



# Annual Report 2018-19



**QUEENSLAND  
OMBUDSMAN**  
*Standing for fairness*

**Queensland Ombudsman 2018-19 Annual Report**  
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## Acknowledgement of country

We respectfully acknowledge the Traditional Owners of the lands throughout Queensland and pay respect to them, their culture and their Elders past, present and future.

## Accessibility



The Office of the Queensland Ombudsman is committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you have difficulty understanding the annual report, contact the Office on (07) 3005 7000 or freecall 1800 068 908 and an interpreter will be organised to communicate the report to you.

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service. For more information, visit:  
[www.relayservice.gov.au](http://www.relayservice.gov.au).

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4 September 2019

The Honourable Yvette D'Ath MP  
Attorney-General and Minister for Justice  
1 William Street  
BRISBANE QLD 4000

Dear Attorney-General

I am pleased to submit for presentation to the Queensland Parliament the annual report 2018-19 and financial statements for the Office of the Queensland Ombudsman.

I certify that this annual report complies with:

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

This Office has received an unqualified auditor's report for the 2018-19 financial statements from the Queensland Audit Office.

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

Yours sincerely

A handwritten signature in black ink, appearing to read "Phil Clarke".

Phil Clarke  
Queensland Ombudsman

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## Vision

Fair and accountable public administration in Queensland

## Purpose

To independently investigate complaints, review systemic problems and work with agencies to improve their administrative practices and decisions

## Values

### Integrity

We are ethical and honest in our work.

### Impartiality

We treat everyone equitably, respond without bias and do not take sides.

### Diligence

We produce timely and high quality work that makes a difference.

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# Ombudsman's report

This year the work of the Office has continued to contribute strongly to fair and accountable public administration in Queensland.

Our investigations have helped to ensure fairness and accountability for citizens in their dealings with public agencies; our advice and recommendations have contributed to improvements in public administration; and our training programs have helped to ensure public officers have the skills to make good decisions.

This report sets out what the Office has achieved in 2018-19 and what we are working towards in the longer term.

## **Providing independent and effective review of the administrative actions and decisions of agencies**

Investigating complaints about public agency decision-making remains at the heart of our work. An important element of that job is balancing proper consideration of each complaint with the time and costs to conduct that work. Investigations can lead to outcomes that directly benefit a complainant or that lead to systemic improvement in an agency, or both. Independent reviews of agency decisions lead to rectification of poor decisions or confirmation that an agency has acted reasonably. Both are valuable outcomes.

I am pleased to report that the performance measures published in this report confirm the Office is delivering its legislative mandate of providing people with a timely, effective, independent and just way of having administrative actions of agencies reviewed. This year we dealt with more than 11,000 contacts and investigated more than 1,200 complaints. Over recent years, the Office has increased its focus on ensuring that this work is completed in a timely way. All timeliness measures have been met.

Improved administration means better services and a fairer and more accountable public sector

## **Improving the quality of administrative systems in agencies**

Improved administration means better services and a fairer and more accountable public sector. This year, 40% of all investigative recommendations achieved systemic improvements, and 100% of recommendations were accepted by agencies.

Two reports were publicly released during the year. *The Sunshine Coast Regional Council regulatory enforcement report: An investigation of actions taken by Sunshine Coast Regional Council in*

*response to complaints about power boat noise dealt with the regulatory responsibilities of local councils when dealing with noise nuisance. The Brisbane Youth Detention Centre Report: An investigation into the management of young people at Brisbane Youth Detention Centre between November 2016 and February 2017 dealt with administrative failings surrounding a major riot at the centre. See page 33 for details of these reports.*

## **Building capacity in agencies and the community to better manage complaints and Public Interest Disclosures (PIDs)**

Proper management of complaints and PIDs is an essential part of public administration and accountability. It remains a key role for this Office to help agencies improve administrative practices. We do this by providing training, advice and information to public sector officers across Queensland.

The Office's training programs in complaints handling, good decision-making and PID management continue to be in high demand. This year more than 4,500 public sector officers took part in Ombudsman training sessions – a record level of participation.

In March 2019, I approved three new standards to guide the actions public entities must take when preparing for and responding to a PID. These are based on research and extensive collaboration with agencies to learn from past experience in managing PIDs.

We also continued our work with community groups to help people navigate the complaints landscape in Queensland.

### **Ensuring our workforce, systems and culture support accountable and sustainable service delivery**

As part of our commitment to a professional workforce, in March 2019 the Office hosted a two-day administrative investigations workshop delivered by the Ontario Ombudsman. We were able to share this advanced training with colleagues from other Australian and South Pacific integrity agencies.

We have continued to work on better systems for governance, including the development of the Office's Information Security Management System and improved planning and reporting processes. We have also invested in upgrades to information systems, including Resolve, the Office's case management system.

The Office has also made substantial progress in implementing the recommendations from the independent strategic review of the Office completed in February 2018. Many recommendations from the review endorsed the Office's current work and direction. At 28 June 2019, 75% of recommendations had been completely or substantially implemented.

In August 2018, I welcomed Ms Angela Pyke to the Office as the new Deputy Ombudsman. Ms Pyke brings substantial investigative experience and knowledge about the management of an integrity agency from her background in the Queensland Crime and Corruption Commission over several years.

### **Looking to the future**

The Office has performed well against its key performance indicators in 2018-19 and we will be working hard to maintain that performance in the year ahead. Continuing to provide accessible statewide services with limited resources in the face of increasing demand remains a challenge.

Ombudsman officers will continue to engage directly with agencies to support improvements in administrative practice. I will continue to work with the heads of other integrity bodies to ensure that Queensland has a comprehensive review framework for public agency decisions and actions.

Early bookings confirm the strong ongoing demand for Ombudsman training.

The continued interest in these programs demonstrates the public sector's commitment to improving administration.

I also expect the Office to continue its work with community groups to help ensure better 'complaint know-how', that is, helping people to make a clear and appropriate complaint to the right place at the right time. This can be a challenge given the complexity of the complaints landscape.

Ombudsman officers will continue to engage directly with agencies to support improvements

As I reported last year, I consider there are clear synergies between the role of the Office and independent inspections of closed environments, such as correctional centres and other places of detention. I remain of the view that this Office is well placed to contribute significantly more in this area.

In the year ahead, I look forward to greater certainty about the future arrangements for the implementation of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) and the independent oversight of places of youth detention.

Much has changed since the Office first opened its doors in 1974. The structure, services and size of the Queensland public sector are significantly different. It is now 30 years since the Fitzgerald Inquiry (the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct) made its final report; 25 years since Queensland's first whistleblower protection legislation was passed by the parliament; and 18 years since the last major revision to the legislation governing this Office, the *Ombudsman Act 2001*. We are now serving the needs of more people in an increasingly complex public sector landscape. We have responded to community expectations about timeliness and preferences for accessing information and services. Much of our work is now conducted and managed through digital channels. We have also put a greater emphasis on cyber security to ensure Ombudsman complaint information remains confidential. Through all these changes, the Office's commitment to independence and fairness remains fixed.

My thanks go to all Ombudsman officers for their energy and hard work. Every day their work demonstrates commitment to the Office's core values of integrity, impartiality and diligence. Every day their work makes a positive difference to the lives of Queenslanders.

I am confident that the Office will continue to be successful in serving Queenslanders well into the future.

Phil Clarke  
Queensland Ombudsman

# Strategic overview

OBJECTIVES

Provide independent and effective review of the administrative actions and decisions of agencies

Improve the quality of administrative systems in agencies

Build capacity in agencies and the community to better manage complaints and Public Interest Disclosures (PIDs)

Our workforce, systems and culture support accountable and sustainable service delivery



11,676

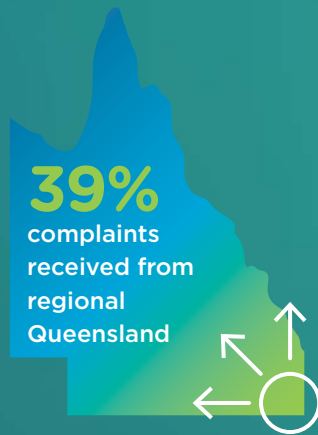
contacts received ↑6%

7,831

complaints finalised ↑8%

1,255

investigations finalised ↓7%



3.3 days

average time to complete preliminary assessment  
Exceed target

99%

complaints finalised within 12 months  
On target

90%

investigations completed within timeframes  
On target

15% of investigations result in a rectification  
Exceed target

250 recommendations made

100%

recommendations accepted  
Exceed target

84%

reviews uphold the original decision  
Exceed target



2 public reports published

64%

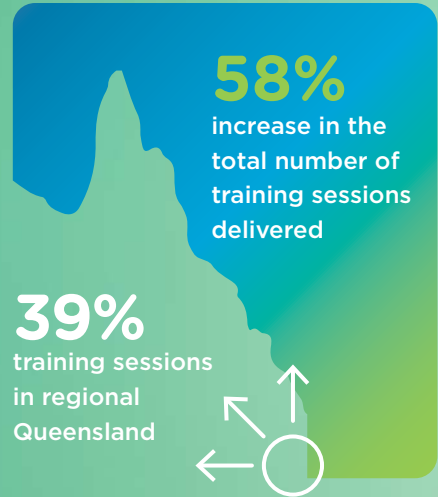
clients report being satisfied or very satisfied with the service provided  
Target not met - target 80%



**4,540**

public sector officers trained

The highest number of training participants in one year since the Office began offering training



**58%** increase in the total number of training sessions delivered

**39%** training sessions in regional Queensland

**94%**

participants report Office training improved their decision-making

**3 new standards** issued for managing Public Interest Disclosures



**180,393** website visits

**17,478** auto re-directs for out of jurisdiction contacts

**60.9**

staff (full time equivalent at 28 June 2019)

**100%**

staff participation in the learning and development program



**2.4%** of salary budget invested



### Improved governance frameworks

- ✓ Strategic plan reviewed
- ✓ Service Delivery Statement measures revised
- ✓ Improved risk management processes implemented



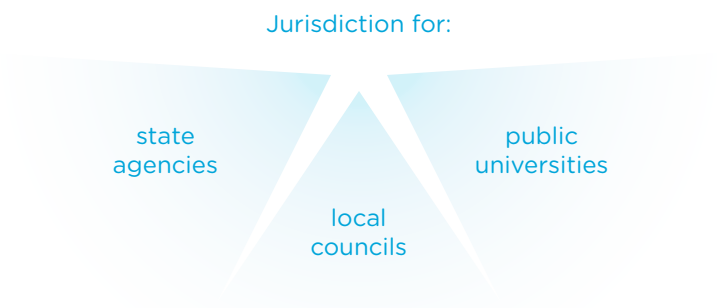
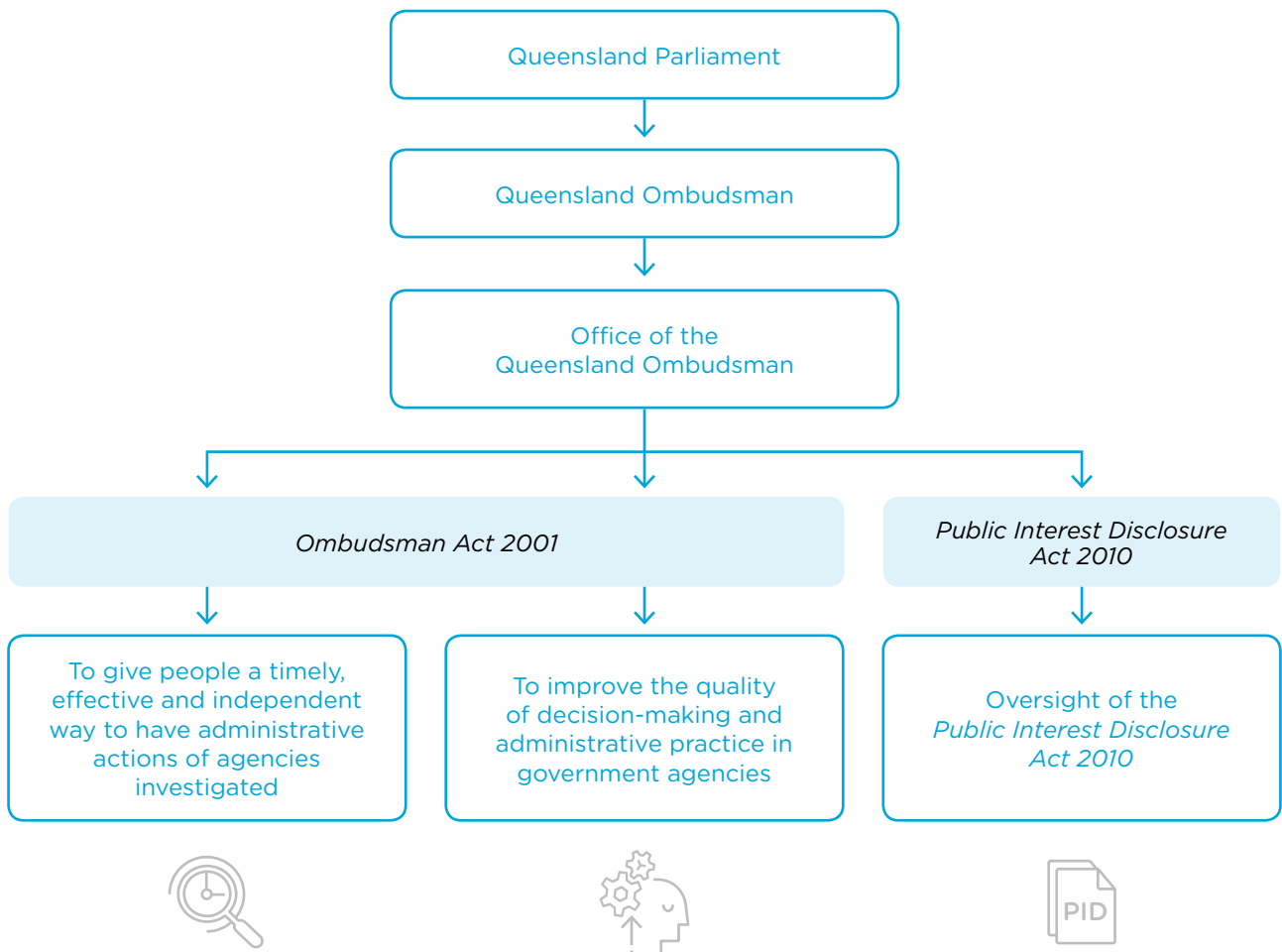
### Progress

Implementation of the Office's Information Security Management System



**75%** 5-year strategic review recommendations actioned

# About us





## The Ombudsman

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

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

The Ombudsman is an officer of the Queensland Parliament and reports through the Legal Affairs and Community Safety Committee. The Ombudsman is independent of government and may not be directed by any person in deciding what matters to investigate or how an investigation is undertaken.

## The Office

The Office of the Queensland Ombudsman was established in 1974 to investigate the administrative actions of government departments and authorities.

In 2001, the Act came into effect and gave the Office the dual roles of investigating complaints about government agencies and helping agencies to improve their decision-making and complaint handling.

On 1 January 2013, the Office of the Queensland Ombudsman became the oversight agency for the *Public Interest Disclosure Act 2010* (PID Act).

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## Jurisdiction

The Ombudsman investigates complaints about the actions and decisions of state government departments and agencies (including state schools and TAFE colleges), local councils and public universities.

The Ombudsman makes recommendations to agencies to:

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

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

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

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

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

In addition to assessing and investigating complaints, the Office also provides training and advice to help agencies improve their decision-making and administrative practices.

Under the PID Act, the Office is responsible for:

- overseeing the implementation of the PID Act
- reviewing the way public sector entities deal with PIDs
- educating public sector entities about PIDs
- providing advice about PIDs.

# Investigating complaints



## What we do

- investigate administrative actions of agencies
- make recommendations to agencies, generally or in particular cases, about ways of improving the quality of decision-making and administrative practices and procedures

From section 6  
*Ombudsman Act 2001*

## The Ombudsman process



### Is this something we can deal with?

Is it about:

- a Queensland Government department or agency?
- a local council?
- a public university?

NO

This is not a complaint for us. We call this *'out of jurisdiction'*. We can tell you about other complaints agencies.

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### Have you made a complaint to the organisation?

Have they had a chance to fix the problem?

Have they reviewed their decision? (also called 'internal review')

NO

Sounds like it's too early for us. We can tell you about using the organisation's complaints management system.

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We also consider other things. For example, if a complaint is more than 12 months old, we need a good reason to accept it.

### We assess the complaint

We consider the impact of the agency's decision:

- Does it look like a problem with the agency's decision-making?
- Is an investigation likely to get an outcome?

NO

If we decide an investigation is not needed, we will write to you to tell you why we made that decision.

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### We investigate the complaint

We are looking for evidence that the agency's decision-making was unlawful, unreasonable or wrong.

An investigation can include talking to the people who made the decision, looking at records about the decision and researching legislation and policies. Strict confidentiality rules apply to Ombudsman investigations.

NO

If the investigation confirms the agency acted reasonably, we will write to you to tell you how we came to that decision. About 85% of investigations are closed this way.

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We recommend the agency make changes.

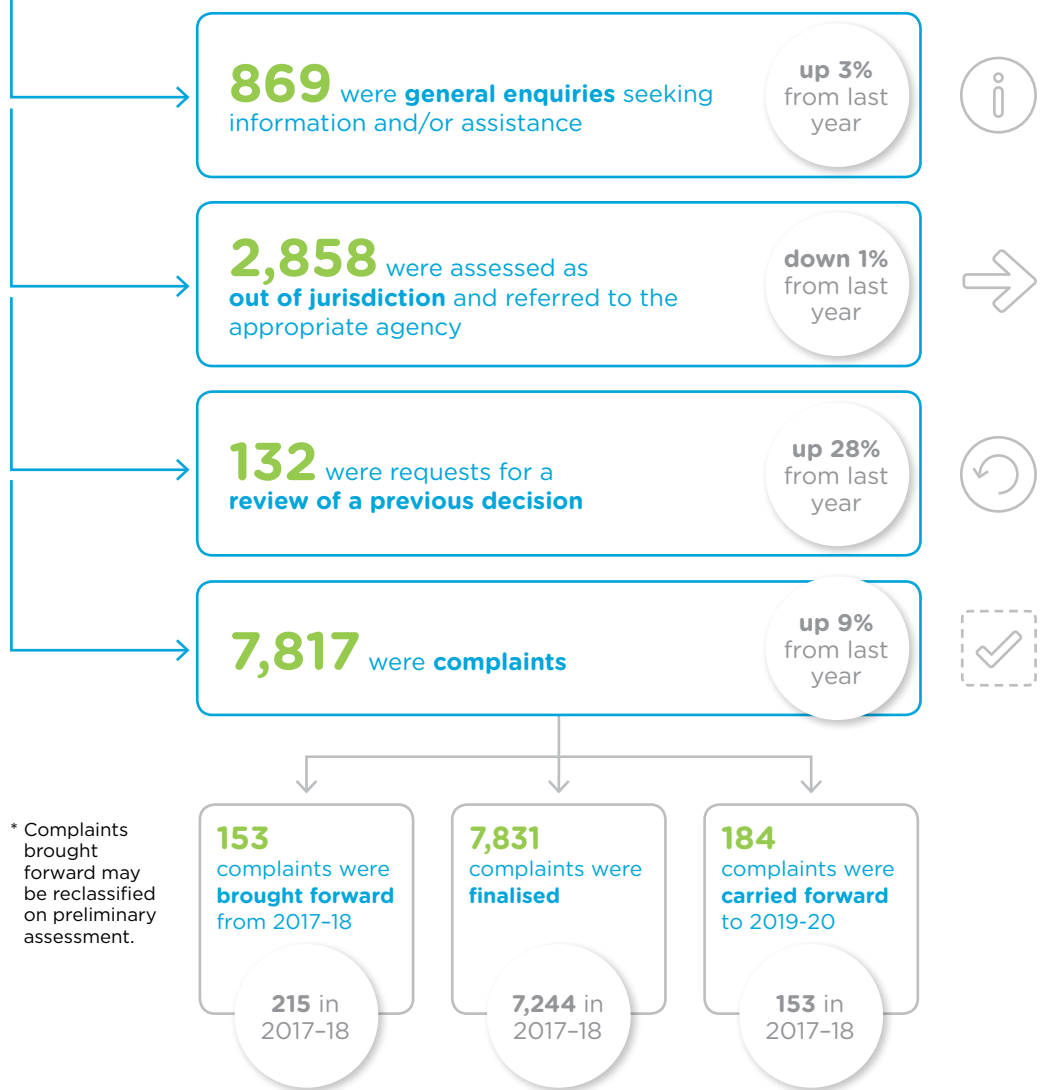
We will write to you and the agency about the result of the investigation.

Sometimes the Ombudsman decides there are good reasons to make a report about an investigation public. This needs approval from the Speaker of the Queensland Parliament. Public reports are published on our website.

## Contact with the Office



The Queensland Ombudsman received **11,676 contacts** up 6% from last year



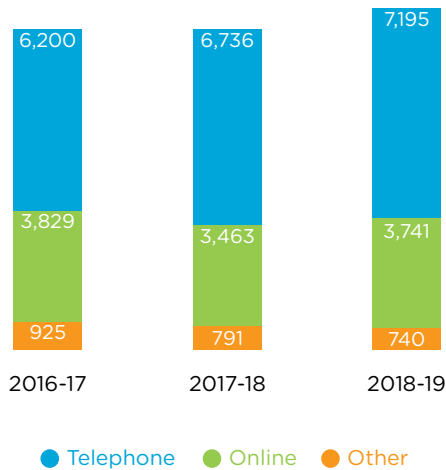
\* Complaints brought forward may be reclassified on preliminary assessment.

The Office responded to over 11,000 contacts in 2018–19, an increase of 6% from last year.

A contact is recorded whether the matter is within or outside jurisdiction of the Office. Contacts also include general enquiries and review requests.

Telephone remains the most common way of initiating contact with the Office. The Office continued to deliver the Prisoner PhoneLink (PPL) telephone service, which received 564 contacts during the year.

### Contacts received by channel

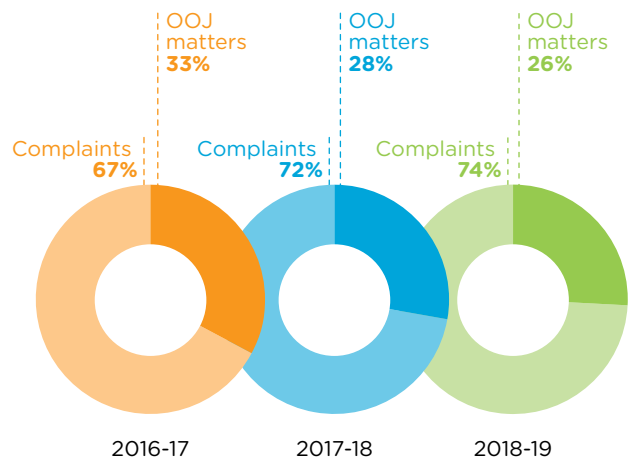


In addition to these direct forms of contact, the Office has continued to provide automated advice and service about other appropriate complaints channels. This service is targeted at matters that are not in the Ombudsman’s jurisdiction. Telephone callers may choose to directly transfer to another more appropriate complaints agency, such as the Office of Fair Trading, and website users are able to navigate directly to the appropriate agency to make a complaint.

This year 17,478 people were directed to a webpage about out of jurisdiction (OOJ) matters from the online complaint form and 44,129 people directly accessed Office webpages about OOJ matters.

These strategies have contributed to a continuing decline in the number of OOJs received by the Office. This year OOJ matters were 24% of contacts; two years ago, they were 33% of contacts.

