



Annual  
Report  
2017-18



**QUEENSLAND  
OMBUDSMAN**  
*Standing for fairness*

## Queensland Ombudsman 2017-18 Annual Report

ISBN 978-0-9876136-6-0

ISBN 978-0-9876136-7-7 (online)

© The State of Queensland, Queensland Ombudsman, 2018

### About this report

This report highlights the achievements of the Office of the Queensland Ombudsman in 2017-18. It details our financial and non-financial performance against the objectives set out in the 2015-19 Strategic Plan and 2017-18 Service Delivery Statement. It meets reporting obligations under the *Ombudsman Act 2001*, the *Financial Accountability Act 2009* and the Financial and Performance Management Standard 2009. It also complies with the detailed requirements set out in the *Annual report requirements for Queensland Government agencies*. This document is available as a downloadable PDF from the website, [www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au).

### Licence

This annual report is licensed by the State of Queensland, Office of the Queensland Ombudsman under a Creative Commons Attribution (CC BY) 4.0 International licence.



### CC BY License Summary Statement

This annual report, as long as you attribute the work to the Office of the Queensland Ombudsman.

To view a copy of the licence, visit <http://creativecommons.org/licenses/by/4.0>

### Attribution

Content from this annual report should be attributed to the Queensland Ombudsman 2017-18 Annual Report.

### 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).

To request a hard copy or provide feedback:

Address: Level 18, 53 Albert Street  
Brisbane QLD 4000

Postal: GPO Box 3314  
Brisbane QLD 4001

Telephone: (07) 3005 7000  
1800 068 908 (outside Brisbane)

Email: [ombudsman@ombudsman.qld.gov.au](mailto:ombudsman@ombudsman.qld.gov.au)

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

31 August 2018

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 2017-18 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 2017-18 financial statements from the Queensland Audit Office.

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

Yours sincerely



Phil Clarke  
Queensland Ombudsman



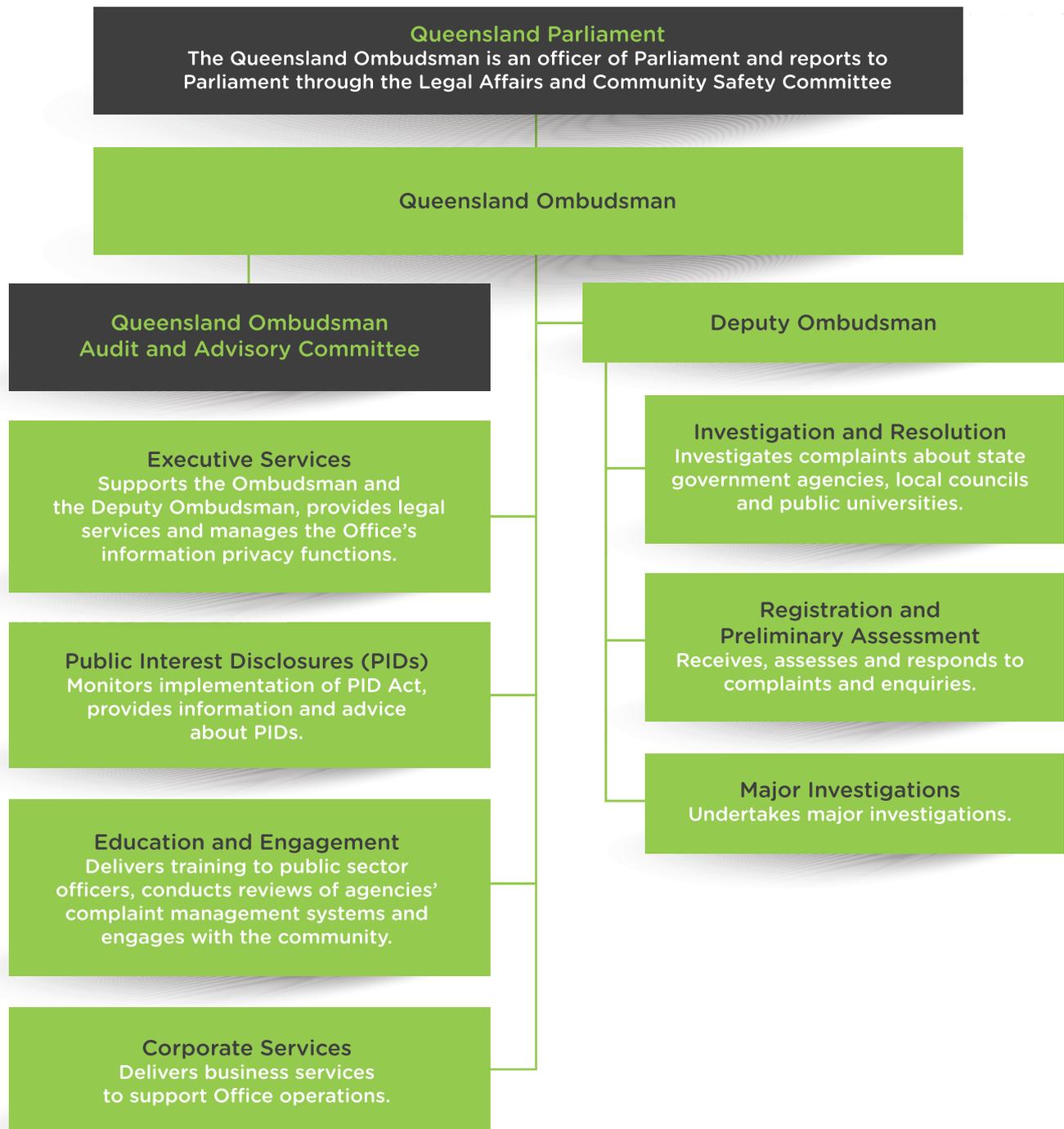
# Contents

<b>1 About us</b>	<b>6</b>	<b>5 Public interest disclosures</b>	<b>64</b>
Organisational structure	6	Oversight of the PID Act	64
The Ombudsman	7	Monitoring	65
The Office	7	Reporting	69
Jurisdiction	8	Reviewing	70
Strategic Plan 2015-19	9	Education and advice	71
		Whistling While They Work 2 Research Project	72
		Review of the PID Act	72
<b>2 Highlights</b>	<b>10</b>	<b>6 Empowering people</b>	<b>73</b>
The year at a glance	10	Community outreach	73
The Ombudsman's report	11	Improving services	74
Performance snapshot	14	Online services	76
<b>3 Dealing with complaints</b>	<b>16</b>	<b>7 Capable and accountable organisation</b>	<b>77</b>
Overview	17	People	77
Advice and assistance	17	Performance	80
Contact with the Office	19	External accountability	81
Complaints received	20	Internal accountability	82
Complaints finalised after preliminary assessment	31	Executive management	85
Feedback from stakeholders	32		
<b>4 Improving decision-making</b>	<b>33</b>	<b>8 Financials summary</b>	<b>87</b>
Investigations	34		
– Case studies	39	<b>9 Glossary</b>	<b>89</b>
Oversighting the management of child safety complaints	50		
– Case studies	51	<b>10 Appendices</b>	<b>92</b>
Corrective services and youth justice complaints and inspections	54	Appendix A: Statistical report	92
– Case studies	56	Appendix B: Training	98
Public reports	59	Appendix C: Managing complaints about this Office	102
Compliance reviews of complaint management systems	61	Appendix D: Information systems and recordkeeping	103
Administrative improvement advice	62	Appendix E: Open data	104
Training	62	Appendix F: Compliance checklist	105
Publications	63	Appendix G: Audited financial statements	107

# 1 About us

## Organisational structure

Figure 1: Organisational structure for the Office of the Queensland Ombudsman





## The Ombudsman

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

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

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

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

## The 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 role 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).

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

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

The Ombudsman makes recommendations to agencies within jurisdiction to:

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

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

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

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

- has tried to resolve the problem directly with the agency concerned, 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.

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

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.

## Strategic plan 2015-19

### Vision

Fair and accountable public administration in Queensland.

### Purpose

To fairly and independently review public sector administrative actions and work with agencies to improve their decision-making.

### Objectives

- Independent review and investigation of complaints.
- Public sector agencies improve their decision-making and complaints management.
- Individuals are empowered to resolve complaints with public sector agencies.
- The Office is an accountable organisation with a capable workforce.

### Values

#### ***Integrity and impartiality***

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

#### ***Fairness and respect***

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

#### ***Responsiveness and diligence***

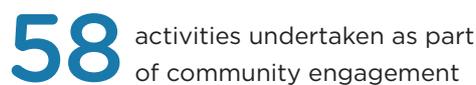
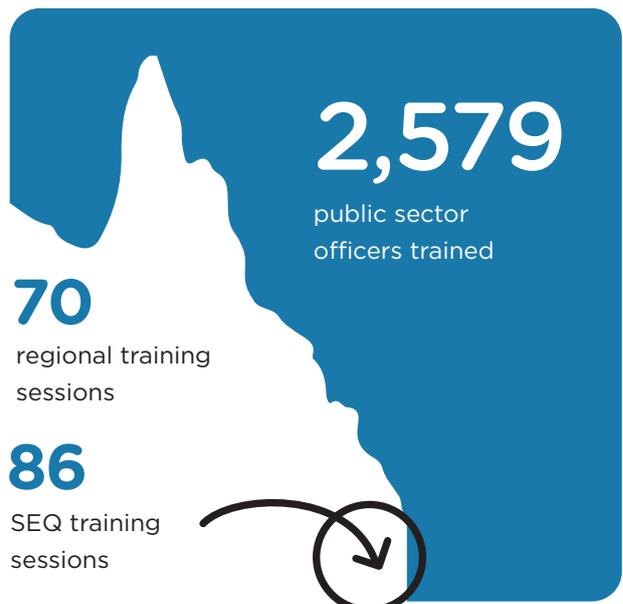
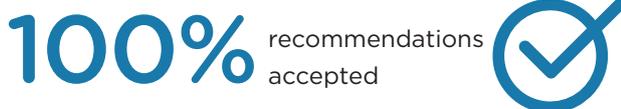
- We respond to complaints quickly. If we can't help, we'll explain why and suggest another action.
- We produce timely and high quality work.
- We develop our skills and innovate in our processes to improve service.

## 2 Highlights

### The year at a glance



average time to complete preliminary assessment of a complaint





## The Ombudsman's report

I am pleased to present the annual report 2017-18.

The work of the Office has continued to play a pivotal role in public agencies making fair and accountable decisions – a key element of open and transparent public administration. Whether through handling complaints, preparing major reports for tabling in the Parliament, training public officers, auditing agency complaints management systems, engaging with community organisations or overseeing public interest disclosures, the Office helped to ensure fairness and accountability for citizens in their dealings with public agencies.

Outlined below are the many achievements for 2017-18, each of which contributes to the effective operation of the Office in its role of independent reviewer of public administration. The Office, now some 44 years in existence, has collaborated with other integrity bodies to ensure that citizens have an effective and comprehensive review framework for public agency decisions and actions.

### Fair and reasonable treatment of complaints

In 2017-18, the Office had 10,990 contacts from Queenslanders for advice, assistance or resolution of their complaint.

The Office responded to 2,823 matters outside of jurisdiction (OOJ), providing practical advice to help people find the appropriate complaints body for their matter. OOJ matters fell by 17% from 2016-17, reflecting the Office's continued focus on automated referral services to improve both efficiency and customer service.

The full year impact of a new website and online complaint form, launched in December 2016, contributed significantly to the decline in OOJ matters received by the Office. Since January 2018, over 22,000 people linked directly to another website, from this Office's website, to progress their OOJ matter.

In addition, over the course of the year, almost 5,000 people were referred to other complaints agencies via the Office's automated telephone redirection service.

Collectively, this data indicates that more than 50,000 OOJ matters were auto-managed during 2017-18, a significant achievement for the Office.

As a result of the reduction in OOJ matters, complaints accounted for 72% of all contact with the Office in 2017-18. Of these complaints, 80% were finalised within 10 days of receipt and 95% were finalised within 30 days.

Of the 7,244 complaints finalised in 2017-18, 5,879 were finalised at preliminary assessment. In the majority of cases, this was because a person contacted the Office before using the full complaint management process available within the agency.

As at 30 June 2018, 153 complaints remained open. Of these, 57% were matters received within the last 30 days of the financial year. Four complaints remained open that were over one year old.

Across the Office, the average time taken to finalise a complaint again declined. In 2017-18, it was 10.3 days; down from 13.3 days in 2016-17. This trend was driven by improvements in the timeliness of both preliminary assessments and investigations.

### Helping public agencies improve decision-making

The Office continued its role of investigating complaints about the actions and decisions of state government departments and agencies, local councils and public universities.

In 2017-18, the Office completed 1,344 investigations. Of these, 262 investigations, or 19.5% of those finalised, resulted in the total or partial rectification of an issue.

The Office made 296 investigation recommendations, including formal recommendations under s.50 of the *Ombudsman Act 2001* and negotiated agreed actions. Of these, 100% were accepted by the respective agencies as at 30 June 2018.

These outcomes underline the vital role the Office plays in helping people challenge unfair and unjust decisions, and helping public agencies improve their administration.

Two public reports were released in 2017-18:

- *The Cairns Regional Council councillor conflicts of interest report: An investigation into the way in which councillors at Cairns Regional Council deal with conflicts of interest*
- *The Indigenous birth registration report: An investigation into the under-registration of Indigenous births in Queensland*

During the year, 156 training sessions were delivered to 2,579 public sector officers, with 70 sessions delivered in regional Queensland. This was a substantial increase from 2016-17.

Training covered good decision-making, complaints management, managing unreasonable conduct and ethics in the public sector.

In addition, subscriptions to the Office's newsletters for key stakeholders increased this year to 6,288, a 13% increase from 2016-17.

## Empowering people within the community

The Office seeks to ensure that people have the support, advice and information necessary to manage their complaints across the Queensland public sector. This can be a challenge in a large state with a diverse and decentralised population.

Engagement with advocacy and community groups is a pivotal part of the Office's administrative improvement function under the Act and helps promote access to its services across the community.

The Regional Services Program (RSP) is designed to improve awareness of the Office and access to its services for communities in regional and remote areas. As part of the program, Queensland Ombudsman officers visit correctional centres, deliver training or information sessions, attend community meetings and meet with local councillors and Members of Parliament. Officers visited 22 regional centres in 2017-18.

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

In 2017-18, the Office delivered 15 Queensland Complaints Landscape presentations to community organisations to build greater knowledge of the Ombudsman's services and agency complaints systems. Presentations were made in south-east Queensland and 11 regional locations. In all, 66 community organisations participated in these workshops.

The Office's website remains its key resource for the community to learn more about the role of the Ombudsman and its complaints process, and to provide clients with a tool for lodging a complaint online. It also provides officers in other public sector agencies with resources on complaint handling and public interest disclosures, and allows them to review training options, view the Office's training calendar, and book training courses.

In 2017-18, 127,963 people visited the website, an increase of 37% from 2016-17 and 59% from 2015-16.

## Oversight of public interest disclosures (PIDs)

This year saw a modest increase in the number of PIDs reported to the Office across all agencies.

Of the 802 PIDs reported to the Office, 74% were about corrupt conduct. State government departments were the main source of PIDs (49%), followed by hospital and health services (24%) and local councils (13%), with the balance comprising university/TAFE, statutory authorities, government-owned corporations and other public service offices.

The Office continues to work with agencies to ensure that PIDs remain an accessible avenue for reporting wrongdoing across the public sector.

This has included an increased focus on training public sector officers about PID management. This year the Office delivered 15 PID training sessions to 302 officers.

## Strategic review of the Office

In line with s.83 of the *Ombudsman Act 2001*, an independent strategic review of the Office was conducted during the year. The review is an important element of oversight of the Office, given its independence from Executive Government and relationship with the Legal Affairs and Community Safety Committee of the Parliament.

The strategic review report was tabled in Parliament on 15 February 2018.

The reviewer's report contained 72 recommendations relating to systems, processes and legislation which the Office will consider and work towards in the coming years.

## Opportunities for the future

Since the strategic review report was tabled in the Queensland Parliament, the Office has undertaken significant work and engagement with staff, and the appropriate external entities, to develop a new strategic plan for the period 2018-22, which will be implemented from 1 July 2018. The plan reflects the key outcomes of the strategic review, in particular, broadening consultation with agencies and the community.

The Office currently undertakes an inspections program that includes correctional centres and youth detention centres. The recommendations from government reviews in these areas, foreshadowing the establishment of new oversight bodies, remain under consideration by the Queensland Government.

The Commonwealth Government has now ratified the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT). The objective of OPCAT is to establish a system of regular visits to closed environments to ensure the humane treatment of prisoners and other detainees.

These measures will contribute to a more cohesive and comprehensive regime of oversight and humane treatment for some of the most vulnerable people in our community.

There are clear synergies between the role of Ombudsman and independent inspections of closed environments, and this Office is well placed to contribute significantly in this area.

I am optimistic that the Office's new strategic plan and response to the strategic review recommendations will build on the Office's past success, and deliver further improvements in the services it provides to deliver fair and accountable public administration in Queensland.

During the year, Mr Andrew Brown resigned his position as Deputy Ombudsman to take up the role of Health Ombudsman. I thank him for his major contribution to the Office over several years.

The dedication and hard work of Ombudsman officers are the backbone of its success. I wish to thank them for their ongoing commitment. The experience and capability of staff within the Office are the reason for the Office's achievements during the year and for my confidence in its future success.

Phil Clarke  
Queensland Ombudsman

## Performance snapshot

The objectives, strategies and performance indicators shown here are drawn from the Queensland Ombudsman *Strategic Plan 2015-19*. Some performance indicators are also Service Delivery Statement measures (see Appendix A for the full Service Delivery Statement).

**Table 1: Key performance indicators**

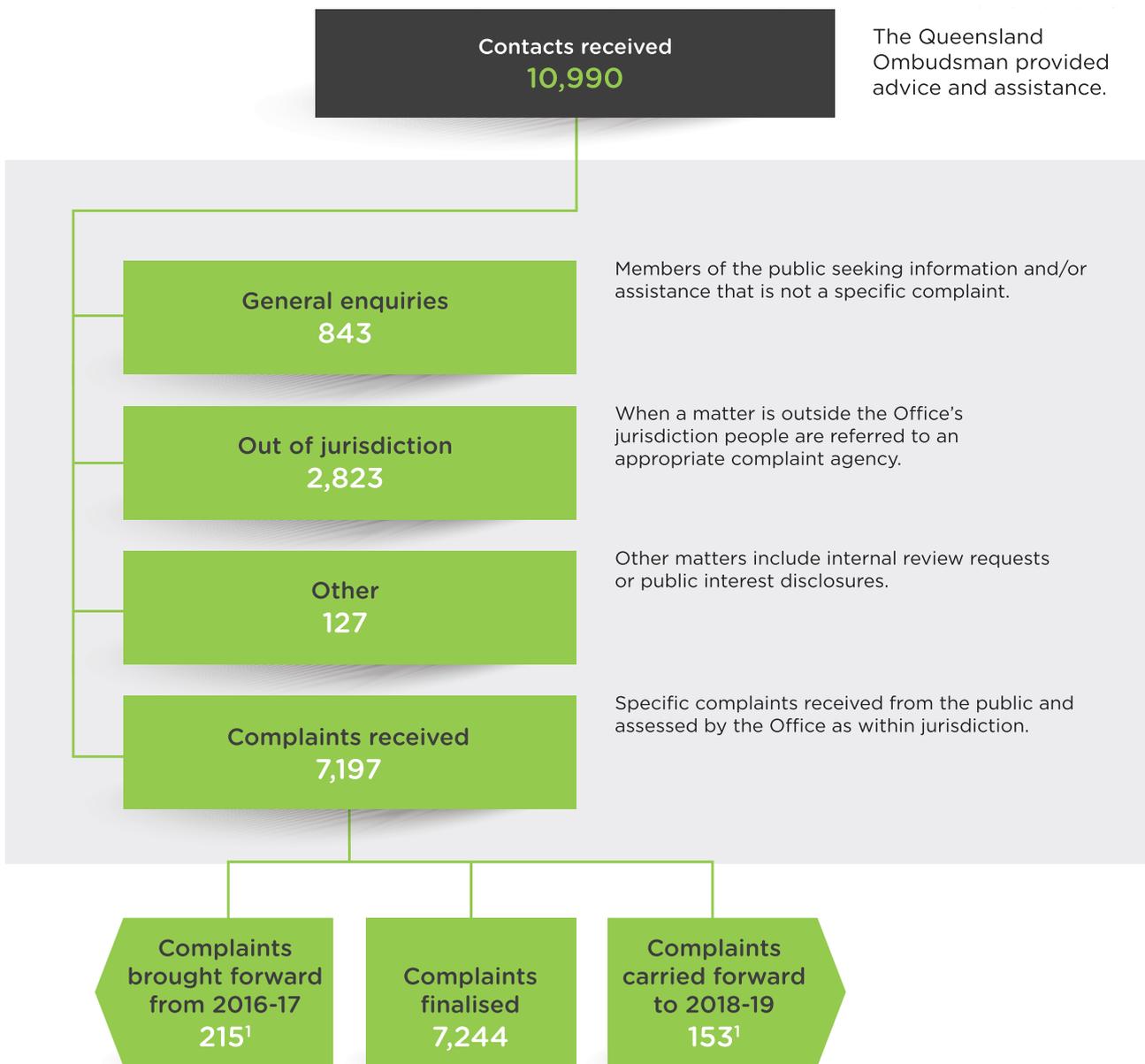
	Notes	Target	Actual <sup>1</sup>
<b>Objective 1: Fair and reasonable treatment of people's complaints</b>			
Average time to complete assessments		10 days	4 days
Proportion of investigations completed within target timeframes (straightforward in 3 months, intermediate in 6 months and complex in 12 months)		90%	95%
Proportion of complaints finalised within 12 months of lodgement		99%	100%
Clearance rate for complaints	2	100%	101%
Proportion of clients satisfied/very satisfied with the level of service provided	3	80%	65%
Proportion of complaints reviewed where original decision upheld	4	80%	91%
<b>Objective 2: Public sector agencies improve their decision-making and complaints management</b>			
Investigations resulting in public agency rectification actions		10%	20%
Proportion of recommendations or agreed actions accepted by agencies		90%	100%
Proportion of training participants who reported that training would assist their decision-making		80%	98%
Number of training participants	5	2,500	2,579
Growth in subscriptions to Ombudsman publications		5%	13%
<b>Objective 3: Individuals are empowered to resolve complaints with public sector agencies</b>			
Reduction in premature or out of jurisdiction matters	6	-5%	-1.5%
Direct premature complaints to the relevant agency		20%	28%

	Notes	Target	Actual												
<b>Objective 4: The Office is a capable and accountable organisation</b>															
Workforce equity statistics	7	Not applicable	Workforce diversity at 30 June 2018: <ul style="list-style-type: none"> <li>• 72% are women</li> <li>• 9% identified as having a disability</li> <li>• 8% identified as having a language other than English as their first language.</li> </ul>												
Permanent staff separation	8	7.5%	13%												
Staff training and development expenditure		2% of salary budget	1.5% of salary budget												
Unqualified financial statements		Achieved	Achieved												
Staff satisfaction		Not applicable	2017 <i>Working for Queensland</i> survey results: <table border="1"> <thead> <tr> <th></th> <th>Office</th> <th>Public sector</th> </tr> </thead> <tbody> <tr> <td>Engagement</td> <td><b>61%</b></td> <td>59%</td> </tr> <tr> <td>Organisational leadership</td> <td><b>58%</b></td> <td>53%</td> </tr> <tr> <td>Innovation</td> <td><b>59%</b></td> <td>61%</td> </tr> </tbody> </table>		Office	Public sector	Engagement	<b>61%</b>	59%	Organisational leadership	<b>58%</b>	53%	Innovation	<b>59%</b>	61%
	Office	Public sector													
Engagement	<b>61%</b>	59%													
Organisational leadership	<b>58%</b>	53%													
Innovation	<b>59%</b>	61%													
<p>1. All figures have been rounded.</p> <p>2. This service standard compares the number of complaints closed with the number of complaints opened in the financial year. It is affected by both the number and timing of new matters and closures. A number below 100% does not necessarily indicate an increasing backlog, but may be a result of increased numbers of new matters being opened late in the year.</p> <p>3. Client satisfaction is a weighted result based on two surveys, one focusing on clients who have dealt with the Registration and Preliminary Assessment Team (RAPA) and the second focusing on clients with a complaint further investigated by the Investigation and Resolution Unit (IRU). The calculation of satisfaction is based on the service elements of helpfulness, respectfulness, professionalism and timeliness with weightings applied that reflect the proportion of complaints finalised by each team. In 2017-18, the client satisfaction survey focused on RAPA. As a survey was not conducted in 2016-17, the weighted figure combines the 2017-18 data with the 2015-16 survey that focused on IRU.</p> <p>4. This service standard measures the quality of investigative decisions made by the Office. Where complainants are dissatisfied with a decision of this Office in relation to their complaint, or subsequently are able to provide new information, they can request a review. Where decisions are overturned, this provides opportunities to improve the investigation process.</p> <p>5. Includes public sector ethics, good decisions, managing unreasonable conduct and complaints management training.</p> <p>6. This measure compares out of jurisdiction matters and complaints identified as premature at preliminary assessment, as a proportion of total contact to the Office. The calculation is based on the difference in the measure in 2017-18 relative to 2016-17.</p> <p>7. No officers identified as Aboriginal or Torres Strait Islander in the Office's equal employment opportunity census.</p> <p>8. Eight permanent employees separated. Four officers left to take promotions in state government agencies and four left Queensland public sector employment.</p>															

# 3 Dealing with complaints

## Independent review and investigation of complaints

Figure 2: Contacts and complaints received 2017-18



1. Complaints brought forward into a financial year may be reclassified on preliminary assessment, for example to a general enquiry or matter outside the Office's jurisdiction. Complaints received and brought forward may not directly align to complaints finalised and carried forward.

