

Division 2: Parliamentary Commissioner for Administrative Investigations, \$7 837 000 —

Mr M.W. Sutherland, Chairman.

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

Mr C.J. Field, Ombudsman.

Ms G. White, Principal Assistant Ombudsman, Strategic Services.

[Witnesses introduced.]

The CHAIRMAN: I call the Leader of the Opposition.

Mr M. McGOWAN: Thank you, Mr Chairman, and welcome to the Ombudsman. My question relates to the second dot point on page 68 of the *Budget Statements* relating to own-motion investigations aimed at improving the public sector, in particular investigations into planning for children in the care of the Department for Child Protection. A report was undertaken that made 23 recommendations into planning for children in care. My questions are: What monitoring does the Ombudsman's office do to follow up and ensure that the recommendations are put in place? Has such monitoring been done? Has a report been prepared? What has been the outcome of any such inquiries?

The SPEAKER: Leader of the Opposition, I will give the opportunity to the Ombudsman to respond to that question, and I think it is a question that we would all appreciate in this place. In enabling the Ombudsman to answer that question, I indicate that Mr Field and I meet regularly. The area of the Ombudsman concerns and interests me, and I think that the relationship we enjoy is a good one. With great confidence, I hand that question to Mr Field.

Mr C.J. Field: I am humbled by that confidence, Mr Speaker, and I thank you for it. I thank the Leader of the Opposition for what is an excellent question.

That own-motion investigation was a very important piece of work for us. It was the first of our substantial investigations undertaken after this Parliament entrusted me with a new jurisdiction to review certain child deaths, and that will be an ongoing series of investigations that we will do over the coming years that follow on from the themes, patterns and trends that arise from our reviews of certain child deaths. As the Leader of the Opposition knows, that own-motion investigation was tabled in Parliament—as all of our own-motion investigations in this area will be, importantly—late last year. We have a very strong commitment to monitoring our recommendations and will indicate to departments, in this case principally the Department for Child Protection, but also the Department of Health and the Department of Education, that these recommendations, and their implementation, will actually be monitored. The monitoring is, for honourable members' information, in two areas. First, we monitor that they have actually implemented the recommendation, and the second level of monitoring, which is more qualitative and more important again, is actually making a difference to improving public administration. In the child death review jurisdiction, the critical task we are asked to do is to undertake the reviews, identify patterns and trends, and to make recommendations that will see, over a period of time, child deaths either reduced or prevented. We are very much looking to make recommendations to achieve that and to ensure that the agencies are actually achieving those things through our monitoring.

Has the monitoring been undertaken yet? The answer to that is yes and no. Yes, in the sense that we also undertake individual child death reviews and we are looking very much in those individual reviews at how planning for children in care is impacting upon those individual reviews, including things that we have recommended in this report. But the answer is no in the sense that we generally would not follow up an own-motion investigation of this sort for around six to nine months after its initial publication; that is about the time frame. It is very typical for an Ombudsman to take that time before a fairly forensic analysis of what has actually been achieved is then undertaken. We would have done it earlier, so let us say we have an ongoing supervisory jurisdiction in relation to these departments, both generally and in relation to our child death review jurisdiction. Therefore, individual reviews, which we do every single day of every single week, are telling us how the department is doing in relation to care planning and indeed, whether it is implementing our recommendations and what effect they are having. Therefore, we operate on both of those levels.

[9.40 am]

Mr M. McGOWAN: What is the outcome of those reviews on the earlier report that the Ombudsman conducted?

Mr C.J. Field: I think the Leader of the Opposition will be pleased to know that the initial indication we have from the reviews we have done is that there has been a pleasing level of progress. A pleasing level of progress was reported in the actual own-motion investigation report, but we have seen further progress subsequent to the

report on care planning and how care planning is having a positive impact upon the trajectory of the lives of the children we are reviewing. That is something we will be monitoring very actively. There is no more serious jurisdiction than this for our office, and I can absolutely unequivocally assure the Leader of the Opposition that over the next 12 or 18 months or two years—the remainder of my term as Ombudsman—significant work will be done in this space in future own-motion investigations. We have nearly completed a review into sleep-related infant deaths, which is another significant cohort of our child death review jurisdiction. We will look at youth suicide in 2013–14, which is another significant cohort in the patterns and trends arising out of the child death review jurisdiction. This will be an ongoing area of work. We have a very strong view that recommendations just left on the shelf are not even half the job done. Recommendations must be monitored and pursued; they will be, and we want to ensure that they not only are implemented, but have a positive-change effect in the administration of those departments’ responsibilities.

