

**STANDING COMMITTEE ON  
ESTIMATES AND FINANCIAL OPERATIONS**

**MISCELLANEOUS PROCEEDINGS**

**TRANSCRIPT OF EVIDENCE  
TAKEN AT PERTH  
MONDAY, 24 MAY 2010**

**Members**

**Hon Giz Watson (Chair)  
Hon Philip Gardiner (Deputy Chair)  
Hon Liz Behjat  
Hon Ken Travers  
Hon Ljiljanna Ravlich**

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**Hearing commenced at 2.40 pm****FIELD, MR CHRIS****Ombudsman, Parliamentary Commissioner for Administrative Investigations (Ombudsman), sworn and examined:****WHITE, MRS MARY****Assistant Ombudsman Strategic Services, Parliamentary Commissioner for Administrative Investigations (Ombudsman), sworn and examined:**

**The CHAIR:** On behalf of the committee, I would like to welcome you to the meeting, and before we begin, I am required to ask you take either an oath or an affirmation.

[Witnesses took the oath.]

**The CHAIR:** If you could now please state your full name and the capacity in which you appear before the committee.

**Mr Field:** Christopher James Field; I am the Western Australian Ombudsman.

**Mrs White:** I am Gwyneth Mary White; I am the Assistant Ombudsman, Strategic Services.

**The CHAIR:** Thanks very much. You will have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

**Mr Field:** Correct.

**Mrs White:** Yes.

**The CHAIR:** Thank you. The proceedings this afternoon are being recorded by Hansard and a copy of your transcript will be provided to you. To assist the committee and Hansard, please quote the full title of any document you might refer to during the course of this hearing, and please be aware of the microphones and try to speak directly into them. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. This prohibition does not, however, prevent you from discussing your public evidence generally once you leave this hearing.

I am not sure whether you would like to make an opening statement; otherwise, we will go to questions.

**Mr Field:** My only opening statement, Chair, would be to once again thank the committee for asking us to attend today. It is always a pleasure to appear before committees, obviously, as an officer of the Parliament, and to have that opportunity to speak to members of Parliament—particularly at this time of the year. So I thank you for that and I have, otherwise, no opening statement.

**The CHAIR:** Thank you, very much. I might ask if members have questions that they would like to start with? Hon Sue Ellery has the floor.

**Hon SUE ELLERY:** Thank you. I wrote to the committee and asked members if they would consider asking you to come along. You might have—I am sure you did—followed the debate in the Treasurer's Advance Authorisation Bill —

**Mr Field:** I did.

**Hon SUE ELLERY:** — recently before the house. What we asked about in that debate, which led me to ask for you to come here to perhaps expand upon the information that was given to us at the time, was that one of the reasons for that particular bill including the amount, I think, of \$300 000 for your agency was a 92 per cent increase in complaints, which is a pretty big number. We were not able to get any detail behind that at the time that bill was before the house. Really, what I would like to ask you about is that 92 per cent—it is a big number—and what were the drivers behind those complaints.

**Mr Field:** Absolutely. Can I also say, apart from the fact that I obviously did follow those debates and your interest in and questions on that matter—and also, I think, Hon Ken Travers' questions and interest—I also want to thank the committee for foreshadowing that information too because it has allowed us to actually make sure that we can give you the most full and appropriate answer. Although it is a matter that you would expect and hope we had already turned our minds too as well.

Look, I will give you a bit of prehistory to the 92 per cent because I think it is relevant. The Western Australian Ombudsman—and probably Ombudsman all around the country—experienced over a number of years a reasonably static position in relation to complaints. That is certainly the case for the Western Australian Ombudsman. We had, for a number of years, a really static line of complaints. So, for around five years, there was basically no growth or very marginal growth in numbers. What we started experiencing around the beginning of 2009 was a very slight trending up of those numbers. By the time you get to July 2009, you are seeing a rather large spike in those numbers. And that 92 per cent relates to the July 2009 to December 2009 period, which would have been the relevant period when we were talking to Treasury about various budgetary matters—hence the figure, indeed, in that actual bill. The 92 per cent, certainly, is a very significant number. What we have noticed since that time—and I think it is a really critical matter for members to understand—is a trend back down again. In the period January 2010 to April 2010, our trend is down to around 60 per cent; that is compared to the same period in the previous year. So you have seen a spike up, rather rapidly, off a long-term static base and then trending back down to, as I say, around 60 per cent for that four months this year. I would anticipate at this stage a further trending back down to probably close to historic levels. It is possibly too early to say. What we clearly see—I know that this does not work quite well for Hansard!—but if that was a graph, a fairly quick spike up and then a fairly rapid trending back down again.

Some other interesting information is that this has been reasonably universal. From my discussions with Australian and New Zealand Ombudsman colleagues, they have reported not quite the same level, but around 15 to 40 per cent has been the general level of reporting. But it sometimes depends on a complete apples-for-apples comparison when getting those numbers. But what they are definitely reporting is an increase in complaints in the same or very similar period, basically. So we are seeing that that has been a trend across a range of complaint-handling agencies and, indeed, beyond Ombudsman organisations, there has been a trend during that same period for an increase in complaints. We are certainly not alone with a spike up of complaints and a tendency of trending back down again.

Why? Why did that happen? We think the principal best explanation is the global financial crisis. There is a very high correlation to timing. You have got five years of basically no change. You get—as I say, I am only taking what is reported; I do not necessarily own the statements—what is widely reported as the single greatest financial crisis since the Great Depression and a high correlation of timing to this spiking up of complaints. And as we have seen—once again this is not

a political policy statement, just general reporting—Australia has done better than many other nations in coming out of that very quickly. You are also seeing, as I say, that 92 per cent coming down very quickly and trending back down. Once again, speaking generally to my colleagues in Australia and in New Zealand, and particularly the New Zealand Ombudsman, they similarly were saying, “We think probably the principal reason is the global financial crisis for what we see as the increase in complaints.”

I personally did not want to settle for that explanation. We have looked at a whole range of other potential reasons. Certainly, since I have come into the position, I have placed a very high priority on access and accessibility for my office. We have done some fairly extensive outreach programs to regional Western Australia. I have placed a high priority on a regional awareness program, where I and my colleagues at the Office of Health Review, the Information Commissioner, the Office of the Public Sector Standards Commissioner and the Public Sector Commissioner join to go out to regional Western Australia to talk about our offices to try to make them more accessible and people more aware. But by far and away, possibly the single most important part of that awareness campaign is raising our profile amongst Indigenous Western Australians. I know a matter that would be of interest to your expertise and background would be in relation to our child death review function. Certainly, there is a significant overrepresentation of Indigenous Western Australians in that area. Generally speaking, regional Western Australians have been underrepresented in my office by population distribution and Indigenous Western Australians have been significantly underrepresented. That was a situation that I thought that was preferably not tolerable and that we should do something about that. So we have done a lot of outreach activity. What is really interesting—and it partly goes to the 92 per cent; I doubt to the bulk of it, but to some of it—is the issue that where we have gone to regional areas, complaints from those areas are up around 113 per cent.