## Overview

This year, the Office was contacted by almost 11,000 Queenslanders, including members of the public, agency officers, Members of Parliament and other community representatives.

The Office provides a service to every contact including:

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

Of the 10,990 contacts in 2017-18:

- 7,197 were complaints
- 2,823 were matters outside jurisdiction
- 843 were general enquiries
- 103 were requests for a review of an Ombudsman decision
- 24 were PIDs.

## Advice and assistance

Every contact to the Office is assessed and an appropriate response provided.

The Office responded to 2,823 matters outside its jurisdiction (OOJ). This is a 17% decrease on the previous year (3,386 in 2016-17) which was in turn, a 7% decline on 2015-16. This trend reflects the Office's continued focus on implementing efficiencies to deal with OOJ matters while still providing people with the necessary advice and practical assistance to navigate the complaint landscape and find the appropriate avenue for resolution of their matter.

Two key initiatives deal with OOJ matters: the recorded-message telephone service implemented in November 2015 and the Office's refreshed website, launched in December 2016.

The recorded-message telephone service connects callers directly to an appropriate complaints agency, thereby reducing the number of matters that Queensland Ombudsman enquiry officers must deal with directly. Callers using the recorded-message telephone service can transfer directly to six agencies. These automated referrals are not included in the overall performance reporting for the Office.

The full year impact of the Office's updated website contributed to the further decrease in OOJ matters during 2017-18. The website provides clearer, simpler explanations about what is within and outside the Office's jurisdiction, along with information and links to other complaint-handling organisations. The self-service online complaint form directs clients to the appropriate websites for common OOJ matters such as banking, telephone or Commonwealth agency matters.

These automated referrals from the website or online complaint form are not included in the overall reporting of contact to the Office but have been tracked by the Office since January 2018. In the last six months:

- 9,437 people were directed to a webpage relating to an OOJ matter from the online complaint form, and
- 19,866 people directly accessed webpages referring to OOJ matters.

Of the 29,303 people who accessed the Office's OOJ webpages, 22,901 people used a link to another agency website as their exit point from this Office's website. This suggests that 78% of people were able to identify the appropriate agency to continue their complaint pathway.

The most commonly accessed links on the OOJ webpages were the Office of Fair Trading, Financial Ombudsman Service, Telecommunications Industry Ombudsman and the Commonwealth Ombudsman. The top agencies included in the 'Other' category relate to housing and tenancy matters.

Although data gaps exist, the automated referral processes clearly deal with a substantial number of OOJ matters, estimated to be more than 50,000 auto-referrals per annum. This indicates the valuable contribution this service makes to assisting people to navigate the complaints landscape.

**Table 2: Automated referrals for OOJ matters**

	Automated transferred telephone calls <sup>1</sup>	Automated website referrals <sup>2</sup>
Office of Fair Trading	2,145	5,430
Commonwealth Ombudsman	1,842	1,416
Fair Work Ombudsman	988	191
Financial Ombudsman Service	Unavailable <sup>3</sup>	5,280
Telecommunications Industry Ombudsman	Unavailable <sup>3</sup>	3,134
Energy and Water Ombudsman Queensland	Unavailable <sup>3</sup>	734
Other	...	6,716
<b>Total</b>	<b>4,975</b>	<b>22,901</b>

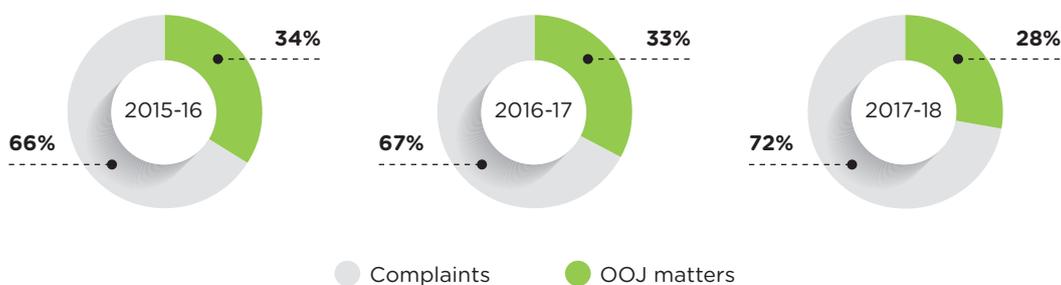
1. Based on data for the full financial year.
2. Based on six months data from January 2018.
3. Redirection data is unavailable as these organisations use freecall 1800 numbers.

The decline in OOJs received has resulted in an increased proportion of in jurisdiction matters received directly by the Office. This now stands at 72% of contacts as shown in Figure 3.

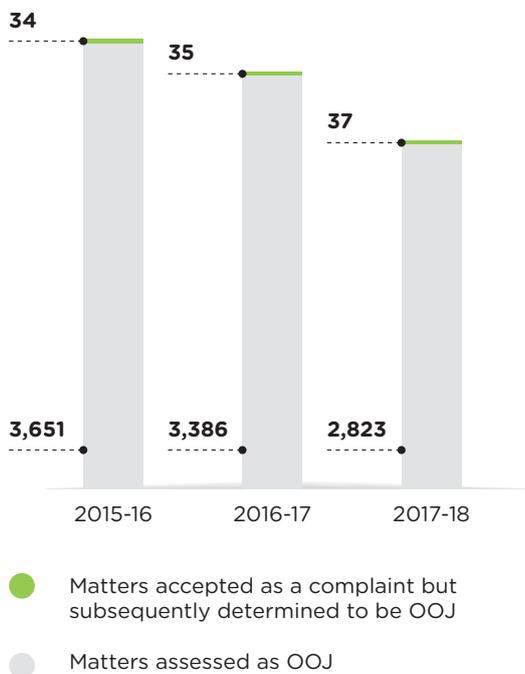
During 2017-18, 37 matters were initially accepted as complaints but subsequently determined to be OOJ, which is in line with numbers received in previous years.

The Office also handled 843 general enquiries from people seeking information and assistance, an increase of 52% on the previous year.

**Figure 3: Proportion of OOJ matters and complaints received per year**



**Figure 4: OoJ matters**



## Contact with the Office

In 2017-18, 6,191 people contacted the Office by telephone, an increase of 10% from 5,631 people in 2016-17. Half the increase is attributed to people making a general enquiry. Telephone accounted for 56% of contact with the Office in 2017-18.

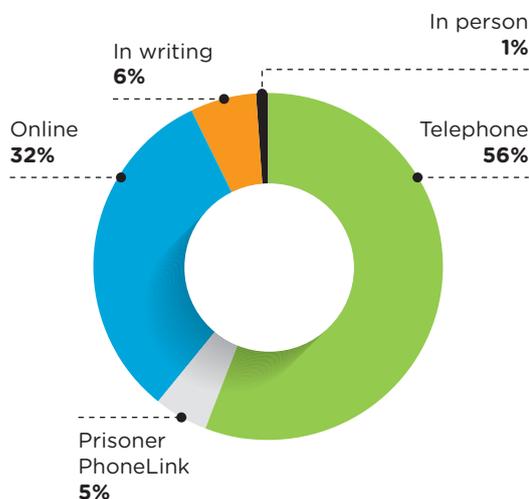
A further 545 people used the Prisoner PhoneLink telephone service, down 4% from 569 people in 2016-17, and representing 5% of contact.

This year, 3,463 people contacted the Office via email or the online complaint form, a decline of 10% from 3,829 people in 2016-17. Contact via the web, or online complaint form, remained stable while email contact declined by 24%. Overall, email and online contact represented 32% of contact with the Office.

The Office continues to experience a decline in the number of people contacting it by letter. This year 663 people did so, down by 5% from 697 in 2016-17. Letters represented 6% of contacts this year.

Finally, 128 people contacted the Office in person, down 44% from 228 people in 2016-17. In 2017-18, the Office's correctional centre inspection program no longer accepted individual prisoner complaints. Prisoners were instead referred to the Prisoner PhoneLink. In-person contact represented 1% of overall contact during the year.

**Figure 5: Contact by the public with the Office**



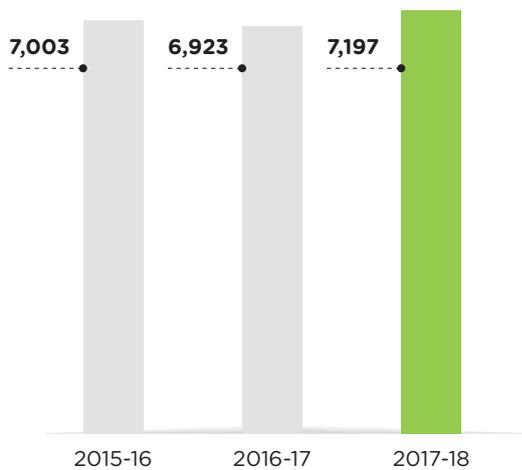
## Complaints received

One of the Office's roles is to independently review complaints about the actions and decisions of public agencies (which include state government departments and statutory authorities), local councils and public universities.

This allows people to raise concerns about the decisions of public agencies and helps ensure open, honest and accountable public administration.

The Office received 7,197 complaints in 2017-18, an increase of 4% on the 6,923 complaints received in the previous year.

**Figure 6: Complaints received<sup>1</sup>**

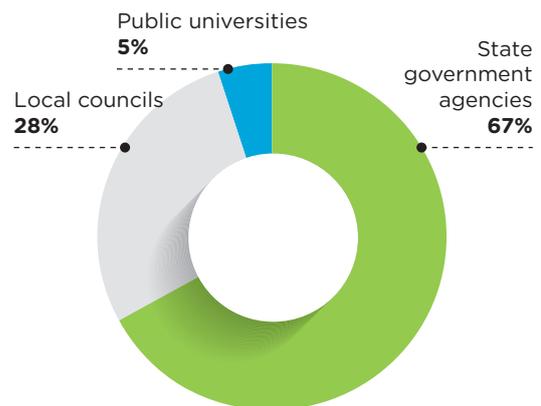


1. These numbers include matters accepted as complaints but subsequently determined to be OOJ, as shown in Figure 4.

Of the 7,197 complaints received:

- 67% were about state government agencies, including departments and statutory authorities (4,844 complaints)
- 28% were about local councils (2,017 complaints)
- 5% were about public universities (329 complaints)
- less than 1% were about other or unknown entities (7 complaints).

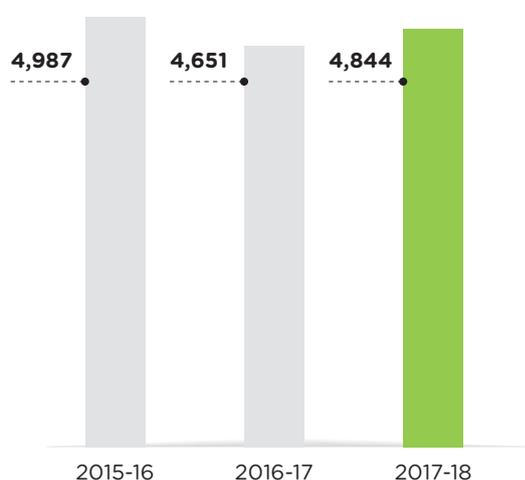
**Figure 7: Complaints received by agency type**



## Complaints received about state agencies

In 2017-18, the Office received 4,844 complaints about state agencies, including departments and statutory authorities. This represents a 4% increase from the 4,651 complaints received in 2016-17.

**Figure 8: Complaints received about state agencies**



The Office received 3,853 complaints about state government departments, a 2% increase on the previous year.

In December 2017, machinery-of-government arrangements changed the areas of responsibility for several departments. The content of Table 3, and accompanying notes, reflects these changes.

Key shifts were:

- The creation of the Department of Child Safety, Youth and Women with responsibility for child safety, youth and the Office for Women and Domestic Violence Reform, previously part of the Department of Communities, Child Safety and Disability. Additionally, the new department is responsible for Youth Justice Services, previously with the Department of Justice and Attorney-General

- A renamed Department of Education includes the Office of Industrial Relations, previously part of Queensland Treasury while the responsibility for Training and Skills excluding international education moved to the newly established Department of Employment, Small Business and Training
- Queensland Corrective Services was established as a new department, previously with the Department of Justice and Attorney-General.

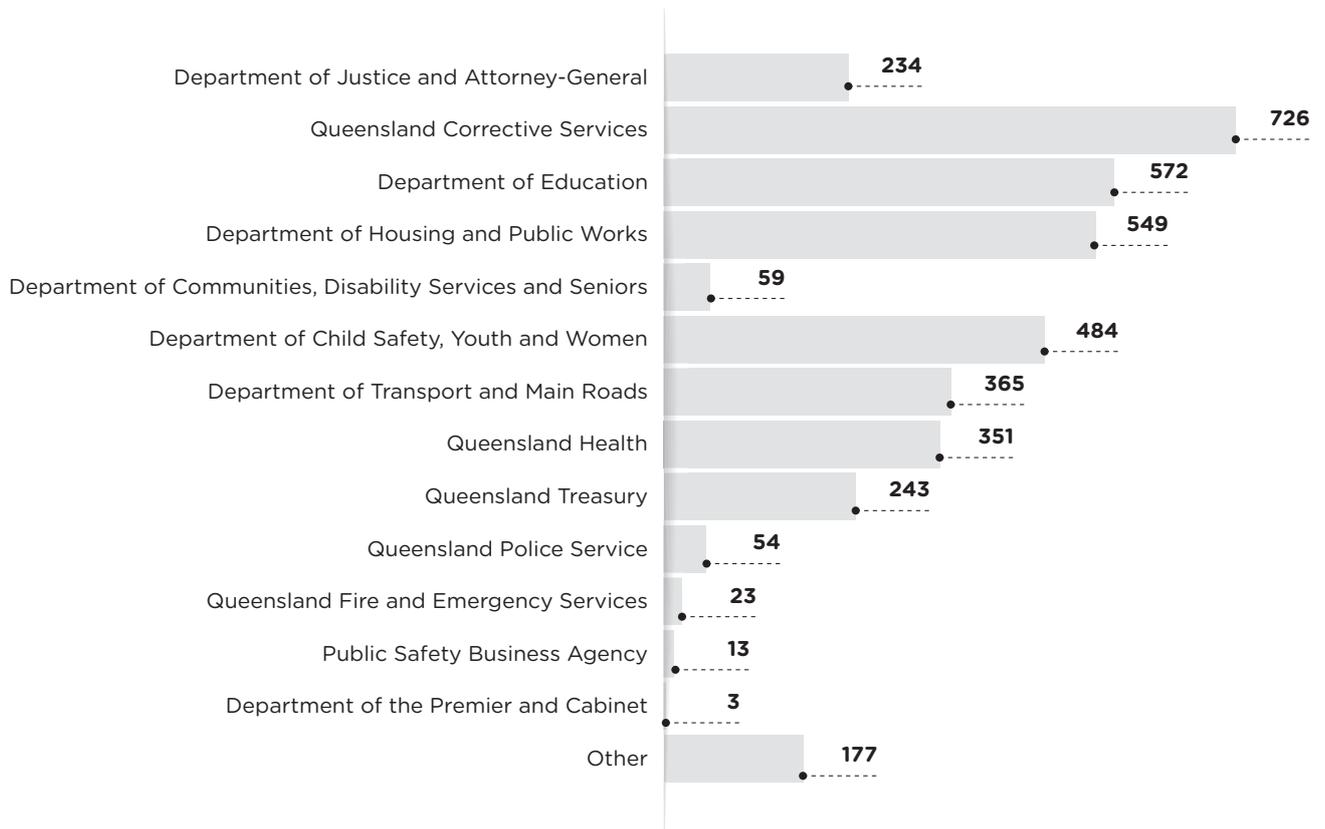
Despite these changes, key service delivery agencies continue to generate the majority of complaints to this Office:

- Queensland Corrective Services (19% of state government department complaints)
- complaints relating to Education Queensland (14%)
- Department of Housing and Public Works (14%)
- Child and Family Services complaints (12%)
- Department of Transport and Main Roads (9.5%)
- Queensland Health (9%).

Departments or services with significant shifts in the number of complaints received by this Office include:

- Queensland Corrective Services with 112 fewer complaints (13% decline)
- Child and Family Services with 91 more complaints (24% growth)
- Office of State Revenue with 54 fewer complaints (20% decline).

**Figure 9: Complaints received about state government departments**



Please refer to notes included in Table 3.

**Table 3: Complaints received about state government departments**

State government department	Notes	2015-16	2016-17	2017-18
<b>Department of Justice and Attorney-General</b>		<b>1,053</b>	<b>1,049</b>	<b>234</b>
Queensland Corrective Services	1	842	838	-
Queensland Parole Board		36	26	9
Liquor, Gaming and Fair Trading		50	46	49
Justice Services		78	66	73
Office of the Public Guardian		27	33	30
Other business units/service areas	2	20	40	73
<b>Queensland Corrective Services</b>	1	-	-	<b>726</b>
<b>Department of Education</b>	3	<b>491</b>	<b>537</b>	<b>572</b>
Education Queensland		468	521	540
Office of Industrial Relations	4	-	-	12
Other business units/service areas	5	23	16	20
<b>Department of Housing and Public Works</b>		<b>507</b>	<b>525</b>	<b>549</b>
Housing Services		474	509	525
Residential Tenancies Authority	12	17	7	-
Other business units/service areas	6	16	9	24
<b>Department of Communities, Disability Services and Seniors</b>	7	<b>355</b>	<b>423</b>	<b>59</b>
Child and Family Services	8	312	377	-
Disability and Community Services		35	25	32
Other business units/service areas		8	21	27
<b>Department of Child Safety, Youth and Women</b>	8	-	-	<b>484</b>
Child and Family Services	8	-	-	468
Other business units/service areas	2	-	-	16
<b>Department of Transport and Main Roads</b>		<b>380</b>	<b>367</b>	<b>365</b>
<b>Queensland Health</b>		<b>382</b>	<b>359</b>	<b>351</b>
<b>Queensland Treasury</b>		<b>413</b>	<b>300</b>	<b>243</b>
Office of State Revenue		373	271	217
Office of Industrial Relations	4	35	27	17
Other business units/service areas		5	2	9
<b>Queensland Police Service</b>		<b>45</b>	<b>46</b>	<b>54</b>
<b>Queensland Fire and Emergency Services</b>		<b>25</b>	<b>22</b>	<b>23</b>
<b>Public Safety Business Agency</b>	10	<b>15</b>	<b>20</b>	<b>13</b>
<b>Department of the Premier and Cabinet</b>		<b>0</b>	<b>2</b>	<b>3</b>
<b>Other state government entities</b>	9,11	<b>446</b>	<b>135</b>	<b>177</b>
<b>Total</b>		<b>4,112</b>	<b>3,785</b>	<b>3,853</b>

From December 2017, the following came into effect:

1. Queensland Corrective Services (QCS) was established as a new department, separate from the Department of Justice and Attorney-General. Full year complaint numbers are shown for 2017-18 against QCS regardless of when they were received.
2. Responsibility for Youth Justice Services moved from the Department of Justice and Attorney-General to the Department of Child Safety, Youth and Women. In 2017-18, the Office received 40 Youth Justice Services complaints in total.
3. The Department of Education and Training was renamed the Department of Education.
4. Responsibility for the Office of Industrial Relations moved to the Department of Education from Queensland Treasury. In total, 29 complaints were received about the Office of Industrial Relations in 2017-18.
5. 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.
6. 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.
7. The Department of Communities, Child Safety and Disability Services was renamed the Department of Communities, Disability Services and Seniors.
8. The Department of Child Safety, Youth and Women (DCSYW) was established 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.
9. Other entities' complaint numbers in 2017-18 include:
  - Department of Natural Resources, Mines and Energy, renamed due to additional responsibility for the Department of Energy and Water Supply (63 complaints)
  - Department of Environment and Science, renamed from the Department of Environment and Heritage Protection with ongoing responsibility for Queensland Parks and Wildlife Service, science and the Office of the Chief Scientist, and Arts Queensland (36 complaints)
  - Department of Employment, Small Business and Training, established in December 2017 (12 complaints)
  - Department of Innovation, Tourism Industry Development and the Commonwealth Games, renamed from Department of Tourism, Major Events, Small Business and Commonwealth Games (10 complaints)
  - Department of Local Government, Racing and Multicultural Affairs, renamed from Department of Infrastructure, Local Government and Planning with ongoing responsibility for racing and Multicultural Affairs Queensland (7 complaints)
  - Department of State Development, Manufacturing, Infrastructure and Planning, renamed from Department of State Development (5 complaints)
  - Department of Agriculture and Fisheries (38), Department of Aboriginal and Torres Strait Islander Partnerships (4 complaints), other (2 complaints).

Additionally:

10. In the 2016-17 annual report, the number of Public Safety Business Agency complaints received was incorrectly reported at 13 complaints, corrected in this report to 20 complaints.
11. TransUrban was categorised as a state government entity in 2015-16 (302 complaints received). In 2016-17, TransUrban was categorised as an 'other' entity until February 2017 and thereafter, outside the Office's jurisdiction.
12. From October 2016, the Residential Tenancies Authority was classified as a statutory authority. Previously, it was reported as part of the Department of Housing and Public Works (refer to Table 4 for 2016-17 and 2017-18 data).

The Office received 991 complaints about statutory authorities in 2017-18, an increase of 14% on the 866 complaints received in the previous year.

The majority of statutory authority complaints were about:

- The Public Trustee (21%)
- Queensland Building and Construction Commission (QBCC) (16%)
- TAFE Queensland (12%)
- Legal Aid Queensland (12%)
- WorkCover Queensland (11%)
- Office of the Health Ombudsman (9%).

Complaints received by the Office increased in relation to most statutory authorities in 2017-18. In particular, complaints about the Public Trustee increased by 17%, TAFE Queensland increased by 20% and the Office of the Health Ombudsman increased by 15%.

**Table 4: Complaints received about statutory authorities**

	Notes	2015-16	2016-17	2017-18
The Public Trustee		213	176	205
Queensland Building and Construction Commission		131	138	154
TAFE Queensland		93	101	121
Legal Aid Queensland		92	106	114
WorkCover Queensland		119	95	104
Office of the Health Ombudsman		68	74	88
Residential Tenancies Authority	1	-	22	37
Legal Services Commission		33	39	30
Queensland Urban Utilities		34	30	32
Queensland Rail		15	24	21
Unity Water		36	20	16
Electoral Commission Queensland		21	13	12
Other statutory authorities	2	20	28	57
<b>Total</b>		<b>875</b>	<b>866</b>	<b>991</b>

1. From October 2016, the Residential Tenancies Authority was classified as a statutory authority. Previously, it was reported as part of the Department of Housing and Public Works (refer to Table 3).

2. Other bodies with five or more complaints in 2017-18 include: Queensland Racing Integrity Commission (12), Energy and Water Ombudsman Queensland (10), Office of the Information Commissioner (5), QLeave (5), Mental Health Review Tribunal (5), Queensland Anti-Discrimination Commission (5).

## Complaints received about local councils

In 2017-18, the Office received 2,017 complaints about local councils, an increase of 13% on the previous year.

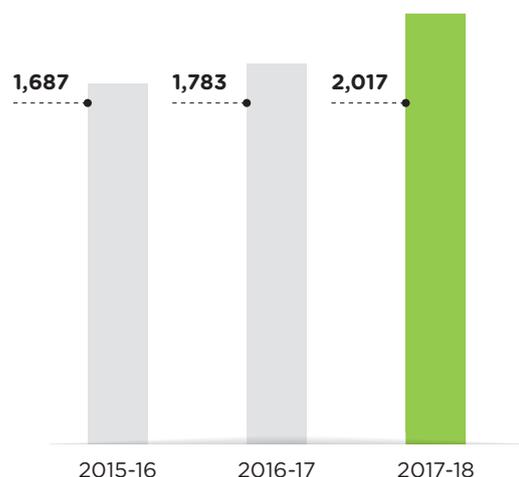
The major areas identified from complaints received include:

- environmental management (15%)
- development and building controls (14%)
- laws and enforcement (14%)
- rates and valuations (11%).

Given the relatively small number of complaints received within each category, trends can fluctuate from one year to the next. The significant changes in 2017-18 are:

- environmental management complaints increased by 53% (more than half the complaints received in this category relate to noise or animal welfare issues)
- the continued increase in development and building control complaints, 9% in 2017-18 following an 18% increase in the previous year.

**Figure 10: Complaints received about local councils**



**Table 5: Types of complaints received about local councils**

	2015-16	2016-17	2017-18
Environmental management	221	203	310
Development and building controls	228	268	292
Laws and enforcement	255	285	275
Rates and valuations	215	195	219
Roads	123	121	145
Water supply	63	75	80
Land use and planning	50	86	73
Sewerage and drainage	66	84	69
Complaint handling	64	51	68
Waste management	18	18	24
Other	384	397	462
<b>Total</b>	<b>1,687</b>	<b>1,783</b>	<b>2,017</b>

## Complaints received about universities

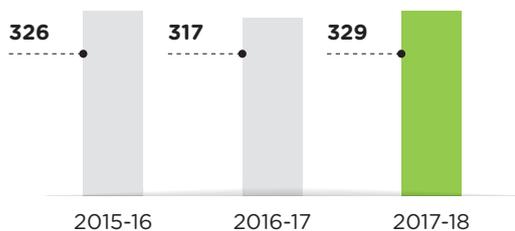
In 2017-18, the Office received 329 complaints about Queensland's public universities, a 4% increase from 2016-17.

The main areas of complaint were about:

- student grievances relating to a postgraduate or undergraduate program or course (33%)
- decisions to exclude students, mainly international students where exclusion may lead to cancellation of a student's visa (21%)
- assessment matters (20%)
- procedures, fees or withdrawal application processes in enrolment decisions (16%).

The number of complaints received within each category is small. Within this context, the key movement in 2017-18 is the 27% growth in student grievance complaints.

