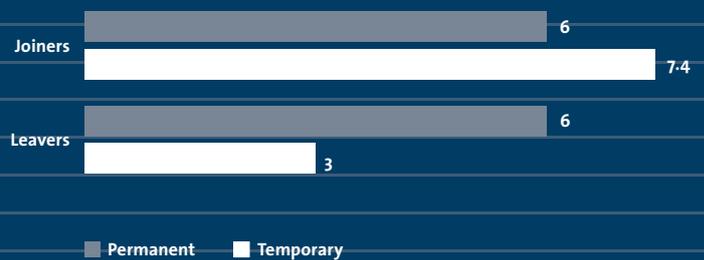
TABLE 20: STAFF TURNOVER

	2004-05	2005-06	2006-07	2007-08
Staff at beginning of year	46	49	50.8	51.2
Losses	10	14.2	11.6	9
Gains	13	16	12	13.4
Net staff at end of year	49	50.8	51.2	55.6

7%

Our staff numbers increased by 7% in 2007-08

FIGURE 11: JOINERS AND LEAVERS 2007-08



53%

Of our office is involved in assessment and investigation

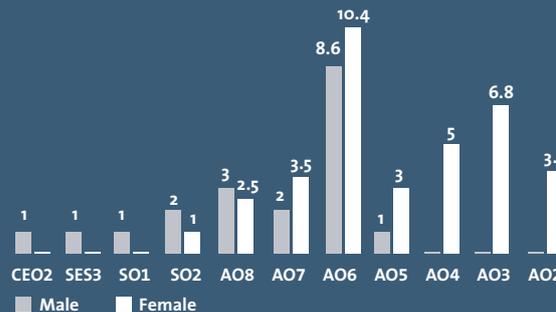
FIGURE 12: PROFILE OF OUR WORKPLACE



64%

Of our staff are female

FIGURE 13: GENDER DISTRIBUTION BY CLASSIFICATION





► The Minister for Justice and Attorney-General, the Honourable Kerry Shine MP (centre), presented our 3rd annual staff awards to staff and teams who performed exceptionally during the year.

Sustaining a healthy workforce

We continued our Wellness Program to promote awareness of key health issues among our staff.

Based on staff responses to a Wellness Program survey, an external group was engaged to deliver:

- Glucose screenings
- Cholesterol screenings
- General Health screenings (BMI & Waist: Hip ratio)
- Flu Vaccinations
- Ergonomic and workstation assessments
- Workshops on:
 - creating a positive workplace
 - coping with change
 - dealing with conflict in the workplace.

Obtaining staff feedback

In February 2008, we carried out our second office survey. Having implemented the many actions that were identified from our first survey in 2005, we were keen to evaluate the organisational climate.

The results of the 2008 survey indicated there has been significant improvement across all aspects of our organisational climate compared with the 2005 results.

Significantly, all aspects also exceeded benchmarks based on analysis of many similar surveys conducted throughout the Queensland public sector.

Areas of improvement included:

- supportive leadership – staff felt that managers are approachable, communicate well and are aware of issues they face
- organisational performance – staff felt they participate in work that improves effectiveness and efficiency
- organisational values – the values staff consider important (such as fairness and independence) are closely aligned with organisational values
- work life and job satisfaction – staff reported a higher level of quality of work life and job satisfaction
- organisational effectiveness – staff indicated that there is a low intention to leave the Office and that the Office supports innovation and teamwork.

We will continue to promote innovation and teamwork and to invite and consider the views of staff to maintain our reputation as an employer of choice.

RECOGNISING STAFF ACHIEVEMENTS

On 30 October 2007, we held our third annual Staff Awards and Recognition ceremony. These awards have been implemented to acknowledge the exceptional performance of our staff.

Staff are nominated by their peers, with the nominations assessed by a committee that makes recommendations to the Ombudsman on the successful nominees. The Honourable Kerry Shine MP, Attorney-General and Minister for Justice, was our special guest and presented the awards to the following staff members/teams:

Leadership

- Assistant Ombudsman Greg Woodbury, team leader of the Community Services and Corrections Team

Innovation and Improvement

- **Individual:** Investigator Meg O'Neill, Community Services and Corrections Team
- **Team:** Communication and Research Unit

Client Service

- Enquiry Officer Jennie Jackson, Assessment and Resolution Team

Outstanding Teamwork

- **Individual:** Communication Officer Kirsten Connick, Communication and Research Unit
- **Team:** Local Government and Infrastructure Team

Ombudsman's Award of Excellence

Assistant Ombudsman Craig Allen, team leader of the Local Government and Infrastructure Team.

Technology and workplace efficiency.

We constantly strive to identify and adopt new technologies to improve our work practices.

UPGRADE OF CASE MANAGEMENT SYSTEM

Our key focus for our case management system (Resolve) in 2007–08 has been to upgrade it to a new version. This upgrade was necessary in order to receive continued technical support from the Resolve developers.

The upgrade has been somewhat challenging as many of the enhancements we had developed in-house over the years were not available in the latest version.

Our IT Development Team is working closely with the developers of Resolve to ensure that our Office maintains a dynamic complaint management system.

It is expected that the upgrade to the latest version of Resolve will occur before the end of 2008.

WORKING SMARTER FOR BETTER RESULTS

Following the review and upgrade of our website (see p.60), we commenced upgrading our intranet in May 2008. Improvements will include:

- ▶ easy-to-use search functions for finding contact information for agencies
- ▶ an investigator's toolkit containing templates, agency reports, and investigative policies and procedures to help staff in their day-to-day work
- ▶ a knowledge management system called 'Smartbase' to enable officers to search for relevant cases, legal opinions and other information based on keywords.

We expect to launch the new intranet in July 2008 and 'Smartbase' by June 2009. The site will be hosted on our internal server which means it will be faster and more secure for staff.



- ▶ Our IT development team works closely with the Resolve developers to ensure our Office maintains a best practice complaints management system.

