

Division 2: Parliamentary Commissioner for Administrative Investigations, \$8 798 000 —

Ms W.M. Duncan, Chairman.

Mr M.W. Sutherland, Speaker of the Legislative Assembly.

Mr P.J. McHugh, Clerk of the Legislative Assembly.

Mr C.J. Field, Ombudsman.

Ms G.M. White, Deputy Ombudsman.

The CHAIRMAN: Members, are there any questions?

Ms R. SAFFIOTI: My initial questions relate to the operations of the Office of the Ombudsman and, in particular, to service 1 on page 57 of budget paper No 2, “Resolving Complaints about Decision-Making of Public Authorities and Improving the Standard of Public Administration”. What is the level of activity of the office, and, in particular, the number of complaints that are received by the office? Are they at an all-time high? Has that figure increased and what is the historic level of complaints received by the office?

Mr C.J. Field: I thank the member for West Swan for her very good question. The answer is that they have decreased over the past few years. There was a high a number a few years ago now for a range of reasons that were experienced by ombudsmen around the country—possibly the GFC and other issues. The figure has certainly reduced and has been very stable for the past few years to around 2 000 complaints and around 10 000 inquiries. Tracking it this year, it looks like it will be about the same figure, or perhaps a very slight increase this year. Obviously that will be reported in the Ombudsman’s annual report later this year. Basically, overall, the numbers are significantly reduced from those of a few years ago, but are now very stable.

Ms R. SAFFIOTI: Perhaps you could provide this information as supplementary information; or, if it is at-hand, could the Ombudsman provide a breakdown of complaints by agency or tier of government as well? I understand that the Ombudsman also receives complaints about local government; is that correct?

Mr C.J. Field: Absolutely so. The member is absolutely correct. We receive complaints from generally all state governments. There are some that are excluded from our jurisdiction, but very few. The vast majority of state governments and departments, and universities and local governments, are generally covered under the jurisdiction of the Ombudsman. The annual report each year provides a breakdown of agencies by state government departments and then separate breakouts within that, such as transport, health, education et cetera—and then local government and universities. If the member has any question at any time outside the appropriations process, I would be delighted to answer that as well. In any event, for today’s purposes, yes, that is all provided in the annual report.

Ms R. SAFFIOTI: Does that also include complaints about particular local councils?

Mr C.J. Field: Yes, it does include complaints about local government. At the back of the annual report is a schedule that lists where complaints are coming from as well.

Mr B.S. WYATT: I refer to the second bullet point on page 57 of budget paper No 2. Has the Ombudsman reviewed any child deaths in the past 12 months?

Mr C.J. Field: Thank you, as always, to the shadow Treasurer for his very good question. We have done a lot of work in one of our most important jurisdictions, if not the most important, along with our jurisdiction to review family and domestic violence fatalities in the state. They are the two jurisdictions that I think are the most serious undertaken by my office. We have done a lot of work in that space over the past 12 months. As the member would know, we tabled a major investigation in relation to the prevention and reduction of youth suicide in the state, and we are currently undertaking two other major investigations—one is in relation to the relationship between violence restraining orders and family domestic violence fatalities. That will involve its relationship, as would be expected, with children. That will be a major report to be tabled in Parliament in the next few months with the normal briefings offered to members. Then, of course, there is a public document for appropriate scrutiny. We are also now undertaking a major investigation into deaths by drowning and ways that government departments may be able to reduce or prevent the drowning of children—another major circumstance of death arising out of our child death review jurisdiction. In addition to those two major own-motion investigation reports we will also undertake reviews of all of those deaths that would otherwise be determined to be investigable deaths in accordance with our legislation. For investigable deaths, the legislation asks us to undertake a review of those deaths, to determine the circumstances in which children die, to look for patterns and trends arising from those deaths, and also to make recommendations, where appropriate, to any government department or public authority in relation to ways to reduce or prevent child deaths. We have undertaken a number of those individual investigations into child deaths in the last 12 months and we will do

once again some pretty exhaustive reporting. It will be by far the largest section of my annual report; I will do pretty exhaustive reporting of that in our annual report when it is tabled.

[9.50 am]

The CHAIRMAN: Thank you, Mr Field. You might not have been here when I read my chairman's statement, but we ask that both questions and answers are short and to the point so that we can get through as much as possible.

Mr T.K. WALDRON: I refer to significant issues impacting the agency on page 56 of the *Budget Statements*. The first dot point refers to timely complaint resolution and I noticed that the average age of complaints will be 26 days compared with 173 days in 2007—I refer to the bottom line of the dot point. That is a huge cut in response times, which is fantastic. Is there a reason for that; and is that expected to continue?

