Division 2: Parliamentary Commissioner for Administrative Investigations, $7 719 000 —

Ms L.L. Baker, Chair.

Mr P.B. Watson, Speaker of the Legislative Assembly.

Mr C.J. Field, Parliamentary Commissioner for Administrative Investigations.

Mrs G.M. White, Deputy Parliamentary Commissioner for Administrative Investigations.

[Witnesses introduced.]

The CHAIR: This estimates committee will be reported by Hansard. The daily proof *Hansard* will be available the following day. It is the intention of the chair to ensure that as many questions as possible are asked and answered and that both questions and answers are short and to the point. The estimates committee's consideration of the estimates will be restricted to discussion of those items for which a vote of money is proposed in the consolidated account. Questions must be clearly related to a page number, item, program or amount in the current division. Members should give these details in preface to their question. If a division or service is the responsibility of more than one minister, a minister shall only be examined in relation to their portfolio responsibilities.

Mr Speaker may agree to provide supplementary information to the committee rather than asking that the question be put on notice for the next sitting week. I ask Mr Speaker to clearly indicate what supplementary information he agrees to provide and I will then allocate a reference number. If supplementary information is to be provided, I seek Mr Speaker's cooperation in ensuring that it is delivered to the principal clerk by Friday, 29 September 2017. I caution members that if Mr Speaker asks that a matter be put on notice, it is up to the member to lodge the question on notice through the online questions system.

I give the call to the member for South Perth.

Mr J.E. McGRATH: I note that at page 54 of *Budget Statements*, under "Outcomes and Key Effectiveness Indicators", it is indicated that 100 per cent of the Ombudsman's recommendations are accepted by agencies. What is meant by "accepted" and who monitors the implementation of these recommendations?

The SPEAKER: Mr Field.

Mr C.J. Field: I thank the honourable member for an excellent question. The 100 per cent recommendations "accepted" has been the case for the entire 10-year term that I have been Ombudsman. When we make recommendations formally under our legislation, which, as many members would know, is the ultimate power of the Ombudsman at the end of an investigation, it means that agencies have accepted that recommendation—be it to implement a policy, to change a policy or to recommend to government a change of law. It means simply that they will accept those recommendations. The point that the honourable member makes is a very critical one in the implementation, follow-up and oversight of that. A number of years ago, I committed to this Parliament to go somewhat beyond what the vast majority of ombudsmen around the world do—that is, make a very firm commitment to inform this place and Parliament generally about the implementation of recommendations. Therefore, we have the capacity under our legislation to examine steps taken to give effect to recommendations. We do that in two ways. First, we do it in relation to major reports that we table in Parliament. We have done one of those already in relation to the prevention and reduction of fatalities arising from family and domestic violence. We tabled a major report in Parliament in November 2016 on the steps departments have taken to give effect to those recommendations. I will be tabling another very critical report in this Parliament in 2017–18 in relation to our 2014 report into the prevention and reduction of youth suicide. Also, generally in relation to the recommendations we have made arising from our non-major investigations, I will also report separately to Parliament on those recommendations. We have the view that if a recommendation is worth making, we put lots of steps into those recommendations: Are they proportionate, material or cost beneficial? Do they solve the problem? We put a lot of evidence-based and analytical thought into that. I say with humility that we attempt that as much as possible. If we believe a recommendation is worth making, we believe it is worth accepting, and then worth seeing that steps have been taken to put it into effect. That keeps me accountable to this Parliament as well. If my recommendations were being ignored, members would want to keep me to account, and that is proper; but, it also holds government more properly to account for the recommendations it commits to implement.

Mr J.E. McGRATH: As part of that process, does the Ombudsman sometimes have to prod that agency a little bit, because although it has accepted a recommendation, it may be a bit slow making the changes that the Ombudsman believes should be made, or does the Ombudsman just leave that for his report?

Mr C.J. Field: Honourable member, we absolutely undertake a fairly major process for the follow-up of those reports. It is about not only asking questions about what it has done; we actually go into the agencies and examine its materials. We ask for evidence and proof, and if we are not satisfied with that, we go further and ask for further evidence and proof. We take that process very seriously. We find that agencies largely are very committed to implementing recommendations, but we certainly have the capacity under our reporting to report if steps have not

been taken. I would expect that that would be a matter of real interest to Parliament when we report those sorts of matters.

Mr J.E. McGRATH: Does that mean the Ombudsman can say to the people of Western Australia that they can have the utmost confidence in the system and in the role of the Ombudsman at the moment?

Mr C.J. Field: Humility will prevent me saying they ought to have the utmost confidence in me. What I will simply say is this: after working in this role for 10 years, I am confident that the government agencies of this state take my role as an officer of this Parliament, doing the bidding of this Parliament, very seriously. As I say, they accept our recommendations 100 per cent of the time, and they show great efforts to implement the recommendations. If that is ever not the case, the first people in this state to hear about that would be this Parliament.

Mr Z.R.F. KIRKUP: On page 54 of the *Budget Statements*, I note a reduction in the target for full-time equivalent employees in 2017–18. Family and domestic violence is a significant issue in my community and across Western Australia, and the work the Ombudsman does is fantastic. Could the Ombudsman please explain why there is a reduction in FTEs, please?