[2.50 pm]

**Mr Field:** Where we have not gone, they are down to about 19 per cent increase, so you can see that it has had a material impact. No-one welcomes an increase in complaints. I would say this: I have personally welcomed an increase in complaints from Indigenous Western Australians and I have welcomed the increase from regional Western Australians, getting it closer to the population distribution. A further matter we are going to do partly depends on where the trend line goes. If it continues to rapidly fall to historical levels, then it really would not be, on a cost-benefit basis, worthwhile doing a lot more work on trying to work out where those spikes come from in complaints. But we are going to institute for the first time in my office—it will be almost historic because we do not do this very much around the country; certainly from our office it will be historic—a complainant survey. We are going to ask people why they come into our office. We want to talk to them to find out why they are coming to us—what brings them to our office. As I say, I can certainly assure the honourable member that we have done a range of other things. We have spoken to departments, to colleagues and various others to try to work out where this complaint came from. But, as I say, the GFC is a principal driver. There is also our awareness activities, principally our regional program; access and awareness campaigns; and access to Indigenous Western Australians. We have done a range of other things such as website development and newsletters to slightly raise our profile. We have also looked at a range of ways we can communicate to the departments how to practise complaint handling and that has probably made us slightly more aware. Most of the complaints get dealt with at internal dispute resolution at the department level. But if they are more aware of us, of course, they might refer slightly more matters to us, hence the slight rise in complaints. This year we took responsibility from what is historically the Public Sector Commissioner responsibility for whole-of-government policy in relation to complaint handling and implementing that. It is a very sensible transition I think, but, once again, that happening might have slightly raised levels of awareness because we are now listed as a place you would come within that whole-of-government policy if a complaint cannot be resolved at an

agency level. I think, lastly, too we have this year undertaken for the first time in seven years a large-scale government complaint handling survey seeing how government agencies are going with complaint handling and, as part of filling out that questionnaire, that probably also would have raised awareness in departments of, firstly, if there is an intractable dispute, we should not forget that it can be sent through to the Ombudsman. There is a whole ream of reasons, if you like, for why things might have come through to us. I think the GFC is the principal one and I think regional awareness raising, and Indigenous outreach, is another major reason.

**Hon SUE ELLERY:** Can we unpack the economic downturn reason a little bit because, intuitively, it seemed to me that at a time of economic downturn the sorts of complaints that people would want to make would be with their financial institutions, perhaps with the people they pay their bills to?

**Mr Field:** Yes.

**Hon SUE ELLERY:** Which would certainly be some state government trading enterprises. But it did not intuitively fit with me that, in a time of economic downturn, people would be increasing the complaints they made about the state government. Following up the debate on the Treasurer's advance, I asked a question about categories to try to understand where they came from. Can you unpack that a bit; are we talking about people complaining about electricity bills or Homeswest? I could not make the link between complaints about state government agencies and the economic downturn

**Mr Field:** Yes; it is a good question. As I say, I do not suggest the GFC is the only driver; we think it is probably the principal driver. Once again, that is more the intuitive basis that if you see a very static level of complaints for a number of years, a very strong spiking up and a downturn and draw over the top of that graph the GFC position, it seems, intuitively, a very sensible deduction.

**Hon SUE ELLERY:** The timing is right.

**Mr Field:** That is right. As I say, it is something that many other Ombudsmen have drawn a conclusion about, but I do not think it is the only reason. In my previous response obviously I indicated a range of other reasons. In unpacking the departments, no; there is not a sense of standout in relation to particular departments that there is one department more than another. There is an across-the-board increase. There are variations within there. We are also not at the end of the financial year, so it is a little difficult to say at this stage where those things pan out. Certainly, when we put our annual report together, as those figures are every year, there is public reporting on them, so we will get a stronger sense then of exactly where departments have moved to in terms of changes from their previous baseline in relation to complaint numbers. When we looked at the numbers for departments, our sense was that there was not a really significant standout for more human service-type deliveries than others. You would expect, if anything, I suppose when we look at the figures at the end of the year, to fortify the GFC theory that there might be some sign of increase in human service-type areas of government service delivery.

**Hon SUE ELLERY:** Bill paying or something. There is no science behind what I am thinking. Intuitively, I am thinking that that kind of increase—global economic downturn, people counting their pennies, maybe they are complaining about not getting their energy bill on time or something like that. But if you do not have a sense, even a high-level sense, that there has definitely been an increase in complaints about bills, what is the link with the economic downturn? People are generally grumpy so they are complaining about everything. It does not make sense to me.

**Mr Field:** I think the member's question is an excellent one. When I was recently discussing questions with Australian and New Zealand Ombudsman Association colleagues, where all of them were discussing this very issue, some of us in the room, including me, raised the same sort of questions basically. We need to do more work. Hence the reason we will undertake this complainants survey to try to dig into those reasons at a greater level of detail. I do think it is worthwhile our doing a bit more work to try to find out why, if nothing else than because even

though it is trending back down, if it were to trend above long-term historic levels that would be an issue. We want to know why and we want to know how long it is going to go on for, or to try to find out more about how long it is going to go on for.

To come back to your billing issue, the billing issue would play out in our energy ombudsman's jurisdiction where there has also been an increase in complaints as well. It may well be that that does explain it. We think indeed the increase in the energy ombudsman area is in part to do with the GFC. Again, that one seems more, if you like, intuitively obvious—people struggling to pay their bills, therefore, they might have a greater reason to complain. That one certainly seems a bit more obvious on the face of it.

The GFC is not the only answer. There is clear evidence that the number of complaints we have received from our outreach programs to Indigenous and regional Western Australians has increased materially. That is an explanation. An explanation is also the fact that departments, I think, are becoming slightly more aware of the Ombudsman through a range of activities we are doing, working directly with departments in relation to good practice complaint handling, referring matters to us that are intractable for them to resolve. There is a range of potential explanations. We say the principal two are the GFC and the regional and Indigenous outreach. As I say, we are doing further work. Many of those I mentioned today are because of our further thinking and we will do further thinking again with this complainants survey. If it is to continue into next year and the out years and is at a material level above our historic baseline, the honourable member can be assured that we will have to do more work again. That will be a situation of not asking for one-off supplementary funding; it is potentially in the territory of maybe there is recurrent funding there. I will not go and seek more money from the taxpayer unless I have exhausted all the potential possibilities to the best of my ability. We have already done a lot of that work—a lot of due diligence about it—but we would have to do even more work again, I think.

**Hon SUE ELLERY:** Are the energy ombudsman figures counted in your figures?

**Mr Field:** No; they are separately reported. The energy ombudsman, as it is around the country, is an industry ombudsman model; it is a private company. In most states of Australia it exists as a private corporation and as a private body. It still publicly reports and has various accountabilities. In this state, it is largely a scale–scope economy issue, because to set something like that up for the number of complaints would be prohibitively expensive. Well before my time they asked the Ombudsman to undertake that activity effectively on contract from the board of the energy ombudsman, so that is what we do, but they still are separately reported. There is a separate annual report and separate figures are collated and kept.

[3.00 pm]

**Hon SUE ELLERY:** I appreciate you saying that you are not able to give us a sense that this group of agencies is more than that group of agencies, but if I absorb what you said earlier, your colleagues in other jurisdictions around Australia and New Zealand experienced an increase of—I wrote down—15 to 40 per cent.