### Proportion of out of jurisdiction contacts compared to complaints

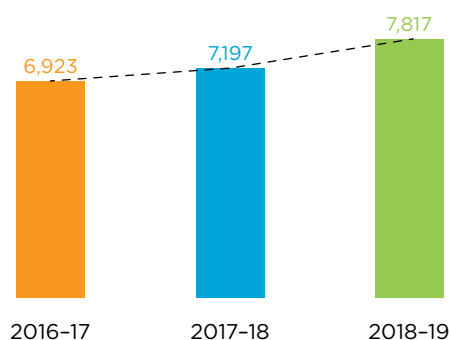


## Complaints received

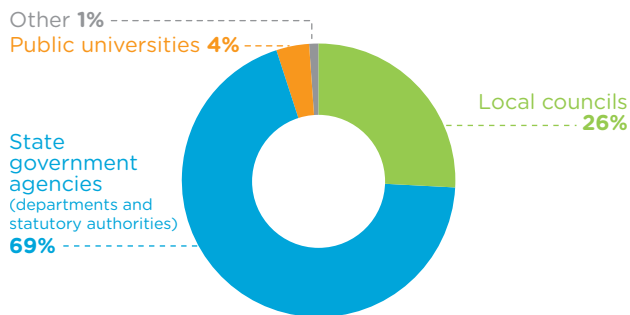
The Office received 7,817 complaints in 2018-19, a 9% increase on the previous year.

A complaint is a statement of dissatisfaction about an agency within jurisdiction.

### Complaints received



### Complaints received by agency type

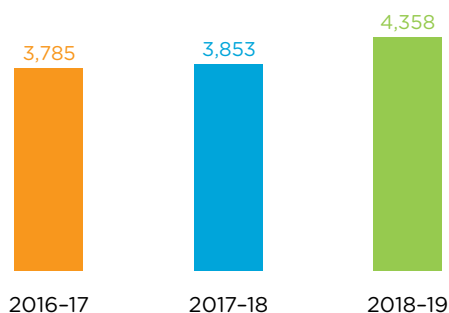


## State agencies

State agencies, including departments and statutory authorities, continued to be the largest contributor to the total number of complaints.

### State departments

#### Complaints received about state departments



State departments that generated the highest number of complaints to this Office were:

- Queensland Corrective Services (825)
- Department of Child Safety, Youth and Women (680)
- Department of Housing and Public Works (591)
- Department of Education (570)
- Queensland Health (427).

Complaints varied widely in line with the range of services provided by the agencies. Significant complaint issues included:

- poor service or conduct by agency officers or representatives and/or flawed decision-making
- prison-related matters (offender management and prisoner services)
- penalty enforcement action
- school management
- child protection.

See Appendix B for more statistical information about complaints



### Statutory authorities

This year saw an 8% increase in the number of complaints received about statutory authorities.

#### Complaints received about statutory authorities



Statutory bodies that generated more than 100 complaints to the Office were:

- Queensland Building and Construction Commission (213 complaints)
- The Public Trustee (183)
- Legal Aid Queensland (140)
- TAFE Queensland (114)
- Office of the Health Ombudsman (110).

Significant areas of complaint included:

- complaint handling and internal review processes
- conduct of officers
- problems with the decision-making process, such as the use of the wrong policy or standard, poor recordkeeping and a lack of timeliness.

Due to the similar nature of their business, state departments and statutory authorities are grouped together for reporting purposes in this report and referred to as state agencies.

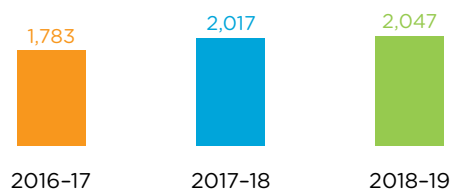
### Local councils

In 2018-19, the Office received 2,047 complaints about local councils, an increase of 2%.

Significant areas of complaint included:

- development and building controls
- laws and enforcement
- environmental management
- rates and valuations
- roads.

#### Complaints received about local councils



### Public universities

In 2018-19, the Office received 340 complaints about Queensland's public universities, a 3% increase from the previous year. The significant areas of complaint were:

- student grievances
- exclusion
- enrolment
- assessment and review of grade.

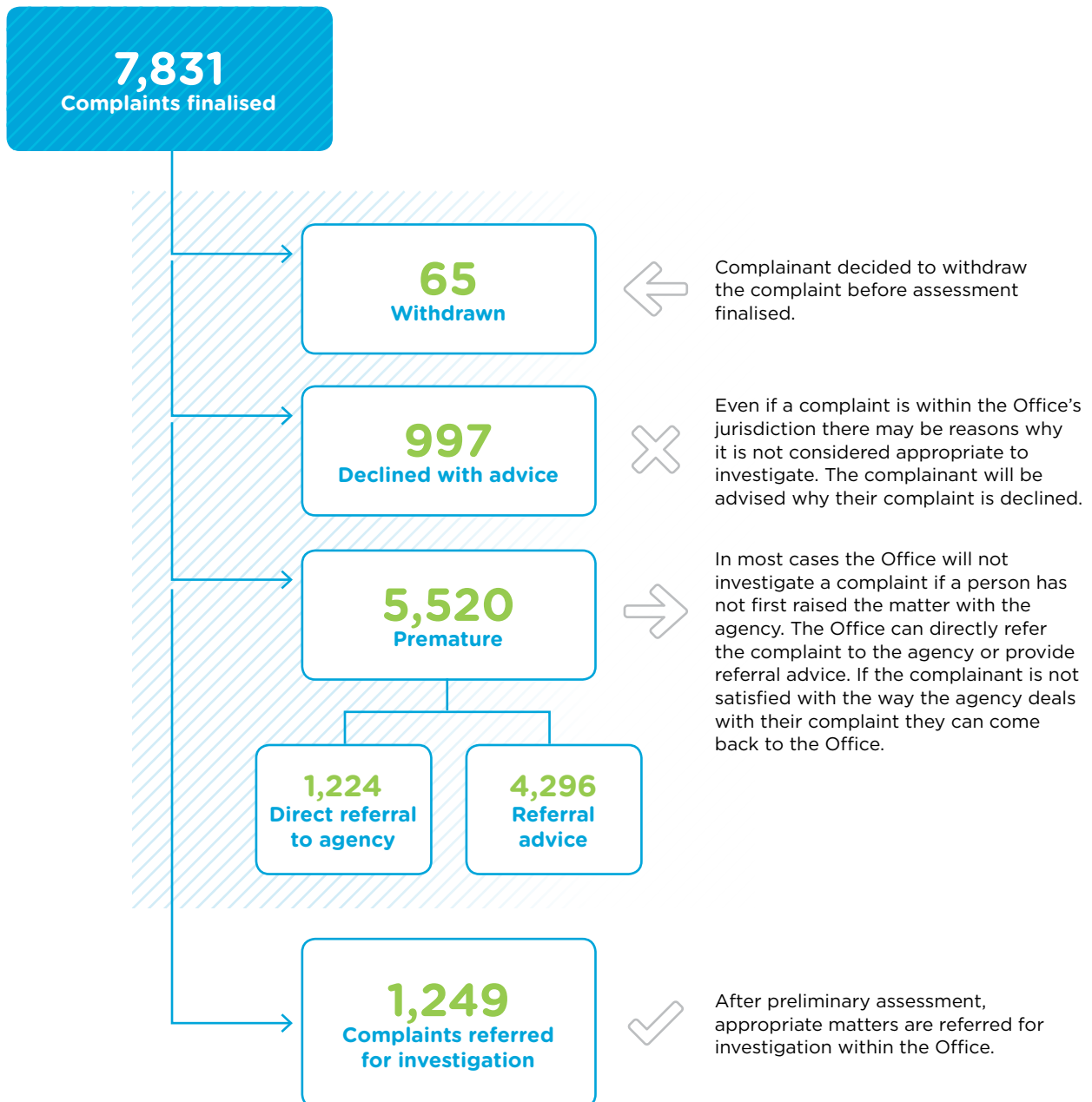
#### Complaints received about public universities



### Open complaints

At 28 June 2019, 184 complaints were open (less than 2% of contacts received, or less than 3% of all complaints finalised). Of these open complaints, 83 (45%) had been received within the last 30 days of 2018-19.

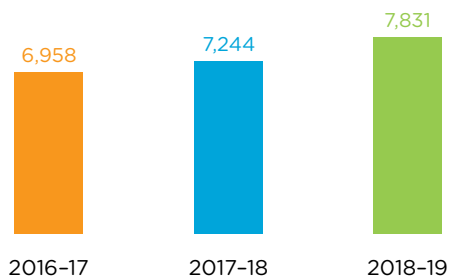
## Complaints finalised



## Complaints finalised after preliminary assessment

The Office finalised 7,831 complaints in 2018-19, an 8% increase from the previous year.

### Complaints closed

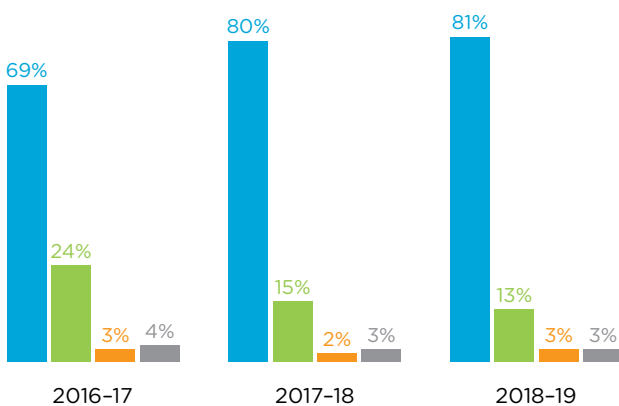


This year:

- 81% of complaints were finalised within 10 days
- 94% of complaints were finalised within 30 days
- more than 99% of complaints were finalised within 12 months.

This year the average age of a complaint when closed at preliminary assessment was 3.3 days; and the average age when closed after investigation was 50 days.

### Time to finalise complaints



- Less than 10 days
- 10-30 days
- 31-60 days
- More than 60 days

In total, 71% of all complaints finalised after preliminary assessment were classified as premature (67% in 2017-18). In most cases, this is because the complaint had not been fully considered through the agency's internal complaint management system. For most premature complaints, the Office provides advice on how to lodge a complaint with the appropriate agency and how to bring the matter back to the Office if the agency's response is unsatisfactory.

Where a person requires assistance to make their complaint or provides extensive information to the Office about the complaint, the Office may, with the person's consent, directly refer a premature complaint to an agency. This year, the Office directly referred 1,224 premature complaints, an 8% reduction from 2017-18. This change is attributed to improved practices in the assessment of matters suitable for direct referral.

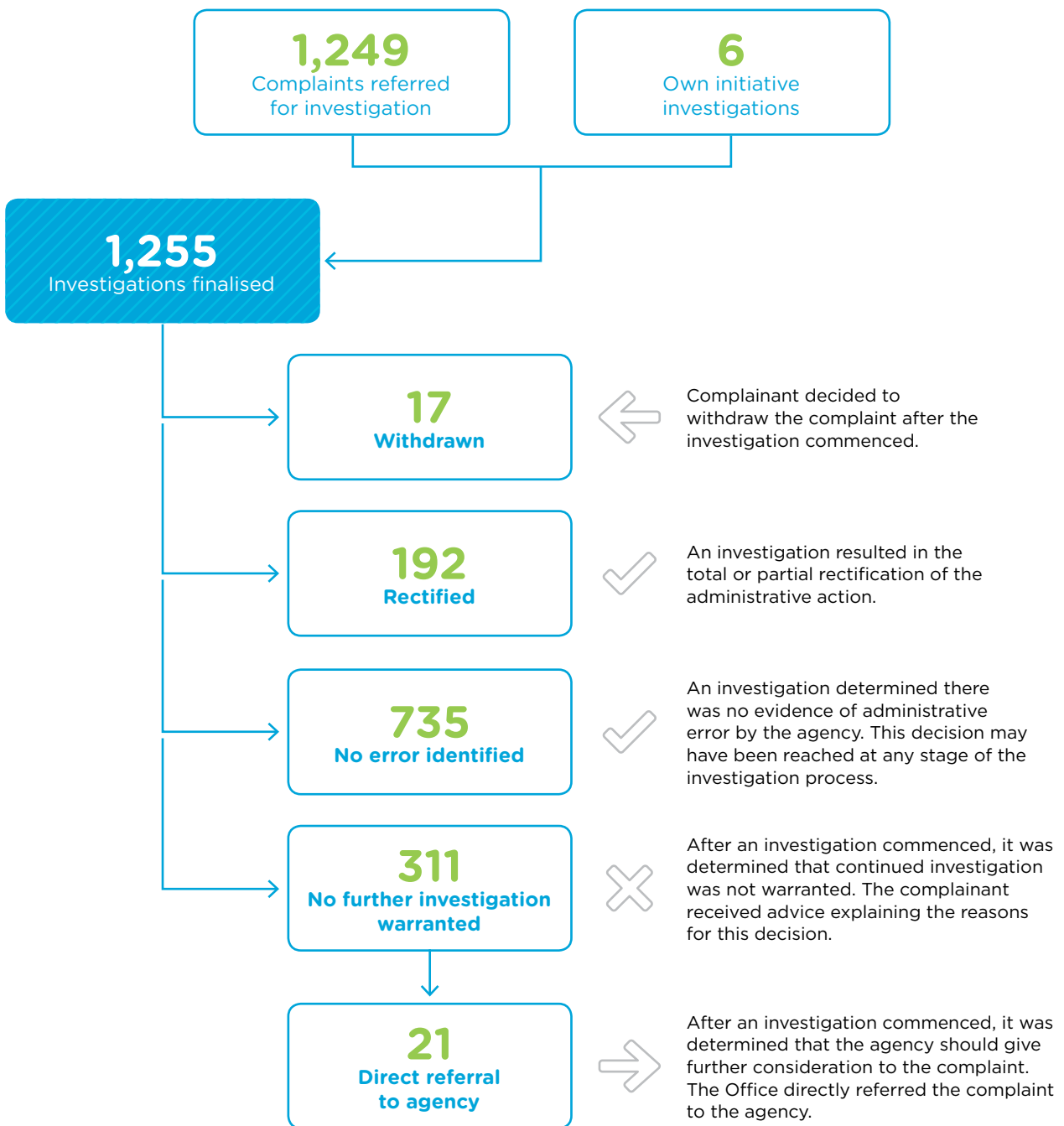
This year, 997 complaints were declined with advice (closed after the preliminary assessment).

The main reasons were:

- the person had an appeal right that should first be exhausted (268 complaints)
- insufficient information was provided by the complainant (206)
- a more appropriate entity could investigate the complaint (243).

In addition, 65 people chose to withdraw their complaint during the preliminary assessment stage. A total of 1,249 complaints were referred for investigation.

## Investigations finalised



An investigation of a complaint determines whether an administrative action by the agency is unlawful, unreasonable, unjust, or otherwise wrong. The process begins with a careful consideration of case information. In cases where systemic administrative error is suspected or the impact is substantial, investigations may be complex and require significant time and resources.

An investigation may be discontinued at any stage. For example, an investigation may be stopped if it becomes apparent that the decision-making was reasonable or that no error is likely to be identified.

## Investigation outcomes

A total of 1,255 investigations were finalised in 2018-19, a decline of 7% on the previous year.

In most of these cases, no error was identified (735 investigations).

In 311 investigations (25% of investigations finalised), continuing the investigation was not considered warranted. The main reasons for not continuing an investigation included:

- further investigation was considered to be unnecessary or unjustifiable
- the complainant was awaiting the outcome of a current decision process
- the complainant was referred back to the agency for internal review
- the complainant had an appeal right that should have been exhausted.

## Rectifications

As a result of investigations, 192 rectifications were recorded. Rectification is achieved in an investigation by formally finding an administrative error or, more commonly, by negotiating a resolution with the agency. A rectification includes a range of outcomes from partly rectified to fully rectified. This year rectifications were achieved in 15% of investigations finalised. This meets the Office's performance target but is a slight decrease on the 20% rectification rate achieved in the previous year.

### State agency outcomes

	2016-17	2017-18	2018-19
No further investigation warranted	264	251	184
No error identified	348	322	401
Rectified	128	168	118
- Informally resolved	120	158	111
- Finding of administrative error	8	10	7
Withdrawn	11	12	7
<b>Total</b>	<b>751</b>	<b>753</b>	<b>710</b>
- State departments	561	540	502
- Statutory authorities	190	213	208

### Local council outcomes

	2016-17	2017-18	2018-19
No further investigation warranted	194	190	110
No error identified	216	164	217
Rectified	71	68	58
- Informally resolved	66	64	57
- Finding of administrative error	5	4	1
Withdrawn	3	8	3
<b>Total</b>	<b>484</b>	<b>430</b>	<b>388</b>

### Public university outcomes

	2016-17	2017-18	2018-19
No further investigation warranted	56	56	17
No error identified	77	71	117
Rectified	33	26	16
- Informally resolved	32	25	16
- Finding of administrative error	1	1	-
Withdrawn	-	-	7
<b>Total</b>	<b>166</b>	<b>153</b>	<b>157</b>

## Investigation recommendations

As a result of an investigation, the Ombudsman may make recommendations to agencies to improve administrative practice. In some cases, an investigation may lead to more than one recommendation.

This year, the Ombudsman made 250 recommendations to agencies. Most recommendations are about improving policy or procedure.

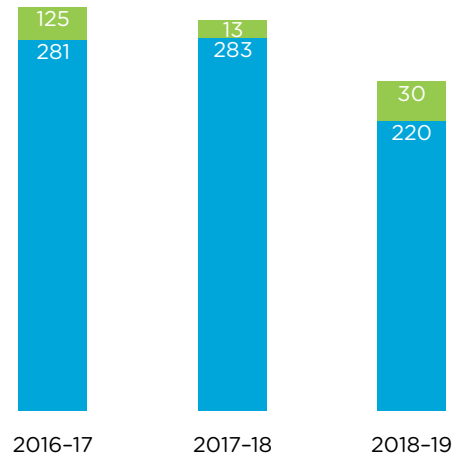
Investigation recommendations categories	2016-17	2017-18	2018-19
Improve policy or procedure	74	68	77
Give better explanation or reasons	29	25	46
Review decision	32	45	30
Expedite action	70	61	29
Change decision	41	46	29
Explanation given by agency	16	12	13
Financial remedy	12	10	9
Admit error or apologise	14	15	7
Follow policy or procedure	8	10	5
Provide training	9	3	3
No action necessary by agency			1
Other	1	1	1
<b>Total</b>	<b>306</b>	<b>296</b>	<b>250</b>

A recommendation may take the form of an *agreed action* or a *formal recommendation*.

An *agreed action* is an effective and timely way of resolving a complaint where an investigation finds evidence of administrative error. Agreed actions are negotiated between the agency and the Ombudsman. Remedies may include a request that the agency remake a decision or provide reasons for a decision, apologise, or provide a refund to the complainant. Of the 250 recommendations made, 220 were agreed actions (283 in 2017-18).

The Ombudsman also has the power to make a *formal recommendation*. In 2018-19, the Ombudsman made 30 formal recommendations to agencies under s 50 of the Ombudsman Act (13 in 2017-18).

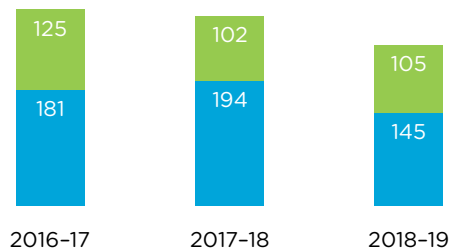
## Investigation recommendations



● Agreed action ● Formal recommendations

## Benefit from recommendations

Recommendations are categorised as either direct or systemic benefit. An example of a direct benefit recommendation would be an apology or a refund. A systemic recommendation is more focused on remedying faults with policies, procedures or practices in agencies.



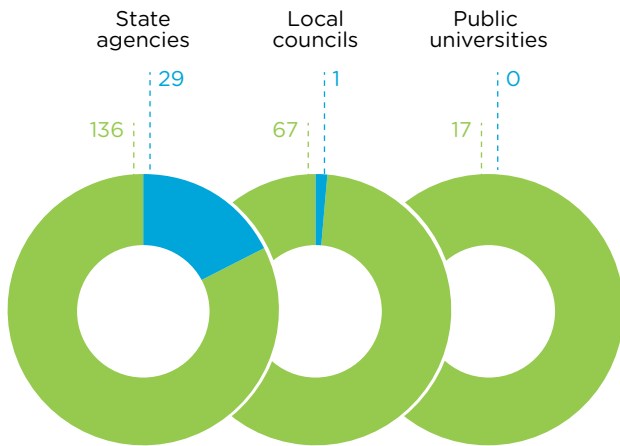
● Direct benefit ● Systemic

The Office continued to achieve a very high rate of agency acceptance of recommendations – 100% of recommendations were accepted by agencies in 2018-19 (where a response had been received from the agency by 28 June 2019).

 **100%**  
recommendations  
accepted by agencies



### Investigation recommendations by agency type



● Formal recommendations under s 50 ● Agreed actions

Of the 165 recommendations resulting from investigations of **state agencies**, 82 provided direct benefit to individual complainants and 83 addressed systemic issues.

Of the 68 recommendations resulting from investigations of **local councils**, 50 provided direct benefit to individual complainants and 18 addressed systemic issues.

Of the 17 recommendations resulting from investigations of **public universities**, 13 provided direct benefit to individual complainants and 4 addressed systemic issues.

### Client satisfaction with complaints services

The Office regularly seeks feedback from clients about their experience in dealing with the Office's assessment and investigation service and uses this feedback to improve services.

Following the 2018–19 survey, 64% of clients reported being satisfied with the service provided. While this is in line with previous survey findings, it is below the Office's target of 80% that was set to align with other service-oriented sectors.

This year's survey found that clients rated Ombudsman officers' respectfulness, professionalism and timeliness as mostly positive. However, a lower rating was awarded for helpfulness.



As the Ombudsman is a final destination for complaint review and some 83% of matters investigated result in an outcome of 'no error identified' or 'no further investigation warranted', the Office will focus on improving communication with clients to ensure outcomes are clearly explained and understood.

## Child safety

### Investigations

The Office continued to have a significant oversight role regarding complaints about child safety. The Ombudsman received 513 complaints in relation to child safety matters (421 in 2017-18). Of these, 135 were assessed as involving harm or risk of harm to a child or young person (111 in 2017-18).

Where the Ombudsman assessed that the complainant had not yet raised their concern about harm or risk of harm with the Department of Child Safety, Youth and Women (DCSYW), they were immediately transferred to the nearest Regional Intake Service (RIS). The Ombudsman then followed up with the RIS the next business day to confirm that the child protection concerns were received and assessed.

Where the complainant had notified DCSYW about the alleged harm or risk of harm and was complaining about its response, the complaint was handled through the Office's normal assessment process.

In 2018-19, the main issues the Ombudsman received complaints about included:

- child protection orders (case management, placements, contact conditions)
- case management during court assessment or temporary assessment orders
- communication by child safety officers
- assessment of notifications of harm.

	2016-17	2017-18	2018-19
Child safety complaints (cases)	358	421	513
Child safety complaints (cases) with notification of harm or potential harm <sup>1</sup>	111	111	135

1. In 2016-17 the Ombudsman reported receiving 53 child safety complaints with notification of harm or potential harm. This has been corrected to 111.

### Investigation outcomes

In 2018-19, the Office conducted investigations in respect of 33 complaints. Rectifications were achieved in 21% of those investigations.

