



**Ombudsman
Western Australia**

Annual Report 2010-11

**The President of
the Legislative Council**



**The Speaker of the
Legislative Assembly**

In accordance with Section 63 of the *Financial Management Act 2006*, I submit to Parliament the Annual Report for the Parliamentary Commissioner for Administrative Investigations for the year ended 30 June 2011. The report has been prepared in accordance with the provisions of the *Financial Management Act 2006* and the *Parliamentary Commissioner Act 1971*.

A handwritten signature in blue ink, appearing to read 'Chris Field'.

**Chris Field
Western Australian Ombudsman**

28 September 2011

About this Report

This report describes the functions and operations of the Ombudsman Western Australia for the year ending 30 June 2011.

It is available in print and electronic viewing format to optimise accessibility and ease of navigation. It can also be made available in alternative formats to meet the needs of people with a disability. Requests should be directed to the Communications Manager at (08) 9220 7555 or publications@ombudsman.wa.gov.au.

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First published by Ombudsman Western Australia in September 2011. This report was written, designed, printed and converted for electronic viewing in-house.

ISSN: 1832-245X

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Ombudsman's Report

It gives me great pleasure to present the 2010-11 Annual Report of the Western Australian Ombudsman. The Ombudsman's principal functions are:

- To investigate and resolve complaints about the administration of the responsibilities of public authorities;
- Building on the knowledge gained from the investigation and resolution of complaints, undertake a range of activities to improve public administration over time; and
- To review certain child deaths.



The Ombudsman also undertakes a number of other important functions including telecommunications interception inspections, reviewing appeals by overseas students, investigating public interest disclosures and delivering services to the Indian Ocean Territories. Finally, the Ombudsman also concurrently holds the role of Energy Ombudsman and State Records Commissioner.

Resolving complaints is the core function of the Ombudsman. A key objective over the last five years has been to improve the quality, timeliness and efficiency of our complaint handling and we have introduced a range of strategies to achieve this objective. These strategies have led to an 84 percent reduction of open complaints older than six months over the last five years. We have also achieved a 96 percent reduction in open complaints older than twelve months, with only two complaints older than twelve months as at 30 June 2011. In doing so, the cost of finalising allegations has reduced for the third consecutive year.

Early resolution of complaints is good for complainants, public authorities and taxpayers. Our continued strong emphasis on early resolution of complaints has resulted in four out of five complaints received by us being finalised within three months, and many much earlier than this.

Building on the knowledge gained from the investigation and resolution of complaints, this year we undertook several activities designed to improve public administration, including publication of guidelines, workshops, training and capacity building. We also undertook investigations based on the patterns, trends and themes that arose from the resolution of individual complaints, referred to as own motion investigations. Own motion investigations are evidence-based and are designed to lead to recommendations for administrative improvement which are practical, proportionate, well-targeted (including consideration of unintended consequences) and cost-beneficial. This year we issued a major report arising from an own motion investigation titled *The Management of Personal Information – Good Practice and Opportunities for Improvement*. The report identified many good practices in the three State Government agencies who participated in the investigation. The report also identified opportunities for improvement. In light of agreed good practice principles, combined with the good practices and opportunities for improvement observed during the investigation, we developed a self-assessment checklist that can be used to assist all State Government agencies consider their management of personal information.

On 30 June 2009 the Ombudsman commenced a critical new function to review certain child deaths. We have undertaken a significant level of work in relation to this function this year, including reviewing child deaths, identifying patterns and trends arising from these reviews and, learning from these reviews, seeking to improve the administration of the responsibilities of the Department for Child Protection and other relevant public authorities to prevent or reduce child deaths. We are undertaking two major own motion investigations into issues identified arising from our reviews. These own motion investigations are examining planning for children in the care of the Department for Child Protection and infant deaths. Reflecting the additional knowledge that we have gained in the second year of the operation of this most important of functions, we have significantly expanded the information about child death reviews in this report.

A key theme that regularly arises across each of our functions is the critically important nature of effective collaboration and cooperation between public authorities. While it will often be appropriate, or indeed required, that there is a 'lead' agency responsible for service delivery, many government services are best delivered where there is both a clear respect for, commitment to, and delivery on, effective cooperation between agencies with shared public interest objectives.

In a particularly busy and productive year, I take this opportunity to thank each member of my staff for their contribution to our work. The achievements of our office are as a direct result of a very hard-working, committed and skilled team. They are also a result of our strong collaborative work with a range of other public sector agencies, including with fellow members of the Integrity Coordinating Group, namely the Public Sector Commissioner, the Auditor General, the Information Commissioner and the Corruption and Crime Commissioner.

Western Australians should expect the office of the Ombudsman to provide independent and impartial resolution of their complaints in a timely, effective and efficient manner. Moreover, Western Australians should expect my office to ensure that the laws of the Parliament are being administered correctly, and in doing so, contribute to the maintenance of government hallmarked by integrity, accountability, responsiveness and respect for the rule of law. I am confident that we have met these expectations this year.



Chris Field
Western Australian Ombudsman

Highlights 2010-11

Complaints

Complaints and Enquiries

There were 8,190 contacts with the office, including:

- 6,220 enquiries; and
- 1,970 complaints.

Timely Complaint Handling

Timely complaint handling in 2010-11 meant that:

- 78% of allegations were finalised within 3 months and 96% were finalised within 12 months.
- 68% of allegations on hand at 30 June 2011 were less than 3 months old and 98% were less than 12 months old.

Reducing Aged Complaints

A continued focus on eliminating aged complaints has resulted in significant improvements over the last five years including:

- 96% reduction of open complaints over 12 months old with 2 complaints over 12 months on 30 June 2011 compared to 53 on 30 June 2006.
- 84% reduction of open complaints over 6 months old with 18 complaints over 6 months on 30 June 2011 compared to 110 on 30 June 2006.
- The average age of open complaints has decreased by 72%.

Efficient Complaint Handling

- The cost of finalising allegations has reduced for the third consecutive year from \$1,999 per allegation finalised in 2009-10 to \$1,899 in 2010-11.

Child Death Reviews

- There were 31 child deaths that were investigable.
- Timely review processes have resulted in:
 - 57% of reviews completed within 3 months; and
 - 87% of reviews completed within 6 months.
- Important patterns and trends in relation to child deaths have been identified.
- As a result of child death reviews, improvements to public administration, designed to prevent or reduce child deaths, have been achieved.
- Significant work has been undertaken on two major own motion investigations relating to deaths of infants and planning for children in care.

Administrative Improvement

- Complaints to the Ombudsman resulted in improvements to administrative decision making and practices.
- A report of an own motion investigation on the management of personal information highlighted good practices and opportunities for improvement and provided a self assessment checklist for use by public authorities.
- Workshops and guidelines have provided targeted assistance to staff in public authorities to strengthen their capacity in complaint handling and decision making.

Collaboration and Access to Services

- Collaboration with other accountability agencies including the coordination of the Integrity Coordinating Group Forum 2011 and launch of the *Integrity in Decision Making* product developed by the Integrity Coordinating Group.
- Access for Indigenous people continued to be a focus through strategies to strengthen networks, particularly for people in rural and remote locations.
- Regional visits continued to enhance access to Ombudsman services through visits to the Great Southern Region, the Indian Ocean Territories and Wiluna.

Our Vision, Mission and Values

Our Vision

Fair, accountable and responsive decision making and practices by public authorities.

Our Mission

To serve Parliament and Western Australians by:

- Resolving complaints about the decision making of public authorities; and
- Improving the standard of public administration.

Our Values

- **Fair:** We observe procedural fairness at all times, use a 'no surprises' approach in all of our work and provide our services equitably to all Western Australians.
- **Independent:** The Ombudsman is an officer of the Parliament, independent of the Government of the day and independent of all parties in dispute.
- **Accountable:** We should be, and are, accountable for our performance and proper expenditure of taxpayers' money. Being accountable means being:
 - **Rigorous:** We undertake work that is important to the community and our decisions are supported by appropriate evidence.
 - **Responsible:** All recommendations for change to public administration must be practical and proportionate to the problem identified and must demonstrate a net public benefit.
 - **Efficient:** We undertake our work in a timely way at least cost. We value working with other agencies that further good public administration but we should never duplicate their work.



Our Office

This section provides an overview of the Ombudsman's office and a discussion of the significant issues impacting on the office during the past year and into the future.

- **The Role of the Ombudsman**
- **Performance Management Framework**
- **Operational Structure**
- **Strategic Focus**

The Role of the Ombudsman

The Parliamentary Commissioner for Administrative Investigations – more commonly known as the Ombudsman – is an independent officer of the Western Australian Parliament. The Ombudsman is responsible to the Parliament rather than to the Government of the day or a particular Minister. This allows the Ombudsman to be completely independent in the investigation and resolution of complaints about public authorities (State Government agencies, statutory authorities and boards, local governments and universities).

Functions of the Ombudsman

The Ombudsman's office has three principal functions under its governing legislation, the [Parliamentary Commissioner Act 1971](#) and a range of other functions derived from other legislation, codes or service delivery arrangements.

Principal Functions

Resolving complaints	Receiving, investigating and resolving complaints about the decision making and administrative practices of public authorities.
Reviewing child deaths	Reviewing and investigating the deaths of certain Western Australian children.
Recommending and promoting administrative improvements	Improving public administration for the benefit of all Western Australians through own motion investigations, and education and liaison programs with public authorities.
Other functions	Undertaking a broad range of integrity and oversight functions as detailed under 'Other Functions of the Ombudsman'.

Other Functions of the Ombudsman

<u>Telecommunications Interception</u>	The Ombudsman inspects the records of the Western Australia Police and the Corruption and Crime Commission to ensure compliance with telecommunications interception legislation.
<u>Reviewing appeals by overseas students</u>	The <u>National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007</u> gives overseas students a right to make a complaint to an external, independent body, such as the Ombudsman, if their internal appeals are unsuccessful at school, college or university level.
<u>Public Interest Disclosures</u>	The Ombudsman receives public interest disclosures about matters of State and local government administration that affect an individual.
<u>Indian Ocean Territories</u>	Under a service delivery arrangement between the Ombudsman and the Commonwealth Government, the Ombudsman handles complaints from residents of the Indian Ocean Territories (Christmas and Cocos (Keeling) Islands) about public authorities in the Ombudsman’s jurisdiction.
<u>Terrorism</u>	The Ombudsman can receive complaints from a person detained under the <u>Terrorism (Preventative Detention) Act 2006</u> about administrative matters connected with his or her detention.
<u>Energy Ombudsman</u>	The Energy Ombudsman Western Australia was formed in 2005 and deals with complaints about electricity and gas. The Ombudsman undertakes the role of the Energy Ombudsman. The costs of the Energy Ombudsman are met by industry members.

A full list of legislation governing these functions can be found in [Appendix 2](#). See more in the [Report on Operations](#) section about these functions.

Performance Management Framework

The Ombudsman's performance management framework is broadly consistent with the government goal of *Results-Based Service Delivery: Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians*.

Desired Outcomes of the Ombudsman's Office

The public sector of Western Australia is accountable for, and is improving the standard of, administrative decision making, practices and conduct.

Key Effectiveness Indicators

- The percentage of recommendations accepted by public authorities.
- The number of improvements to practices or procedures as a result of Ombudsman action.

Service Provided by the Ombudsman's Office

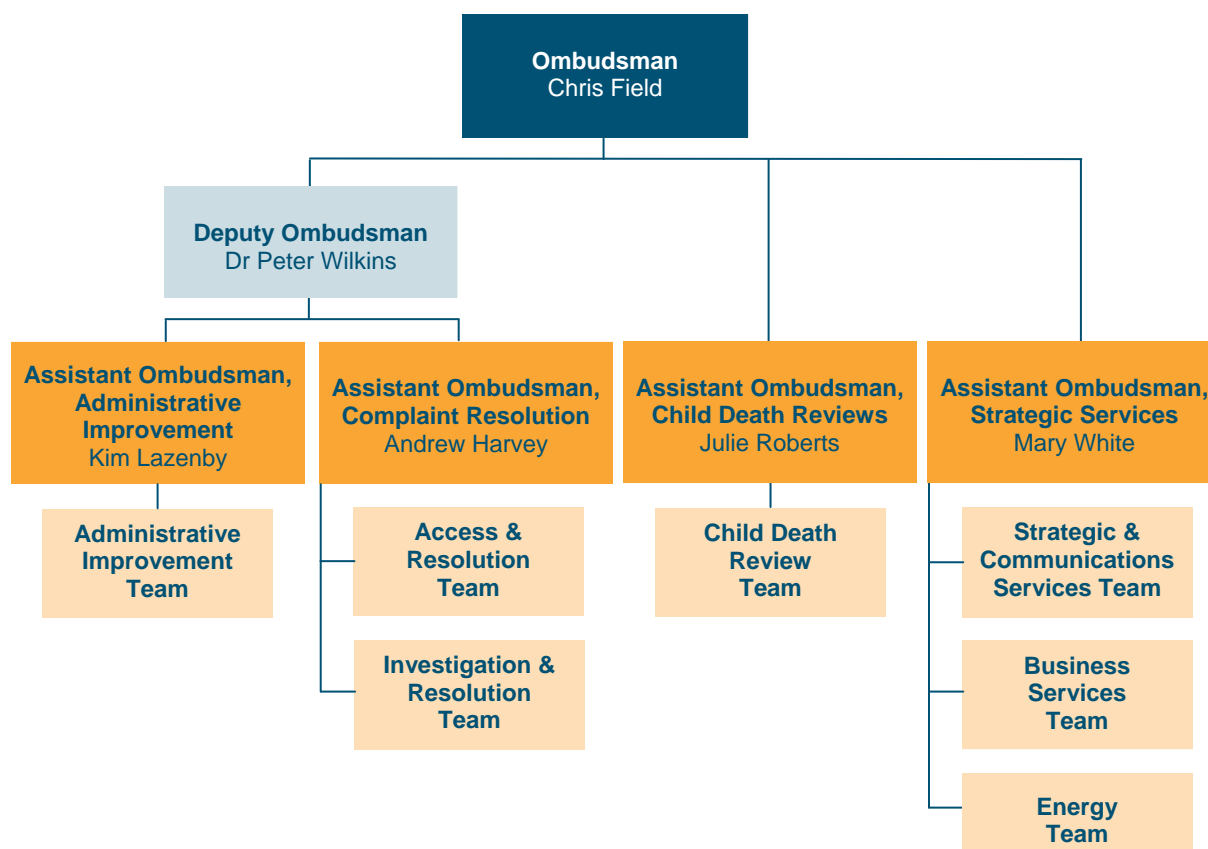
Resolving complaints about decision making of public authorities and improving the standard of public administration.

Key Efficiency Indicators

- Percentage of allegations finalised within 3 months.
- Percentage of allegations finalised within 12 months.
- Percentage of allegations on hand at 30 June less than 3 months old.
- Percentage of allegations on hand at 30 June less than 12 months old.
- Average cost per finalised allegation.
- Average cost per finalised child death notification.

Operational Structure

Organisational Structure as at 30 June 2011



- The **Administrative Improvement Team** has responsibility for programs and strategies aimed at improving administrative practices in public authorities.
- The **Complaint Resolution Team** has responsibility for handling enquiries and receiving, investigating and resolving complaints.
- The **Child Death Review Team** has responsibility for reviewing certain child deaths, identifying patterns and trends arising from these reviews and seeking to improve the administration of the responsibilities of the Department for Child Protection and other relevant government agencies to prevent or reduce child deaths.
- The **Strategic Services Team** has responsibility for supporting the office in strengthening its strategic focus, corporate communications and governance. The team encompasses Strategic and Communications Services and Business Services.
- The **Energy Team** has responsibility for handling enquiries and receiving, investigating and resolving complaints about energy providers.

Executive Management Team

The Corporate Executive is made up of six members whose role is to:

- Provide leadership to staff and model the office's values;
- Set and monitor the strategic direction of the office and monitor and discuss emerging issues of relevance to the work of the Ombudsman;
- Monitor performance and set priorities and targets for future performance; and
- Ensure compliance with relevant legislation and corporate policies.

The Corporate Executive provides leadership to the office and ensures strong corporate governance. See more in the [Disclosures and Legal Compliance](#) section.

Chris has held the position of Ombudsman since March 2007. He concurrently holds the roles of Energy Ombudsman and State Records Commissioner. Prior to his appointment as Ombudsman, Chris held a number of senior roles in Western Australia and Victoria in the public and private sectors.



Chris Field, Ombudsman



Peter commenced as Deputy Ombudsman in February 2009 and has more than 25 years experience in management roles in the Western Australian public sector. Peter has extensive public sector knowledge and expertise in the operation of independent accountability agencies.

Peter Wilkins, Deputy Ombudsman

Our Office – Operational Structure

Mary became an Assistant Ombudsman in February 2008. Before this, she was the Executive Director Strategic and Corporate Services. Mary has 25 years experience in the public sector, including strategic and corporate leadership roles in line and accountability agencies.



Mary White, Assistant Ombudsman Strategic Services



Kim commenced in the position of Assistant Ombudsman in June 2008. She has 20 years experience in government roles, working at the Commonwealth and State levels, in both line and central agencies and has a strong background in evaluation.

Kim Lazenby, Assistant Ombudsman Administrative Improvement

Andrew joined the office in 2005 and was appointed to his current role in September 2008. Andrew has worked in management roles for a range of Commonwealth and State authorities in areas such as statistics, licensing and auditing.



Andrew Harvey, Assistant Ombudsman Complaint Resolution



Julie joined the office in 2005 and commenced in her current role in June 2009. Julie has more than 25 years experience in the Commonwealth and State public sectors and the non-government community services sector.

Julie Roberts, Assistant Ombudsman Child Death Reviews

Strategic Focus

- Complaint resolution that is independent, fair and timely, raising community awareness of our role and increasing access to our services.
- Improved public administration through investigation of concerns that affect the broader community, recommending improvements and promoting good practice.
- Review and investigation of certain child deaths and recommendations to the Department for Child Protection and other public authorities.
- Inspection of the records of telecommunications interception activities and review of appeals by overseas students.
- Good governance and maintaining a skilled and valued workforce.



Our Performance in 2010-11

This section of the report provides a summary of the office's performance and financial outcomes and details of the core work of the office, including major achievements, initiatives and projects for the year.

- **Summary of Performance**
- **Complaint Resolution**
- **Child Death Review**
- **Administrative Improvement**
- **Collaboration and Access to Services**
- **Significant Issues Impacting the Office**

Summary of Performance

Key Effectiveness Indicators

The Ombudsman aims to improve decision making and administrative practices in public authorities as a result of complaints handled by the office, child death reviews and own motion investigations. Improvements may occur through action identified and implemented by agencies as a result of the Ombudsman's investigations and reviews or as a result of the Ombudsman making specific recommendations and suggestions that are practical and effective. Key indicators are the percentage of these recommendations and suggestions accepted by public authorities and the number of improvements that occur as a result of Ombudsman action.

Key Effectiveness Indicators	2010-11 Target	2010-11 Actual	Variance
Of allegations where Ombudsman made recommendations to improve practices or procedures, percentage of recommendations accepted by agencies	100%	100%	0
Number of improvements to practices or procedures as a result of Ombudsman action	40	57	17

Another important role of the Ombudsman is to enable remedies to be provided to people who make complaints to the office where service delivery of a public authority may have been inadequate. The remedies may include reconsideration of decisions, more timely decisions or action, financial remedies, better explanations and apologies. In 2010-11 there were 123 actions taken by public authorities to provide a remedy for people making complaints to the office.

Comparison of Actual Results and Budget Targets

As for the previous three years, in 2010-11 there has been 100 per cent acceptance of specific recommendations and suggestions made by the Ombudsman. This year there were 57 improvements to administrative practices as a result of Ombudsman action in complaint resolution activities and child death reviews. This exceeds the target for 2010-11 of 40 improvements.

Key Efficiency Indicators

The key efficiency indicators relate to timeliness of complaint handling, the cost per finalised allegation about public authorities and the cost per finalised child death notification.

Key Effectiveness Indicators	2010-11 Target	2010-11 Actual	Variance
Percentage of allegations finalised within 3 months	85%	78%	-7%
Percentage of allegations finalised within 12 months	98%	96%	-2%
Percentage of allegations on hand at 30 June less than 3 months old	68%	68%	0%
Percentage of allegations on hand at 30 June less than 12 months old	97%	98%	1%
Average cost per finalised allegation	\$1,800	\$1,899	\$99
Average cost per finalised child death notification	\$5,900	\$9,651	\$3,751

Comparison of Actual Results and Budget Targets

Of the allegations received in 2010-11, 78 per cent were finalised within three months, compared to the target of 85 per cent and 96 per cent were finalised within 12 months, compared to the target of 98 per cent. The primary reason for these variations is the significant increase in the number of complaints received, an increase that commenced in 2008-09 and has continued through 2010-11. Indicators for percentages of allegations on hand either met or exceeded targets.

The cost per finalised allegation in complaint resolution is slightly above the 2010-11 target but is less than the cost in 2009-10. The average cost per finalised child death notification remains similar to 2009-10. It is above the target for 2010-11 because this was an initial estimate in relation to this new function.

Summary of Financial Performance

For the Ombudsman's office the majority of expenses (74 per cent) relate to staffing costs. The remainder is primarily for accommodation, communications and office equipment.

Financial Performance	2010-11 Target (‘000s)	2010-11 Actual (‘000s)	Variance (‘000s)
Total cost of services (expense limit) (sourced from Statement of Comprehensive Income)	\$6,390	\$7,731	\$1,341
Income other than income from State Government (sourced from Statement of Comprehensive Income)	\$921	\$1,656	\$735
Net cost of services (sourced from Statement of Comprehensive Income)	\$5,469	\$6,075	\$606
Total equity (sourced from Statement of Financial Position)	\$1,454	\$1,751	\$297
Net increase in cash held (sourced from Statement of Cash Flows)	\$14	\$443	\$429
Staff Numbers	Number	Number	Number
Full time equivalent (FTE) staff level	56	60	4

Comparison of Actual Results and Budget Targets

The variation in total cost of services of \$1.341 million was mainly due to staffing costs for an additional five staff required to handle increased complaints and telecommunications interception inspections under the Ombudsman jurisdiction and additional staff required to handle an increased number of complaints under the Energy Ombudsman jurisdiction.

Total income other than income from State Government increased due to an increase in funding approved by the Board of the Energy Ombudsman Western Australia to cover the additional staffing costs associated with the increase in Energy complaints.

The increase in net cost of services was mainly due to the additional staffing costs for the increased workload under the Ombudsman jurisdiction. Every effort was made to offset these costs but a level of costs could not be absorbed. These costs were covered by an approved increase in funding from the State Government.

The variation in total equity and the increase in cash held is due to the need to replenish cash reserves used to handle a significant increase in complaints received in 2009-10. The increase in cash held is also partly due to invoices accrued but unpaid at the end of the reporting period.

For further details see [Note 27 'Explanatory Statement'](#) in the [Financial Statements](#) section.