Mr M. McGOWAN: Lastly, Mr Speaker, is the trend upwards or downwards in the number of children dying in these circumstances?

Mr C.J. Field: Does the Leader of the Opposition mean in these sorts of cases?

Mr M. McGOWAN: In care.

Mr C.J. Field: The trend has been relatively stable. What we are all looking to do, and no doubt what the Parliament had in mind in asking us to undertake the child death review jurisdiction, is contribute to seeing those areas of public administration that can be improved with a view to that trend going downwards. We are talking about the trend of deaths, largely speaking, that are known to the Department for Child Protection or known to other departments, particularly the Department of Health, Department of Corrective Services and the Department of Education. For our jurisdiction, they are the principal departments in the life of a child. At this stage, we are not seeing a trend that is particularly down or up; it is relatively stable. Certainly we will go through all our data for this year’s annual report. If we see a trend that moves up or down, we will make sure Parliament is completely aware of that and we will point it directly to that area.

Mr B.S. WYATT: I have a question on the same bullet point on page 68. Again, this question is probably straight through to Mr Field. Mr Field may give a similar answer to the one he has just given, but I have a very specific inquiry about the education plans. The Ford review contained a recommendation on care planning, which was accepted by government, and the Ombudsman makes the point at page 9 of his report, “Planning for children in care: An Ombudsman’s own motion investigation into the administration of the care planning provisions of the Children and Community Services Act 2004” —

Although DCP and the Department of Education have taken initial steps to establish a strategy for education planning, they have not yet implemented the education component of care planning and therefore few *Documented Education Plans* had been prepared for children included in the investigation.

As a result of that, the Ombudsman’s recommendation 4 was that the Department of Education effectively get on with it. I am particularly interested in that because of some of the issues in education that we pursued in the last 12 months. I am aware of the comment the Ombudsman just made regarding his monitoring of implementation and effectiveness. Bearing in mind the Children and Community Services Regulations were proclaimed in 2006, and we are a number of years down the track, has the Department of Education responded to the Ombudsman’s report?

Mr C.J. Field: I thank the honourable member for a good question. The reality of the area of work that we investigated was clear; departments were at different points of the pathway at the time of our investigation, including the Department of Education and the Department for Child Protection. The Department of Health and Department of Education Services were somewhat less relevant for obvious reasons. The Department of Education had clearly, in my view, gone in with goodwill and a well-intentioned approach to execute these matters, but it had not come far enough down the track, as we alluded to in our investigation report, and clearly it had and still has more work to do in that area. We will monitor that very actively over the remainder of this year. In this year’s annual report we will provide further information on further progress that the department has made.

During the investigation the Department of Education was exceptionally cooperative, as was each department. That is not always the case. It has not been my experience so much in this state, but my colleagues tell me that from time to time in other states it is not always the experience that the three agencies are exceptionally cooperative. The responses from each minister to the recommendations we made were also exceptionally positive. Although ministers are not accountable to me, the departments are, and we will keep the departments to account for the commitments they have made to us and, of course, the people of Western Australia to ensure that the objectivities of the act—that is, the objectives of Parliament—are fulfilled. We will do that.

Mr B.S. WYATT: I accept that. However, the departments are accountable to the minister. There are three key messages on page 9 of the report. The first three dot points suggest that DCP has its policies developed or developing and the Department of Health has developed its strategy and is moving on. It certainly seems from the key messages in the Ombudsman's report that out of the three departments involved in this, the Department of Education was the least progressed to implement the CCS act. I am pleased that the Ombudsman says he will actively monitor that this year. Will the results of that monitoring be available for the Parliament to see or will we see that only when a subsequent report is tabled by the Ombudsman?