### Management of Child Safety Complaints Report (2016)

In 2016, the Ombudsman released the *Management of Child Safety Complaints Report* resulting from his investigation into the child safety complaints management processes within the Department of Communities, Child Safety and Disability Services (the Child safety report).

The department accepted all five of the Child safety report's recommendations and undertook to implement several internal systems and strategies. The Ombudsman monitored progress of the implementation and, in August 2017, was satisfied that all the recommendations had been implemented.

### Training and engagement

Officers from the Department of Communities, Child Safety and Disability Services also received support from the Ombudsman in managing complaints including: participating in training programs, advice about policy and procedure and PIDs.

In addition to departmental training the community engagement program included presentations to child safety related organisations and participation in events.

## Improving service and recordkeeping for children in care

A public interest disclosure was made to this Office about concerns that some cases were not managed appropriately at a child safety service centre.

This Office's investigation found inadequate recordkeeping had resulted in significant practice failures. In some cases, as insufficient records had been kept, it could not be determined if the department had taken appropriate action in response to reports made about harm to children. The investigation also found that there were significant delays in returning phone calls to family members of children in care and service providers.

### **The result**

The department acknowledged that it took the preliminary findings seriously and was committed to delivering high quality services to children and families. In response to the issues raised in the investigation, the department agreed to implement a quality improvement process at the service centre. The department has completed a review report and will now develop an improvement plan.

# Case studies

In all case studies in this report, names of people have been changed to protect confidentiality.

## Result categories



Improving communication



Improving policy, procedures or service



Proper application of rules



Too early for this Office - referred to agency for action



Investigation found agency's original decision was reasonable

## State government agencies

### Workplace injury procedures



Rachel was psychologically injured at work. She successfully claimed assistance from a statutory authority but was unhappy with how the claim was handled. She made a complaint to the agency and asked for compensation as she had been prevented from returning to work. Rachel did not receive a written response although she was told procedures had changed as a result of her complaint.

Rachel then contacted this Office. Her complaint was assessed as too early for investigation as she had not yet received a formal response.

With Rachel's consent, the Office directly referred her complaint to the agency.

#### The result

The agency chief executive officer (CEO) wrote to Rachel to apologise. The CEO confirmed the agency had considered her feedback in a review of its processes to improve customer experience. The CEO also provided Rachel with an assurance that her damages claim would be processed promptly.

### Inadequate telephone access from youth detention centre



A young person at a youth detention centre complained to this Office that he was unable to telephone a public sector complaints agency from the centre.

The Office made enquiries with the centre and was advised that the telephone system could store a very limited range of numbers for each person and this included personal contacts and public sector agency contacts. Concerned by this response, Ombudsman investigators went to the centre and spoke to relevant staff. It was found that the telephone system could be used to store more numbers on a common auto dial

list for all young people to access, in addition to the young person's own list of personal contacts. A common auto dial list provides unlimited access to public sector agencies that a young person may need to contact.

#### The result

The Office made an informal recommendation to the centre that it add the telephone numbers of relevant public sector agencies to the common auto dial list. The centre accepted the recommendation.

## Prisoner transfer problems



After a prisoner-on-prisoner assault, Tim was temporarily held in a correctional centre's detention unit on a safety order. He complained to this Office that he was being denied basic items, such as toiletries and underwear. He objected to the safety order conditions and said he had not been given timely advice about the reasons for the order. Tim also complained about being accommodated near the alleged perpetrator of the assault. When Tim contacted the Office, he told us he had complained to the centre's general manager but had not yet received a formal response.

Ombudsman officers contacted the centre and found there were other concerns that Tim had attempted to raise with centre management. It was unclear which issues had been submitted to the general manager using the centre's complaints management process.

### The result

With Tim's consent, this Office directly referred a summary of his complaint issues to the general manager for response. Following this referral, the general manager confirmed that Tim was transferred to a low security facility.

## Water meter problems



Leonie contacted her water service provider as she was unable to read the water meter for her property. The provider replaced the meter the next day without advising her. Later, Leonie received a bill for high water consumption that she believed was due to the original meter being faulty. Leonie complained that the provider discarded the meter before she could request that it be tested for accuracy.

The Office's investigation found that the provider had not adequately communicated with Leonie about replacing the meter. It was also confirmed that the meter could not be tested as it had been disposed of within a couple of days of being replaced.

The *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009* and Customer Water and Wastewater Code do

not oblige providers to keep meters for any defined period.

### The result

This investigation led to the service provider agreeing to waive a component of the water charges on Leonie's account. It also highlighted improvements the provider could make to its procedures for other clients. The service provider agreed to extend the period of time that water meters are kept after removal. The provider improved communication strategies. This included agreeing to develop a new postcard to be left at customer properties after a meter is replaced, developing better scripting information for its call centres and putting information on its website about its regular water meter replacement program.

## Review of Disability Parking Permit application process



Angela applied for an Australian Disability Parking Permit (ADPP) on behalf of her son Liam. In her application, Angela provided information that Liam's primary disability or medical condition was Downs syndrome, which severely restricts his ability to walk. This was identified as a permanent condition by a doctor. The application was refused, so Angela provided further information regarding Liam's open-heart surgery, how he gets breathless when he has to walk too far and trips over his feet.

The department informed Angela that the additional information did not indicate a functional inability to walk and the original decision to refuse the ADPP was upheld.

This Office's investigation found that even though a doctor certified that Liam's mobility restriction met the criteria set out in s 60 of the

Traffic Regulation 1962, the department refused the application. The department did not ask Angela to provide further medical evidence that would have helped the department come to a decision regarding the application. This is an option available under the regulation.

### The result

The department reconsidered the application and granted the ADPP to Liam. As a result of the issues raised in the investigation, the department decided to review the ADPP application form and the review of decision form. The forms were updated to make the application and review requirements clearer. The department also made changes to the process for reviewing a decision to ensure that the applicant will be contacted if further information is needed.

## Prisoner reimbursed for missing wedding ring



David was arrested and detained at a watch house before being transferred to a correctional centre. As part of this process, David's property was collected to be transferred with him. Watch house records listed David's wedding ring as part of that property. When David arrived at the correctional centre and asked about his property, the correctional centre informed him that there was no wedding ring in his property.

David lodged a complaint with the correctional centre's management. He was advised that there was no record of his wedding ring being processed upon his entry into the centre.

David subsequently complained to this Office. The investigation found that David's wedding

ring had been correctly accounted for and transferred with his property from the watch house to the correctional centre. This meant that the wedding ring had been misplaced while in the possession of correctional centre officers.

### The result

When the correctional centre realised the error, it agreed to reimburse David for the cost of the wedding ring. David provided a description of the wedding ring and sourced a quote from a reputable jeweller. The correctional centre agreed to reimburse David \$725 for the misplaced wedding ring.



## Managing tenancy issues



Jerry was a tenant of the Department of Housing and Public Works. His neighbour, Al, was also a tenant of the department and was subject to a Tenancy Management Plan (TMP). The department uses a TMP to support vulnerable tenants to sustain their tenancy. The plan outlines the ways the department will proactively work with a tenant to stop disruptive behaviours occurring and help the tenant to meet their tenancy obligations.

Jerry was assaulted by Al and suffered a minor head injury. As a result, the department relocated Jerry to another property. The department had previously failed to take any action in response to Jerry's complaints about Al, which were made on a regular basis prior to the assault.

This Office's investigation considered the *Residential Tenancies and Rooming Accommodation Act 2008* and the department's relevant policy and procedures, particularly focusing on tenancy management and responding to complaints about disruptive behaviour of its tenants.

### The result

Following recommendations made by the Office, the department apologised to Jerry, stating that it had not properly managed his complaints in accordance with its policy and procedures. The department amended its TMP document to include consequences and options to take if the plan is not followed by a tenant, and the department's written procedures were updated to incorporate the new plan.

## Patient Travel Subsidy Scheme decision



Barney was seeking support under the Patient Travel Subsidy Scheme (PTSS) from a Hospital and Health Service (HHS). In an earlier clinical decision, Barney had been excluded from a treatment program for a serious health condition. Barney was advised by the HHS of the appeals process regarding this decision and of his right to seek a second opinion through his treating specialist at the local hospital.

Barney took a different course of action. He sought a referral from his general practitioner to a hospital interstate and he underwent a medical procedure at the interstate hospital. Later, Barney applied to the local HHS for funding under the PTSS. Barney was advised he was ineligible for the PTSS because:

- PTSS has a policy of providing transport and accommodation assistance to patients who need access to essential medical services not available at a local public hospital/health

facility or within 50 kilometres of their local public hospital/health facility

- Barney underwent a procedure which is available in two hospitals in his local area in Queensland
- PTSS does not cover travel for second opinions.

### The result

Barney complained to this Office that he was dissatisfied with the decision to deny him support under the travel scheme. Barney had finished the HHS's internal review process and the Office decided to investigate. The investigation considered Barney's complaint and information from the HHS about its policies and practice. The investigation found the HHS had correctly applied the relevant policy and the decision to refuse Barney's application for PTSS was reasonable.

## Local councils

### Dealing with a sensitive family issue



Bill is the elderly father of a child that was stillborn in the 1960s. In 2018–19, Bill discovered that two years earlier an application was made to council by a funeral home on behalf of the child's mother for the exhumation of his child's remains. Without his knowledge or consent, a council officer had approved the application. Following exhumation, the remains were taken by the mother for re-interment in another local council area. The father wanted the remains re-interred in the original burial place.

After receiving Bill's complaint, this Office considered the requirements of the council's local law dealing with the disturbance of human remains in cemeteries. One of the key factors under the local law is evidence of the wishes of the deceased and the relatives of the deceased. The mother provided a letter to the council officer stating that Bill was in a nursing home and suffered from dementia. She stated she intended to take the remains back to Bill.

The council officer considered the possibility of the existence of other relatives of the child. However,

as the child was stillborn, there was no birth or death certificate. In the absence of certificates, the council officer was uncertain how they could obtain names and contact details of other relatives. The council officer accepted the mother's application without any further testing of the claims made.

When this Office queried the sequence of events, council accepted that the council officer should have insisted on a statutory declaration from the applicant containing details about the father and whether he agreed to the exhumation.

#### The result

Council wrote to Bill explaining the circumstances of its acceptance of the application and apologised for the impact of its decision. Council was unable to assist with Bill's request to re-inter the remains as they were now in the mother's possession.

Council agreed to review the local law to align it with contemporary community expectations and strengthen evidentiary requirements to ensure the wishes of any close relative of the deceased are identified and taken into account.

### Pool safety improved



Mandy complained that a pool in her local area was unsafe. The fencing seemed inadequate. The area around the pool was overgrown; branches extended into the pool area and over the adjacent footpath. Mandy said that she had contacted the local council and made follow-up calls over a 12-month period. The situation remained unchanged and council had not communicated with Mandy.

As Mandy had not yet made a formal written complaint to council, it was considered too early to start an Ombudsman investigation. However, as Mandy had made reasonable attempts to have the matter addressed, with her consent, the Office directly referred the complaint to council.

#### The result

Council investigated the complaint and provided Mandy with information about the actions taken. Council took legal action against the property owner for non-compliant pool fencing and a failure to comply with an enforcement notice. Council also issued the property owner with a hazardous vegetation eradication notice and this led to the removal of the overhanging branches. Council scheduled further site inspections to ensure the property owner's ongoing compliance with the vegetation notice.

## Development approval leads to access problems



A small rural development was approved by council in the 1990s. Access to the development included culverts over an open drain but these collapsed during a recent cyclone.

The residents exhausted the complaint management systems of both the Department of Transport and Main Roads and the council. Both the department and the council believed reconstruction was ultimately the residents' responsibility. The residents subsequently complained to this Office.

This Office's investigation found that when council assessed the initial development proposal, it purposely decided not to accept the department's recommendations for access to the development from a newly constructed local road rather than from the main road. The council instead approved a temporary access from the main road, which included a gravel entrance leading to culverts spanning the open drain.

The investigation found that the 1990s development approval did not deal with moving

beyond the approved temporary access to a permanent access.

### The result

While the investigation did not find administrative fault by the council or the department, there was clearly a need and an opportunity for the parties to work together to resolve the access difficulties. The council and residents agreed to the Office's recommendation for a staged approach to the matter.

Firstly, using its engineering expertise, the council would prepare preliminary design options for the culvert replacement and consult the residents on a preferred design. Based on the preferred design, the council would seek agreement with the department for the works. The council would then consult with the residents about funding options. Other issues relating to future maintenance and replacement would also be dealt with as part of the consultative process. This planned approach is now in progress.

## Inconsistent use of public park by council



Leon complained to this Office that his local council was improperly using a public park as a base for dredging activities on an adjacent waterway and that they had permitted commercial activities in the public space. His primary concern was that noise from these activities affected local residents. Records indicated that the park was state land provided to the council in trust for the purposes of 'parks' and 'recreation'.

Noise complaints are ordinarily managed under environmental protection legislation. However, the more fundamental question of land use was the focus of the Office's investigation. The investigators considered the requirements of the *Land Act 1994*, administered by the Department of Natural Resources and Mines, and relevant state government procedures relating to inconsistent uses of state land.

A private commercial operator was working from the site on agreement from the council. Council informed the investigators that the activities were considered to be in the public interest.

The investigation sought submissions from the council and the department. The department confirmed that the activities were inconsistent with the trust purpose of 'parks' and 'recreation'.

### The result

The council agreed that it held obligations under the Land Act as trustee. A meeting was expedited between council and departmental officers to explore the department's requirements, including the possible development of plans by council that would enable the activities to continue, with proper monitoring and controls in place.

## Public universities

### Giving proper consideration to exceptional circumstances



Maria was unable to attend her exams because she was recovering from injuries suffered in an accident. She neglected to apply for a deferred exam within the required timeframe and her late application was refused by the university.

Maria appealed the decision and outlined her situation. She was unfit to attend her exam as she was receiving medical treatment for significant injuries and had been hospitalised twice. She missed the deadline to submit a deferral for one subject by only two days and submitted a request for another subject within the timeframe, though not through the proper channels.

On another occasion, Maria had requested deferred examinations. On this appeal, she stated that she was unaware of the process and cut-off dates for requests. The university dismissed the appeal due to Maria having previous knowledge of the processes and not meeting the criteria for extenuating circumstances.

After receiving Maria's complaint, this Office's investigation agreed that the university must strictly adhere to its rules to provide consistency and equity to all students. However, the investigation also found that the university had placed too much weight on Maria's previous knowledge of the deferred exam process and insufficient weight on her medical circumstances. The university acknowledged the student's significant injuries and that it was reasonable that this impeded her ability to submit her request on time.

#### The result

The university agreed to set aside the original appeal decision and upheld Maria's appeal for deferred exams.

Decision-makers should give appropriate consideration and weight to situations that may amount to exceptional circumstances, where a more flexible application of rules may be required.

### Approval of university transfer request



Eli, an international student, complained to this Office about a university's decision to refuse his request to transfer to another university.

The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018), which is established under the *Education Services for Overseas Students Act 2000*, sets nationally consistent standards for the delivery of courses to international students.

Standard 7 of the National Code 2018 requires a university to have a policy and process for assessing international student transfer requests prior to the student completing six months of their principal course. Eli's visa was conditional on completing the university's pathway program and an undergraduate course at the university (principal course). Following completion of the pathway program, the student listed his course

preferences. The university alleged that Eli had accepted its offer to study and had provided no other reason for the transfer request other than a change of mind, which was not allowed under the university's policy.

This Office's investigation found that Eli did not accept the initial offer made by the university because that course was not his first preference. The university then made a second offer, this time to study his preferred course. However, this offer was sent to Eli's overseas agent and he did not receive it. During this time Eli received an offer to study his chosen course at another university.

In light of the observations made by this Office that Eli did not accept any of the offers made by the university, the matter was reviewed and the university approved the transfer request.

## Enrolment reinstated



Sunil, an international student, was advised by a university that it had decided to cancel his enrolment due to unsatisfactory performance.

The National Code of Practice for Providers of Education and Training to Overseas Students 2018 (National Code 2018), which is established under the *Education Services for Overseas Students Act 2000*, sets nationally consistent standards for the delivery of courses to international students.

Standard 8 of the National Code 2018 requires a university to monitor international students' course progress to ensure they are in the position to complete the course within the expected duration. The university will notify the student of its intention to cancel their enrolment if the student continues to perform unsatisfactorily. The student can appeal the decision if the university's process was not followed correctly or if the student can

demonstrate that their poor performance was due to extenuating circumstances.

Sunil appealed the university's decision and was unsuccessful. The university considered Sunil's supporting evidence and decided it was in his best interests to take a break from his studies to seek medical treatment. The university determined that this break would give him the best chance to return to his studies and successfully complete the course. Sunil subsequently complained to this Office.

During the investigation of the complaint, Sunil provided further medical evidence, which disagreed with the university's interpretation of the evidence and clarified he had capacity to continue studying while remaining under the care of his treating medical practitioner. The university acknowledged the new evidence and changed its decision, so Sunil was allowed to continue with his studies.

## Deferred exam not granted



Ella was due to sit a university exam. In the early hours of the morning of the exam, Ella became unwell. She felt she was too unwell and tired to attend the exam. Two days after the exam, Ella went to the doctor, described the symptoms she had been suffering on the morning of the exam and obtained a medical certificate. The medical certificate stated 'Ella advised she had a medical condition and was unable to attend her exam on <date>'. Ella applied to sit a deferred exam and the university denied the application.

Ella was not permitted to resit the exam as the medical certificate did not contain the doctor's medical opinion of her symptoms. Ella argued the doctor was unable to provide an opinion as they did not see her symptoms as the symptoms had passed by the time she visited the doctor.

Ella worked through the university's complaints management system, including seeking an 'internal review'. The university told Ella they had considered her complaint, under their Assessment Policy, but they did not agree that she should be allowed to resit the exam.

Ella complained to this Office as she was dissatisfied with the university's decision. The Office's investigation considered Ella's complaint and information from the university about how it had reached its decision.

### The result

The investigation found the university's decision was reasonable and made in accordance with its Assessment Policy. Ella was unable to sit a deferred exam.

# Improving decision-making

## Engagement, training and advice



...to improve the quality of decision-making and administrative practices and procedures in agencies.

From section 5  
*Ombudsman Act 2001*



The Office has continued to deliver an extensive program of administrative improvement initiatives to improve the quality of decision-making and administrative practices in state government, local councils and public universities.

## Training programs

The Office provides a range of training programs for state agencies, local councils and public universities. During 2018-19, the Office delivered training sessions to 4,540 officers, the highest number of officers ever trained by the Office in one year (2,579 in 2017-18).

Training included:

- **Good decisions** - one-day program covering principles of decision-making
- **Complaints management** - one-day program for officers who review complaints and a half-day program for frontline staff
- **Public sector ethics** - half-day course to help officers understand and apply core government values
- **Managing unreasonable conduct** - half-day program on strategies to help manage unreasonable behaviour
- **PID management** - half-day introductory workshop, three specialised modules aligned to the new PID Standards (3-4 hours each) and a one-day PID comprehensive management workshop.

Training is delivered as an agency-specific group session or open training session where participants come from a range of agencies. This year saw a continued increase in demand for agency group sessions. Training delivery on PID management increased significantly to coincide with the release of the new PID management standards.

Training programs were delivered across Queensland. A total of 247 sessions were delivered statewide, including 96 delivered in regional Queensland. Feedback continues to be very positive, with 94% of participants reporting that training improves their decision-making capability.

Appendix C lists agencies that participated in group sessions in 2018-19.

## Improving complaint management systems

The Office undertakes reviews to improve the complaint management systems (CMS) of public agencies. Section 219A of the *Public Service Act 2008* requires public agencies to have a CMS for customer complaints that complies with AS/NZS 10002:2014 *Guidelines for complaint management in organizations*. The *Local Government Act 2009* and related regulations require each local council to have a CMS in place to manage and resolve administrative action complaints.

In 2018-19, the Office reviewed CMSs for five departments and other state agencies and two local councils.

The Public Service Act requires each state government department, by 30 September each year, to publish the previous financial year's complaints information. The Office previously undertook desktop reviews of compliance with 2016-17 reporting requirements. No new reviews of departmental websites were conducted this year as resourcing was redirected to respond to the demand for training. No new council website reviews were conducted this year.

## Administrative improvement advice

Ombudsman education officers provide advice to agencies to improve decision-making, administrative policies, procedures and practice. This year, the Office responded to 57 administrative improvement advice requests from agencies, comprising 45 requests from state agencies and 12 requests from local councils.



## Improving PID management systems

This year, the Office worked extensively with public sector agencies to ensure they were prepared for implementing the new PID Standards. This included quarterly PID Agency Network Training meetings, development and delivery of a range of training programs, information briefings and new website materials.

For more information, see the PID oversight report on page 49.

## Collaboration to meet agency need - Ipswich City Council

In late 2018, in the wake of the report by the Crime and Corruption Commission, *Culture and corruption risks in local government: Lessons from an investigation into Ipswich City Council (Operation Windage)*, the Office was contacted by Ipswich City Council about training for senior executives, managers and supervisors.

The Crime and Corruption Commission report, in part, explored the impact that culture has on corruption risk, with the report noting that contributing factors to the alleged corrupt activity at the council included 'an inability or unwillingness to challenge or report inappropriate conduct; and a fear of reprisal that discouraged reporting'.<sup>1</sup> The report also raised concerns about 'lack of transparency and accountability in decision-making processes'.<sup>2</sup>

In consultation with a member of the Interim Management Committee and senior staff, the Office identified training needs. This included knowledge of the rights and responsibilities of public sector officers to make public interest disclosures (PIDs), the actions managers and supervisors should take when an employee makes a PID and the principles of effective decision-making, including recordkeeping.

The Office's PID and Education and Engagement teams developed a program to match the council's requirements.

The program kicked off with two half-day sessions presented to senior executives in December 2018. These sessions focused on the importance of building an organisational culture that values the reporting of wrongdoing and supports and protects employees who do report. High-quality decision-making was addressed as a fundamental aspect of public sector administration, and trainers provided guidance on the key features of good decision-making.

Between February and May 2019, 14 half-day training sessions were rolled out for managers and supervisors at several council locations. Participants' feedback consistently reported that the training was considered highly relevant and helped officers to improve their decision-making.

1. Crime and Corruption Commission, *Culture and corruption risks in local government: Lessons from an investigation into Ipswich City Council (Operation Windage)*, August 2018, p. 7.
2. Ibid. p. 24.



## Producing public reports



Public reports by the Ombudsman bring systemic issues to the attention of the Queensland Parliament, public sector agencies and the community. The Office published two major public reports in 2018–19:

- *The Brisbane Youth Detention Centre report: An investigation into the management of young people at Brisbane Youth Detention Centre between November 2016 and February 2017*
- *The Sunshine Coast Regional Council regulatory enforcement report: An investigation of actions taken by Sunshine Coast Regional Council in response to complaints about power boat noise.*

Full reports are available online from [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au).

### Brisbane Youth Detention Centre report

*The Brisbane Youth Detention Centre report: An investigation into the management of young people at Brisbane Youth Detention Centre between November 2016 and February 2017* was tabled on 27 March 2019 by the Honourable Curtis Pitt MP, Speaker of the Queensland Parliament.

The investigation examined a number of incidents that occurred at Brisbane Youth Detention Centre (BYDC) between November 2016 and February 2017, which culminated in a violent and destructive riot on 31 January 2017.

The investigation also examined the aftermath of the BYDC riot, specifically the decision to accommodate the young people involved in the riot separately for a period of 10 days. Some of these young people were accommodated in rooms that were intended to be temporary holding areas for young people newly admitted to the centre. These 'admission rooms' did not have beds, running water or bathroom facilities, and had inadequate temperature control and ventilation.