Complaint Resolution

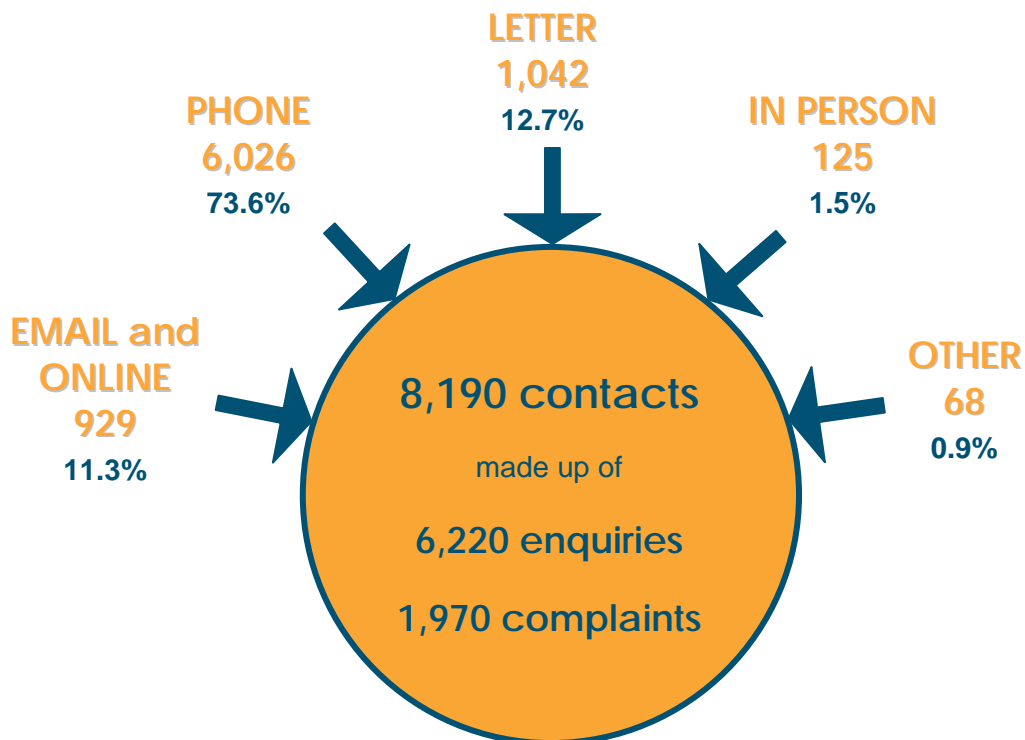
One of the core Ombudsman functions is to resolve complaints received from the public about State Government agencies, statutory authorities and boards, local governments and universities (commonly referred to as public authorities). This section of the report provides information about how the Ombudsman's office assists the public by providing independent and timely complaint resolution services or, where appropriate, referring them to a more appropriate body to handle the issues they have raised.

Contacts

In 2010-11 the Ombudsman's office received 8,190 contacts from members of the public consisting of:

- 6,220 enquiries from people seeking advice about an issue or information on how to make a complaint; and
- 1,970 written complaints from people seeking assistance to resolve their concerns about the decision making and administrative practices of a range of public authorities.

All Contacts to the Office in 2010-11

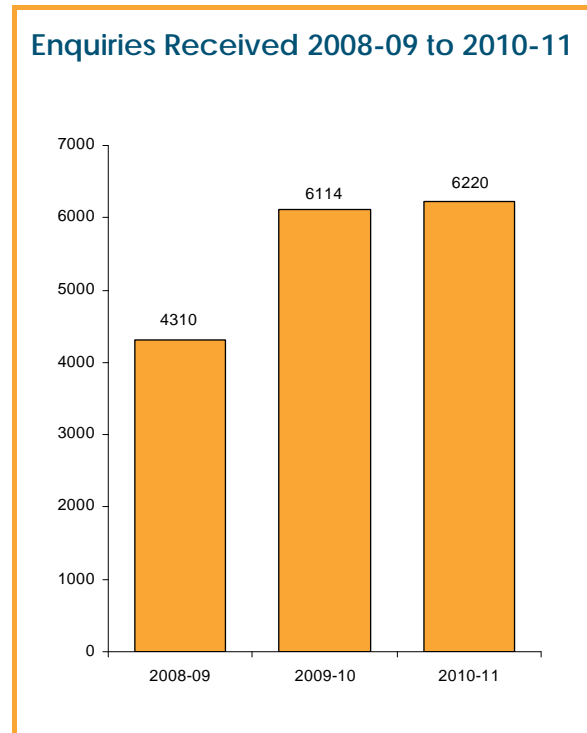


Enquiries Received

There were 6,220 enquiries received during 2010-11, which is slightly higher than 2009-10 when there were 6,114 enquiries.

For enquiries that are within the Ombudsman's jurisdiction, staff provide information about the role of the Ombudsman's office and how to make a complaint. Approximately half of all enquiries are referred back to the public authority in the first instance to give it the opportunity to hear about and deal with the issue. This is often the quickest and most effective way to have the issue dealt with. Enquirers are advised that if their issues are not resolved by the public authority they can make a complaint to the Ombudsman. For enquiries that are outside the Ombudsman's jurisdiction, staff assist members of the public by providing information about the appropriate body to handle the issues they have raised.

In some cases, Ombudsman staff may be able to facilitate an early resolution of the matter by making informal contact with the public authority. One example of this is outlined in the following case.



Enquirers are encouraged to try to resolve their concerns directly with the public authority before making a complaint to the Ombudsman.

Case Study

Ombudsman expedites action to have asbestos removed

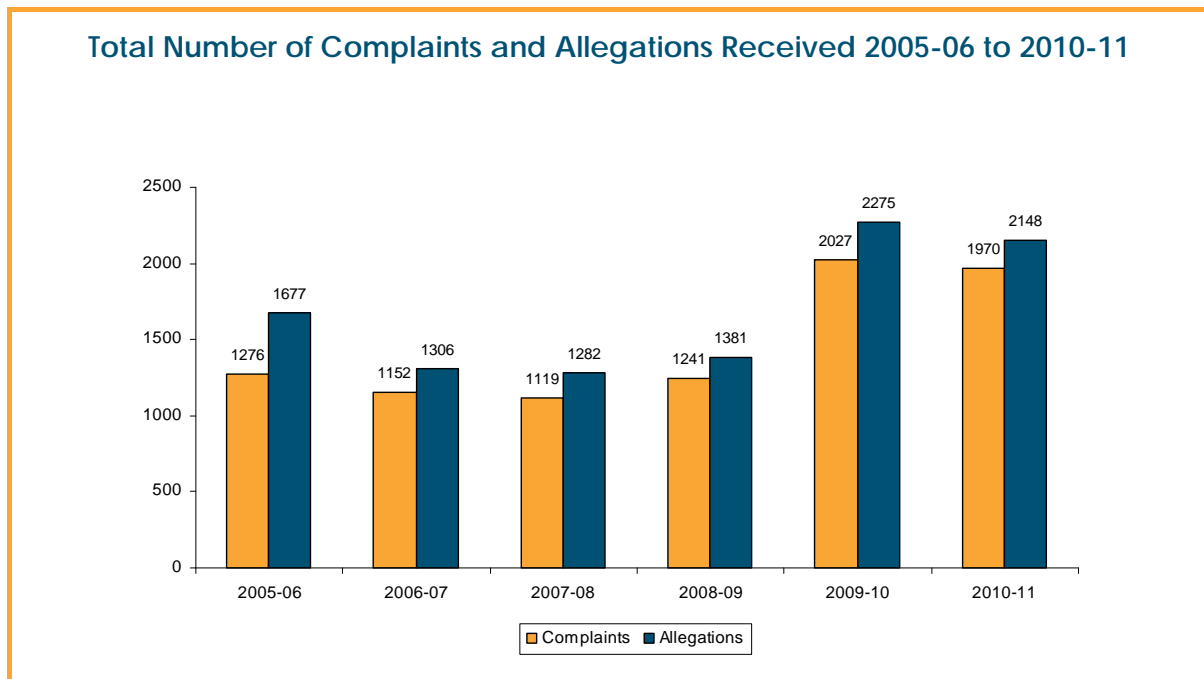
A woman living in public housing made an enquiry to the office alleging that she had found dangerous asbestos buried in her back yard and a public authority was unnecessarily delaying its removal. The complainant had contacted the public authority but had been told to put her complaint in writing before it could be assessed.

The office made enquiries with the public authority to find out its normal procedure for removing hazardous materials and whether adequate action had been taken when the woman asked for the asbestos to be removed.

The public authority promptly arranged for a contractor to attend the property to assess the situation. It then arranged for the woman and her family to be moved to nearby temporary accommodation, rent-free, until the asbestos was removed.

Complaints Received

In 2010-11 the office received 1,970 complaints which included 2,148 separate allegations. There are more allegations than complaints because one complaint may cover more than one issue. As shown in the chart below, the number of complaints received in 2010-11 is similar to 2009-10 and continues to be above historic levels.



NOTE: The number of complaints and allegations shown for a year may vary from the number shown in previous annual reports. This occurs because, during the course of an investigation, it can become apparent that a complaint is about more than one public authority or there are additional allegations with a start date in a previous reporting year.

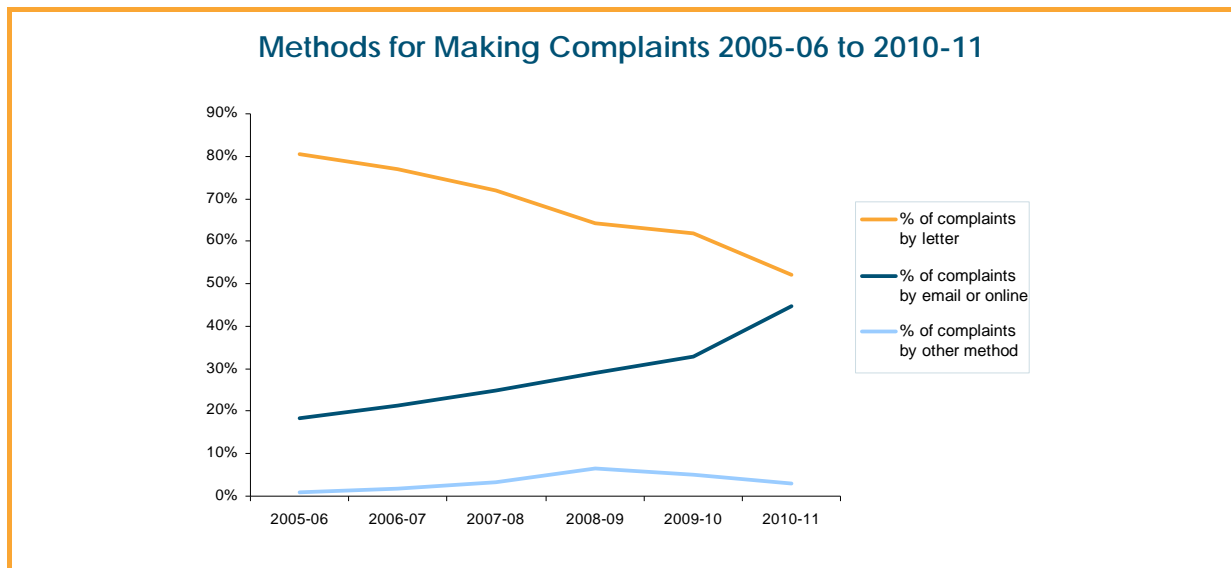
Over the last two years there has been a 67% increase in complaints compared to historic levels.

The average number of complaints received in the last two years (2010-11 and 2009-10) was 1,999 compared with the average of 1,197 for the four previous years (from 2005-06 to 2008-09). This represents an increase of 67 percent in complaint numbers. The increase is across all sectors and is

not confined to one public authority. For further information on trends in complaint numbers, see the [Significant Issues Impacting the Agency](#) section.

How Complaints are Made

The increase in the use of email and online facilities to lodge complaints has continued in 2010-11, up from 33 per cent in 2009-10 to 45 per cent in 2010-11, nearly half of all complaints received. The proportion of people using email and online facilities to lodge complaints has more than doubled since 2005-06 when only 18 per cent were received in this way. During the same period, the proportion of people who lodge complaints by letter has reduced from 81 percent to 52 per cent. The remaining complaints were received by a variety of means including by fax, during regional visits and in person.



Resolving Complaints

Where it is possible and appropriate, staff use an early resolution approach to resolve complaints. This approach is highly efficient and effective and results in timely resolution of complaints. It gives public authorities the opportunity to provide a quick response to the issues raised and to undertake timely action to resolve the matter for the complainant and to prevent similar complaints arising again.

Early resolution involves facilitating a timely response and resolution of a complaint.

The outcomes of complaints may result in a remedy for the complainant or improvements to a public authority's administrative practices or a combination of both. Complaint resolution staff also track recurring trends and issues in complaints and this information is used to inform broader administrative improvement in public authorities and investigations initiated by the Ombudsman (known as [own motion investigations](#)).

Time Taken to Resolve Complaints

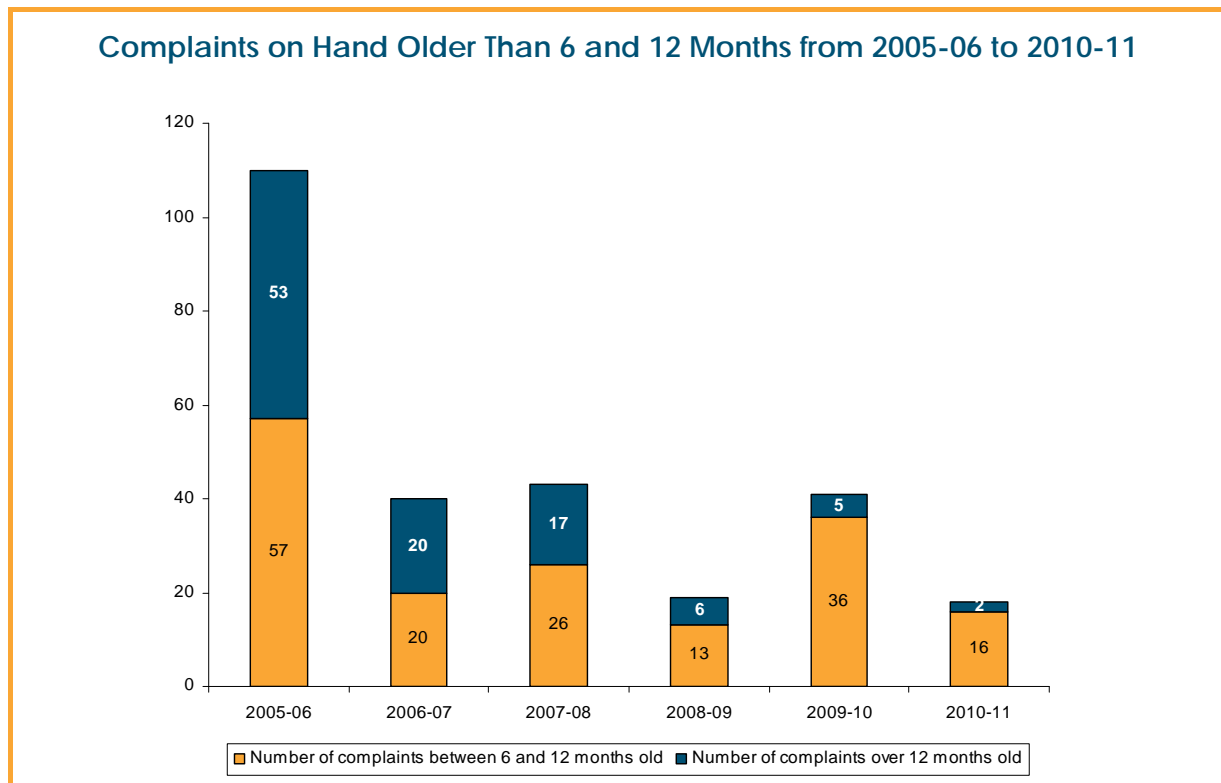
Timely complaint handling is important because early resolution of issues can result in more effective remedies and prompt action by public authorities to prevent similar problems occurring again. The office's continued focus on timely complaint resolution has resulted in ongoing improvements in the time taken to handle complaints.

Timeliness can be assessed by looking at the age of complaints on hand at the end of the financial year and the time to finalise complaints closed within the financial year. In both areas, the office has shown continued improvement in recent years:

- The average age of complaints on hand has reduced from 230 days on 30 June 2006 to 64 days on 30 June 2011, a 72 per cent reduction.
- During 2010-11 the average time to finalise complaints was 59 days compared with 92 days in 2005-06, a 36 per cent reduction over this period.

As shown in the following chart, in the five years from 30 June 2006 to 30 June 2011, there has been a significant reduction in the number of complaints on hand at the end of the year older than 12 months as well as the number of complaints on hand between six and 12 months old.

The number of complaints on hand older than 12 months has decreased by 96 per cent from 53 complaints on 30 June 2006 to two complaints on 30 June 2011. In the same period, the number of complaints on hand between six and 12 months old has decreased by 72 per cent from 57 complaints to 16 complaints.



In some cases, timely resolution of complaints is of the essence and public authorities can be quick to recognise this when there are immediate risks to safety. This is illustrated in the following case study.



Fence repaired and swimming pool secured

A woman contacted the office regarding a fallen dividing fence between her property and her neighbour's property. The neighbouring house had a swimming pool which was no longer secure, and the woman had three young children whose safety she believed was compromised. She was unable to take any action directly as she was confined to a wheelchair. She had reported the damage to the public authority responsible for maintenance of her property. It had advised her that it had reported the matter to a contractor but, as the fence had blown down during the Christmas holidays, the contractor had said he could not do anything while his staff were away.

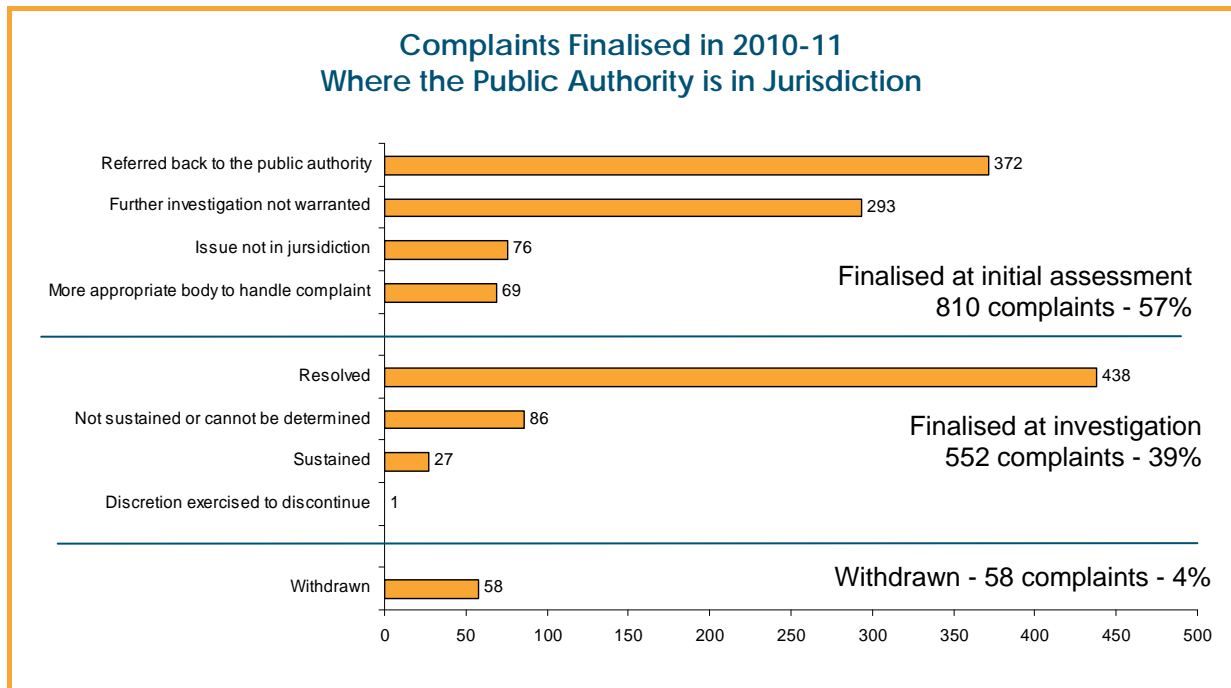
Ombudsman staff contacted the public authority with a view to achieving a faster resolution because of the potential immediate danger to the children. The public authority advised that a temporary fence was erected on the same day and a permanent option would be erected as soon as practicable.

Outcomes Achieved from Complaints

There were 1,949 complaints finalised during the year and, of these, 1,420 were about public authorities in the Ombudsman's jurisdiction. Of these, 810 were finalised at initial assessment, 552 were finalised after an Ombudsman investigation and 58 were withdrawn.

Nearly half (46 per cent) of the 810 complaints finalised at the initial assessment were referred back to the public authority to provide it with an opportunity to resolve the matter before involving the Ombudsman. This is a common and timely approach and often results in resolution of the matter. The person making the complaint is advised to contact the Ombudsman's office again if their complaint remains unresolved at the end of this referral process. In a further nine per cent of complaints finalised at the initial assessment, it was determined that there was a more appropriate body to handle the complaint. In these cases, complainants are provided with contact details of the relevant body to assist them.

The following chart shows how complaints about public authorities in the Ombudsman's jurisdiction were finalised during 2010-11.



Of the 552 complaints finalised after investigation, 79 per cent were resolved through the office's early resolution process. This involves Ombudsman staff contacting the public authority to progress a timely resolution of complaints that appear to be able to be resolved quickly and easily. Public authorities have shown a strong willingness to resolving complaints using this approach.

An example of early resolution is shown in the following case.