**Mr Field:** That is a sort of a range and that is exactly the right number I said.

**Hon SUE ELLERY:** Over that period of time in Western Australia it was 92 per cent.

**Mr Field:** Correct.

**Hon SUE ELLERY:** We can take some of that down to your excellent work in advertising the services of your office, so let us be generous and say 20 per cent. There is still a significant gap between a 15 to 40 per cent range. Let us take 20 per cent off your 92 and bring you down to 70. There is still a significant differentiation between us and other Australian jurisdictions.

**Mr Field:** There is not quite an apples for apples there, though, because that 15 to sort of 40 per cent—and there are outliers at either end of that number—would be from the start of the 2009–10

fiscal year up till now. They are the figures that we have got. Remember, the 92 per cent was ours from July to December, so of course it will now be different because the recent trends have been back down again. It will not be sort of 15 to 40 per cent to 92; it will be 15 to 40 per cent to a lower number than 92 because of the trend back down. If it continues on that trend, we will not get to 40 per cent, but it certainly will be significantly less than 92.

**Hon SUE ELLERY:** And if I understood what you were saying before, you think where you are in the second part of that accounting period is around 60.

**Mr Field:** Year-on-year comparison for that former period, yes.

**Hon SUE ELLERY:** If the rest of them are 15 to 40 —

**Mr Field:** It is not insignificant.

**Hon SUE ELLERY:** — what is different about Western Australia?

**Mr Field:** I do not know that there is a real significance. Remember, in previous years other states would have reported significant increases in complaints that we have not reported. Often these were off very small bases of numbers too, so the percentages can be slightly misleading; we have to keep that in mind. We are dealing with about 1 000 complaints. You do not need a huge number of complaints—perhaps even one petition from a prison, for example—to really increase those numbers pretty significantly. If I was taking 100 000 complaints a year and it was a 90 per cent increase, that is much more material to me than off 1 000 complaints. The base number is fairly low, and so I think it changed the materiality for the percentage increase.

**Hon SUE ELLERY:** I will just give it one more try because I do not think I am any the wiser. I appreciate the explanation that you have given. Do you have a sense, if you do not have the science, of what that spike was really around?

**Mr Field:** As I say, I think the spike is down to potentially a range of reasons and I can only say that we still think the principal reason was the GFC, only because if you put one map over another one —

**Hon SUE ELLERY:** The timing.

**Mr Field:** — the timing was just so close. If you look at the regional outreach, there is a direct correlation between us going out to the regions and the increase in complaints. I do a very modest small appearance—I am not trying to be anything other than humble—on 6PR radio station on the *Nightline* program, which we do every couple of months, and there is a direct spike ongoing from that program with complaints as well. Those sort of outreach activities —

**Hon KEN TRAVERS:** And they probably ask for you by name the next morning, too!

**Mr Field:** They do indeed, and I think that might be the nature of Mr Mabury's program. We have been very targeted with that outreach. We have gone to people who we think have possibly a high level of vulnerability and have historically been underrepresented. That is a particular view of mine about Indigenous Western Australians from growing up in a regional centre, as I did in Victoria, for regional Western Australians, but also for other potential vulnerable populations, like students. We are now doing a lot of outreach to students and university students as well, so we are not targeting, if you like—this is no disrespect and you can include me in the equation—white Anglo-Saxon slightly better off males; we are trying to go to what we think are the more underrepresented population groups. As I say, in that sense I am a bit unapologetic that we have got a complaints increase. I think that is a good thing. I think that explains a bit of that 92 per cent, but, as I say, there are other factors. There has definitely been a raising of awareness of the Ombudsman as a third or final tier of resolution among departments in this state, where if they have got an intractable issue, refer it to the Ombudsman. As I say, we had our complaint-handling project, which was a survey to every government department in the state, saying "This is what we think is best practice; report against that." I think that would be partly of interest to people saying a couple of those ones we

might not be doing, including perhaps putting on our website you can go to the Ombudsman or putting in this brochure you can go to the Ombudsman. I think all the factors ultimately go together to explain that increase. But to the extent to which there should be more science and that to it—because I think there is a bit of science to that—we are also going to undertake this complainant survey, which will be a good qualitative, quantitative measure, a good scientific methodological process, to try to dig into the complaints that come in to us. This is a first for us and, I think, an important step. If this trend continues on with any significant and any material amount of our historic baseline, we will do further work to try to ascertain it. As I say, I am always willing to speak to the honourable member about that at any stage.

**Hon SUE ELLERY:** I suspect the answer to this is no because I think you probably would have told us if you knew this. Are you aware of any research which has shown generally that in times of economic recession more people complain about things?

**Mr Field:** I have not specifically asked for that sort of research. We would have to do it. We could certainly do some of that research. There is obviously a cost-benefit question to research as well, because we put most of our resources—as you would hope and expect—into resolving complaints.

**Hon SUE ELLERY:** Fixing the problems up?

**Mr Field:** That is exactly right. So we have a very limited research budget. We tend to spend it as wisely as we can and, because I was seeing the trend of a 92 per cent spike in a limited period trending back down relatively quickly, I thought to myself that I do not want to spend any inappropriate or disproportionate amount of money on research into that issue for that reason.

**Hon SUE ELLERY:** I mean past research.

**Mr Field:** From my personal experience—I have historically had some professional personal academic experience in complaint handling—I am not aware of that sort of research, but it could well exist and it could well be worthwhile for us to do a little bit of work on that. It intuitively would not strike me as surprising that in times of economic difficulty, people may be more inclined to complain or to have a high use of human services, a higher expectation potentially, and be somewhat disappointed when those expectations are not met and to use complaints. They are all possibilities. All I can say is that is not something that we have turned our mind to in any detail.

**Hon SUE ELLERY:** Thanks very much for that.

**Mr Field:** I thank the honourable member for her questions.

**Hon LJILJANNA RAVLICH:** I want to refer to the budget paper for 2010–11. I know you do not have it, but under “Significant Issues Impacting the Agency”, it actually refers to your office undertaking an increasingly diverse set of functions. In addition to your complaint handling and improved public administration function, your office also undertakes child death reviews and also looks at improved public administration functions. I have mentioned that one. You do inspection functions for telecommunication interception activities, deal with appeals from overseas students about the termination of their enrolment and undertake the role of the WA energy ombudsman.

**Mr Field:** Correct.

**Hon LJILJANNA RAVLICH:** I am just wondering, in terms of those increased functions, how do they come to you—by way of legislation or is it sometimes something that is just delegated to you through the Public Sector Commissioner?

**Mr Field:** In fact, I could probably deal with each one in turn, but looking at them in a total package, they come to us through legislative changes. Child death review, inspections function for telecommunications intercept activities, appeals from overseas students, and role of the Western Australian energy ombudsman are all legislative changes. They are all matters where Parliament has at some point turned its mind to whether my office should be undertaking those activities. As a slight preamble, it is absolutely the trend for ombudsmen all around the world, particularly



Australia and New Zealand, to have moved on from those core functions of complaint handling, broad administrative improvement to undertake a range of other integrity accountability type functions in the modern state. We are really no different to many others. The New South Wales ombudsman, for example, has around 200 staff and undertakes a very significant range of functions. It is a very definite trend for ombudsmen. I can assure the member that each one of those has a legislative underpinning and at some point Parliament has to turn its mind to whether this function should be done at all and if it should, should it be done by the ombudsman?