Accommodating young people in the admission rooms for extended periods of time without free access to bathroom facilities, clean drinking water and adequate temperature levels is unreasonable. The isolation and impact of separating a young person requires the highest care and rigour in decision-making, and BYDC's processes were found wanting in this regard.

The deficiencies identified in this report are particularly concerning given the continuing growth in the population of Queensland's two youth detention centres. Projections by the Department of Child Safety, Youth and Women show continuing growth in youth detention numbers in the years ahead, which will continue to offer challenges in managing young people in youth detention.

It is important that the youth justice system, and youth detention centres in particular, are transparent and accountable regarding their practices and in how young people are treated. The report identifies opportunities for administrative practices to be strengthened to ensure that youth detention centres are a safe and secure environment for staff and young people.

The department did not raise any objections to the 17 recommendations made in the report.



## The Sunshine Coast Regional Council regulatory enforcement report

*The Sunshine Coast Regional Council regulatory enforcement report: An investigation of actions taken by Sunshine Coast Regional Council in response to complaints about power boat noise* was published under the authority of the Speaker of the Queensland Parliament on 17 April 2019.

The report found that council failed to complete the necessary step of collecting sufficient evidence to determine whether there was a breach of any provisions relating to environmental nuisance under the *Environmental Protection Act 1994*.

The Ombudsman also considered that council's decision to take no action on the complaint was flawed because it did not comply with council's Compliance and Enforcement Policy 2018.

It is not appropriate for a regulator to reach a conclusion when a complaint is first received that it will not investigate or take any action at all, purely because the issue would not warrant formal enforcement proceedings. Regulators have many available options to meet their obligations, including providing advice and being persuasive.

The Ombudsman recommended council investigate the complaint and, if a breach is found, take appropriate action.

Sunshine Coast Regional Council advised that it would engage a suitably qualified consultant to conduct an independent assessment, including collecting data with a sound level meter. It would also determine what further action may be reasonable and proportionate having regard to the Environmental Protection Act and its policy.



## Reaching out to agencies and the community

As part of the dual role of complaints investigation and improving public administration, the Office undertakes an engagement program to promote agency and community knowledge and understanding about the Office.

The Office continued to produce a range of resources, including newsletters and brochures, to help public agencies and the community. Responding to feedback from readers, the Office's *Perspectives* e-newsletter has been refreshed with a stronger emphasis on case studies and more frequent distribution. The Office has continued to produce *Community Perspective* for community groups.

This year the Office produced a new multilingual information sheet about accessing its services. This was distributed at community events.

Other engagement strategies included:

- targeted distribution of resources to public and community sector organisations
- information sessions
- visiting regional centres.

The Office's Queensland Complaints Landscape (QCL) presentation builds greater awareness and knowledge of the Ombudsman's services and agency complaint management systems. In 2018-19, Ombudsman officers delivered 4 QCL presentations to community groups and, in all, 23 community organisations were involved. The presentation is also available from the Office's website.

The Office's program of community event participation is focused on reaching sectors of the community that may be reluctant to access services or experience difficulty in communicating their needs.

Significant activities included participation in:

- Week activities (Brisbane and Toowoomba) and the Booin Gari event
- three events for homeless people in Brisbane and the Streetlinks event in Ipswich
- Gold Coast, Toowoomba and MOSAIC multicultural festivals
- the MBCFN Colour Run, a child protection week event (Brisbane)
- Multicultural Youth Day
- five university and four TAFE open day or orientation events
- three community events for seniors (U3A Seniors Expo Toowoomba, Leisure & Lifestyle Expo Warwick, and Pittsworth Health Expo).

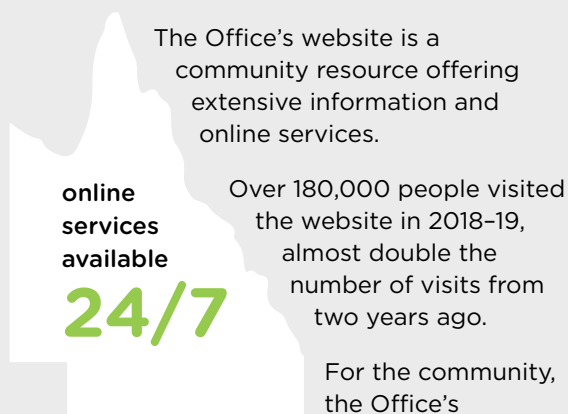
The Office's Regional Services Program (RSP) included visits to 17 regional centres across Queensland. The program is designed to improve awareness of the Office and access to services for communities in regional and remote areas. This year the RSP focused on public agency officers, community/advocacy groups, correctional centres and Members of Parliament (MP) offices. RSP activities included training sessions, local council CMS reviews, correctional centre visits, public sector agency information sessions and QCL presentations for community organisations and staff.

The priority for 2019-20 is to continue to focus on building awareness and relationships with key intermediaries such as community groups, MP offices, regional agencies, and councils to improve complaints management and decision-making.

### Activities in regional Queensland

Complaint issues	2017-18	2018-19
Training sessions	70	96
CMS reviews	12	7
MP office visits	6	4
Public sector engagements / awareness sessions	25	33
Community engagements	24	25

## Anywhere in Queensland at any time



For the public sector, the Office's website has information about complaint handling practice, case studies, public reports and guidance on managing Public Interest Disclosures (PIDs). Information about the Office's training programs, including the training calendar and online booking services, is also provided.

### Accessibility

The Office is committed to improving accessibility.

The website is designed for a range of devices and this year 37% of website visitors used mobile phones or tablets.

The Office's website provides a series of videos that translate a selection of pages into Australian Sign Language, Auslan. These videos, developed in association with Deaf Services Queensland, provide the deaf community with access to the Office's website.

The Office's website offers BrowseAloud, a tool that reads webpages aloud to help people requiring online reading support. The BrowseAloud tool also provides translations to make the site accessible in languages other than English. This year the Office produced a new multilingual information sheet about using these services.

The Office is a certified National Relay Service (NRS) organisation. The NRS is a phone service for people who are deaf or have a hearing or speech impairment. The Office supports Hearing Awareness Week, has included NRS contact information on its website and provides promotional material and NRS information in the induction program for new staff.

[www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au)

# Organisational governance

## Strategic workforce planning and performance

The Office has continued its strong focus on workforce capability as a key contributor to organisational performance. Workforce strategy and performance is overseen by the Ombudsman Management Group (OMG).

Key drivers of the Office's workforce planning include the need to attract and retain a suitably skilled workforce; ensuring that the workforce continues to develop relevant skills to support delivery of the Office's services; and protecting the health, safety and wellbeing of officers. The OMG meets quarterly as the Office's workforce management committee to monitor workforce statistics and oversee recruitment and induction, learning and development, performance management and workforce policy.

### Profile

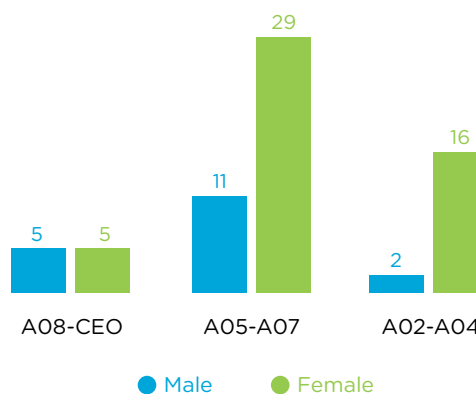
At 28 June 2019, 68 officers (headcount) were employed on a full-time, part-time or casual basis equating to 60.9 full-time equivalents (FTE). The Office's funded establishment is 63 FTE. Ombudsman officers come from diverse professional backgrounds, including law, public administration and business.

The Office workforce turnover for the year was 22% (permanent officers only). In total, 15 permanent officers separated from the Office. This included resignations from six officers who had been away from the Office for an extended period (on leave or temporary appointment in another agency). Of the 15 officers who departed, 8 accepted promotions, 3 moved to another agency and 4 left the public sector.

No early retirement, redundancy or retrenchment packages were paid during the reporting period.

Women make up 74% of the Office's workforce. The Office's equal employment opportunity census showed 21% of staff identified as having a disability and 7% identified as having a language other than English as their first language.

### Gender profile at 28 June 2019



### Workforce strategies

The Office continues to attract strong pools of applicants for all advertised roles.

The Office's capability development program has been structured to respond to four areas of need:

- induction and ongoing mandatory training, such as Code of Conduct
- developing technical competencies
- health, safety and wellbeing
- leadership development.

This year the Office hosted a two-day workshop on advanced administrative investigations delivered by the Ontario Ombudsman. The *Sharpening Your Teeth* program was attended by 60 participants, including 16 Queensland Ombudsman officers. The remaining participants came from other Australian and South Pacific integrity agencies.

Other programs delivered included:

- statutory interpretation
- Right to Information and privacy (introductory and advanced)
- mental health and resilience
- working with diversity (cross-cultural awareness).

In addition to the Office's planned training program, officers identified individual training needs as part of achievement planning, with 63 officers undertaking a total of 28 different individual professional development activities.

The Office spent the equivalent of 2.4% of its salary budget on professional development activities in 2018-19.

In August 2017, the Office participated for the first time in the Working for Queensland Survey, managed by the Queensland Public Service Commission. The Office plans to participate in this survey every second year and the next is due in late 2019.

The Ombudsman's annual awards program acknowledges service and outstanding contributions to the Office. The Ombudsman's Award of Excellence recipient in 2018 was Mr Paul Leo, Manager, Education and Engagement Team.

The Office's Health and Safety Committee continued to promote and oversee workplace health, safety and wellbeing at work in consultation with a qualified safety advisor. Information about health and wellbeing is regularly communicated and officers are encouraged to report hazards. Health and safety initiatives included free flu vaccinations, workstation ergonomic assessments and access to free support programs (such as the Employee Assistance Program).

## Policies

Ombudsman officers are employed under the *Ombudsman Act 2001*. The terms and conditions of officers are set by the Governor-in-Council and are generally aligned to public service standards. The terms and conditions and all workforce policies are available to officers on the Office's intranet. Information about policy changes are communicated through meetings, briefings and the e-newsletter.

The Office's Code of Conduct provides officers with guidance on appropriate ethical standards for work-related behaviour. The code, based on the ethical principles and values contained in the *Public Sector Ethics Act 1994*, is provided to new officers during induction and is published on the Office's website. During this year, all officers attended a refresher workshop on the Code and related issues, such as managing conflicts of interest.

The Office encourages officers to establish balanced work/life arrangements. Officers have access to a range of initiatives including flexible hours of work, accrued time and part-time employment. The Office provides leave for officers who are affected by domestic and family violence. Working parents have access to specific leave entitlements and the Office provides facilities for breastfeeding.

## Organisational performance

The Office is considered a department under s 8 of the *Financial Accountability Act 2009*.

Under this Act, the Office must:

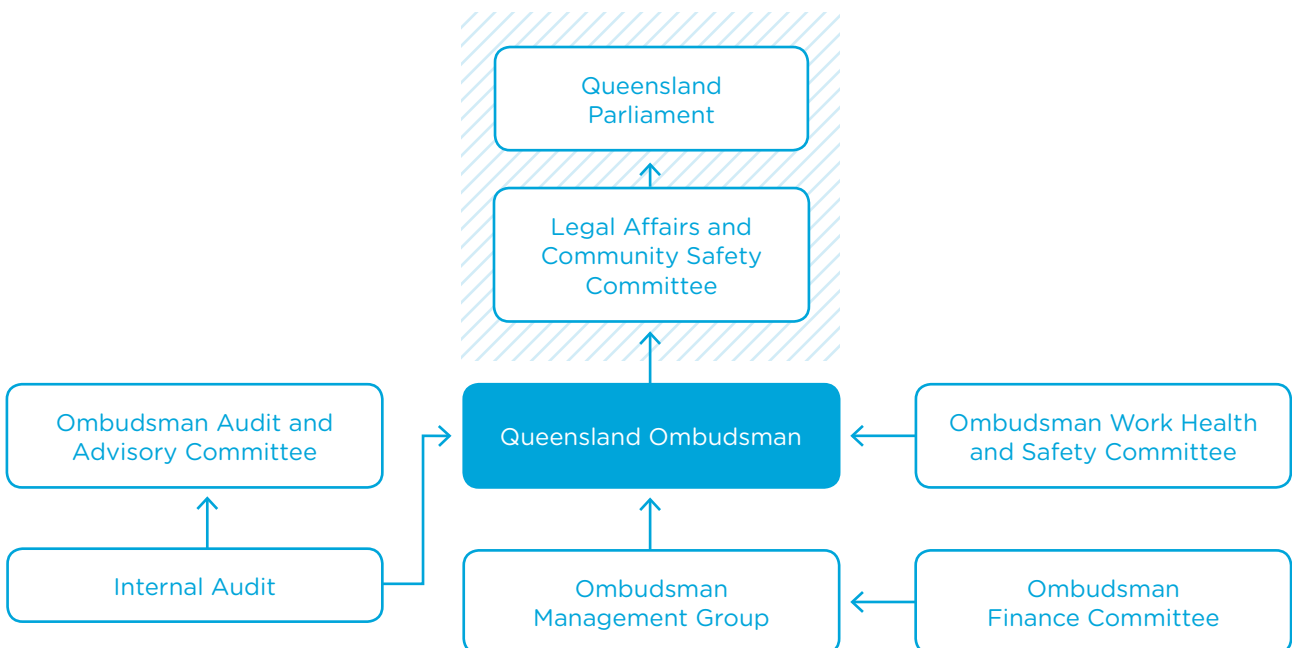
- ensure operations are carried out efficiently, effectively and economically
- establish and maintain appropriate systems of internal control and risk management
- ensure annual financial statements are prepared, certified and tabled in Parliament in accordance with the prescribed requirements
- undertake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

The Office's corporate governance framework ensures:

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

A range of external and internal accountability measures are used by the Queensland Ombudsman.

### Corporate governance framework





## External accountability

### Committees

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

The LACSC:

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

The Ombudsman and senior officers met with the LACSC in February 2019 to review the Office's 2017-18 annual report.

In July 2018, the Ombudsman attended the annual Parliamentary Estimates hearing as chief executive of the Office.

### External audit

The Ombudsman met the timeframes for the preparation of financial reports for 2018-19. The audit report and certificate for the financial statements are contained in Appendix D: Audited financial statements.

### Key external accountability mechanisms

Activity	Description
Legal Affairs and Community Safety Committee	Monitors and reviews the Office's performance and reports to the Queensland Parliament
Estimates hearing	Annual public hearing process to review past and planned financial and non-financial performance
Service Delivery Statement	Annual financial and non-financial performance information published as part of the state budget papers
Annual report	A full and complete disclosure of financial and non-financial performance, tabled in the Queensland Parliament
Strategic review of the Office	Under s 83 of the <i>Ombudsman Act 2001</i> , an independent strategic review of the Office is to be conducted at least every seven years.
External audit - Queensland Audit Office (QAO)	Monitors compliance with financial management requirements  In accordance with the revised auditing standard <i>ASA 720 The Auditor's Responsibilities to Other Information</i> a final version of the annual report will be reviewed by QAO before being tabled to ensure no material inconsistency between the other information and the financial report.



## Strategic review

Section 83 of the *Ombudsman Act 2001* requires that a strategic review of the Office be undertaken at least every seven years. A strategic review includes:

- a review of the Ombudsman's functions
- a review of the Ombudsman's performance of the functions to assess whether they are being performed economically, effectively and efficiently.

On 15 February 2018, the report on the strategic review of the Office, conducted by Ms Simone Webbe, was tabled in the Queensland Parliament. The full review report is available at [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au).

The Legal Affairs and Community Safety Committee subsequently completed an inquiry into the strategic review and published its report in November 2018. A copy of the committee's report is available at [www.parliament.qld.gov.au](http://www.parliament.qld.gov.au).

At a public hearing about the strategic review, Ms Webbe told the LACSC 'that the Ombudsman's role and functions in investigating administrative actions of agencies and in assisting agencies to improve the quality of administrative practices and procedures remain essential, and well-served, elements in the Queensland accountability and integrity system'.<sup>3</sup> Ms Webbe reported to the committee her view that the Office was working well and that the '... recommendations are merely to improve and enhance efficiency, effectiveness and economy...'.<sup>4</sup>

In total, the strategic review report contained 72 recommendations. A number of recommendations either endorsed ongoing strategies or did not require substantial change to work practices. By June 2019, 75% of the recommendations were assessed as completed or implementation was ongoing.

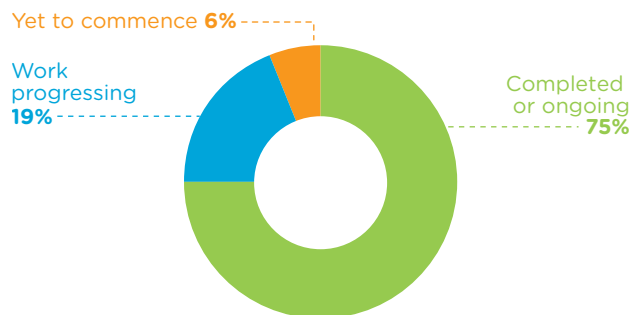
Six of the recommendations called for legislative reform. The Ombudsman has written to the Attorney-General requesting the government's support for making the recommended amendments to legislation.

Work is progressing on a further 14 recommendations to improve communication and engagement with the community and public sector agencies, a review of Office policy and procedures and continued work on induction and professional development of officers.

Four recommendations are on hold, subject to the completion of other work or availability of resources.

The next review of the Office is due to commence prior to January 2025.

### Strategic review recommendations



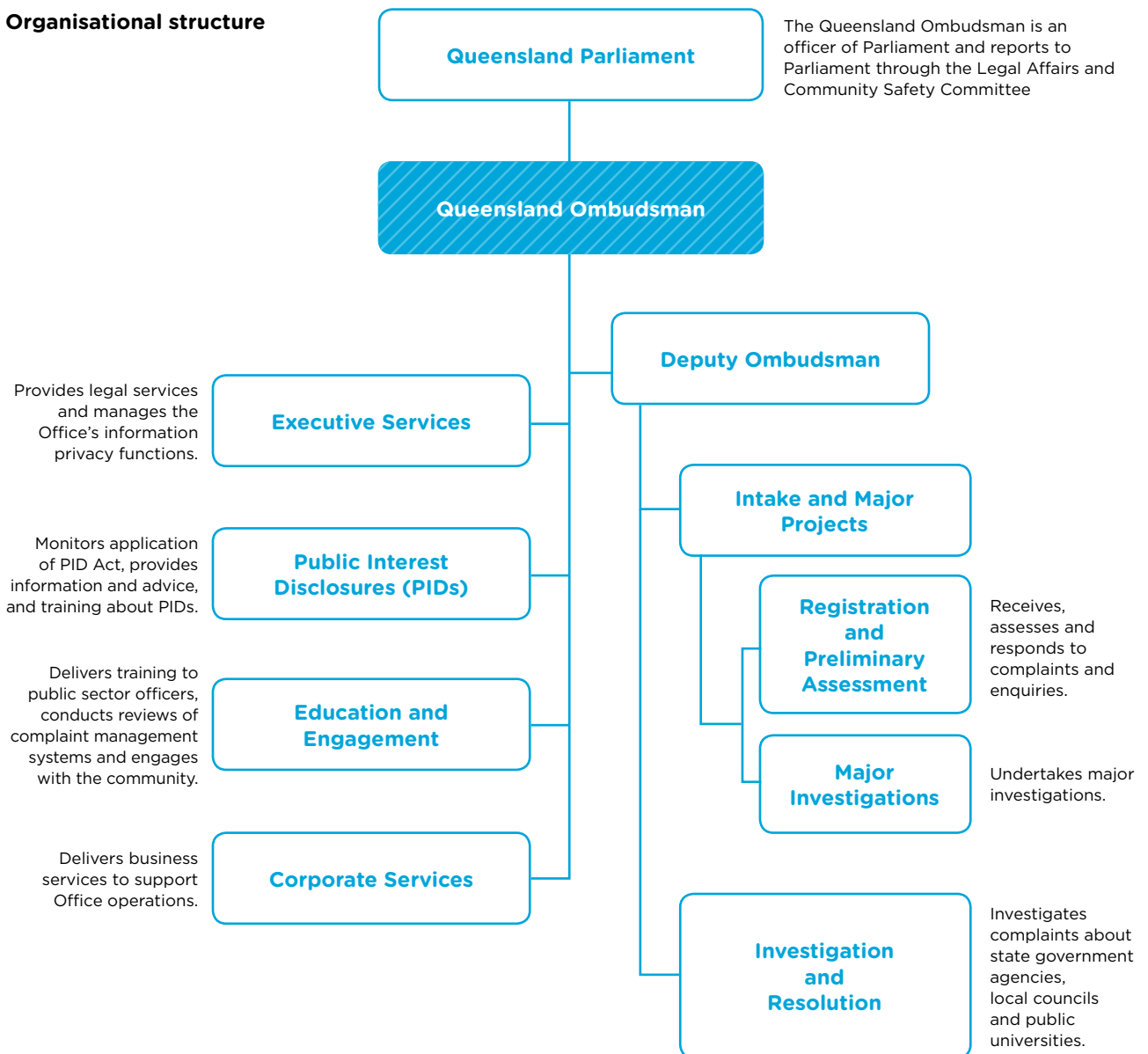
3. Legal Affairs and Community Safety Committee, Public Hearing - Inquiry into the Strategic Review of the Office of the Queensland Ombudsman - Reviewer, 11 June 2018, p. 1.

4. *ibid.*, p. 5.

## Internal accountability

The Office operated under its Strategic Plan 2018–22 during the year. The Office's Operational Plan 2018–19 incorporated the strategic plan's key performance indicators and aligned core business and special projects to responsible officers. Progress against both the strategic and operational plans was reported quarterly to the Ombudsman Management Group (OMG).

### Organisational structure



## Ombudsman Management Group

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

In accordance with the OMG Operating Charter, its responsibilities include:

- advising the Ombudsman on the strategic direction and priorities for the Office and monitoring implementation
- monitoring performance to achieve planned outcomes
- monitoring strategic and operational risks
- providing strategic oversight of major operational activities
- establishing and overseeing the budget to meet performance targets
- ensuring the efficient deployment of resources to meet priorities
- promoting Office-wide ownership of, and involvement in, major operational projects
- identifying and overseeing the implementation of business improvement initiatives
- endorsing policies and procedures.

OMG also serves as the Office's oversight committee for:

- finance
- workforce capability and culture
- communication and engagement
- risk management.

As the finance committee, OMG meets with the Office's Chief Finance Officer (CFO) to plan, monitor and review the Office's budget.

The OMG continued its work in improving the Office's risk management practice. This included review of risk management generally, regular review of risk registers and mitigation actions and work to improve the maturity of risk management in the Office. The Audit and Advisory Committee reviewed the Office's actions in response to strategic risks each quarter. OMG also reviewed and approved the Office's register of compliance obligations.

## Queensland Ombudsman Audit and Advisory Committee

The Audit and Advisory Committee provided independent assurance, advice and assistance to the Ombudsman on the risk, control and compliance frameworks and external accountability responsibilities of the Office as prescribed in the *Financial Accountability Act 2009* and the *Financial Accountability Regulation 2009*.

The committee acts in an advisory role in the development of strategic priorities for, and the operational planning and management of, performance of the Office.

The committee, which meets quarterly, complied with the terms of its charter and had due regard to the Queensland Treasury's Audit Committee Guidelines and overviewed the finalisation of the annual financial statements of the Office.