SECTION 4: MANAGING OUR BUSINESS

Outlook 2008–09

- ▶ Finalise submission for review of Ombudsman Act and forward to Minister for Justice and Attorney-General
- ▶ 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 and launch new knowledge management system for staff



SECTION 5:

Financial overview and financial statements

SECTION 5:

Financial overview and financial statements

Our finances explained.

Understanding financial statements isn't always easy for readers of annual reports. The aim of this section is to help stakeholders and people with an interest in our Office who may not have accounting knowledge.

It also strengthens our commitment to accountability and transparency – two key values of our Office.

We receive funds provided by the Parliament so that we can carry out our investigative and administrative improvement functions.

MANAGING THE BUDGET

In 2007–08, the Office's operational budget totalled \$6.214 million, representing a 3.9% increase from the previous year.

The increase in funding includes funds we obtained to recruit additional staff for the Administrative Improvement Unit as well as for enterprise bargaining salary increases.

In 2007–08, the Office delivered its agreed outputs and ended the year with an operating surplus of approximately \$200,000. With agreement from Queensland Treasury, these surplus funds will be used in 2008–09 towards costs associated with the fit out of our new office at 53 Albert Street, Brisbane. (see p.62).

WHERE OUR MONEY COMES FROM

The Office receives the great majority of its funding through direct appropriation via Queensland Treasury. We also generate revenue from our training programs which are offered to agencies on a partial cost-recovery basis (see p.55). We use this revenue to offset associated costs such as those incurred in travelling to regional venues to deliver the sessions and the production of training material and workbooks.

WHERE OUR MONEY IS SPENT

Our Office provides a complaint service for the Queensland public and administrative improvement services to public sector entities. A large part of our costs in delivering these services is made up of employee expenses, which increased by 3.2% to \$4,564,000. We spent a total of \$6.123 million during 2007–08.

WHAT WE OWN

Unlike other larger government departments, the Queensland Ombudsman's Office does not have many assets of significant value. At the end of the 2007–08 year, our assets totalled \$634,000 comprising:

- ▶ furniture and equipment \$27,000
- ▶ receivables \$134,000
- ▶ cash at bank \$473,000.

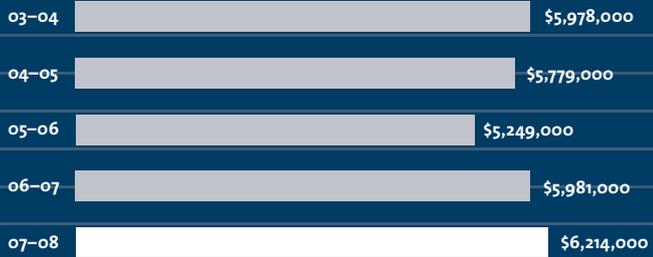
WHAT WE OWE

Our liabilities for 2007–08 amounted to \$493,000 which includes \$114,000 in accounts payable to our suppliers, and \$379,000 owing to the Crown and our employees for salary and recreation leave entitlements.

3.9%

Increase to our budget to expand our administrative improvement role

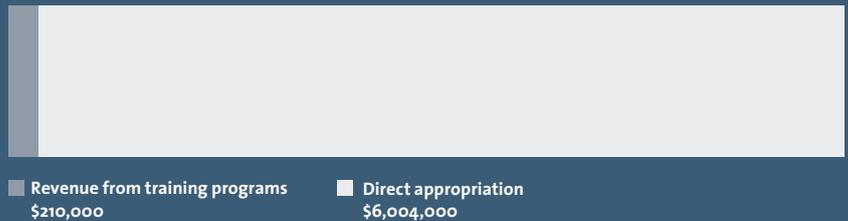
FIGURE 14: ANNUAL BUDGET



\$210,000

revenue generated from training provided to agencies

FIGURE 15: TOTAL INCOME 2007-08



73.5%

of funding spent on employee expenses

TABLE 21: TOTAL EXPENSES 2007-08

Expense	\$	% of total
Employee expenses	\$4,564,000	73.5%
Accommodation	\$683,000	11.0%
Communication, advertising, and contractors	\$304,000	4.9%
Depreciation	\$170,000	2.7%
Telecommunications	\$113,000	1.8%
Minor equipment	\$98,000	1.6%
Printing, stores and stationery	\$80,000	1.3%
Other expenses	\$73,000	1.2%
Staff development	\$70,000	1.1%
Travel expenses	\$36,000	0.6%
Publications	\$22,000	0.3%
Total expenses	\$6,213,000	100%

SECTION 5:

Financial overview and financial statements

Financial statements.

The financial report covers the Office of the Queensland Ombudsman.

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

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

The principal address is:
288 Edward Street, Brisbane.

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

For information in relation to the Office's financial report please call Shaun Gordon, Manager Corporate Services, on (07) 3005 7007 or email sgordon@ombudsman.qld.gov.au or visit the Ombudsman's internet site at www.ombudsman.qld.gov.au.

Amounts shown in this financial report may not add to the correct sub-totals or totals due to rounding.

INCOME STATEMENT

FOR THE YEAR ENDED 30 JUNE 2008

	Note	2008 \$'000	2007 \$'000
INCOME			
Revenue			
Output revenue	2	6,004	5,765
User charges	3	210	210
Other revenue		-	3
Gains			
Gains on sale of minor equipment		-	3
Total Income		6,214	5,981
EXPENSES			
Employee expenses	4	4,634	4,456
Supplies and services	5	1,370	1,301
Depreciation and amortisation	6	170	162
Other expenses	7	39	59
Total Expenses		6,213	5,978
Operating Surplus		1	3

The accompanying notes form part of these statements.

BALANCE SHEET

AS AT 30 JUNE 2008

	Note	2008 \$'000	2007 \$'000
CURRENT ASSETS			
Cash and cash equivalents	8	479	221
Receivables	9	112	94
Other	10	20	17
Total Current Assets		611	332
NON CURRENT ASSETS			
Intangible assets	11	-	43
Property, plant and equipment	12	27	146
Total Non Current Assets		27	189
Total Assets		638	521
CURRENT LIABILITIES			
Payables	13	385	164
Accrued employee benefits	14	112	314
Total Current Liabilities		497	478
NON CURRENT LIABILITIES			
Payables	13	-	4
Accrued employee benefits	14	-	79
Total Non Current Liabilities		-	83
Total Liabilities		497	561
Net Assets		141	(40)
EQUITY			
Contributed equity		204	24
Retained surpluses		(63)	(64)
Asset revaluation reserve	15	-	-
Total Equity		141	(40)

The accompanying notes form part of these statements.