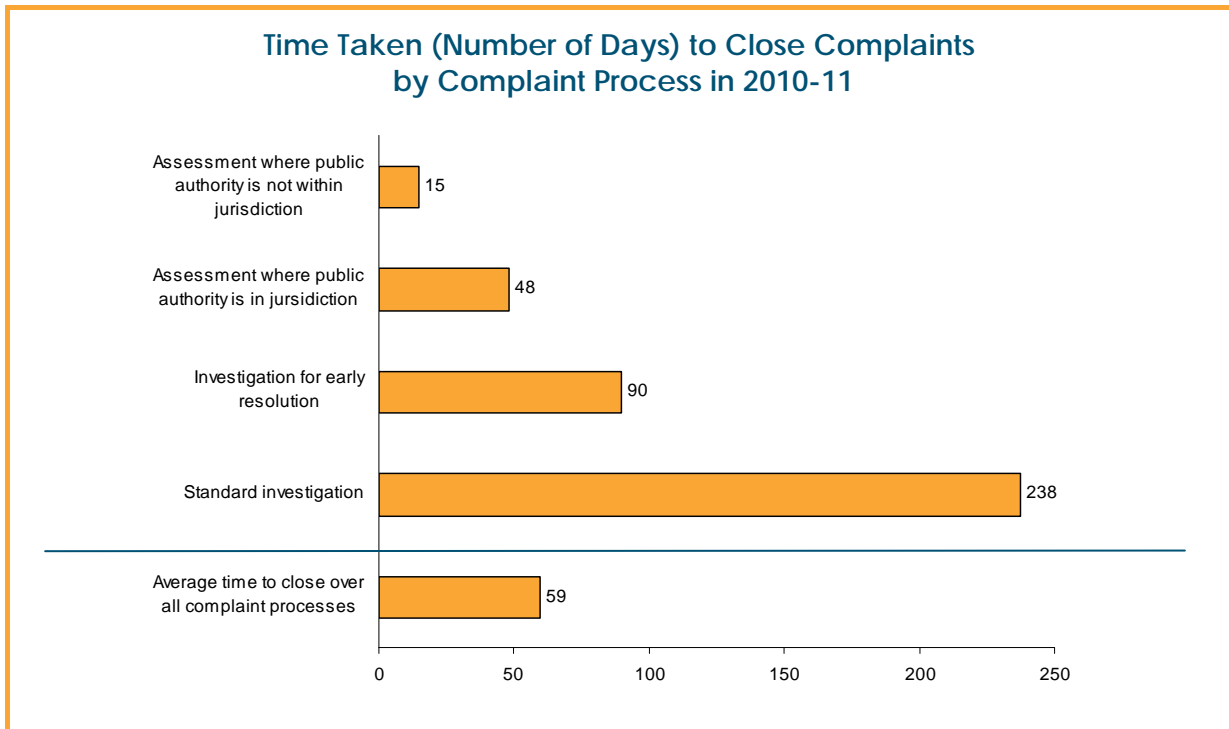
Elderly woman receives a reduction of over \$4,000 on her bill through early resolution of complaint

When a plumber replaced the pipe in an elderly woman's front garden to address water leakages, he provided her with a leak flow reading to show to the public authority providing water services to enable her to seek a reduction if she received a high bill. The woman's next bill was over \$4,000 and her son-in-law approached the public authority on her behalf, showed them the leak flow reading and sought a reduction in the bill. The public authority agreed to reduce the charges by half. The woman's son-in-law argued that the woman could not have known about the leak which was underground and the issue was causing her serious distress.

When Ombudsman staff made initial enquiries, the public authority agreed to review the case and this resulted in a decision to provide a leak allowance under a different, more appropriate policy. This effectively reduced the bill to under \$50 which was more in line with the complainant's regular consumption.

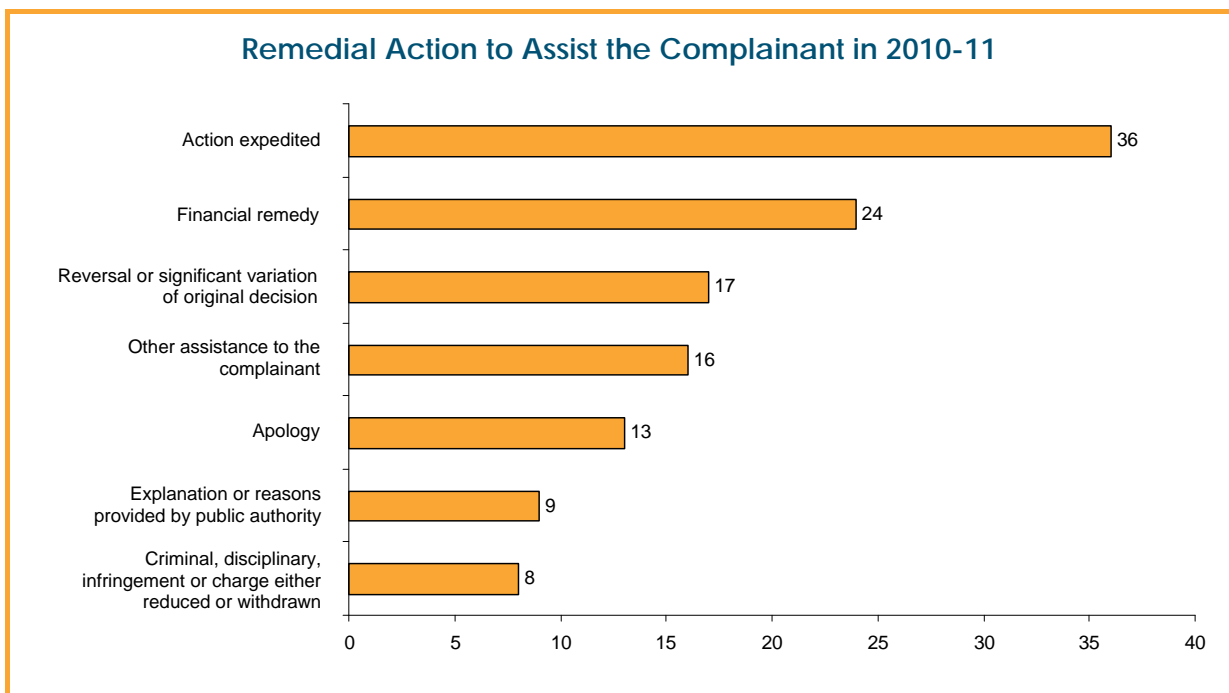
Our Performance - Complaint Resolution

The average time to resolve a complaint by early resolution is 90 days compared with an average of 238 days for standard investigations as shown in the chart below.



Outcomes to Assist the Complainant

Complainants look to the Ombudsman to facilitate some form of assistance or action to remedy their complaint. In 2010-11 there were 123 remedies provided by public authorities to assist the individual who made a complaint to the Ombudsman, as shown in the following chart.



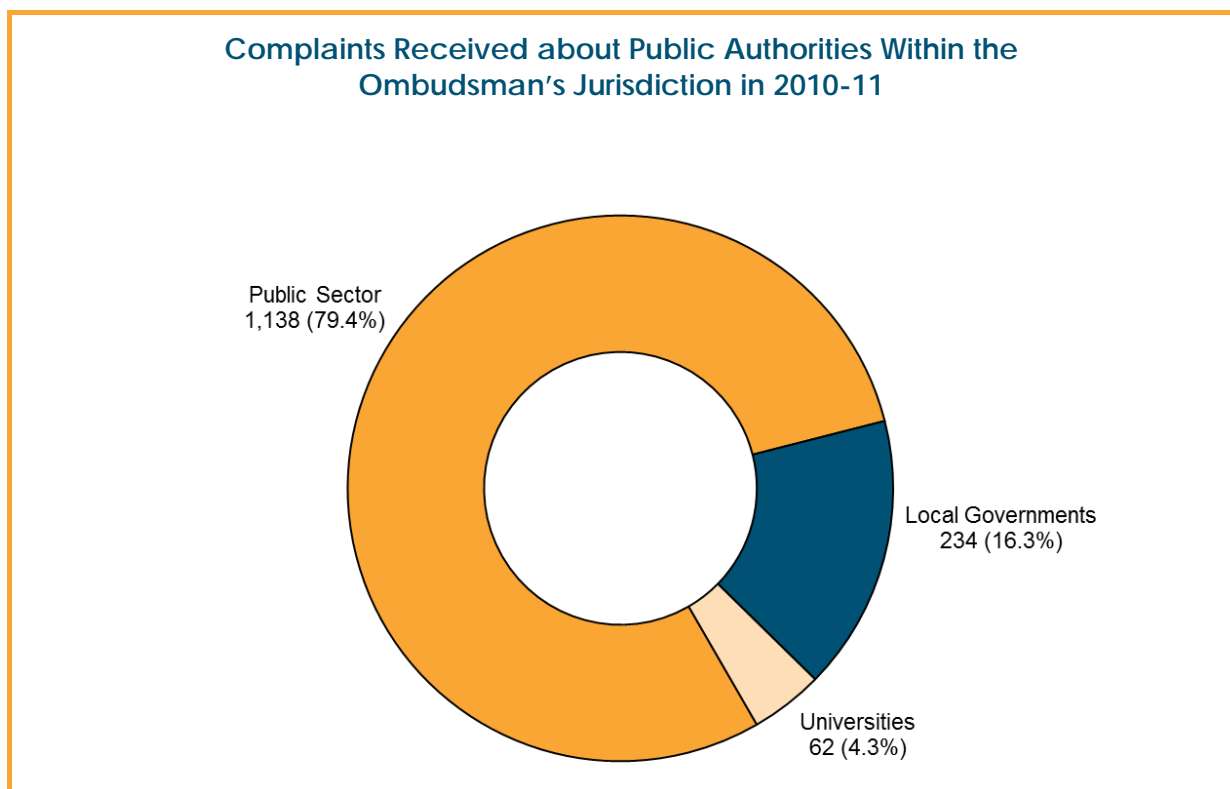
Outcomes to Improve Public Administration

In addition to providing individual remedies, complaint resolution can also improve public administration. This occurs when the public authority takes action to improve its decision making and practices in order to address systemic issues and prevent similar complaints in the future. Information on outcomes to improve public administration is provided in the [Administrative Improvement](#) section.

About the Complaints

Of the 1,970 complaints received, 1,434 were about public authorities that are in the Ombudsman's jurisdiction. The remaining 536 complaints were about bodies outside the Ombudsman's jurisdiction. In these cases, Ombudsman staff provided assistance to enable the people making the complaint to take the complaint to a more appropriate body.

Public authorities in the Ombudsman's jurisdiction fall into three sectors: the public sector (1,138 complaints) which includes State government departments, statutory authorities and boards; the local government sector (234 complaints); and the university sector (62 complaints), as shown in the chart below.



The following sections provide details of complaints, issues and outcomes for each of:

- [The public sector](#) – State Government agencies, statutory authorities and boards (1,138 complaints);
- [The local government sector](#) (234 complaints); and
- [The university sector](#) (62 complaints).

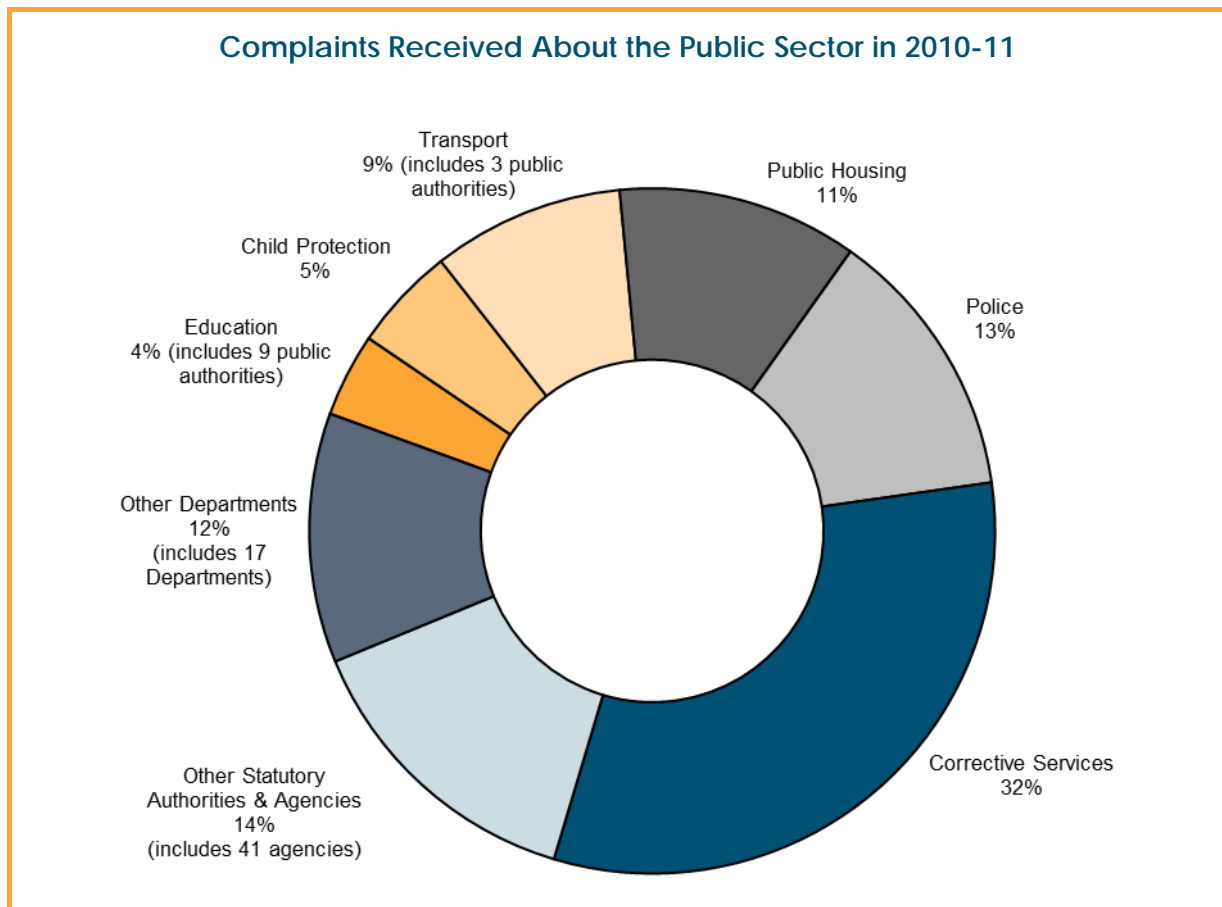
The Public Sector

Of the 1,138 complaints received about the public sector, 74 per cent were about six key areas covering:

- [Corrective services](#), in particular prisons (363 or 32%);
- [Police](#) (147 or 13%);
- [Public housing](#) (129 or 11%);
- [Transport](#) (103 or 9%);
- [Child protection](#) (56 or 5%); and
- [Education](#) - public schools and Technical and Further Education colleges (45 or 4%). Information about universities is shown separately under the University Sector.

The remaining 26 per cent of complaints about the public sector (295) were about [other State Government departments, statutory authorities and boards](#). Sixty nine per cent (40) of these agencies received less than five complaints.

The chart below shows the breakdown of complaints received about the public sector.



There were 124 actions taken by public sector bodies as a result of complaints finalised in 2010-11. These resulted in 92 remedies being provided to complainants and 32 improvements to public sector practices.

Public Sector Complaint Issues and Outcomes

Corrective Services

Complaint Numbers

- Complaints received: 363
- Complaints finalised: 362

Types of Issues Raised

- Facilities, services and conditions including health services, mail and telephone use;
- Placement and transfers including sentence and release arrangements;
- Officer behaviour and conduct;
- Prisoner property; and
- Staff employment issues.

Outcomes Achieved

- Altered or reversed decisions;
- Withdrawal of disciplinary decisions;
- Actions expedited;
- Explanations provided;
- Apologies given;
- Compensation for lost property;
- Payment of employee entitlements;
- Improved security for prisoner property;
- Changed procedures and training; and
- Review of record keeping processes.

Police

Complaint Numbers

- Complaints received: 147
- Complaints finalised: 142

Types of Issues Raised

- Investigations and prosecutions;
- Traffic issues;
- Officer behaviour and conduct; and
- Searches, custody and handling of property.

Outcomes Achieved

- Review and withdrawal of infringement notices;
- Act of grace payment (compensation);
- Apology given;
- Action expedited;
- Property returned; and
- Review of application of legislation.

Public Housing

Complaint Numbers

- Complaints received: 129
- Complaints finalised: 117

Types of Issues Raised

- Property allocation;
- Behaviour and evictions of tenants;
- Property condition and maintenance; and
- Tenant debts and liabilities.

Outcomes Achieved

- Refund or reversal of tenant liability charges;
- Reconsideration of housing applications;
- Maintenance issues resolved;
- Reconsideration of transfer request;
- Actions expedited; and
- Explanations provided.



Maintenance issues resolved

A mother of two children complained to the office about unresolved maintenance issues with her property which she felt affected the wellbeing of her children. She had contacted the public authority responsible for the home several times and was advised the maintenance would be undertaken. However as this had not occurred she felt the public authority was not taking her concerns seriously.

Ombudsman staff made enquiries with the public authority and it advised that the repairs would be carried out, at the latest by midday the following day. When informing the complainant of the outcome, office staff provided the complainant with the phone number of a Property Services Officer, allowing her to follow up with the public authority directly.

Transport

Complaint Numbers

- Complaints received: 103
- Complaints finalised: 101

Types of Issues Raised

- Disputes relating to fines and infringements;
- Vehicle registration and driver's licence issues;
- Officer behaviour and conduct; and
- Provision of information.

Outcomes Achieved

- Altered or reversed monetary or infringement charges;
- Actions expedited;
- Explanations provided;
- Apologies given;
- Altered or reversed decisions;
- Revision of information on website;
- Amendment to schedule to regulations; and
- Changed procedures.



Investigation leads to ex-gratia payment and improved information for the public

A man came to the Ombudsman's office complaining that he had suffered a financial loss due to an error by a public authority, and that it unreasonably and unfairly denied him compensation.

The complainant purchased a wagon which he was intending to use as a taxi. He had seen public authority documents which showed that the vehicle was suitable for use as a taxi. However when he presented the vehicle for licensing, he was told the vehicle had been incorrectly classified and could not be used as a taxi. The man could not maintain payments for the vehicle and it was repossessed. While the public authority acknowledged the error, it denied liability for the complainant's purchase costs and loss of income.

The investigation of the complaint by Ombudsman staff raised a number of complex considerations regarding liability. Of particular note was the inadequate provision of information to the public about purchasing vehicles for use as taxis on the public authority's website.

As a result of the investigation, the public authority agreed to progress an ex-gratia payment for a component of the financial loss. In addition, it took action to improve access to information on its website, including advice to taxi operators and new applicants regarding checking with the Licensing Officer prior to purchasing a vehicle.

Our Performance - Complaint Resolution

Child Protection

Complaint Numbers

- Complaints received: 56
- Complaints finalised: 61

Types of Issues Raised

- Child maltreatment investigations including case management practices;
- Officer behaviour and conduct;
- Provision of information; and
- Out of home care including fostering.

Outcomes Achieved

- Apology given;
- Meetings to address concerns;
- Investigation or re-investigation of complaints; and
- Revision of care plan procedures.

Education

Complaint Numbers

- Complaints received: 45
- Complaints finalised: 59

Types of Issues Raised

- School fees and enrolment;
- Student wellbeing and discipline issues;
- Consultation including regarding the location of new buildings; and
- Human resource issues.

Complaints about the education group included some received from overseas students under the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*.

Outcomes Achieved

- Waiver of fees or debts;
- Action expedited;
- Explanations provided;
- Apologies given; and
- Changed human resource procedures.

Untimely response results in apology and waiving of debt

A man wrote to the Ombudsman complaining that a technical and further education college was holding him liable for course fees after he withdrew from the course. The man said that he requested exemptions from certain subjects, but when these were denied he tried to cancel his enrolment. Although he had written to the college, he alleged it had not responded to him and had threatened legal action over the outstanding amount.

Ombudsman staff made enquiries with the college administration to gather information about the chain of events. As a result, the college acknowledged it had failed to respond to the man in a timely manner and agreed to remove the debt associated with the outstanding fees.

Other Public Authorities

Complaint Numbers

- Complaints received: 295
- Complaints finalised: 299

Types of Issues Raised

- Delays in making a decision, taking action or replying to requests for information by public authorities;
- Objections to decisions or actions taken on the basis they are inconsistent with policy or procedure;
- Disputed bills, charges and fines;
- Consultation processes prior to making a decision; and
- Provision of assistance.

Outcomes Achieved

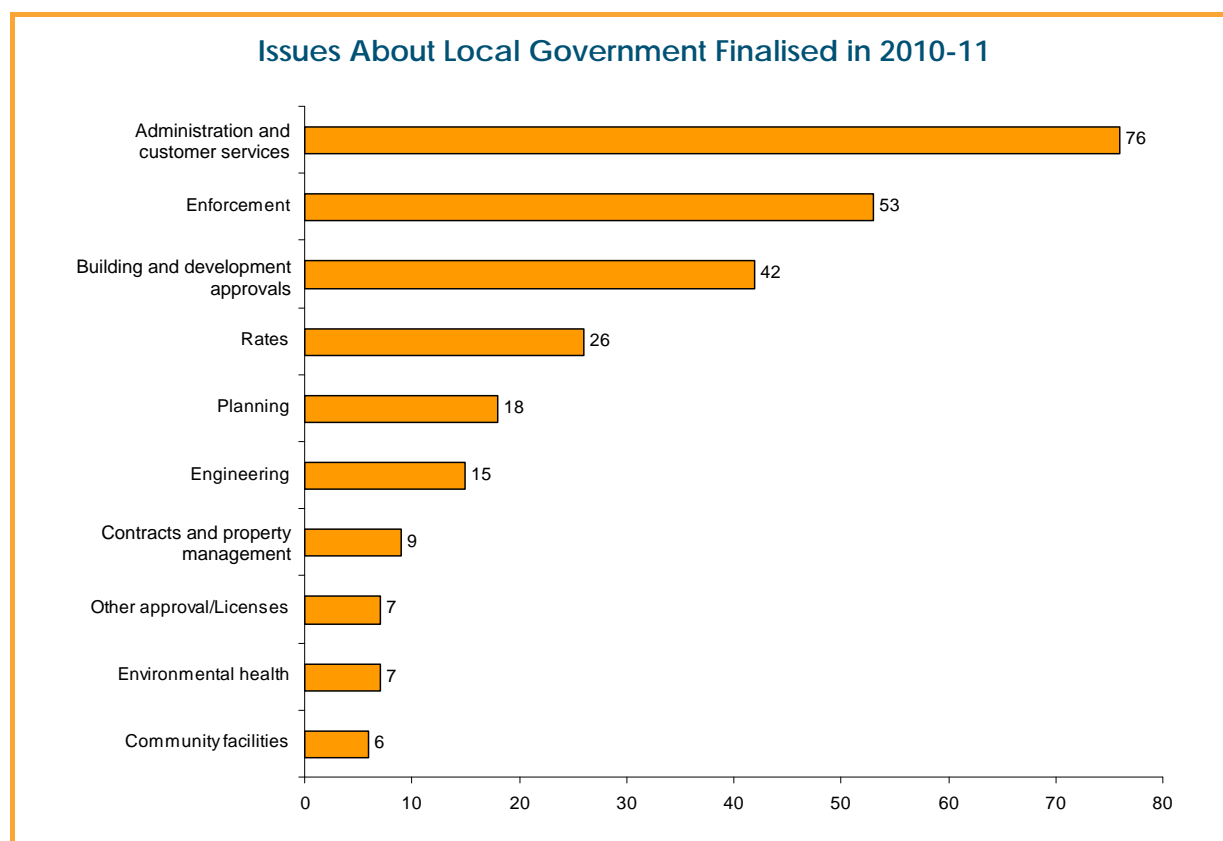
- Providing appropriate reasons for decisions;
- Refunds and act of grace payments (compensation);
- Action expedited;
- Explanations provided;
- Apology given;
- Review of conflict of interest policy; and
- Changed procedures and training.

The Local Government Sector

General Trends, Issues and Outcomes

In 2010-11 the Ombudsman received 234 complaints about the local government sector, a similar number to 2009-10 and there were 223 complaints finalised during the year including 259 separate issues.

A summary of the issues included in the local government complaints that were finalised in 2010-11 is shown in the chart below.