At every meeting, the committee meets with the Head of Internal Audit, internal and external auditors and the CFO. The committee exercised independent oversight of the Office's implementation of all audit recommendations.

The committee is comprised of two independent external members and an internal member.

At 28 June 2019, committee members were:

- Ms Terry Campbell (Chair)
- Mr Mark Nix
- Deputy Ombudsman, Ms Angela Pyke (appointed August 2018).

Ms Jessica Wellard, as acting Deputy Ombudsman, was a committee member to August 2018.

Only external members are eligible to receive payment. In 2018-19, Ms Campbell was paid \$2,860 and Mr Nix was paid \$2,040.

## Internal audit

Internal audit adhered to the approved Internal Audit Charter. The Institute of Internal Auditors' International Professional Practices Framework (IPPF) requires that a charter be developed. The Internal Audit Charter is consistent with IPPF Implementation Guides IG 1000 and 1010. Independence of the audit function is maintained by reporting directly to the Ombudsman, with a subsidiary reporting relationship to the Audit and Advisory Committee.

The Head of Internal Audit role is undertaken by the Director Internal Audit, Department of Justice and Attorney-General, who manages an outsourced audit function. Bentleys (Qld) Pty Ltd is contracted to provide internal audit services.

## Internal audit activity

Activity	Description
Delivery of annual and strategic audit plans and monitoring and improving financial accountability, internal control processes and business practices	Developed and delivered a risk-based annual plan of audits. Five internal audit reports were completed covering assurance about, and improving effectiveness of, controls, systems, project management, operations and risk management.  Achieved management acceptance of a high percentage of audit findings with 23 recommendations issued during the year.
Review of the effectiveness of internal controls in mitigating risks	Conducted risk analysis as part of the annual audit planning process, together with assessments during specific audit engagements.

## Executive management

### Phil Clarke

#### Ombudsman

Mr Clarke was appointed Queensland Ombudsman in 2011.

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

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

He holds a Bachelor of Applied Science (Surveying), a Master of Regional Science and a Diploma of Teaching (Technical and Further Education). He is a Member of the International Ombudsman Institute, a Member of the Planning Institute of Australia and a Graduate of the Australian Institute of Company Directors.

### Angela Pyke

#### Deputy Ombudsman

Ms Pyke joined the Office in August 2018 as Deputy Ombudsman.

Before being appointed Deputy Ombudsman, she was Director of Financial Investigations with the Crime and Corruption Commission. Her career in the public sector spans more than 20 years. She commenced work in the Department of Primary Industries before undertaking roles in law enforcement as a financial investigator, working for the Queensland Crime Commission, and the Australian Crime Commission.

Ms Pyke holds a Bachelor of Commerce, majoring in Accounting. She is a Certified Practising Accountant and a Graduate of the Australian Institute of Company Directors.

### Craig Allen

#### Assistant Ombudsman

Mr Allen was appointed Assistant Ombudsman in 2000. In 2012, Mr Allen was appointed to the Investigation and Resolution Unit, overseeing investigations about local council complaints. He joined the Office as a senior investigator in 1999.

He has extensive experience in finance, operations, policy and legislation, which he had gained while working previously with the Department of Local Government and Planning and the Brisbane City Council. Mr Allen holds a Bachelor of Business, with majors in local government and law.

### Peter Cantwell

#### Assistant Ombudsman

Mr Cantwell joined the Office in 1997 as an investigator and was appointed as an Assistant Ombudsman in 1999. He has wide experience across the Office having led major investigations, training, community engagement and intake functions.

Before joining the Office, he was a solicitor in private practice for almost 20 years. For most of this time he was a partner in the Brisbane office of a major Australasian law firm and practised in the areas of commercial law, incident investigation, coronial law, work health and safety, and administrative review. Mr Cantwell is also an experienced workplace trainer and holds a Bachelor of Laws with Honours.

## **Kylie Faulkner**

### **Assistant Ombudsman**

Ms Faulkner was appointed as an Assistant Ombudsman in April 2019 and leads a team that investigates complaints about state government agencies and public universities.

Ms Faulkner joined the Office in 2009 as a principal investigator. She recently worked for another of the Queensland Government's integrity agencies, before rejoining the Office. During her previous eight years with the Office, she led major investigations and helped establish the Office's intake processes. Ms Faulkner has experience in leading and managing complex administrative investigations in both the public and private sectors in Australia and the United Kingdom.

She holds a Bachelor of Laws with Honours and a Bachelor of Business (Economics).

## **Leanne Robertson**

### **Director, Corporate Services**

Ms Robertson manages the Office's services in finance and facilities, information technology, human resources, communication, governance and performance reporting.

In previous work for the Office, Ms Robertson managed the Public Interest Disclosure Act oversight role, from 2012 to 2016, and undertook senior project roles in communication, governance and business improvement.

Ms Robertson has more than 25 years' experience in the Queensland public sector and has worked in departments including Justice and Attorney-General and Employment and Industrial Relations in human resources, governance, communication and policy roles. She holds a Bachelor of Business, a Graduate Diploma in Business Administration and a Graduate Certificate in Professional Legal Studies.

## **Jordan Welke**

### **Assistant Ombudsman**

Mr Welke joined the Office in 2016 as acting Assistant Ombudsman, Investigation and Resolution Unit. He was appointed Assistant Ombudsman in March 2019.

Prior to joining the Office, Mr Welke held regulatory roles in education and health. He has been a legal practitioner with Legal Aid Queensland and in private practice, working in both civil and criminal law. Mr Welke holds a Master of Laws and Bachelor of Applied Science with a major in Physics.

## **Jessica Wellard**

### **Assistant Ombudsman**

Ms Wellard first joined the Office in 2007 as a senior investigator and returned in 2015 as an Assistant Ombudsman. She has wide experience across the Office including both the investigation and major investigation functions. Before joining the Office, she was a solicitor in private practice at major Australian law firms. In 2014, Ms Wellard was appointed the Director (Investigations) to set up the investigation and compliance function at the Office of the Health Ombudsman.

Ms Wellard holds a Master of Criminology, Bachelor of Laws with Honours, Bachelor of Arts in Psychology, Graduate Diploma in Legal Practice, and a Graduate Certificate in Business.

Ms Wellard acted as the Deputy Ombudsman from November 2017 to August 2018. In December 2018, Ms Wellard accepted a temporary appointment with another agency. At 28 June 2019, Ms Wellard was continuing to work with that agency.

## **Geoff Airo-Farulla**

### **Assistant Ombudsman**

In May 2018, Dr Airo-Farulla accepted a 12-month temporary appointment outside the Office. In May 2019, Dr Airo-Farulla was permanently appointed to another agency.

# Financial summary

## Managing the budget

The Office ended the year in a secure financial position with adequate reserves and forecast income to fulfil its statutory responsibilities for 2019–20.

In 2018–19, the Office reported an excess of expenditure over income of \$0.022 million.

Operational expenditure totalled \$9.179 million. This represented a 6.8% increase in expenditure from 2017–18.

## Funding and revenue

The majority of funding was received as appropriation from the Queensland Government. Revenue is also generated from training programs offered to agencies on a partial cost-recovery basis.

## Expenses

The biggest cost in delivering the Office’s services is employee expenses, which combined with payments to employment agencies, represent 76% of total expenditure. A further 8% is committed to accommodation rental with the remaining 16% expended on general operating costs, including other property expenses, information and telecommunication costs.

## Assets

At 30 June 2019, the Office’s assets totalled \$2.091 million, which comprised:

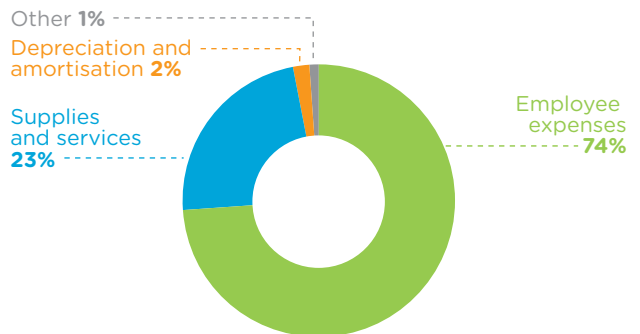
- plant and equipment \$0.369 million
- intangible assets \$0.083 million
- receivables and prepayments \$0.261 million
- cash at bank \$1.378 million.

## Liabilities

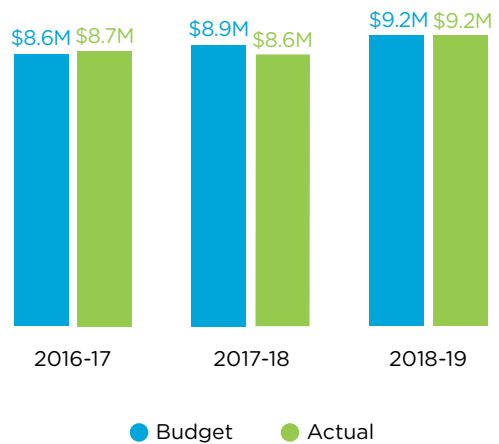
As at 30 June 2019, the Office’s liabilities totalled \$0.576 million, which included:

- \$0.263 million in accounts payable
- \$0.313 million owing to employees.

### Expenditure 2018–19



### Total expenses



The audited financial statements are shown at Appendix D.

**Financial summary 2018-19**  
**- Income statement**

	Budget \$'000	Actual \$'000	Variance \$'000
Direct appropriations	8,757	8,327	(430)
User charges	368	679	311
Goods and services below fair value	0	112	112
Other revenue	35	39	4
<b>Total income</b>	<b>9,160</b>	<b>9,157</b>	<b>(3)</b>
Employee expenses	7,475	6,806	669
Supplies and services	1,515	2,068	(553)
Depreciation and amortisation	183	169	14
Other expenses	32	136	(104)
<b>Total expenses</b>	<b>9,205</b>	<b>9,179</b>	<b>26</b>
<b>Operating deficit</b>	<b>(45)</b>	<b>(22)</b>	<b>23</b>

**Financial summary 2018-19**  
**- Balance sheet**

	Budget \$'000	Actual \$'000	Variance \$'000
Cash assets	957	1,378	421
Receivables and prepayments	356	261	(95)
Payables (including employee benefits)	521	576	(55)
Capital/contributed equity	1,275	1,515	240



# Public interest disclosures oversight report

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

The *Public Interest Disclosure Act 2010* (PID Act) facilitates disclosure, in the public interest, of information about wrongdoing in the public sector. The PID Act also provides protection for those who make disclosures.

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

Under the PID Act, the oversight functions include:

- monitoring the management of PIDs, including collecting statistics and monitoring trends
- reviewing the way public sector agencies deal with PIDs
- performing an educational and advisory role.

This section of the Office's annual report is the annual report on the operations of the PID Act, as required under s 61.

## New PID Standards

Section 60 of the PID Act provides that the oversight agency may make standards about the way in which public sector agencies are to deal with public interest disclosures (PIDs).

A standard may provide procedures relating to:

- the way in which public sector agencies are to facilitate the making of PIDs
- the way in which public sector agencies are to perform their functions under the PID Act
- the protection of persons from reprisals taken by public sector agencies or public officers
- the provision by public sector agencies to the oversight agency of statistical information about PIDs.

During 2018, the Office conducted a review of Public Interest Disclosure Standard No. 1. As a result of the review, proposed new standards were developed.

As required under s 60(3) and (4) of the PID Act, the Office consulted with chief executive officers of public sector agencies and the shareholding Ministers of government owned corporations and sought their views on the proposed new standards. Consultation feedback strongly supported the proposed new standards.

Three new standards were made by gazette notice, in accordance with s 60(10) of the PID Act, on 1 March 2019. The new standards are:

- **Public Interest Disclosure Standard No. 1/2019**  
Public Interest Disclosure Management Program
- **Public Interest Disclosure Standard No. 2/2019**  
Assessing, Investigating and Dealing with Public Interest Disclosures
- **Public Interest Disclosure Standard No. 3/2019**  
Public Interest Disclosure Data Recording and Reporting.

The new standards are structured into three key areas:

- organisational systems and procedures
- assessment and management of PIDs
- recordkeeping and reporting.

The standards reflect best practice developments in PID management since the original standard was first issued. They also acknowledge the development of PID management in public sector agencies since the PID Act came into effect, 'raise the bar' in terms of standards of practice, and provide clearer guidance on the requirements under the PID Act.

The introduction of the new standards was supported by:

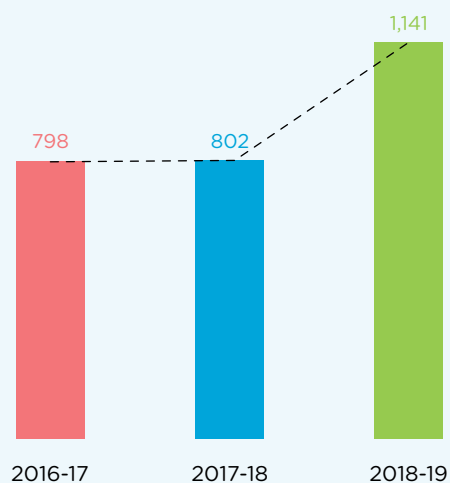
- a comprehensive communication strategy targeting chief executive officers of public sector agencies, PID coordinators within each agency and users of the RaPID reporting database
- an update of existing information resources and development of new resources to align with the standards
- the redesign of training courses to reflect the new standards and a significant focus on delivery of training, including tailored in-house training for agencies upon request.

## Monitoring

Public sector agencies are required to report anonymised data about PIDs they receive to the Office.

In 2018-19, a total of 1,141 PIDs were reported, an increase of 42% compared with the previous year.

### Total PIDs reported



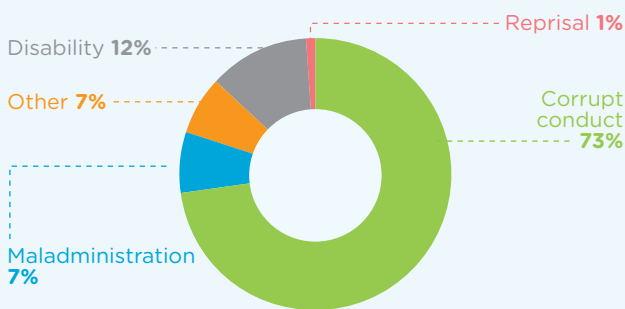
This increase is considered to reflect the effectiveness of initiatives undertaken during the year to enhance compliance by public sector agencies with the PID Act. This included:

- raising awareness among chief executive officers of their obligations under the PID Act to identify PIDs and protect disclosers, through communications about the development and implementation of new PID Standards
- incorporating standards for timeliness of data reporting in Public Interest Disclosure Standard No. 3/2019 – Public Interest Disclosure Data Recording and Reporting, which became mandatory from 1 March 2019
- increasing training and education activities focused on building knowledge and skills of public sector agency managers and PID practitioners in how to assess PIDs and implement support and protection of disclosers.

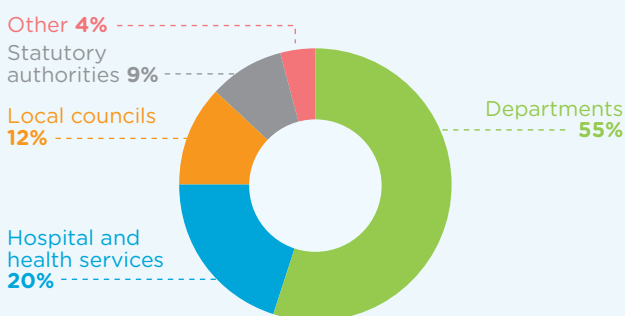
It is notable that 57% of cases for 2018-19 were entered by public sector agencies into the PID reporting database after new timeframes became mandatory on 1 March 2019, with 27% reported in the month of June alone.

Another factor influencing the increased identification and reporting of PIDs by agencies may be the work of the Crime and Corruption Commission in relation to a number of well-publicised cases of corrupt conduct in the public sector.

#### PIDs by disclosure type



#### PIDs by agency type



While total numbers have increased, the proportion of PIDs of each type was broadly similar to that reported last year. The exception is an increase in PIDs of 'substantial and specific danger to the health or safety of a person with a disability' in accordance with s 12(1)(a) of the PID Act - up to 133 this year compared with 58 in 2017-18.

The majority of PIDs were reported by state government departments, followed by hospitals and health services and local councils. The decline in the proportion of PIDs reported by the tertiary education sector and government-owned corporations, despite the overall increase in PIDs being identified and reported, suggests there may be under-reporting in these agencies.

#### Disclosers

While the number of PIDs reported in 2018-19 increased significantly, the proportion reported by employees was relatively stable. The proportion of PIDs reported by role reporters increased significantly (up to 107 this year compared with 47 last year). This likely demonstrates a growing awareness by public sector agencies that their officers who identify wrongdoing in the course of the performance of their duties (for example, human resources officers, auditors, health and safety inspectors and investigators) are entitled to the protections of the PID Act when they report wrongdoing, in accordance with s 22 of the PID Act.

Members of the public are able to report certain kinds of wrongdoing and obtain the protections under s 12 of the PID Act. A total of 50 members of the public submitted PIDs this year.

## Finalisations

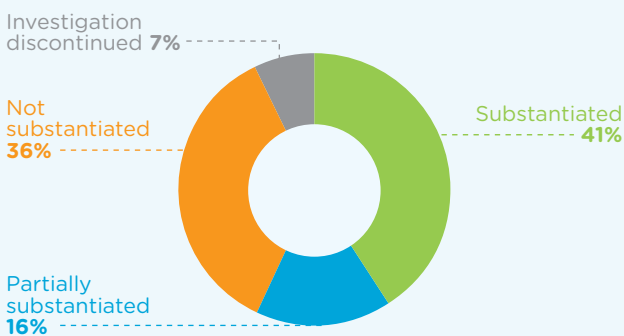
Public sector agencies reported a total of 754 PID cases that were finalised in 2018–19. In 127 PIDs (17% of all finalised cases), agencies decided that no action was required in accordance with s 30 of the PID Act. Following the implementation of a new PID reporting database in October 2017, it has been possible to capture data on the reasons why public sector agencies decide not to investigate or deal with a PID.

In more than 60% of those cases, the public sector agency declined to take action on the PID because the information disclosed had already been investigated or dealt with through another process. In a further 27% of cases, it was determined that the disclosure should be dealt with by another appropriate process.

While comparative data for 2017–18 is only available for the last nine months of that reporting period, it is evident that the two primary reasons recorded in 2018–19 reflect the available data on decisions by agencies in the previous year. This data will continue to be monitored to assess trends over time.

Investigations were commenced by agencies in response to 627 PIDs. In 48 matters the investigation was subsequently discontinued, while in 579 cases the public sector agency made a determination about whether the PID was substantiated, partly substantiated or not substantiated.

### PID investigation outcomes - all closures



Many cases reported as finalised in 2018–19 had first been reported more than 2 years previously, including 15 dating back to 2011–12.

However, 291 had been initially reported in 2018–19 and were also finalised within 2018–19. Comparison of the data for PIDs reported and finalised within the same financial year compared with the results for all cases combined suggests that cases finalised within a shorter timeframe were less likely to be substantiated (38.1% to 40.8%) and were more likely to be discontinued (11.7% to 7.6%).

The introduction of new mandatory timeframes for public sector agencies to report data to the oversight agency from 1 March 2019 should lead to improvements in the timeliness of reporting, and more accurate trend analysis.

When cases where investigation was discontinued are excluded, the data shows that in 2018–19, 61% of PID cases reported to the oversight agency were either totally or partially substantiated. This is a decline on 2017–18 when 78% were totally or partially substantiated. The data in 2017–18 was influenced by agencies finalising a higher than normal proportion of older cases in the process of migrating to the new PID reporting database.

This rate of substantiation reinforces the value to the community and stakeholders of the PID Act in facilitating reports of wrongdoing in the public sector, and importantly, ensuring support and protection is afforded to people who make disclosures. Even when wrongdoing is not substantiated, preliminary analysis of the data shows that many agencies identify beneficial outcomes, including opportunities to improve governance, administrative decision-making and business processes as a result of the action taken in response to a PID.

## Education and advice

The Office's PID education and advisory role received greater emphasis in 2018-19 to ensure that public sector agencies were effectively prepared for and supported in implementing the new PID Standards.

New training modules developed in 2019 included:

- assessment and management of PIDs when first received
- risk assessment and prevention of reprisal
- support to disclosers.

The new modules reflect the requirements in the PID Standards as well as best practice principles, including the outcomes of recent research such as the Whistling While They Work 2 research project. The delivery of new training modules, along with a greater demand from public sector agencies for in-house training, resulted in a substantial increase in the delivery of PID training in 2018-19 compared with the two previous years. A total of 695 people participated in PID training workshops and a further 659 people attended awareness sessions.

PID information for public sector agencies on the Office's website was reviewed and updated. The Office also produced and published, on the website and YouTube, two videos to help agencies inform their staff about PIDs. One focused on the rights and responsibilities of employees; the other on obligations of managers and supervisors.

The Office continued to provide support to agencies through quarterly PID Agency Network Training meetings. These meetings are delivered as face-to-face presentations in Brisbane and as webinars for regional agencies. Public sector agencies sought advice from the Office on a wide range of PID management matters, including the interpretation of the definition of 'public officer' and 'public sector agency'; PID assessment; conduct of risk assessments and development of protection plans to prevent reprisal; and appropriate support arrangements for disclosers.

The Office collaborates with the Commonwealth Ombudsman and the New South Wales Ombudsman in administration of the Whistling Wiki, an online resource for PID practitioners. This resource provides a range of relevant and current information for PID practitioners, including case law, media and events.

As a foundation partner organisation, the Office has continued to support *Whistling While They Work 2: Improving managerial responses to whistleblowing in public and private sector organisations*, a major collaborative research project led by Griffith University.

### PIDs reported by disclosure type

		2016-17	2017-18	2018-19
PID Act s 13	Corrupt conduct <sup>1</sup>	531	591	826
	Official misconduct <sup>2</sup>	-	1	-
	Maladministration	31	59	82
	Misuse of public resources	36	27	39
	Public health or safety	69	42	36
	Environment <sup>3</sup>	1	2	2
PID Act s 12	Disability	118	58	133
	Environment <sup>3</sup>	2	7	8
	Reprisal	10	15	15
<b>Total<sup>4</sup></b>		<b>798</b>	<b>802</b>	<b>1,141</b>

1. Corrupt conduct became a type of PID on 1 July 2014.
2. Official misconduct ceased to be a type of PID on 30 June 2014. However, in 2017-18, a PID was reported of official misconduct occurring prior to 30 June 2014.
3. Disclosures of information about substantial and specific danger to the environment can be made by any person under s 12(1)(b) and (c) of the PID Act, and by public officers under s 13(1)(c).
4. A PID may include more than one type of disclosure (for example, corrupt conduct and maladministration); therefore, the number of PIDs by disclosure type may exceed the number of PIDs reported by agency type.

### PIDs reported by agency type

	2016-17	2017-18	2018-19
Departments	427	364	577
Hospital and health services	191	179	208
Local councils	69	93	130
Statutory authorities	10	76	98
University/TAFE	28	18	16
Public service offices	7	0	16
Government owned corporations (GOC)	26	7	6
<b>Total<sup>1</sup></b>	<b>758</b>	<b>737</b>	<b>1,051</b>

1. A PID may include more than one type of disclosure (for example, corrupt conduct and maladministration); therefore, the number of PIDs by disclosure type may exceed the number of PIDs reported by agency type.