STATEMENT OF CHANGES IN EQUITY

FOR THE YEAR ENDED 30 JUNE 2008

	RETAINED SURPLUSES		RESERVE (NOTE 15)		CONTRIBUTED EQUITY	
	2008 \$'000	2007 \$'000	2008 \$'000	2007 \$'000	2008 \$'000	2007 \$'000
BALANCE 1 JULY	0	0	0	0	0	0
Operating Surplus/(Deficit)	(64) 1	(69) 3	- -	2 -	24 -	131 -
Non-Owner changes in equity:						
– Increase/(decrease) in Asset Revaluation Reserve	-	2	-	(2)	-	-
Transactions with Owners as Owners:						
– Equity injection/(withdrawal) (Note 2)	-	-	-	-	40	(120)
– Net leave liabilities transferred to (from) other departments	-	-	-	-	12	13
– Non-appropriated equity injection for non-current leave entitlements transferred to Crown (See note 1 (p))	-	-	-	-	128	-
Balance 30 June	(63)	(64)	-	-	204	24

The accompanying notes form part of these statements.

CASH FLOW STATEMENT

FOR THE YEAR ENDED 30 JUNE 2008

	Note	2008 \$'000	2007 \$'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Inflows:			
Output receipts		5,974	5,765
User charges		223	181
GST input tax credits from ATO		141	145
GST collected from customers		23	24
Interest receipts		-	9
Outflows:			
Employee expenses		(4,498)	(4,468)
Supplies and services		(1,432)	(1,221)
GST paid to suppliers		(145)	(147)
GST remitted to ATO		(25)	(22)
Other		(35)	(41)
Net cash from operating activities	16	226	225
CASH FLOWS FROM INVESTING ACTIVITIES			
Inflows:			
Outflows:			
Payments for plant and equipment		(8)	(28)
Net cash provided by (used in) investing activities		(8)	(28)
CASH FLOWS FROM FINANCING ACTIVITIES			
Inflows:			
Equity injections		40	-
Outflows:			
Equity withdrawal		-	(120)
Net cash provided by (used in) financing activities		40	(120)
Net increase (decrease) in cash held		258	77
Cash at beginning of the financial year		221	144
Cash at end of the financial year	8	479	221

The accompanying notes form part of these statements.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2008

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 Department exhibits best practice in the performance of its functions and is a progressive and responsive organisation.

The Office of the 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 Equivalents to International Financial Reporting Standards (AEIFRS).

This financial report is a general purpose financial report.

In particular, the financial statements comply with AAS 29 *Financial Reporting by Government Departments*, as well as the Treasurer's Minimum Reporting Requirements for the year ending 30 June 2008, and other authoritative pronouncements.

Except where stated, the historical cost convention is used.

(b) The Reporting Entity

The financial statements include the value of all revenues, expenses, assets, liabilities and equity of the Office of the 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 department are recognised as revenues when invoices for the related services are issued. User charges and fees are controlled by the Office of the Queensland Ombudsman where they can be deployed for the achievement of its objectives.

(e) Cash and Cash Equivalents

For the purposes of the Balance Sheet and Cash Flow Statement, cash assets include all cash and cheques receipted but not banked at 30 June and 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 2008.

Other debtors generally arise from transactions outside the usual operating activities of the department 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, in excess of the following thresholds are recognised for financial reporting purposes in the year of acquisition. Items with a lesser value are expensed in the year of acquisition:

- ▶ Plant and Equipment \$5,000

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

(i) Revaluation of Non-Current Physical and Intangible Assets

Where intangible assets have an active market, they are measured at fair value, otherwise they are measured at cost.

Plant and equipment is measured at cost. The carrying amounts for plant and equipment at cost should not materially differ from their fair value.

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 greater than \$100,000 are recognised in the financial statements, items with a lesser value being expensed. Each intangible asset is amortised over its estimated useful life to the agency, less any anticipated residual value. The residual value is zero for the department's intangible assets.

It has been determined that there is not an active market for any of the department's intangible assets. As such, the assets are recognised and carried at cost less accumulated amortisation and accumulated impairment losses.

Expenditure on research activities relating to internally-generated intangible assets is recognised as an expense in the period in which it is incurred.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2008

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

Internal Use Software

Costs associated with the development of computer software have been capitalised and are amortised on a straight-line basis over the period of expected benefit to the department, namely 5 years.

(k) Amortisation and Depreciation of Intangibles and Plant and Equipment

Property, plant and equipment is depreciated on a straight-line basis so as to allocate the net cost or revalued amount of each asset, less its estimated residual value, progressively over its estimated useful life to the department.

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

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

Items comprising the department's technical library are expensed on acquisition.

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	16.7

(l) Impairment of Non-Current Assets

All non-current physical and intangible assets are assessed for indicators of impairment on an annual basis. If an indicator of possible impairment exists, the department determines the asset's recoverable amount. Any amount by which the asset's carrying amount exceeds the recoverable amount is recorded as an impairment loss.

The asset's recoverable amount is determined as the higher of the asset's fair value less costs to sell and depreciated replacement cost.

An impairment loss is recognised immediately in the Income Statement, unless the asset is carried at a revalued amount. When the asset is measured at a revalued amount, the impairment loss is offset against the asset revaluation reserve of the relevant class to the extent available.

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.

(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 department 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 department does not enter transactions for speculative purposes, nor for hedging. Apart from cash and cash equivalents, the department holds no financial assets classified at fair value through profit and loss.

All disclosures relating to the measurement basis and financial risk management of other financial instruments held by the department are included in note 20.