The most common areas for issues raised in complaints that were finalised during the year were:

- Administration and customer services (29%);
- Enforcement (20%); and
- Building and development approvals (16%).

A breakdown of the range of issues raised and outcomes achieved are shown in the following table.

Types of Issues Raised

Administration and Customer Services

- Objections to council decisions;
- Conduct of local government staff and councillors;
- Handling of complaints;
- Provision of information;
- Communication issues;
- Handling of liability claims; and
- Timelines for handling enquiries and providing responses.

Enforcement

- Parking and traffic enforcement including the issuing of infringement notices;
- Enforcement of development and building conditions;
- Enforcement action relating to unauthorised development and use of buildings;
- Enforcement of local laws;
- Bush fire control management; and
- Enforcement action relating to urban animal management.

Development and Building Approvals

- Objections to applications;
- Decisions on applications; and
- Construction and demolition issues.

All Other Areas

- Community facilities and parks including concerns about works on cultural sites;
- Contract and property management including leases, property transactions, tender processes and contractual disputes;
- Engineering including roadwork and streetscapes;
- Environmental health including noise pollution; and
- Planning, rates and issues associated with approvals and licenses other than development and building approvals.

Outcomes Achieved

- Refunds and reimbursements or compensation payments;
- Actions expedited;
- Investigation or re-investigation of complaints;
- Meetings to address concerns;
- Provision of information;
- Apology given;
- Reconsideration of request for fencing;
- Modification of a road to improve safety;
- Clarification of land processes;
- Issuing of a Notice to Remove a building; and
- Changed policies and procedures, and training.



Ombudsman action results in refund and improved document control

A woman complained to the Ombudsman that her local government was refusing to refund two Road Reserve Access Bonds, a demolition bond and a building bond that she had paid on behalf of a demolition company and builder of her residence prior to work being done on her house. She alleged that the local government told her that it had repaired the footpath in front of her house and therefore deducted the cost of these repairs from the demolition bond and that it was unable to find a record of the building bond being paid. The woman stated that she had organised and paid for the repairs to the footpath herself and she should be entitled to a full refund of both bonds.

Shortly after the woman made her complaint the local government located the documentation to show the building bond had been paid and refunded the bond. As a result of the Ombudsman's further enquiries, the local government agreed that there was insufficient documentation to substantiate it had undertaken the repairs of the footpath and the remainder of the demolition bond was also fully refunded. The local government undertook to more closely supervise staff to ensure documentation was completed to support works orders.

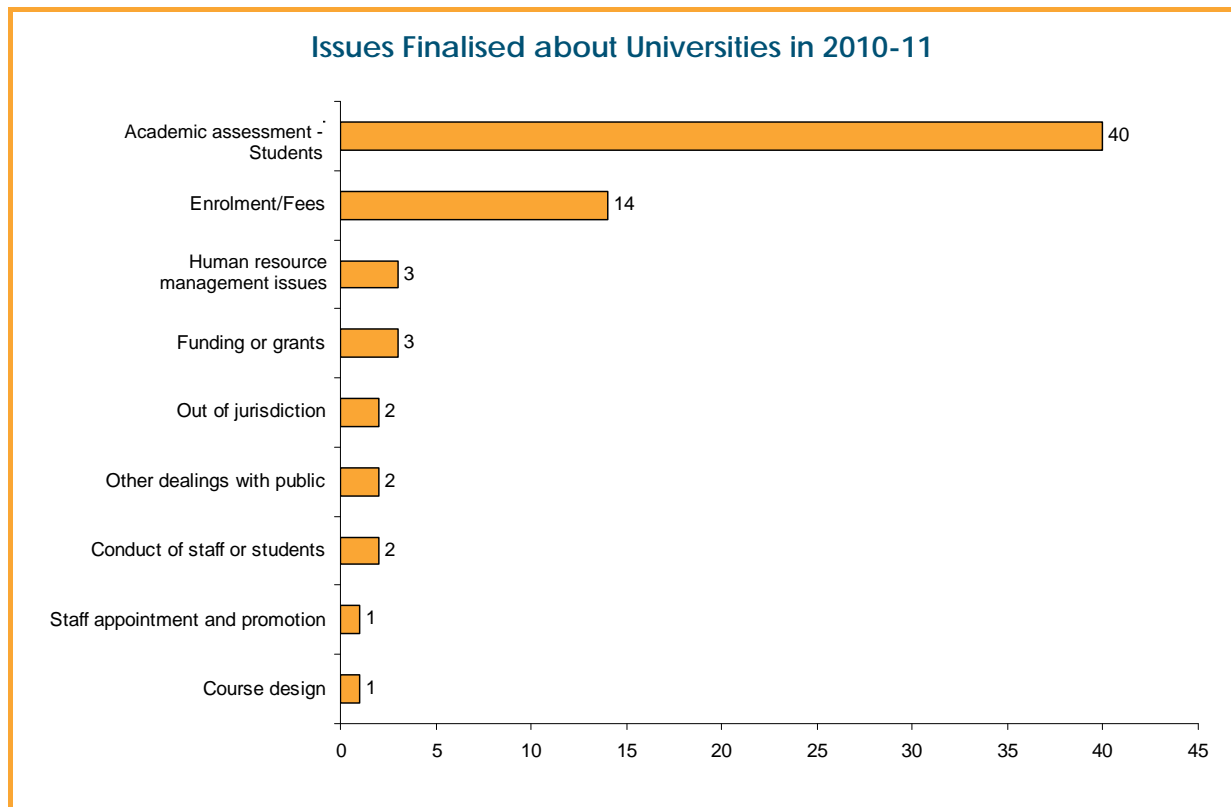
The University Sector

General Trends, Issues and Outcomes

There were 62 complaints received about the university sector, an increase of 11 per cent compared to 2009-10, and 56 complaints were finalised including 68 separate issues. The most common issues raised in complaints about universities were:

- Student academic assessment issues, such as course assessment and termination from course of study (59%); and
- Enrolment issues and fees (19%).

The full range of issues raised in complaints is set out in the following chart.



Our Performance - Complaint Resolution

A breakdown of the range of issues raised and outcomes achieved are shown in the following table.

Types of Issues Raised	Academic Assessment <ul style="list-style-type: none">• Course assessment procedures;• Marking of exam papers;• Grades awarded for courses;• Termination from course of study; and• Handling of appeals on course termination. <hr/> Enrolment and Fees <ul style="list-style-type: none">• Enrolment processes;• Availability of units in degree courses;• Recognition of 'prior learning';• Enrolment fee process;• Student loan repayment system; and• Refund of course fees.
Outcomes Achieved	<ul style="list-style-type: none">• Altered or reversed decisions;• Waiver of late fees;• Reallocation of fees to another unit;• Alteration of academic records; and• Review of procedures.



Decision to refuse a student's withdrawal due to illness reversed

A university student complained to the Ombudsman about the decisions of the university to deny her application for a deferred exam and her subsequent application for retrospective withdrawal from the unit. The student stated that both applications were due to illness and she had provided the university with medical certificates.

The investigation of the matter by the Ombudsman's office showed that:

- The university denied the student's application for a deferred exam, despite the student producing medical certificates; and
- The university had not clearly explained to the student why the medical evidence she provided did not satisfy its requirements.

The university reviewed the case and acknowledged the decision to deny the deferred exam may have been unfair. The university agreed to grant the student retrospective withdrawal from the unit. Her attempt at the unit was removed from her academic record and the fees already paid were credited towards her current unit enrolment.

Access to the Ombudsman's Services

The office continues to implement a number of strategies to ensure its complaint services are accessible to all Western Australians. These include access through online facilities as well as more traditional approaches by letter and through visits to the office. The office also holds complaint clinics and delivers presentations to community groups, particularly through the Regional Awareness and Accessibility Program.

Information was gathered during 2010-11 from people whose complaints were finalised in 2010 to determine how they became aware of the Ombudsman and how they accessed the office's services. This indicated that people mainly hear about the Ombudsman from:

- Friends and relatives (24%);
- Online information (22%);
- Professional advice, including lawyers (18%);
- Members of Parliament (8%); and
- The agency complained about (7%).

Most people find out about the Ombudsman from friends or relatives, online information or professional advice.

The information obtained confirmed that access to the Ombudsman's office through online services was popular. This is further demonstrated by the increased use of online access this year. The information also indicated that the things that were most likely to assist people to make their complaint were: calling the [Ombudsman's enquiry line](#) first; the information on the [Ombudsman's website](#); and the [Ombudsman's publications](#).

The office has been using the information obtained to further refine its communication and accessibility programs as shown below.

Communicating with Complainants

The office provides a range of information and services to assist specific groups and the public more generally to understand the role of the Ombudsman and the complaint process. Many people find the office's enquiry service assists them to make their complaint. Some of the other initiatives in 2010-11 include:

39% of survey respondents said they were assisted by calling the Ombudsman's enquiry line before making their complaint.

- The ongoing work of the Principal Indigenous Liaison Officer (**PILO**) to assist the office to build networks and relationships with Indigenous Western Australians, including prisoners. The PILO was involved in regional visits and prison visits during the year and also attended the Aboriginal Visitors Scheme (in prisons) Conference;
- Provision of advice to the Ombudsman's staff by the PILO on cultural sensitivities and appropriate ways of working with Indigenous people;
- Promotion of the Ombudsman's translated information sheets [How to complain to the Ombudsman](#) and [Complaints by overseas students](#). Information is already available in a number of [community languages](#) and can be made available in specific languages on request;
- Production of a new information sheet [Ombudsman's complaint resolution process: Information for complainants](#), providing complainants with a flowchart showing how the office handles complaints and easy hints and tips on navigating the complaints process;

- Development of new guidelines for Ombudsman staff on effectively communicating with people from culturally and linguistically diverse backgrounds and people with disabilities. These incorporated many good practice principles as outlined by local and national government and non-government organisations;
- Ongoing promotion of the role of the office and the type of complaints the office handles through 'Ask the Ombudsman' on 6PR's *Nightline* Program; and
- Regular updating and simplification of the Ombudsman's website to provide easy access to information for people wishing to make a complaint and those undertaking the complaint process.

Liaison with Public Authorities

The office liaises with various public authorities throughout the year to discuss case-specific information and to track issues and trends occurring within different sectors.

Liaison with the Public Sector

Prison Visits

During the year, the office made visits to prisons and juvenile detention centres including:

- Albany Regional Prison;
- Pardelup Prison Farm;
- Acacia Prison;
- Banksia Hill Juvenile Detention Centre; and
- Bandyup Women's Prison.

The visits to Albany Regional Prison and Pardelup Prison Farm, undertaken as part of the office's [Regional Awareness and Accessibility Program](#), were successful in achieving the office's goal of meeting with prison staff, Peer Support Prisoners and Prisoner Support Officers to provide information about the office and explore current issues.

Liaison with Corrective Services

Liaison activities with Corrective Services during the year included:

- Ombudsman staff presenting to members of the Department's Aboriginal Visitors Scheme to provide information about the office; and
- Regular meetings with senior representatives of the Department's Professional Standards and Adult Custodial Divisions.

In addition, the office has established quarterly meetings with representatives of the Office of the Inspector of Custodial Services. These meetings have proved useful in allowing both offices to become better informed of issues affecting the corrective service sector in Western Australia.

Liaison with the Department of Housing

During the year, the office continued to liaise with Department of Housing staff through:

- Two presentations on *Effective Decision Making* to staff and members of the Regional Appeals Housing Committee in August 2010 as part of the Department's implementation of changes to its appeals process;
- A presentation on *The Role of the Ombudsman, Effective Complaint Handling and Decision Making* to staff at the Southern Region Office in Albany in November 2010. This was undertaken as part of the office's Regional Awareness and Accessibility Program; and
- Discussions were also held during the year with senior staff within the Department of Housing to learn about its implementation of the new Disruptive Behaviour Management Strategy.

Liaison with the Local Government Sector

The office continued to work on strengthening its liaison with the local government sector. Some initiatives undertaken during the year were:

- In March 2011, staff from the office addressed local government managers and practitioners at the Local Government Managers Australia (Western Australia) 'Fit to Lead' Conference. The office was invited to make a presentation on *Managing Unreasonable Complainant Conduct*. Following the conference, the office also provided additional advice to local governments who contacted the office directly;
- As part of the office's regional visit to the Great Southern Region in November 2010, representatives from the office spoke with staff at the City of Albany and delivered a workshop to staff at the Shire of Denmark on *Effective Complaint Handling*; and
- In April 2011, Ombudsman staff visited the Cocos (Keeling) Islands and Christmas Island and met with local government representatives and the Indian Ocean Territories Administration Team as part of the office's outreach programs.

Liaison with the University Sector

Liaison activities with universities during the year included:

- A presentation on *Managing Unreasonable Complainant Conduct* at Edith Cowan University for the Australian Higher Education Industrial Association in October 2010. The audience was Human Resources Practitioners in Western Australian universities;
- A presentation on *Managing Unreasonable Complainant Conduct* to members of the Complaint Managers' Forum coordinated by the University of Western Australia in December 2010; and
- A presentation on *Conducting an Administrative Investigation* to complaint handlers at Murdoch University's Student Discipline Investigation Skills Workshop in February 2011.

Other Complaint Related Functions

Reviewing Appeals by Overseas Students

The [National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007](#) (**the Code**) sets out standards required of registered providers who deliver education and training to overseas students studying in Australia. It provides overseas students with rights of appeal to external, independent bodies if their internal appeal with their education or training provider is unsuccessful. Overseas students studying with both public and private education providers have access to an Ombudsman who:

- Provides a free complaint resolution service;
- Is independent and impartial and does not represent either the overseas students or education and training providers; and
- Can make recommendations arising out of investigations.

In Western Australia the Ombudsman's office is the external appeals body for overseas students studying in Western Australian public education and training organisations. The [Commonwealth Ombudsman](#) is the external appeals body for overseas students studying in private education and training organisations.

Complaints Lodged with the Ombudsman's Office under the Code

Education and training providers are required to comply with 15 standards under the Code. In dealing with these complaints, the Ombudsman considers whether the decisions or actions of the agency complained about comply with the requirements of the Code and if they are fair and reasonable in the circumstances.

During 2010-11 the Ombudsman's office received 32 complaints about public education and training providers from overseas students under the Code, and finalised 26 complaints about 31 issues. Twenty two of the finalised issues were about termination of enrolment decisions made by universities and public training providers and nine were about other issues such as course transfers and marking.

Communicating with Overseas Students

- During the year the office developed an overseas student page on the Ombudsman website. It explains the role of the Ombudsman's office and provides students with the opportunity to either lodge a complaint online or print and complete a complaint form.
- The office has also produced an information sheet for [overseas students](#) explaining the process for lodging a complaint to the office. This sheet was translated into the most common languages for overseas students studying in Western Australia including Hindi, Indonesian, Malay, and Simplified and Traditional Chinese.

Public Interest Disclosures

Section 5(3) of the [Public Interest Disclosure Act 2003](#) allows any person to make a disclosure to the Ombudsman about particular types of 'public interest information'. The information provided must relate to matters that can be investigated by the Ombudsman such as the administrative actions and practices of public authorities or involve the improper conduct of public officers.

Key members of staff have been authorised to deal with disclosures made to the Ombudsman and have received appropriate training. They assess the information provided to determine whether the matter requires investigation, having regard to the *Public Interest Disclosure Act 2003*, the [Parliamentary Commissioner Act 1971](#) and relevant guidelines. If a decision is made to investigate, subject to some additional requirements regarding confidentiality, the process for investigation of a disclosure is the same as that applied to the investigation of complaints received under the *Parliamentary Commissioner Act 1971*.

During the year the Ombudsman completed the investigation of three disclosures. No new disclosures were received.

Indian Ocean Territories

Under a service delivery arrangement between the Ombudsman and the Commonwealth Government, the Ombudsman handles complaints from residents of the Indian Ocean Territories about public authorities in the Ombudsman's jurisdiction. In 2010-11 there were four complaints from the Indian Ocean Territories. During the year staff from the Ombudsman's office visited both Christmas Island and the Cocos (Keeling) Islands in conjunction with staff from the Health and Disability Services Complaints Office and the Commonwealth Ombudsman's office. Staff met with local public authorities, community groups and individuals. The visit raised awareness of the services provided by the office and was well received by the local community and public authorities operating in the Territories.

Terrorism

The Ombudsman can receive complaints from a person detained under the [Terrorism \(Preventative Detention\) Act 2006](#), about administrative matters connected with his or her detention. There were no complaints received in this category during the year.

Requests for Review

Occasionally, the Ombudsman is asked to review or reopen a complaint that was investigated by the office. The Ombudsman is committed to providing complainants with a service that reflects best practice administration and, therefore, offers complainants who are dissatisfied with a decision made by the office an opportunity to [request a review](#) of that decision. Forty eight requests for review were received in 2010-11, or approximately two per cent of the total number of complaints finalised. Four reviews resulted in the original decision being amended in part or in whole. In all other cases where a review was undertaken, the original decision was upheld.

Child Death Review

This section sets out the work of the Ombudsman's office in relation to its child death review function. Information on this work has been divided as follows:

- Background;
- The role of the Ombudsman's office in child death reviews;
- Notifications and reviews;
- Patterns and trends identified from child death reviews;
- Improvements to public administration to prevent or reduce child deaths;
- Major own motion investigations arising from child death reviews; and
- Stakeholder liaison.

Background

In November 2001, prompted by the coronial inquest into the death of a 15 year old Aboriginal girl at the Swan Valley Nyoongar Community in 1999, the (then) Government announced a special inquiry into the response by Government agencies to complaints of family violence and child abuse in Aboriginal communities.

The resultant 2002 report, *Putting the Picture Together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*, recommended that a Child Death Review Team be formed to review the deaths of children in Western Australia (Recommendation 146). Responding to the report the (then) Government established the Child Death Review Committee, with its first meeting held in January 2003. The function of the Child Death Review Committee was to review the operation of relevant policies, procedures and organisational systems of the (then) Department for Community Development in circumstances where a child had contact with the Department.

In August 2006, the (then) Government announced a functional review of the (then) Department for Community Development. Ms Prudence Ford was appointed the independent reviewer and presented the report, *Review of the Department for Community Development: Review Report (the Ford Report)* to the (then) Premier in January 2007. In considering the need for an independent, interagency child death review model, the Ford Report recommended that:

- The Child Death Review Committee together with its current resources be relocated to the Ombudsman (Recommendation 31); and
- A small, specialist investigative unit be established in the Ombudsman's office to facilitate the independent investigation of complaints and enable the further examination, at the discretion of the Ombudsman, of Child Death Review cases where the child was known to a number of agencies (Recommendation 32).

Subsequently, the [Parliamentary Commissioner Act 1971](#) was amended to enable the Ombudsman to undertake child death reviews, and on 30 June 2009, the child death review function in the Ombudsman's office commenced operation.

The Role of the Ombudsman’s Office in Child Death Reviews

The child death review function enables the Ombudsman to review investigable deaths. Investigable deaths are defined in the Ombudsman’s legislation, the *Parliamentary Commissioner Act 1971* (see Section 19A(3)) and occur when a child dies in any of the following circumstances:

- In the two years before the date of the child’s death:
 - The Chief Executive Officer (**CEO**) of the [Department for Child Protection](#) (**the Department**) had received information that raised concerns about the wellbeing of the child or a child relative of the child;
 - Under section 32(1) of the [Children and Community Services Act 2004](#), the CEO had determined that action should be taken to safeguard or promote the wellbeing of the child or a child relative of the child; and
 - Any of the actions listed in section 32(1) of the *Children and Community Services Act 2004* was done in respect of the child or a child relative of the child.
- The child or a child relative of the child is in the CEO’s care or protection proceedings are pending in respect of the child or a child relative of the child.

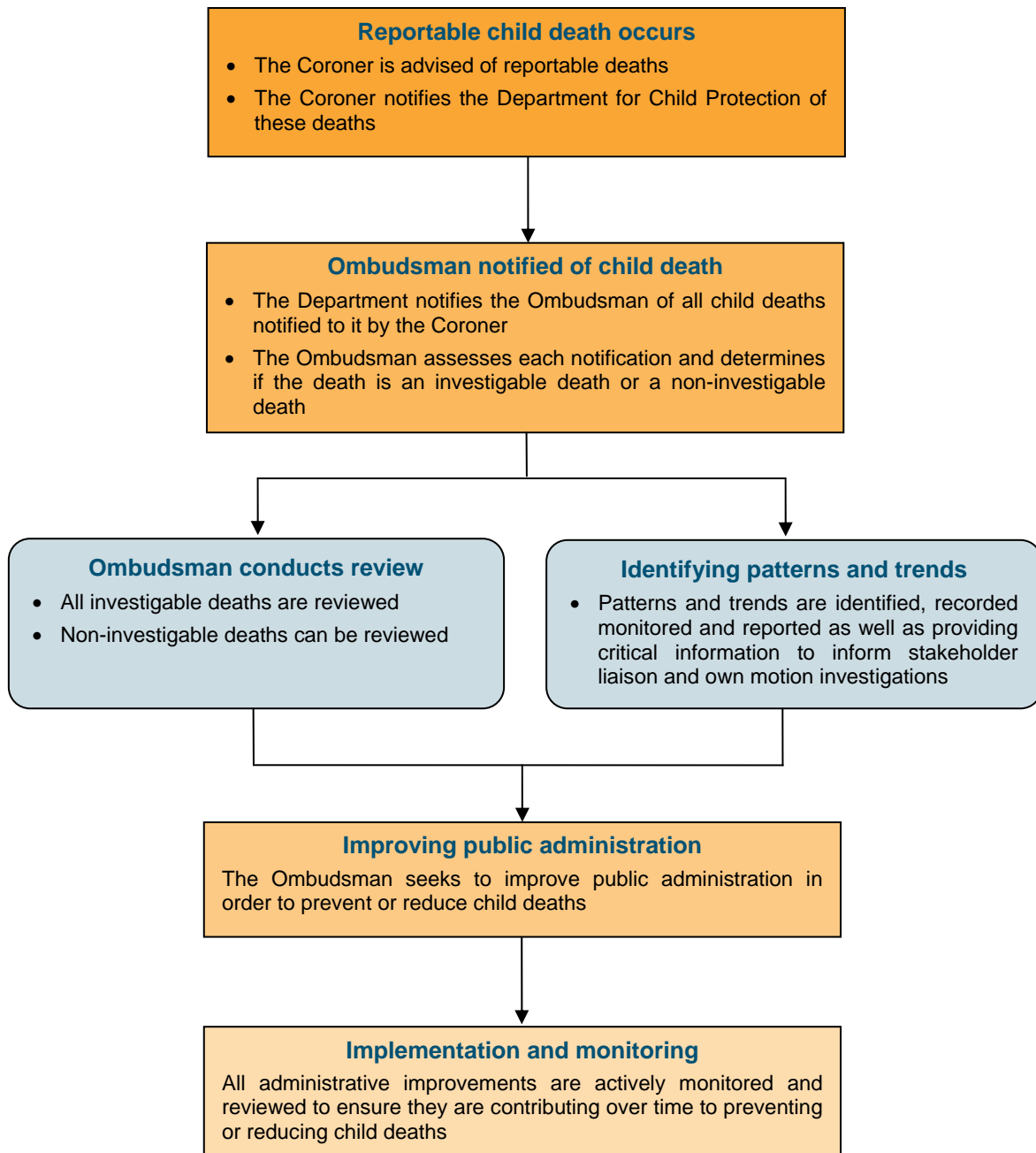
In particular, the Ombudsman reviews the circumstances in which and why child deaths occur, identifies patterns and trends arising from child deaths and seeks to improve public administration to prevent or reduce child deaths.