**Figure 11: Complaints received about universities**



**Table 6: Types of complaints received about universities**

	2015-16	2016-17	2017-18
Student grievance	92	86	109
Exclusion	78	59	68
Assessment	65	67	66
Enrolment	65	67	54
Employee grievance	11	25	16
Investigation	6	9	7
Internal review	9	2	5
Other	0	2	4
<b>Total</b>	<b>326</b>	<b>317</b>	<b>329</b>

## Open complaints

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

At 30 June 2018, 153 complaints remained open. Of these, 57% were matters received within the last 30 days of 2017-18.

**Table 7: Complaints open**

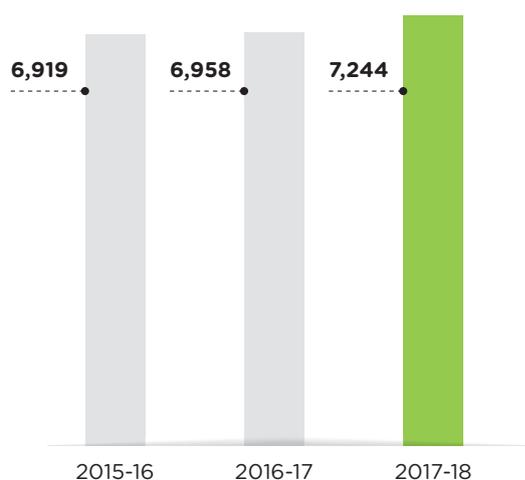
	2015-16	2016-17	2017-18
Complaints finalised	6,919	6,958	7,244
Complaints open at 30 June <sup>1</sup>	262	215	153

1. Complaints brought forward may be reclassified on preliminary assessment, for example to a general enquiry or matter outside the Office's jurisdiction.

## Complaints finalised

The Office finalised 7,244 complaints in 2017-18, an increase of 4% from the 6,958 complaints received in 2016-17.

**Figure 12: Complaints finalised<sup>1</sup>**



1. Includes matters accepted as a complaint but subsequently determined to be outside the jurisdiction of the Office.

## Continuing complaints

The Office continues to identify and track complaints that have previously been received in the same financial year (a continuing complaint). For example, a complaint may be declined initially because it had not been considered by the appropriate agency. If the individual concerned is dissatisfied with the agency's consideration and review of their complaint, they may approach the Office again to review the decision.

In 2017-18, 817 continuing complaints were identified, representing 11% of complaints finalised compared with 9% in 2016-17.

### Time taken to finalise complaints

The Office continues to closely monitor the time taken to finalise complaints to maximise and maintain improvements to business practices. However, the time to finalise a complaint is dependent upon many factors, including the complexity of the matter.

In 2017-18, it took an average of 10.3 days to finalise a complaint compared with 13.3 days in 2016-17. This average includes complaints finalised after preliminary assessment or investigation.

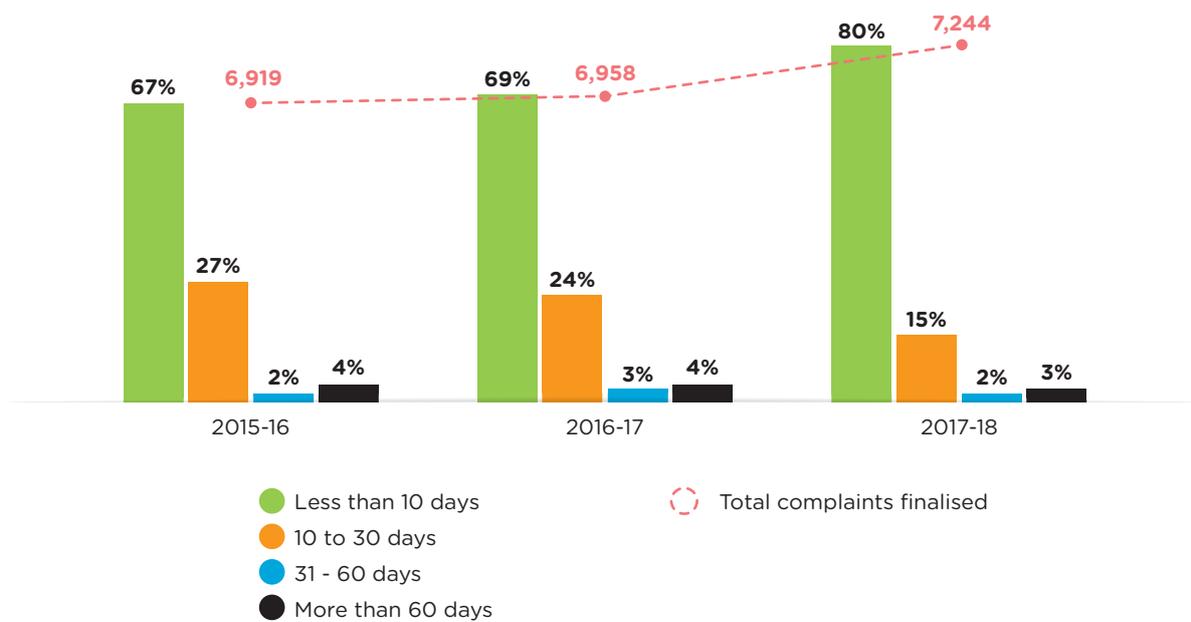
The time taken to finalise a complaint at the preliminary assessment stage has been significantly reduced to 3.5 days in 2017-18 from 6 days in the previous year.

The average time taken to finalise an investigation further declined in 2017-18 to 45 days, from 46.5 days in 2016-17, 48.1 days in 2015-16 and 53.4 days in 2014-15. In 2017-18, the improvement in timeliness was driven by efficiencies in finalising straightforward investigations along with the continued implementation of an expedited merit assessment process that streamlines practices for simpler cases.

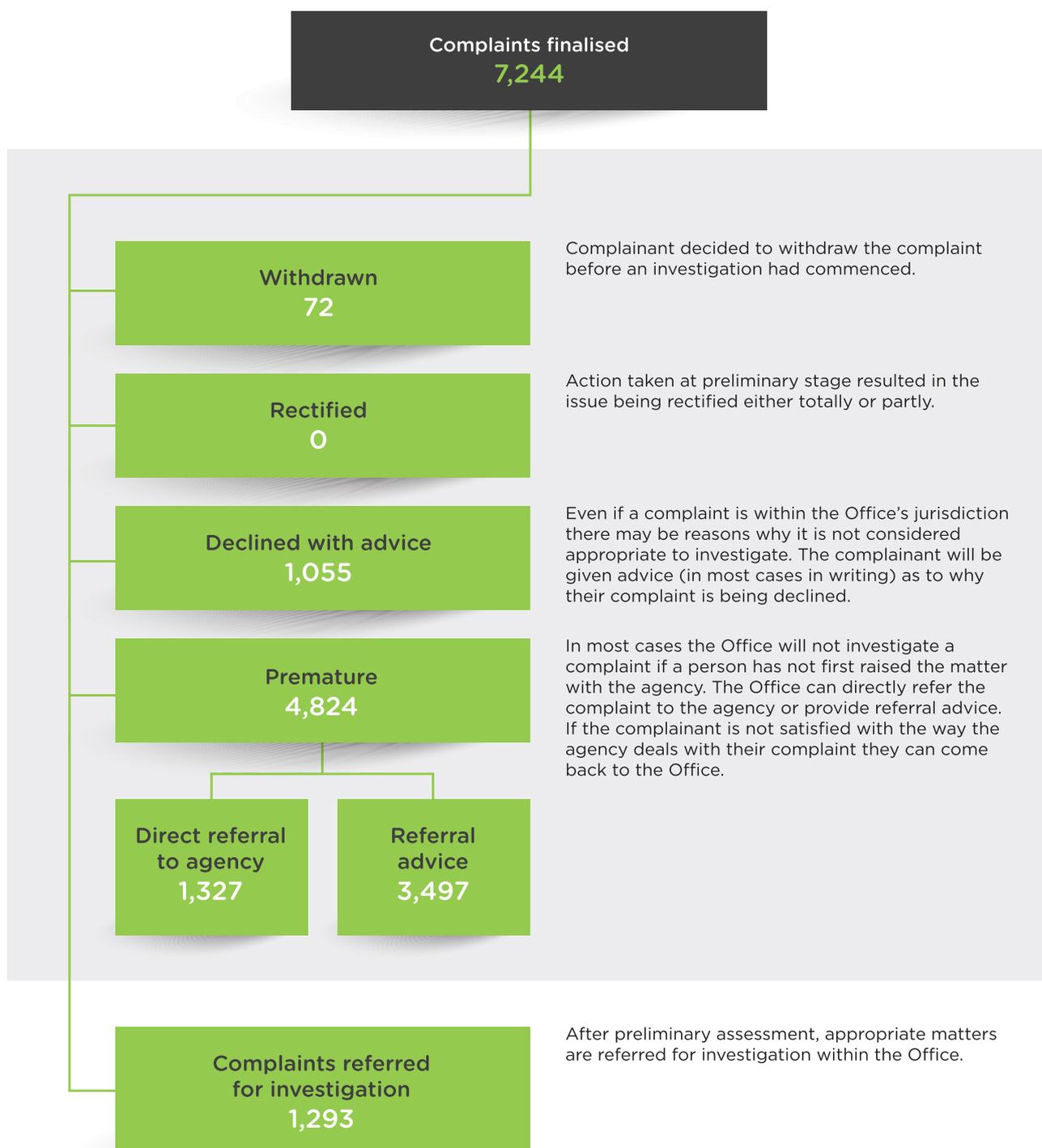
This year:

- 80% of complaints were finalised within 10 days (69% in 2016-17)
- 95% of complaints were finalised within 30 days (93% in 2016-17)
- more than 99% of complaints were finalised within 12 months (for the sixth year running)
- as at 30 June 2018, four complaints remained open that were more than 12 months old.

**Figure 13: Complaints finalised (total and proportion by days to finalise)**



**Figure 14: Complaint outcomes after preliminary assessment**



## Complaints finalised after preliminary assessment

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

In most cases, the Office requires complainants to raise their concerns directly with the agency, before seeking help from the Ombudsman.

Of the 7,244 complaints finalised in 2017-18, 5,879 were finalised at preliminary assessment. This represented 81% of the total number of complaints finalised (79% in 2016-17).

In many cases, a person contacts the Office before they have completed the complaint management process available within the agency that is the source of their complaint. In 2017-18, 4,824 complaints, or 67% of all complaints finalised, were classified as premature (63% in 2016-17).

For most premature complaints, the Office will provide advice on how to lodge a complaint with the appropriate agency and how to bring the matter back to the Office if the agency's response is unsatisfactory. This year, the Office provided referral advice on 3,497 premature complaints (2,693 in 2016-17).

Where people either require assistance to make their complaint, or provide extensive information to the Office about the complaint, and with the person's consent, the Office can directly refer a premature complaint to the respective agency. By directly referring complaints to agency complaint management systems, officers save client's time, provide added convenience, respond to expectations and add value to the broader complaint management framework in Queensland.

This year, the Office directly referred 1,327 premature complaints (1,715 in 2016-17). The 23% decline was attributable to improved practices in the assessment of matters suitable for direct referral.

At preliminary assessment, the Office decided that an investigation was not warranted in relation to 1,055 complaints (15% of complaints finalised). In such instances, the client was provided with an explanation and, where possible, advice about alternative avenues to progress their complaint.

The main reasons for declining to investigate these matters were:

- the person had an appeal right that should first be exhausted (340)
- insufficient information was provided by the complainant, including situations where further material was requested (280)
- a more appropriate entity could investigate the complaint (242).

Other reasons for the Office declining a complaint included the complainant not having sufficient direct interest in the matter (50), the resources necessary to investigate the complaint were disproportionate to any likely outcome (43), the complaint was found to be OOJ at assessment (31), the complaint was outside the statutory time allowed (27) or that appeal rights had been exhausted and further investigation was unnecessary (25).

Finally, 72 people chose to withdraw their complaint during the preliminary assessment stage.

Complaints not finalised at preliminary assessment are referred for investigation.

## Feedback from stakeholders

The Office is committed to continuously improving its service and regularly seeks feedback from a range of stakeholders, including clients who have brought a complaint to the Office, officers in public sector agencies and training participants.

An annual client survey has been undertaken for many years, using an external research agency to conduct telephone interviews with clients on behalf of the Office.

The survey was postponed in 2016-17 due to budgetary constraints, but resumed in 2017-18, focusing on clients with complaints recently finalised by the Registration and Preliminary Assessment team (RAPA).

Most complaints finalised by RAPA are identified as premature. In such cases, the client is provided with advice on how to take their complaint to the appropriate agency, or the Office directly refers the complaint with the client's permission. Consequently, complaints finalised within RAPA are not investigated.

As client satisfaction is closely related to the outcome of an investigation, the Office continues to focus on the survey trends to identify areas for improvement, while aspiring to the 80% satisfaction included as a key performance measure.

The Office measures client satisfaction using the four service elements of helpfulness, respectfulness, professionalism and timeliness.

In the latest survey, 67% of clients were satisfied with the service provided by RAPA, marginally down on the 68% recorded in the previous survey, undertaken in 2014-15.

When combined with the 2015-16 survey that focused on complaints further investigated by the Investigation and Resolution Unit, the overall satisfaction with the service provided by the Office was 65% in 2017-18.

The results of this year's survey were broadly in line with the previous RAPA survey. Feedback on the Office's online complaint form and website, launched in December 2016, showed marked improvements reflecting the Office's work and focus in this area.

The improvements included a significant increase both in people using the website, and people using the online complaint form as the first point of contact. In addition, the survey showed higher levels of satisfaction in relation to:

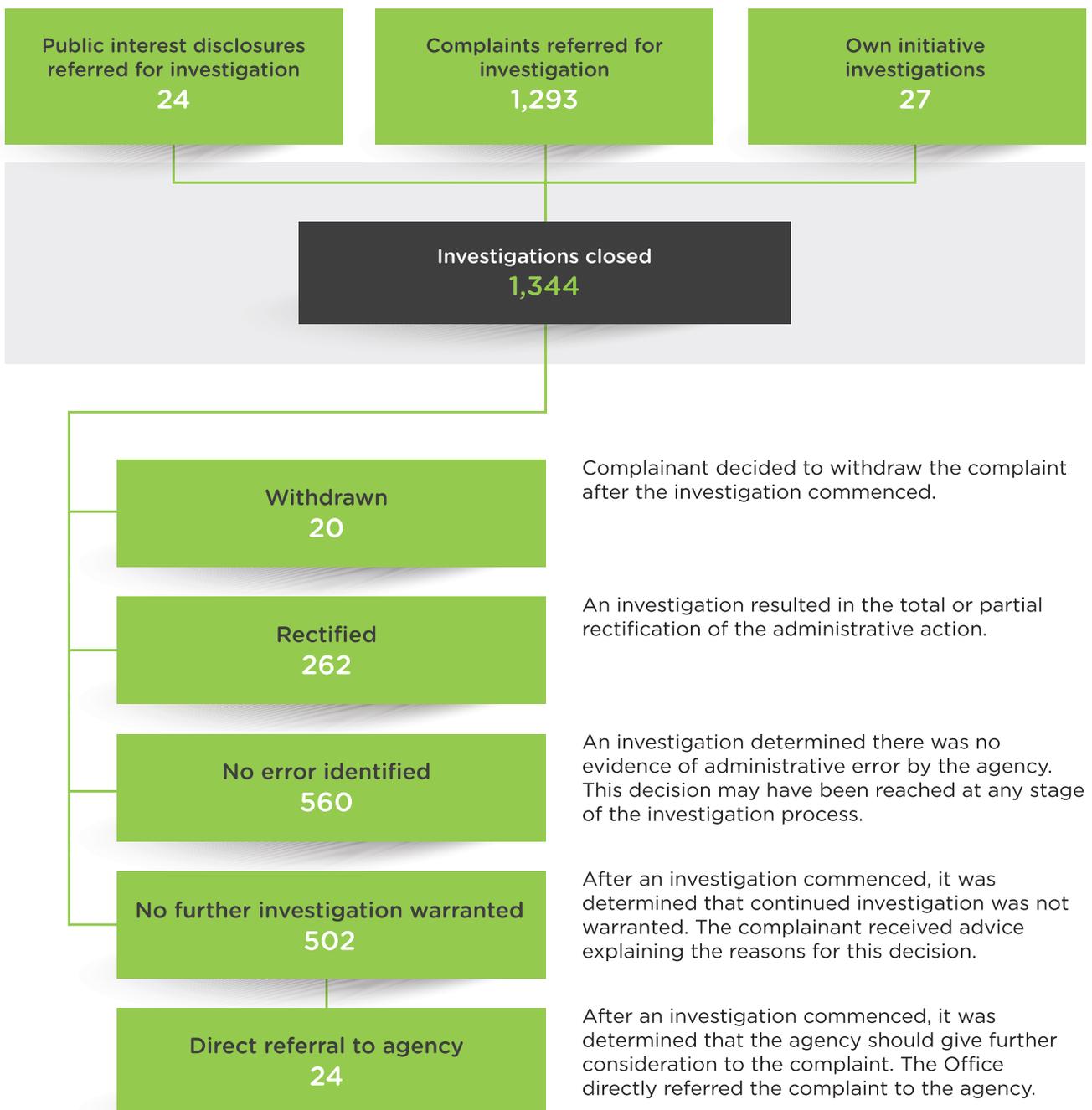
- ease of access and use of the online complaint form
- explanations provided on the website, for example, about how a complaint will be handled.

As a result of the survey the Office will continue to focus on the clarity of communication with clients to ensure the outcome of complaints are clearly explained and understood.

## 4 Improving decision-making

### Public sector agencies improve their decision-making and complaints management

Figure 15: Investigations finalised in 2017-18





Along with responding to the wide range of matters it receives, the Office also helps public agencies improve their administration in a number of ways. This includes:

- complaints investigation
- the investigation of complaints of Public Interest Disclosures (PIDs)
- overseeing the management of child safety complaints
- corrective services and youth justice inspection program
- own initiative investigations that can result in published and unpublished reports
- compliance reviews of complaint management systems
- administrative improvement advice
- training
- publications.

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

## Investigations

### The process

An investigation is commenced after preliminary assessment. An investigation determines whether an administrative action by the subject agency is unlawful, unreasonable, unjust, or otherwise wrong.

An investigation begins with a careful and detailed assessment of the complaint through information provided by the complainant or obtained from the agency. In simple cases, that do not require the level of detailed analysis traditionally applied to matters referred for investigation, an expedited merit assessment process is undertaken. This streamlines the existing investigation practice and is therefore conducted more quickly, improving the timeliness of service to clients and productivity of the Office.

The Office's approach to each investigation is based on the complexity and scope of the issues identified during the investigative assessment stage. Where systemic administrative error is suspected or a person has been affected in a substantial manner, investigations may be complex and require significant time and resources.

An investigation may be discontinued at any stage if, for example, it becomes apparent that the decision on which the complaint is based was reasonable, or no error is likely to be identified.

### Investigative outcomes

In total, 1,344 investigations were finalised in 2017-18, a decline of 4.5% on the 1,407 investigations finalised in the previous year.

The investigations included:

- 1,293 complaints referred for investigation, a decline of 6% on the previous year (1,380 complaints). This represents 19% of the total number of complaints finalised (20% in 2016-17).
- 27 own initiative investigations (15 in 2016-17).
- 24 PIDs (12 in 2016-17).

In some instances, and particularly in more complex scenarios, a number of related investigations may be part of one case. The 1,344 investigations closed in 2017-18 related to 1,141 cases (1,198 cases in 2016-17). Of these, 1,109 cases were complaints referred for investigation after a preliminary assessment, 18 cases were PIDs and 14 cases were Ombudsman initiative cases.

Of the 1,344 investigations finalised in 2017-18, 20 complainants withdrew their complaint after the investigation commenced. No administrative error was identified in 560 investigations, 42% of investigations finalised (46% in 2016-17).

In 502 investigations, 37% of investigations finalised, continuing the investigation was not warranted (517 investigations, 37% in 2016-17). The main reasons for not continuing an investigation included:

- further investigation was considered to be unnecessary or unjustifiable (305 investigations)
- the complainant was awaiting the outcome of a current decision process (49)
- the complainant was referred back to the agency for internal review (48)
- the complainant had an appeal right that should have been exhausted (44).

Overall, 262 investigations resulted in a total or partial rectification, 232 in the previous year. The proportion of investigations resulting in rectifications increased to 19.5% of all investigations, from 16.5% in the previous year.

Rectification is achieved in an investigation by formally finding an administrative error (15) or, more commonly, by negotiating a resolution with the agency, removing the need to find administrative error (247).

In the 15 investigations where a finding of administrative error was made, the Ombudsman concluded the agency's decision or action was:

- unreasonable, unjust, oppressive or improperly discriminatory (8)
- contrary to law (5)
- based on a mistake of law or fact (1)
- wrong based on a number of factors (1).

In summary, during 2017-18 the Office:

- finalised 63 fewer investigations (a decrease of 4.5%)
- achieved 30 more rectification outcomes (a 13% increase)
- continued to reduce the time taken to finalise investigations to an average of 45 days.

## Investigative recommendations

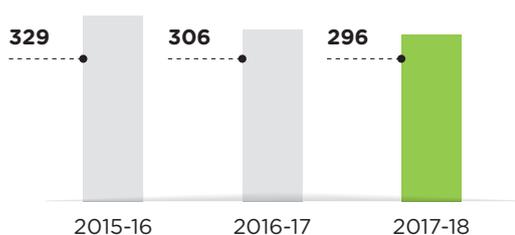
If an administrative error is identified during an investigation, a resolution can be negotiated with the agency that is satisfactory to the Office, referred to as an agreed action, or the Office can make recommendations to rectify the problem under s.50 of the Ombudsman Act.

Negotiated agreed actions are a more effective and timely way of resolving a complaint where an investigation reveals evidence of administrative error. 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. The Office can also recommend the agency improve its policies and procedures to avoid similar errors in the future.

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

In 2017-18, the Office made 296 investigative recommendations (306 in 2016-17).

**Figure 16: Number of recommendations**



In 2017-18, the Office negotiated 283 agreed actions with agencies to rectify errors (281 in 2016-17), and the Ombudsman made a further 13 recommendations under s.50 of the Act (25 in 2016-17).

Recommendations or agreed actions can be divided into those that directly benefit an individual and those that deal with systemic concerns.

### ***Direct benefit recommendations***

Direct benefit recommendations produce an outcome for an individual complainant. In 2017-18, the Office made 194 direct benefit recommendations/agreed actions (181 in 2016-17).

A common direct benefit recommendation is that agencies expedite action, made in 61 investigations in 2017-18. These recommendations are generally made where there has been a delay by an agency in taking some action that would benefit the complainant, such as processing an application or approval or conducting a review of a decision.

In one case, a council was assessing a liability claim after a burst water main destroyed the complainant's fence. The council had offered less than the cost to repair the fence. It was recommended that the council expedite its assessment of the claim and, in the circumstances, consider an improved offer. Within a short period, the council made a further offer which did not leave the complainant out of pocket for repairing the fence.

The Office often recommends that agencies give better explanations or reasons for decisions where the agency's initial communication with an individual was deficient. This occurred in 25 cases in 2017-18.

For example, a department conducted an investigation into multiple allegations made against one of its officers. However, the letter communicating the outcome to the complainant that all allegations were unsubstantiated did not refer to the evidence relied on, or provide any reasons. On one allegation, the evidence seemed to indicate that the allegation could in fact be substantiated. It was recommended that the department review the questionable unsubstantiated allegation and provide reasons for the other unsubstantiated allegations. The department ended up substantiating the questionable result and more fully explaining its position on the other allegations.

In another case, the Department of Transport and Main Roads failed to provide the complainant with an outcome in relation to the original complaint, despite investigating and taking action in response to their complaint about safety issues associated with a traffic island. Following investigation, the Office made a recommendation that the agency re-examine the original complaint and provide the complainant with detailed reasons for the decision. The agency agreed to do this and detailed reasons for the decision were provided to the complainant, along with information about what action had been taken by the agency in response to the complaint.

### ***Systemic recommendations***

Systemic recommendations address faults with policies, procedures or practices in agencies. In 2017-18, there were 102 systemic recommendations/agreed actions (125 in 2016-17).

As in previous years, the majority of recommendations identified improvements to agencies' policies or procedures (23%). These recommendations primarily resulted from an investigation that identified deficiencies in the agency's policy or procedures, or inconsistencies with a legislative framework. Improvements to policy or procedure were recommended in 68 cases in 2017-18.

In a case where an impounded animal was destroyed by a council, the council's impounding and destruction procedures were found to be inconsistent with its current practices. The procedures did not reflect, for example, its arrangements for rehoming with animal welfare groups or the conduct of temperament tests on animals to assess their suitability for rehoming before being destroyed. It was recommended that the council review and update its procedures.

### **Following up recommendations**

Where recommendations are made to agencies, the Office undertakes appropriate steps to ensure these recommendations are accepted and implemented. In 2017-18, 100% of recommendations that received a response from the agency by 30 June 2018 were accepted, consistent with the Office's performance in 2016-17.

In addition to recommendations, the Office believes that many direct referrals made to an agency during preliminary assessments or investigations result in rectifications for a number of complaints, although the outcome of most direct referrals are not tracked.

In 2017-18, the Office directly referred 1,351 complaints to an agency, local council or university (1,327 after preliminary assessment and 24 during an investigation).

**Table 8: Investigative recommendations**

	2015-16	2016-17	2017-18
Improve policy or procedure	81	74	68
Expedite action	63	70	61
Change decision	39	41	46
Review decision	33	32	45
Give better explanation or reasons	23	29	25
Admit error or apologise	7	14	15
Explanation given by agency	18	16	12
Follow policy or procedure	21	8	10
Financial remedy	23	12	10
Provide training	19	9	3
Take counselling or disciplinary action	2	-	-
Other	-	1	1
<b>Total</b>	<b>329</b>	<b>306</b>	<b>296</b>

## Investigative outcomes by type of agency

### State agencies

The Ombudsman finalised 753 investigations into the administrative actions of state agencies, which remains stable in relation to the previous year.

