

Division 2: Parliamentary Commissioner for Administrative Investigations, \$6 406 000 —

Mr M.W. Sutherland, Chairman.

Mr G.A. Woodhams, Speaker of the Legislative Assembly.

Mr C.J. Field, Ombudsman.

Ms G. White, Assistant Ombudsman, Strategic Services.

The SPEAKER: I take this opportunity to introduce the Ombudsman, whom I like to call “Mr Ombudsman”, Chris Field, and the deputy “ombudsperson”, Ms Mary White.

Mr M. McGOWAN: That is not a word!

The SPEAKER: It is a mouthful!

Mr E.S. RIPPER: On page 69 of the *Budget Statements*, under “Financial Statements”, reference is made to the “Energy Ombudsman’s jurisdiction”. The Ombudsman’s annual report states that an additional two staff were needed to handle an increase in complaints under the Energy Ombudsman’s jurisdiction. Why were additional staff required? Will these additional staff continue or are they on contracts pending an assessment of the number of complaints? What is generally happening to complaints in the Energy Ombudsman Western Australia’s jurisdiction?

The SPEAKER: Before I get Mr Field to answer that question, I indicate to the Leader of the Opposition that I have had very thorough discussions with Mr Field on this matter. It is an area of great interest to me and sometimes it is an area of concern to me, if that discrimination can be made. I will give Mr Field the opportunity to answer this question.

Mr C.J. Field: I thank the Speaker. I also thank the Leader of the Opposition for his question; I think it is a good question. There is no question that we have seen an increase in the number of complaints in the Energy Ombudsman’s jurisdiction. I will provide a slight preamble for the Leader of the Opposition. As I think he probably knows from the past, the Energy Ombudsman scheme is an industry ombudsman scheme. Therefore, it is a private scheme and those appropriations do not come from this place. The appropriations come from the members of the scheme. In that sense, it has not had parliamentary appropriation to the Energy Ombudsman scheme, but money has been sought from members of the scheme. We saw an expected approximately 60 per cent increase in complaints from 2009–10 to 2010–11. There has certainly been an increase in complaints. Changes were made to the billing system of one of the energy providers, as has been documented publicly. I think that is certainly one of the reasons, if not the principal reason, for the increase in complaints. It is certainly the case that around the country complaints have increased to industry ombudsmen generally, including telecommunications, banking and energy ombudsmen and others. We concede there has been an increase in complaints in the Energy Ombudsman’s jurisdiction. Accordingly, we need staffing to deal with those complaints, and energy ombudsmen’s jurisdictions and the Energy Ombudsman Western Australia are no exception to that.

The department takes handling complaints in a timely way very seriously. We try to resolve around 90 to 95 per cent of all complaints within 10 business days. That is the key performance indicator that we set for ourselves. We aim for very timely resolutions. Part of the reason for setting up the industry ombudsman 20-odd years ago was exactly for that reason—to provide timely, good access to justice. Therefore, we need the appropriate staffing to ensure that we can achieve that timely resolution. I should also say to the Leader of the Opposition that the staff increases we receive are substantially less than the actual amount of complaints that is received. We endeavour as much as possible to get greater scale and scope efficiencies as we grow in size. We achieve that in part by the fact that the Energy Ombudsman is located in the parliamentary Ombudsman scheme.

Mr E.S. RIPPER: What is the typical nature of a complaint to the Energy Ombudsman and how many of those complaints boil down to the fact that many people are outraged about the size of their bills?

Mr C.J. Field: The reality is that within almost every ombudsman scheme in the country, and that includes energy ombudsmen schemes and our Energy Ombudsman scheme in this state, the bulk of complaints are about billing issues. That does not necessarily mean that people are outraged about the size of their bills. It could potentially be the case that people are concerned about the size of their bills, but there can be all sorts of issues around billing disputes. However, in bill-driven service industries, billing is always the principal reason that people complain to industry ombudsmen. That is certainly the case in our scheme.

