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Independent Statutory Officers

Parliament has established by statute (legislation) several key agencies to help ensure accountability.

Important statutory officers at the head of these agencies include the Parliamentary Commissioner for Administrative Investigations (often referred to as the Ombudsman), the Auditor General, the Information Commissioner, the Commissioner for Public Sector Standards, the Parliamentary Inspector of the Corruption and Crime Commission, and the Commissioner for Children and Young People.

Parliamentary Commissioner for Administrative Investigations (the State Ombudsman)

The idea that a body additional to parliament, the executive and judiciary, being able to examine government actions was considered a breakthrough in constitutional theory.

Western Australia, with its *Parliamentary Commissioner Act 1971*, was the first State to legislate for the office, more commonly known as the Ombudsman.

The main task of the Ombudsman is to carry out an independent and impartial investigation into complaints by individuals relating to 'matters of administration' about Western Australian state government agencies, statutory authorities, local government authorities and public universities.

The Ombudsman can also initiate its own inquiries and investigations. In certain circumstances, the investigations can include the police force. The Ombudsman will generally attempt to resolve a matter by discussion before making recommendations.

Whilst the Ombudsman has no power to force any department or agency to take certain steps, its annual reports to Parliament are considered a strong incentive for government agencies to comply with any recommendations.

It should be noted that the Ombudsman cannot investigate complaints about private organisations such as finance companies, banks and retail shops; disputes between individuals; or Commonwealth department and authorities.

Nor should the State Ombudsman be confused with the Energy Ombudsman who receives, investigates and facilitates the resolution of complaints, including electricity/gas supply and billing disputes.

For further information, see www.ombudsman.wa.gov.au.

Auditor General

The Auditor General is an independent statutory officer appointed by the Governor under the *Auditor General Act 2006*.

The Auditor General's role is to annually audit the financial records of the Western Australian public sector including over 200 government departments, statutory authorities and agencies.

The audit is an official check of accounts to ensure that the payment of monies is proper and legal. The importance of the audit function was given constitutional recognition in section 65 of the *Constitution Act 1889*, which provided that the 'consolidated fund shall be subject to being reviewed and audited in such a manner as directed by any Act of the Legislature'.

In order to fulfil its functions, the Auditor General is entitled to unhindered access to all accounts, documents and records of public service departments and statutory authorities.

The *Financial Administration and Audit Act 1985* (FAAA), and the more recent *Auditor General Act 2006*, expanded the role of the Auditor General's office beyond examining the legality of expenditures to regularly conducted examinations on the efficiency and effectiveness of the performance of government agencies. Visit www.audit.wa.gov.au for more information.

Information Commissioner

The Information Commissioner is an independent officer who reports directly to Parliament. The Western Australian *Freedom of Information Act 1992* (the FOI Act) gives people the right to apply for access to documents held by ministers, state government departments, local government authorities, and statutory authorities.

The access to documents includes applications for amendments of personal information.

For requests other than those for personal information a fee is charged.

Each agency has a nominated FOI officer who assists people in lodging an application. Sometimes only part of a document will be provided if it contains information considered to be exempt.

Visit www.foi.wa.gov.au for more information.

Public Sector Standards Commissioner / Public Sector Commissioner

The office of the Commissioner for Public Sector Standards was established under the *Public Sector Act 1994*. The Commissioner is required to establish and monitor standards and proper procedures in the public sector.

These standards relate to matters of recruitment, selection, appointment, transfer, performance and termination of employment in the public sector.

Under the *Public Sector Standards Act 1994* the Premier in 2008 delegated his powers to further establish a Public Sector Commissioner with a broad aim to enhance the independence, professionalism and integrity of the Western Australian public sector.

Visit www.opssc.wa.gov.au and www.publicsector.wa.gov.au for more information.

Parliamentary Inspector of the Corruption and Crime Commission

Under section 188 of the *Corruption and Crime Commission Act 2003* the role of Parliamentary Inspector was created.

In broad terms the Inspector's role is to 'audit' the operation of the Act. This includes assessing the effectiveness and appropriateness of the Corruption and Crime Commission's procedures.

According to Section 195 of the *Corruption and Crime Commission Act 2003* the Parliamentary Inspector's main roles include:

- auditing the operation of the Act;
- auditing the operations of the Commission to ensure compliance with the laws of the State, including allegations of misconduct by officers of the Commission;
- auditing any operation carried out under the Act;
- assessing the effectiveness and appropriateness of the Commission's procedures; and
- making recommendations to the Commission, independent agencies and appropriate authorities.

The Parliamentary Inspector of the Corruption and Crime Commission regularly reports to both Houses of Parliament and to the Joint Standing Committee on the Corruption and Crime Commission.

Visit www.piccc.wa.gov.au for more information.

Commissioner for Children and Young People

The office of the Commissioner for Children and Young People was established in 2006. A Parliamentary Joint Standing Committee on the Commissioner for Children and Young People was created in 2008.

The *Commissioner for Children and Young People Act 2006* specifically states that the Commissioner 'must regard the interests of children and young people as the paramount consideration'.

Promoting, monitoring and inquiring into the well-being of children and young people, particularly those who are vulnerable or disadvantaged in any way, are some of the 15 roles of the Commissioner mentioned in the legislation.

Visit www.ccyp.wa.gov.au for more information.