As a result of these investigations, the Ombudsman made eight recommendations under s.50 of the Act and negotiated 170 agreed actions across 25 state agencies. Of these, 127 were of direct benefit to individual complainants and 51 addressed systemic issues.

### Local councils

The Office finalised 430 investigations about the administrative actions of local councils, an 11% decline on the 484 investigations finalised in the previous year.

As a result of these investigations, the Ombudsman made five recommendations under s.50 of the Act and negotiated 81 agreed actions across 21 different local councils. Of these, 48 were of direct benefit to the complainant and 38 addressed systemic issues.

### Universities

The Office finalised 153 investigations about the administrative actions of public universities, a decline of 8% compared to the 166 investigations finalised in the previous year.

In 2017-18, the Office negotiated 32 agreed actions across seven universities.

Of these, 19 were of direct benefit to complainants and 13 addressed systemic issues.

### Other entities

In relation to other entities, eight investigations were finalised in 2017-18.

**Table 9: State agencies outcomes**

	2015-16	2016-17	2017-18
No further investigation warranted	168	264	251
No error identified	288	348	322
Rectified	120	128	168
- <i>Informally resolved</i>	117	120	158
- <i>Finding of administrative error</i>	3	8	10
Withdrawn	3	11	12
<b>Total</b>	<b>579</b>	<b>751</b>	<b>753</b>
- <b>State departments</b>	<b>461</b>	<b>561</b>	<b>540</b>
- <b>Statutory authorities</b>	<b>118</b>	<b>190</b>	<b>213</b>

**Table 10: Local councils outcomes**

	2015-16	2016-17	2017-18
No further investigation warranted	93	194	190
No error identified	204	216	164
Rectified	70	71	68
- <i>Informally resolved</i>	67	66	64
- <i>Finding of administrative error</i>	3	5	4
Withdrawn	9	3	8
<b>Total</b>	<b>376</b>	<b>484</b>	<b>430</b>

**Table 11: Universities outcomes**

	2015-16	2016-17	2017-18
No further investigation warranted	18	56	56
No error identified	124	77	71
Rectified	19	33	26
- <i>Informally resolved</i>	17	32	25
- <i>Finding of administrative error</i>	2	1	1
Withdrawn	2	-	-
<b>Total</b>	<b>163</b>	<b>166</b>	<b>153</b>

## Local council failed to fairly investigate dog attack

### The complaint

A dog owner complained that council had not substantiated a complaint about an attack on their dog by another dog in a public place. The complainant's dog suffered life threatening wounds but survived after veterinary attention.

### The investigation

The investigation considered the requirements of the *Animal Management (Cats and Dogs) Act 2008* and relevant council procedures.

The two dog owners gave very different versions of what happened leading up to the incident. In its investigation, council simply gained a statement from each party. They failed to clarify and test the accounts to determine, if possible, which was more credible. Council's investigation was found to be insufficient.

As a result of council's poor investigation the reasons given for not substantiating the complaint were factually wrong and not able to be reasonably drawn from the information available.

The council also relied on information that was adverse to the complainant dog owner which raised issues of procedural fairness in the decision-making process.

### Making a difference

Council agreed to reopen the investigation, make a fresh decision and communicate it, with reasons, to the complainant. In addition, council agreed to make administrative improvements relating to the conduct of council's investigations into animal attacks, amend relevant procedures and improve communication with affected parties during and following its investigations.

## Conflicting council approvals on boundary fence

### The complaint

A landowner complained about a boundary fence that was installed between his property and a local park following council approval of a large-scale residential development. The area was in a designated koala habitat.

Two different types of fence were erected along the boundary at different stages of the development. One fence was apparently designed to provide privacy by screening the landowner's property from park users. The other fence, designed to be koala-friendly, did not serve that privacy purpose.

### The investigation

The council initially imposed a condition on the development requiring the installation of a 1.8m screen fence along the park boundary. When approving the developer's later subdivision application (the second approval), council imposed a condition requiring the construction

of boundary fencing in accordance with *Koala Sensitive Design Guidelines* issued by the State Government.

The investigation focused on whether the delegated council decision-maker for the second approval considered the terms of the primary approval when specifying the fencing condition in the second approval.

Council was unable to provide a reasonable explanation for the second approval conflicting with the initial approval, which resulted in the developer erecting two types of fences.

### Making a difference

On the suggestion of this Office, council entered negotiations with the landowner. The council agreed to install double railings, at its cost, on the landowner's side of the fence to create a screen effect, but still satisfy the koala-sensitive design guidelines.

## Spraying for weeds in the right place

### The complaint

The complainant was served a Biosecurity Order by the council regarding a biosecurity hazard (a weed) growing on land that the council believed the complainant occupied. The area of land subject to the Biosecurity Order was not owned by the complainant but was instead a creek bank on the complainant's neighbour's side of a creek that divides the complainant's land and the neighbour's land.

Council was of the view the complainant was the occupier of the creek bank as cattle from the complainant's land strayed onto the creek bank (owned by the neighbour) and spread the weed.

The Biosecurity Order stated the complainant was directed to spray the weeds, which the complainant did through the services of a contractor. A Biosecurity Order (Entry Notice) was issued to the complainant by the council. The council inspected the relevant area and was not satisfied the spraying conducted by

the complainant's contractor was sufficient. The council decided to spray the weeds again, through a contractor. In accordance with the Biosecurity Act, the cost was passed onto the complainant - approximately \$1200.

### The investigation

This Office's investigation found that the original Biosecurity Order and the Biosecurity Order (Entry Notice) did not comply with the Biosecurity Act in that the Orders failed to specifically and adequately identify the place where the biosecurity hazard was present.

### Making a difference

The council agreed to withdraw the invoice issued to the complainant and ensure future biosecurity notices particularly identify the place subject to the notice/order in accordance with the Biosecurity Act.

## Prisoner safety

### The complaint

The complainant, a relative of a prisoner in a Queensland correctional centre, received reports from the prisoner that he had been threatened by other prisoners at the centre. She raised her concerns for the prisoner's safety with the centre, but was unhappy with the response she received.

### The investigation

This Office raised concerns about the prisoner's safety with the general manager of the centre. The complaint about the centre's response was assessed as being premature for this Office to investigate and was directly referred to the centre to be handled under its complaints management system.

### Making a difference

The centre contacted the complainant and advised that the prisoner had been moved to the Safety Unit for his protection. The centre also advised that it was considering a transfer for the prisoner due to association issues. The complainant advised this Office that she was satisfied with the actions taken by the centre to address her safety concerns for her relative.

## Assessing building applications close to boundary lines

### The complaint

The Office receives complaints which can indicate systemic problems with decision-making by public sector agencies. While an investigation may not be able to change things to help individuals, it can help to improve the way decisions are made in the future.

The complainant had neighbours who were undertaking building work on their property. The work involved a carport built to within 0.3m of the property boundary and the home of the complainant was located close to the property boundary. The complaint was about the council's decision to allow the siting of the building, which impacted the complainant's amenity (e.g. air flow, heat, views, daylight, etc.).

### The investigation

Because building work close to boundaries can impact neighbours, proposals for houses, carports and sheds in some circumstances require council siting approval. These may be assessed against the Queensland Development Code, a planning scheme

code or a council policy. The investigation considered the council's assessment against the relevant requirements.

It was found that although council had procedures to assist decision-makers in this area, the procedures needed improvement.

Working cooperatively, the council identified a number of improvements itself but also considered improvements which the Office raised. These included consulting with affected parties (namely impacted adjoining property owners), conducting site inspections in appropriate circumstances, officers properly recording their assessments against the relevant criteria for amenity impacts, considering solutions to foreseeable impacts and training staff.

### Making a difference

The council has now put in place new procedures which aim to bring more rigour to the process of assessing applications for buildings built close to boundary lines and ensure greater consistency in decision-making.

## Pedestrian crossing road repairs

### The complaint

The complainant, who suffered from severe scoliosis and used a mobility scooter, raised concerns about the rough, uneven surface of a pedestrian crossing near the intersection of two busy roads. She raised her concerns with a state government agency by telephone, but did not receive a response.

### The investigation

As the complainant did not receive a response from the agency, the Office directly referred details of the complaint to the agency, and

requested that it inform both the complainant and the Office of the action taken to deal with the complaint.

### Making a difference

Following the direct referral of the complaint, the agency contacted the complainant to advise that temporary repair works would be made to the crossing as a priority, with a larger resurfacing project scheduled within six months.

## Environmental impact on neighbour from growing business

### The complaint

The complainant lived in a rural area near a large industrial business which had existed on the site for many years. The business was regulated by an original development permit for an environmentally relevant activity. Over time, the business grew into a substantial ongoing concern.

The growth in business activity resulted in increased nuisance emissions which affected the complainant. Particularly concerning was contaminated water runoff from the land owned by the business which discharged onto the complainant's property via council stormwater drains.

### The investigation

The investigation confirmed that the council had jurisdiction to investigate the complaint under the *Environmental Protection Act 1994* (the EP Act). Council commenced an investigation by testing soil samples for contaminants and reviewing test results provided by the complainant. Council discussed the test results with consultants and discussed its concerns with the business but, importantly, did not

conclude its position on whether there was pollution of the complainant's land from that source.

Due to a wide array of issues related to the business, including a lack of clarity around what was permissible on the site under historical approvals, council decided that the business needed to make a development application for the changed scale and intensity of the land use, which the business complied with. The development application process was expected to take a while to be determined.

This Office considered it would be inappropriate for the council to leave the issue of contaminated stormwater runoff in abeyance while the application was being considered.

### Making a difference

Council agreed that it would expedite action to conclude its position on the stormwater contaminant concern. This involved arranging for an environmental consultant to undertake a sample program, review the results and take any necessary compliance action under the EP Act.

## Adjustment to school's decision on uniform

### The complaint

The complainant was the parent of a child who was required to wear special shoes to assist with a medical condition. The child felt more comfortable in her sport uniform when attending school as it complemented the shoes better than the regular uniform. The school instructed the complainant that her daughter must wear uniform shoes and the regular uniform.

### The investigation

The complainant had not yet put her complaint in writing to the principal of the school and therefore this Office assessed the complaint as premature for investigation. The advice

provided to the complainant was specific to the process of the Department of Education and included advice that once she had exhausted the internal complaint process, she may return to the Office for an external review if she remained dissatisfied.

### Making a difference

The complainant followed the advice provided to her and raised her concerns with the principal in writing. This prompted a meeting during which she was able to resolve the matter directly with the principal and her daughter was able to wear the medically required shoes and sports uniform.

## Application extension for exceptional circumstances

### The complaint

An elderly gentleman failed to submit a form to council to apply for a concession for the management of pest species on his property. The complainant contacted the Office stating he had been unwell leading up to the date the form was due, suffered from memory loss and was unfamiliar with the process surrounding the concession scheme. As a result of his failure to submit the form he had been instructed by council to re-pay the concession that had been prospectively applied to his rates notice.

### The investigation

While the complaint was assessed as premature for investigation by this Office, the concession scheme was unique to the complainant's local

council. The Office researched the correct process for reviewing concessions of this nature and deemed it appropriate to be considered under council's administrative action complaint process. With the consent of the complainant, this Office directly referred the complaint to council for consideration.

### Making a difference

Council considered the matter and the complainant's particular circumstances and decided that it was appropriate to extend the timeframe for him to submit his form. The complainant did so and his concession was reinstated.

## Refund on university fees

### The complaint

The complainant was an international student who had withdrawn from a course and was dissatisfied with the university's decision not to refund the course fees. The complainant lodged an application for a refund of course fees as exceptional circumstances beyond her control that had prevented her from continuing in the course. She complained that the university had not taken into consideration her exceptional circumstances when deciding not to refund course fees.

### The investigation

The university's refunds procedure stated that a university may choose to refund moneys outside the amount specified in the refund policy on the basis of evidence provided by a student that exceptional circumstances beyond the student's control prevented the student from honouring the written Letter of Offer provided by the university to the student.

In accordance with the *Education Services for Overseas Students Act 2000* (ESOS Act), a written agreement must set out the refund requirements that apply if a student defaults. During the investigation, while it was acknowledged that the student had defaulted on the agreement, it was found that the written agreement did not adequately detail the refund requirements if a student defaults. The written agreement therefore did not meet the requirements of the ESOS Act or the National Code.

### Making a difference

The university agreed to refund the balance of course fees paid by the student, a total of \$10,000. The university also undertook to amend its written agreement to properly incorporate the refund statement in order to comply with its obligations under s.47B of the ESOS Act and the National Code.

## Extension to timeframe for pool fence repairs

### The complaint

The complainant, a disability pensioner, received a notice from the council to repair pool fencing within 20 working days.

The complainant said he did not dispute that the repairs were necessary, but said he did not have funds to make the repairs within such a short timeframe.

### The investigation

The complaint was assessed as being premature for this Office to investigate and was directly referred to council to be handled under its complaints management system.

### Making a difference

Following this Office's direct referral, council conducted an on-site inspection and investigated the complainant's concerns.

Council provided the complainant with additional time to conduct the repairs and subsequently advised a compliant pool fence had been installed.

## Exceptional circumstances and passage of time leads to review of payment

### The complaint

A recipient of a grant of aid was required to pay a retrospective contribution to the agency following a settlement. The complainant had entered into an agreement with the agency at the time of being provided the grant, the effect of which was that a retrospective contribution would be payable following the receipt of a financial benefit and at the conclusion of any settlement. Six years after the settlement, the agency requested that the complainant's solicitor provide it with a copy of the final court orders and an assessment was made that \$10,715 was due from the complainant.

The complainant requested a review of the decision. She advised that she was the sole parent of a dependent child with a disability and that her only source of income was a pension.

### The investigation

The investigation found that while the agreement that had been entered into meant there was strictly a legal obligation to pay, the requirement to impose a retrospective contribution could be removed if there

were exceptional circumstances and a person did not have the capacity to pay the retrospective amount.

The investigation also found that a significant amount of time had passed since the final court orders were made and that the financial position of the complainant was such as to suggest she had no capacity to make the payment. While the agency had not received the copy of the final court orders until some six years after they were made, there was no evidence of any action taken by the agency to follow up the matter from the time of the making of the orders and its request for a copy of the orders six years later.

### Making a difference

The agency agreed to review its original decision after the investigation highlighted that the complainant appeared to demonstrate exceptional circumstances. Following a review, it waived the requirement for the retrospective amount to be paid.

## Lack of clarity in definition

### The complaint

A consent order was finalised through the Family Court in July 2017 in relation to the complainant's children.

A change in circumstances required the complainant to return to court to amend the court orders. The Family Court ordered that an Independent Children's Lawyer (ICL) be appointed and a Family Report be prepared for the matter.

The complainant applied to Legal Aid for a grant of aid, which was refused on the basis that there had not been a material change in circumstances irrespective of the Family Court decision to review the children's arrangements.

### Investigation

Aid is not available to an application to discharge or vary parental arrangements within two years of a court order made unless the applicant is able to demonstrate that there has been a material change in circumstances.

The investigation found that what constituted a material change in circumstances was not properly communicated to the complainant. The complainant was not provided with examples of factors that amounted to a material change in circumstances. In this regard, the complainant was never in a position to adequately address or provide evidence to Legal Aid to properly demonstrate that there had been a material change in circumstances since the court order made in July 2017.

The investigation established that the complainant had provided sufficient information to Legal Aid to demonstrate a material change in circumstances and requested Legal Aid to reconsider the application for aid.

### Making a difference

Legal Aid reconsidered the application and aid was approved. It also agreed to review the information available on its public website and to develop an information sheet about what constitutes a material change in circumstances to applicants.

## Response time on application

### The complaint

The complainant lodged an application for a Blue Card. He telephoned the agency on seven or eight occasions for a progress update, but over eight months after the initial lodgement, was still waiting for a decision.

### The investigation

After gaining consent from the complainant, this Office referred his complaint to the agency for consideration under its complaint process.

### Making a difference

Two days after this Office referred the complaint, the agency advised that the application had been assessed and a decision notice provided to the complainant.

## Administrative action taken contrary to law

### The complaint

The complainant was a building owner dissatisfied with the Queensland Building and Construction Commission's (QBCC) decision not to inspect some building defects identified at her property, and its refusal to conduct an internal review of that decision.

### The investigation

Section 86(1)(e) of the *Queensland Building and Construction Commission Act 1991* (the Act) provides that reviewable decisions include:

a decision to give a direction to rectify or remedy or not to give a direction.

During the investigation, the legality of whether a 'decision' had been made and whether that decision was a decision 'not to give a direction' was considered. It was determined that a

decision had been made and therefore the complaint should have been internally reviewed and any refusal to undertake the internal review in this case was administrative action taken contrary to law.

### Making a difference

The QBCC agreed to internally review the decision and provide detailed reasons in relation to each item of the complaint. The QBCC also agreed to take appropriate action to determine whether any items amounted to building work which was defective under s.71J(1) of the Act. The QBCC also agreed to review its processes relating to complaint response times and to provide further training to staff to ensure that policies and procedures are implemented appropriately and promptly.

## Lack of accurate recordkeeping and communication at the Public Trustee

### The complaint

The complainant, a client of the Public Trustee, requested the Public Trustee to arrange insurance for his vehicle.

The complainant was then involved in a motor vehicle accident and contacted the Public Trustee and requested the details of his insurer.

The Public Trustee then advised the complainant that he did not have insurance on his vehicle at the time of the accident. The Public Trustee listed various reasons why the complainant could not obtain insurance for the vehicle and that he should have known that his vehicle was never insured. The complainant suffered financial loss.

### Investigation

The investigation found that the Public Trustee failed to action the complainant's request for vehicle insurance. The Public Trustee

asserted that it had properly advised the complainant that the vehicle was not insured. The investigation revealed that there was no evidence of any records about the discussions the Public Trustee had with the complainant concerning the vehicle from the time he requested insurance until the accident.

### Making a difference

The Public Trustee accepted the Office's recommendations that it enter into negotiations to compensate the complainant for his financial loss following the accident and to maintain accurate records of its discussions with clients. The matter was settled.

The Public Trustee also implemented changes to its Client Information Management System to enhance recordkeeping.

## Department failed to support tenants experiencing domestic violence

### The complaints

The Office received complaints from two tenants about how the Department of Housing and Public Works had managed their tenancies in situations involving domestic violence (DV). In one case, the department took eviction action against the tenant despite her requesting a tenancy transfer after fleeing her tenancy from domestic violence. Another tenant complained that the department had failed to find her suitable housing which enabled her to keep her location anonymous. When the tenant complained about the tenancy the department failed to address her concerns. When she complained that the DV perpetrator had found her and was abusing her, the department failed to assist her to find alternative accommodation and accepted her tenancy cancellation form, rendering her homeless.

### The investigations

The investigations identified that the department had failed to take the tenants' domestic violence circumstances into account when making tenancy decisions. In one case, the department had consistently prioritised rental recovery and eventual eviction action

over assisting the tenant to maintain her tenancy. It also failed to respond to requests from her authorised DV support workers. In the other case, the department failed to provide suitable accommodation for the tenant despite being aware of her needs from her tenancy application. When she raised her concerns, it failed to advise her of her tenancy rights in cases involving DV. In both cases, the department was unable to demonstrate that it considered exercising discretions available to it under its procedures.

### Making a difference

In both instances the department agreed to provide suitable housing assistance to the tenants. It also reviewed the debts that both tenants had incurred with the department and removed rental arrears and maintenance debts where appropriate. The department further agreed to collate its policy and practice information into a 'Domestic and Family Violence Practice Guide' and provide further training to staff about how to respond to DV concerns raised by tenants.

## Fine waived for homeless man

### The complaint

The complainant, a homeless man who was sleeping in his car, was issued a parking infringement by a local council for parking in a nature reserve. The infringement was referred to a state collection agency as the complainant could not pay the infringement.

### The investigation

After gaining consent from the complainant, this Office referred his complaint to council for consideration.

### Making a difference

The local council advised this Office that the parking infringement would be withdrawn on compassionate grounds.

## Unreasonable enforcement of fine for failure to vote 17 years ago

### The complaint

In July 2017, the complainant received an overdue account reminder for \$230.15 from the State Penalties Enforcement Registry (SPER). The debt related to a fine for failing to vote in a council election in Queensland in July 2000.

The complainant disputed the original fine and the SPER debt, stating that she never received a notice about the fine. She advised she was in Melbourne at the time of the council election and recalled completing a form to indicate she was no longer living in the council electorate.

The complainant contacted SPER and explained the situation. SPER advised she would need to contact the Magistrates Court. She did so, but was told to contact the council as the issuer of the fine. The particular council no longer existed, having been merged with another council. The complainant contacted that council and was advised she would need to apply to have the case reopened.

The complainant followed this advice but received a response that her application could not be processed because the files from 17 years

ago no longer existed. She contacted SPER again but was advised it could do nothing about the matter.

The council had indicated to the complainant that if she were able to reopen the matter it would not oppose her application.

### The investigation

This Office established that while it may have been lawful for SPER to attempt to collect the debt, it did not appear to be reasonable because the complainant had no way to contest the matter.

This Office wrote to SPER suggesting it reconsider the matter given that the debt was a low amount, the complainant had no other debts registered with SPER, and the council had indicated it would not oppose her application if she were able to make one.

### Making a difference

SPER reviewed the matter and decided to write off the debt given the circumstances of the case.

## Deferred examination allowed due to bereavement

### The complaint

A university student's application for a deferred exam due to the death and funeral of a family member with whom the student had a particularly close relationship was refused by the university.

The complainant had provided information to the university in support of her request for a deferred exam. However, the university found that the information did not sufficiently establish her close relationship with the family member.

### The investigation

The investigation found that while the student had provided some information to establish her relationship, additional documentation to more clearly establish it could be provided to the university for its consideration and review.

### Making a difference

The university considered the additional information provided by the student, including a funeral notice and birth and marriage certificates, upheld the appeal and allowed the student to sit for deferred examinations.

## Unlawful suspension from school

### The complaint

The Office received a complaint about the Department of Education, concerning a girl's suspension from high school. The year 10 student was interviewed by two senior staff members and suspended on the same day. Five days later, the school principal met with the girl's parents to discuss the incident, listen to the parents and 'make an informed decision' regarding the consequences to be imposed.

### The investigations

The department's Safe, Supporting and Disciplined School Environment procedure expressly recognises that principals must give procedural fairness to students in disciplinary decision-making. It defines procedural fairness as including, among other things, the right 'to be given a fair hearing before the decision is made'. As the student was not provided a support person during the interview, and her

parents were not given a fair hearing prior to the decision, the suspension decision was apparently made without procedural fairness and contrary to law.

Questions were also raised about the identity of the decision-maker which indicated that the decision to suspend the student was, at best, poorly documented and, at worst, made by a person who lacked the delegated authority to do so.

### Making a difference

The department agreed to set aside the suspension decision and remove it from the student's record. It also agreed to consider the issues raised in the matter within a broader review of its behaviour procedure framework.

## Improvement in communication processes identified

### The complaint

The complainant requested a sales permit from the agency to sell gravel from a quarry. The agency refused the sales permit because it would create competition for other quarries in the location.

This Office advised the complainant to lodge a complaint with the agency for internal review under its complaint process. The complainant followed this advice but re-contacted this Office when a response was not received within a reasonable timeframe.

### The investigation

This Office made enquiries with the agency about whether a final decision had been reached, and if not, the expected timeframe for conducting the internal review.

### Making a difference

Two weeks after this Office made enquiries with the agency, the internal review decision was provided to the complainant. The agency found it had insufficient information to appropriately consider the sales permit application, and agreed to actively reconsider the application pending receipt of further information.

As a result of this complaint, the agency identified a number of opportunities to improve its processes, including the review of internal assessment procedures to better define the matters to be assessed in relation to sales permit applications and ensuring these matters are more clearly communicated.

## Oversighting the management of child safety complaints

Since the closure of the Commission for Children and Young People and Child Guardian in 2014, the Office has had a more significant and immediate role in overseeing the management of child safety complaints within agencies responsible for delivering services to children and young people.

Complaints about the actions or decisions of agencies, including agencies delivering services to children and young people and their families, are initially managed through their respective complaints management system. In the specific case of the Department of Child Safety, Youth and Women (DCSYW) or previously, the Department of Communities, Disability Services and Seniors (DCDSS), the path for handling a complaint will depend on an assessment of the risk of harm to a subject child or young person.

### Ombudsman oversight

When a complaint is received by the Office, an assessment is conducted to determine:

- a) whether the complaint indicates possible harm to a child or young person, and
- b) whether the person making the complaint has attempted to resolve it with DCSYW.

If a complaint indicates a current risk of harm to a child or young person, the complaint is referred directly to DCSYW with a requirement to report back to the Office about how the matter was dealt with. The Office monitors DCSYW's response to ensure that the information was dealt with through normal departmental processes.

If a complaint does not indicate a risk of harm to a child or young person, the Office's normal complaints management processes apply. If the complainant has not previously tried to resolve the complaint with the agency, the Office may require this step before considering it further.

In 2017-18, the Office received 421 complaints relating to child safety services within DCSYW and DCDSS. This compares to 358 complaints received in 2016-17.

During 2017-18, 111 complaints made to the Office were assessed as involving harm or risk of harm to a child or young person.

At 30 June 2018, the Office had received a report back in relation to 48 cases. It should be noted that reports from DCSYW continue to be provided post 30 June 2018 for those cases referred during 2017-18.

In seven cases the Office requested further information about the screening outcome and the basis for decisions. As information continues to be analysed it is anticipated further information will be sought from DCSYW.