[3.10 pm]

**Hon LJILJANNA RAVLICH:** Is it fair to say that if the breadth of your role expands, you could expect to get an increase in the number of complaints lodged with you because you are servicing a broader area?

**Mr Field:** Some of those areas are not necessarily complaints focused. The child death review function is not a complaints jurisdiction; they are referrals for matters for review, so not all of them will and some of them might. As I said, we would always build that into our thinking about whether we should take the function. One of the important points about being an independent officer of Parliament is when those functions might be flagged, we might say, "We don't necessarily know that that is an appropriate function for the Ombudsman." Where we do think it is appropriate, we would consider all the circumstances, how we would resource, what implications it might have on other functions that we are undertaking and would it come with some sort of opportunity cost on something else we are doing? We would think about all those things and discuss that at the relevant time.

**Hon LJILJANNA RAVLICH:** Does your role in complaints management deal with the requirement where agencies also have to have a complaints management system in place, which is in accordance with the Australian standards of dealing with complaints, and how do you interface with that requirement of public sector agencies?

**Mr Field:** In multiple ways actually. It is really important to us that departments in this state, and local governments as well and universities in our jurisdiction, have excellent complaints management systems. The bulk of complaints are dealt with at that level, not at my level, and that is as it should be because it is more efficient and effective and it is about preserving relationships between people in the services they deal with. That is the way it transpires. Most of those departments, local governments and others will have a very strong mind towards the Australian standard. Government departments will need to be mindful and are required to follow the Premier's circular on complaint handling, which in itself was based on that Australian and now international standard. Those standards are important. We encourage departments, we work with them on that, we train the trainer and we proactively engage with them. We have worked with them very recently on how to deal with unreasonable complainants. We do work pretty extensively with departments in that area. I would say as a comment—it is something that will be borne out by some of the complaint handling surveys that we are currently undertaking—that Western Australian government agencies, possibly for a range of historical reasons, are excellent at dealing with complaints.

**Hon LJILJANNA RAVLICH:** Mr Field, are you aware that the Department of the Premier and Cabinet does not have a formal complaints management unit within its department and yet it should? Are you aware of any complaints that are managed by and referred to senior project officers within the department rather than having a specified complaints management unit within that organisation? Also, I understand that some of the matters that come into the Department of the Premier and Cabinet are not dealt with through a proper complaints management process within that organisation but some of those complaints were passed on to your office. Can you just explain why there is an exemption for the Department of the Premier and Cabinet?

**Mr Field:** I will answer the question in two ways. Firstly, to the extent to which that is a policy question for government and it has a complaints management process, I never comment upon

anything related to government policy so I will not comment on that. Secondly, in relation to the broader issue, complaints management policies, both under the Australian standard and under best practice, ultimately need to be fit for purpose. If you had a small local government that received no complaints or very few complaints, it would not make a lot of sense to them to have an incredibly expensive and elaborate complaint handling process because the Department of Education, which receives many complaints, will have a multiple tiered complaint handling process and deal with a range of different aspects of the Australian standard. We think it is proper to have fitness for purpose in terms of complaint handling processes internally within organisations. Indeed, that is what the Australian standard also relates to. In relation to the exact department you are talking about, that moves me to the area of policy and neither under this government nor under the former government do I ever talk about policy matters.

**Hon LJILJANNA RAVLICH:** Could you provide the committee with the number of complaints that have been referred to you through the Department of the Premier and Cabinet?

**Mr Field:** I do not have that figure off the top of my head. The honourable member may allow me to take that on notice. If we do not report it in the annual report, I think it is an entirely appropriate matter for the annual report and I am happy to do so.

*[Supplementary Information No A1.]*

**Hon LJILJANNA RAVLICH:** I have another question. I wonder whether you could take this on notice. This is in relation to your increasing diversity of functions. Could you provide the committee with the number of child death reviews that you have undertaken in the past financial year? How many inspections and functions for telecommunication interception services have you undertaken, if that information is available? How many appeals have you received from overseas students about the termination of their enrolments? Also, how many cases have you dealt with in the role of energy ombudsman?

**Mr Field:** Of course.

*[Supplementary Information No A2.]*

**Mr Field:** I will deal with the third and fourth questions on notice. That is publicly available information and I am delighted to share that with the member and the committee. In relation to the second question, I will not take that on notice, unless I take on notice the answer, which will be that I cannot tell you because that information is —

**Hon SUE ELLERY:** That is the really exciting bit.

**Mr Field:** Unfortunately, I will say to you what I said in my first year of estimates in the lower house, which is that the legislation precludes me from providing that information. That is the start and the end of the process with that.

**Hon KEN TRAVERS:** Can you whisper it to us?

**Mr Field:** I cannot even whisper it.

**Hon LJILJANNA RAVLICH:** If you cannot give us the number of intercepts, what can you tell us?

**Mr Field:** We put as much information as I am lawfully able to in an annual report every year. I can certainly refer the honourable member to last year's annual report and obviously my forthcoming annual report, which will contain as much information as I am able to do. I am precluded under the legislation from talking about the function of that aspect, including, for example, the number of warrants I inspect. Reports are given to both the Attorney General and the Minister for Police. As it turns out, the responsible ministers for the police and the CCC, whoever they are in any given government, are the ministers responsible for that administration. That was exactly the same situation under the former government as the current government. Until there is a change in the legislation, I am unable to do anything about that.

**Hon LJILJANNA RAVLICH:** Do you not want this report to be better than your last report?

**Mr Field:** As both a citizen and officer of the department, I am entirely in the hands of Parliament and its acts.

In relation to the first issue, the child death review jurisdiction, we have reviewed 58 referrals to us in the past 10-month period and 73 cases, which were backlog cases.

[3.20 pm]

Let me just be a little bit more precise about that: I inherited, from the Child Death Review Committee, 73 cases that it had not, at that stage, done. On the basis of its resolution rate, that was about five years' work. It was doing about 14 cases, on average, not each year exactly. I have now been undertaking the Child Death Review jurisdiction for 10 months and we have reviewed and closed 64 of those 73 cases, so the vast majority of them, in that 10-month period. In relation to new referrals, there are 58. We though, unlike the former Child Death Review Committee, are asking for a higher level of reporting in relation to child deaths. We are asking for sudden and unexpected child deaths under the coronial jurisdiction, and then we put another ruler over them, which is not specific jurisdiction, are they investigable or not. I know that Hon Sue Ellery will be very familiar with that jurisdiction. But the reason why we took the view that we wanted to hear a little bit more information about child deaths beyond just investigable but sudden or unexpected is because this was a learning area inasmuch that we wanted to find out as much as we possibly could about why children are dying in this state. Obviously, there are children beyond that under 18, who die; they are not either sudden or unexpected or investigable. We are dealing with that percentage. As I say, 58 cases have come through; we have already reviewed and closed the bulk of those, so that is the number for that.

**Hon LJILJANNA RAVLICH:** Can I just get a clarification of that number, because Hon Sue Ellery, who is here, actually asked a question on 30 March 2010 about how many child protection matters are currently under external review.