Mr C.J. Field: Madam Chair, I will have to give a much shorter answer to this question, because I could talk a bit longer!

Mr T.K. WALDRON: Feel free; I want a good answer!

Mr C.J. Field: I thank the honourable member for that question. I simply say that it was something I very much committed to when I first commenced in the office. The office of the Ombudsman is an access-to-justice institution and, as members here would know, justice delayed is justice denied, so we took it upon ourselves to look at a range of ways in which we could reduce the time taken for the complainants coming to our office to have their complaints resolved. It is good for complainants and good for taxpayers, because, of course, our office is spending other people's money, as are the departments that respond to us. It is also certainly good for the department. We put in a range of mechanisms for ways to deal early with complaints. There is really a whole series of mechanisms. We have put some of that information up on our website. It is an ongoing journey, but we are very pleased to have very significantly reduced the time in which complainants who come to our office have justice delivered to them, so it is a very pleasing thing we have achieved.

Mr T.K. WALDRON: It is also beneficial to members of Parliament. Have we got to the bottom line yet? Can it be taken much further?

Mr C.J. Field: I think, as economists say, we are pretty much at optimality. I do not think there is much more room in that space.

The CHAIRMAN: Member for Victoria Park, did you have a further question to that other question?

Mr B.S. WYATT: I just had a follow-up to the Ombudsman's answer before about the report he is doing.

The CHAIRMAN: I am sorry I missed that.

Mr B.S. WYATT: Does the Ombudsman's office overlap with the coroner's office? By that I mean that if the coroner is investigating, does the Ombudsman also investigate under his legislation or is it left to the coroner? Do we end up with a situation in which both would be investigating the same death?

Mr C.J. Field: That is an excellent question, shadow Treasurer. The reality is that there can be investigations done by both the coroner's office and my office—the coroner looking at the cause of death and us looking at the circumstance of death. Ultimately, that can be the case. Generally, with the child deaths we do our investigations a little earlier and the coroner tends to investigate a little later after our investigation. Certainly, over the past few years we have always had an excellent working relationship with the coroner's office as appropriate under various legislation, and I see those two things as being mutually supportive—the critically important inquests that the coroner's office does to determine cause of death and the work we can do that is really aimed at having government departments and government public authorities doing the best they can do to prevent or reduce deaths in the way they administer the Parliament's legislation.

Mr P.C. TINLEY: I address the second dot point on page 56 referring to timely complaint resolution. Can the Ombudsman advise, if data is collected on complaint resolution assistance that has been given, how many of those decisions or outcomes were in favour of the citizen and how many were in favour of the department?

Mr C.J. Field: I thank the honourable member for that question. There are a couple of things to say. As part of our timeliness resolution program that we commenced around seven or eight years ago now one of the other critical things we did was look at not just improving timeliness, but also increasing efficiency. There have been significant efficiency gains and it now costs much less by a very material amount in our office to resolve complaints. We also wanted to increase the effectiveness of complaint resolution. That means that more resolutions have been given to complainants by departments and more recommendations have been made for administrative improvements. Take for example that we now do around 100 of those a year for complainants, compared with, say, 30-odd when I started. There has certainly been a range of increases in those effectiveness measures. I am not entirely answering the member's question in relation to the idea that we record a metric of

complaints resolved in favour of complainants. We do not have a specific metric around that and many Ombudsmen around the country do not. What we do try to measure though is that complainants get an outstanding and timely process and, where appropriate, recommendations are made about improvements to public administration, and wherever appropriate a resolution to resolve their matters is given to them.

Mr P.C. TINLEY: What is the total number of complaints the Ombudsman received and what is the total number resolved?

Mr C.J. Field: I thank the honourable member again. That information has been put in the schedule I referred the honourable member for West Swan to earlier—there is a schedule at the back of the annual report. One thing we do not do—many Ombudsmen around the world do not do it; in fact probably the majority—is have a metric of complaints resolved in favour of the complainant, and there is a raft of reasons that is the case. However, we certainly have a record of those that we investigate and resolve and that is contained in the schedule to our annual report.

Ms R. SAFFIOTI: I refer to the second dot point on page 57. It refers to the office undertaking other functions including the inspection of telecommunication interception records. How many times did that occur over the past financial year? How many times was the office called upon to inspect telecommunications records?

Mr C.J. Field: I thank the member for West Swan for that question. The reality is that the telecommunications intercept legislation requires at least two inspections a year. That varies around the country—commonwealth and other states do it more or less. We generally undertake more than two inspections a year and it is really just a question of what is administratively efficient to do. How many intercepts we have undertaken is a matter that we can only disclose in our annual reports to the relevant ministers, and that is in accordance with the legislation.

The appropriation was recommended.

[10.00 am]