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ENHANCING OPEN AND ACCOUNTABLE GOVERNMENT.

Discussion paper. Review of the Freedom of Information Act. 1992.

" Discussion;

"Should external review be conducted by the Ombudsman, the Information Commissioner or by an Administration Tribunal ? What are the advantages/disadvantages of each method of providing external review?"

SUBMISSION FROM G. COULSON.

In the interests of impartial decision making there should be an Administration Tribunal that comprises citizens qualified to make decisions that relate to the problem before them

It would probably be wise to change the members on a regular basis to stop anyone building up a power base.

It is important that the Administration Tribunal NOT have at its head any official appointed by what ever government is in power at the time.

There should not be any chance of political influence on the decisions.

It would appear to be not possible for totally independent decisions to be made by the head of the Ombudsman's office or the Freedom of Information Commissioner when the head is appointed by the Government of the day.

The Government holds the key to Ombudsman / Freedom of Information Commissioner's future of promotion or being sent to a neverland because of a decision which the Government does not like.

Citizens need to be able to rely on decisions being made on factual evidence.

In a case where the evidence indicates a decision that the Government of the day does not want, that unfairly puts the Ombudsman/ Freedom of Information Commissioner in an unhappy position. Whether to go along with evidence his staff have uncovered that would annoy the Government which appointed him, or ignore the evidence and deny justice to a citizen.

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Who fights for the little people?

IS the State Ombudsman fighting hard enough for Queenslanders? Is the office providing protection for the little people in their battles against a bloated and arrogant bureaucracy? I think not.

There is no doubt the Ombudsman's office does some good work, but I suspect many people with complaints are simply fobbed off.

An independent investigation has found the Ombudsman's office is perceived to be "adversarial, legalistic and bureaucratic". It seems the watchdog of the bureaucracy has itself become a bureaucracy.

The review of the Ombudsman's office by a former Treasury chief, Henry Smerdon, contained some back-pats — and plenty of criticisms.

Smerdon, now a company director, said in his report "The Ombudsman should make more use of the powers in the Act to undertake investigations

on his own account. The Ombudsman has undertaken some high profile 'own motion' investigations in recent times but needs to ensure that such investigations are completed in shorter time frames."

Smerdon also complained that "too few resources were allocated to the 'core investigative function'.

This was his polite way of telling the office to lift its game.

The State Ombudsman, David Bevan, is not a public servant. He is supposed to be your parliamentary watchdog against the unfair decisions emerging from government departments, councils and government agencies such as the Human Rights Commission, the Medical Board and tribunals.

On its website the Ombudsman's office proclaims it is "an independent complaints investigation agency" that can "get to the bottom of issues quickly". But it seems to do very little

investigating. In fact, the number of complaints to the Ombudsman has declined alarmingly. Are government departments so caring and responsive to complaints that issues are resolved before they get to the Ombudsman? Like hell!

Figures suggest people with complaints are being hog-tied in red tape before being tossed into the Beattie Government's giant bureaucratic incinerator.

Of the 7867 complaints received in 2005, only 1174 required formal investigation.

Why so few? Complainers are frequently passed back to the offending departments.

So people don't pursue their complaint. They cut their losses.

The bureaucrats win again.

Up to half the complaints referred back do not contact the agency and are lost in the system, said Smerdon. This also needs to be addressed as a matter of urgency.

Y... e telling me.