**Hon SUE ELLERY:** That is different.

**Hon LJILJANNA RAVLICH:** Was that different? Okay.

**Mr Field:** In fact, I was aware of the honourable member's question, and I think it was a different area she was pursuing at that time. It sounds almost trite to say it, but I will say it anyway: I do not think we have taken a jurisdiction more importantly. I think people would be aghast if we were not taking it importantly, and we have done an enormous amount of work in the last 10 months in removing that backlog and dealing with new case referrals and doing a very extensive amount of work in doing what we should be doing, which is ultimately working with not just the Department for Child Protection but a range of other agencies in this state to try to prevent preventable deaths of children. I certainly hope that in this year's annual report you will see further evidence of that work, and I hope, if I am given the privilege at some stage of coming to speak to you again, I will be able to tell you about the fact that we have perhaps prevented otherwise preventable child deaths in this state.

**The CHAIR:** I was just interested in the phone intercept issue. Does the legislation actually preclude you from providing information in confidence to a parliamentary committee as well?

**Mr Field:** Yes, basically what it says is that you can only give information to the minister who is responsible at that time for the administration of the CCC act and for the police function. So both under the former government and the current government we have only given reports to those ministers. What I have said each time when I have been asked in a parliamentary committee—or indeed publicly—is, “This is what the act says; this is what I must do.” Of course—it is entirely a policy matter; I have absolutely no view about it—it will always be possible for Parliament at some stage to change that. That is entirely a matter for Parliament.

**Hon KEN TRAVERS:** It would require the concurrence of the commonwealth Attorney-General, though, to change it. A lot of those issues are actually tied in to agreements with the commonwealth.

**Mr Field:** The honourable member makes an excellent point; there is a very strong correlation between the federal Attorney-General and the federal government on these issues. The federal department does put out slightly more information each year about this in a report that it does, but even that is very limited, and it is my understanding that it is around 12 months behind in its dataset. As I say, if I was telling you this information, if I was you I would be worried because I would be breaching the law.

**The CHAIR:** The annual reports that are tabled in the house only say how many applications were applied for and whether they were granted or not. That is all we get. I look at them every time they are tabled and there is not much information anywhere on it, even for those who are looking.

**Hon PHILIP GARDINER:** Just back to the original questions asked by Hon Sue Ellery and your referral to the timing and the correlation: if it is so universal that the number of inquiries or requests for information from the Ombudsman are the same around the whole of Australia, is that correlated to contracting expenditure being provided for the complaints in different departments; therefore, is it a shifting to you from the departments rather than a net increase? That may be a hard question to answer, but I would interested to know whether cutbacks have reflected that.

**Mr Field:** I think all I can say to the honourable member is that it is a question I am unable to answer. They are questions that have to be asked of the relevant ministers and CEOs of those departments. What I can say, though, is that I am not aware of any cutbacks or contractions in complaint handling areas that would have explained that increase. In fact, my view is very possibly slightly to the contrary; I actually think that most of the government departments in this state—this is not just today, this goes back over past few years, and this is an entirely non-partisan point because it applied during the former government as well—generally have excellent complaint handling methods. In fact, I think it is recognised around the country that many of our major departments with multiple-tier complaint handling have excellent complaint handling systems. I am not aware that agencies are not taking that seriously or that there are contracting resources. It is certainly not something we have measured or we think is an issue. But ultimately it is difficult for me to comment upon that; I am not aware, firsthand, of such a contraction or such a resource change.

**Hon PHILIP GARDINER:** Just to push that point a little bit further: it is a matter of judgement—I understand that you do not have the measures, but you could perhaps assess whether that is happening by the degree of seriousness of the complaints that you receive compared with previous years because you would understand that the departments would handle the questions. But if I am in a department and someone rings with a complaint, because I do not have my assistants, I may not be able to handle it, therefore I will give some answer that is unsatisfactory, after which they will go to you. Is that the kind of dynamic?

**Mr Field:** That is really, in many ways though, potentially a pre-increasing complaint number issue. It is an excellent observation, I think, because it is one that ombudsmen have observed for a number of years, that there was an increasing complexity of complaints coming through to ombudsmen. Generally speaking, if you saw ombudsmen's reports—indeed ours—over a number of years to Parliament, and other reports from other ombudsmen, they would not be reporting an increase in complaints, they would be reporting an increase in the complexity of complaints. That was largely put down to this: internal complaint handling systems in agencies are getting better. They are maturing and getting better. People are getting more savvy and smart about government services and the way they utilise them. What ultimately happens with that is, the easier ones sort of get filtered out, and what you are left with is the more intractable difficult ones. They are the ones that are coming through to the Ombudsman's office. That is a pre-increasing complaints

phenomenon trend that was probably observed—I think in our annual reports—probably for three or four years. Indeed, if you spoke to Australian and New Zealand ombudsmen, this is a right around the country trans-Tasman phenomenon, and they would have been reporting that same sort of change.

**Hon PHILIP GARDINER:** I have not looked at that complexity issue in your reporting to see whether that has increased. Obviously, it is an assessment that ombudsmen make, based on answer you have just given.

**Mr Field:** Correct.

**Hon PHILIP GARDINER:** It would be an interesting observation to see whether that trend is continuing or diminishing.

**Mr Field:** The honourable member is exactly right. Over the next few months we will look very closely at where these are going in relation to complaints. We will not just be looking at quantitative, we will be looking at qualitative as well. Give or take—it is not a strict apples for apples comparison—three, four years ago we had a complaint handling time that was sort of towards the bottom end of the league table, in terms of we had cases as old as six years in my office. We were taking 200-plus days; that was the average age of complaints. We are now down at sort of around 70-odd days average age for those complaints. The oldest case is around 21 months, which is soon to be closed. We have virtually no cases, in fact, over 12 months; they will all be closed very shortly. We will be the only office in the country with that sort of timeliness. At the last Australia–New Zealand Ombudsman Association conference I attended, one of the ombudsmen said we were the envy of the country in terms of our timeliness. We do not want to slip from there. It has taken us three or four years of a lot of hard work to get there, and both the quantity of complaints and the quality of complaints are a risk to that timeliness and a risk to that work. We will be looking at it very closely.

[3.30 pm]

**Hon PHILIP GARDINER:** In the earlier answers you gave to Hon Sue Ellery, and I may have misunderstood but I sensed that you have not analysed the topics on which the complaints have been coming in, especially with that growth, which I found to be extraordinary growth. If you were to analyse the complaints by topics, could you give an indication of the top five or six topics you might list in?

**Mr Field:** Those sorts of topics change a little from year to year, as do indeed the departments. The only reluctance I have, and it is a very modest reluctance, is that we tend to like to get to the end of the year to see a full year's picture. We are doing a lot of year-on-year comparisons and year-to-year ago comparisons and we sometimes notice that, even in the couple of months at the end of a financial year, you can get variations. I like to wait until I have got all those in. It is all publicly reported in the annual report and tabled in Parliament. I expect to be held to account to those as well. It is not a reluctance, but only to make sure that I have got the correct figures I am talking about. To answer your question though more generally, as of today, the departments are well represented in our complaints. The departments, basically, have the highest sort of clientele. They are departments like corrections, health and education. They are very large departments with a huge number of clients and you tend to get high representations in those departments. Local government has a very high representation; that is, local government taken as a whole and not just one given local government. As I said the education area—I am talking about not only secondary and primary but also the overseas student and general tertiary sector. If you look at things like education, corrections, health and police, even though the police jurisdiction is largely with the CCC you still get a range of complaints about police—those are the sorts of departments that are complained about. If you look at our annual reports they are relatively the same year on year. The sort of areas that people complain about are delays in things that they have applied for that have not been granted; record keeping problems, actually requesting records or trying to get access to records that

it has not been possible to give to them; reasons for a decision—a very significant number of people want to get a sense of, “That is the decision, sure, but what are the reasons behind it?” Sometimes it is about people wanting a remedy or an apology. Those generally tend to be fairly similar year on year. The main things that people want from ombudsmen and the sorts of departments they complain about are not hugely different year on year.