### Who made complaints

All child safety complaints received in 2017-18 were made by members of the public who already had contact with the child safety system. These members of the public consisted of parents, other family members, foster carers, neighbours and other individuals.

### What people complained about

In 2017-18, the main issues the Ombudsman received complaints about included:

- child protection orders
- placement decisions
- communication by child safety officers
- assessment of notifications of harm.

In 2018-19, the Ombudsman will continue to focus on strategies to monitor and improve the effectiveness of the child safety complaints system.

## Failure to seek a child protection order for a young person with a disability

### The complaint

A youth worker contacted the Office because they were concerned about a 16 year old client with an intellectual disability. The complainant was concerned that despite having raised concerns with the department on several occasions, the department had refused to seek a Child Protection Order (CPO) in relation to the client, even though it had obtained CPOs in relation to three siblings. The complainant was concerned that the department should be able to assist the child without having to place her in foster care.

### The investigation

The department's investigation of child protection concerns about the child and her siblings called into question whether the child's parents were able to make appropriate guardianship decisions and the department appeared not to have considered whether the complainant's involvement in the child's case was evidence that the child's parents were unable or unwilling to make appropriate guardianship decisions.

During the investigation, the Office found that a large proportion of the assistance the complainant was providing to the child should more appropriately be handled by a guardian. While this Office noted the department's response about why it was not seeking short or long term guardianship for the child, concerns remained about the decision not to seek guardianship. The Office was not satisfied that a more intrusive order would require the department to take the child into care.

After the commencement of the Office's investigation, the Director of Child Protection Litigation (DCLP) applied for a Protection Supervision Order in relation to the child. In these circumstances, this Office considered it was reasonable for the DCLP to apply for such an order.

### Making a difference

In this case a potential systemic issue was identified in circumstances where:

- a child lacks decision-making capacity and requires a legal guardian
- the child's parents are not able or willing to protect the child and are not suitable guardians
- the child does not live with either parent and is not in need of protection
- the department therefore does not apply for guardianship of the child, leaving the parents as the child's legal guardians
- as the child is not in the child protection system, they are not under the protective jurisdiction of the Office of Public Guardian
- the *Guardianship and Administration Act 2000* does not provide a mechanism for appointing alternative guardians for the child.

The department was asked to consider these gaps in similar scenarios in the future, particularly when the department's own records suggest that a child's parents may not have the ability to readily carry out guardianship decision-making functions.

## Failure to provide procedural fairness

### The complaints

The Office dealt with two similar complaints involving the parents of children, who it was alleged were the perpetrators of harm against other children. The parents were dissatisfied with the investigations the Department of Communities, Child Safety and Disabilities performed in relation to their children, which resulted in substantiated findings that their children had committed harm. The parents were both concerned that the department had not advised their children, or themselves, about the actual allegations that had been made about them and/or what evidence had been relied on to make the findings of harm.

### The investigation

The investigation found that the department's Child Safety Practice Manual sets out the procedure for investigating allegations of harm. This procedure indicates that during an investigation procedural fairness must be afforded, which includes interviewing the alleged perpetrator of the harm and putting any specific allegations to them and allowing them an opportunity to respond. The Manual also provides that evidence should be sought from other relevant parties, including additional household members and the Queensland Police Service for example. During a review of

the department's file, the investigation found that, in accordance with the parents' concerns, their children had not been interviewed, and therefore, had not been provided with procedural fairness prior to the investigation being finalised and findings recorded. It was also identified that other relevant parties, who may have been witnesses to the events, or who may have had additional relevant information, also had not been interviewed before the harm was substantiated against these children.

### Making a difference

Following the investigation, the department agreed to undertake robust reviews of its original investigations and findings made about the children, taking into account the particular issues raised during the Office's investigation of the matter. The department also agreed to ensure that the children would be provided with procedural fairness in the review processes.

Prior to finalisation of the department's reviews, both parents returned to this Office to raise concerns about delays in the review process. After further investigation, the department allocated relevant case managers to have oversight of the reviews and provide this Office with regular updates in relation to the progress, as well as the ultimate outcomes of the reviews.

## Citizenship applications for children under child protection orders

### The complaint

An issue came to the attention of the Queensland Ombudsman about children subject to long-term child protection orders who are not Australian citizens. Information was provided which included that the Department of Communities, Child Safety and Disabilities (DCCSD) had not sought or obtained Australian citizenship for a then 16 year old child who was being detained and who was the subject of a long-term child protection order. The child arrived in Australia at the age of two and had been subject to child protection orders since he was three years old. He was at risk of being deported. Further information came to light that a number of children who had been subject to child protection orders, had been resident in Australia for long periods of time and were subsequently deported.

This issue concerned whether, and in what circumstances, the relevant agency applies for Australian citizenship for those children.

### The investigation

This Office's investigation found that there were lengthy delays in providing support for a citizenship application where a child had been in the agency's care for 13 years. The delay appeared to have arisen because of deficiencies in the management and practice of raising the immigration status of a child within the relevant unit of the agency. This was of particular concern because children affected are unlikely to be able to raise this issue with the agency themselves because of their circumstances of severe disadvantage.

### Making a difference

Following the investigation, DCCSD commenced a process to identify children subject to such orders and who did not have permanent residency or citizenship. Once identified, the agency advised it will review those cases to consider the appropriateness of progressing applications for citizenship.

## Corrective services and youth justice complaints and inspections

### Queensland Corrective Services

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

#### Complaints about QCS

The Office received 726 complaints about the actions and decisions of QCS during the 2017-18 year.

In 2017-18, 34% of complaints related to offender management issues, particularly decisions about:

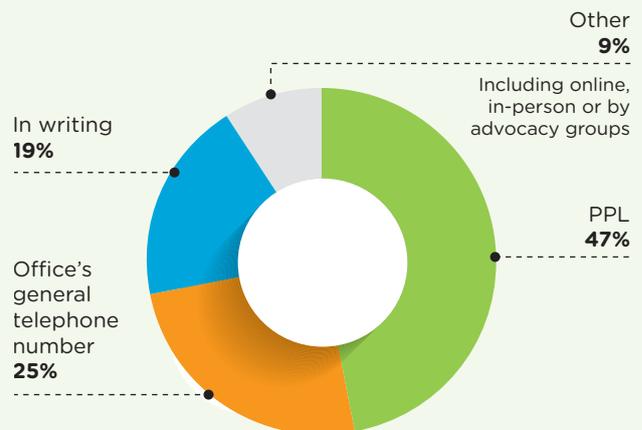
- transfers between correctional centres
- accommodation
- parole
- access to programs.

Other significant complaint categories were services available to prisoners, safety and security concerns, staff conduct and health and medical concerns.

#### How complaints are made

The most common method for prisoners to complain to the Office is via the Prisoner PhoneLink (PPL) service. This is a free and confidential service available at every Queensland correctional centre. It is particularly useful for prisoners who have limited literacy skills. In 2017-18, 47% of the complaints received about QCS were received via the PPL. A further 25% of complaints were made using the Office's general telephone number and 19% were in writing, either by letter or completion of a prisoner complaint form. The remaining complaints were made online, in-person or by advocacy groups.

**Figure 17: Complaints received about QCS**



In 2017-18, the emphasis in prison visits changed to focus on reviewing administrative systems with less emphasis on receiving individual complaints.

During visits, prisoners are provided with information on how to access the appropriate complaints management systems (PPL and prisoner complaint form). Visiting officers still have discretion to accept urgent and serious complaints if necessary.

### **Inspections**

This year the Office visited each of Queensland's 14 correctional centres. The visits to centres provide the opportunity to:

- investigate complaints
- investigate systemic issues
- check compliance with minimum standards prescribed by legislation
- provide information and advice to centre management
- audit administrative processes
- monitor each centre's complaints management system
- speak with prisoner representative groups to raise awareness of Ombudsman services among prisoners.

A range of Ombudsman posters, brochures and stickers continue to be distributed to each centre to inform prisoners about the PPL telephone service and the privileged mail system.

### **Common issues from prison inspections**

A number of issues continue to be identified in the management of prisons in Queensland.

#### *1. Overcrowding and shared cells*

The Office is concerned about overcrowding in all correctional centres due to prisoners being accommodated in shared cells or doubled-up (two prisoners sharing a relatively small cell that was originally designed for one prisoner). Overcrowding in prisons has serious consequences. In addition to impacting on prisoners' mental health and privacy, it places significant pressure on officers and infrastructure and interferes with the effective delivery of health services and programs designed to rehabilitate prisoners.

Overcrowding has coincided with an increase in the number of prisoners involved in assaults, both upon officers and other prisoners. Kitchen and medical facilities have been particularly impacted as the prisons try to cope with escalating prisoner numbers.

#### *2. Lockdowns and 'out-of-cell' time*

The *Corrective Services Act 2006* and the *Corrective Services Regulation 2017* impose a number of minimum standards in relation to the amount of time that prisoners must be allowed outside of their cell. Entitlements vary according to what form of accommodation a prisoner is currently in. As a minimum, prisoners must be given the opportunity to exercise in the fresh air for at least two daylight hours a day.

The ability of a prison to provide out of cell time, in an already overcrowded correctional environment, can be impacted by operational requirements including search operations, staff training and incident management.

To cope with overcrowding, it is becoming apparent that some centres are locking down prisoners in their cells more frequently and for longer periods of time, sometimes in breach of the minimum mandated legislative standards.

The increasing use of lockdowns is an issue that will be further monitored in future prison visits.

## Better management of 'out of cell' time

### The complaint

The complainant's son was a prisoner accommodated at a secure correctional centre in Queensland. The prisoner was separately confined on a Safety Order in the correctional centre's Detention Unit.

The complaint was that the prisoner was not receiving two hours of out of cell time as per the conditions of the Safety Order.

### The investigation

This Office's investigation found that the prisoner's Safety Order was compliant with the Corrective Services Regulation 2017 that requires prisoners that are separately confined be given an opportunity to access fresh air for at least two hours per day.

However, when the correctional centre's case notes were inspected, there were insufficient case notes indicating why the prisoner's out of cell time ceased on the occasions when it was less than two hours. This raised concerns about whether or not the Safety Order was being properly implemented.

### Making a difference

As a result of the investigation QCS committed to ensuring that case notes fully record the instances when a prisoner declines the opportunity to use out of cell hours when offered, or when a prisoner requests to cease their out of cell time.

The improved case records provide better evidence of the management of a prisoner subject to a Safety Order.

## Access to maternity clothes in correctional centres

### The complaint

The complainant's pregnant daughter was a prisoner at a correctional centre. She provided items of maternity clothing to the correctional centre as her daughter needed larger sizes to fit her comfortably due to her progressing pregnancy. The items were not provided to her daughter as the centre only accepted items through this process at two specific times in any year and the correct application process had not been followed in this particular case. This was deemed necessary to maintain the safety and security of the centre.

The next specified time items could be provided was after the prisoner's baby was due. The expectation of the correctional centre was that the prisoner should purchase items through the correctional centre system outside of these times. The complainant was concerned that her daughter could not afford to do so.

### The investigation

The investigation found the case highlighted a systemic issue with the centre's policy of only allowing items to be provided and given to prisoners twice each year and did not take personal circumstances into account. The centre acknowledged that it was not practical to only allow items to be provided twice each year.

### Making a difference

The centre advised that it would clarify the process with the prisoner directly in order to expedite her having suitable clothing for the remainder of her pregnancy. The centre also advised that it was reviewing the policy with a view to better consideration of requests on an individual basis.

## Youth Justice Services

The *Youth Justice Act 1992* establishes the basis for the administration of the juvenile justice system in Queensland.

Queensland has two youth detention centres, the Brisbane Youth Detention Centre (BYDC) and the Cleveland Youth Detention Centre (CYDC) (in Townsville).

### **Complaints about Youth Justice Services**

The Office received 40 complaints about the actions and decisions of youth justice services during 2017-18 year.

Significant areas of complaint include:

- access to property or buy-ups
- access to services
- staff conduct.

### **How complaints are made**

The most common method for young people in detention to complain to the Office is via telephone. A free telephone line is available at each youth detention centre in Queensland to ensure that young people are able to easily access complaint pathways.

Complaints may also be made to this Office by a member of the public, including on behalf of a young person.

In 2017-18, 38 complaints about youth justice services were received via telephone, with the remaining two complaints received online.

While complaints may also be taken by Ombudsman officers during regular inspections of youth detention centres, this did not occur in 2017-18. Regular inspections were used as an opportunity to seek further information from young people who had already complained to this Office.

## **Inspections**

The Office visited both youth detention centres as part of its visits program. The visits to youth detention centres provide the opportunity to:

- investigate complaints
- investigate systemic issues
- check compliance with minimum standards prescribed by legislation
- speak with young people, school principals, youth workers and other support professionals
- inspect accommodation facilities
- assess services and programs
- audit the complaint management system available to young people
- assess the use of behaviour controls and restrictions
- speak with centre management to address any issues of alleged noncompliance with legislation or policies.

A range of Ombudsman posters, brochures and stickers are distributed to each centre to inform youths about the free telephone service and the privileged mail system.

### **Common issues from detention centre inspections**

A number of issues are common across both youth detention centres.

#### *1. 17 year olds in youth detention centres*

Previously, 17 year olds in Queensland were generally accommodated in adult correctional centres. The Youth Justice (Transitional) Regulation 2018 came into place on 12 February 2018 and guides the way 17 year olds are transitioned from adult prisons to youth detention centres.

The Office's current focus includes monitoring this transition and ensuring that it does not have a negative impact on the rights of young people in detention or the operations of youth detention centres.

#### *2. Overcrowding*

Overcrowding is an increasingly common problem within both BYDC and CYDC. The lack of availability of suitable accommodation for the numbers of young people detained in centres, with their complex needs, is causing complex management issues, including the use of rooms not designed for long-term detention.

Officers have also been advised that overcrowding is leading to lengthy delays in transferring young people from watch houses to detention centres. Overcrowding also has impacts on access to facilities, not designed for the number of detainees, and access to education or to some programs.

#### *3. Complaints management*

Effective complaints management within their detention centres is critical to young people in detention having confidence that any grievances will be adequately and appropriately dealt with. Any delays or deficiencies in complaints management may lead to young people taking more drastic action to raise their concerns.

All of the above emerging issues will continue to be monitored through the Office's ongoing inspections of youth detention centres.

## Public reports

By releasing major investigative reports, the Ombudsman is able to bring systemic issues to the attention of the Queensland Parliament, state government departments and agencies, local councils, public universities, and the community.

The Office published two major reports in 2017-18.

These reports are available online from the Queensland Ombudsman's website ([www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au)).

*The Cairns Regional Council councillor conflicts of interest report: An investigation into the way in which councillors at Cairns Regional Council deal with conflicts of interest* was released on 24 October 2017 with approval from the Hon. Peter Wellington MP, Speaker of the Queensland Parliament.

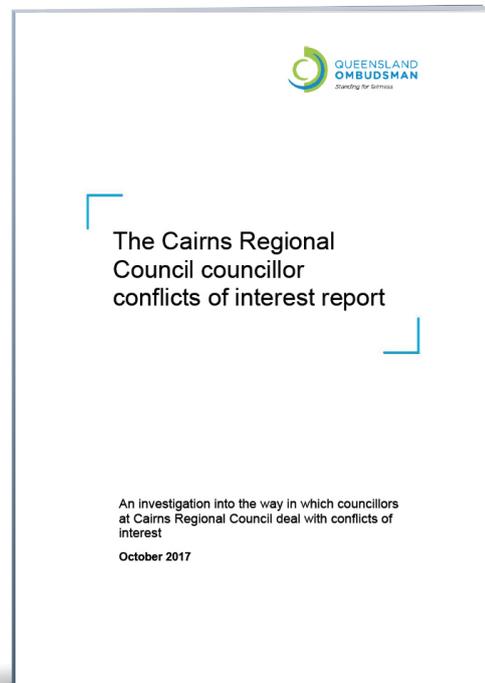
The objective of the investigation was to determine whether Cairns Regional Council and its councillors complied with relevant legislative and policy requirements and acted reasonably in relation to the disclosure and management of councillors' conflicts of interest. The investigation included consideration of how the majority Unity Team councillors dealt with conflicts of interest, including disclosures relating to electoral donations made to the Unity Team.

While the investigation did not identify deliberate non-compliance with legislative requirements, it did determine there was a lack of understanding about a number of requirements and a sense of complacency by some councillors in respect of matters which were their own personal responsibility.

The investigation also found that the practice of councillors declaring conflicts of interest as a group did not comply with the requirements of the *Local Government Act 2009*. In addition, it was not always possible to determine from the minutes of a meeting how a councillor who declared a conflict of interest voted and all gifts received by councillors were not included in their Register of Interests.

The investigation recommended that council change its practices to comply with the Local Government Act. It also recommended that the Department of Infrastructure, Local Government and Planning advise the government on necessary amendments to the Local Government Act to clearly set out what is required to be disclosed by councillors in relation to conflicts of interest, including the amount and timing of electoral donations.

Council accepted and has implemented each of the recommendations arising from the investigation.



*The Indigenous birth registration report: An investigation into the under-registration of Indigenous births in Queensland* was tabled by the Hon. Curtis Pitt MP, Speaker of the Queensland Parliament on 15 June 2018.

An analysis of birth related data released by Queensland Health in 2014 found that approximately 15-18% of births to Indigenous mothers were not registered compared with 1.8% for births to non-Indigenous mothers.

As Queensland has the second largest Indigenous population in Australia and given the disadvantage that may be experienced by a person whose birth is not registered, the Ombudsman decided to investigate what factors may be contributing to the lower rates of Indigenous birth registration in Queensland.

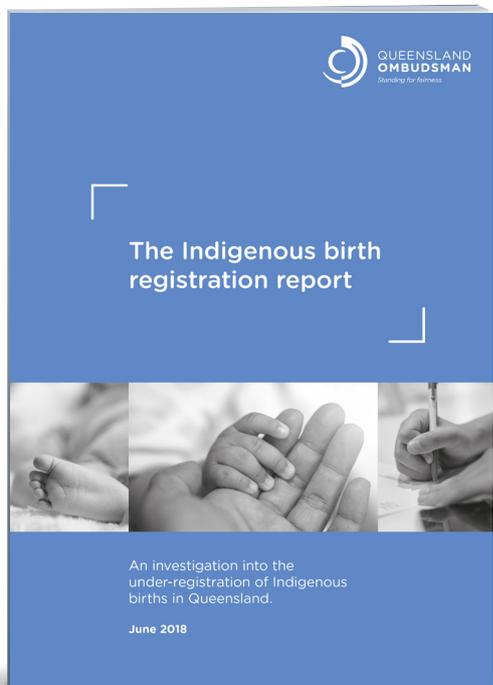
The investigation found the processes used by the Registry of Births, Deaths and Marriages (BDM), in the Department of Justice and Attorney-General, may be contributing to lower registration rates of Indigenous births in Queensland.

While there have been some efforts to engage with Indigenous communities, the Ombudsman found BDM had taken inefficient action to remedy the disparity between registration of Indigenous and non-Indigenous births, which he considered both unreasonable and improperly discriminatory.

The investigation also found the current level of coordination between Queensland Government agencies was inadequate, particularly given the potential for a range of agencies to encourage and support birth registration and certification.

The Ombudsman recommended a cross-agency strategy be developed to increase the Indigenous birth registration rate to the same rate as non-Indigenous births.

The department accepted all of the Ombudsman's recommendations made in the report. Implementation of these recommendations is expected to occur over the next 18 months.



## Compliance reviews of complaint management systems

As part of its administrative improvement role, the Office undertakes reviews to improve the complaint management systems (CMS) of public agencies.

The *Public Service Act 2008* requires departments and other state agencies to implement a CMS for customer complaints that complies with the current Australian Standard for complaints management.

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.

This Office's reviews consider six key elements of each CMS:

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

In 2017-18, the Office reviewed:

- 9 department and other state agency CMSs and 12 local council CMSs
- 20 department websites for complaints reporting.

### Website reviews

#### **Departments**

The Public Service Act requires each state government department, by 30 September each year, to publish the previous financial year's complaints information including:

- the number of complaints received
- the number of those complaints resulting in further action or no further action being taken.

The Office undertook desktop reviews of each department's compliance with the reporting requirement for the 2017-18 year.

The reviews found that twelve departments fully or substantially complied, three departments were partially compliant and five departments were non-compliant with the reporting requirement.

The Ombudsman advised each department with less than full compliance of the review outcome.

Departments responded positively to the findings. All three departments with partial compliance are currently progressing improved complaints capture and recording to fully comply. Also, three departments that failed to publish their complaints data by the 30 September 2017 timeframe promptly rectified their reporting.

Departments that were partially or non-compliant were asked to ensure the complaint reporting requirement is met in 2017-18 and beyond.

#### **Councils**

No further council website only reviews were conducted in 2017-18.

However, nine follow up reviews of council CMSs included checking the implementation of website complaints visibility and accessibility recommendations.

These follow up reviews found that five councils had fully implemented the recommended website improvements. The other four councils agreed to implement the outstanding website recommendations.

Reviews of 71 council websites have been conducted since the CMS review program commenced in 2012-13.

## Administrative improvement advice

Administrative improvement advice is general advice provided by the Office in response to enquiries by agencies.

This service is provided to help agencies improve decision-making and administrative policies, procedures and practice.

The Office responded to 57 administrative improvement advice requests from agencies in 2017-18.

Of these, 38 advice requests were received from 20 state government agencies and 19 advice requests were received from 11 local councils.

Advice was provided on complaint topics including:

- external reporting
- website content and visibility
- policy and procedures
- capture and recording
- outcome advice
- recognition
- model stages
- assessment and timeframes
- internal review processes
- managing unreasonable complainant conduct
- managing trivial, frivolous, vexatious or repeated complaints
- managing responses to internal review decisions.

## Training

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

The training programs include:

- Good Decisions
- Complaints Management – Frontline
- Complaints Management – Internal Review
- Managing Unreasonable Conduct
- Public Sector Ethics.

In 2017-18:

- 156 training sessions were delivered (105 in 2016-17) to 2,579 public sector officers (1,591 in 2016-17)
- 70 sessions were held in regional Queensland (42 in 2016-17).

Training delivery is dependent on client demand. Demand for training, particularly for agency group sessions, was significantly higher compared to 2016-17.

This increase in agency sessions was primarily the result of ongoing improved engagement with agencies and officers, plus promotion of training and greater availability of tailored sessions.

In 2017-18, the Office's training programs received positive feedback from participants, with 98% reporting that the training would help them in their daily work.

Appendix B lists agencies that participated in group sessions training in 2017-18.

## Publications

The Office produces a range of resources, including newsletters, brochures, posters and training program guides to assist public agencies and the community.

*Perspective* newsletters provide news, tips and advice on good decision-making and complaint management. The newsletters are distributed electronically to state agency and local council officers, public sector legal practitioners, corrections officers and the community and published on the Office's website.

*State Perspective* and *Local Perspective* inform key decision-makers, while *Legal Perspective* is targeted at public sector practitioners and private lawyers with public sector clients. *Corrections Perspective* is tailored specifically for officers in Queensland Corrective Services. The *Corrections Perspective* newsletter was published on the intranet of the Department of Justice and Attorney-General.

*Community Perspective* provides information to advocacy groups, community groups and community officers about the role of the Ombudsman, complaints processes and services.

In 2017-18, the five newsletter types were each published in December 2017.

Overall, subscriptions for newsletters grew by 13% in 2017-18, bringing the total number of subscribers to 6,288.

**Table 12: Publication subscriptions**

	2015-16	2016-17	2017-18
State Perspective	2,182	2,084	2,252
Local Perspective	771	806	906
Legal Perspective	1,436	1,491	1,736
Community Perspective	1,018	1,139	1,394
<b>Total</b>	<b>5,407</b>	<b>5,520</b>	<b>6,288</b>

The Office surveyed newsletter subscribers in March 2018 regarding their familiarity with the newsletters, and gauged their responses on frequency and content relevancy.

A total of 82% of respondents read the newsletters, 33% kept it and 36% forwarded it to a friend or colleague. Suggested changes included publishing more case studies and increasing distribution frequency. Feedback received in the survey suggested collapsing four of the *Perspective* types into one combined *Perspective* newsletter for agencies, while maintaining *Community Perspective* for community groups. These changes will be implemented in 2018-19.

*Perspective* newsletters are available by subscription and past issues are available online from the Queensland Ombudsman's website ([www.ombudsman.qld.gov.au](http://www.ombudsman.qld.gov.au)).

# 5 Public interest disclosures

## Oversight of the PID Act

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 entities deal with PIDs
- performing an educational and advisory role.

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

## Monitoring

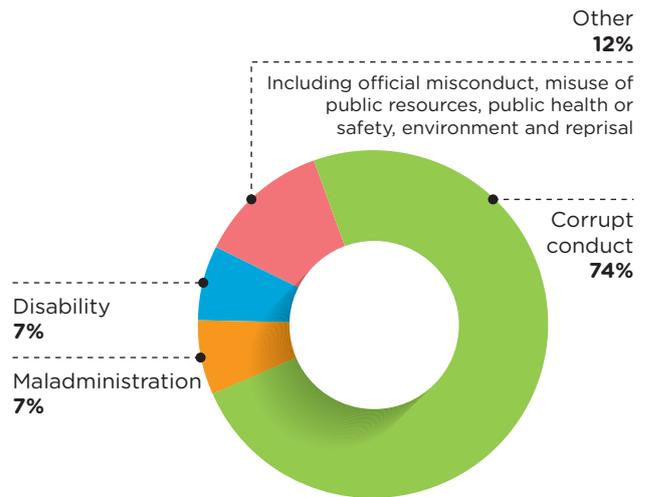
Public sector entities are required to report data about PIDs they receive to the Office.

In 2017-18, a total of 802 PIDs were reported, an increase of 0.5% compared with the previous year.

