

23 April 2024

CONFIDENTIAL

Mr Peter White
28/50 Boblyne Street
CHAPEL HILL QLD 4069

Sent by email: stjames4069@gmail.com

Dear Mr White

I refer to your complaint to the Office of the Queensland Ombudsman about the Brisbane City Council (the council) concerning the footbridge in the vicinity of Boblyne Street, Kenmore.

I refer also to our telephone conversation on 3 April 2024.

The purpose of this letter is to inform you of the outcome of my consideration of your complaint.

Decision

For the reasons discussed below, as a delegate of the Ombudsman, I have decided not to further investigate your complaint in accordance with s 23(1)(d) of the *Ombudsman Act 2001* as the council has informed this Office the matter has not yet been resolved.

Role of the Queensland Ombudsman

The role of this Office as set out in the Ombudsman Act is to investigate administrative actions by Queensland state government agencies, public authorities and councils.

Our functions under s 12 of the Ombudsman Act, include making informal observations or suggestions to an agency if we identify ways to improve its administrative practices or procedures. The Ombudsman may also make formal recommendations to an agency; however, these are usually reserved for more serious or systemic issues that cannot be resolved informally.

This Office may decide to discontinue an investigation if we do not identify concerns about an agency's administrative practices or procedures to justify further action.

Generally, disagreeing with an agency's administrative action or decision is not of itself a sufficient basis for this Office to take further action, nor can this Office compel an agency to take a particular action to resolve a complaint.

Reasons for decision

During the course of considering your complaint, I made an enquiry with the council to obtain some information from it to assist in informing my consideration of your complaint.

In an email to this Office dated 16 April 2024, although not received until 22 April 2024 due to a technical issue, the council informed me that council officers were to meet with

you on-site on 17 April 2024. In addition to that, the council has advised me it is actively considering your proposal.

Therefore, any further investigation by this Office at this time would be premature on the basis the council is considering your proposal regarding the footbridge.

If you are unhappy with the council's final response regarding your proposal and before this Office investigates any complaint, you will need to exhaust the council's Administrative Action Complaints Procedure (AACP). For more information, please follow this link:

[Complaints | Brisbane City Council](#)

If after exhausting the council's AACP you remain unhappy, you may lodge a complaint with this Office. In doing so, you will need to:

- Explain what the administrative decision of the council it is that you are complaining about.
- Explain why the administrative decision was wrong or unreasonable.
- State what outcome you are seeking from this Office.
- Provide copies of correspondence from the council, including its responses to your complaint.

Conclusion

For the reasons stated above, Your file has been closed. I trust that the information provided assists you to understand the basis for my decision.

If, having considered the reasons for decision, you are dissatisfied with my decision you may request an internal review. Internal review requests must:

- state why you believe the decision was incorrect, unreasonable or wrong
- include a concise summary of the reasons for requesting an internal review – why the decision was wrong, or why/how the assessment, investigation or decision was deficient
- refer to any documents or other evidence relied upon to support the review request.

Simply disagreeing with my decision, or restating your original complaint to this Office, will not be a sufficient basis for an internal review. For more information, this Office's internal review [policy](#) and [procedure](#) are available online or on request. Please be aware internal review requests made more than 28 days after the original decision will only be accepted in exceptional circumstances.

If you have any questions about this decision, please contact me on (07) 3005 7040 or email to investigations@ombudsman.qld.gov.au.

Yours faithfully



Chris Magoffin
Senior Investigator
Investigation and Resolution Unit