### PIDs reported by discloser type

	2016-17	2017-18	2018-19
Employee of agency <sup>1</sup>	639	454	626
Manager/supervisor of agency	7	76	85
Role reporter <sup>2</sup>	1	47	107
Employee of another public sector agency	21	68	93
Member of the public	49	27	50
Anonymous	41	65	90
<b>Total<sup>3</sup></b>	<b>758</b>	<b>737</b>	<b>1,051</b>

1. 'Employee of agency' refers to the discloser being an employee of the agency reporting the PID.
2. 'Role reporter' refers to an officer of an agency, for example an auditor or investigator, who has identified and reported information about wrongdoing in the course of performing their normal duties.
3. A PID may include more than one type of disclosure (for example, corrupt conduct and maladministration); therefore, the number of PIDs by disclosure type may exceed the number of PIDs reported by discloser type.

## PIDs finalised in accordance with the PID Act

PID Act	Grounds for decision to take no action	2017-18 <sup>1</sup>	2018-19
s 30(1)(a)	The substance of the disclosure has already been investigated or dealt with by another process	99	75
	s 30(1)(a) and another section		4
s 30(1)(b)	The disclosure should be dealt with by another appropriate process	22	34
s 30(1)(c)	The age of the information makes it impracticable to investigate	6	6
s 30(1)(d)	The disclosure is too trivial to warrant investigation and dealing with it would substantially and unreasonably divert the resources of the agency	-	4
s 30(1)(e)	Another agency notified that investigation was not warranted	1	4
<b>Total</b>		<b>128</b>	<b>127</b>
1. Data available for cases finalised 1 October 2017 to 30 June 2018.			

## PIDs investigation outcomes - all closures irrespective of when reported

	2016-17	2017-18	2018-19
Substantiated	217	324	256
Partially substantiated	97	193	99
Not substantiated	183	144	224
Investigation discontinued	87	70	48
<b>Total</b>	<b>584</b>	<b>731</b>	<b>627</b>
1. This table reports on the PID matters closed in a financial year. This will vary from the number of PIDs reported in the same period.			

## PIDs investigation outcomes - reported and closed in same financial year<sup>1</sup>

	2017-18	2018-19
Substantiated	90	111
Partially substantiated	35	46
Not substantiated	75	100
Investigation discontinued	21	34
<b>Total<sup>2</sup></b>	<b>221</b>	<b>291</b>
1. This data is recorded in the RaPID database which commenced on 1 October 2017.		
2. This table reports on the PID matters reported and closed in the same financial year. This will vary from the total number of PIDs reported in that period.		

## PIDs totally or partially substantiated

	2016-17	2017-18	2018-19
Total PIDs for which investigation finalised	497	661	579
PIDs totally or partially substantiated	314	517	355
% finalised PIDs totally or partially substantiated	63.1%	78.2%	61.3%

# Glossary and acronyms

## Glossary

### **Administrative error**

Decisions and administrative actions of public agencies that are unlawful, unreasonable, unjust, oppressive, improperly discriminatory or wrong. May also be referred to as '*maladministration*'.

### **Client**

A person who contacts the Ombudsman seeking service.

### **Complainant**

A person bringing a complaint to the Ombudsman.

### **Complaint**

An expression of dissatisfaction about an agency within jurisdiction. Complaints may comprise multiple issues in relation to an agency's administrative action or decision.

### **Complaint finalised**

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

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

A system for dealing with complaints.

### **Complaint received**

A complaint received during the financial year.

### **Contact**

Any contact with the Ombudsman through the Registration and Preliminary Assessment team irrespective of whether the matter is within or outside jurisdiction.

### **Corporate governance**

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

### **Direct referral**

The referral of a premature complaint to the relevant agency for their consideration (with the complainant's permission).

### **Enquiry**

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

### **Internal review**

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

### **Internal review request**

If a complainant is not satisfied with the outcome of an assessment or investigation by the Ombudsman, they can ask that the decision be reviewed. Decisions are reviewed by another officer within the Office.

### **Investigation**

The Ombudsman may decide to examine the administrative actions or decisions of an agency based on a complaint or on the Ombudsman's own initiative. Investigations may be conducted informally or by exercising formal powers under the Ombudsman Act.

### **Maladministration**

Decisions and administrative actions of public agencies that are unlawful, unreasonable, unjust, oppressive, improperly discriminatory or wrong. May also be referred to as '*administrative error*'.

### **Major investigation**

An investigation where significant time and resources are expended on investigating systemic administrative errors, the results of which are tabled in Parliament.

### **Out of jurisdiction (OOJ)**

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

### **Own initiative investigation**

Where the Ombudsman decides to undertake an investigation into certain issues without receiving a complaint.

### **Preliminary assessment**

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

### **Premature complaint**

A complaint that is determined to be too early for the Ombudsman's consideration because the complainant has not used the agency's full complaint management system.

### **Prisoner PhoneLink**

A free telephone service, provided with the assistance of Queensland Corrective Services, that allows prisoners direct and confidential access to the Ombudsman at set times.

### **Public administration**

The administrative practices of Queensland public sector agencies.



**Public agency**

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

**Public interest disclosure (PID)**

A confidential disclosure of wrongdoing within the public sector that meets the criteria set out in the PID Act.

**Public report**

A report issued by the Ombudsman under division 6 of the Ombudsman Act. A report may be tabled in Parliament or publicly released with the Speaker's authority.

**Recommendation**

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

Recommendations may be made formally under s 50 of the Act or be an agreed action by the agency. Recommendations may be considered to be of *direct benefit* to a complainant (such as an apology or refund), or they may be about *systemic* improvements (such as improvement to policy).

**Rectification**

An outcome of an investigation where the Ombudsman recommends an agency change a decision or action as a result of a complaint (can be total or partial resolution).

**Regional**

This Office defines regional Queensland as the local council areas excluding the following: Noosa, Sunshine Coast, Moreton Bay, Brisbane, Redland, Logan, Gold Coast and Ipswich.

**Review**

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

**Systemic issue**

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

## Acronyms

<b>CMS</b>	Complaint Management System
<b>EDOCS</b>	Electronic document and records management system
<b>FTE</b>	Full-time equivalent employees
<b>GOC</b>	Government-owned corporation
<b>MP</b>	Member of Parliament
<b>NAIDOC</b>	National Aboriginal and Islanders Day Observance Committee
<b>NRS</b>	National Relay Service
<b>OMG</b>	Ombudsman Management Group
<b>OOJ</b>	Out of jurisdiction
<b>PIDs</b>	Public interest disclosures
<b>QCL</b>	Queensland Complaints Landscape
<b>RSP</b>	Regional Services Program

# Appendices

## Appendix A: Service delivery statement

This is the end of year position for all measures published in the Queensland Ombudsman's *Service Delivery Statement 2018-19*.

Service area: independent review of complaints about government administration	2018-19 Target/Est	2018-19 Actual
<i>Effectiveness measures</i>		
Proportion of recommendations accepted by the relevant agency at the time of reporting <sup>1,2</sup>	90%	100%
Proportion of investigations resulting in agency rectification action <sup>1,3</sup>	10%	15%
Proportion of complaints reviewed where original decision upheld <sup>1,4</sup>	80%	84%
Proportion of clients satisfied/very satisfied with the level of service provided by the Office <sup>1,5</sup>	80%	64%
<i>Efficiency measure</i>		
Average time to complete assessments <sup>1,6</sup>	10 days	3.3 days
Proportion of investigations completed within target timeframes <sup>1,7</sup>	90%	90%
Proportion of complaints finalised within 12 months of lodgement <sup>1,8</sup>	99%	99%
Clearance rate for complaints <sup>1,9</sup>	100%	100%
<ol style="list-style-type: none"> <li>The Queensland Ombudsman's Annual Report provides further details on the results of and actions taken for each measure.</li> <li>A formal recommendation can be made under s.50 of the Ombudsman Act or can be an agreed action where the Office works with the agency and complainant to negotiate a resolution without the need for a formal recommendation. Whilst the Ombudsman has no powers to enforce recommendations, they are generally accepted by agencies.</li> <li>A rectification is an action required by an agency, identified during an investigation. A rectification can result in a change to agency procedure or practice, and/or an outcome with a direct benefit for the complainant. A rectification can result from a formal recommendation made under the Ombudsman Act, or an agreed action where the Office works with the agency and complainant to negotiate a resolution without the need for a formal recommendation.</li> <li>Where complainants are dissatisfied with the outcome of an Ombudsman investigation, or subsequently are able to provide new information, they can request a review of a decision. The Office has no control over the number of reviews requested. This measure confirms that effective investigations have been undertaken or, where decisions are overturned, provides opportunities to identify improvements in the investigation process.</li> <li>Surveys undertaken annually focus on the different functions of the Office in relation to client satisfaction with service delivery. The measure relates to overall satisfaction based on a weighted average of surveys completed over two years, relating to the service elements of helpfulness, respectfulness, professionalism and timeliness. The adoption of 80% client satisfaction seeks to compare the Office's performance with broader service-oriented sectors. There is an implicit challenge in delivering client satisfaction whilst operating as the final destination for complaint review. The Office focuses on identifying and implementing a programme of continual improvement from the research.</li> <li>The focus of this measure is on the timeliness of the preliminary assessments of complaints dealt with by the Office. The time to complete an assessment is influenced by the number and complexity of matters and the availability of information from complainants and agencies.</li> <li>The focus of this measure is the timeliness of investigations undertaken by the Office.</li> <li>This service standard measures complaints closed within 12 months of receipt as a proportion of total complaints closed within a specific reporting period.</li> <li>This service standard compares the number of complaints closed with the number of complaints received in the reporting period. It is affected by both the number and timing of new matters and closures. A number below 100% does not necessarily indicate an increasing backlog, but may be a result of increased numbers of new or recent matters.</li> </ol>		

## Appendix B: Statistical report

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

	2016-17	2017-18	2018-19
Complaint	6,935	7,221	7,817
Out of jurisdiction	3,386	2,823	2,858
Enquiry	556	843	869
Review request	77	103	132
<b>Total</b>	<b>10,954</b>	<b>10,990</b>	<b>11,676</b>

**Table 2: Contacts received by the Office by customer channel type**

	2016-17	2017-18	2018-19
Telephone <sup>1</sup>	5,631	6,191	6,631
Prisoner Phonelink	569	545	564
Online <sup>2</sup>	3,829	3,463	3,741
In writing <sup>3</sup>	697	663	646
In person <sup>4</sup>	228	128	94
<b>Total</b>	<b>10,954</b>	<b>10,990</b>	<b>11,676</b>

1. Telephone includes messages left via voicemail.
2. Online includes both email and the online complaint form.
3. In writing includes both traditional mail and facsimile.
4. In person includes persons arriving at reception. This Office no longer conducts one-on-one interviews during correctional centre visits except in exceptional circumstances. Officers direct persons wishing to complain to existing complaints channels, including Prisoner PhoneLink.

**Table 3: Complaints received by the Office by customer channel type<sup>1</sup>**

	2016-17	2017-18	2018-19
Telephone <sup>2</sup>	3,464	3,634	4,002
Prisoner PhoneLink	469	420	461
Online <sup>3</sup>	2,289	2,585	2,789
In writing <sup>4</sup>	523	475	501
In person <sup>5</sup>	178	83	64
<b>Total</b>	<b>6,923</b>	<b>7,197</b>	<b>7,817</b>

1. These are contacts that have been preliminarily assessed as within the Office's jurisdiction.
2. Telephone includes messages left via voicemail.
3. Online includes both email and the online complaint form.
4. In writing includes both traditional mail and facsimile.
5. In person includes persons arriving at reception. This Office no longer conducts one-on-one interviews during correctional centre visits except in exceptional circumstances. Officers direct persons wishing to complain to existing complaints channels, including Prisoner PhoneLink.

**Table 4: Complaints received and brought forward**

	2016-17	2017-18	2018-19
Complaints received	6,923	7,197	7,817
Complaints brought forward <sup>1</sup>	262	215	153
1. Complaints brought forward can be reclassified on preliminary assessment			

**Table 5: Complaints finalised and carried forward**

	2016-17	2017-18	2018-19
Complaints finalised	6,958	7,244	7,831
Complaints open <sup>1</sup>	215	153	184
1. Complaints brought forward can be reclassified on preliminary assessment			

**Table 6: Time to finalise complaints**

	2016-17	2017-18	2018-19
Less than 10 days	69%	80%	81%
10-30 days	24%	15%	13%
31-60 days	3%	2%	3%
61-90 days	1%	<1%	<1%
91-180 days	2%	2%	1%
181-270 days	<1%	<1%	<1%
271-365 days	<1%	<1%	<1%
More than 365 days	<1%	<1%	<1%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

**Table 7: Age of open complaints at 28 June 2019**

	2016-17	2017-18	2018-19
Less than 10 days	54	43	8
10-30 days	70	45	75
31-60 days	30	22	46
61-90 days	19	19	24
91-180 days	22	15	20
181-270 days	10	2	7
271-365 days	6	3	2
More than 365 days	4	4	2
<b>Total</b>	<b>215</b>	<b>153</b>	<b>184</b>

**Table 8: Reasons why complaints were finalised at preliminary assessment**

	2016-17	2017-18	2018-19
Referred for internal review by agency	3,934	4,292	4,802
Await outcome of current decision process	474	532	718
Appeal right should be exhausted	251	340	268
Other complaints entity has/will investigate	194	242	243
Insufficient information provided / Complaint to be put in writing	468	297	222
Investigation unnecessary or unjustifiable	64	43	68
Insufficient direct interest	25	50	48
Appeal right exhausted and further investigation unnecessary	25	25	57
Out of time	14	27	51
Out of jurisdiction	26	31	39
Other	1	-	1
<b>Total</b>	<b>5,476</b>	<b>5,879</b>	<b>6,517</b>

**Table 9: Outcomes of closed complaints and closed investigations**

	2016-17	2017-18	2018-19
<b>Complaints finalised at preliminary assessment</b>	<b>5,479</b>	<b>5,879</b>	<b>6,517</b>
Declined at outset/ preliminary assessment <sup>1</sup>	5,476	5,879	6,517
Rectified during preliminary assessment	3	-	-
<b>Withdrawn</b>	<b>113</b>	<b>92</b>	<b>82</b>
Withdrawn by complainant during preliminary assessment process	99	72	65
Withdrawn by complainant after preliminary assessment process and during investigation process	14	20	17
<b>Investigated<sup>1</sup></b>	<b>1,393</b>	<b>1,324</b>	<b>1,238</b>
Investigation discontinued	517	502	311
Investigation completed	876	822	927
<b>Total</b>	<b>6,985</b>	<b>7,295</b>	<b>7,837</b>
1. Includes complaints referred for investigation after preliminary assessment process, internally initiated Ombudsman complaints, and PIDs that are investigated.			

**Table 10: Types of administrative errors found through investigations<sup>1</sup>**

	2016-17	2017-18	2018-19
Unreasonable or unjust	14	8	7
Contrary to law	-	5	1
Based on a mistake of law or fact	-	1	-
Wrong	-	1	-
<b>Total</b>	<b>14</b>	<b>15</b>	<b>8</b>
1. Administrative error types relate only to recommendations made by the Ombudsman. Agreed actions are excluded.			

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

	2016-17	2017-18	2018-19
Direct benefit	181	194	145
Systemic	125	102	105
<b>Total</b>	<b>306</b>	<b>296</b>	<b>250</b>

**Table 12: Complaints about state government departments**

	2016-17	2017-18	2018-19	
<b>Department of Justice and Attorney-General</b>	<b>1,049</b>	<b>234</b>	<b>258</b>	1. On 21 December 2017, Queensland Corrective Services separated from the Department of Justice and Attorney-General and was established as a department in its own right. Full year complaint numbers for 2017-18 are shown against the new department regardless of when they were received.
Queensland Corrective Services <sup>1</sup>	838	-	-	2. The Parole Board Queensland, in its current form, commenced operation on 3 July 2017, pursuant to the <i>Corrective Services (Parole Board) and other Legislation Amendment Act 2017</i> .
Queensland Parole Board <sup>2</sup>	26	9	-	3. In December 2017, responsibility for Youth Justice Services moved from the Department of Justice and Attorney-General to the Department of Child Safety, Youth and Women.
Liquor, Gaming and Fair Trading	46	49	15	4. In December 2017, the Department of Education and Training was renamed the Department of Education.
Justice Services	66	73	76	5. In December 2017, responsibility for the Office of Industrial Relations moved from Queensland Treasury to the Department of Education from Queensland Treasury. Full year complaint numbers for 2017-18 are shown against the Department of Education regardless of when they were received.
Office of the Public Guardian	33	30	59	6. In January 2018, responsibility for Training and Skills moved from the Department of Education and Training to the Department of Employment, Small Business and Training. Typically, complaints in relation to training are dealt with in the first instance by the Queensland Training Ombudsman so the impact on data reported by this Office is nominal.
Other business units/service areas <sup>3</sup>	40	73	108	7. In December 2017, the Department of Housing and Public Works became responsible for a range of services previously provided by the Department of Science, Information Technology and Innovation, which was abolished. These services include Smart Service Queensland, Queensland State Archives and Queensland Shared Services.
<b>Queensland Corrective Services<sup>1</sup></b>	<b>-</b>	<b>726</b>	<b>825</b>	8. In December 2017, the Department of Communities, Child Safety and Disability Services was renamed the Department of Communities, Disability Services and Seniors.
Queensland Corrective Services	-	726	813	9. The Department of Child Safety, Youth and Women (DCSYW) was established in 2017-18 and responsibility for child safety, youth and the Office for Women and Domestic Violence Reform moved to this department from the Department of Communities, Child Safety and Disability Services. In relation to child and family services complaints, full year complaint numbers are shown for 2017-18 against DCSYW regardless of when they were received.
Queensland Parole Board <sup>2</sup>	-	-	12	10. In May 2019, responsibility for Youth Justice Services moved from the Department of Child Safety, Youth and Women to the Department of Youth Justice. Only one youth justice complaint was received in relation the Department of Youth Justice in the 2018-19 financial year which has been recorded under Department of Child Safety, Youth and Women. Going forward, Youth Justice complaints will be recorded under the new Department of Youth Justice.
<b>Department of Education<sup>4</sup></b>	<b>537</b>	<b>589</b>	<b>570</b>	11. For 2018-19, other State government department complaints included: Department of Agriculture and Fisheries (77), Department of Natural Resources, Mines and Energy (53), Department of Environment and Science (42), Department of Employment, Small Business and Training, established in December 2017 (23), Qsuper (8), Department of Aboriginal and Torres Strait Islander Partnerships (6), Department of Innovation, Tourism Industry Development and the Commonwealth Games (6), Department of State Development, Manufacturing, Infrastructure and Planning (5), Department of Local Government, Racing and Multicultural Affairs (3).
Education Queensland	521	540	511	
Office of Industrial Relations <sup>5</sup>	-	29	42	
Other business units/service areas <sup>6</sup>	16	20	17	
<b>Department of Housing and Public Works<sup>7</sup></b>	<b>525</b>	<b>549</b>	<b>591</b>	
Housing Services	509	525	560	
Other business units/service areas	16	24	31	
<b>Department of Communities, Disability Services and Seniors<sup>8</sup></b>	<b>423</b>	<b>59</b>	<b>49</b>	
Child and Family Services	377	-	-	
Disability and Community Services	25	32	38	
Other business units/service areas	21	27	11	
<b>Department of Child Safety, Youth and Women<sup>3, 9, 10</sup></b>	<b>-</b>	<b>484</b>	<b>680</b>	
Child and Family Services	-	468	637	
Youth Justice	-	-	30	
Other business units/service areas	-	16	13	
<b>Department of Transport and Main Roads</b>	<b>367</b>	<b>365</b>	<b>328</b>	
<b>Queensland Health</b>	<b>359</b>	<b>351</b>	<b>427</b>	
<b>Queensland Treasury</b>	<b>300</b>	<b>226</b>	<b>280</b>	
Office of State Revenue	271	217	273	
Office of Industrial Relations <sup>5</sup>	27	-	-	
Other business units/service areas	2	9	7	
<b>Queensland Police Service</b>	<b>46</b>	<b>54</b>	<b>84</b>	
<b>Queensland Fire and Emergency Services</b>	<b>22</b>	<b>23</b>	<b>40</b>	
<b>Public Safety Business Agency</b>	<b>20</b>	<b>13</b>	<b>1</b>	
<b>Department of the Premier and Cabinet</b>	<b>2</b>	<b>3</b>	<b>2</b>	
<b>Other state government departments<sup>11</sup></b>	<b>135</b>	<b>177</b>	<b>223</b>	
<b>Total</b>	<b>3,785</b>	<b>3,853</b>	<b>4,358</b>	

**Table 13: Complaints received by agency type**

	2016-17	2017-18	2018-19
State government departments	3,785	3,853	4,358
Statutory authorities	866	991	1,068
Local councils	1,783	2,017	2,047
Public universities	317	329	340
Other <sup>1</sup> /unknown/private/confidential	172	7	4
<b>Total</b>	<b>6,923</b>	<b>7,197</b>	<b>7,817</b>

1. TransUrban was reclassified from a state government entity to other, then outside jurisdiction in 2016-17.

**Table 14: Complaints about statutory agencies**

	2016-17	2017-18	2018-19
Queensland Building and Construction Commission	138	154	213
Public Trustee	176	205	183
Legal Aid Queensland	106	114	140
TAFE Queensland	101	121	114
Health Ombudsman	74	88	110
WorkCover	95	104	98
Legal Services Commission	39	30	34
Queensland Rail	24	21	25
Residential Tenancies Authority	22	37	25
Queensland Urban Utilities	30	32	24
Unitywater	20	16	20
Other <sup>1</sup>	41	69	82
<b>Total</b>	<b>866</b>	<b>991</b>	<b>1,068</b>

1. For 2018-19, other statutory agencies complaints included in: QLeave (12), Energy and Water Ombudsman Queensland (11), Queensland Anti-Discrimination Commission (7), Queensland Racing Integrity Commission (7), Office of the Information Commissioner (6), Queensland Law Society (6), Electoral Commission Queensland (5), Racing Queensland Board (5), Seqwater (5), Gold Coast Waterways Authority (4), National Heavy Vehicle Regulator (4), Office of the Independent Assessor (3), Queensland Shared Services (2), Economic Development Queensland (1), Integrity Commissioner (1), Library Board of Queensland (1), Queensland Ombudsman (1), Queensland Reconstruction Authority (1).

**Table 15: Complaints issues about local councils by category**

	2016-17	2017-18	2018-19
Development and building controls	268	292	298
Laws and enforcement	285	275	288
Environmental management	203	310	260
Rates and valuations	195	219	223
Roads	121	145	164
Sewerage and drainage	84	69	74
Council properties	58	56	70
Complaint management	51	68	69
Conduct	17	24	67
Water supply	75	80	64
Internal review/appeal	10	18	56
Land use and planning	86	73	49
Customer service	49	53	45
Parks and reserves	41	39	40
Other <sup>1</sup>	240	296	280
<b>Total</b>	<b>1,783</b>	<b>2,017</b>	<b>2,047</b>

1. For 2018-19, other complaints categories included: Governance (37), Financial management (33), Personnel (33), Investigation (32), Waste management (29), Traffic and transport (26), Decision (19), Public Health (15), Documentation (12), Information Management (11), Procedure (11), Legal Services (9), Risk management (8), Reasons (4), PID process (1).