Public sector officers made 591 disclosures of corrupt conduct, an increase of 11% from the previous year (531 in 2016-17), 59 disclosures of maladministration (31 in 2016-17) and 15 disclosures about reprisal (10 in 2016-17).

Members of the public made 58 disclosures about danger to the health or safety of a person with a disability, a decrease of 50% (118 in 2016-17). Public officers made 42 disclosures about danger to public health or safety, a decrease of 39% (69 in 2016-17) and 27 disclosures by public officers of misuse of public resources (36 in 2016-17).

**Figure 18: PIDs reported by disclosure type**



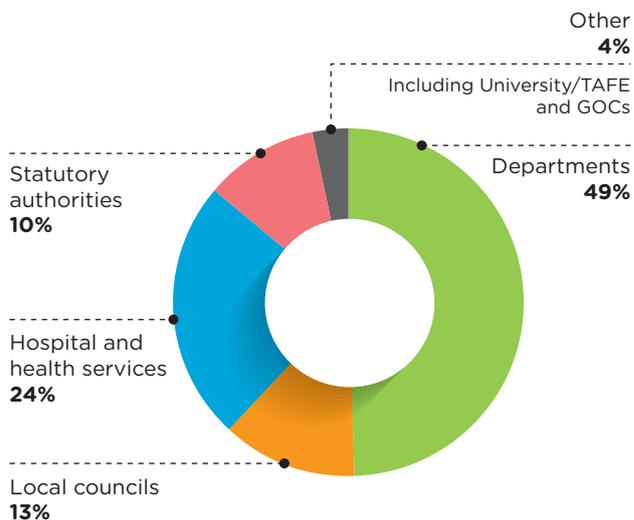
**Table 13: PIDs reported by disclosure type**

	Notes	2015-16		2016-17		2017-18		
		No.	%	No.	%	No.	%	
PID Act s.13	Corrupt conduct	1	514	87.9	531	66.6	591	73.6
	Official misconduct	2	-	-	-	-	1	0.1
	Maladministration		15	2.6	31	3.9	59	7.3
	Misuse of public resources		17	2.9	36	4.5	27	3.5
	Public health or safety		5	0.9	69	8.6	42	5.2
	Environment	3	5	0.9	1	0.1	2	0.2
PID Act s.12	Disability		23	3.9	118	14.8	58	7.2
	Environment	3	1	0.2	2	0.2	7	0.9
	Reprisal		5	0.9	10	1.3	15	1.9
<b>Total</b>	<b>4</b>	<b>585</b>		<b>798</b>		<b>802</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.

The majority of PIDs (364) were reported by state government departments (427 in 2016-17). The next highest proportion of reported PIDs was from hospital and health services (179) followed by local councils (93).

**Figure 19: PIDs reported by agency type**



**Table 14: PIDs reported by agency type**

	Notes	2015-16		2016-17		2017-18	
		No.	%	No.	%	No.	%
Departments		332	58.8	427	56.3	364	49.4
Local councils		59	10.4	69	9.1	93	12.6
University/TAFE		5	0.9	28	3.7	18	2.4
Hospital and health services	1	-	-	191	25.1	179	24.3
Statutory authorities		130	23.0	10	1.3	76	10.3
Government owned corporations (GOC)		34	6.0	26	3.4	7	0.9
Public service offices		5	0.9	7	0.9	0	0
<b>Total</b>	2	<b>565</b>		<b>758</b>		<b>737</b>	

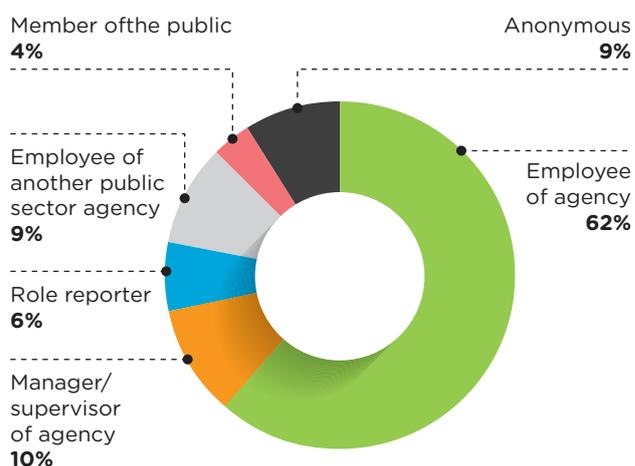
1. Hospital and health services were reported with other statutory authorities in 2015-16 but from 2016-17 are reported separately.  
2. A PID may include more than one type of disclosure (for example, corrupt conduct and maladministration); therefore, the number of PIDs by disclosure type may exceed the number of PIDs reported by agency type.

Over 78% of PIDs reported were made by an internal discloser (an employee of the agency, manager/supervisor or role reporter, such as an auditor).

The proportion of PIDs made by an employee of another public sector entity increased significantly to 68 (21 in 2016-17), and 65 disclosures made anonymously (41 in 2016-17).

Members of the public made 27 PIDs, a substantial decline from 49 in 2016-17.

**Figure 20: PIDs reported by discloser type**



**Table 15: PIDs reported by discloser type**

	Notes	2015-16		2016-17		2017-18	
		No.	%	No.	%	No.	%
Employee of agency	1	499	88.3	639	84.3	454	61.6
Manager/supervisor of agency		8	1.4	7	0.9	76	10.3
Role reporter	2	2	0.4	1	0.1	47	6.4
Employee of another public sector agency		16	2.8	21	2.8	68	9.2
Member of the public		13	2.3	49	6.5	27	3.7
Anonymous		16	2.8	41	5.4	65	8.8
Other		11	1.9	-	-	-	-
<b>Total</b>	<b>3</b>	<b>565</b>		<b>758</b>		<b>737</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.

**Table 16: PIDs investigation outcomes**

	Notes	2015-16		2016-17		2017-18	
		No.	%	No.	%	No.	%
Substantiated		157	46.6	217	37.2	324	44.3
Partially substantiated		35	10.4	97	16.6	193	26.4
Not substantiated		110	32.6	183	31.3	144	19.7
Investigation discontinued		35	10.4	87	14.9	70	9.6
<b>Total</b>	1	<b>337</b>		<b>584</b>		<b>731</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.

For PIDs reported and finalised in 2017-18 following a decision to investigate, the outcomes were:

- 40.7% substantiated
- 15.8% partially substantiated
- 33.9% not substantiated
- 9.5% investigation discontinued.

The outcomes for all PIDs finalised following investigation in 2017-18 were:

- 44.3% substantiated
- 26.4% partially substantiated
- 19.7% not substantiated
- 9.6% investigation discontinued.

The data in Table 17 shows that, of the PIDs reported as finalised in 2017-18 following investigation, 78.2% were totally or partially substantiated. This represents an increase over the past two years (53.8% in 2016-17, and 60.5% in 2014-15).

**Table 17: PIDs totally or partially substantiated**

	2015-16	2016-17	2017-18
Total PIDs for which investigation finalised	302	497	661
PIDs totally or partially substantiated	192	314	517
% Finalised PIDs totally or partially substantiated	63.5%	63.1%	78.2%

With the implementation of a new PID reporting database from 1 October 2018, data can now be reported on the reasons why agencies decided not to investigate or deal with a PID in accordance with s.30 of the PID Act.

The data for the first nine months of reporting suggests that the principal reason why agencies exercise the discretion to take no action in relation to a PID is that the substance of the disclosure has already been investigated or dealt with through another appropriate process. This data will continue to be monitored to assess trends over time.

**Table 18: PIDs finalised in accordance with the PID Act**

Grounds for decision to take no action <sup>1</sup>	No.	%
The substance of the disclosure has already been dealt with by another process	99	76.7
The disclosure should have been dealt with by another process	22	17.0
The age of the information made it impracticable to investigate	6	4.7
Another entity notified that investigation was not warranted	1	0.8
<b>TOTAL</b>	<b>129</b>	
1. Data available for cases finalised 1 October 2017 to 30 June 2018.		

## Reporting

The most significant development in the performance of the Office's PID monitoring function in 2017-18 has been the design, development and implementation of a new PID reporting database.

The result is RaPID ('Report a PID'), a bespoke reporting database that:

- provides an easy, user-friendly online tool for public sector entities to report PIDs in accordance with their obligations under the PID Act
- is hosted securely by the Office separate from the Office's internal systems
- incorporates a range of enhanced security features to manage user access including password controls and a real-time audit trail function
- enables more comprehensive data collection for each stage of the PID management process while simultaneously reducing the time taken by an agency to report a PID
- allows more sophisticated monitoring of data at a case, agency and sector level
- includes improved reporting capability to enable the Office to better meet its obligations under the PID Act
- has built in access for agencies to user guides developed to support the implementation of RaPID as well as PID management resources.

## Reviewing

One of the Office's functions under the PID Act is to review the way in which public sector entities deal with PIDs.

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

During the year, feedback was provided to 12 entities on their draft agency-specific PID policies and procedures.

During 2016-17, the Office conducted a policy visibility review. The visibility review sampled 167 agencies and assessed:

- whether agencies had published PID procedures on a website accessible by the public
- the reasonableness of the PID procedures.

During 2017-18, follow-up action was undertaken of 28 agencies identified in the review that either had no procedure visible, or had a minimally compliant procedure.

A model PID procedure, designed as a guide to assist agencies identify what is required in a compliant procedure, was developed and published on the Office's website. The model PID procedure was forwarded to all Aboriginal Shire Councils along with tailored advice and guidance.

A follow-up review was conducted to evaluate the rate of compliance following the further action taken during 2017-18. Table 19 sets out the results of the follow-up review in comparison to the 2016-17 review.

**Table 19: Proportion of sampled agencies assessed as compliant with the PID Act in 2016-17 and after follow-up in 2017-18**

Agency type	No.	2016-17	2017-18
State departments <sup>1</sup>	20	100%	100%
Hospital and health services	16	100%	100%
Public agencies	28	82%	100%
Local councils, including Aboriginal shire councils	75	82%	88%
GOCs	13	92%	100%
University/ tertiary education <sup>2</sup>	15	60%	100%
<b>TOTAL</b>	<b>167</b>		

1. Sample decreased to 19 in 2017-18 due to the abolition of the Department of Energy and Water Supply following machinery of government changes.

2. The visibility review in 2016-17 reviewed the website of each TAFE Registered Training Organisation as a separate entity, in addition to TAFE Queensland.

## Education and advice

One of the oversight agency's functions under the PID Act is to perform an educational and advisory role. Engagement with agency officers through training, provision of advice and information sharing was a key focus in 2017-18

The Office provided support to agencies through:

- advice and information in response to requests from agency officers and others
- regular emails providing information and updates on PID issues
- information and publications published on the Office's website.

The former PID Coordinators Meetings were revamped as the PID Agency Network Training (PIDANT) and extended to include agency representatives with responsibility for managing PIDs and reporting on PIDs. In addition to a face-to-face meeting each quarter, this year saw the introduction of the presentation of each meeting by webinar to address the needs of regional agencies. PIDANT meetings deliver guidance on the interpretation and application of the PID Act, updates on case law, training on topics of relevance and discussion of issues of concern as well as networking opportunities.

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. The focus of this Office's work in 2017-18 was on promoting the resource to agency officers, and updating case law, media and events to ensure the Whistling Wiki continues to provide relevant and current information.

Demand for PID training increased in 2017-18 compared to 2016-17. The *Public Interest Disclosure: Introductory Workshop* was presented seven times (five in 2016-17) including three sessions outside south-east Queensland (one in 2016-17). In total, 174 participants (143 in 2016-17) attended from 63 different public sector entities (refer to Table 43 in Appendix A).

Eight agencies requested the Office present the Public Interest Disclosure: Introductory Workshop in-house for their staff, with a further 128 participants attending.

The Office provided nine shorter PID awareness sessions for five organisations, designed to increase participants' knowledge of the PID Act and their rights and responsibilities.

The increased engagement with agency officers through training has been one factor in driving an increase in the number of enquiries about PID issues received by the Office, the other being the implementation and promotion of the new RaPID reporting database. During 2017-18, public sector entities sought advice from the Office on a wide range of PID management matters, including:

- the application of the PID Act to particular agencies
- managing obligations to provide support and protection to disclosers and others involved in a PID investigation
- the application of the definition of 'public officer' (for example, volunteers and contractors are not considered 'public officers' for the purposes of the PID Act)
- undertaking risk assessments and developing protection plans to prevent reprisal
- managing PIDs about reprisal
- responding to anonymous disclosures
- managing confidentiality and natural justice obligations
- requirements for providing outcome advice about a PID matter to a discloser
- reporting requirements including use of the new RaPID reporting database.

**Figure 21: PID enquiries received by quarter**



## Whistling While They Work 2 Research Project

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.

## Review of the PID Act

The report 'Review of the *Public Interest Disclosure Act 2010* – A review pursuant to s.62 of the *Public Interest Disclosure Act 2010*' was tabled in the Legislative Assembly on 27 February 2017.

The report made 40 recommendations for changes that should be made to the PID Act, including to:

- focus the PID Act on disclosures by public sector officers of internal wrongdoing
- expand the definition of public sector employee to include all those persons who are engaged in public sector workplaces, and thereby have access to information about wrongdoing, including contractors, volunteers, trainees and students
- expand protections for disclosers for a period of time after separation from their employment in the public sector
- remove personal workplace grievances as a type of PID
- clarify confidentiality provisions
- provide review rights for administrative decisions made by public sector agencies under the PID Act
- establish an alternative administrative remedy for disclosers who experience detriment as a result of making a PID
- improve the administration of the PID Act by public sector agencies
- enhance the clarity of the PID Act
- strengthen the oversight of the PID Act.

The report remains with the government for consideration of its response.

## 6 Empowering people

### Individuals are empowered to resolve complaints with public sector agencies

The Office seeks to ensure that people have the support, advice and information necessary to manage their complaints across the Queensland public sector.

This involves building greater knowledge in the community about how to make an effective complaint and when to contact the Office.

The Office is also committed to providing greater access to complaint management information and services and offering direct referral of premature complaints.

### Community outreach

The Ombudsman helps ensure that public agencies act fairly when making administrative decisions.

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

The Office addresses these challenges through its Communication and Engagement Plan, and Regional Services Program.

Targeted outreach is focused on sectors of the community that may be reluctant to access services or experience difficulty communicating their needs.

In 2017-18, the Office continued to implement these plans, which guide engagement with groups, including:

- Indigenous communities
- young people
- students
- regional Queenslanders
- the homeless
- culturally and linguistically diverse communities and refugees (multicultural communities)
- prisoners
- seniors, people with disabilities, special needs and carers.

Engagement strategies included:

- targeted state-wide mail out of resources
- providing brochures and posters to government and community organisations on request
- producing and distributing the *Community Perspective* newsletter
- attending key community events
- delivering information sessions
- visiting regional communities
- delivering Queensland Complaints Landscape (QCL) presentations.

In 2017-18, the Office delivered 15 QCL presentations to various community sectors. These were presented in south-east Queensland and 11 locations regionally. In all, 66 community organisations were involved.

The purpose of the QCL presentation is to build greater awareness and knowledge of the Ombudsman's services and agency complaints systems.

The Office received positive feedback from community organisations about the presentation and how it will help them to better support and represent their members and clients.

## Improving services

### Indigenous Queenslanders

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

Initiatives undertaken in 2017-18 to improve awareness of and accessibility to the Office's services included:

- participating in NAIDOC Week activities (Brisbane and Toowoomba)
- delivering information sessions to two Indigenous community organisations
- 10 Indigenous community organisations attended a QCL presentation
- conducting a targeted state-wide mail-out of information and resources.

### The homeless

In 2017-18, the Office continued to engage with key community organisations to improve awareness of and accessibility to its services among the homeless community.

The Office's initiatives included:

- participating in two homeless connect events in Brisbane and the Street links event in Ipswich
- delivering an information session to one community organisation
- five community organisations attended a QCL presentation
- conducting a targeted state-wide mail-out of information and resources to community organisations.

### Multicultural communities

In 2017-18, the Office continued to build strong ties with multicultural communities by:

- participating in the Gold Coast, Toowoomba, Gladstone, North Coast Festuri and MOSAIC multicultural festivals
- three community organisations attended a QCL presentation
- producing the *Community Perspective* newsletter, distributed to multicultural community groups. (1,394 subscribers to *Community Perspective* in 2017-18).

Clients who speak a language other than English have access to the Translating and Interpreting Service.

### Young people

In 2017-18, the Office's initiatives to improve awareness and accessibility for young people included:

- participating in a child protection week event (Brisbane)
- delivering information sessions to three community organisations
- 12 community organisations attended a QCL presentation.

### Students

In 2017-18, the office attended four university and five TAFE open or orientation events.

## Seniors, people with disabilities and carers

In 2017-18, the Office continued to engage with key community organisations representing or supporting seniors, people with disabilities and carers.

The initiatives included:

- participating in six community events (Commonwealth Respite and Care link Centre Mackay, Seniors Expo Beenleigh, Care Central Expo Chandler, Carers Week Toowoomba, NDIS Expo Bundaberg and Health Expo Millmerran)
- delivering information sessions to three community organisations
- 20 community organisations attended a QCL presentation.

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.

## Regional Queenslanders

In 2017-18, the Regional Services Program (RSP) included visits to 22 regional centres across Queensland.

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

During 2017-18, the RSP focused on:

- public agency officers
- community/advocacy groups
- correctional centres
- 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 organisation representatives and staff.

The priority for 2018-19 is to continue to focus on building awareness and relationships with:

- key intermediaries such as community groups and MP offices
- regional agencies and councils to improve complaints management and decision-making.

**Table 20: Activities in regional Queensland in 2017-18**

	Number
Training sessions	70
CMS reviews	12
MP office visits	6
Public sector engagements	25
Community engagements	24

## Online services

The Office's website provides information to the community about the work of the Ombudsman and the complaints processes. The site offers an online form to give people an easy way of lodging their complaint with the Office.

For the public sector, the site provides information about complaint handling, guidance on managing PIDs and access to the Office's training programs (including the training calendar and online bookings).

In 2017-18, 127,963 people visited the website, an increase of 37% on 2016-17 (93,445 visitors), which in turn grew significantly, by 22% on 2015-16 (76,594 visitors) refer to Table 21.

The website is designed to be usable for a range of devices. This year, 39% of people visiting the website used mobile phones or tablets.

**Table 21: Website use**

	2016-17	2017-18	Change
Visitors to website	93,445	127,963	37%
Sessions	126,430	164,210	30%

This year, the Office significantly upgraded its website reporting capability with the implementation of Google Analytics 360. This tool provides detailed information on the journeys taken by visitors to the website, pathways within the website and the online complaint form.

These learnings will support further improvements to website information and resources.

## Accessibility

The site has been designed to meet Web Content Accessibility Guidelines 2.0 to AA level.

As part of its commitment to accessibility, the Office now provides a series of videos that translate a selection of pages from the Office's website 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 web pages aloud in a human-sounding voice to support people requiring online reading support. In February 2018, the Office temporarily disabled BrowseAloud in response to a security threat related to crypto-coin mining. The plugin was re-enabled after assurances from the vendor that the application was safe for end users.

In June 2018, the website upgraded its secure encryption protocol in line with the PCI Data Security Standard for safeguarding payment data.

# 7 Capable and accountable organisation

## People

### Workforce profile

At 30 June 2018, 64 officers were employed on a full-time, part-time or casual basis equating to 57.3 full-time equivalents (FTE). The establishment for the Office is 63 FTE.

Ombudsman officers come from diverse professional backgrounds, including law, public administration, social work, journalism and teaching. Women make up 72% of the Office's workforce.

**Figure 22: Gender profile at 30 June 2018**



The Office's equal employment opportunity census found 9% of staff identified as having a disability and 8% identified as having a language other than English as their first language. No staff identified as Aboriginal or Torres Strait Islander.

The permanent staff turnover for the year was 13%. Eight employees separated from the Office with four obtaining promotion within the public sector and the other four left public sector employment.

### Workforce planning framework

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

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

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

These arrangements are promoted through the Office's integrated performance management framework.

### Performance management framework

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

Managers work with employees to develop achievement plans to ensure professional skills and knowledge remain current and professional standards within the Office are maintained. Managers regularly review plans with employees to ensure career planning and development is up-to-date and performance outcomes are achievable within current workloads.

### Working for Queensland survey

In August 2017, the Office participated in the *Working for Queensland Survey*, managed by the Queensland Public Service Commission. This was the first time the Office had participated in the whole-of public sector staff survey. A significant advantage of this approach was that it allowed more direct comparisons of Ombudsman officer views about their workplace with those of the broader public sector.

The Office had a strong participation rate in the survey (83% of staff participated; the whole of sector participation rate was 38%).

The Office is above the average benchmark for the Queensland public sector for agency engagement 61% (public sector 59%) and organisational leadership 58% (public sector 53%). The Office's result for innovation (59%) was comparable to the public sector benchmark (61%).

## Code of Conduct

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

The code, based on the ethical principles and values contained in the *Public Sector Ethics Act 1994* is provided to new staff during induction and is published on the Office's website.

## Professional development

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

Development initiatives delivered during 2017-18 focused on skills for leadership, people management, recruitment and selection panels, government decision-making and statutory interpretation and fraud awareness.

In 2017-18, the Office spent 1.5% of its salary budget on professional development activities. Each employee attended on average three professional development activities during the year.

As part of the achievement planning process, employees negotiate a career development plan to identify training opportunities based on their individual needs. This year, 22 different individual professional development activities were undertaken by 34 staff members.

**Table 22: Corporate professional development program 2017-18**

Program	Audience	Number of staff
Building evacuation program <sup>1</sup>	All staff	87
Written correspondence	Investigation staff	20
Adapting to change	RAPA staff	10
Advanced government decision-making and statutory interpretation	RAPA and Investigation staff	23
Emotional intelligence	Management	11
Fraud awareness	All staff	60
PID awareness workshop	New staff and some current staff	12
CPR recertification	Staff with current CPR qualifications	5
Leading self and others module	Future potential leaders	1
People matters program	Current and potential people managers	3
Future of leadership conference	All staff	10
Recruitment and selection training	Selection panel members	14
Workplace stress and resilience	All staff	39

1. All staff must complete this online training annually, as a refresher, and all new staff (including temporary, contractors and student placements) must complete it within 48 hours of commencing. The reason that more staff completed the training than the Office's FTE, reported as part of Workforce profile is due to staff turnover or returning from extended periods of leave.

## Recognising staff achievements

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

These awards acknowledge outstanding contributions made by staff. The Award of Excellence is given at the Ombudsman's discretion and employees are recognised for five or more years' service (in multiples of five years).

The annual awards ceremony was held on 10 October 2017. Awards were presented by the Ombudsman.

The recipient for the Ombudsman's Award of Excellence was Mr David McMurtrie, Senior Investigator.

## Flexible work arrangements

The Office encourages staff to establish flexible and balanced work arrangements, and has 17 employees working in part-time arrangements.

Staff have access to a range of initiatives, including flexible hours of work, accrued time and part-time employment, job sharing and parental leave.

Staff have access to a variety of leave types including special, carer's, study, bereavement and purchased. The Office also provides leave for employees who are affected by domestic and family violence. Working parents have access to specific leave entitlements and the Office provides facilities for breastfeeding.

## Health, safety and wellbeing

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.

This year the committee focussed on overseeing the implementation recommendations from a Work Health and Safety Management System review (completed in June 2017).

In 2017-18, no compensation claims were made and no days were lost to injury.

Information about health and wellbeing is regularly communicated and staff are encouraged to report hazards to health and safety. Initiatives in 2017-18 included:

- workplace stress and resilience workshops facilitated by the Black Dog Institute were provided for all staff
- flu vaccinations for all staff
- ergonomic assessments as requested by staff to minimise risk of musculoskeletal injury and enhance productivity
- purchase of standing workstations for officers that requested them
- promotion of Queensland Safe Work Month and Queensland Mental Health Week.

## Early retirement, redundancy, retrenchment

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

## Performance

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

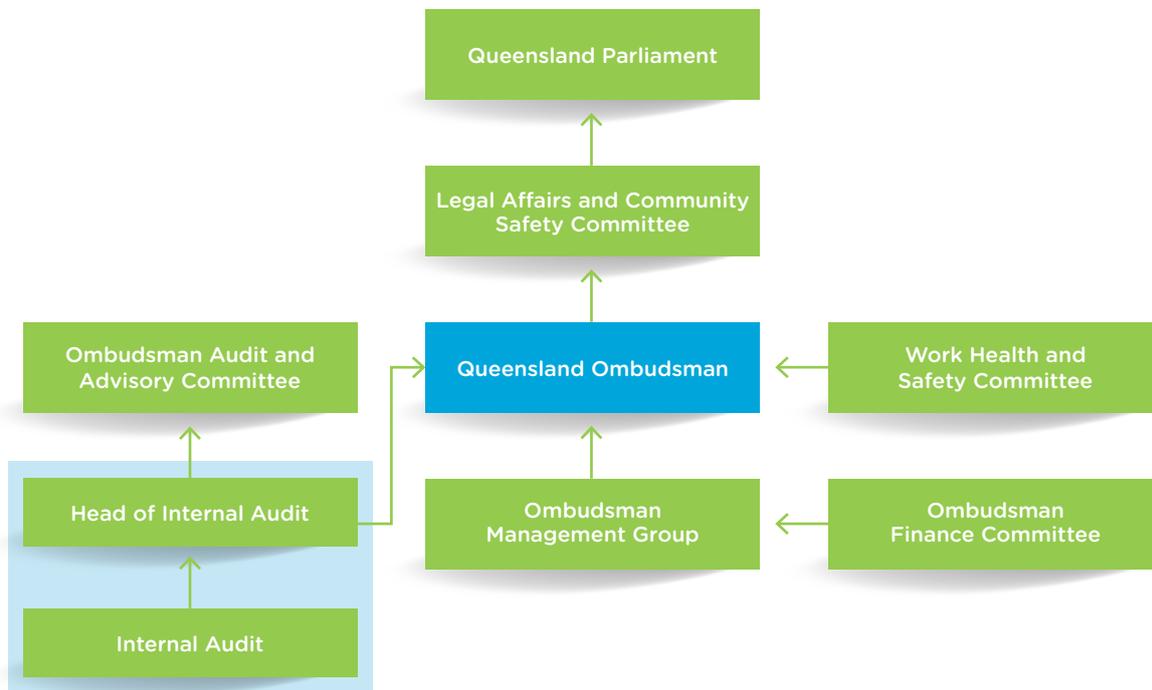
- ensure operations are carried out efficiently, effectively and economically
- establish and maintain appropriate systems of internal control and risk management
- ensure annual financial statements are prepared, certified and tabled in Parliament in accordance with the prescribed requirements
- undertake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

**Figure 23: Corporate governance framework**



## External accountability

### Legal Affairs and Community Safety Committee

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

The committee:

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

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

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

### Estimates Committee hearing

In July 2017, 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 2017-18. The audit report and certificate for the financial statements are contained in Appendix G - Audited financial statements.