Mr C.J. Field: I will answer that in two parts to reiterate the point for the honourable member. First of all, when I first commenced in the role, I took the view that a recommendation worth making is a recommendation worth pursuing and worth ensuring it is implemented. We pass recommendations through very significant evidence-based cost-benefit tests to ensure we believe these changes will be net-beneficial in the public interest to better public administration in the state and that the laws of Parliament are administered in the ways that Parliament intended. We certainly take that view about our recommendations.

To answer the second part of the member's question, we will absolutely make sure that matter is reported directly to Parliament. It will be in two component parts. One part will relate to our annual reporting. We did a very significant level of additional reporting this year, which followed on from the child death review component in our most recent annual report. That is now the largest part of our annual report and will expand again this year, so there is even greater transparency in reporting to the Parliament. Second of all, we will ultimately produce a separate report on the progress and benefits of the implementation of recommendations to departments such as the Department of Education in the child death review jurisdiction.

Mr B.S. WYATT: When would the Ombudsman expect the recommendations that he made in his report, which were all accepted by government, to be met by government?

Mr C.J. Field: The honourable member asks another good question. The answer in part to that is it will depend on the nature of the recommendation. Sometimes we expect those recommendations—if they have not already been implemented—to be virtually implemented. We expect some to be implemented within weeks of making them. We expect others to take longer. It depends on the nature of the recommendations. Some recommendations certainly require a much greater level of administrative implementation than other matters.

It is hard to answer that question specifically. We generally will say somewhere between zero and 12 months, but it would depend on the nature of the recommendation. We tend to have not much patience past a certain point of time, and I think that is what you would expect of us. Generally speaking, sooner rather than later is what we expect.

[9.50 am]

Mr B.S. WYATT: Specifically, in respect of the key message of the findings and the recommendations regarding the Department of Education and the education plans, would the Ombudsman expect the department, rather than being at the initial stage, as he found when he did this report, to have progressed to the effective implementation of those recommendations? When would he expect that—by the end of 2012?

Mr C.J. Field: There is already clear evidence of improvements from the individual child death reviews we are investigating. There are improvements already for all three departments in this area. That has come through our reviews of individual child deaths. In relation to all the recommendations, we would have the expectation that it would be completely reasonable that all recommendations would be in place by the end of this calendar year, but I would expect quite a few of them to be in place quite considerably before then. There is evidence that a number of them are already in place or very close to being in place now.

Mr M. McGOWAN: The ombudsman obviously does not have the efficiency dividend applied to his agency, as far as I can tell. I refer to total appropriations on page 67. It appears to be growing by the same amount that it would have without having an efficiency dividend harvested, so I am just seeking some clarification on that.

The SPEAKER: Mr Field, can you bring some light to bear on that question?

Mr C.J. Field: I thank the Leader of the Opposition for his question. I can say the efficiency dividend is not being applied to my agency.

Mr M. McGOWAN: I understand it is applied to the Auditor General. I am just wondering why there would be a distinction between an agency like that.

The SPEAKER: The information that the Leader of the Opposition seeks is really a question for Treasury.

Mr M. McGOWAN: True. Good point, Mr Speaker; very wise.

Mr D.A. TEMPLEMAN: I am looking at page 69. I do have a line item.

The SPEAKER: Do have a line. Why is that?

Mr D.A. TEMPLEMAN: I am very pleased about that. I am looking at the “Explanation of Significant Movements” and the notes on page 69 in the *Budget Statements* where it refers to the “revenue to manage additional workload in the Energy Ombudsman’s jurisdiction”. I would like a comment on the nature of the complaints that are going to the energy ombudsman and whether that is related to individuals highlighting concerns due to the cost of energy.

The SPEAKER: Member for Mandurah, it is a question I would like to ask as well.