(p) Employee Benefits

Wages, Salaries, Recreation Leave and Sick Leave

Wages, salaries and recreation leave due but unpaid at reporting date are recognised in the Balance Sheet at the remuneration rates expected to apply at the time of settlement. 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 and long service leave levies are regarded as employee benefits.

For unpaid entitlements expected to be paid within 12 months, the liabilities are recognised at their undiscounted values. For those entitlements not expected to be paid within 12 months, the liabilities are classified as non-current liabilities and recognised at their present value, calculated using yields on Fixed Rate Commonwealth Government bonds of similar maturity.

Prior history indicates that on average, sick leave taken each reporting period is less than the entitlement accrued. This is expected to continue in future periods. Accordingly, it is unlikely that existing accumulated entitlements will be used by employees and no liability for unused sick leave entitlements is recognised.

As sick leave is non-vesting, an expense is recognised for this leave as it is taken.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2008

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(p) Employee Benefits (continued)

Annual Leave Central Scheme

An Annual Leave Central Scheme (ALCS) has been established at 30 June 2008 for departments, commercialised business units and shared service providers. Member agencies have transferred their annual leave liabilities as at 30 June 2008 to the scheme. The current portion of agencies' annual leave is shown as a sundry payable to Crown and the non-current portion is shown as a non-appropriated equity adjustment.

The annual leave liability will be held on a whole-of-government basis and disclosed in the Report on State Finances, prepared by Queensland Treasury.

Under the ALCS, member agencies must contribute a levy equal to their accrued quarterly annual leave cost, including leave loading and on-costs. Amounts paid to employees for annual leave are claimed back from the scheme.

Long Service Leave

Under the Queensland Government's long service leave scheme, a levy is made on the department to cover this cost. Levies are expensed in the period in which they are paid or payable. Amounts paid to employees for long service leave are claimed from the scheme as and when leave is taken.

No provision for long service leave is recognised in the financial statements, the liability being held on a whole-of-government basis and reported in the financial report prepared pursuant to AAS 31 *Financial Reporting by Governments*.

Superannuation

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

Therefore no liability is recognised for accruing superannuation benefits in these financial statements, the liability being held on a whole-of-Government basis and reported in the financial report prepared pursuant to AAS 31 *Financial Reporting by Governments*.

Executive Remuneration

The executive remuneration disclosures in the employee expenses note (Note 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 department or any related party in connection with the management of the affairs of the department, 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;
- ▶ housing (being the market value of the rent or rental subsidy – where rent is part-paid by the executive – during the financial year, both paid and payable as at 30 June);
- ▶ allowances (which are included in remuneration agreements of executives, such as airfares or other travel costs paid to/for executives whose homes are situated in a location other than the location they work in); and
- ▶ fringe benefits tax included in remuneration agreements.

The disclosures apply to all senior executives appointed by Governor in Council and classified as SES1 and above, with remuneration above \$100,000 in the financial year. 'Remuneration' means any money, consideration or benefit, but excludes amounts:

- ▶ paid to an executive by the department 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.

(q) Provisions

Provisions are recorded when the department has a present obligation, either legal or constructive as a result of a past event. They are recognised at the amount expected at reporting date at 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 pre-tax discount rate. The amounts recognised as provisions in relation to the dismantling and removal of assets and the restoration of land on which the assets have been located, have been included in the cost of the assets

(r) Insurance

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

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2008

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)

(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 UIG Abstract 1038 *Contributions by Owners Made to Wholly-Owned Public Sector Entities*. Appropriations for equity adjustments are similarly designated.

(t) Taxation

The Department is a State body as defined under the *Income Tax Assessment Act 1936* and is exempt from Commonwealth taxation with the exception of Fringe Benefits Tax and Goods and Services Tax (GST). As such, GST credits receivable from/payable to the ATO are recognised and accrued.

(u) Issuance of Financial Statements

The financial statements are authorised for issue by the Ombudsman and Manager of Corporate Services Division at the date of signing the Management Certificate.

(v) Judgements and Assumptions

The department has made no judgements or assessments which may cause a material adjustment to the carrying amounts of assets and liabilities within the next reporting period.

(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. Sub-totals and totals may not add due to rounding, but the overall discrepancy is no greater than two.

Comparative information has been restated where necessary to be consistent with disclosures in the current reporting period.

(x) New and Revised Accounting Standards

No Australian accounting standards and interpretations issued or amended and applicable for the first time in the 2007–08 financial year have an effect on the department. Also, the department has not voluntarily changed any of its accounting policies.

The department 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 department has not applied any Australian accounting standards and interpretations that have been issued but are not yet effective. The department 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 department. Details of such impacts are set out below.

AASB 1004 *Contributions* has been revised, and will affect the department as from 2008–09. One implication arising from this revised standard will be that – to the extent that no cash consideration is provided/received – transfers of accrued employee benefits between the department and other Queensland Government agencies will need to be recognised as either income or expense in the department's Income Statement, instead of being adjusted directly against Contributed Equity (refer to the Statement of Changes in Equity). If the revised AASB 1004 applied to the department during 2007–08, the 2007–08 operating surplus would have increased by approximately \$12,275, comprising an additional \$30,617 income due to accrued employee benefits for employees leaving the department, offset by an additional \$18,340 in expenses due to accrued employee benefits for employees transferred into the department.

The only other significant implication arising from the revised AASB 1004 *Contributions* is that substantially more detail will need to be disclosed in respect of the department's appropriations e.g. break-downs between recurrent, capital or other major appropriations (refer to note 2), comparisons between the original amounts of such appropriations and total actual amounts appropriated, explanations of the nature and probable financial effect of any relevant non-compliance with externally-imposed requirements etc.

AASB 101 *Presentation of Financial Statements* has been revised, but such revisions will not impact on the department until 2009–10. This revised standard does not have measurement or recognition implications. Instead, there will be significant changes to the presentation of the department's overall financial performance and position, particularly the content of the Statement of Changes in Equity, and preparation of a new Statement of Comprehensive Income (which will include certain items currently disclosed in the Statement of Changes in Equity, in line with the definition of 'comprehensive income' in the revised AASB 101). Ignoring other potential impacts on the operating result, if the revised AASB 101 was applied by the department for 2007–08 reporting, it would not have affected the reported comprehensive income of \$1,000.