**Table 23: External accountability**

Activity	Description	Outcome
Legal Affairs and Community Safety Committee	Monitors and reviews the Office's performance and reports to Parliament.	Accountability, transparency, high performance and compliance with statutory requirements
Estimates hearing	Scrutinises the past and future (planned) financial and non-financial performance.	
External audit	Monitors compliance with financial management requirements.	
Right to information/ information privacy	Ensures proper processes for providing public access to documents held by the Office while safeguarding the privacy of personal information.	
PIDs	Ensures PIDs about the Office are dealt with in accordance with the <i>Public Interest Disclosure Act 2010</i> .	
Annual report	Provides a full and complete disclosure of financial and non-financial performance.	
Queensland Audit Office (QAO)	In accordance with the revised auditing standard ASA 720 <i>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.	

## Internal accountability

### Planning for the future

The Office operated under its Strategic Plan 2015-19. The strategic plan ensures the Office is well placed to carry out its core functions.

The Operational Plan 2017-18, incorporating the strategic plan's key performance indicators, aligned core business and special projects to responsible officers.

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

### 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.

### Identifying and managing risk

The OMG continued its commitment to risk management.

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

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

**Table 24: Internal accountability**

Activity	Description	Outcome
<p><b>Ombudsman Management Group</b></p>	<p>Principal strategic and tactical body that considers the Office’s significant statutory, accountability and risk-related responsibilities and all strategic and operational activity. It also functions as the Office’s Finance Committee and endorses corporate priorities and objectives.</p>	<p>Accountability, transparency, high performance and compliance with statutory requirements</p>
<p><b>Queensland Ombudsman Audit and Advisory Committee</b></p>	<p>Provides independent assurance, advice and assistance to the Ombudsman on the risk, control and compliance frameworks and external accountability responsibilities of the Queensland Ombudsman’s Office as prescribed in the <i>Financial Accountability Act 2009</i> and the <i>Financial Accountability Regulation 2009</i>.</p> <p>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.</p> <p>The Audit and Advisory Committee, which meets quarterly, observed the terms of its charter and had due regard to the Queensland Treasury’s <i>Audit Committee Guidelines</i> and overviewed the finalisation of the annual financial statements of the Office.</p> <p>At every meeting, the Audit and Advisory Committee meets with the Head of Internal Audit, internal and external auditors and the Chief Finance Officer. The committee exercises independent oversight of the Office’s implementation of all audit recommendations.</p> <p>The Committee is comprised of two independent external members and an internal member.</p> <p>At 1 July 2017, the committee members were:</p> <ul style="list-style-type: none"> <li>• Chair, Mr Pat McCallum (Fellow of CPA Australia, Professional Fellow of the Institute of Internal Auditors – Australia)</li> <li>• Ms Terry Campbell</li> <li>• Deputy Ombudsman, Mr Andrew Brown.</li> </ul> <p>In October 2017, Mr McCallum retired as the Chair; and Ms Terry Campbell was appointed by the Ombudsman as the new Chair.</p> <p>In November 2017, Mr Brown was appointed the Acting Health Ombudsman for Queensland. For the remainder of the financial year, Ms Jessica Wellard participated in committee meetings as the Acting Deputy Ombudsman.</p> <p>A new external member, Mr Mark Nix, was appointed by the Ombudsman in January 2018.</p> <p>At 30 June 2018, the committee members were:</p> <ul style="list-style-type: none"> <li>• Chair, Ms Terry Campbell</li> <li>• Mr Mark Nix</li> <li>• Acting Deputy Ombudsman, Ms Jessica Wellard.</li> </ul> <p>Only external members are eligible to receive payment. In 2017-18, Mr McCallum, former Chair, was paid \$1,560; Ms Campbell, current Chair was paid \$3,260; and Mr Nix was paid \$400.</p>	<p>Accountability, transparency, high performance and compliance with statutory requirements</p>

Activity	Description	Outcome						
<b>Internal audit</b>	<p>Internal Audit adheres to the approved Internal Audit Charter, developed in line with the Institute of Internal Auditors' International Standards for the Professional Practice of Internal Auditing. Independence of the audit function is maintained by reporting directly to the Ombudsman, with a subsidiary reporting relationship to the Audit and Advisory Committee.</p> <p>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 currently contracted to provide those outsourced audit services.</p> <table border="1" data-bbox="411 801 1216 1279"> <thead> <tr> <th data-bbox="411 801 751 844">Activity</th> <th data-bbox="751 801 1216 844">Description</th> </tr> </thead> <tbody> <tr> <td data-bbox="411 844 751 1155">           Delivery of annual and strategic audit plans and monitoring and improving financial accountability, internal control processes and business practices.         </td> <td data-bbox="751 844 1216 1155">           Developed and delivered a risk-based annual plan of audits. Four internal audits 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 13 recommendations issued during the year.         </td> </tr> <tr> <td data-bbox="411 1155 751 1279">           Review of the effectiveness of internal controls in mitigating risks         </td> <td data-bbox="751 1155 1216 1279">           Conducted risk analysis as part of the annual audit planning process, together with assessments during specific audit engagements.         </td> </tr> </tbody> </table>	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. Four internal audits 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 13 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.	Accountability, transparency, high performance and compliance with statutory requirements
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. Four internal audits 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 13 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.							
<b>Finance Committee</b>	The Ombudsman Management Group and Chief Finance Officer are responsible for planning, monitoring and reporting on the Office's budget.							
<b>Code of conduct</b>	The Office's Code of Conduct was updated in May 2015.							

## Executive management

### Phil Clarke

#### Ombudsman

Mr Clarke was appointed Queensland Ombudsman in 2011.

His career in the public sector spans over 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.

### Andrew Brown

#### Deputy Ombudsman (to May 2018)

Mr Brown was appointed Deputy Ombudsman in 2011. His career in the public sector spans more than 25 years.

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

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

Mr Brown was appointed acting Health Ombudsman, Office of the Health Ombudsman, in November 2017. On his permanent appointment to that role, in May 2018, he resigned as Deputy Ombudsman.

### Jessica Wellard

#### Assistant Ombudsman (IMP)

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 having been significantly involved in both investigation and major investigation functions. Ms Wellard currently leads the Intake and Major Projects Unit, overseeing major investigations and the registration and preliminary assessment of all complaints.

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 onwards.

### Peter Cantwell

#### Assistant Ombudsman (IRU)

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. Mr Cantwell currently leads an investigative team that deals with state agency complaints.

Before joining the Office, he was a solicitor in private practice for almost 20 years. For most of this time he was a partner in the Brisbane office of a major Australasian law firm and 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.

## **Geoff Airo-Farulla**

### **Assistant Ombudsman (IRU)**

Dr Airo-Farulla joined the Office as an Assistant Ombudsman in 2016 and oversees investigations about state government agencies, including corrections and universities.

He joins the Office following 11 years as State Director for Queensland and the Northern Territory with the Commonwealth Ombudsman's Office. Prior to this, he served as Director of the Governance and Regulation program within the Socio-Legal Research Centre at Griffith University and was a senior lecturer in the Griffith Law School. Dr Airo-Farulla holds a PhD in Administrative Law, a Bachelor of Laws with Honours and a Bachelor of Arts.

In May 2018, Dr Airo-Farulla accepted a 12-month temporary appointment with another agency.

## **Craig Allen**

### **Assistant Ombudsman (IRU)**

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

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

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.

## **Leanne Robertson**

### **Director, Corporate Services (from October 2017)**

Ms Robertson leads the Corporate Services Unit and 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 resource, 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.

## **Diane Gunton**

### **Director, Corporate Services (to August 2017)**

After six years' service to the Office, Ms Gunton accepted a permanent appointment with another agency and resigned as Director, Corporate Services.

## 8 Financial summary

### Managing the budget

The Office of the Queensland Ombudsman reviews complaints received from the public about the administrative performance of public sector agencies. The Office also has oversight of public interest disclosures. For financial reporting purposes, the Office is a department in the terms of the *Financial Accountability Act 2009*.

The Office ended the year in a secure financial position with adequate reserves and forecast income to fulfil its statutory responsibilities for 2018-19.

In 2017-18, the Office reported a residual surplus of income over expenditure of \$0.172 million.

Operational expenditure totalled \$8.598 million. This represented a 1.3% decrease in expenditure from 2016-17.

### Funding and revenue

The majority of funding was received as appropriation from the State Government. Revenue is also generated from training programs offered to agencies on a partial cost-recovery basis. This revenue is used primarily to fund regional training sessions and community engagement programs.

### Expenses

The biggest cost in delivering the Office's services is employee expenses, which combined with payments to employment agencies, represent 79% of total expenditure. A further 8% is committed to accommodation rental with the remaining 13% expended on general operating costs, including other property expenses, information and telecommunication costs.

### Assets

At 30 June 2018, the Office's assets totalled \$1.970 million which comprised:

- plant and equipment \$0.477 million
- intangible assets \$0.116 million
- receivables and prepayments \$0.238 million
- cash at bank \$1.139 million.

### Liabilities

As at 30 June 2018, the Office's liabilities totalled \$0.433 million which included:

- \$0.136 million in accounts payable
- \$0.297 million owing to employees.

The audited financial statements are available at Appendix G.

**Table 25: Financial summary 2017-18 – Income statement**

Income statement	Budget \$'000	Actual \$'000	Variance \$'000
Direct appropriations	8,484	8,088	(396)
User charges	361	534	173
Goods and services below fair value	0	115	115
Other revenue	35	33	(2)
<b>Total income</b>	<b>8,880</b>	<b>8,770</b>	<b>(110)</b>
Employee expenses	7,293	6,639	654
Supplies and services	1,427	1,654	(227)
Depreciation and amortisation	173	164	9
Other expenses	32	141	(109)
<b>Total expenses</b>	<b>8,925</b>	<b>8,598</b>	<b>327</b>
<b>Operating surplus/(deficit)</b>	<b>(45)</b>	<b>172</b>	<b>217</b>

**Table 26: Financial summary 2017-18 – Balance sheet**

Income statement	Budget \$'000	Actual \$'000	Variance \$'000
Cash assets	697	1,139	442
Receivables and prepayments	268	238	(30)
Payables (including employee benefits)	403	433	(30)
Capital/contributed equity	1,300	1,537	237

# 9 Glossary

## Acronyms

<b>CMS</b>	Complaint Management System
<b>CSU</b>	Corporate Services Unit
<b>DJAG</b>	Department of Justice and Attorney-General
<b>EDOCS</b>	Electronic document and records management system
<b>EMA</b>	Expedited merit assessment
<b>FTE</b>	Full-time equivalent employees
<b>GOC</b>	Government owned corporation
<b>IMP</b>	Intake and Major Projects Unit
<b>IMSC</b>	Information Management Steering Committee
<b>IRU</b>	Investigation and Resolution Unit
<b>IS</b>	Information Standard
<b>MP</b>	Member of Parliament
<b>NAIDOC</b>	National Aborigines 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>QBCC</b>	Queensland Building and Construction Commission
<b>QCL</b>	Queensland Complaints Landscape
<b>QCS</b>	Queensland Corrective Services
<b>RAPA</b>	Registration and Preliminary Assessment Team
<b>RSP</b>	Regional Services Program
<b>SDS</b>	Service Delivery Statements

## Glossary

### Administrative error

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

### Agency

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

### Agreed action

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

### Client

A person who contacts the Office seeking service.

### Complainant

A person bringing a complaint to the Office.

### Complaint

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

### Complaint finalised

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

### Complaint management system (CMS)

A system for dealing with complaints.

### Complaint received

A complaint received during the financial year.



### **Contact**

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

### **Corporate governance**

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

### **Direct benefit recommendation**

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

### **Direct referral**

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

### **Early merit assessment**

Business processes that may streamline the identification and finalisation of complaints that lack merit.

### **Enquiry**

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

### **Expedited merit assessment**

The early merit assessment process, introduced in June 2016, was continued and formalised into an expedited merit assessment that streamlines the existing practice in cases that do not require the detailed analysis traditionally applied to matters referred for investigation.

### **Internal review**

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

### **Internal review request**

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

### **Major investigation**

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

### **Maladministration**

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

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

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

### **Own initiative investigation**

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

### **Preliminary assessment**

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

### **Premature complaint**

A complaint that is determined to be premature for this Office's consideration because the complainant has not used the agency's full complaints 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 Office at set times.

**Public administration**

The administrative practices of Queensland public sector agencies.

**Public interest disclosure (PID)**

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

**Public report**

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

**Recommendation**

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

**Rectification**

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

**Review**

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

**Systemic issue**

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

# 10 Appendices

## Appendix A: Statistical report

### Service delivery statement

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

**Table 27: Service standards**

	Notes	2017-18 Target	2017-18 Actual <sup>1</sup>
Proportion of recommendations or agreed actions accepted by agencies		90%	100%
Average time to complete assessments	2	10 days	4 days
Proportion of investigations completed within target timeframes		90%	95%
Proportion of complaints finalised within 12 months of lodgement	3	99%	100%
Proportion of investigations resulting in agency rectification action	4	10%	20%
Proportion of complaints reviewed where original decision upheld	5	80%	91%
Proportion of clients satisfied/very satisfied with level of service provided by the Office	6	80%	65%
Clearance rate for complaints	7	100%	101%
<ol style="list-style-type: none"> <li>All figures have been rounded.</li> <li>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 Office finalised 99.8% of complaints within 12 months of lodgement.</li> <li>This service standard measures the proportion of investigations that result in agency rectification actions. Improved decision-making by agencies/local councils/public universities will result in a lower percentage of rectifications from investigations by the Office.</li> <li>This service standard measures the quality of investigative decisions made by the Office. Where complainants are dissatisfied with a decision of this Office in relation to their complaint, or subsequently are able to provide new information, they can request a review. Where decisions are overturned, this provides opportunities to improve the investigation process.</li> <li>Client satisfaction is a weighted result based on two surveys, one focusing on clients who have dealt with the Registration and Preliminary Assessment Team (RAPA) and the second focusing on clients with a complaint further investigated by the Investigation and Resolution Unit (IRU). The calculation of satisfaction is based on the service elements of helpfulness, respectfulness, professionalism and timeliness with weightings applied that reflect the proportion of complaints finalised by each team. In 2017-18, the client satisfaction survey focused on RAPA. As a survey was not conducted in 2016-17, the weighted figure combines the 2017-18 data with the 2015-16 survey that focused on IRU.</li> <li>This service standard compares the number of complaints closed with the number of complaints opened in the financial year. It is affected by both the number and timing of new matters and closures. A number below 100% does not necessarily indicate an increasing backlog, but may be a result of increased numbers of new matters being opened late in the year.</li> </ol>			

**Table 28: Contact with the Office by file type**

Contact file type	Notes	2015-16	2016-17	2017-18
Out of jurisdiction		3,651	3,386	2,823
Complaint		7,003	6,923	7,197
Enquiry		569	556	843
Review request		59	77	103
PIDs		7	12	24
Newly registered cases	1	5	-	-
<b>Total</b>		<b>11,294</b>	<b>10,954</b>	<b>10,990</b>

1. In 2015-16, five cases registered in late June contained insufficient detail to be categorised further in the reporting system at 30 June

**Table 29: How complaints were received**

Customer channel	Notes	2015-16	2016-17	2017-18
<b>Telephone</b>	1	<b>3,831</b>	<b>3,464</b>	<b>3,634</b>
<i>Telephone</i>		3,699	3,267	3,534
<i>Voicemail</i>		132	197	100
<b>Prisoner PhoneLink</b>		<b>504</b>	<b>469</b>	<b>420</b>
<b>Online</b>	2	<b>1,885</b>	<b>2,289</b>	<b>2,585</b>
<i>Email</i>		1,084	944	859
<i>Online complaint form</i>		801	1,345	1,726
<b>In writing</b>	3	<b>608</b>	<b>523</b>	<b>475</b>
<i>Mail</i>		585	509	464
<i>Fax</i>		23	14	11
<b>In person</b>	4	<b>175</b>	<b>178</b>	<b>83</b>
<i>At Queensland Ombudsman Office reception</i>		71	70	77
<i>Correctional centre interview</i>	5	104	108	6
<b>Total</b>		<b>7,003</b>	<b>6,923</b>	<b>7,197</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 complaints received via facsimile.  
4. In person includes both persons arriving at reception and participating in/present at correctional centre interviews.  
5. 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 30: Complaints received and brought forward**

Complaints	Notes	2015-16	2016-17	2017-18
Complaints received		7,003	6,923	7,197
Complaints brought forward	1	176	262	215
1. Complaints brought forward can be reclassified on preliminary assessment				

**Table 31: Complaints finalised and open at year end**

Complaints	Notes	2015-16	2016-17	2017-18
Complaints finalised		6,919	6,958	7,244
Complaints open	1	262	215	153
1. Complaints brought forward can be reclassified on preliminary assessment				

**Table 32: Complaints received by agency type**

Agency type	Notes	2015-16	2016-17	2017-18
State government departments		4,112	3,785	3,853
Statutory authorities		875	866	991
Local councils		1,687	1,783	2,017
Universities		326	317	329
Other	1	3	172	7
<b>Total</b>		<b>7,003</b>	<b>6,923</b>	<b>7,197</b>
1. TransUrban was reclassified from a state government entity to other, then outside jurisdiction in 2016-17.				

**Table 33: Time to finalise complaints (in days)**

Number of days	2015-16	2016-17	2017-18	2017-18 %
Less than 10 days	4,613	4,822	5,802	80%
10-30 days	1,861	1,667	1,057	15%
31-60 days	171	194	167	2%
61-90 days	82	73	64	<1%
91-180 days	164	157	115	2%
181-270 days	18	28	20	<1%
271-365 days	8	12	8	<1%
More than 365 days	2	5	11	<1%
<b>Total</b>	<b>6,919</b>	<b>6,958</b>	<b>7,244</b>	<b>100%</b>

**Table 34: Age of open complaints at 30 June (in days)**

Number of days	2015-16	2016-17	2017-18	2017-18 %
Less than 10 days	109	54	43	28%
10-30 days	63	70	45	29%
31-60 days	31	30	22	14%
61-90 days	18	19	19	12%
91-180 days	34	22	15	10%
181-270 days	4	10	2	1%
271-365 days	1	6	3	2%
More than 365 days	2	4	4	3%
<b>Total</b>	<b>262</b>	<b>215</b>	<b>153</b>	<b>100%</b>

**Table 35: Reasons why complaints were declined at preliminary assessment (including premature and declined with advice categories)**

Reason why complaints were declined	Notes	2015-16	2016-17	2017-18
Referred for internal review by agency		3,669	3,934	4,292
Await outcome of current decision process		512	474	532
Appeal right should be exhausted		325	251	340
Insufficient information / Complaint to be put in writing	1	788	468	297
Other complaints entity has investigated		204	194	242
Insufficient direct interest		28	25	50
Investigation unnecessary or unjustifiable		85	64	43
Out of jurisdiction		29	26	31
Out of time		37	14	27
Appeal right exhausted and further investigation unnecessary		48	25	25
Frivolous, vexatious or not made in good faith		3	-	-
Other		9	1	-
<b>Total</b>		<b>5,737</b>	<b>5,476</b>	<b>5,879</b>

1. Includes instances where insufficient information is provided for a preliminary assessment to be conducted.

**Table 36: Outcome of complaints/investigations finalised**

Outcome of complaints	Notes	2015-16	2016-17	2017-18
<b>Finalised at preliminary assessment</b>		<b>5,757</b>	<b>5,479</b>	<b>5,879</b>
<i>Declined at outset/preliminary assessment</i>	1	5,737	5,476	5,879
<i>Rectified during preliminary assessment</i>		20	3	-
<b>Withdrawn</b>		<b>82</b>	<b>113</b>	<b>92</b>
<i>Withdrawn by complainant before investigation commenced</i>		68	99	72
<i>Withdrawn by complainant during investigation</i>		14	14	20
<b>Investigated</b>	2	<b>1,104</b>	<b>1,393</b>	<b>1,324</b>
<i>Investigation discontinued</i>		279	517	502
<i>Investigation completed</i>		825	876	822
<b>Total</b>		<b>6,943</b>	<b>6,985</b>	<b>7,295</b>

1. Details in Table 35.  
2. Investigations include complaints referred for investigation, Ombudsman initiatives and PIDs that are investigated.

**Table 37: Types of administrative error**

Administrative error <sup>1</sup>	2015-16	2016-17	2017-18
Unreasonable or unjust	7	14	8
Contrary to law	0	-	5
Based on a mistake of law or fact	1	-	1
Wrong	0	-	1
<b>Total</b>	<b>8</b>	<b>14</b>	<b>15</b>

1. The administrative error types relate only to recommendations made by the Ombudsman. Agreed actions are excluded.

**Table 38: Types of recommendations made to agencies**

Number of recommendations	2015-16	2016-17	2017-18
Direct benefit	181	181	194
Systemic	148	125	102
<b>Total</b>	<b>329</b>	<b>306</b>	<b>296</b>

## Appendix B: Training

**Table 39: Agencies that participated in group session Good Decisions training**

Agency type	Name
<b>Local councils</b>	Brisbane City Council
	City of Gold Coast
	Redland City Council
	Scenic Rim Regional Council
	Townsville City Council
<b>State government departments and agencies</b>	Department of Agriculture and Fisheries
	Department of Communities, Child Safety and Disability Services
	Department of Environment and Heritage Protection
	Department of Housing and Public Works
	Department of Justice and Attorney-General
	Department of National Parks, Sport and Racing
	Department of Natural Resources and Mines
	Legal Aid Queensland
	Office of the Public Guardian
	Queensland Corrective Services
	Queensland Treasury
	Department of Environment and Science
	Non-State School Accreditation Board Secretariat
Queensland Ambulance Service	
<b>Universities</b>	Nil

**Table 42: Agencies that participated in group session Public Sector Ethics training**

Agency type	Name
<b>Local councils</b>	Mackay Regional Council
	Sunshine Coast Council
<b>State government departments and agencies</b>	Department of Agriculture and Fisheries
	Department of Housing and Public Works
	Department of Transport and Main Roads
	Office of the Health Ombudsman
	Electoral Commission Queensland
<b>Universities</b>	Nil

**Table 40: Agencies that participated in group session Complaints Management training**

Agency type	Name
<b>Local councils</b>	Douglas Shire Council
	Noosa Council
	Townsville City Council
<b>State government departments and agencies</b>	Department of Agriculture and Fisheries
	Department of Education and Training
	Department of Housing and Public Works
	Department of Justice and Attorney-General
	Department of Natural Resources and Mines
	Department of Natural Resources and Mines
	Queensland Health
	Queensland Ambulance Service
	Queensland Building and Construction Commission
	The Public Trustee
	Cairns and Hinterland Hospital and Health Service
Wide Bay Hospital and Health Service	
<b>Universities</b>	Nil

**Table 41: Agencies that participated in group session Managing Unreasonable Conduct training**

Agency type	Name
<b>Local councils</b>	Douglas Shire Council
	Western Downs Regional Council
<b>State government departments and agencies</b>	Department of Agriculture and Fisheries
	Department of Environment and Heritage Protection
	Department of Housing and Public Works
	Queensland Building and Construction Commission
	Sunshine Coast University Hospital
	TAFE Queensland
	Queensland Ambulance Service
Office of the Health Ombudsman	
<b>Universities</b>	Nil

**Table 43: Agencies that participated in Public Interest Disclosures: Introductory Workshop open sessions**

Agency type	Name
<b>Local councils</b>	Brisbane City Council
	Bundaberg Regional Council
	Burdekin Shire Council
	City of Gold Coast Council
	Fraser Coast Regional Council
	Gladstone Regional Council
	Hinchinbrook Shire Council
	Ipswich City Council
	Logan City Council
	Redland City Council
	Scenic Rim Regional Council
	Somerset Regional Council
	Southern Downs Regional Council
	Toowoomba Regional Council
	Townsville City Council
Western Downs Regional Council	
<b>State government departments</b>	Department of Agriculture and Fisheries
	Department of Child Safety, Youth and Women
	Department of Communities, Disability Services and Seniors
	Department of Education
	Department of Environment and Science
	Department of Health
	Department of Innovation, Tourism Industry Development and Commonwealth Games
	Department of Justice and Attorney-General
	Department of Natural Resources, Mines and Energy
	Department of Premier and Cabinet
	Department of State Development, Manufacturing, Infrastructure and Planning
	Queensland Ambulance Service
	Queensland Corrective Services
	Queensland Museum Network

Agency type	Name
<b>Hospital and Health Services</b>	Children's Health Queensland Hospital and Health Service
	Darling Downs Hospital and Health Service
	Gold Coast Hospital and Health Service
	Sunshine Coast Hospital and Health Service
	Townsville Hospital and Health Service
	Wide Bay Hospital and Health Service
<b>Universities/TAFE</b>	Griffith University
	James Cook University
	TAFE Queensland
	University of Queensland
	University of Southern Queensland
<b>Public sector agencies</b>	Anti-Discrimination Commission Queensland
	Crime and Corruption Commission
	Electoral Commission of Queensland
	Energy Queensland
	Legal Aid Queensland
	Legal Services Commission
	Office of the Health Ombudsman
	Office of the Public Advocate
	Public Safety Business Agency
	QLeave
	Queensland Audit Office
	Queensland Building and Construction Commission
	Queensland Curriculum and Assessment Authority
	Queensland Family and Child Commission
	Queensland Rail
	Queensland Rural and Industry Development Authority
	The Public Trustee
	WorkCover Queensland
<b>Government Owned Corporations</b>	CS Energy
	North Queensland Bulk Ports Corporation
	Port of Townsville Ltd
	UnityWater

## Appendix C: 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 2017-18, 101 internal review requests were received and 105 were finalised. The original decision was confirmed in 94 cases. Two issues were declined or withdrawn. In nine 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 improvements were identified or implemented during the year as a result of internal reviews. This is because most complaints involved factual disputes or differences of opinion about the significance of particular evidence.