Mr C.J. Field: I thank the honourable member for a question that clearly arises from the *Budget Statements* for our office. Yes, the energy ombudsman jurisdiction, which is another of the offices that I hold in this state, has experienced very significant increases in demand for its services, particularly commencing in around 2008–09 to the current fiscal year. Why have those increases occurred? There are probably two principal reasons. The first is the predominant reason, and that is a change in the billing system for one of the members. However, I do not need to be elliptical about that. It is clearly on the public record that that was Synergy. Its change in billing system has certainly caused a significant increase in complaints to our office, as indeed have similar billing system changes caused significant increases in complaints for industry ombudsmen in eastern seaboard industry ombudsman schemes. That is the significant driver of increases over all of those billing system changes. However, there is also no question that the second reason is issues around rising tariffs. I note that the Economic Regulation Authority—as honourable members would know, it is the regulator for this area—notes the two same drivers in relation to increase in complaint numbers. They are the predominant two reasons.

Mr D.A. TEMPLEMAN: This may be able to be provided as supplementary information. The Ombudsman mentioned the significant increase since 2008–09. I would like to have the breakdown of that increase in percentage terms for each of the years—2008–09, 2009–10, 2010–11 and 2011–12—showing the increase in the number of complaints.

Mr C.J. Field: I will give this level of information to the honourable member. If it is not sufficient, I would be delighted to provide it as supplementary information, because we would have that for the member. Generally speaking, in relation to electricity complaints about Synergy, there has been a 375 per cent increase between 2008–09 and 2010–11.

Mr D.A. TEMPLEMAN: That is very significant. I would like the previous question with regard to breakdowns to be provided as supplementary information.

The SPEAKER: Mr Chair, for the information of members in the chamber, I will undertake to provide that information.

[*Supplementary Information No A1.*]

The CHAIRMAN: That is in order. The Speaker knows exactly which information is requested.

The SPEAKER: The member for Mandurah has been asking the questions. I think the Ombudsman has a very clear indication of what the member is seeking. We will certainly provide the information the member has asked.

Mr D.A. TEMPLEMAN: I just have a final clarifying question before we vote on this division. Do the queries include those about gas and water as well?

The SPEAKER: With respect to energy?

Mr D.A. TEMPLEMAN: I suppose with regard to gas certainly. Does the energy ombudsman have jurisdiction over gas as well? Does he have a comment about the increase in complaints on gas prices?

Mr C.J. Field: Water is not part of the energy ombudsman’s jurisdiction at this stage. There is a proposal before this Parliament for a water ombudsman scheme to be established, which is also proposed to be part of the energy ombudsman scheme, in which case it will become an energy and water ombudsman scheme. Just to make matters slightly confusing, though, the parliamentary ombudsman does have jurisdiction to deal with complaints in relation to water, but they have been relatively static over a long period. Gas complaints are a very small proportion of the energy ombudsman scheme complaints. It is almost all in electricity. Complaints about gas prices have also been relatively static.

Mr D.A. TEMPLEMAN: Have they increased?

Mr C.J. Field: They have been relatively static.

Mr D.A. TEMPLEMAN: Finally, with regard to petrol, does the Ombudsman respond to complaints about increases in petrol prices?

Mr C.J. Field: No, unless it was a complaint, for example, about the Department of Commerce in relation to work that it would do in this area such as FuelWatch petrol pricing—possibly. I think the best way to answer that question is to say no.

Mr D.A. TEMPLEMAN: Thank you.

Mr B.S. WYATT: I would like clarification on one of those points. Mr Field said there was a 375 per cent increase between 2008–09 and 2010–11. I know that he has undertaken to provide advice by way of supplementary information. Would he know off the top of his head what the real numbers are for 2010–11?

The SPEAKER: Do you know off the top of your head, Mr Field?

Mr C.J. Field: It is very close to the top of my head; it is nearly at my fingertips for the honourable member. Off the top of my head, in 2010–11 the overall complaints for the jurisdiction is around 4 000. Electricity was 3 790 complaints. The overall complaints received by the energy ombudsman of Western Australia was 4 043. For the member for Mandurah, it was 253, just to put the gas in perspective. For the member for Victoria Park, 3 790 were electricity complaints.

The appropriation was recommended.

[10.00 am]