In addition to reviewing investigable deaths the Ombudsman can investigate the actions of other public authorities.

In reviewing child deaths the Ombudsman has wide powers of investigation, including powers to obtain information relevant to the death of a child.

By reviewing child deaths and identifying patterns and trends the Ombudsman seeks to improve public administration to prevent or reduce child deaths.

The Child Death Review Process



Notifications and Reviews

The Department receives information from the Coroner on reportable deaths of children and notifies the Ombudsman of these deaths. The notification provides the Ombudsman with a copy of the information provided to the Department by the Coroner about the circumstances of the child's death together with a summary outlining the Department's past involvement with the child.

The Ombudsman assesses all child death notifications received to determine if the death is or is not an investigable death. If the death is an investigable death, it must be reviewed. If the death is a non-investigable death, it can be reviewed. The extent of a review depends on a number of factors, including, the circumstances surrounding the child's death and the level of involvement of the Department or other public authorities in the child's life. Confidentiality of the child, family members and other persons involved with the case is strictly observed.

The child death review process is intended to identify key learnings that will positively contribute to ways to prevent or reduce child deaths. The review does not set out to establish the cause of the child's death; this is properly the role of the Coroner.

Child Death Review Cases Prior to 30 June 2009

At the commencement of the child death review jurisdiction on 30 June 2009, 73 cases were transferred to the Ombudsman from the Child Death Review Committee (**CDRC**). These cases related to child deaths prior to 30 June 2009 that were reviewable by the CDRC and covered a range of years from 2005 to 2009. Almost all (67 or 92%) of the transferred cases were finalised in 2009-10 and six cases were carried over to 2010-11. Three of the transferred cases were finalised during 2010-11.

Number of Child Death Reviews in 2010-11

During 2010-11 there were 31 child deaths that were investigable and subject to review from a total of 118 child death notifications received.

Comparison of Investigable Deaths over Time

The Ombudsman commenced the child death review function on 30 June 2009. Prior to that, child death reviews were undertaken by the CDRC with the first full year of operation of the CDRC in 2003-04.

The following table provides the number of deaths that were determined to be investigable by the Ombudsman or reviewable by the CDRC compared to all child deaths in Western Australia for the eight years from 2003-04 to 2010-11. It is important to note that an investigable death is one which meets the legislative criteria and does not necessarily mean that the death was preventable, or that there has been any failure of the responsibilities of the Department.

Comparisons are also provided with the number of child deaths reported to the Coroner and deaths where the child or a relative of the child was known to the Department. It should be noted that children or their relatives may be known to the Department for a range of reasons.

Our Performance – Child Death Review

Year	A	B	C	D
	Total WA child deaths (excluding stillbirths) (See Note 1)	Child deaths reported to the Coroner (See Note 2)	Child deaths where the child or a relative of the child was known to the Department (See Note 3)	Reviewable/ investigable child deaths (See Note 4)
2003-04	177	92	42	19
2004-05	212	105	52	19
2005-06	210	96	55	14
2006-07	165	84	37	17
2007-08	187	102	58	30
2008-09	167	84	48	25
2009-10	201	93	52	23
2010-11	199	118	60	31

Abbreviations

Department: Department for Child Protection for the years 2006-07 to 2009-10 and Department for Community Development (**DCD**) for the preceding years.

Notes

- The data in Column A has been provided by the [Registry of Births, Deaths and Marriages](#). Child deaths within each year are based on the date of death rather than the date of registration of the death. The CDRC included numbers based on dates of registration of child deaths in their Annual Reports in the years 2005-06 through to 2007-08 and accordingly the figures in Column A will differ from the figures included in the CDRC Annual Reports for these years because of the difference between dates of child deaths and dates of registration of child deaths.
- The data in Column B has been provided by the [Office of the State Coroner](#). Reportable child deaths received by the Coroner are deaths reported to the Coroner of children under the age of 18 years pursuant to the provisions of the [Coroners Act 1996](#). The data in this section is based on the number of deaths of children that were reported to the Coroner during the year.
- The data in Column C has been provided by the Department and is based on the date the notification was received by the Department. For 2003-04 to 2007-08 this information is the same as that included in the CDRC Annual Reports for the relevant year. In the 2005-06 to 2007-08 Annual Reports, the CDRC counted 'Child death notifications where any form of contact had previously occurred with the Department: recent, historical, significant or otherwise'. In the 2003-04 and 2004-05 Annual Reports, the CDRC counted 'Coroner notifications where the families had some form of contact with DCD'.
- The data in Column D relates to child deaths considered reviewable by the CDRC up to 30 June 2009 or child deaths determined to be investigable by the Ombudsman from 30 June 2009. It is important to note that reviewable deaths and investigable deaths are not the same, however, they are similar in effect. The definition of reviewable death is contained in the Annual Reports of the CDRC. The term investigable death has the meaning given to it under section 19A(3) of the *Parliamentary Commissioner Act 1971*.

Timely Handling of Notifications and Reviews

In 2010-11 the Ombudsman finalised 105 child death notifications. The Ombudsman's office places a strong emphasis on the timely review of child deaths. This ensures reviews are most relevant and contribute, in the most timely way possible, to the prevention or reduction of future deaths. Of the 105 notifications finalised in 2010-11, 57 per cent were closed within three months and 87 per cent were closed within six months.

Patterns and Trends Identified for Child Death Reviews

By examining all child death notifications, the Ombudsman is able to capture data relating to demographics, risk factors, social and environmental characteristics and identify patterns and trends in relation to child deaths. When child death notifications are finalised, all relevant issues are identified and recorded. Over time these issues indicate relevant patterns and trends in relation to child deaths. These patterns and trends are identified, recorded, monitored, reported and discussed. They also provide critical information for own motion investigations such as the Ombudsman's current own motion investigations examining planning for children in the care of the Department and deaths of infants, particularly sleep related infant deaths.

Important Information on Interpretation of Data

Information in this section is presented across the first two years of the operation of the Ombudsman's child death review function to give a better understanding of developing patterns and trends over time. However as the information in the following charts is based on two years of data only, significant care should be undertaken in interpreting the underlying trends arising from this data or trends from year to year.

Characteristics of Children who have Died

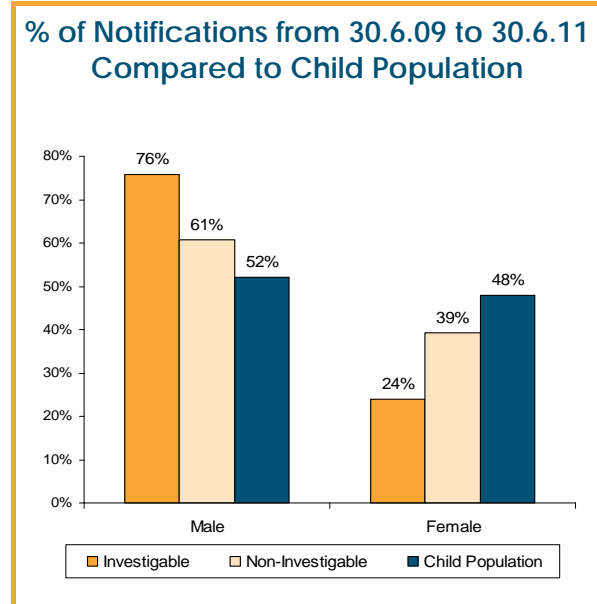
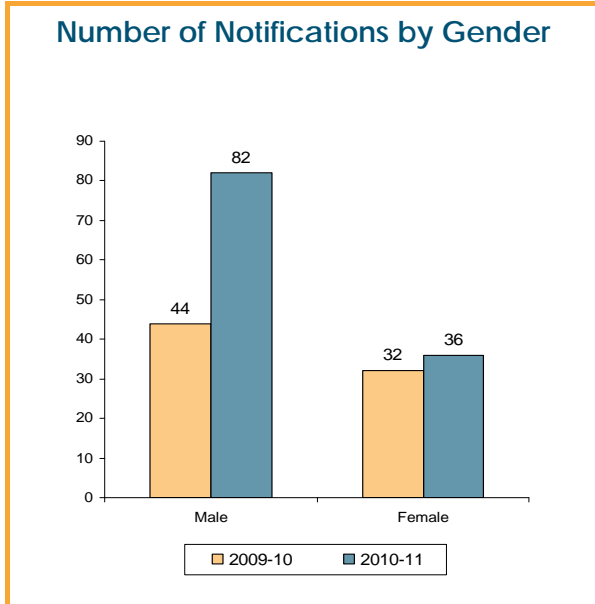
Information is obtained on a range of characteristics of the children who have died including gender, Indigenous status, various age groups and residence in the metropolitan or regional areas. A comparison between investigable and non-investigable deaths can give insight into factors that may be able to be affected by the Department in order to prevent or reduce deaths.

The following charts show:

- The number of children in each group for 2009-10 and 2010-11; and
- For the period from 30 June 2009 to 30 June 2011, the percentage of children in each group for both investigable deaths and non-investigable deaths, compared to the child population in Western Australia.

Males and Females

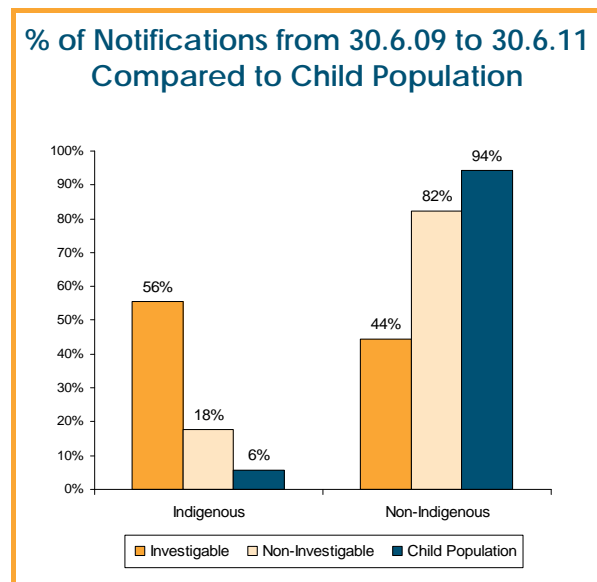
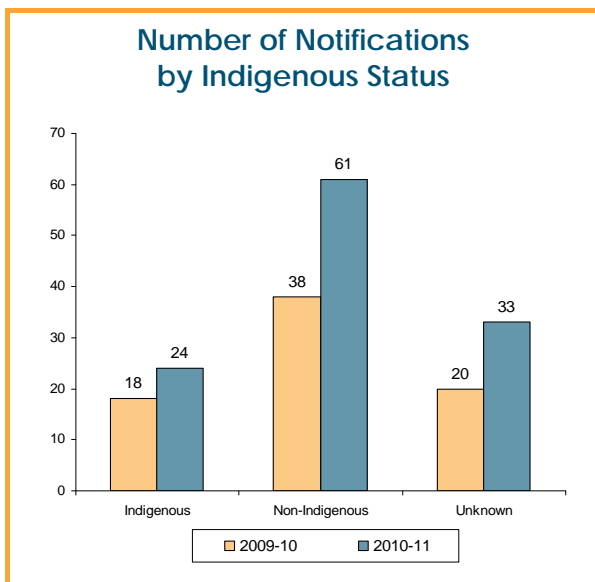
As shown in the following charts, male children are over-represented compared to the population in all deaths but particularly in investigable deaths.



Further analysis of the data shows that male children who die are more likely than females to be Indigenous and living in regional areas.

Indigenous Status

As shown in the following charts, Indigenous children are over-represented compared to the population in all deaths and more so for investigable deaths.

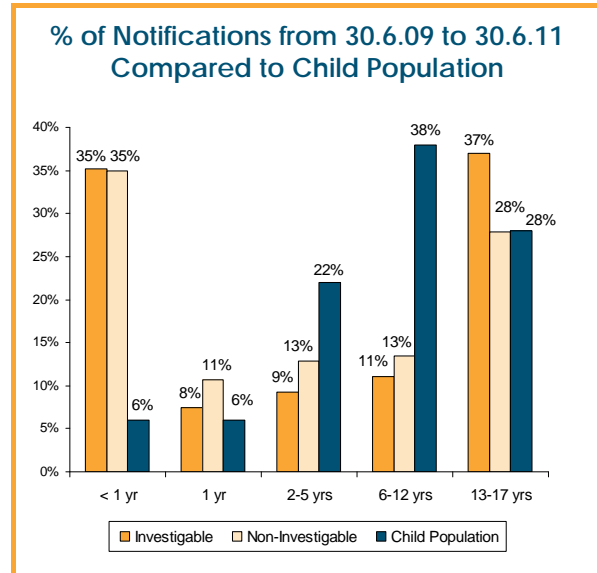
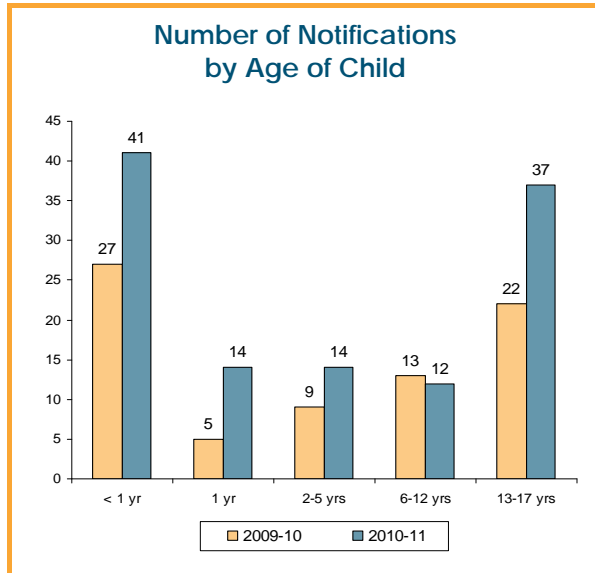


Note: Percentages for each group are based on the percentage of children whose Indigenous status is known. Numbers may vary slightly from those previously reported as, during the course of a review, further information may become available on the Indigenous status of the child.

Further analysis of the data shows that Indigenous children who die are more likely than non-Indigenous children to be male, under the age of one and living in regional and remote locations.

Age Groups

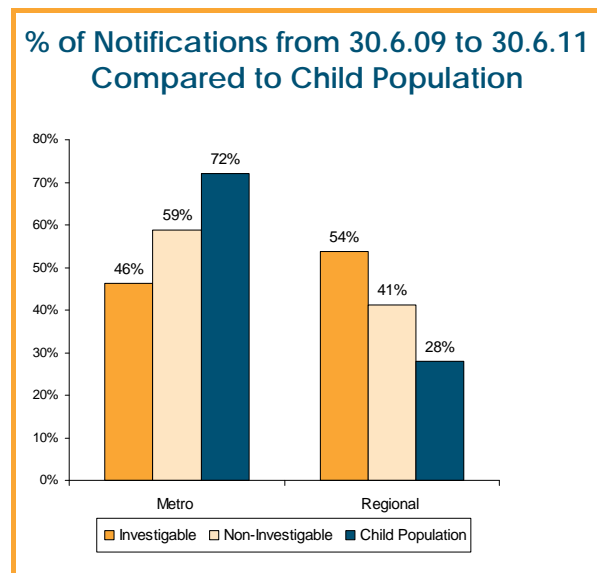
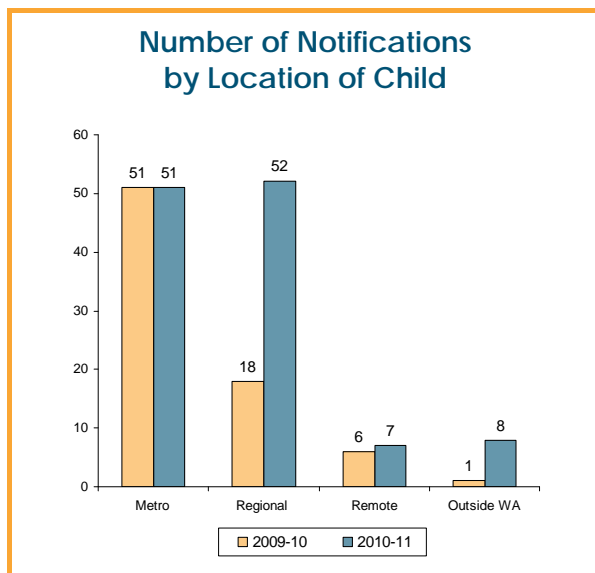
As shown in the following charts, children under two years and children aged between 13 and 17 are over-represented compared to the child population as a whole.



Further analysis of the data shows that a higher proportion of Indigenous children and children living in remote locations are under the age of one compared to other groups. A more detailed analysis by age group is provided later in this section.

Location of Residence

As shown in the following charts, children in regional locations are over-represented compared to the child population as a whole, and more so for investigable deaths.



Note: Outside WA includes children whose residence is not in Western Australia, but the child died in Western Australia. Numbers may vary slightly from those previously reported as, during the course of a review, further information may become available on place of residence of the child.

Further analysis of the data shows that most Indigenous children who died were living in regional or remote locations when they died. However non-Indigenous children who died are also more likely to live in regional locations than the child population as a whole.

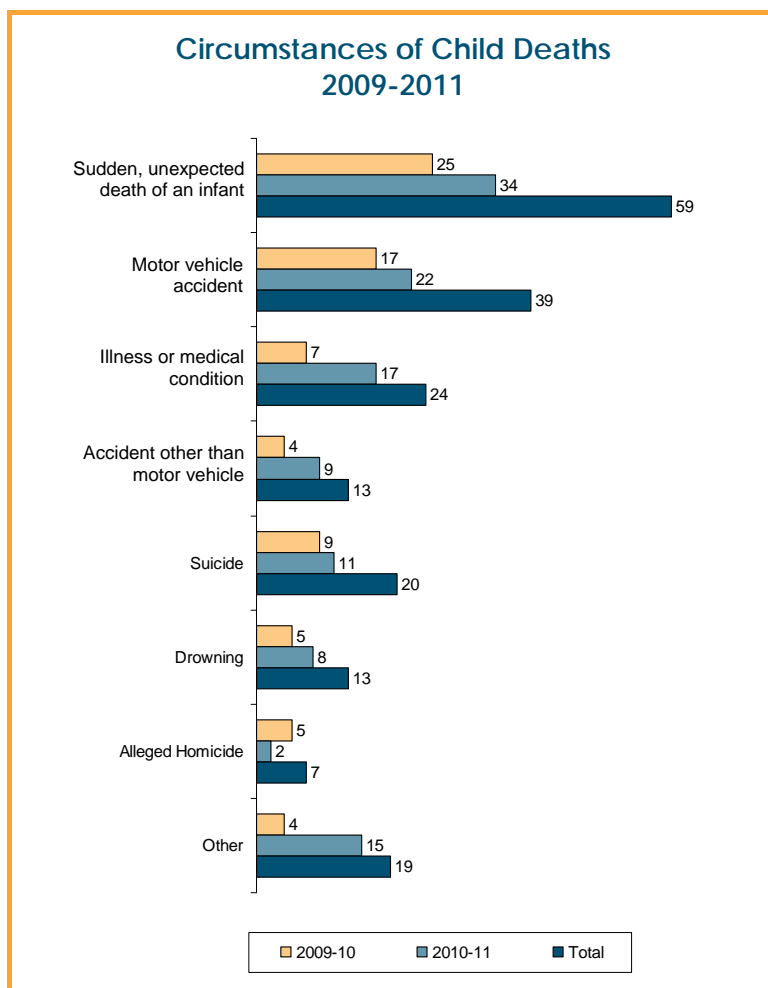
Circumstances of Child Deaths

The child death notification received by the Ombudsman includes general information on the circumstances of death. This is an initial indication of how the child may have died but is not the cause of death, which can only be determined by the Coroner. The Ombudsman’s review of the child death will normally be finalised prior to the Coroner’s determination of cause of death.

The circumstances of death are categorised by the Ombudsman as:

- Sudden, unexpected death of an infant – that is, infant deaths in which the likely cause of death cannot be explained immediately;
- Motor vehicle accident – the child may be a pedestrian, driver or passenger;
- Illness or medical condition;
- Accident other than a motor vehicle accident – this includes accidents such as house fires, electrocution, falls and crushing injuries;
- Suicide;
- Drowning;
- Alleged Homicide; and
- Other.

The following chart shows the circumstances of notified child deaths over the last two years.



Note 1: In 2010-11 the “Other” category includes eight children who died in the SIEV (Suspect Illegal Entry Vessel) 221 boat tragedy off the coast of Christmas Island in December 2010.

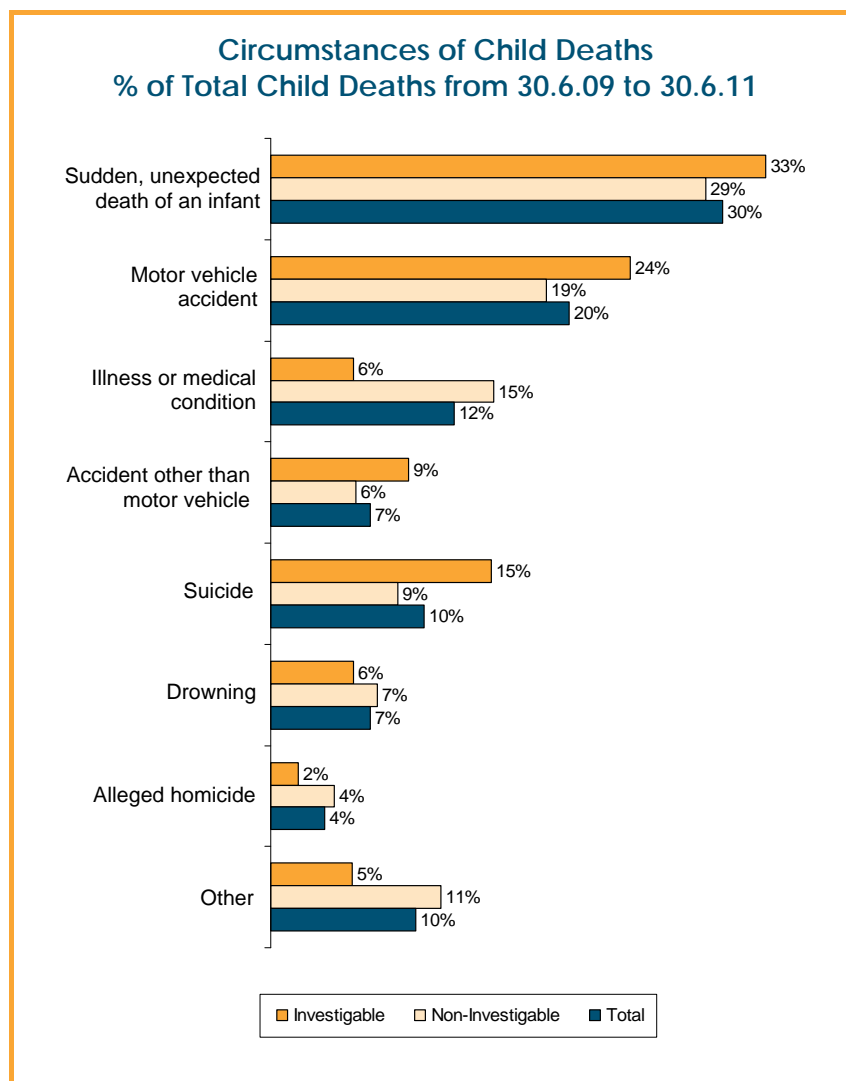
Note 2: The numbers for each circumstance of death may vary from numbers previously reported as, during the course of a review, further information may become available on the circumstances in which the child died.