**Hon PHILIP GARDINER:** That is helpful. I refer to your outreach policy, which sounds terrific. Do the other states, with their increases in requests for information and so on, have similar outreach programs to the one you are conducting?

**Mr Field:** Most ombudsmen—I am not intimately familiar with all of their programs, but generally speaking you would find that almost all of the ombudsmen around the country, particularly those on the eastern seaboard that are slightly bigger ombudsmen—Victoria, New South Wales and Queensland—have reasonably good outreach programs. I know that New Zealand does and it would have, of course, similar desires for both regional and indigenous outreach in that country. We have a particular challenge in this state. I had been in Victoria for 40 years and now, for the past three years, a proud Western Australian. It is such a vast state. We have a particular challenge in Western Australia because it is such a geographically vast state. We also have particular challenges that we must continue to address on so many different levels. I am only just one of them, as the ombudsman, in relation to Indigenous Western Australians. I see that as a challenge and it might be slightly different to other states. Perhaps the focus areas, the exact way it is done, is slightly different. I think you would find that most of the states take outreach seriously. You cannot just be an ombudsman for those who are ready, willing and able and well versed in government services and complaints handling who live in the metropolitan region. I would be failing in my job if that were the case.

**Hon PHILIP GARDINER:** I find that very encouraging. Thank you.

**Hon LIZ BEHJAT:** Even though there has been a 92 per cent increase in the number of complaints that you are handling. From the budget papers we see that there has been quite a marked decrease in the average cost per finalised allegation. You say that it is due to an increased efficiency in complaint handling. Does that increased efficiency come around by way of the fact that the increase in complaints is because they are all very similar and when one comes to you someone says, “Well, I know how to handle that, because we have done that.” Is that considered an efficiency or is the efficiency in the actual way that you are handling the complaint?

**Mr Field:** It would be a combination of both, but probably more the latter than the former. Humility will prevent me from saying it is any great management response on my part. It is absolutely true to say that we have made some pretty extraordinary progress in relation to the time of handling complaints in the past three to four years. Much of that was about an initial restructure of the office to make sure that we were putting as much of our resourcing as we possibly could into complaint handling. We have been fairly and appropriately heard in our budget submissions by the former and the current government. They have both supported the office. It is a terrific reflection of the bipartisan nature and independent nature of my office. There has been support to ensure that we are able to do that. We have put an enormous amount of work into what I would call management efficiencies and improvements, including developing very strong precedent systems, which goes to the question of like-for-like matters being dealt the same. You do not want one letter to be written on this case and in a similar case the wheel is re-invented. We have a very strong precedent database now. We have very strong communication mechanisms and a very strong established corporate executive with very clear management responsibilities among those. The assistant ombudsmen are kept to account to me in relation to the deliverables and, ultimately, to you in relation to what I am delivering. We put strong accountabilities in place and very strong management processes in place. It is no accident that we have got to where we have got to. There is always some good fortune —

**Hon LJILJANNA RAVLICH:** I refer to your response in relation to a request for a breakdown of the data. I have to say, given that we are now only a month and a week out from the end of this financial year, I am wondering why it would be so difficult to actually collate that data to give the committee an indication or a breakdown of the respective categories of complaints and the agencies that they come from so that the committee can do the work that it needs to do.

**Mr Field:** Of course. In the actual complaints, from the data I have seen thus far, there is no significant difference in the previous year's datasets. What you are talking about is an increase in complaints; not a qualitative change in those. Instead of getting one complaint about this issue you might get two. It is not as though there is a whole bunch of new complaint areas necessarily that we are basically seeing. We have seen some increases in areas like housing and works and housing numbers. Some departments might be slightly higher than others. But once again when you look at trend lines there are some a bit below and some a bit above. Given the materiality of the numbers, there is nothing to me that says—some are slightly below and some are slightly above —

**Hon LJILJANNA RAVLICH:** I think you are missing the point. What I am saying is that we would like to see that information. I cannot see why there is any reason that the information in terms of types of request and the categories of complaint, together with the agencies that they come from cannot be provided to the committee, even though we are now five weeks out from the end of the financial year.

**Mr Field:** It would be very unusual for me to provide that information prior to my annual reporting, which is a report to the full Parliament and my statutory responsibility to do so. I would always be nervous to do it because—remember that the other thing that has to happen with the data before it goes into the annual report is that it goes through a full quality assurance process in terms of my organisation. We check, double check and triple check the data. If there were an outlying number, we would potentially raise that with the departments. For me, it would be something that would be unusual. Certainly in my time as Ombudsman, I have not been requested to do that. I think that the proper time for doing that is the annual reporting period. As an officer of the Parliament, I have a special responsibility to report annually to the Parliament and I expect everything in there to be subject to forensic investigation, analysis and questioning.

[3.40 pm]

**Hon LJILJANNA RAVLICH:** I would have thought that given that this is a committee of the Parliament, you would be reporting to the Parliament.

**Mr Field:** My responsibility is to report to the whole of Parliament. Can I say to the honourable member, that if you look at the qualitative nature of the complaints—I am absolutely happy to say this—there is nothing there that says to me they are dramatically—they are not qualitatively hugely different. The second thing I would say is that if there is a trend line of somewhere between 60 and 90 per cent, depending on where it ends at the end of the year, and once again we are speculating on where that will end, but let us say it ends at a 50 per cent increase overall for the year, some agencies will be right on the 50 mark, some will be below and some will be above. I do not see huge outliers in that, or to the extent that any one has a huge outlier, it might be because they received two complaints in the previous year and six in the next. That would be a report of a multiple hundred per cent increase but it would not be a meaningful percentage to express because it was off such an incredibly low base.

**Hon SUE ELLERY:** Are you familiar with Redress WA?

**Mr Field:** I am indeed.

**Hon SUE ELLERY:** Can you tell us whether you have had any complaints about that to date and what role, if any, do you anticipate playing in what has been described as the “appeals process”, once people receive their offer of payment but they are not happy with what they have been offered?

**Mr Field:** I have been broadly briefed on that. At this stage, I am not aware that we received any more than a small handful of complaints. It might be between two and five. As I said, that is a guess; it is certainly not an extensive number. We see our role in that area as a critical role of independence and accountability. If complaints about the potential Redress payment are not able to be resolved at that level, they can and will be encouraged to go to us by us and Redress WA and we will give those complainants what anyone would get from us, which is a very full examination of the issue they raise. As I say, at this stage I understand that it involves only a handful of complaints. We are monitoring that.