[9.50 am]

Mr C.J. Field: I will answer that question in two parts. I thank the member for his comment about our office. I assure the member that there will be absolutely no reduction in our commitment to work on reducing the number of fatalities from family and domestic violence. We commenced that jurisdiction in 2012. Looking around the room, I see a number of honourable members who are very passionate and committed to that space, as every member of this Parliament is.

Mr Z.R.F. KIRKUP: Of course.

Mr C.J. Field: We are singularly committed to that area. Those areas in the office personally report to me and, along with our child death review responsibility, I take it as our most serious responsibility. There will certainly be no reduction in the number of full-time equivalents dedicated to that area. Along with all government agencies, there has been some reduction in FTE caps. We are incorporating those into continuous improvement programs—that is, trying to deal with some backroom issues a bit more efficiently. That is a continuous improvement. I can certainly say to the member that there will be absolutely no reduction in our commitment and staffing in that space. If anything, I intend to increase it over the next few years.

Mr Z.R.F. KIRKUP: In that case, is it considered that the FTE numbers are sufficient in light of the increasing trend of family and domestic violence?

Mr C.J. Field: I think that is a really important question. At this stage, I believe they are sufficient. Under governments of all persuasions, we have always been able to make a case. I appear before the Economic Review Committee of the government of the day personally, and in the past I have always found that requests for funding have been met with a great deal of positivity. My office operates on the basis that we are spending other people's money. We do not ask for money lightly, but in the past we have been very successful when we have requested that money. If we need further resources to tackle the crime of family violence, we will certainly ask for them. At this stage, I am comfortable that our current appropriation is sufficient to enable us to do the job that Parliament has asked us to do.

Mr Z.R.F. KIRKUP: I appreciate that the Ombudsman has said that he appears before the ERC and has always had a reasonably positive response from that subcommittee of cabinet. In that case, why has there been an overall reduction in the amount of appropriation to the Ombudsman, and where might that impact?

Mr C.J. Field: That is an excellent question. The overall appropriations come down to a couple of areas. One is the agency expenditure review, which is applicable across a range of agencies in government. Given the overall level of appropriation, it is a relatively modest amount in our case. The second relates to some reductions in the fiscal year and in the forward estimates period due to the ending of our program of monitoring the Criminal Code infringement notices process. That was always a time-limited process and it was always the case that there would be a reduction in the relevant fiscal year and in the forward estimates period. First, under the legislation it must go to the Minister for Police, and that very major report on monitoring Criminal Code infringement notices will then be tabled in Parliament. That will be tabled relatively shortly.

Mr Z.R.F. KIRKUP: Page 54 of budget paper No 2 states that the average cost per finalised notification of death is targeted to increase to $17 500, which is an increase from the estimated actual for 2016–17 of $16 731. Can I get an understanding of the reason for that increase?

Mr C.J. Field: That is absolutely correct. We in that particular case have probably been slightly conservative in our projections into the next financial year. In previous years, the budget actual was around $18 500 to $18 950,

whereas the estimated actual for this year was down to $16 731. We have put into place a number of continuous improvement initiatives in that space, so there has been a significant reduction in the cost of reviewing individual deaths and fatalities. As a matter of caution, we took a number between its historical cost and its current cost.

Mr Z.R.F. KIRKUP: That is very prudent.

Mr C.J. Field: I thank the honourable member for that comment. We would describe it as prudent. We are deeply committed—within reason, of course, because that must be done to the quality required—to continuously improving and reducing that number to a point. I expect we will see some further reductions, and we will also further reduce that targeted number in accordance with that reduction. We always look for more than one year of reduction before we do that. We usually look for two to three years of reduction before we lock that target in.

Mr J.E. McGRATH: My question is about page 53, "Significant Issues Impacting the Agency". Which state government agency received the largest number of complaints about its decision-making and processes, and what might be the reason for that?

Mr C.J. Field: Because of the timing of the estimates this year, our annual report was published just recently, so we have that information to hand, which is very useful in providing additional information to the committee. The member will see that the number of complaints to our office does not change broadly. Around 70 per cent are about the public sector, about 25 per cent are about local government, and five per cent are about universities. Within those, the agencies most complained about are corrective services, police and public housing. Those are not necessarily the agencies that make the most mistakes or perform the greatest maladministration. They just happen to be the ones that generally deal with the greatest number of customers and clients; therefore, accordingly, they will have more complaints. We do not generally draw a correlation between those agencies and performing poorly. That could be the case, but we do not necessarily draw that correlation. It often happens that they are also the agencies that have the most elaborate and sophisticated internal complaint mechanisms. They deal with a lot of complaints, but only the most intractable or difficult come through to the Ombudsman's Office.

Mr M. HUGHES: Have there been any discernible changes in the agencies represented in those figures? The public sector and the local government sector have been referenced. Has there been an increase in reports or allegations made to the Ombudsman's Office about local government?

Mr C.J. Field: In the time that I have been Ombudsman, that general split with the public sector being 70-odd per cent, local government being around 20 per cent or 25 per cent, and universities being five per cent to eight per cent has been remarkably stable. I think that complaints about local government might be up a bit this year. It also depends on overall numbers and the base we are talking about as to how significant that percentage might be. Generally speaking, it has been reasonably stable in the 10 years that I have been Ombudsman. I do not have this information at my fingertips but it is probably a very similar breakdown for most Australian and New Zealand ombudsmen.

The CHAIR: We are very close to time, members, so, with your permission, I will call the division.

The appropriation was recommended.

[10.00 am]