All other Australian accounting standards and interpretations with future commencement dates are either not applicable to the department, or have no material impact on the department.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2008

	2008 \$'000	2007 \$'000
2. RECONCILIATION TO PAYMENTS FROM CONSOLIDATED FUND TO OUTPUT REVENUE RECOGNISED IN INCOME STATEMENT		
Budgeted output appropriation	6,004	5,765
Transfer from/to other departments	-	-
Transfers to/from other headings	-	-
Unforeseen expenditure	-	-
Total output receipts	6,004	5,765
Less opening balance of output revenue receivable	-	-
Output revenue recognised in Income Statement	6,004	5,765
Reconciliation to Payments from Consolidated Fund to Equity Adjustment Recognised in Contributed Equity		
Budgeted equity adjustment appropriation	40	(120)
Net leave liabilities transferred to other departments	12	13
Non-appropriated equity injection for non-current leave entitlements transferred to the Crown (see note 1 (p))	128	-
Equity adjustment recognised in Contributed Equity	180	(107)
3. USER CHARGES		
Commonwealth Ombudsman for reception services	-	22
“Good Decisions” and “Complaint Management” Training Programs	210	188
	210	210
4. EMPLOYEE EXPENSES		
Employee Benefits		
Wages and salaries	3,412	3,076
Employer superannuation contributions*	454	404
Long service leave levy*	67	67
Other employee benefits	393	581
Employee Related Expenses		
Workers Compensation premium*	8	9
Payroll Tax*	200	195
Other employee related expenses	100	124
	4,634	4,456

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2008

4. EMPLOYEE EXPENSES (CONTINUED)

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. Employer superannuation contributions and the long service levy are regarded as employee benefits.

The number of employees including both full-time employees and part-time employees measured on a full-time equivalent basis is:

	2008 Number	2007 Number
Number of Employees	53	51
Executive Remuneration		
The number of senior executives who received or were due to receive total remuneration of \$100,000 or more:		
\$100,000 to \$119,999	3	1
\$120,000 to \$139,999	1	2
\$140,000 to \$159,999	-	1
\$160,000 to \$179,999	1	-
\$200,000 to \$219,999	-	1
\$240,000 to \$259,999	1	-
Total	6	5
	2008 \$'000	2007 \$'000
The total remuneration of executives shown above*	904	645
* The amount calculated as executive remuneration in these financial statements includes the direct remuneration received, as well as items not directly received by senior executives, such as the movement in leave accruals and fringe benefits tax paid on motor vehicles. This amount will therefore differ from advertised executive remuneration packages which do not include the latter items.		
The total separation and redundancy/termination benefit payments to executives shown above.	-	217
5. SUPPLIES AND SERVICES		
Consultants and contractors	129	61
Computer support	133	124
Electricity	34	26
Legal Expenses	6	10
Books	2	3
Motor vehicle expenses	20	25
Office maintenance	35	43
Operating lease rentals	645	640
Payments to employment agencies	-	4
Printing	59	50
Stores and stationery	20	25
Telephones/communication	69	58
Travel	37	26
"Good Decisions" training expenses	53	43
General supplies and services	128	163
Total	1,370	1,301

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2008

	2008 \$'000	2007 \$'000
6. DEPRECIATION AND AMORTISATION		
Depreciation and amortisation were incurred in respect of:		
Office Furniture and Fit-Out	107	54
Computer Equipment	11	11
Office Equipment	9	6
Library	-	5
Software	43	86
Total	170	162
No impairment losses were recorded during the year. No revaluation adjustments were necessary during the year.		
7. OTHER EXPENSES		
External audit fees	18	14
Insurance premiums – QGIF	2	2
Sundry expenses	19	22
Assets written down	-	21
Total	39	59
8. CASH AND CASH EQUIVALENTS		
Cash at bank and on-hand	477	219
Imprest accounts	2	2
Total	479	221
Cash deposited with Queensland Treasury Corporation no longer earned interest due to the Cash Management Incentives Regime ceasing from 1 January 2007.		
9. RECEIVABLES		
Current		
Output revenue	30	-
Trade debtors	58	75
Less: provision for impairment	-	-
	88	75
GST receivable	21	17
GST payable	(4)	(5)
Net receivable	105	87
Long service leave reimbursements	7	7
Total	112	94
10. OTHER CURRENT ASSETS		
Prepayments	21	17
	21	17
11. INTANGIBLE ASSETS		
Software purchased		
At cost	395	395
Less : Accumulated amortisation	(395)	(352)
Total	-	43
Intangibles Reconciliation		
Carrying amount at 1 July	43	129
Amortisation	(43)	(86)
Carrying amount at 30 June	-	43

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

The department has a software program with an original cost of \$395,000 and a written down value of zero still being used in the provision of services. The system was initially developed as a file and complaints management system. It is to be further upgraded in the 2008–09 financial year and its continued viability assessed in the 2009-10 financial year.

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2008

2008
\$'000

2007
\$'000

12. PLANT AND EQUIPMENT

Office furniture and fitout		
At cost	528	528
Less: Accumulated depreciation	(528)	(421)
	-	107
Computer equipment		
At cost	93	85
Less: Accumulated depreciation	(78)	(68)
	15	17
Office equipment		
At cost	46	46
Less: Accumulated depreciation	(34)	(24)
	12	22
Library		
At cost	-	36
Less: Accumulated depreciation	-	(36)
	-	-
Total	27	146

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

Plant and Equipment Reconciliation

	OFFICE FURNITURE AND FITOUT		COMPUTER EQUIPMENT		OFFICE EQUIPMENT AND LIBRARY		TOTAL	
	2008 \$'000	2007 \$'000	2008 \$'000	2007 \$'000	2008 \$'000	2007 \$'000	2008 \$'000	2007 \$'000
Carrying amount at 1 July	107	161	17	28	22	26	146	215
Acquisitions	-	-	8	-	-	28	8	28
Depreciation	(107)	(54)	(11)	(11)	(9)	(11)	(127)	(76)
Disposals	-	-	-	-	-	(21)	-	(21)
Carrying amount at 30 June	-	107	14	17	13	22	27	146

The department has plant and equipment with an original cost of \$606,049 and a written down value of zero still being used in the provision of services. 90 percent of these assets with a gross replacement cost of \$ 400,000 are expected to be replaced in 2008-09 with the remaining 10% to be replaced in the 2009-10 financial year. The library was disposed of in the 2006-07 financial year.