**Table 16: Complaints about public universities by category**

	2016-17	2017-18	2018-19
Student grievance	86	109	95
Exclusion	59	68	95
Assessment and review of grade	67	66	54
Enrolment	67	54	51
Employee grievance	25	16	16
Internal review	2	5	12
Investigation	9	7	7
Other	2	4	10
<b>Total</b>	<b>317</b>	<b>329</b>	<b>340</b>

## Appendix C: Training

**Table 17: Agencies that participated in group session Good Decisions training**

Agency type	Name
<b>Local council</b>	Brisbane City Council
	City of Gold Coast
	Ipswich City Council
	Livingstone Shire Council
	Lockyer Valley Regional Council
	Mackay Regional Council
	Redland City Council
	Rockhampton Regional Council
	Scenic Rim Regional Council
<b>State government departments and agencies</b>	Department of Education
	Department of Environment and Science
	Department of Housing and Public Works
	Department of Justice and Attorney-General
	Department of State Development
	Department of Transport and Main Roads
	Queensland Building and Construction Commission
<b>Public universities</b>	Griffith University

**Table 18: Agencies that participated in group session Public Sector Ethics training**

Agency type	Name
<b>Local council</b>	Western Downs Regional Council
	Sunshine Coast Council
<b>State government departments and agencies</b>	Office of the Health Ombudsman

**Table 19: Agencies that participated in group session Complaints Management training**

Agency type	Name
<b>Local council</b>	City of Gold Coast
	Gympie Regional Council
	Livingstone Shire Council
	Townsville City Council
<b>State government departments and agencies</b>	Department of Agriculture and Fisheries
	Department of Education
	Department of Environment and Science
	Department of Health
	Department of Housing and Public Works
	Department of Natural Resources, Mines and Energy
	Department of Transport and Main Roads
<b>Public universities</b>	Commonwealth Ombudsman
	TAFE Queensland
	Queensland University of Technology
	QUT Student Ombudsman Office
	University of Southern Queensland

**Table 20: Agencies that participated in group session Managing Unreasonable Conduct training**

Agency type	Name
<b>Local council</b>	Logan City Council
	Mackay Regional Council
<b>State government departments and agencies</b>	Department of Education
	Department of Employment, Small Business and Training
	Department of Environment
	Department of Housing and Public Works
	Department of Justice and Attorney-General
	Department of Transport and Main Roads
	Queensland Parliamentary Services
Queensland Treasury	



**Table 21: PID training sessions and participant numbers**

	2016-17		2017-18		2018-19	
	Session No.	Participant No.	Session No.	Participant No.	Session No.	Participant No.
PID Introductory Workshop (open) <sup>1</sup>	5	143	7	174	4	73
PID Introductory Workshop (agency) <sup>2</sup>	8	202	8	128	20	239
PID Training Module 1: Assessment and Management (open)	-	-	-	-	5	142
PID Training Module 1: Assessment and Management (agency)	-	-	-	-	1	18
PID Training Module 2: Risk Assessment and Protection (open)	-	-	-	-	5	134
PID Training Module 3: Support (open)	-	-	-	-	2	59
PID Training Modules 1, 2 and 3: PID Management (agency)	-	-	-	-	2	30
<b>Training of 3 hours + duration</b>	<b>13</b>	<b>345</b>	<b>15</b>	<b>302</b>	<b>39</b>	<b>695</b>
PID Awareness Session (open)	-	-	-	-	1	17
PID Awareness Session (agency)	-	-	7	132	18	335
Other PID presentations	3	46	4	21	22	307
<b>Total</b>	<b>16</b>	<b>391</b>	<b>26</b>	<b>455</b>	<b>80</b>	<b>1,354</b>

1. Open sessions are publicised to all agencies, and participants from a number of agencies attend.
2. Agency sessions are presented in-house and tailored to the requirements of the client agency.

**Table 22: Agencies that participated in PID training open sessions**

Agency type	Name
<b>State government departments</b>	Department of Aboriginal and Torres Strait Islander Partnerships
	Department of Agriculture and Fisheries
	Department of Child Safety, Youth and Women
	Department of Communities, Disability Services and Seniors
	Department of Education
	Department of Employment, Small Business and Training
	Department of Environment and Science
	Department of Innovation, Tourism Industry Development and the Commonwealth Games
	Department of Justice and Attorney-General
	Department of Natural Resources, Mines and Energy
	Department of the Premier and Cabinet
	Department of State Development, Manufacturing, Infrastructure and Planning
	Queensland Corrective Services
	Queensland Health
	Queensland Police Service
Queensland Treasury	

Agency type	Name
<b>Local council</b>	Balonne Shire Council
	Banana Shire Council
	Bulloo Regional Council
	Bundaberg Regional Council
	Burdekin Shire Council
	Cairns Regional Council
	Douglas Shire Council
	Flinders Shire Council
	Gympie Regional Council
	Ipswich City Council
	Livingstone Shire Council
	Logan City Council
	Mareeba Shire Council
	Rockhampton Regional Council
	South Burnett Regional Council
	Southern Downs Regional Council
Toowoomba Regional Council	
Western Downs Regional Council	
<b>Hospital and health services</b>	Cairns and Hinterland Hospital and Health Service
	Central Queensland Hospital and Health Service
	Darling Downs Hospital and Health Service
	Sunshine Coast Hospital and Health Service
	Townsville Hospital and Health Service
<b>Public universities/ TAFE</b>	Central Queensland University
	Griffith University
	James Cook University
	The University of Queensland
	University of the Sunshine Coast

Agency type	Name
<b>Public sector agencies</b>	Anti-Discrimination Commission Queensland
	Crime and Corruption Commission
	Family Responsibilities Commission
	Legal Aid Queensland
	Mental Health Review Tribunal
	Office of the Information Commissioner
	Office of the Land Access Ombudsman
	Office of the Queensland Ombudsman
	Queensland Art Gallery
	Queensland Audit Office
	Queensland Building and Construction Commission
	Queensland Family and Child Commission
	Queensland Law Society
	Queensland Performing Arts Centre
	Queensland Rail
Queensland Sentencing Advisory Council	
Safe Food Queensland	
Tourism and Events Queensland	
UnityWater	
Work Cover Queensland	
<b>Government owned corporations</b>	Energy Queensland
	Gladstone Ports Corporation
	Ports North
	Powerlink Queensland
	Queensland Treasury Corporation
	SEQWater
Sunwater	
<b>Other public bodies</b>	Parliamentary Crime and Corruption Committee
	Queensland Parliamentary Service

## Appendix D: Audited financial statements



**Office of the  
Queensland Ombudsman**

**Financial Statements  
for the year ended 30 June 2019**

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## Office of the Queensland Ombudsman Statement of Comprehensive Income

for the year ended 30 June 2019

	Note	2019 \$'000	2018 \$'000
<b>Income</b>			
Appropriation revenue	B1-1	8,327	8,088
User charges and fees	B1-2	679	534
Services received below fair value	B1-3	112	115
Other revenue		39	33
<b>Total Income</b>		<b>9,157</b>	<b>8,770</b>
<b>Expenses</b>			
Employee expenses	B2-1	6,806	6,639
Supplies and services	B2-2	2,068	1,654
Depreciation and amortisation	B2-3	169	164
Other expenses	B2-4	136	141
<b>Total expenses</b>		<b>9,179</b>	<b>8,598</b>
<b>Operating result for the year</b>		<b>(22)</b>	<b>172</b>
<b>Other comprehensive income</b>		<b>-</b>	<b>-</b>
<b>Total comprehensive income</b>		<b>(22)</b>	<b>172</b>

The accompanying notes form part of these financial statements.

**Office of the Queensland Ombudsman**  
**Statement of Financial Position**  
as at 30 June 2019

	Note	2019 \$'000	2018 \$'000
<b>Current assets</b>			
Cash and cash equivalents	C1	1,378	1,139
Receivables	C2	212	184
Prepayments		49	54
<b>Total current assets</b>		<b>1,639</b>	<b>1,377</b>
<b>Non-current assets</b>			
Property, plant and equipment	C3	369	477
Intangible assets	C4	83	116
<b>Total non-current assets</b>		<b>452</b>	<b>593</b>
<b>Total assets</b>		<b>2,091</b>	<b>1,970</b>
<b>Current liabilities</b>			
Payables	C5	263	136
Accrued employee benefits	C6	313	297
<b>Total current liabilities</b>		<b>576</b>	<b>433</b>
<b>Total liabilities</b>		<b>576</b>	<b>433</b>
<b>Net assets</b>		<b>1,515</b>	<b>1,537</b>
<b>Equity</b>			
Contributed equity		880	880
Accumulated surplus		635	657
<b>Total equity</b>		<b>1,515</b>	<b>1,537</b>

The accompanying notes form part of these financial statements.

## Office of the Queensland Ombudsman Statement of Changes in Equity

for the year ended 30 June 2019

	Accumulated surplus	Contributed equity	Total
	\$'000	\$'000	\$'000
<b>Balance as at 1 July 2017</b>	485	880	1,365
Operating result	172	-	172
<b>Balance as at 30 June 2018</b>	<b>657</b>	<b>880</b>	<b>1,537</b>
Operating result	(22)	-	(22)
<b>Balance as at 30 June 2019</b>	<b>635</b>	<b>880</b>	<b>1,515</b>

The accompanying notes form part of these financial statements.



**Office of the Queensland Ombudsman**  
**Statement of Cash Flows**  
for the year ended 30 June 2019

	Note	2019 \$'000	2018 \$'000
<b>Cash flows from operating activities</b>			
<i>Inflows:</i>			
Service appropriation receipts		8,327	8,088
User charges and fees		720	499
GST input tax credits from Australian Tax Office		210	203
GST collected from customers		78	56
Other		38	34
<i>Outflows:</i>			
Employee expenses		(6,802)	(6,580)
Supplies and services		(1,981)	(1,655)
GST paid to suppliers		(223)	(179)
GST remitted to Australian Taxation Office		(76)	(63)
Other		(24)	(26)
<b>Net cash provided by operating activities</b>	CF-1	<b>267</b>	<b>377</b>
<b>Cash flows from investing activities</b>			
<i>Outflows:</i>			
Payments for plant and equipment and intangibles		(28)	(17)
<b>Net cash (used in) investing activities</b>		<b>(28)</b>	<b>(17)</b>
Net increase in cash and cash equivalents		239	360
Cash and cash equivalents - opening balance		1,139	779
<b>Cash and cash equivalents - closing balance</b>	C1	<b>1,378</b>	<b>1,139</b>

The accompanying notes form part of these financial statements.

## Notes to the Statement of Cash Flows

### CF-1 Reconciliation of operating result to net cash provided by operating activities

	2019 \$'000	2018 \$'000
Operating (deficit)/surplus	(22)	172
<i>Non-cash items included in the operating result:</i>		
Depreciation and amortisation expense	169	164
<i>Change in assets and liabilities</i>		
(Increase)/decrease in receivables	(28)	97
(Increase)/decrease in prepayments	5	(4)
Increase/(decrease) in accounts payables	127	(33)
Increase/(decrease) in accrued employee benefits	16	(19)
<b>Net cash provided by operating activities</b>	<b>267</b>	<b>377</b>

## Section 1 About the Office and this Financial Report

### A1 Basis of Financial Statement Presentation

#### A1-1 General Information

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 Queensland Ombudsman also has oversight over public interest disclosures. The scope and powers of the Ombudsman are incorporated in the *Ombudsman Act 2001*.

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

The head office and principal place of business is:

Level 18, 53 Albert Street  
Brisbane QLD 4000

#### A1-2 Compliance with Prescribed Requirements

The Office of the Queensland Ombudsman has prepared these financial statements in compliance with section 42 of the *Financial and Performance Management Standard 2009*. The financial statements comply with Queensland Treasury's Minimum Reporting Requirements for reporting periods beginning on or after 1 July 2018.

The Office is a not-for-profit entity and these general purpose financial statements are prepared on an accrual basis (except for the statement of cash flows which is prepared on a cash basis) in accordance with Australian Accounting Standards and Interpretations applicable to not-for-profit entities.

#### A1-3 Presentation Details

##### Currency and Rounding

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.

##### Comparatives

Comparative information reflects the audited 2017-18 audited financial statements.

##### Current/Non-Current Classification

Assets and liabilities are classified as either 'current' or 'non-current' in the statement of financial position and associated notes.

Assets are classified as 'current' where their carrying amount is expected to be realised within 12 months after the reporting date. Liabilities are classified as 'current' when they are due to be settled within 12 months after the reporting date, or the Office does not have an unconditional right to defer settlement to beyond 12 months after the reporting date.

All other assets and liabilities are classified as non-current.

#### **A1-4 Authorisation of Financial Statements for Issue**

The financial statements are authorised for issue by the Queensland Ombudsman, Director, Corporate Services Unit and Chief Financial Officer at the date of signing the Management Certificate.

#### **A1-5 Basis of Measurement**

Historical cost is used as the measurement basis, unless otherwise stated. This means that assets are recorded at their initial cost and are not subsequently revalued and liabilities are valued at the amount initially received in exchange for the obligation or at the amounts of cash or cash equivalents expected to be paid to satisfy the liability in the normal course of business.

#### **A1-6 The Reporting Entity**

The financial statements include all income, expenses, assets, liabilities and equity of the Office of the Queensland Ombudsman. The Office does not control any entities.

### **A2 Objectives of the Office**

The vision of the Office of the Queensland Ombudsman is “Fair and accountable public administration in Queensland”. The responsibilities of the Office include:

- providing a fair, independent and timely investigative service for people who believe they have been adversely affected by the decisions of public agencies
- helping agencies improve their decision-making and administrative practice
- monitoring and reviewing the management of public interest disclosures (PIDs) and providing education and advice about PIDs.

The Office is funded for the departmental services it delivers principally by parliamentary appropriations. It also provides training on a fee for service basis.

## Section 2 Notes About Our Financial Performance

### B1 Revenue

#### B1-1 Appropriation Revenue

<b>Reconciliation of payments from Consolidated Fund to appropriation revenue recognised in operating result</b>	<b>2019 \$'000</b>	<b>2018 \$'000</b>
Budgeted appropriation revenue for services	8,757	8,484
Lapsed appropriation revenue for services	<u>(430)</u>	<u>(396)</u>
<b>Appropriation revenue recognised in operating result</b>	<b><u>8,327</u></b>	<b><u>8,088</u></b>

In 2018 and 2019 lapsed appropriation revenue predominantly resulted from the realignment of funding to future years to meet the operational needs of the Office.

#### **Accounting policy - Appropriation revenue**

Appropriations received from the State Government are recognised as revenue when received.

#### B1-2 User Charges and Fees

##### **Accounting policy - User charges and fees**

Revenue from training courses conducted by the Office is recognised when the revenue has been earned and can be measured reliably with a sufficient degree of certainty. Revenue received for training yet to be delivered at balance date is recognised as unearned revenue.

#### B1-3 Services Received Below Fair Value

##### **Accounting policy - Services received below fair value**

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

## B2 Expenses

### B2-1 Employee Expenses

	<b>2019</b>	<b>2018</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Employee Benefits</b>		
Wages and salaries	5,243	5,160
Annual leave levy/expense	521	532
Long service leave levy/expense	108	107
Employer superannuation contributions	705	690
Other employee benefits	-	26
<b>Employee related expenses</b>		
Workers' compensation premium	28	30
Other employee related expenses	201	94
<b>Total</b>	<b>6,806</b>	<b>6,639</b>

	<b>2019</b>	<b>2018</b>
	<b>No.</b>	<b>No.</b>
Full-time equivalent employees	<b>61</b>	56

#### Accounting policy - Wages and salaries

Salaries and wages due but unpaid at reporting date are recognised in the statement of financial position at the current salary rates. As the Office expects such liabilities to be wholly settled within twelve months of reporting date, the liabilities are recognised at undiscounted amounts.

#### Accounting policy - Sick leave

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.

#### Accounting policy - Annual leave

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

#### Accounting policy - Long service leave

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

### Accounting policy - Superannuation

Post-employment benefits for superannuation are provided through defined contribution (accumulation) plans or the Queensland Government's QSuper defined benefit plan as determined by the employee's conditions of employment. Contributions are expensed in the period in which they are paid or payable.

The liability for defined benefits is held on a whole-of-government basis and reported in those financial statements pursuant to AASB 1049 *Whole of Government and General Government Sector Financial Reporting*. The amount of contributions for defined benefit plan obligations is based upon the rates determined on the advice of the State Actuary. The Office's obligation is limited to those contributions paid.

Key management personnel and remuneration disclosures are detailed in Note F1.

### B2-2 Supplies and Services

	<b>2019</b>	<b>2018</b>
	<b>\$'000</b>	<b>\$'000</b>
Operating lease payments	757	726
Computer support	300	204
Consultants and contractors	259	123
Office equipment	173	20
Payments to employment agencies	144	156
Travel including education and engagement	120	118
Office maintenance	57	66
Telephones/communication	76	73
General supplies and services	182	168
<b>Total</b>	<b>2,068</b>	<b>1,654</b>

#### Accounting policy – Supplies and services

Expenses are recognised in the Statement of Comprehensive Income in the period in which the Office receives the goods or services.

#### Accounting policy – Operating lease rentals

Operating lease payments for office accommodation are representative of the pattern of benefits derived from the leased assets and are expensed in the periods in which they are incurred.

### B2-3 Depreciation and Amortisation

	<b>2019</b>	<b>2018</b>
	<b>\$'000</b>	<b>\$'000</b>
Depreciation	136	131
Amortisation	33	33
<b>Total</b>	<b>169</b>	<b>164</b>

Refer to note C3-4 and note C4-3 for accounting policies relating to depreciation and amortisation respectively.

## B2-4 Other Expenses

	<b>2019</b>	<b>2018</b>
	<b>\$'000</b>	<b>\$'000</b>
External audit fees	20	19
Sundry expenses	4	7
Storage services received free of charge from Queensland State Archives	112	115
<b>Total</b>	<b>136</b>	<b>141</b>

### Disclosures relating to other expenses

#### ***Audit fees***

Total external audit fees to be paid to the Queensland Audit Office relating to the 2019 financial year are quoted to be \$20,000 (2018: \$19,000). There are no non-audit services included in this amount.

#### ***Storage services received free of charge from Queensland State Archives***

The corresponding income recognised for the archival storage services provided by State Archives is shown in the statement of comprehensive income.



## Section 3 Notes About Our Financial Position

### C1 Cash and Cash Equivalents

#### Accounting policy - Cash and cash equivalents

For the purposes of the statement of financial position and the statement of cash flows, cash assets includes all cash and cheques receipted but not banked at 30 June as well as deposits at call with financial institutions.

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

### C2 Receivables

	2019 \$'000	2018 \$'000
Trade debtors	58	53
GST receivable	33	19
GST payable	(9)	(7)
	24	12
Annual leave reimbursements	83	91
Long service leave reimbursements	47	28
	130	119
<b>Total</b>	<b>212</b>	<b>184</b>

#### Accounting policy - Receivables

Receivables are recognised at the amounts due at the time of sale or service delivery (i.e. the agreed purchase/contract price). Annual leave and long service leave reimbursements are claimed and recognised on a quarterly basis.

#### Disclosure - Credit risk

The maximum exposure to credit risk at balance date for receivables is the gross carrying amount of those assets inclusive of any allowance for impairment.

#### Accounting policy – Impairment of receivables

An allowance for impairment may be reported to reflect the occurrence of loss events. No loss allowance is recorded for receivables from Queensland state or local government agencies, or Australian Government agencies on the basis of materiality.

There were no bad debts written off during the financial year, nor any receivables impaired.

## C3 Property, Plant, Equipment and Depreciation Expense

### C3-1 Closing Balances and Reconciliation of Carrying Amount

	2019 \$'000	2018 \$'000
<b>Plant and equipment</b>		
At cost	943	932
Less: Accumulated depreciation	(574)	(455)
<b>Carrying amount as at 30 June</b>	<b>369</b>	<b>477</b>
<i>Represented by movements in carrying amounts:</i>		
Carrying amount at 1 July	477	591
Acquisitions	28	17
Depreciation	(136)	(131)
<b>Carrying amount at 30 June</b>	<b>369</b>	<b>477</b>

### C3-2 Recognition and Acquisition

#### Accounting policy – Recognition

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

Items with a lesser value are expensed in the year of acquisition. Maintenance expenditure that merely restores original service potential is also expensed.

#### Accounting policy – Cost of Acquisition

All assets are initially recorded at their purchase price plus any costs incurred that are directly attributable to bringing the asset to the location and condition necessary for it to be able to operate as intended.

### C3-3 Measurement using Historical Cost

#### Accounting policy

Plant and equipment (that is not classified as major plant and equipment) is measured at cost in accordance with Queensland Treasury's Non-Current Asset Policies for the Queensland Public Sector. The carrying amounts for such plant and equipment at cost is not materially different from their fair value. Consequently the Office does not categorise its assets and liabilities within the levels described by AASB 13 *Fair Value Measurement*.

### **C3-4 Depreciation Expense**

#### **Accounting policy - Depreciation**

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

#### **Key Judgement:**

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

**Key Estimate:** For each class of depreciable asset the following depreciation rates are used:

<b>Class</b>	<b>Useful Life</b>
Plant and equipment:	
Computer and office equipment	3 - 5 years
Office fit out	6 years

#### **Disclosure – Office Fit Out Depreciation**

The Office fitout is being depreciated until the end of the lease commitment in February 2022.

### **C3-5 Impairment**

#### **Accounting policy**

All non-current physical assets are assessed for indicators of impairment on an annual basis, with any impairment loss recognised immediately in the statement of comprehensive income.

No impairment losses were recorded during the year.

## C4 Intangibles and Amortisation Expense

### C4-1 Closing Balances and Reconciliation of Carrying Amount

	2019 \$'000	2018 \$'000
<b>Software purchased</b>		
At cost	637	637
Less: Accumulated amortisation	(554)	(521)
<b>Carrying amount at 30 June</b>	<b>83</b>	<b>116</b>
<i>Represented by movements in carrying amount:</i>		
Carrying amount at 1 July	116	149
Acquisitions	-	-
Amortisation	(33)	(33)
<b>Carrying amount at 30 June</b>	<b>83</b>	<b>116</b>

### C4-2 Recognition and Measurement

#### Accounting policy

Intangible assets of the Office comprise purchased software including business systems.

Intangible assets with a historical cost or other value equal to or greater than \$100,000 are recognised in the financial statements. Items with a lesser value are expensed. Any training costs are expensed as incurred. There is no active market for any of the Office's intangible assets. As such, the assets are recognised and carried at historical cost less accumulated amortisation.

### C4-3 Amortisation expense

#### Accounting policy - Amortisation Expense

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

**Key estimate:** For each class of intangible asset the following amortisation rates are used:

Intangible Asset	Useful Life
Software purchased	3 - 5 years

#### Other Disclosures

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

#### C4-4 Impairment

##### Accounting policy

All intangible assets are assessed for indicators of impairment on an annual basis. If an indicator of possible impairment exists, the Office determines the asset's recoverable amount. Any amount by which the asset's carrying amount exceeds the recoverable amount is recorded as an impairment loss.

No impairment losses were recorded during the year.

#### C5 Payables

	<b>2019</b>	<b>2018</b>
	<b>\$'000</b>	<b>\$'000</b>
Trade creditors	152	60
Unearned revenue	105	60
Other payables	6	16
<b>Total</b>	<b>263</b>	<b>136</b>

##### Accounting policy - Payables

Trade creditors are recognised upon receipt of the goods or services at the agreed purchase/contract price, gross of applicable trade and other discounts. Amounts owing are unsecured.