In 2017-18, there were 18 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 2017-18, 19 SDCs were closed and of these six were substantiated. Remedial action was taken in relation to these six matters.

## Appendix D: 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.

Recordkeeping activities during the year included:

- Quarterly reports were provided to the Information Steering Committee on issues such as the management and use of EDOCS, information technology service requests and records approved for destruction.
- The project to destroy digital Resolve files where the corresponding temporary paper files were previously destroyed under the *Office of the Ombudsman Retention and Disposal Schedule: QDAN 553 v2* has been put on hold due to the Queensland State Archives disposal freeze on records that are relevant to, or may become relevant to, an allegation of sexual abuse.
- The EDOCS online training module is available via the intranet and all new officers are required to complete it as part of their induction. The online training module is also available to staff who need refresher training to ensure maximum efficient use of the system.

## Appendix E: Open data

The Queensland Ombudsman Annual Report 2017-18 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 F: Compliance checklist

**Table 44: 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 3
Accessibility	Table of contents Glossary	ARRs - section 9.1	Page 5 Page 89
	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 6-9
	Agency role and main functions	ARRs - section 10.2	Pages 6-9
	Operating environment	ARRs - section 10.3	Page 10 to 15
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	Page 14
	Agency service areas and service standards	ARRs - section 11.4	Page 92
Financial performance	Summary of financial performance	ARRs - section 12.1	Page 87-88
Governance - management and structure	Organisational structure	ARRs - section 13.1	Page 6
	Executive management	ARRs - section 13.2	Page 85-86
	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 78
	Queensland public service values	ARRs - section 13.5	Page 9

Summary of requirement		Basis for requirement	Annual report reference
Governance - risk management and accountability	Risk management	ARRs - section 14.1	Page 82
	Audit committee	ARRs - section 14.2	Page 83
	Internal audit	ARRs - section 14.3	Page 82
	External scrutiny	ARRs - section 14.4	Page 81
	Information systems and recordkeeping	ARRs - section 14.5	Page 103
Governance - human resources	Strategic workforce planning and performance	ARRs - section 15.1	Page 77
	Early retirement, redundancy and retrenchment	Directive No.11/12 <i>Early Retirement, Redundancy and Retrenchment</i>	Page 79
		Directive No.16/16 <i>Early Retirement, Redundancy and Retrenchment</i> (from 20 May 2016)	
ARRs - section 15.2			
Open data	Statement advising publication of information	ARRs - section 16	Page 104
	Consultancies	ARRs - section 33.1	Page 104
	Overseas travel	ARRs - section 33.2	Page 104
	Queensland Language Services Policy	ARRs - section 33.3	Page 104
Financial statements	Certification of financial statements	FAA - section 62	Page 107
		FPMS - sections 42, 43 and 50 ARRs - section 17.1	
	Independent Auditor's Report	FAA - section 62	Page 138
		FPMS - section 50	
		ARRs - section 17.2	

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

**FAA** *Financial Accountability Act 2009*

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

## Appendix G: Audited financial statements



**Office of the  
Queensland Ombudsman**

**Financial Statements  
for the year ended 30 June 2018**

## TABLE OF CONTENTS

<b>Financial Statements</b>	Statement of Comprehensive Income		Page 4	
	Statement of Financial Position		Page 5	
	Statement of Changes in Equity		Page 6	
	Statement of Cash Flows		Page 7	
	Notes to the Statement of Cash Flows		Page 8	
<b>Notes to the Financial Statements</b>	Section 1 About the Department and this Financial Report	A1	Basis of Financial Statement Presentation	Page 9
		A1-1	General Information	Page 9
		A1-2	Compliance with Prescribed Requirements	Page 9
		A1-3	Presentation	Page 9
		A1-4	Authorisation of Financial Statements for Issue	Page 10
		A1-5	Basis of Measurement	Page 10
		A1-6	The Reporting Entity	Page 10
	A2	Objectives of the Office	Page 10	
	Section 2 Notes about our Financial Performance	B1	Revenue	Page 11
		B1-1	Appropriation Revenue	Page 11
		B1-2	User Charges and Fees	Page 11
		B1-3	Goods and Services Received Below Fair Value	Page 11
		B2	Expenses	Page 12
B2-1		Employee Expenses	Page 12	
B2-2		Supplies and Services	Page 13	
Section 3 Notes about our Financial Position	B2-3	Depreciation and Amortisation	Page 14	
	B2-4	Other Expenses	Page 15	
	C1	Cash and Cash Equivalents	Page 16	
	C2	Receivables	Page 16	
	C3	Property Plant and Equipment	Page 17	
	C3-1	Closing Balances and Reconciliation of Carrying Amount	Page 17	
	C3-2	Recognition and Acquisition	Page 17	
C3-3	Measurement using Historical Cost	Page 17		
C3-4	Impairment	Page 17		
C4	Intangibles	Page 18		

	C4-1	Closing Balances and Reconciliation of Carrying Amount	Page 18
	C4-2	Recognition and Measurement	Page 18
	C4-3	Impairment	Page 18
	C5	Payables	Page 19
	C6	Accrued Employee Benefits	Page 19
Section 4 Notes about Risks and Other Accounting Uncertainties	D1	Financial Risk Disclosures	Page 20
	D1-1	Financial Instrument Categories	Page 20
	D1-2	Financial Risk Management	Page 20
	D2	Contingencies	Page 20
	D3	Commitments	Page 21
	D4	Events after the Balance Date	Page 21
	D5	Future Impact of Accounting Standards Not Yet Effective	Page 21
Section 5 Notes about our Performance compared to Budget	E1	Budgetary Reporting Disclosures	Page 23
	E2	Budget to Actual Comparison – Statement of Comprehensive Income	Page 23
	E2-1	Explanation of Major Variances – Statement of Comprehensive Income	Page 24
	E3	Budget to Actual Comparison – Statement of Financial Position	Page 25
	E3-1	Explanation of Major Variances – Statement of Financial Position	Page 25
	E4	Budget to Actual Comparison – Statement of Cash Flows	Page 26
	E4-1	Explanation of Major Variances – Statement of Cash Flows	Page 27
Section 6 Other Information	F1	Key Management Personnel (KMP) Disclosures	Page 28
	F2	Related Party Transactions	Page 30
	F3	Taxation	Page 30
<b>Certification</b>		Management Certificate	Page 31
		Independent Auditor's Report	Page 32

## Office of the Queensland Ombudsman Statement of Comprehensive Income

For the Year ended 30 June 2018

	Notes	2018 \$'000	2017 \$'000
<b>Income</b>			
Appropriation revenue	B1-1	8,088	8,194
User charges and fees	B1-2	534	367
Goods and services received below fair value	B1-3	115	129
Other revenue		33	37
<b>Total Income</b>		<b>8,770</b>	<b>8,727</b>
<b>Expenses</b>			
Employee expenses	B2-1	6,639	6,742
Supplies and services	B2-2	1,654	1,666
Depreciation and amortisation	B2-3	164	138
Other expenses	B2-4	141	161
<b>Total Expenses</b>		<b>8,598</b>	<b>8,707</b>
<b>Operating Result</b>		<b>172</b>	<b>20</b>
<b>Other Comprehensive Income</b>		<b>-</b>	<b>-</b>
<b>Total Comprehensive Income</b>		<b>172</b>	<b>20</b>

The accompanying notes form part of these financial statements.

**Office of the Queensland Ombudsman  
Statement of Financial Position**

as at 30 June 2018

	Notes	2018 \$'000	2017 \$'000
<b>Current Assets</b>			
Cash and cash equivalents	C1	1,139	779
Receivables	C2	184	281
Prepayments		54	50
<b>Total Current Assets</b>		<b>1,377</b>	<b>1,110</b>
<b>Non-Current Assets</b>			
Property, plant and equipment	C3	477	591
Intangible assets	C4	116	149
<b>Total Non-Current Assets</b>		<b>593</b>	<b>740</b>
<b>Total Assets</b>		<b>1,970</b>	<b>1,850</b>
<b>Current Liabilities</b>			
Payables	C5	136	169
Accrued employee benefits	C6	297	316
<b>Total Current Liabilities</b>		<b>433</b>	<b>485</b>
<b>Total Liabilities</b>		<b>433</b>	<b>485</b>
<b>Net Assets</b>		<b>1,537</b>	<b>1,365</b>
<b>Equity</b>			
Contributed equity		880	880
Accumulated surplus		657	485
<b>Total Equity</b>		<b>1,537</b>	<b>1,365</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 2018

	<b>Accumulated Surplus</b>	<b>Contributed Equity</b>	<b>Total</b>
	<b>\$'000</b>	<b>\$'000</b>	<b>\$'000</b>
<b>Balance as at 1 July 2016</b>	465	880	1,345
Operating result	20	-	20
<b>Balance as at 30 June 2017</b>	<b>485</b>	<b>880</b>	<b>1,365</b>
<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>

The accompanying notes form part of these financial statements.

**Office of the Queensland Ombudsman**  
**Statement of Cash Flows**

For the Year ended 30 June 2018

	Notes	2018 \$'000	2017 \$'000
<b>Cash flows from operating activities</b>			
<i>Inflows:</i>			
Service appropriation receipts		8,088	8,194
User charges and fees		499	412
GST input tax credits from Australian Tax Office		203	196
GST collected from customers		56	50
Other		34	37
<i>Outflows:</i>			
Employee expenses		(6,580)	(6,763)
Supplies and services		(1,655)	(1,680)
GST paid to suppliers		(179)	(191)
GST remitted to Australian Taxation Office		(63)	(36)
Other		(26)	(32)
<b>Net cash provided by / (used in) operating activities</b>	CF-1	<b>377</b>	<b>188</b>
<b>Cash flows from investing activities</b>			
<i>Outflows:</i>			
Payments for plant and equipment and intangibles		(17)	(149)
<b>Net cash (used in) investing activities</b>		<b>(17)</b>	<b>(149)</b>
Net increase / (decrease) in cash and cash equivalents		360	39
Cash and cash equivalents - opening balance		779	740
<b>Cash and cash equivalents - closing balance</b>	C1	<b>1,139</b>	<b>779</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

	2018 \$'000	2017 \$'000
Operating surplus/(deficit)	172	20
<i>Non-Cash items included in the operating result:</i>		
Depreciation and amortisation	164	138
<i>Changes in assets and liabilities</i>		
(Increase)/decrease in receivables	81	(89)
(Increase)/decrease in prepayments	(4)	(5)
Increase/(decrease) in payables	(33)	89
Increase/(decrease) in accrued employee benefits	(19)	16
(Increase)/decrease in GST input tax credits receivable	24	5
Increase /(decrease) in GST payable	(8)	14
<b>Net cash provided by/(used in) operating activities</b>	<b>377</b>	<b>188</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 2017.

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 Flow which is prepared on a cash basis) in accordance with Australian Accounting Standards and Interpretations applicable to not-for-profit entities.

#### A1-3 Presentation

##### 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 2016-17 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**

The historical cost convention is used, 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

Reconciliation of Payments from Consolidated Fund to Appropriation Revenue Recognised in Operating Result	2018 \$'000	2017 \$'000
Budgeted appropriation revenue for services	8,484	8,216
Lapsed appropriation revenue for services	(396)	(22)
<b>Appropriation Revenue for Services Recognised in Operating Result</b>	<b>8,088</b>	<b>8,194</b>

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

In 2017 lapsed appropriation revenue for services resulted from the deferral of amortisation on the website redevelopment project.

#### 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 Goods and 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

	2018	2017
	\$'000	\$'000
Wages and salaries	5,160	5,153
Employer superannuation contributions	690	699
Annual leave levy	532	541
Long service leave levy	107	105
Other employee benefits	26	106
<b>Employee related expenses</b>		
Workers' compensation premium	30	33
Other employee related expenses	94	105
<b>Total</b>	<b>6,639</b>	<b>6,742</b>
	<b>2018</b>	<b>2017</b>
Full-time equivalent employees	56	63

#### Accounting Policy - Wages and Salaries

Salaries and wages are recognised in the Statement of Comprehensive Income in the period in which they are due to be paid to the employees. 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 employee 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

	2018	2017
	\$'000	\$'000
Consultants and contractors	123	75
Computer support	204	222
Office maintenance	66	41
Operating lease payments	726	695
Payments to employment agencies	156	190
Telephones/communication	73	80
Travel including education and engagement	118	121
General supplies and services	188	242
<b>Total</b>	<b>1,654</b>	<b>1,666</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 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

	2018	2017
	\$'000	\$'000
Depreciation	131	121
Amortisation	33	17
<b>Total</b>	<b>164</b>	<b>138</b>

### 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:

Class	Useful Life
Plant and equipment:	
Computer equipment	3 - 5 years
Office equipment	3 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.

### 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.

### B2-4 Other Expenses

	2018	2017
	\$'000	\$'000
External audit fees	19	19
Sundry expenses	7	13
Storage services received free of charge from Queensland State Archives	115	129
<b>Total</b>	<b>141</b>	<b>161</b>

### Disclosures Relating to Other Expenses

#### **Audit Fees**

Total external audit fees paid to the Queensland Audit Office relating to the 2018 financial year are quoted to be \$19,000 (2017: \$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

	2018 \$'000	2017 \$'000
Accounts receivables	53	56
GST receivable	19	44
GST payable	(7)	(15)
	12	29
Annual leave reimbursements	91	116
Long service leave reimbursements	28	80
	119	196
<b>Total</b>	<b>184</b>	<b>281</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. Where no loss events have arisen in respect of a group of receivables, no allowance is made in respect of that group.

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

### C3 Property Plant and Equipment

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

	2018 \$'000	2017 \$'000
At cost	932	925
Less: Accumulated depreciation	(455)	(334)
<b>Carrying Amount as at 30 June</b>	<b>477</b>	<b>591</b>

*Represented by movements in carrying amounts:*

Carrying amount at 1 July	591	611
Acquisitions	17	101
Depreciation	(131)	(121)
<b>Carrying amount at 30 June</b>	<b>477</b>	<b>591</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 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

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

	2018 \$'000	2017 \$'000
Software purchased		
At cost	637	637
Less: Accumulated amortisation	(521)	(488)
<b>Carrying Amount at 30 June</b>	<b>116</b>	<b>149</b>
<i>Represented by movements in carrying amount:</i>		
Carrying amount at 1 July	149	117
Acquisitions	-	49
Amortisation	(33)	(17)
<b>Carrying Amount at 30 June</b>	<b>116</b>	<b>149</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 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

	2018	2017
	\$'000	\$'000
Trade creditors	60	70
Unearned revenue	60	97
Other Payables	16	2
<b>Total</b>	<b>136</b>	<b>169</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

	2018	2017
	\$'000	\$'000
<b>Current</b>		
Wages outstanding	126	132
Annual leave levy payable	140	152
Long service leave levy payable	31	32
<b>Total</b>	<b>297</b>	<b>316</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	2018 \$'000	2017 \$'000
<b>Financial Assets</b>			
Total cash and cash equivalents	C1	1,139	779
Receivables	C2	184	281
<b>Total Financial Assets</b>		<b>1,323</b>	<b>1,060</b>
<b>Financial Liabilities</b>			
Payables	C5	136	169
<b>Total Financial Liabilities</b>		<b>136</b>	<b>169</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

No litigation involving the Office was in progress at 30 June 2018.

##### Financial Guarantees

The Office was not committed to any guarantees or undertakings at 30 June 2018.

### D3 Commitments

#### Non-Cancellable Operating Lease Commitments

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

	2018	2017
	\$'000	\$'000
Not later than one year	761	728
Later than one year and not later than five years	2,141	2,902
<b>Total</b>	<b>2,902</b>	<b>3,630</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 Balance Date

There were no material occurrences after 30 June 2018.

### 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 commencement dates.

At the date of authorisation of the financial report, the expected impacts of new or amended Australian Accounting Standards issued but with future commencement 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 from its financial statements for 2019-20.

The Office does not currently have any revenue contracts with a material impact for the period after 1 July 2018, and will monitor the impact of any such contracts subsequently entered into before the new standards take effect.

#### **AASB 9 *Financial Instruments and AASB 2014-7 Amendments to Australian Accounting Standards arising from AASB 9 (December 2014)***

These standards will first apply to the Office from its financial statements for 2018-19 with a 1 July 2018 date of transition. The main impacts of these standards are that they will change the requirements for the classification, measurement, impairment and disclosures associated with the Office's financial assets. As materially all of the Office's trade receivables are from other Queensland government agencies, there is not expected to be a material impairment impact from the introduction of these standards.

### **AASB 16 Leases**

This Standard will first apply to the Office from 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

Unlike AASB 117 *Leases*, AASB 16 introduces a single lease accounting model for lessees. The Office will be required to recognise a right-of-use asset (representing rights to use the underlying leased asset) and a liability (representing the obligation to make lease payments) for the lease of its accommodation.

The right-of-use asset will be initially recognised at cost, consisting of the initial amount of the associated lease liability and the initial estimate of restoration costs. The right-of-use asset will give rise to a depreciation expense.

The 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 as at 1 July 2019.

The Office has not yet quantified the exact impact on the Statement of Comprehensive Income or the Statement of Financial Position of applying AASB 16 to its current operating lease. However, the Office has analysed its existing operating lease commitment at Note D3 to estimate the expected impact on transition based on information available at 30 June 2018.

The Office's sole lease is with an internal-to-Government lessor for office accommodation through the Queensland Government Accommodation Office.

At 30 June 2018, the Office has operating lease commitments of \$2.902 million and annual lease payments of \$0.761 million per year (escalating) for office accommodation. Considering their operation and impact across the whole-of-Government, the Office is currently awaiting formal guidance from Queensland Treasury as to whether this arrangement should be accounted for on-balance sheet under AASB 16.

In the event these arrangements are to be accounted for on-balance sheet, the department estimates a right-of-use asset and lease liability on transition as at 1 July 2019 of approximately \$2.101 million. There will be no material financial statement impact if these arrangements are not accounted for on-balance sheet.

## Section 5

### Notes On Our Performance Compared to Budget

#### E1 Budgetary Reporting Disclosures

This section discloses the Office's original published budgeted figures for 2017-18 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 2018 \$'000	Actual 2018 \$'000	Variance \$'000
<b>Income</b>				
Appropriation revenue	V1	8,484	8,088	(396)
User charges and fees	V2	361	534	173
Goods and services below fair value	V3	-	115	115
Other revenue		35	33	(2)
<b>Total income</b>		<b>8,880</b>	<b>8,770</b>	<b>(110)</b>
<b>Expenses</b>				
Employee expenses	V4	7,293	6,639	654
Supplies and services	V5	1,427	1,654	(227)
Depreciation and amortisation		173	164	9
Other expenses	V6	32	141	(109)
<b>Total expenses</b>		<b>8,925</b>	<b>8,598</b>	<b>327</b>
<b>Operating result</b>	V7	<b>(45)</b>	<b>172</b>	<b>217</b>
<b>Other comprehensive income</b>		<b>-</b>	<b>-</b>	<b>-</b>
<b>Total comprehensive income</b>		<b>(45)</b>	<b>172</b>	<b>217</b>

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

- V1. The reduction in appropriation revenue primarily resulted from a carryover of funding to future financial years and a reprioritisation of funding by the State.
- V2. The increase in user charges and fees reflected increased demand for the Office's training programs.
- V3. The offsetting revenue and expenditure of \$0.115 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 the use of agency staff with specialist skills and a higher level of staff movements.
- V5. The increase in supplies and services as compared to budget, includes payments for agency staff to provide specialist skills and to meet temporary vacancies.
- V6. Other expenses include \$0.115 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.
- V7. The improvement in the operating result reflects the increased training revenue and reduced employee expenses.

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

Statement of Financial Position	Variance Notes	Original Budget 2018 \$'000	Actual 2018 \$'000	Variance \$'000
<b>Current assets</b>				
Cash and cash equivalents	V8	697	1,139	442
Receivables		218	184	(34)
Other current assets		50	54	4
<b>Total current assets</b>		<b>965</b>	<b>1,377</b>	<b>412</b>
<b>Non-current assets</b>				
Plant and equipment		503	477	(26)
Intangible assets	V9	235	116	(119)
<b>Total non-current assets</b>		<b>738</b>	<b>593</b>	<b>(145)</b>
<b>Total assets</b>		<b>1,703</b>	<b>1,970</b>	<b>267</b>
<b>Current liabilities</b>				
Payables		103	136	(33)
Accrued employee benefits		300	297	3
<b>Total current liabilities</b>		<b>403</b>	<b>433</b>	<b>(30)</b>
<b>Total liabilities</b>		<b>403</b>	<b>433</b>	<b>(30)</b>
<b>Net assets</b>		<b>1,300</b>	<b>1,537</b>	<b>237</b>
<b>Equity</b>				
Contributed equity		880	880	-
Accumulated surplus	V10	420	657	237
<b>Total equity</b>		<b>1,300</b>	<b>1,537</b>	<b>237</b>

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

- V8. Cash assets are higher than budget due to an improved operating result and deferral of \$0.120 million expenditure on upgrading the Office's complaints management system.
- V9. Intangibles are lower than budget due to the deferral of the upgrade to the Office's complaints management system.
- V10. The increased accumulated surplus reflects the improved operating result in the Statement of Comprehensive Income.

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

Statement of Cash Flows	Variance Notes	Original Budget 2018 \$'000	Actual 2018 \$'000	Variance \$'000
<b>Cash flows from operating activities</b>				
<i>Inflows:</i>				
Appropriation receipts	V11	8,484	8,088	(396)
User charges and fees	V12	365	499	134
GST input tax credits from Australian Taxation Office			203	203
GST collected from customers			56	56
Other		153	34	(119)
<i>Outflows:</i>				
Employee expenses	V13	(7,296)	(6,580)	716
Supplies and services		(1,547)	(1,655)	(108)
GST paid to suppliers			(179)	(179)
GST remitted to Australian Taxation Office			(63)	(63)
Other		(25)	(26)	(1)
<b>Net cash provided by operating activities</b>		<b>134</b>	<b>377</b>	<b>243</b>
<b>Cash flows from investing activities</b>				
<i>Outflows:</i>				
Payments for non-financial assets	V14	(170)	(17)	153
<b>Net cash (used in) investing activities</b>		<b>(170)</b>	<b>(17)</b>	<b>153</b>
Net increase (decrease) in cash and cash equivalents		(36)	360	396
Cash and cash equivalents at beginning of financial year		733	779	46
<b>Cash and cash equivalents at end of financial year</b>	<b>V15</b>	<b>697</b>	<b>1,139</b>	<b>442</b>

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

- V11. The reduction in appropriation revenue primarily resulted from a carryover of funding to future financial years and a reprioritisation of funding by the State.
- V12. The increase in user charges and fees reflects increased demand for the Office's training courses.
- V13. Employee expenses were lower due to the use of agency staff with specialist skills and a higher level of staff movements.
- V14. The reduction in payments for non-financial assets includes the deferral of \$0.120 million for the upgrade to the Office's complaints management system.
- V15. The higher level of cash equivalents at year end reflects the improved operating result from increased training revenue, lower employee expenses and deferral of expenditure on the Office's complaint management system.

## 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 2017-18 and 2016-17. 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
- post-employment benefits include amounts expensed in respect of employer superannuation obligations
- termination benefits are specified within individual contracts of employment. Contracts of employment provide for notice periods, service and separation payments and a repayment clause. No reason needs to be given for a contract termination.

#### 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. Therefore, the amounts disclosed reflect expenses recognised in the Statement of Comprehensive Income.

**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	0	13	38	0	356
Deputy Ombudsman to 31/10/2017 *	78	0	2	8	0	88
Deputy Ombudsman (Acting) 6/11/2017 - 30/06/2018 #	183	0	6	19	0	208
Director, Corporate Services Unit (to 18/8/2017)	17	0	1	2	0	20
Director, Corporate Services Unit (from 2/10/2017)	97	0	5	11	0	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.

**1 July 2016 - 30 June 2017**

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	297	0	12	37	0	346
Deputy Ombudsman *	190	0	6	22	0	218
Director, Corporate Services Unit	136	0	4	17	0	157

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

**Performance Payments**

The remuneration packages for all Key Management Personnel do not provide for any 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 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 2018 and of the financial position of the Office at the end of that year; and
- (c) these assertions are based on an appropriate system of internal controls and risk management processes being effective, in all material respects, with respect to financial reporting throughout the reporting period.



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



**P. N. Clarke**  
Queensland Ombudsman



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

7 August 2018

## 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 2018, 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 2018, 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 2018, 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.

**Report on other legal and regulatory requirements**

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.

In accordance with s.40 of the *Auditor-General Act 2009*, for the year ended 30 June 2018:

- 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



Queensland Audit Office  
Brisbane





**QUEENSLAND  
OMBUDSMAN**

*Standing for fairness*