2008
\$'000

2007
\$'000

13. PAYABLES

Current

Trade creditors	118	164
Other – recreation leave balances payable to Crown	267	-
Total	385	164

Non-current

Trade creditors	-	4
Total	-	4

14. ACCRUED EMPLOYEE BENEFITS

Current

Recreation leave	-	246
Wages outstanding	112	68
Total	112	314

Non-current

Recreation leave	-	79
Total	-	79

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2008

	2008 \$'000	2007 \$'000
15. ASSET REVALUATION RESERVE		
Balance 1 July 2007	-	2
Transfer to retained earnings on disposal	-	(2)
Balance 30 June 2008	-	-
16. RECONCILIATION OF OPERATING SURPLUS TO NET CASH FROM OPERATING ACTIVITIES		
Operating Surplus/(Deficit)	1	3
Depreciation and amortisation	170	162
Disposal of Library	-	21
Transfer of employee entitlements – non cash	140	13
Changes in assets and liabilities:		
Increase (decrease) in accrued employee benefits	(281)	(37)
Increase (decrease) in payables	217	69
(Increase) decrease in trade receivables	(13)	4
(Increase) decrease GST input tax credits receivables	(4)	(1)
Increase (decrease) GST payable	(1)	2
(Increase) decrease in prepayments	(3)	(11)
Net cash from operating activities	226	225
17. COMMITMENTS FOR EXPENDITURE		
(a) Finance Lease Liabilities		
There were no finance lease liabilities at 30 June 2008		
(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	1,102	725
– Later than one year and not later than five years	3,870	13
– Later than 5 years	1,796	-
Total	6,768	738
<p>The rental agreements in respect of the department's premises cover the period to 30 June 2016. In 2009 the office will be relocating to a new building at 53 Albert Street in terms of a co-location initiative with other complaint agencies. The new lease has a seven year term with an escalation clause of 4.5% p.a.</p> <p>The value of the outstanding rent at 30 June 2008 amounted to \$5,071,487 of which \$1,075,000 is current and \$4,094,537 is non-current.</p> <p>The Office's vehicles are leased from QFleet. The value of the outstanding leases at 30 June 2008 amounted to approximately \$42,000 of which \$16,000 is non-current.</p> <p>The franking machine is also leased. The value of the outstanding rentals at 30 June 2008 amounted to approximately \$1,000 all of which current.</p> <p>No lease arrangements create restrictions on other financing transactions.</p>		
(c) Capital Expenditure Commitments		
There were no capital commitments at 30 June 2008.		
18. CONTINGENCIES		
(a) Guarantees and Undertakings		
The department was not committed to any guarantees or undertakings at 30 June 2008.		
(b) Litigation in Progress		
No litigation involving the department was in progress at 30 June 2008.		
19. EVENTS OCCURRING AFTER BALANCE DATE		
There were no material occurrences after 30 June 2008.		

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2008

	Note	2008 \$'000	2007 \$'000
20. FINANCIAL INSTRUMENTS			
(a) Categorisation of Financial Instruments			
The department has categorised the financial assets and financial liabilities:			
Financial Assets			
Cash and cash equivalents	8	479	221
Receivables	9	112	94
Total		591	315
Financial Liabilities			
Payables	13	385	164
Total		385	164
(b) Credit Risk Exposure			
The maximum exposure to credit risk at balance date in relation to each class of recognised financial assets is the carrying amount of those assets net of any provisions for impairment.			
The following table represents the department's maximum exposure to credit risk based on contractual amounts net of any allowances:			
Financial Assets			
Cash and cash equivalents	8	479	221
Receivables	9	112	94
Total		591	315

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

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 monitored on a regular 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 \$'000	Total financial assets \$'000
	Overdue \$'000	Less than 30 days \$'000	30 to 60 days \$'000	61 to 90 days \$'000	More than 90 days \$'000		
2008 Financial Assets Past Due But Not Impaired							
<i>Financial Assets</i>							
Receivables	46	30	5	15	16	66	112
Total	46	30	5	15	16	66	112
2007 Financial Assets Past Due But Not Impaired							
<i>Financial Assets</i>							
Receivables	70	-	16	8	-	24	94
Total	70	-	16	8	-	24	94

2008 Impaired Financial Assets

There were no impaired financial assets at 30 June 2008

2007 Impaired Financial Assets

There were no impaired financial assets at 30 June 2007

NOTES TO AND FORMING PART OF THE FINANCIAL STATEMENTS

FOR THE YEAR ENDED 30 JUNE 2008

20. FINANCIAL INSTRUMENTS (CONTINUED)

(c) Liquidity Risk

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 at all times. This is achieved by ensuring that minimum levels of cash are held within the various bank accounts so as to match the expected duration of the various employee and supplier liabilities.

The 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
2008					
<i>Financial Liabilities</i>					
Payables	13	381	-	-	381
Total		381	-	-	381
2007					
<i>Financial Liabilities</i>					
Payables	13	168	-	-	168
Total		168	-	-	168

(d) Market Risk

The Ombudsman does not trade in foreign currency and is not materially exposed to commodity price changes. The department is not exposed to interest rate risk. The Ombudsman does not undertake any hedging in relation to interest risk and manages its risk as per the liquidity risk management strategy.

Fair Value

The fair value of financial assets and liabilities is determined as follows:

The carrying amounts of cash, cash equivalents, receivables, payables and the lease liability approximate their fair value and are not disclosed separately.