#### C6 Accrued Employee Benefits

	<b>2019</b>	<b>2018</b>
	<b>\$'000</b>	<b>\$'000</b>
<b>Current</b>		
Wages outstanding	146	126
Annual leave levy payable	136	140
Long service leave levy payable	31	31
<b>Total</b>	<b>313</b>	<b>297</b>

##### Accounting policy – Accrued employee benefits

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

## Section 4

### Notes About Risk and Other Accounting Uncertainties

#### D1 Financial Risk Disclosures

##### D1-1 Financial Instrument Categories

Financial assets and financial liabilities are recognised in the statement of financial position when the Office becomes party to the contractual provisions of the financial instrument. The Office has the following categories of financial assets and financial liabilities:

Category	Notes	2019 \$'000	2018 \$'000
<b>Financial assets</b>			
Cash and cash equivalents	C1	1,378	1,139
Receivables	C2	212	184
<b>Total financial assets</b>		<b>1,590</b>	<b>1,323</b>
<b>Financial liabilities</b>			
Payables	C5	263	136
<b>Total financial liabilities</b>		<b>263</b>	<b>136</b>

No financial assets and financial liabilities have been offset and presented net in the statement of financial position.

##### D1-2 Financial Risk Management

Risk Measurement and Management Strategies

Due to the nature of the Office's activities, exposure to credit risk, liquidity risk or market risk is considered immaterial. Financial risk management is implemented pursuant to Government and Office policy.

All payables are due within twelve months.

#### D2 Contingencies

##### Litigation in Progress

As at 30 June 2019 the State of Queensland (Office of the Ombudsman) was listed as a defendant in one case before the Queensland Civil and Administrative Tribunal.

It is not possible to make a reliable estimate of the final amount payable, if any, in respect the litigation before the tribunal at this time.

##### Financial Guarantees

The Office was not committed to any guarantees or undertakings at 30 June 2019.

### D3 Commitments

#### Non-cancellable operating lease commitments

Commitments under operating leases at reporting date (inclusive of non-recoverable GST input tax credits) are payable:

	2019	2018
	\$'000	\$'000
Not later than one year	790	761
Later than one year and not later than five years	1,329	2,141
<b>Total</b>	<b>2,119</b>	<b>2,902</b>

The Office has a financial commitment to the Department of Housing and Public Works for accommodation rental in respect of the Office's premises until February 2022.

### D4 Events after the reporting date

There were no material occurrences after 30 June 2019.

### D5 Future Impact of Accounting Standards Not Yet Effective

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

At the date of authorisation of the financial report, the expected impacts of new or amended Australian Accounting Standards issued but with future effective dates are set out below:

#### **AASB 1058 *Income of Not-for-Profit Entities and***

#### **AASB 15 *Revenue from Contracts with Customers***

These standards will first apply to the Office when preparing the financial statements for 2019-20.

The Office has reviewed the impact of AASB 15 and AASB 1058 and identified the following impacts of adoption of the new standards.

#### Appropriation Funding

Amounts of appropriation revenue from Queensland Treasury will continue to be recognised on receipt of the appropriation.

#### Sale of Services:

Revenue from the provision of training has a single performance obligation fulfilled when training is delivered to customers. The Office anticipates no material changes to revenue recognition from the introduction of AASB 15 for revenue arising from the provision of training services.

### **AASB 16 Leases**

This Standard will first apply to the Office in its financial statements for 2019-20. When applied, the standard supersedes AASB 117 *Leases*, AASB Interpretation 4 *Determining whether an Arrangement contains a Lease*, AASB Interpretation 115 *Operating Leases – Incentives* and AASB Interpretation 127 *Evaluating the Substance of Transactions Involving the Legal Form of a Lease*.

#### Impact for Lessees

Under AASB 16, the majority of operating leases (as defined by the current AASB 117 and shown at Note D4) will be reported on the statement of financial position as right-of-use assets and lease liabilities.

A right-of-use asset will be initially recognised at cost, consisting of the initial amount of the associated lease liability, plus any lease payments made to the lessor at or before the effective date, less any lease incentive received, the initial estimate of restoration costs and any initial direct costs incurred by the lessee. A right-of-use asset will give rise to a depreciation expense.

A lease liability will be initially recognised at an amount equal to the present value of the lease payments during the lease term that are not yet paid. Current operating lease rental payments will no longer be expensed in the statement of comprehensive income. They will be apportioned between a reduction in the recognised lease liability and the implicit finance charge (the effective rate of interest) in the lease. The finance cost will also be recognised as an expense.

AASB 16 allows a 'cumulative approach' rather than full retrospective application to recognising existing operating leases. In accordance with Queensland Treasury's policy, the Office will apply the 'cumulative approach', and will not need to restate comparative information. Instead, the cumulative effect of applying the standard is recognised as an adjustment to the opening balance of accumulated surplus (or other component of equity, as appropriate) at the date of initial application.

#### *Outcome of review as lessee*

The Office has completed its review of the impact of adoption of AASB 16 on the statement of financial position and statement of comprehensive income and has identified the following major impacts which are outlined below.

During the 2018/19 financial year, the Office held an operating lease under AASB 117 from the Department of Housing and Public Works (DHPW) for non-specialised, commercial office accommodation through the Queensland Government Accommodation Office (QGAO). Lease payments under these arrangements totalled \$757,000 p.a. The Office has been advised by Queensland Treasury and DHPW that, effective 1 July 2019, amendments to the framework agreements that govern QGAO and the Office will result in the above arrangements being exempt from lease accounting under AASB 16. This is due to DHPW having substantive substitution rights over the non-specialised, commercial office accommodation used within these arrangements. From 2019-20 onwards, costs for these services will continue to be expensed as supplies and services expense when incurred.



## Section 5 Notes On Our Performance Compared to Budget

### E1 Budgetary Reporting Disclosures

This section discloses the Office's original published budgeted figures for 2018-19 compared to actual results, with explanations of major variances, in respect of the Office's statement of comprehensive income, statement of financial position and statement of cash flows.

### E2 Budget to Actual Comparison – Statement of Comprehensive Income

Statement of Comprehensive Income	Variance Notes	Original Budget 2019 \$'000	Actual 2019 \$'000	Variance \$'000
<b>Income</b>				
Appropriation revenue	V1	8,757	8,327	(430)
User charges and fees	V2	368	679	311
Goods and services below fair value	V3	-	112	112
Other revenue		35	39	4
<b>Total income</b>		<b>9,160</b>	<b>9,157</b>	<b>(3)</b>
<b>Expenses</b>				
Employee expenses	V4	7,475	6,806	669
Supplies and services	V5	1,515	2,068	(553)
Depreciation and amortisation		183	169	14
Other expenses	V6	32	136	(104)
<b>Total expenses</b>		<b>9,205</b>	<b>9,179</b>	<b>26</b>
<b>Operating result</b>		<b>(45)</b>	<b>(22)</b>	<b>23</b>
<b>Other comprehensive income</b>		<b>-</b>	<b>-</b>	<b>-</b>
<b>Total comprehensive income</b>		<b>(45)</b>	<b>(22)</b>	<b>23</b>

## **E2-1 Explanation of Major Variances – Statement of Comprehensive Income**

- V1. The reduction in appropriation revenue primarily resulted from lapsed funding carried over to future financial years.
- V2. The increase in user charges and fees reflects significantly increased demand for the Office's training programs.
- V3. The offsetting revenue and expenditure of \$0.112 million recognised in relation to the provision of free archival services by Queensland State Archives are not provided for in the budget and have no net financial effect on the operations of the Office.
- V4. Employee expenses were lower due to temporary vacancies arising from a higher level of staff movements and the use of agency staff with specialist skills.
- V5. The increase in supplies and services as compared to budget, includes the replacement of computing equipment and software, improved information security and payments for agency staff.
- V6. Other expenses include \$0.112 million recognised in relation to the provision of free archival services by Queensland State Archives. The matching revenue item is shown as goods and services below fair value.

### E3 Budget to Actual Comparison – Statement of Financial Position

Statement of Financial Position	Variance Notes	Original Budget 2019 \$'000	Actual 2019 \$'000	Variance \$'000
<b>Current assets</b>				
Cash and cash equivalents	V7	957	1,378	421
Receivables		300	212	(88)
Other current assets		56	49	(7)
<b>Total current assets</b>		<b>1,313</b>	<b>1,639</b>	<b>326</b>
<b>Non-current assets</b>				
Plant and equipment		402	369	(33)
Intangible assets		81	83	2
<b>Total non-current assets</b>		<b>483</b>	<b>452</b>	<b>(31)</b>
<b>Total assets</b>		<b>1,796</b>	<b>2,091</b>	<b>295</b>
<b>Current liabilities</b>				
Payables		214	263	(49)
Accrued employee benefits		307	313	(6)
<b>Total current liabilities</b>		<b>521</b>	<b>576</b>	<b>(55)</b>
<b>Total liabilities</b>		<b>521</b>	<b>576</b>	<b>(55)</b>
<b>Net assets</b>		<b>1,275</b>	<b>1,515</b>	<b>240</b>
<b>Equity</b>				
Contributed equity		880	880	-
Accumulated surplus	V8	395	635	240
<b>Total equity</b>		<b>1,275</b>	<b>1,515</b>	<b>240</b>

#### E3-1 Explanation of Major Variances – Statement of Financial Position

- V7. The increase in the year-end cash position predominantly reflects a higher opening cash balance arising from the 2017-18 operating surplus.
- V8. The increase in accumulated surplus, as compared to budget, reflects a higher opening accumulated surplus balance arising from the 2017-18 operating surplus.

## E4 Budget to Actual Comparison – Statement of Cash Flows

Statement of Cash Flows	Variance Notes	Original Budget 2019 \$'000	Actual 2019 \$'000	Variance \$'000
<b>Cash flows from operating activities</b>				
<i>Inflows:</i>				
Appropriation receipts	V9	8,757	8,327	(430)
User charges and fees	V10	372	720	348
GST input tax credits from Australian Taxation Office		-	210	210
GST collected from customers		-	78	78
Other		153	38	(115)
<i>Outflows:</i>				
Employee expenses	V11	(7,478)	(6,802)	676
Supplies and services	V12	(1,635)	(1,981)	(346)
GST paid to suppliers		-	(223)	(223)
GST remitted to Australian Taxation Office		-	(76)	(76)
Other		(25)	(24)	1
<b>Net cash provided by operating activities</b>		<b>144</b>	<b>267</b>	<b>123</b>
<b>Cash flows from investing activities</b>				
<i>Outflows:</i>				
Payments for non-financial assets		(50)	(28)	22
<b>Net cash (used in) investing activities</b>		<b>(50)</b>	<b>(28)</b>	<b>22</b>
Net increase (decrease) in cash and cash equivalents		94	239	145
Cash and cash equivalents at beginning of financial year		863	1,139	276
<b>Cash and cash equivalents at end of financial year</b>	<b>V13</b>	<b>957</b>	<b>1,378</b>	<b>421</b>

#### **E4-1 Explanation of Major Variances – Statement of Cash Flows**

- V9. The reduction in appropriation revenue primarily resulted from lapsed funding carried over to future financial years.
- V10. The increase in user charges and fees reflects significantly increased demand for the Office's training courses.
- V11. Employee expenses were lower due to temporary vacancies arising from a higher level of staff movements and the use of agency staff with specialist skills.
- V12. The increase in supplies and services as compared to budget, includes the replacement of computing equipment and software, improved information security and payments for agency staff.
- V13. The increase in the year-end cash position predominantly reflects a higher opening cash balance, coupled with increased payables and decreased receivables in 2018-19 when compared to budget.

## Section 6 Other Information

### F1 Key Management Personnel (KMP) Disclosures

The following details for key management personnel include those positions that had authority and responsibility for planning, directing and controlling the activities of the Office during 2018-19 and 2017-18. Further information on these positions can be found in the body of the Annual Report under the section relating to Executive Management.

Position	Position Responsibility
Ombudsman	Directs the overall efficient, effective and economical administration of the Office.
Deputy Ombudsman	Manages the Intake and Major Projects Unit and the Investigation and Resolution Unit in meeting the Office's statutory functions efficiently and effectively.
Director, Corporate Services Unit	Manages the Corporate Services Unit which support the Office's statutory functions.

#### Remuneration Policies

Remuneration policy for the Office's key management personnel is set by the Governor-in-Council in accordance with the provisions of the *Ombudsman Act 2001*. The remuneration and other terms of employment for the key management personnel are specified in employment contracts.

Remuneration expenses for key management personnel comprise the following components:

- short term employee expenses which include salaries, allowances and leave entitlements earned and expensed for the entire year, or for that part of the year during which the employee occupied the specified position
- long term employee benefits include amounts expensed in respect of long service leave earned
- post-employment benefits include amounts expensed in respect of employer superannuation obligations earned
- termination benefits include payments in lieu of notice on termination and other lump sum separation entitlements (excluding annual and long service leave entitlements) payable on termination of employment or acceptance of an offer of termination of employment.

#### KMP Remuneration Expense

The following disclosures focus on the expenses incurred by the Office that is attributable to key management positions during the respective reporting periods. The amounts disclosed are determined on the same basis as expenses recognised in the statement of comprehensive income.

**1 July 2018 - 30 June 2019**

Position	Short Term Employee Expenses		Long Term Employee Expenses	Post-Employment Expenses	Termination Benefits	Total Expenses
	Monetary Expenses \$'000	Non-Monetary Benefits \$'000	\$'000	\$'000	\$'000	\$'000
Ombudsman	307	-	7	39	-	353
Deputy Ombudsman 20/8/18 - 30/6/19	177	-	8	19	-	204
Deputy Ombudsman (Acting) 1/07/2018 - 17/08/18 #	82	-	-	11	-	93
Director, Corporate Services Unit	132	-	6	16	-	154

# includes remuneration for substantive role of Assistant Ombudsman.

**1 July 2017 - 30 June 2018**

Position	Short Term Employee Expenses		Long Term Employee Expenses	Post-Employment Expenses	Termination Benefits	Total Expenses
	Monetary Expenses \$'000	Non-Monetary Benefits \$'000	\$'000	\$'000	\$'000	\$'000
Ombudsman	305	-	13	38	-	356
Deputy Ombudsman to 31/10/2017 *	78	-	2	8	-	88
Deputy Ombudsman (Acting) 6/11/2017 - 30/06/2018 #	183	-	6	19	-	208
Director, Corporate Services Unit (to 18/8/2017)	17	-	1	2	-	20
Director, Corporate Services Unit (from 2/10/2017)	97	-	5	11	-	113

\* Appointed to act as chief executive with a State government agency for the majority of 2017-18.

# includes remuneration for substantive role of Assistant Ombudsman.

**Performance Payments**

No KMP remuneration packages provide for performance or bonus payments.

## **F2 Related Party Transactions**

### ***Transactions with people or entities related to KMP***

There were no material transactions with people or entities related to KMP.

### ***Transactions with other Queensland Government agencies***

The Office's primary ongoing sources of funding are appropriation revenue and equity injections, both of which are provided in cash via Queensland Treasury, and from the delivery of training courses to Government agencies on ordinary commercial terms.

The Office sources its accommodation requirements via commercial arrangements with the Department of Housing and Works (refer note B2-2 and D3) and receives free of charge archival storage services from Queensland State Archives (refer note B2-4). The Office receives corporate services support in relation to payroll and financial systems from the Queensland Parliamentary Services on a cost recovery basis.

## **F3 Taxation**

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

GST credits receivable from, and GST payable to the Australian Taxation Office, are recognised (refer note C2).



## Management Certificate

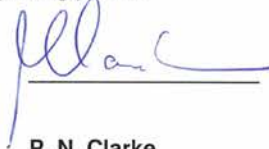
These general purpose financial statements have been prepared pursuant to section 62(1) of the *Financial Accountability Act 2009* (the Act), section 42 of the *Financial and Performance Management Standard 2009* and other prescribed requirements. In accordance with section 62(1)(b) of the Act we certify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

- (a) the prescribed requirements for establishing and keeping the accounts have been complied with in all material respects; and
- (b) the financial statements have been drawn up to present a true and fair view, in accordance with prescribed accounting standards, of the transactions of the Office of the Queensland Ombudsman for the financial year ended 30 June 2019 and of the financial position of the Office at the end of that year; and

The Queensland Ombudsman, as the Accountable Officer of the Office of the Queensland Ombudsman, acknowledges responsibility under s.8 and s.15 of the *Financial and Performance Management Standard 2009* for the establishment and maintenance, in all material respects, of an appropriate and effective system of internal controls and risk management processes with respect to financial reporting throughout the reporting period.



**L. M. Robertson**  
Director,  
Corporate Services Unit



**P. N. Clarke**  
Queensland Ombudsman



**G. E. Rawlings FCPA**  
Chief Financial Officer

13 August 2019

## INDEPENDENT AUDITOR'S REPORT

To the Accountable Officer of the Office of the Queensland Ombudsman.

### Report on the audit of the financial report

#### Opinion

I have audited the accompanying financial report of the Office of the Queensland Ombudsman.

In my opinion, the financial report:

- a) gives a true and fair view of the department's financial position as at 30 June 2019, and its financial performance and cash flows for the year then ended
- b) complies with the *Financial Accountability Act 2009*, the Financial and Performance Management Standard 2009 and Australian Accounting Standards.

The financial report comprises the statement of financial position as at 30 June 2019, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes to the financial statements including summaries of significant accounting policies and other explanatory information, and the management certificate.

#### Basis for opinion

I conducted my audit in accordance with the *Auditor-General of Queensland Auditing Standards*, which incorporate the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of my report.

I am independent of the department in accordance with the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to my audit of the financial report in Australia. I have also fulfilled my other ethical responsibilities in accordance with the Code and the *Auditor-General of Queensland Auditing Standards*.

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

#### Other information

Other information comprises the information included in the Office of the Queensland Ombudsman's annual report for the year ended 30 June 2019 but does not include the financial report and my auditor's report thereon. Those charged with governance are responsible for the other information.

My opinion on the financial report does not cover the other information and accordingly I do not express any form of assurance conclusion thereon.

In connection with my audit of the financial report, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or my knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work I have performed, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.

#### **Responsibilities of the department for the financial report**

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

The Accountable Officer is also responsible for assessing the department's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless it is intended to abolish the department or to otherwise cease operations.

#### **Auditor's responsibilities for the audit of the financial report**

My objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

As part of an audit in accordance with the Australian Auditing Standards, I exercise professional judgement and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial report, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for expressing an opinion on the effectiveness of the department's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the department.

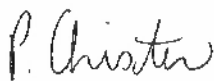
- Conclude on the appropriateness of the department's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the department's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial report or, if such disclosures are inadequate, to modify my opinion. I base my conclusions on the audit evidence obtained up to the date of my auditor's report. However, future events or conditions may cause the department to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial report, including the disclosures, and whether the financial report represents the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Accountable Officer regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

**Report on other legal and regulatory requirements**

In accordance with s.40 of the *Auditor-General Act 2009*, for the year ended 30 June 2019:

- a) I received all the information and explanations I required.
- b) In my opinion, the prescribed requirements in relation to the establishment and keeping of accounts were complied with in all material respects.



P CHRISTENSEN  
as delegate of the Auditor-General

15 August 2019  
Queensland Audit Office  
Brisbane

## Appendix E: Managing complaints about this Office

### Complaint management system (CMS)

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

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

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

The policy applies to:

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

### Complaints reporting and analysis

A review of a complaint may:

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

In 2018-19, 132 internal review requests were received and 120 were finalised. The original decision was confirmed in 89 cases. Fourteen cases were declined or withdrawn. In 17 cases decisions were not upheld.

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

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

In 2018-19, there were 24 service delivery complaints (SDC). These complaints related to the behaviour or competency of an officer, or client dissatisfaction with the initial attempt to resolve the complaint. During 2018-19, 24 SDCs were closed and of these six were substantiated. Remedial action was taken in relation to these six matters.

## Appendix F: Information systems and recordkeeping

Corporate records are managed in an electronic document and records management system (EDOCS) and complaint/investigation records are managed in a complaints management system (Resolve).

Records that are born digital (e.g. emails) remain in that format and are saved to a digital file in one of these systems. An official hard file is only created where there is a need to store 'original' paper records that have been digitally saved, but are not eligible for destruction.

Some highlights during the year included:

- improved induction for new starters, including a one-to-one briefing of the Office's recordkeeping
- reviewing recordkeeping maturity in line with Queensland State Archives' recordkeeping maturity assessment tool and attaining the 'Acceptable' level
- completing a technology refresh, including upgrading a number of core business systems and equipment to ensure continued reliability.

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## Appendix G: Open data

The Queensland Ombudsman annual report 2018-19 includes information about the work of the Office and statistics about complaints and complaint handling.

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

Details of the Office's expenditure on consultancies, overseas travel and interpreters are available on the Office's website ([www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au)).

## Appendix H: Compliance checklist

**Table 23: Compliance checklist as required in the Annual report requirements for Queensland Government agencies**

Summary of requirement		Basis for requirement	Annual report reference
Letter of compliance	A letter of compliance from the accountable officer or statutory body to the relevant Minister/s	ARRs - section 7	Page i
Accessibility	Table of contents Glossary	ARRs - section 9.1	Page ii Pages 56-57
	Public availability	ARRs - section 9.2	Inside front cover
	Interpreter service statement	<i>Queensland Government Language Services Policy</i> ARRs - section 9.3	Inside front cover
	Copyright notice	<i>Copyright Act 1968</i> ARRs - section 9.4	Inside front cover
	Information licensing	<i>QGEA - Information Licensing</i> ARRs - section 9.5	Inside front cover
General information	Introductory information	ARRs - section 10.1	Pages 1-7
	Machinery of Government changes	ARRs - section 10.2, 31 and 32	Not applicable
	Agency role and main functions	ARRs - section 10.2	Inside front cover to page 7
	Operating environment	ARRs - section 10.3	Pages 1-6
Non-financial performance	Government's objectives for the community	ARRs - section 11.1	Not applicable
	Other whole-of-government plans / specific initiatives	ARRs - section 11.2	Not applicable
	Agency objectives and performance indicators	ARRs - section 11.3	Pages 4-5, 58
	Agency service areas and service standards	ARRs - section 11.4	Page 58
Financial performance	Summary of financial performance	ARRs - section 12.1	Pages 47-49
Governance - management and structure	Organisational structure	ARRs - section 13.1	Page 42
	Executive management	ARRs - section 13.2	Pages 45-46
	Government bodies (statutory bodies and other entities)	ARRs - section 13.3	Not applicable
	<i>Public Sector Ethics Act 1994</i>	<i>Public Sector Ethics Act 1994</i> ARRs - section 13.4	Page 38
	Queensland public service values	ARRs - section 13.5	Page ii



Summary of requirement		Basis for requirement	Annual report reference
Governance - risk management and accountability	Risk management	ARRs - section 14.1	Page 43
	Audit committee	ARRs - section 14.2	Page 43
	Internal audit	ARRs - section 14.3	Page 44
	External scrutiny	ARRs - section 14.4	Pages 40-41
	Information systems and recordkeeping	ARRs - section 14.5	Page 102
Governance - human resources	Strategic workforce planning and performance	ARRs - section 15.1	Page 37
	Early retirement, redundancy and retrenchment	Directive No.04/18 <i>Early Retirement, Redundancy and Retrenchment</i> ARRs - section 15.2	Page 37
Open data	Statement advising publication of information	ARRs - section 16	Page 102
	Consultancies	ARRs - section 33.1	Page 102
	Overseas travel	ARRs - section 33.2	Page 102
	Queensland Language Services Policy	ARRs - section 33.3	Page 102
Financial statements	Certification of financial statements	FAA - section 62 FPMS - sections 42, 43 and 50 ARRs - section 17.1	Pages 67-97
	Independent Auditor's Report	FAA - section 62 FPMS - section 50 ARRs - section 17.2	Pages 98-100

**ARRs** *Annual report requirements for Queensland Government agencies*

**FAA** *Financial Accountability Act 2009*

**FPMS** *Financial and Performance Management Standard 2009*







**QUEENSLAND  
OMBUDSMAN**

*Standing for fairness*