Our Performance – Child Death Review

The two main circumstances of death are:

- Sudden, unexpected deaths of infants, representing 33% of the total child death notifications received in 2009-10 and 29% in 2010-11; and
- Motor vehicle accidents, representing 24% of the total child death notifications received in 2009-10 and 19% in 2010-11.

The following chart provides a breakdown of the circumstances of death for investigable and non-investigable deaths.



There are four areas where the circumstance of death shows a higher proportion for investigable deaths than for deaths that are not investigable. These are:

- Sudden, unexpected death of an infant;
- Motor vehicle accidents;
- Accidents other than motor vehicle; and
- Suicide.

Longer Term Trends in the Circumstances of Death

The CDRC also collated information on child deaths, using similar definitions, for the deaths it reviewed. The following tables show the trends over time in the circumstances of death. It should be noted that the Ombudsman's data shows the information for all notifications received, including deaths that are not investigable, while the data from the CDRC relates only to completed reviews.

Child Death Review Committee up to 30 June 2009 – See Note 1

The figures on the circumstances of death for 2003-04 to 2008-09 relate to cases where the review was finalised by the CDRC during the financial year.

Year	Accident – non-vehicle	Accident - Vehicle	Acquired illness	Asphyxiation /Suffocation	Alleged Homicide (lawful or unlawful)	Immersion/drowning	SUDI *	Suicide	Other
2003-04	1	1	1	1	2	3	1		
2004-05		2	1	1	3	1	2		
2005-06	1	5			2	3	13		
2006-07	1	2	2				4	1	
2007-08	2	1			1	1	2	3	4
2008-09						1	6	1	

* Sudden, unexpected death of an infant – includes Sudden Infant Death Syndrome

Ombudsman from 30 June 2009 – See Note 2

The figures on the circumstances of death for 2009-10 relate to all notifications received by the Ombudsman during the year including cases that are not investigable and are not known to the Department. These figures are much larger than previous years as the CDRC only reported on the circumstances of death for the cases that were reviewable and that were finalised during the financial year.

Year	Accident other than motor vehicle	Motor Vehicle Accident	Illness or medical condition	Asphyxiation /Suffocation	Alleged Homicide	Drowning	SUDI *	Suicide	Other
2009-10	4	17	7		5	5	25	9	4
2010-11	9	22	17		2	8	34	11	15

* Sudden, unexpected death of an infant – includes Sudden Infant Death Syndrome

Note 1: The source of the CDRC's data is the CDRC's Annual Reports for the relevant year. For 2007-08, only partial data is included in the Annual Report. The remainder of the data for 2007-08 and all data for 2008-09 has been obtained from the CDRC's records transferred to the Ombudsman. Types of circumstances are as used in the CDRC's Annual Reports.

Note 2: The data for the Ombudsman is based on the notifications received by the Ombudsman during the year. The types of circumstances are as used in the Ombudsman's Annual Reports.

Social and Environmental Factors Associated with Investigable Deaths

A number of social and environmental factors affecting the child or their family may impact on the wellbeing of a child, such as:

- Family and domestic violence;
- Alcohol use;
- Parental supervision;
- Drug or substance use; and
- Homelessness.

Reviews of investigable deaths often highlight the impact of these factors on the circumstances leading up to the child's death and, where this occurs, these factors are recorded to enable an analysis of patterns and trends to assist in considering ways to prevent or reduce future deaths.

It is important to note that the existence of these factors is associative. They do not necessarily mean that the removal of this factor would have prevented the death of a child or that the existence of the factor necessarily represents a failure by the Department or another public authority.

Social or Environmental Factor	% of Finalised Investigable Deaths
Family and domestic violence	65%
Alcohol use	35%
Parental supervision	26%
Drug use	17%
Homelessness	17%

One of the features of the investigable deaths reviewed is the co-existence of a number of these social and environmental factors. The following observations can be made:

- Where family and domestic violence was present:
 - Alcohol use was a co-existing factor in a third of the cases; and
 - Parental supervision was a co-existing factor in a third of the cases.
- Where alcohol use was present:
 - Drug or substance use was a co-existing factor in over a third of the cases; and
 - Parental supervision was a co-existing factor in half of the cases.

Reasons for Contact with the Department

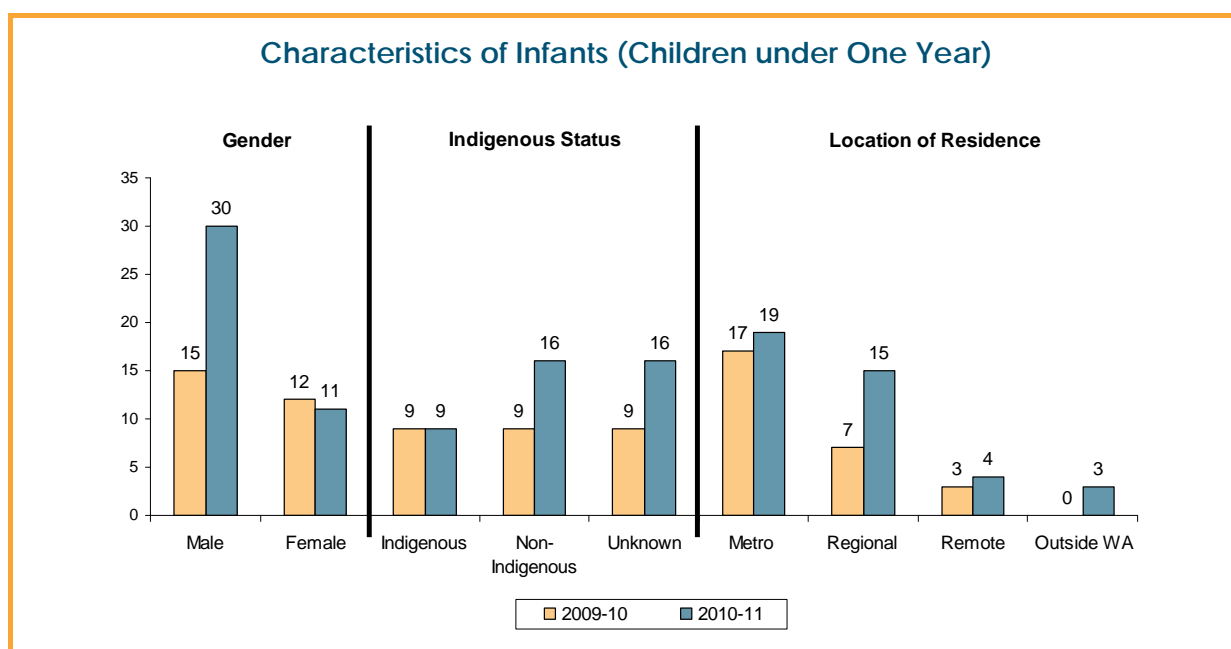
In 2010-11 the majority of children were known to the Department because of contact relating to them or their family for financial problems or concerns for a child's wellbeing. Other reasons included family and domestic violence, parental support and access, foster or adoption enquiries.

Patterns and Trends of Children in Particular Age Groups

In examining the child death notifications by their age groups the office is able to identify patterns that appear to be linked to childhood developmental phases and associated care needs. This age related focus has enabled the office to identify particular characteristics and circumstances of death that have a high incidence in each age group and refine the reviews to examine areas where improvements to public administration may prevent or reduce these child deaths. The following section identifies the four groupings of infants (children under one year), children aged 1 to 5, children aged 6 to 12 and children aged 13 to 17, and demonstrates the learning and outcomes from this age related focus.

Deaths of Infants

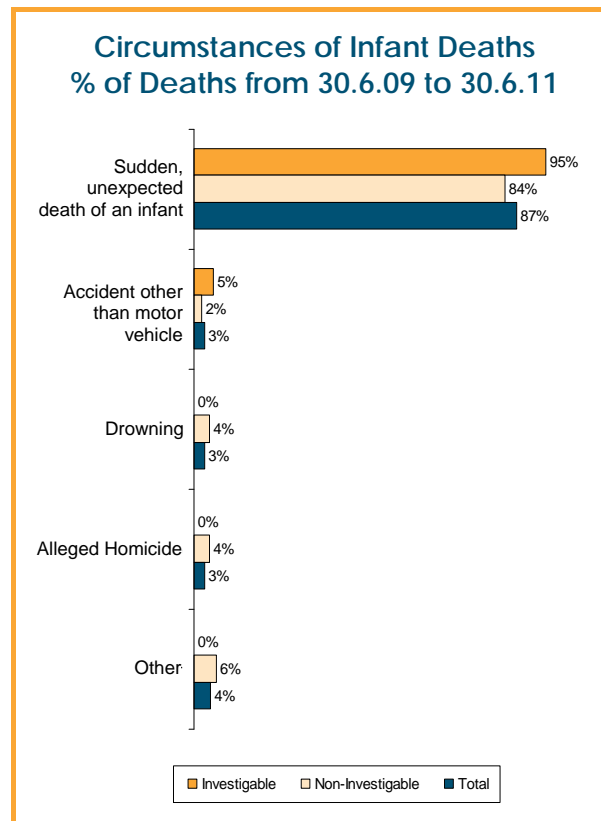
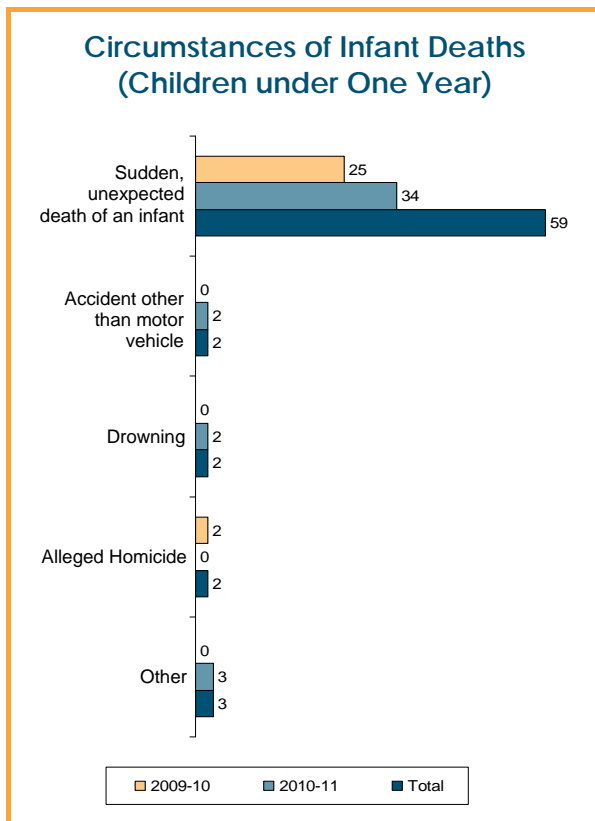
Of the 194 child death notifications received by the Ombudsman from 30 June 2009 to 30 June 2011, 68 (35%) were deaths of children aged less than one year (**infants**). The characteristics of infants who died are shown in the following chart.



Further analysis of the data showed that, for these infant deaths, there was an over-representation compared to the child population for:

- Males – 89% of investigable infant deaths and 57% of non-investigable infant deaths were male compared to 52% in the child population;
- Indigenous children – 69% of investigable deaths and 26% of non-investigable deaths were Indigenous children compared to 6% in the child population; and
- Living in regional or remote locations – 58% of investigable infant deaths and 39% of non-investigable deaths of infants, living in Western Australia, were children living in regional or remote locations compared to 28% in the child population.

An examination of the patterns and trends of the circumstances of infant deaths showed that of the 68 infant deaths, 59 (87%) were categorised as sudden, unexpected deaths of an infant and the majority of these (39) appear to have occurred while the infant had been placed for sleep. There were a small number of other deaths as shown in the following chart.

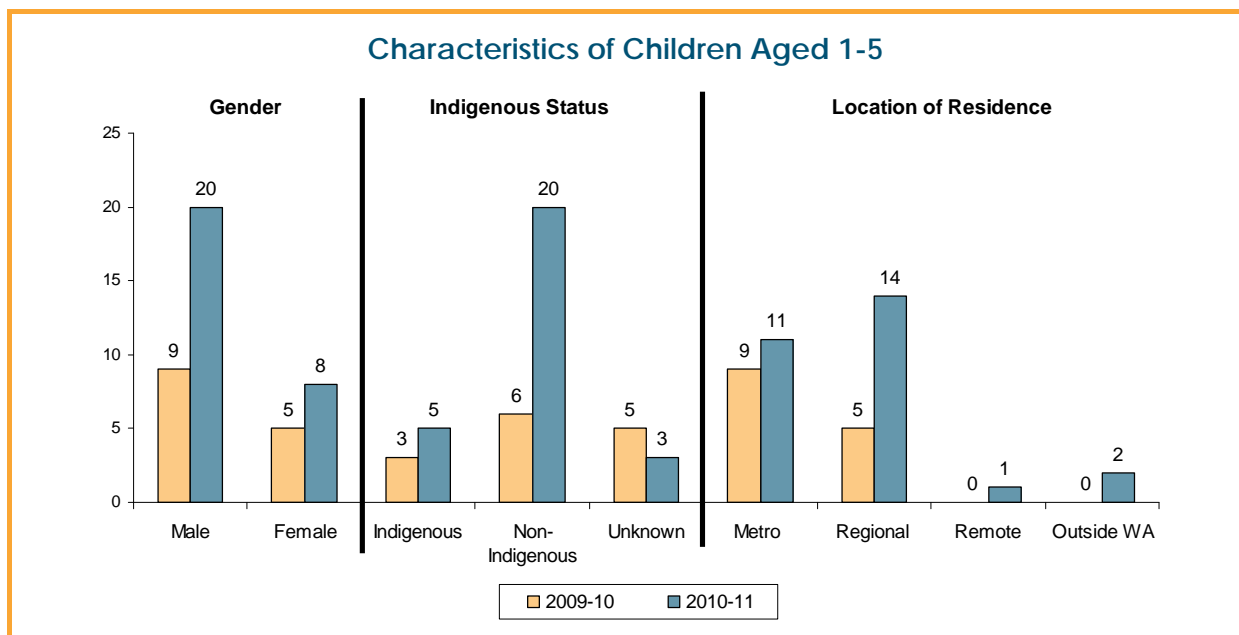


Nineteen infant death notifications received from 30 June 2009 to 30 June 2011 were determined to be investigable deaths.

Deaths of Children Aged 1 – 5 Years

Of the 194 child death notifications received from 30 June 2009 to 30 June 2011, there were 42 (22%) deaths of children aged one to five years.

The characteristics of children aged 1-5 are shown in the following chart.

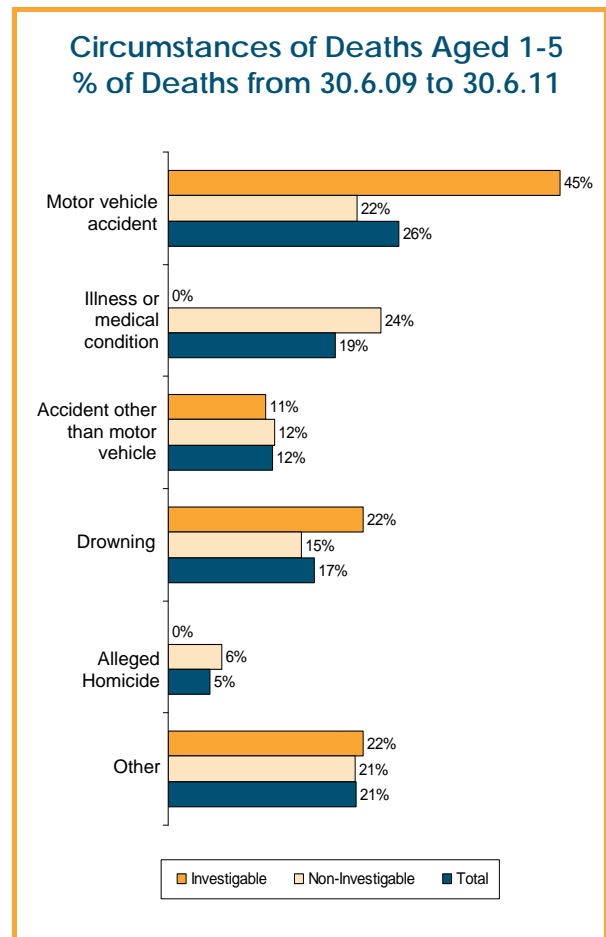
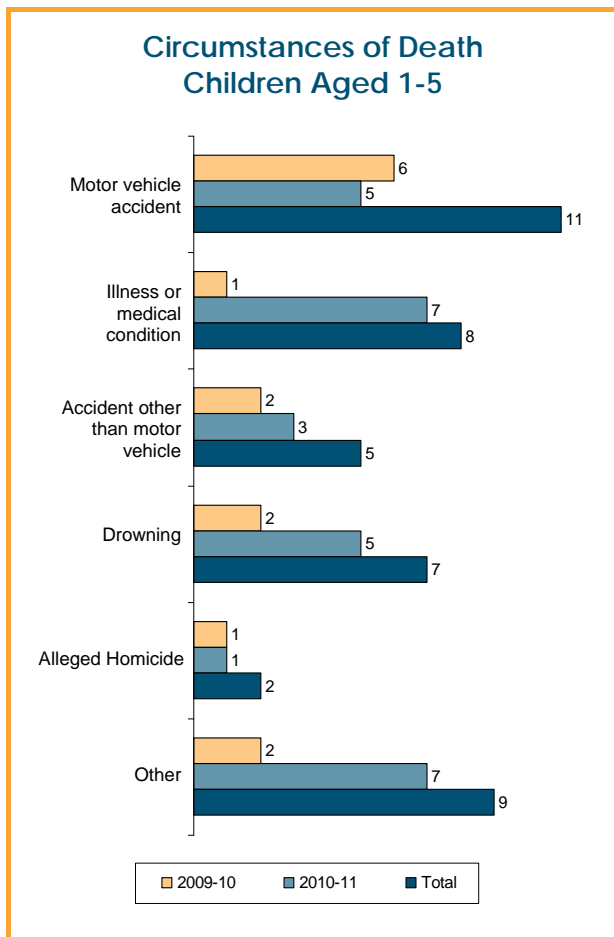


Our Performance – Child Death Review

Further analysis of the data showed that, for these deaths, there was an over-representation compared to the child population for:

- Males – 78% of investigable deaths and 67% of non-investigable deaths of children aged 1 to 5 were male compared to 52% in the child population;
- Indigenous children – 63% of investigable deaths and 12% of non-investigable deaths of children aged 1 to 5 were Indigenous children compared to 6% in the child population; and
- Living in regional or remote locations – 56% of investigable deaths and 48% of non-investigable deaths of children aged 1 to 5, living in Western Australia, were children living in regional or remote locations compared to 28% in the child population.

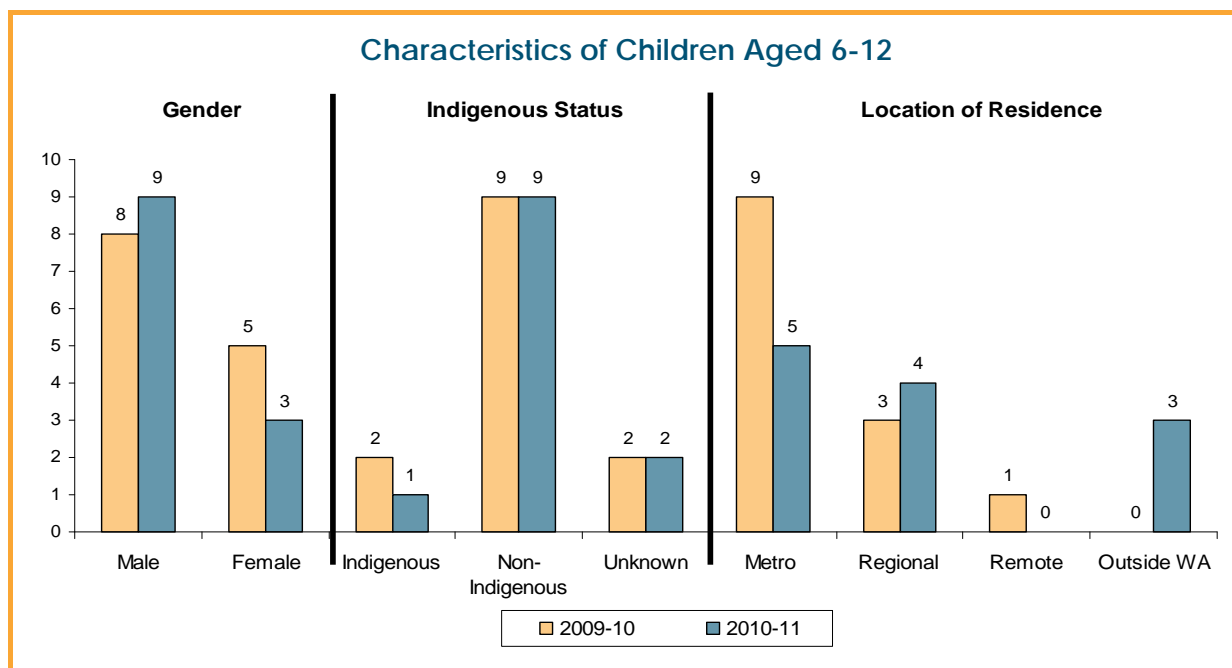
As shown in the chart below, motor vehicle accidents is the largest circumstance of death category for this age group.



Nine deaths of children aged 1 to 5 years were determined to be investigable deaths.

Deaths of Children Aged 6 – 12 Years

Of the 194 child death notifications the Ombudsman received from 30 June 2009 to 30 June 2011, 25 (13%) related to children from 6 to 12 years. The characteristics of children aged 6 to 12 are shown in the following chart.