**Hon SUE ELLERY:** Payments have already started.

**Mr Field:** Correct. We are monitoring it. Many areas, particularly the newly emerging processes, are put straight onto my high-risk assessment in the corporate executive process. We say that we need to monitor that and see where it is going. If it was going to trend up, we would need to do more work in considering what would be the workload implications of that for us and also whether it reveals any systemic issues with the way the complaints have been dealt with by that particular organisation. At this stage, that certainly has not arisen in my organisation. We do not have any concerns that the number of complaints are up dramatically. I cannot be quoted on the figure because I am not sure of the precise number, but I think it is only two or five. It is only a handful.

**Hon SUE ELLERY:** Would you be able to provide us with the number?

**Mr Field:** I would be delighted to do so.

*[Supplementary Information No A3.]*

**Hon KEN TRAVERS:** You said earlier that you might get one petition from a prison, and that could significantly increase the number of complaints you have received.

**Mr Field:** Yes.

**Hon KEN TRAVERS:** Does that occur often? When you talk about a prisoner, are you talking about one or two people signing a single complaint or 100 prisoners?

**Mr Field:** It has occurred throughout the history of the Western Australian Ombudsman. I am guessing that that is an issue for ombudsmen all around the country. You get situations where prisoners will have a shared interest in a particular service. For example, the hot water service might not be running for long enough or is not hot enough or the food is not an appropriate quality or the servings are too small or there is not enough time for recreational activities. If there is a collective interest in that, they will undertake a petition process. The petition could be anywhere between a handful of prisoners to 60 or 80 prisoners. They happen from time to time. As I say, we would be no different in receiving those petitions from time to time.

**Hon KEN TRAVERS:** Would each one of those people be considered a separate complainant?

**Mr Field:** We will consider each as a separate complainant. It is an interesting issue. The views of the ombudsmen move about on whether they should be considered as one or multiple. The problem is that if you consider them as one, an infinitely more amount of work is involved than if it were one complainant. If you consider them as multiple, it is not quite the same level of work. When we do our end-of-the-year annual public reporting, we always factor in if there was a petition in that because we would never want to mislead anyone by saying that there was an outrageously high number of complaints if, for example, almost all of those were petitions. As I say, there have been one or two petitions this year. If you adjusted that against the 92 per cent, it would not make a hugely material change to that number.

**Hon KEN TRAVERS:** You started talking about that and both housing and works. The 92 per cent seems to be linked to the global financial crisis. It struck me that at the same time we were talking about that, there was a rapid increase in the overcrowding of prisons during the period of your increase. If you think about housing and works, there was also a rapid increase in the number of



people on the waiting list. You might argue that the increase in the waiting list for housing and works had some linkage to the global financial crisis. I wondered whether that was not part of the factor in terms of the overcrowding of prisons. Maybe you can assure us that it is not—that the overcrowding in prisons and the dramatic increase in the waiting list both occurred in that six-month period in the second half of 2009, were occurring at that time.

**Mr Field:** As I said, we will wait until we have finalised the figures at the end of the year, but as Hon Ljiljanna Ravlich has pointed out, it is getting close to that time and we are starting to get a handle on it —

**Hon KEN TRAVERS:** I understand the answer you gave to Hon Ljiljanna Ravlich.

**Mr Field:** I will give you a bit more information. My understanding with the prison complaints is that they are actually below the trend line. If you add in some of the petition issues, they are above the trend line. You are getting that situation. People do not generally complain to us about overcrowding. That is not to say—I understand that it is on the public record—that there have not been overcrowding issues.

**Hon KEN TRAVERS:** The sorts of things that you are talking about flow on from overcrowding.

**Mr Field:** That is right. Do not let me dissemble on that. My understanding is that overcrowding is bipartisan and accepted on the public record issue. People are saying that there has been some overcrowding of prisons. I simply say that people do not complain to us about overcrowding; they will complain to us about food and other things, which potentially could be a result of the overcrowding issues. We will continue to look at those issues as we go through this annual reporting phase and put that report together, as to whether we think any of those issues have given rise to that. Interestingly, at this stage it is a below trend number in terms of non-petition complaints from prisoners, but if you add the petitions, it is above the trend.

**Hon KEN TRAVERS:** I understood the answer that you gave to Hon Ljiljanna Ravlich. You said that it was the global financial crisis. It struck me that those two events were occurring simultaneously to the global financial crisis in the second half of last year, and both have probably, in terms of the dramatic increases, tapered off since that time to some degree.

Another thing I am interested in is you were saying that at the time that you put in the money for the Treasurer's advance when we dealt with it in the house, there was the 92 per cent spike and that that has since tapered way. I also note that your final figure that you expect to now get under the Treasurer's advance—at that stage you were given \$300 000 for the rest of this year under the Treasurer's advance—now the final figure that you are expecting to get under the Treasurer's advance is \$500 000, but you are telling us that that dramatic increase has tapered off.

**Mr Field:** No, the \$300 000 has not changed. That is a supplementary funding request.

**Hon KEN TRAVERS:** According to the advice given in budget paper No 3, they are now saying that you will get \$500 000 in supplementary funding.

[3.50 pm]

**Mrs White:** Thank you!

**Hon KEN TRAVERS:** I will just double check it, but, if you look, the estimated actual appropriation goes from \$5 211 000 to \$5 753 000, which would also suggest \$500 000 not \$300 000.

**Mr Field:** I will say this to the honourable member—I am on public and private record as saying taxpayers' money should be spent as little as possible, including by my office. If I am getting \$200 000 more, I would give every cent of it back. We asked for \$300 000, and that is all we require.

**Hon KEN TRAVERS:** On page 203 of budget paper No 3 under “The Parliamentary Commissioner for Administrative Investigations” —

**Mr Field:** Before I clarify something that my assistant ombudsman brought to my attention, let me be clear about what we did in relation to that funding, which has a very good prehistory. We did not ask for anything in the beginning because there was a very modest change at the start of 2009, but when we saw that spike happen, our immediate response was not to panic, it may be a one-off anomaly—a one-month anomaly. I then called upon some additional discretionary efforts from staff. We are pretty efficient, if not highly efficient. There was not much room to move. I then moved to move resources from two other parts of my organisation—the strategic services part and the administrative improvement arm—into the complaint handling area to assist with what was then becoming quite a large spike in complaints. Then, in around September, we had to recruit some staff and enter into a dialogue with Treasury saying that if this continues we will have to seek some supplementary funding. Three hundred thousand covers that three and a half FTE that we put on to cover that. Of course, that \$300 000 represents something like a five to six per cent budget increase—not recurrent—for that year compared to a one-off 50 to 60 per cent increase in our core business workload. The only thing I can explain about that \$500 000, which I have not heard about before, is possibly it is to do with adjustments to depreciation and the leave liability issue, so it is including some numbers that are not that \$300 000 supplementary funding. We have certainly not sought \$500 000 supplementary funding. I will not be taking receipt of it. I will give the other \$200 000 back. We have only sought \$300 000 and that is all I need. I am not envisaging next year seeking supplementary at this stage, let alone recurrent funding. We will have to see where the trends go in relation to complaints. As I say though, that \$500 000 is certainly not the supplementary funding that we have requested. It is possible, as my assistant ombudsman indicated to me, that it could be for depreciation adjustments and leave liability corrections that are being reported in the budget papers.

