

PRÉCIS OF TRANSCRIPT OF EVIDENCE, SESSION THREE, ON 24 JULY 2009

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Western Australian Ombudsman

Brief summary of themes in a private hearing on 24 July 2009 with the Ombudsman:

- 1.1 The title of the office of the Ombudsman is the Parliamentary Commissioner for Administrative Investigations under the *Parliamentary Commissioner Act 1971*. The Parliament makes laws and the Ombudsman has a role in showing that the administration of those laws is done appropriately within law and fairly without maladministration. The Western Australian Ombudsman is the oldest in the country. The Western Australian legislation dates from 1971. Internationally, the jurisdiction of Ombudsman dates back around 200 years.
- 1.2 The office deals with complaints about almost all government services provided in the State, including local government services and those provided by public universities. There are some institutions outside of this mandate, including the Parliament, the Governor, a member of the Governor's Establishment staff, the Supreme Court and other courts. The Ombudsman cannot investigate Statutory Office Holders in their capacity as Commissioners but can look at Chief Executive Officer functions, that is, the administration of these offices.
- 1.3 The Ombudsman has recommendatory powers, not determinative powers. This is a hallmark of Parliamentary Ombudsman around the world. If recommendations are not accepted by the department concerned, then the issue is escalated to the Minister, then the Premier and finally the Parliament. To have determinative powers would make the Ombudsman a court.
- 1.4 Out of all the recommendations the Ombudsman has made in the last two years, there has been a 100% acceptance rate.
- 1.5 The Ombudsman also has the role of Energy Ombudsman. The Energy Ombudsman is an industry scheme, utilising alternate dispute resolution, and has determinative powers.
- 1.6 The Ombudsman now has jurisdiction under the *Public Interest Disclosure Act 2003*, legislative responsibilities under the *Terrorism (Preventative Detention) Act 2006* and under overseas students appellate legislation, to consider appeals from students. The office has jurisdiction over the Indian Ocean Territories, and powers in relation to telecommunication intercept warrants and a child death review jurisdiction. Over the past two years the budget of the office has increased around 50%.
- 1.7 The Ombudsman has established the public administration team over the last two years. This team learns from the complaints the Ombudsman's office deals with – they are an evidence

base of the issues arising in the public sector that the office and the public sector can learn from.

- 1.8 The third or fourth highest complaint agency by number for the Ombudsman is the police. The Corruption and Crime Commission deals with the bulk of complaints about police conduct issues within the Western Australia Police. The Ombudsman does, investigate maladministration within the Western Australian Police.
- 1.9 The Ombudsman's office is undertaking a major Regional Access and Awareness Program. In 2009, visits were undertaken to Geraldton and the Mid West region, Kalgoorlie and the Goldfields-Esperance region, Mandurah and the Peel region. In 2010 there are plans to travel further north and south.
- 1.10 The average time taken to resolve complaints in the Energy Ombudsman jurisdiction is around 10 days. Time taken to resolve complaints in the Parliamentary Ombudsman jurisdiction has dramatically improved over the last few years. Previously, some complaints were older than six years and cases took on average 300 days to resolve. This has been reduced to 80 – 90 days and it is projected by late 2009 that there will be no case over 12 months old.