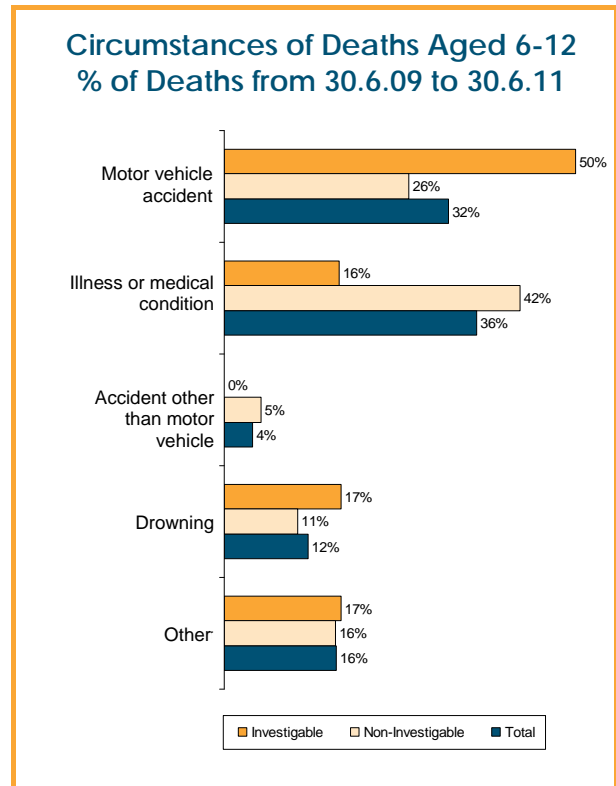
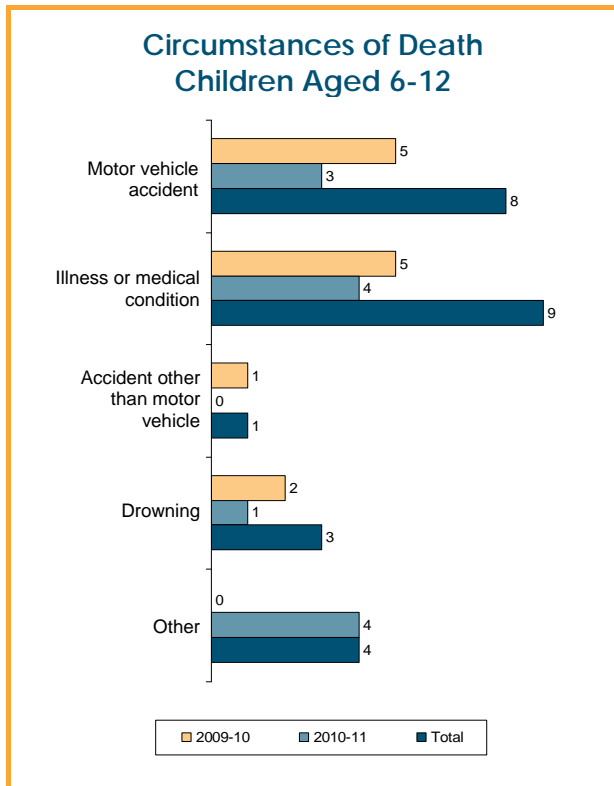


Further analysis of the data showed, for these deaths, there was an over-representation compared to the child population for:

- Males – 83% of investigable deaths and 63% of non-investigable deaths of children aged 6 to 12 were male compared to 52% in the child population;
- Indigenous children – 20% of investigable deaths and 13% of non-investigable deaths of children aged 6 to 12 were Indigenous children compared to 6% in the child population. However the discrepancy is less in this age group for Indigenous children than in other age groups; and
- Living in regional or remote locations – 50% of investigable deaths and 31% of non-investigable deaths of children aged 6 to 12, living in Western Australia, were children living in regional or remote locations compared to 28% in the child population.

Our Performance – Child Death Review

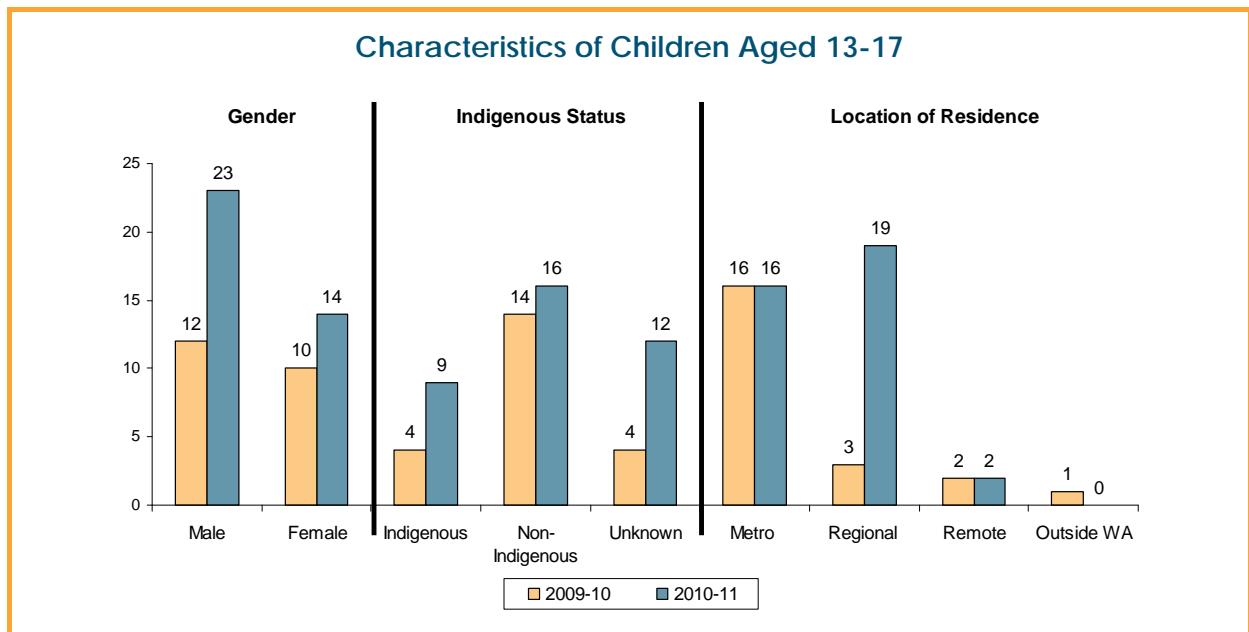
The circumstances of death were varied with motor vehicle accidents and medical illness being the largest groupings as shown in the chart below.



Six deaths of children aged 6 to 12 years were determined to be investigable deaths.

Deaths of Children Aged 13 – 17 Years

Of the 194 child death notifications the Ombudsman received from 1 July 2009 to 30 June 2011, 59 (30%) related to children aged from 13 to 17 years, which is the second largest age grouping. The characteristics of children aged 13 to 17 are shown in the following chart.

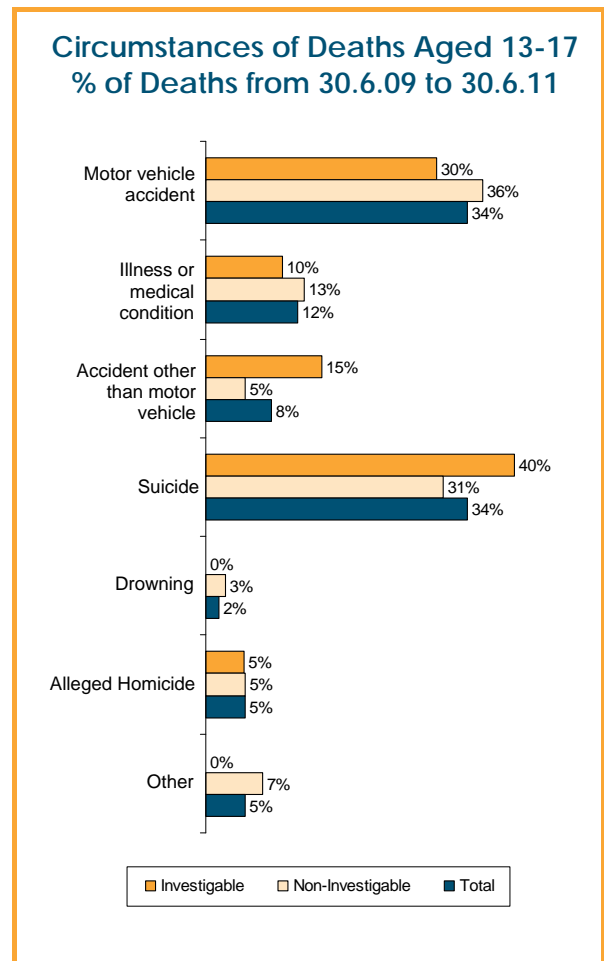
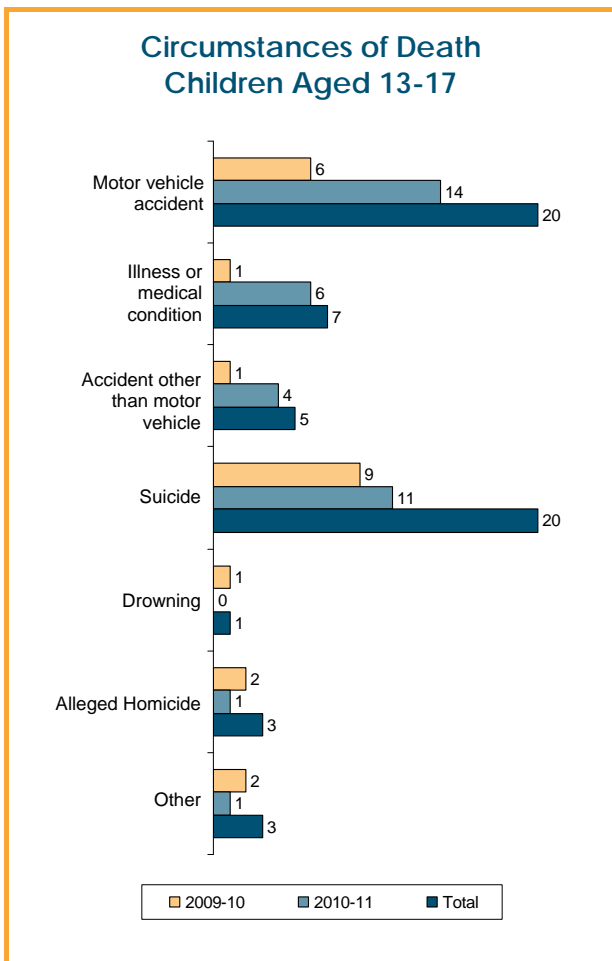


Our Performance – Child Death Review

Further analysis of the data showed that, as with younger children, for the deaths of children aged 13 to 17, there was an over-representation compared to the child population for:

- Males – 60% of investigable deaths and 59% of non-investigable deaths of children aged 13-17 were male compared to 52% in the child population. However the difference between males and females is less in this group than for younger children;
- Indigenous children – 50% of investigable deaths and 19% of non-investigable deaths of children aged 13 to 17 were Indigenous compared to 6% in the child population; and
- Living in regional or remote locations – 50% of investigable deaths and 42% of non-investigable deaths of children aged 13 to 17, living in Western Australia, were living in regional or remote locations compared to 28% in the child population.

Suicide and motor vehicle accidents are the two most common circumstances of death, each representing 20 (34%) of the 59 deaths in this age group.



Twenty deaths of children aged 13 to 17 years were determined to be investigable deaths.

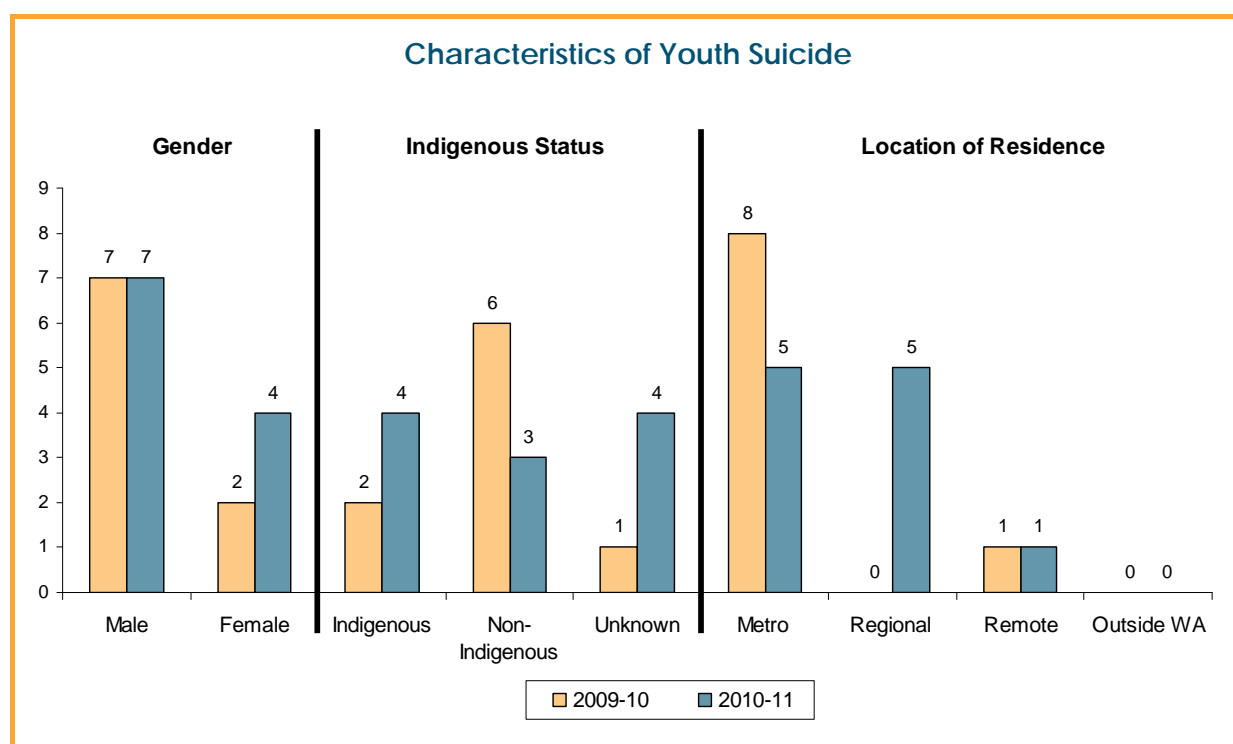
Our Performance – Child Death Review

All children who took their own lives were in the 13 to 17 year age cohort. The 59 deaths in this age group included 20 (34%) young people who took their own lives. Of these:

- Two were 14 years old;
- Four were 15 years old;
- Six were 16 years old; and
- Eight were 17 years old.

The characteristics of the young people who took their own lives are shown in the following chart which shows that:

- For investigable deaths there are equal numbers of males and females but for non-investigable deaths there is a higher proportion of males (83%);
- Indigenous youths are over-represented in this group, accounting for 6 (40%) of the 15 youth suicides where information on the Indigenous status of the young person was available; and
- The majority of these youth suicides occurred in the metropolitan area, but regional or remote suicides were over-represented compared to the population as a whole with 38% of investigable youth suicides and 33% of non-investigable youth suicides being young people who were living in regional or remote locations compared to 28% in the child population.



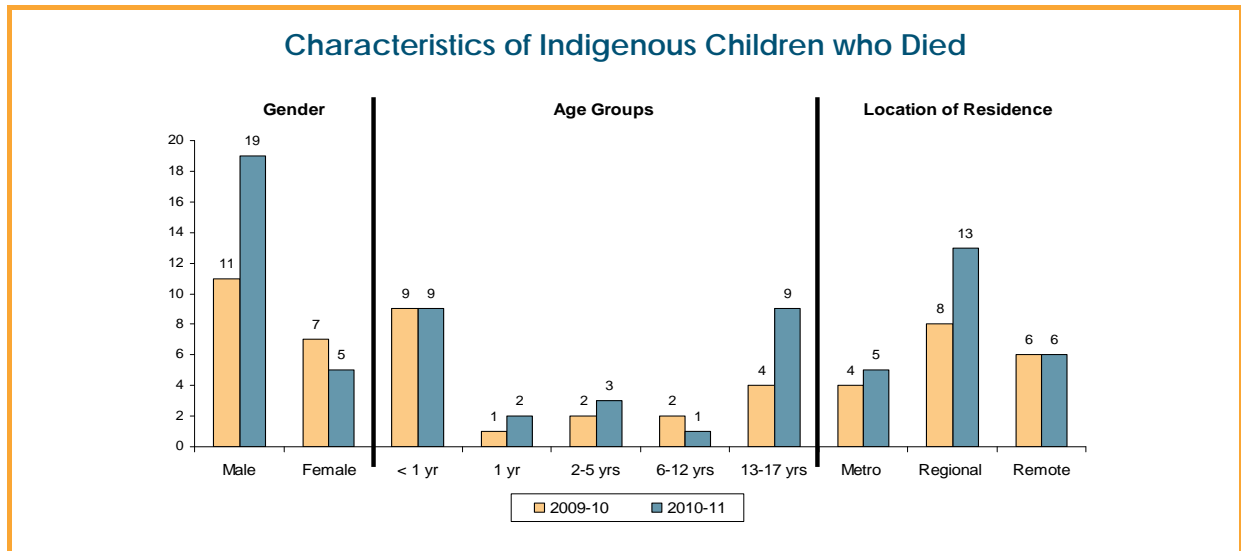
Deaths of Indigenous Children

Of the 141 child death notifications received from 30 June 2009 to 30 June 2011, where the Indigenous status of the child was known, 42 (30%) of the children were identified as Indigenous.

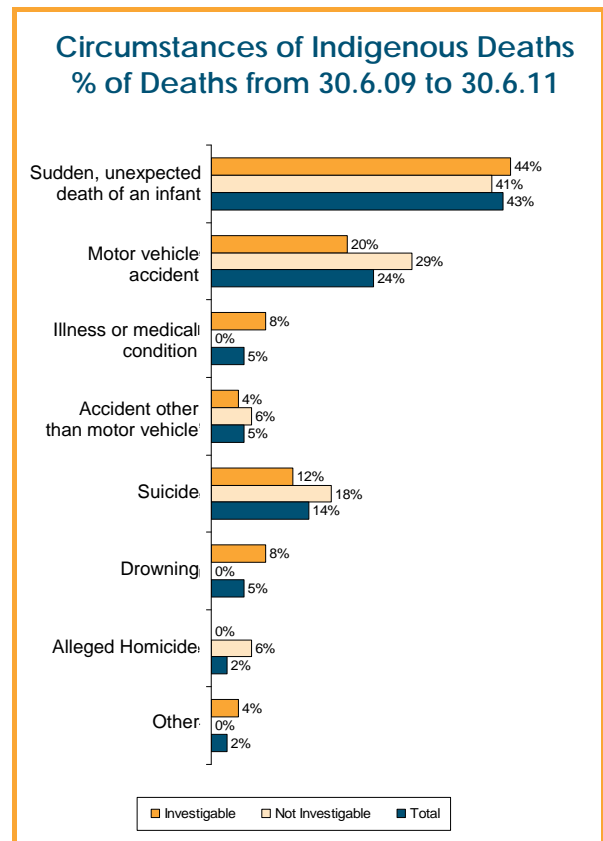
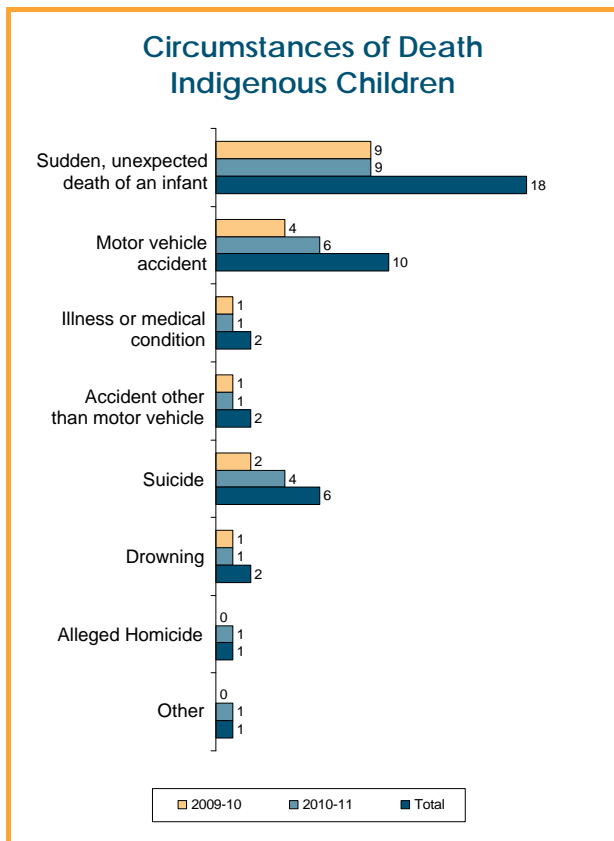
Our Performance – Child Death Review

For the notifications received, the following chart demonstrates:

- The number of male Indigenous children is more than twice that of female Indigenous children;
- The infant and youth groupings are the largest age range categories; and
- Regional and remote Indigenous child deaths far outnumber metropolitan Indigenous child deaths.



Sudden, unexpected death of infants, motor vehicle accidents and suicide are the largest circumstance of death categories for Indigenous children as shown in the chart below.



Improvements to Public Administration to Prevent or Reduce Child Deaths

By undertaking child death reviews the Ombudsman seeks to improve public administration in order to prevent or reduce investigable child deaths in the future and to promote good decision making in those public authorities that provide services to children. Information has been set out as follows:

- Issues identified in child death reviews;
- Administrative improvements achieved to address issues identified;
- Outcomes of reviews and administrative improvements by age cohort;
- Identification of good practice and collaboration;
- Major own motion investigations;
- Monitoring of reviews for future own motion investigations;
- Other mechanisms to prevent or reduce child deaths; and
- Research into Foetal Alcohol Spectrum Disorder.

All administrative improvements are subject to ongoing monitoring and review as recommendations of the Ombudsman to ensure that they are, over time, leading to the prevention or reduction of child deaths.

Issues Identified in Child Death Reviews

The following are the types of issues that have been identified in undertaking child death reviews.

It is important to note that:

- Issues are not identified in every child death review; and
- When an issue has been identified, it does not necessarily mean that the issue is related to the death of a child.

- A practice not being sufficiently child focussed.
- Lack of a thorough safety assessment of a child.
- A lack of clear and comprehensive record keeping.
- Not identifying child wellbeing concerns at an assessment.
- No evidence of undertaking a safety assessment following referral of a child wellbeing concern.
- Where a family was involved with multiple District Offices, one district did not take responsibility to assess child wellbeing concerns.
- Not interviewing relevant parties in a timely manner when assessing child wellbeing concerns.
- Not making an appropriate assessment of an unborn child following a mother's disclosure of alcohol consumption and history of alcohol consumption.

Administrative Improvements Achieved to Address Issues Identified

To address concerns identified during the Ombudsman's reviews, the Department undertook to carry out a range of actions. The following are the types of administrative improvements that have been achieved:

- Undertaking quality assurance of case files and addressing issues of non-compliance;
- Restructured duty intake arrangements;
- Senior staff visiting District Offices to use a case as a learning and development opportunity;
- Referred the case and concerns to the District Director, Team Leaders and relevant staff for information and discussion;
- Implemented the close supervision of inexperienced staff on duty by a Senior Field Officer or Team Leader; and
- The Department including an additional prompt in its *Alcohol and Other Drugs* Prompt Sheet at intake, that parental alcohol and drug misuse during pregnancy may result in premature and underweight births and drug dependent newborns.