CERTIFICATE OF THE OFFICE OF THE
QUEENSLAND OMBUDSMAN

These general purpose financial statements have been prepared pursuant to section 40(1) of the *Financial Administration and Audit Act 1977* (the Act), and other prescribed requirements. In accordance with Section 40(3) of the Act we certify that in our opinion:

- (a) the prescribed requirements for establishing and keeping the accounts have been complied with in all material respects; and
- (b) the statements have been drawn up to present a true and fair view, in accordance with prescribed accounting standards, of the transactions of the Office of the Ombudsman for the financial year ended 30 June 2008 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

29 August 2008

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

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

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

INDEPENDENCE

The *Financial Administration and Audit Act 1977* promotes the independence of the Auditor-General and QAO authorised auditors. The Auditor-General is the auditor of all 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.

V P MANERA FCPA
(As Delegate of the Auditor-General of Queensland)



Queensland Audit Office
Brisbane



SECTION 6:

Appendices, glossary and index

APPENDIX 1: ENERGY CONSUMPTION

As a tenant in a privately owned building it is difficult to control energy consumption as much as we would like. However, we try to contain consumption to essential levels by using energy saving, waste management and recycling practices (see p.69).

Expenditure on electricity in 2007–08 was \$28,415 compared to \$26,165 in 2006–07. We spent \$6,146 on motor vehicle fuel, compared with \$6,357 the previous year.

APPENDIX 2: OVERSEAS TRAVEL

The Ombudsman did not undertake any overseas travel in 2007–08.

APPENDIX 3: FREEDOM OF INFORMATION APPLICATIONS 2007–08**Applications received and processed**

	2005–06	2006–07	2007–08
Applications carried over from previous year	4	-	2
Number of applications received	17	14	24
Applications received under s.51 (consultation as an affected third party)	4		3
Applications withdrawn or deemed withdrawn	3	0	4
Number of applications requiring a decision	18	12	20
Applications on hand – carry over to next year	-	2	4

Outcomes of applications finalised during 2007–08

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	7	154	137	16	1	99%
Personal	13	632	240	392	0	100%

Exemptions invoked

	Number of times
39 (1) Disclosure could reasonably be expected to prejudice the conduct of an investigation by the Ombudsman	5
41(1) Disclosure of an obtained opinion, advice or recommendation	2
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	1
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 (1) application for internal review, and one (1) application for external review during 2007–08.

A total of \$137.95 was collected for non-personal application fees and photocopy charges.

APPENDIX 4: PRESENTATIONS DELIVERED BY STAFF OF THE QUEENSLAND OMBUDSMAN'S OFFICE

Date	Organisation/topic	Venue
19/7/2007	Aboriginal and Torres Strait Islander Legal Service – Role of the Ombudsman	Brisbane
9/8/2007	Commonwealth Ombudsman's 30th anniversary seminar – The use of investigative planning in complex investigations	Canberra
21/8/2007	Official Visitors Conference	Brisbane
30/8/2007	Aboriginal and Torres Strait Islander Legal Service – Role of the Ombudsman	Townsville
10/9/2007	Griffith University – Telltale signs of regulatory decay	Logan
10/9/2007	Aboriginal and Torres Strait Islander Legal Service – Role of the Ombudsman	Mount Isa
24/9/2007	Queensland Health – 2006–07 complaints report	Brisbane
24/9/2007 – 25/9/2007	Australian Public Sector Anti-Corruption Conference 2007 – Good decision-making	Sydney
12/10/2007	Department of Communities/Disability Services Queensland – Telltale signs of regulatory decay	Brisbane
19/10/2007	Regional Managers Committee Network – West Moreton – Role of the Ombudsman	Bundamba
25/10/2007	Department of Housing – 2006–07 complaints report	Brisbane
26/10/2007	Department of Child Safety – 2006–07 complaints report	Brisbane
19/11/2007	Department of Natural Resources and Water – 2006–07 complaints report	Brisbane
21/11/2007	Queensland Transport – 2006–07 complaints report	Brisbane
26/11/2007	Queensland Corrective Services – 2006–07 complaints report	Brisbane
27/11/2007	Australian Environmental Law Enforcement and Regulators Network Annual Conference – Signs of regulatory decay	Adelaide
21/11/2007	Child Death Case Review Committee – Role of Committee and Ombudsman and Review Bodies	Brisbane
5/12/2007	Aboriginal and Torres Strait Islander Legal Service and indigenous agencies – Role of the Ombudsman	Toowoomba
6/12/2007	Queensland Public Sector Corporate Governance Collaborative – Complaints management	Brisbane
28/3/2008	Mayor's Council Summit – The role of the Ombudsman	Brisbane
28/3/2008	24th Australasian and Pacific Ombudsman Conference – Systemic investigations	Melbourne
17/4/2008	Queensland Law Society Government Lawyers Conference – Practical guide to informed administrative decision-making	Brisbane
18/4/2008 – 19/4/2008	Local Government Compliance Officers Association of Queensland – Telltale signs of regulatory decay	Gold Coast
22/4/2008	Queensland University of Technology – Good decision-making	Brisbane
6/5/2008	Brisbane City Council – 2006–07 complaints report	Brisbane
9/5/2008	Lotus Glen Correctional Centre – Role of the Ombudsman, complaints mechanisms for staff and prisoners	Townsville
20/5/2008	Department of Child Safety, Office of Director-General – Complaints management workshop	Brisbane
20/5/2008	Department of Child Safety – presentation on the role of the Office's Assessment and Resolution Team and the unreasonable complainant conduct project	Brisbane
22/5/2008	Medical Board of Queensland – Assessment of complaints	Brisbane
5/6/2008	Local Government Association of Queensland, Civic Leaders Summit – Role of the Ombudsman	Brisbane
26/6/2008	Department of Employment and Industrial Relations – Complaints management workshop for Wageline officers	Brisbane