**Hon KEN TRAVERS:** Looking in the budget papers at depreciation and amortisation, the budget estimate was \$113 000 up to \$257 000, which indicates you are still getting \$50 000 extra in the way it is written up. The total estimated appropriation for 2009–10 jumped by \$540 000-odd, according to the budget papers, so that is interesting. Could you take that up with Treasury, and take it on notice even?

**Mr Field:** We will be very happy to take that question on notice and to clarify it. I want to give you the absolute assurance that we sought \$300 000, which we thought was the minimum to the cent that we could ask for to cover the issues. I have no intention of receiving any more to cover that backlog period. I have no intention at this stage—it is presently not my intention—to ask for any more supplementary funding in the 2010-11 year nor any recurrent funding. It is simply an issue of where do the numbers go against baseline.

*[Supplementary Information No A4.]*

**Hon KEN TRAVERS:** I understand if you are not able to answer these questions now, because they do relate to this year’s budget and you were not necessarily invited here formally on that matter. However, since then someone finally gave us the budget to have a look at. I am interested in two things. The interesting trend for your budget, both on what was expected in this year and then over the forward estimates is a jump in the amount of restricted cash that you are holding under non-current assets.

**The CHAIR:** Is that page 68?

**Hon KEN TRAVERS:** Yes. It goes from \$66 000 to \$80 000 to \$94 000 to \$109 000 and then to \$124 000. What would be driving that?

**Mr Field:** It would terribly unfortunate if I came here with my assistant and she did not say anything for the whole hearing, so I am going to hand over to her.

**Mrs White:** The restricted cash is to cover the salaries. Every 11 years the twenty-seventh pay comes in, and we need to put aside a proportion each year; it accumulates until the year in which we have that and then it goes back to zero again.

**Hon KEN TRAVERS:** That is what is driving that one. The other question relates to holding account receivables under current assets, which fluctuate a bit and then in year 4 there is nothing listed in holding account receivables. Is that a result of the way in which Treasury does your estimates?

**Mrs White:** Because we are a small organisation we have varying degrees of capital purchases each year. For example, in small organisations, one year we might have two photocopiers and then the next year none. We often have fluctuations in our holding account receivables. That is a normal practice for us. In the final year, they usually do not approve it until the subsequent year.

**Hon KEN TRAVERS:** That is the way Treasury manages those things. They do not expect you to have anything in there, and they give you permission later.

**Mrs White:** Yes.

**The CHAIR:** I have a question relating to page 63 of this year's budget papers in regard to recommendations accepted by agencies. I was very impressed that it was 100 per cent across the board. I was interested in how many cases you are talking about. Is that a high actual figure? In terms of real numbers is that quite high? Are recommendations made in every case or only in certain cases?

**Mr Field:** I will answer that with one very slight preamble to say that something we have done—and which I have noticed from my recent conversations with my Australian and New Zealand ombudsman colleagues—and which all ombudsmen appear to be moving toward is thinking about a regulatory toolkit and the fact that there are lots of tools in the toolkit to achieve administrative improvements. Historically, there has been a large report with a series of recommendations at the end, which are accepted or not accepted as the case may be. There is a range of other ways of to achieve administrative improvements and we are exploring many of those on a day-to-day basis. However, investigations, reports and recommendations are still a core business item for the Ombudsman and still an important one, and we do place a lot of pride in having 100 per cent of our recommendations accepted, which I think is the highest in the country. The number that we are putting forward for estimated actuals in the budget target is 40. That will usually be about the same number of cases, but there may be multiple recommendations in any given case. Potentially we could have 20 investigations and one could have five recommendations, one could have one recommendation and one could have three recommendations; so there will not be a direct correlation between number of recommendations and number of cases. But, generally speaking, most cases will have only one or two recommendations.

**The CHAIR:** When it says the recommendations are accepted by the agencies is it simply that they write back saying they will do that, or is it more tangible? I am familiar with committee reports and the government saying it agrees but then does not actually do anything.

**Mr Field:** I can assure the chair that we would not let them off that easily.

**The CHAIR:** Good.

**Mr Field:** We have a really strong process, which we are strengthening now, to follow up on those recommendations to see not only that they said they were implemented but what they have done to implement them. Indeed, we will be doing an additional process in 2011 where we will go back and do an audit of exactly what was done and how it was improved. It is not just what was done, but how it is material to improvements to public service and to the services that are being provided. It will be a new initiative of our office. We are excited about doing that. You are absolutely right. There are two problems: we make recommendations and people say yes but they do not implement them; or they do implement them but the cultural change, the real changes that are required to

improve the problems that gave rise to the recommendations in the first place are not being incorporated. We want to make sure that both of those things are being analysed by us. As I say, we will be doing more work on that in 2011.

[4.00 pm]

**The CHAIR:** Has 100 per cent been the kind of figure over time? Obviously 100 per cent is the best you can expect.

**Mr Field:** It has been the figure during my time as Ombudsman and in my predecessor's time it was relatively close. It was in the high 90s. We have got to 100 per cent each year that I have been Ombudsman, and prior to that it was still at a very high rate.

**The CHAIR:** Is there an argument that if you are getting 100 per cent compliance, perhaps you not asking for enough?

**Mr Field:** Absolutely.

**The CHAIR:** It is an interesting figure. You do not often see it in reports.

**Mr Field:** The Chair is saying nothing—I have strongly asked it myself; in fact, in my most recent speech I said that perhaps we are not asking and perhaps we are not being tough enough. So we ourselves are making sure that we, when we are doing our recommendations, are running those. All recommendations are signed off by me personally. I run the ruler over them and we are also running the ruler over them and we will be increasingly in terms of what material changes they make. I think there are two explanations principally for why you get 100 per cent acceptance rate. The Ombudsman is well regarded for being proportionate, evidence based, robust in addressing his or her processes and ensuring that the recommendations are ones that seem commonsense and appropriate to accept. I would like to think that a large part of why we have got 100 per cent is the first. We have introduced very rigorous processes, very strong evidence-based processes for the work that we do, but humility and commonsense dictate that we have to keep in mind that possibility that sometimes perhaps the recommendations are too easy to accept, so we are going to keep that in mind and we are going to continue to work on that aspect as well. At this stage I would largely like to think it is the former. There is a possibility of a second, and we will continue to get it.

**The CHAIR:** I suppose from the perspective of a member of Parliament, we often have constituents who have concerns about departments and I get similar sorts of queries to those that come to you. I am not sure that the public are 100 per cent happy yet, but then that might be because you will never please all of the people all of the time and there will always be people who might lodge a complaint and still not be happy with the outcome. I guess you are still going to get that.

**Mr Field:** That is just completely right. The reality is that those 100 per cent of recommendations accepted will often only be palliative and fixing areas in certain parts of administration. There will always be other parts that we have not yet—that departments have not got to yet and that perhaps even complaints have not brought to anyone's attention yet in any systemic way. We certainly see our job as being incremental over time. Perhaps 100 per cent acceptance and happiness with all government services is a time in the future, but it is not that time now.

**The CHAIR:** That is a little too much of a high target to expect. Thank you very much of your attendance this afternoon. It has been very useful. Hon Sue Ellery asked me to apologise because she had to leave early. Thank you very much for answering the questions that we have had this afternoon.

**Mr Field:** I will only say in closing that it really is a privilege and pleasure to appear before you and I thank you for your questions.

**The CHAIR:** Thank you very much.

**Hearing concluded at 4.03 pm**