Mr D.A. TEMPLEMAN: I refer to page 68 of the *Budget Statements* with regard to child death reviews. I would like to ask the Ombudsman how many child death reviews has the department undertaken in the past year.

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Also, will the Ombudsman be able to undertake reviews into the deaths of the two children who died in country hospitals—Andrew Allan and Lachlan Hughes?

The SPEAKER: I refer the member's question to the Ombudsman.

Mr C.J. Field: Thank you, Mr Speaker. I thank the member for that question. We take everything we do seriously but we take nothing more seriously than the important child death review function, which this Parliament gave to us two years ago. In the past 12 months, we have closed 99 child death reviews. We have reviewed those cases during that time.

Mr M. McGOWAN: Is that 99?

Mr C.J. Field: We reviewed 99 child death cases; that is exactly right. Some of those cases are investigable cases and some are non-investigable cases. What I mean by that is that the legislation sets out a series of cases that meet criteria to be considered investigable deaths and some that, effectively, are non-investigable deaths, but ones that we still review and look at to ensure that no other systemic or thematic issues arise from them. Those are the notifications of child deaths that we receive from the Department for Child Protection that we review. In addition to that work, we undertake own-motion investigation work. That work is very similar to the general jurisdiction of the Ombudsman in that we both resolve complaints and we also undertake investigations of our motion. We look at the themes and issues that arise out of those cases and we undertake some investigations of our own motion to look at issues in a deeper way to ensure that we fulfil the mandate for that jurisdiction. I sat through the entire parliamentary debates on the establishment of the jurisdiction, and I listened very closely. I have also looked at the legislation. We are really here to, over time, see whether we can assist in preventing otherwise preventable child deaths. That comes from investigating individual cases, and also looking at, as I say, thematic and systematic issues that arise out of those cases and undertaking investigations in relation to those cases. At the moment, we are currently looking at two issues. These are on my website. One is in relation to sudden unexpected death of infants—what is now called SUDI—cases. They account for a bit less than one-third of all the notifications that we receive, so members can see that it is a significant area of child death. The second is in relation to those children who are in the care of the CEO of the Department for Child Protection. In particular in those cases we are looking at interagency relationships. A theme of the discussions and debate in both the Assembly and the Council at the time of introducing the legislation was that we ought to be looking at interagency relationships and how they work over the trajectory of the life of a child to enhance the child's wellbeing and to prevent preventable child deaths. So they are the two investigations that we are doing.

[9.50 am]

Mr D.A. TEMPLEMAN: The Ombudsman mentioned the figure of 99. Is that the average for each year, or is that just one quite remarkable number?

Mr C.J. Field: No. The number will vary over time. Since we commenced the jurisdiction, we have received 182 cases; and we are coming on to two years, so that is about 90 cases a year. Remember, though, that that number will be different from the former Child Death Review Committee. That committee would have received a much smaller number of cases, because it was receiving only cases that were considered to be investigable deaths; that is, the sorts of deaths that were known to the department in, say, the two years prior to the death of the child. We receive, as indeed the Parliament intended, a broader series of cases, so that we can look at whether there are any other themes or issues that arise out of those cases. In some of those cases, the Department for Child Protection, for example, has had no involvement with the child whatsoever. But it may be that the Ombudsman, with his broader jurisdiction, exactly as the Parliament intended, would be able to look at also, say, the Department of Health, the Department of Corrective Services and the Department of Education and their involvement in the life of the child. So it is not that we have seen a dramatic spike in the number of deaths of children; it is just that we are taking a slightly greater sample of those deaths.

Mr D.A. TEMPLEMAN: And those two children I have mentioned?

Mr C.J. Field: I cannot and will not comment upon individual cases. I am precluded under the privacy and confidentiality provisions of the Parliamentary Commissioner Act 1971 from talking about individual case reviews and any information that might lead to the identification of work that I am doing in relation to individuals. But what I can simply say is that if they are cases that were notified to my office, they will be reviewed by my office.