APPENDIX 5: PROFESSIONAL DEVELOPMENT ACTIVITIES UNDERTAKEN IN 2007–08

Program	Provider
Marketing/communication/client service	
Effective People and Communication Skills	Odyssey Training
Introduction to Privacy	Department of Justice and Attorney-General
Legal/investigative	
Unreasonable Complainant Conduct Project	NSW Ombudsman
Code of Conduct and Information Device Training	Workplace Consulting Qld
Code of Conduct Training	Department of Employment and Industrial Relations
Best Practice Enforcement	Clayton Utz
Cert IV-Training and Assessment	Odyssey Training
Interviewing Skills	Queensland Police Service
FOI Training	Department of Justice and Attorney-General
FOI for Decision-makers (Introduction)	Information Consultants
FOI for Decision-makers (Advanced)	Information Consultants
Advanced Government Decision-making	Clayton Utz
Introduction to Copyright	Australia Copyright Council
Using and Managing Copyright	Australia Copyright Council
Excellence in Administrative Practice	Australian Government Solicitor
Interpersonal	
Women in Leadership Program	Queensland Women in Public Service
Equal Employment Opportunity Referral Officers Training	Anti-Discrimination Commission Queensland
Administrative/computer	
Project Management	Institute of Public Administration Australia
Corporate Health Program	Ford Health Group
Certificate IV in Business	TAFE (OLI)
Certificate V in Government	TAFE (OLI)
Cert IV in Government (Investigations)	Crime and Misconduct Commission
Excel-Intermediate	Odyssey Training
Creating Complex Documents	Odyssey Training
Excel-Introduction	Odyssey Training
Excel-Advanced	Odyssey Training
PowerPoint – Introduction	Odyssey Training
Fire Warden Training	Quadra Pacific
Adobe Acrobat	Odyssey Training
E-writing and Editing	Institute of Public Administration Australia
Microsoft Word-Introduction	Odyssey Training
Level 1 Purchasing Awareness Certificate	Queensland Purchasing
Aurion	Queensland Parliamentary Services

APPENDIX 5: PROFESSIONAL DEVELOPMENT ACTIVITIES UNDERTAKEN IN 2007–08

Program	Provider
Conference/seminar attendance	
Fostering Executive Women	QUT Alumni Group
Creative Problem Solving	Society of Business Communications
Women in Leadership	Queensland Regional Heads Forum
Procedural Fairness and Public Sector Misconduct Investigations	Australian Institute of Administrative Law
Leadership and Organisational Culture Change	Institute of Public Administration Australia
Young Alumni Leadership Forum	QUT Alumni Group
Resolve Conference	Beethoven Group
Australian Public Sector Anti-Corruption Conference (APSAC)	APSAC
Insurance Australia Group (IAG) Finance Conference	IAG
Local Government Association Conference	Local Government Association Queensland
Local Government Managers Australia (LGMA) Conference	LGMA

AAO Australian Audit Office	FOI and FOI Act Freedom of Information and <i>Freedom of Information Act 1992</i>	Public agencies/public sector agencies Queensland State Government departments or authorities and local councils
AeIFRS Australian Equivalent to International Financial Reporting Standards	GCCC Gold Coast City Council	PT Public Trustee
ADCQ Anti-Discrimination Commission Queensland	GCP General Complaints Process	QAO Queensland Audit Office
AIU Administrative Improvement Unit	GDT Good Decisions Training	QFRS Queensland Fire and Rescue Service
ART Assessment and Resolution Team	GOC Government Owned Corporation	QH Queensland Health
CBRC Cabinet Budget Review Committee	HR Human Resources	QGAP Queensland Government Agent Program
Complainant Person bringing a complaint to the Office	HQCC Health Quality and Complaints Commission	QMI Queensland Mines Inspectorate
CCT Commercial and Consumer Tribunal	Inquiry Caller seeks information or assistance but does not make a specific complaint	QNC Queensland Nursing Council
CCYPCG Commission for Children and Young People and Child Guardian	IT Information Technology	QPHCI Queensland Public Hospitals Commission of Inquiry
CSCT Community Services and Corrections Team	IFAC International Federation of Accountants	QPASS Queensland Public Agency Staff Survey
CEO Chief Executive Officer	Internal review Investigation of a decision undertaken by the agency who made the initial decision	QPS Queensland Police Service
CMP Complaints Management Program	JAG Department of Justice and Attorney-General	QPWS Queensland Parks and Wildlife Service
CMC Crime and Misconduct Commission	LAMP Local Area Multicultural Partnership	QCS Queensland Corrective Services
CMT Complaints Management Training	LCARC Legal, Constitutional and Administrative Review Committee	QT Queensland Transport
Complaint An expression of dissatisfaction we have jurisdiction to investigate	LG Act <i>Local Government Act 1993</i>	QUT Queensland University of Technology
CRU Communication and Research Unit	LGAQ Local Government Association of Queensland	Referral Out of our jurisdiction so the caller is referred to another agency
CSU Corporate Services Unit	LGMA Local Government Managers Australia	Review request The complainant requests we reconsider our decision on their case
DChS Department of Child Safety	LGIT Local Government and Infrastructure Team	SCC Staff Consultative Committee
DLGSR Department of Local Government, Sport and Recreation	Local Area Multicultural Partnership Program delivered through local councils by community relations workers employed by the local council	SPER State Penalties Enforcement Registry
DOH Department of Housing	NTQ National Trust of Queensland	Systemic problem or issue Where some error in the agency's administrative process (its system), is causing or contributing to complaints.
DMR Department of Main Roads	OFT Office of Fair Trading	UCCP Unreasonable Complainant Conduct Project
DNRW Department of Natural Resources and Water	OSR Office of State Revenue	WWTW Project Whistling While They Work Project
DPIF Department of Primary Industry and Fisheries	PID Public Interest Disclosure	WHS Workplace Health and Safety
DSQ Disability Services Queensland	PNG Papua New Guinea	
EEO Equal Employment Opportunity	PSC Public Service Commissioner	
EPA Environmental Protection Agency	Public administration The administrative practices used by officers of the Queensland public sector in making decisions and in their dealings with members of the community	
EQ Education Queensland		

Administrative Improvement Unit	10, 70, 76	Table 6: Type of maladministration established 2007–08	20
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