Mr M. McGOWAN: The Ombudsman publishes the results of these inquiries on his website—is that what he just said?

Mr C.J. Field: We will. At the moment, we publicise in our annual report a range of de-identified material. That is one form of reporting that we do. Obviously, as an officer of the Parliament, we take the annual report as being a critical form of reporting that we do each year. It is not just what we are learning from those deaths, and

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the issues and themes that arise, but also what we have done about it, because we are making recommendations on a range of other issues for improvements to make sure that these things do not occur again, keeping in mind that the end result is about preventing preventable child deaths. All that material, as I say in a de-identified way, goes into our annual report. In addition to that, the own-motion investigation work that we do, and the two inquiries that I have mentioned, which are mentioned on our website, will ultimately be public reports. Our management of personal information report, which was released earlier this year, and our complaint handling review survey, which was released last year, are on our website now, and they are generally sent to every government department. So they are public documents in that sense, absolutely.

Mr E.S. RIPPER: I realise that the Ombudsman cannot provide identifying information. But if a previously healthy child dies unexpectedly after contact with a country hospital, is that the type of case that would be notified to the Ombudsman for review under this particular function? I have a second question. Of the 182 cases notified to the Ombudsman in the past two years, how many of those children had had contact with the Department for Child Protection?

Mr C.J. Field: In relation to the second question, I do not have that number exactly in front of me, but I am happy to provide that as a supplementary, if that is acceptable to the committee.

The CHAIRMAN: Can you just tell us, Mr Field, exactly what you are going to provide?

[Supplementary Information No A1.]

The SPEAKER: I need to indicate to you, Mr Chairman, that I am prepared to provide the supplementary. I just need to seek an assurance from Mr Field that he is able to do so. Would the Leader of the Opposition please repeat the question?

Mr E.S. RIPPER: Of the 182 child death notifications to the Ombudsman in the last few years, how many of those children had had contact with the Department for Child Protection?

Mr C.J. Field: The reality, though, in a general answer to the second question, is that there will be many, of course. The Department for Child Protection is the principal government department that relates to the protection of children who need that protection because of the inadequacies, or otherwise, in the normal parental care that they would get in society. But it will not exclusively be those cases, because there will be other situations in which the Department for Child Protection will have had no involvement—for example, motor vehicle accidents, and other accidents, whereby there will be no connection at all. Would the Leader of the Opposition please remind me of the first question?

Mr E.S. RIPPER: If a previously healthy child dies unexpectedly after contact with a country hospital, is that the type of case that would be usually referred to the Ombudsman for review?

Mr C.J. Field: Thank you, Leader of the Opposition, for reminding me of that question. We would expect to receive those sorts of referrals from the Department for Child Protection to our office. We will not necessarily become aware of every single accident or child death. But, generally speaking, the answer to that would be yes.

Mrs L.M. HARVEY: I refer to page 67, and the fourth dot point, which states that the office seeks to enhance accessibility of its services by Indigenous and regional Western Australians. Can the Ombudsman elaborate on the effectiveness of the strategies that he has put in place to improve the accessibility of his services by people in regional areas, and also the number of complaints that he gets in regional areas compared with metropolitan-based complaints?

Mr C.J. Field: I thank the honourable member for that question. This is an area that we have placed some significant importance on. Since I commenced as Ombudsman, we saw fairly clearly in our complainant profile an under-representation from two groups. One was regional Western Australians. Western Australia is obviously a very vast state, so that is understandable. Particularly concerning to us was the under-representation of Indigenous Western Australians in our complainant database. So we decided to undertake a program, in conjunction with a range of other accountability and integrity agencies, such as the then Office of the Public Sector Standards Commissioner, the Office of Health Review, the Office of the Information Commissioner, and others, to go into regional areas to make them aware, or more aware, of our services, and to make sure that we are accessible to them; to run complaints clinics so that we can take complaints while we are in towns and regions; and also to talk to both community groups and government agencies based in rural and remote areas.

The appropriation was recommended.

[10.00 am]