Outcomes of Reviews and Administrative Improvements by Age Cohort

Information on outcomes of reviews and the administrative improvements achieved as a result of reviews is set out below. The information has been structured under the various age cohorts identified earlier in the patterns and trends section of the report.

Deaths of Infants

The Ombudsman's examination of reviews of infant deaths undertaken in 2010-11 has highlighted two key issues:

- Promoting safe sleeping practices; and
- Alcohol consumption as a risk factor for the wellbeing of the unborn child, and the infant.

Promoting Safe Sleeping Practices

[SIDS and Kids Australia](#) identifies safe sleep risk factors that relate to the infant's sleeping position, the bedding, exposure to tobacco smoke and the infant's sleep location. The most common risk factor was co-sleeping in the parental bed where the parents had a background of alcohol consumption or smoking.

In response to the Ombudsman's reviews the Department amended its Casework Practice Manual, which outlines the legislative, policy and practice requirements to guide Departmental staff in their decisions and actions, to include information on co-sleeping that highlights the increased risk for infants when parents may be involved with substance use, smoking or on medication.

The pattern identified from the Ombudsman's reviews has led to a major own motion investigation by the Ombudsman in relation to sleep related infant deaths. Further details about this [own motion investigation](#) are set out in the next section.

Alcohol Consumption as a Risk Factor for the Wellbeing of the Unborn Child, and the Infant

Alcohol consumption during pregnancy has the potential to negatively impact on the wellbeing of the unborn child, resulting in Foetal Alcohol Spectrum Disorders (**FASD**). FASD describes a continuum of permanent birth defects caused by maternal consumption of alcohol during pregnancy. FASD is not in itself a clinical diagnosis but describes the full range of disabilities that may result from ante-natal alcohol exposure, that include lifelong physical, mental, behavioural and learning disabilities.

The following case study outlines the risk to the infant associated with parental alcohol consumption and the outcomes achieved from the Ombudsman's review.



Infant A

Infant A came from a family with a long history of contact with the Department about child wellbeing concerns, related to the mother's chronic alcohol use and parental domestic violence. The Department responded to a domestic violence report that occurred when the mother was pregnant with Infant A. When interviewed by the Department, the mother stated that she and the father had been drinking alcohol prior to the violence.

As a result of this review, the Department has amended the *Alcohol and Other Drugs* Prompt Sheet, used by Field Workers as a guide to child wellbeing assessments, to include an additional prompt noting that parental alcohol and drug misuse during pregnancy may result in premature and underweight births and drug dependent newborns.

Deaths of Children Aged 1 – 5 Years

The Ombudsman's examination of reviews of deaths of children aged 1 to 5 years undertaken in 2010-11 has highlighted supervision of a child aged 1 to 5 years as a key issue in preventing fatal accidents.

Supervision of a Child Aged 1 to 5 Years

[Kidsafe WA](#), an Australian non-government organisation dedicated to preventing unintentional childhood injuries and reducing deaths from childhood accidents in children under the age of 15 years, identifies that most injuries happen to children under the age of five, as this age group is curious and mobile but have little awareness of danger. As such, this age group is a particular risk group for fatalities associated with drowning or being run over in a driveway.

One review demonstrates a proactive response by a local government, as outlined in the case study below.



Child B

Child B drowned in a residential pool.

The relevant local government inspected the pool area and noted several discrepancies with an inspection previously carried out at the property. While the fence did not contravene the compulsory standards for pool security, the local government undertook an audit of pool inspections to ensure any other discrepancies could be addressed.

Deaths of Children Aged 6 – 12 Years

The Ombudsman's examination of reviews of deaths of children aged 6 to 12 undertaken in 2010-11 has shown the critical nature of certain core health and education needs (such as attendance at school) and interagency cooperation between the Department, the Department of Health and the Department of Education as the involvement of all three agencies will generally be required if health and education needs are to be incorporated into the child's care planning.

This is of particular relevance for children in the care of the CEO of the Department. For this reason, the decision was made to undertake a major own motion investigation into the care planning provisions of the [Children and Community Services Act 2004](#) with a focus on care planning for these children.

Deaths of Children Aged 13 – 17 Years

The Ombudsman's examination of reviews of deaths of children aged 13 to 17 undertaken in 2010-11 has highlighted the following key factors:

- Youth suicides;
- Risk-taking behaviours;
- Public authorities engaging with the behaviour that may have brought the young person to their attention (for example, parent-teen conflict, truancy, criminal activity, homelessness) including underlying child protection concerns; and
- Interagency collaboration and communication.

Youth Suicide

Youth suicide is a challenging community issue and much is being done in Western Australia and nationally on this important topic.

In July 2011 the Parliament of Australia's Standing Committee on Health and Ageing released the report, *Before it's too late: Report on early intervention programs aimed at preventing youth suicides*. The report highlights some of the barriers to the prevention of youth suicide such as 'help negation' where the individual withdraws from help. In addition,

the report details prevention strategies such as the importance of continuity of care after discharge from hospital especially after one suicide attempt; the need for selective interventions based on groups seen to be at risk such as Indigenous children and gay young people; and universal programs such as school based programs promoting mental health, anti-bullying, physical wellbeing and training ‘gatekeepers’ to recognise mental health issues.

In Western Australia, the [Commissioner for Children and Young People’s Report on the Inquiry into the Mental Health and Wellbeing of Children and Young People](#) in April 2011 and recent Coronial inquiries into suicide (including ‘group’ inquiries into suicides that occurred in the Kimberley (February 2008), Oombulgurri (July 2008) and the 2011 inquiry in Balgo), have identified strategies and made recommendations aimed at reducing the occurrence of these deaths. There is also work by other public authorities, such as the Department of Health and the [Mental Health Commissioner](#), and non-government organisations to provide suicide prevention planning and services. This work, and other work, is reflected on in the reviews of youth suicide undertaken by the Ombudsman.

The reviews revealed the following:

- In eight cases there was a recorded history of family and domestic violence or parent-teen conflict;
- In seven cases there were allegations of sexual assault involving the youth;
- In four cases the youth had been known to be homeless at some stage, or moving between family members;
- In three cases there was a recorded history of alcohol and/or drug use by the youth; and
- In three cases the youth was not regularly attending school.

The issue of youth suicide is currently being considered for an Ombudsman’s own motion investigation in 2012 to further consider ways to prevent or reduce these child deaths.

Identification of Good Practice and Collaboration

As demonstrated by the following case study, reviews regularly identify good practice by the Department and other public authorities as well as good interagency communication and cooperation.



Child A

Child A’s family had contact with the Department and the Department of Health due to child wellbeing concerns and domestic violence associated with alcohol consumption by Child A’s father. The services working with Child A and his parents faced a number of challenges particularly as the family lived in, and were mobile between, different remote and regional communities.

Both the Department and the Department of Health demonstrated good practice working with the family and extended family to ensure the safety of Child A and his siblings and good interagency collaboration was evident. The child safety concerns were resolved when Child A’s mother was supported to move with her children to live with her extended family. Child A died following an accident soon after the move by the family.

Major Own Motion Investigations

In addition to taking action on individual child deaths, the office identifies patterns and trends arising out of child death reviews to inform major own motion investigations that examine the practice of public authorities that provide services to children and their families. During the year, the Ombudsman undertook significant work on two major own motion investigations with a view to improving public administration in order to prevent or reduce child deaths.

These own motion investigations explored:

- Deaths of Infants; and
- Planning for Children in Care.

Own Motion Investigation into Deaths of Infants

Through reviews of individual child deaths, the Ombudsman identified that there were a high proportion of child deaths that were sudden, unexpected deaths of infants (children under one year old), including infants who had been placed for sleep.

Over the two year period 30 June 2009 to 30 June 2011, the Ombudsman was notified of 68 deaths of infants. The Ombudsman undertook a broad, preliminary analysis of the circumstances surrounding these 68 infant deaths and found that 59 (87%) were categorised as the sudden, unexpected death of an infant. For 39 of these 59 deaths, the information provided in the notification to the Ombudsman indicated that the infant's death was sleep related. This includes all Sudden Infant Death Syndrome (**SIDS**) cases, fatal sleeping accidents (for example, accidental asphyxia) and deaths due to undetermined causes in the sleep environment.

The Ombudsman commenced an own motion investigation into the sudden, unexpected deaths of infants with the following objectives:

- To analyse the circumstances of, and risk factors reported in, cases of sudden, unexpected deaths of infants (including sleep related deaths) notified to the Ombudsman, to identify possible patterns and trends;
- To examine any identified patterns, including common risk factors, in sudden, unexpected deaths of infants generally and explore how they relate to the findings in the Ombudsman's cases;
- To identify and review current risk reduction activities to assess:
 - Whether identified risk factors are addressed;
 - The strengths and weaknesses of current strategies;
 - Whether improvements could be made to potentially reduce the number of sudden, unexpected deaths of infants, including sleep related infant deaths; and
- To identify options for government agencies to further reduce the number of sudden, unexpected deaths of infants.

The Ombudsman's office has conducted a major literature review and stakeholder consultation, and comprehensively analysed the information included in the notifications of infant deaths to the Ombudsman. During 2011-12 the result of this work will be the subject of further consultation with key stakeholders before preparing a final report to Parliament.

Own Motion Investigation into Planning for Children in Care

Ombudsman reviews of individual child deaths identified cases that gave rise to concerns regarding the administration of care planning for children in care. Care planning is intended to provide for the protection and care of children in care and contributes to the prevention or reduction of child deaths.

For the majority of Western Australian children, their parents and family network provide for their protection and care. However, at the commencement of this own motion investigation there were 3,356 children in the care of the Chief Executive Officer of the Department (referred to as ‘children in care’). For these children, the State provides protection and care. The way in which the State is to perform this role is set out in the *Children and Community Services Act 2004* which contains a number of provisions requiring care planning for children in care.

These include:

- Requirements for the preparation, timing, content and review of care plans; and
- Principles for participation by the child, their families and carers in care planning, and principles that apply to Aboriginal and Torres Strait Islander children in care.

The *Children and Community Services Act 2004* promotes cooperation between the Department and other public authorities in relation to the protection and care of children. Cooperation between the Department, the Department of Health and the Department of Education is a critical aspect of the care planning system.

This cooperation is consistent with the recommendations of the Ford report which were endorsed by the (then) Western Australian Government in 2007. Recommendation 63, in particular, recommended that ‘*the Departments of Health and Education and Training (now the Department of Education and the Department of Training and Workforce Development) respectively be required to develop a Health Plan (covering physical, mental and dental health) and an Educational Plan respectively for each child or young person in care.*’

Other provisions regulating the administration of care planning responsibilities in Western Australia include the policies and procedures established by the Department.

The objective of the Ombudsman’s own motion investigation into care planning is to examine how public authorities have administered the requirements of the *Children and Community Services Act 2004* regarding care planning for children in care. It is anticipated that the report of this own motion investigation will be tabled in Parliament in November 2011.

Monitoring of Child Death Reviews for Future Own Motion Investigations

The Ombudsman has identified key issues out of child death reviews that are being considered for further own motion investigations including:

- Youth suicide;
- Adolescent behaviours that raise child wellbeing concerns;
- Interagency collaboration working with adolescents engaged in risk taking behaviours;
- The impact of alcohol and foetal alcohol spectrum disorder on preventable child deaths; and
- The effectiveness of current child protection practice when working with Indigenous families from regional and remote communities, who are mobile and travel their lands.

Other Mechanisms to Prevent or Reduce Child Deaths

In addition to major own motion investigations, the Ombudsman uses a range of other mechanisms to improve public administration with a view to preventing or reducing child deaths. These include:

- Assisting public authorities by providing information about issues that have arisen from child death reviews and enquiries and complaints received that may need their immediate attention, including issues relating to the safety of a child's siblings;
- Through the [Child Death Review Advisory Panel](#), and other mechanisms, working with public authorities and communities where children may be at risk to consider child safety issues and potential areas for improvement, and highlight the critical importance of effective liaison and communication between and within public authorities and communities;
- Exchanging information with other accountability and oversight agencies including Ombudsmen in other States to facilitate consistent approaches and shared learning; and
- Undertaking or supporting research that may assist to identify good practices that may assist in the prevention or reduction of child deaths, as shown in the example below.

Research into Foetal Alcohol Spectrum Disorder (FASD)

Foetal Alcohol Spectrum Disorder (**FASD**) is the term used to describe a range of disabilities caused from prenatal alcohol exposure. FASD is a risk to the unborn child of a woman that consumes alcohol during pregnancy. A child born with FASD will have lifelong effects including deficits in executive functioning, such as memory loss, retrieval of information, difficulty understanding concepts or that actions have consequences. They may also have physical defects such as a small head and heart and/or kidney problems. They may require lifelong support from services in all areas of health and wellbeing, education, child protection, disability services, corrective services, justice, police and employment.

To date, the office has undertaken a number of activities in relation to FASD given its relevance to child deaths reviewed by the Ombudsman including:

- In 2009, Ms June Councillor was awarded a Churchill Fellowship on FASD sponsored by the Department for Child Protection to travel to Canada and the United States of America to research the effects of FASD, how it can be prevented and the implications for individuals, families and communities. In December 2009, when Ms Councillor was appointed to the position of Principal Indigenous Liaison Officer (**PILO**) at the Ombudsman's office, the office supported Ms Councillor to complete the work for the Fellowship. The report of this research is available on the [Winston Churchill Memorial Trust website](#).
- Ms Councillor has delivered presentations about FASD to Ombudsman staff and to the Ombudsman's Child Death Review Advisory Panel;
- Presentations about FASD and the implications for public authorities have been delivered to public authorities within the Ombudsman's jurisdiction including the Department for Child Protection, the Department of Health, the Department of Indigenous Affairs, the Department of Corrective Services, the Department for Communities and Curtin University; and
- Ms Councillor has given expert advice to a number of bodies established to address the issues associated with FASD including the Key Aboriginal Advisory Group for the Drug and Alcohol Office.

Stakeholder Liaison

The Department for Child Protection

Efficient and effective liaison has been established with the Department to support the child death review process and objectives. Regular liaison occurs between the Ombudsman and the CEO of the Department together with regular liaison at senior executive level to discuss issues being raised in child death reviews and how positive change can be achieved. Meetings with Departmental staff have been held in a number of districts in the metropolitan, regional and remote areas.

The Child Death Review Advisory Panel

The Child Death Review Advisory Panel (**the Panel**) is an advisory body established to provide independent advice to the Ombudsman:

- On issues and trends that fall within the scope of the child death review function;
- On contemporary professional practice relating to the wellbeing of children and their families; and
- About issues that impact on the capacity of public authorities to ensure the safety and wellbeing of children.

The Panel met three times this year and is comprised of seven members who provide a range of expertise:

- Professor Steve Allsop (Director, National Drug Research Institute of Curtin University);
- Ms Sue Ash (Chief Executive Officer, Uniting Care West);
- Professor Colleen Haywood (Head of Edith Cowan University's Kurongkurl Katitjin Centre for Indigenous Australian Education and Research);
- Ms Glenda Kickett (Executive Manager, Centrecare Djooraminda);
- Professor Helen Milroy (Director, Centre for Aboriginal Medical and Dental Health, University of Western Australia);
- Ms Cissy Cox (Group Coordinator, Social Outreach and Advocacy, St John of God Health Care); and
- Ms Monica McDougall (Nganggawili Health Service, Wiluna Child Health Centre).

Observers from the Department, the Department of Health, Department of Indigenous Affairs, Department of Education, Department of Corrective Services, Western Australia Police and a representative of the Minister for Child Protection also attended the meetings.

This year, among other things, the Panel provided valuable advice to the Ombudsman regarding the two major administrative improvement projects which are in progress.

The Panel and staff of the Ombudsman also heard presentations from David Price of the Department of Education about *The Pipeline Project Trajectories of Classroom Behaviour and Academic Progress: A study of student engagement with learning*; and Professor Helen Milroy on *Child and Adolescent Mental Health: Issues and Trends*.

In addition, June Councillor, the Ombudsman's Principal Indigenous Liaison (**PILO**) officer gave a presentation on *Foetal Alcohol Spectrum Disorder and the Implications for Child Wellbeing and Child Protection*.

Following this presentation a number of the observers present indicated they would take the information provided back to their respective agencies to inform the work that they do that is relevant to this issue. Ms Councillor has subsequently been invited to provide presentations to a number of agencies keen to learn more about this significant issue and how they could respond.

Other Key Stakeholder Relationships

There are a number of public authorities and other organisations that interact with or deliver services to children and their families. Important stakeholders with which the office liaises as part of the child death review jurisdiction include:

- Other public authorities that have a role in relation to child deaths including:
 - The Coroner; and
 - Western Australia Police.
- Public authorities that provide services to children and their families including:
 - Department of Housing;
 - Department of Health;
 - Department of Education;
 - Department of Corrective Services;
 - Department of Indigenous Affairs; and
 - Department for Communities.
- Other accountability and similar agencies including the Commissioner for Children and Young People;
- Non-government agencies; and
- Research institutions including universities.

A Memorandum of Understanding has been established by the Ombudsman with the Commissioner for Children and Young People and a letter of understanding has been established with the Coroner.

Indigenous and Regional Communities

Significant work has been undertaken during the year to build relationships relating to the child death review jurisdiction with Indigenous and regional communities, for example by communicating with:

- Key public authorities that work in regional areas;
- Non-government agencies that provide key services; such as health services to Indigenous people; and
- Indigenous community leaders to increase the awareness of the child death review function and its purpose.

Additional networks and contacts have been established to support effective and efficient child death reviews. This has strengthened the office's understanding and knowledge of the issues faced by Indigenous and regional communities that impact on child wellbeing and service delivery in diverse and regional communities.

As part of this work, the PILO and the Assistant Ombudsman Child Death Reviews visited Kalgoorlie and Wiluna and surrounding communities during the year. Ombudsman staff met with a number of Indigenous community leaders, Aboriginal Health Services, local governments, Western Australia Police and Department staff and advocates in these regions. Planning is underway for a further visit in 2011-12 to Kalgoorlie and for a visit to Warburton in the Ngaanyatjarra Lands.

The PILO also travelled to the United States and Canada as part of a Churchill Fellowship to study Foetal Alcohol Spectrum Disorder and to examine ways of combating this issue which is a key issue in child death reviews for both Indigenous and non-Indigenous people.

Administrative Improvement

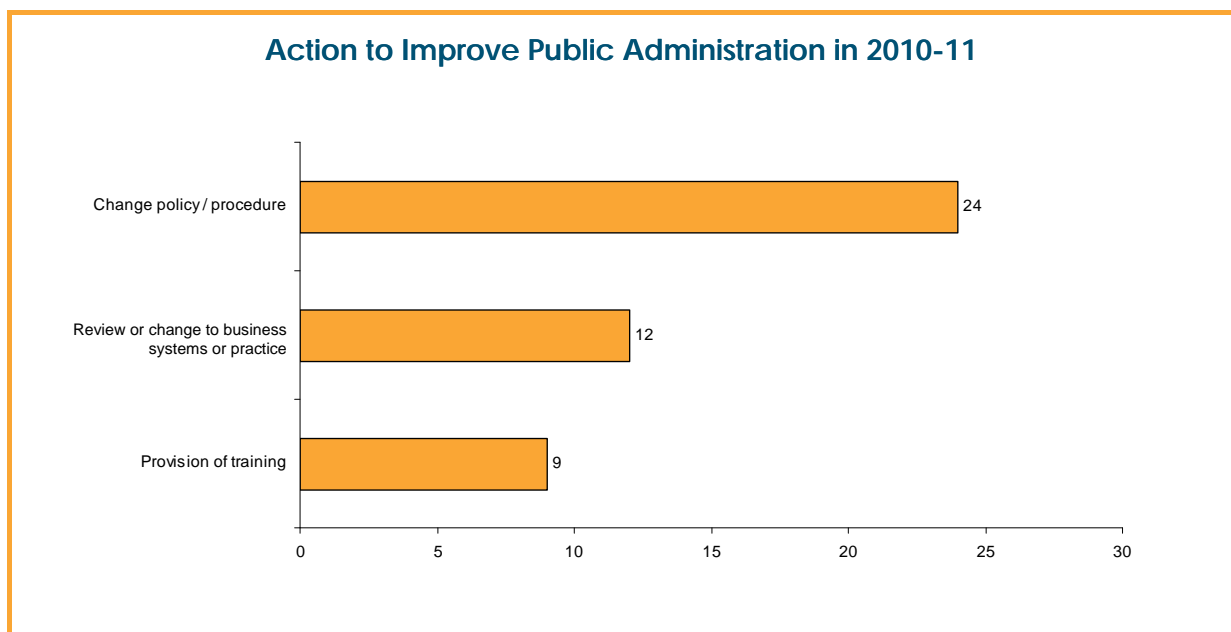
A key function of the Ombudsman’s office is to improve the standard of administration in public authorities. The office achieves positive outcomes in this area in a number of ways including:

- Making recommendations and suggestions to improve public administration as a result of the investigations of complaints;
- Undertaking investigations that are based on the patterns, trends and themes that arise from the resolution of individual complaints, referred to as own motion investigations;
- Undertaking inspection and monitoring functions;
- Providing guidance to public authorities on decision making and complaint handling through continuous liaison, publications, presentations and workshops; and
- Working collaboratively with other integrity and accountability agencies to encourage best practice and leadership in public authorities.

Improvements from Complaint Resolution

In addition to outcomes which result in some form of assistance for the complainant, the Ombudsman also achieves outcomes which are aimed at improving a public authority’s administrative practices. This reduces the likelihood of the same or similar issues which gave rise to the complaint occurring again in the future. Examples of these improvements are shown below.

During 2010-11 there were 45 improvements made to public authority practices arising from complaints to the Ombudsman as shown in the chart below.



Our Performance – Administrative Improvement

Examples of the administrative improvements achieved through complaint resolution are shown in the table and case studies that follow.

Changes to policy and procedures	<ul style="list-style-type: none">• Introducing new policies and procedures, including for the management of conflicts of interest, discounts and refunds;• Reviewing existing, or introducing new, practice manuals;• Working collaboratively with other agencies; and• Reviewing codes of conduct.
Changes to business systems or practices	<ul style="list-style-type: none">• Making improvements to complaint handling systems;• Reviewing information management systems and improving record keeping;• Reviewing forms and notices; and• Reviewing information communicated through public authority websites and other information sources.
Provision of training	<ul style="list-style-type: none">• Providing training to staff generally in current or improved procedures and systems; and• Providing training and counselling to individual staff members.

Case Study

Public authority agrees to improve processes where there are concerns about a client's decision making capacity

A man came to the Ombudsman's office to make a complaint that a public authority had inappropriately obtained medical information about him and that its process for handling his application for a service was unreasonable.

The investigation of the complaint raised a number of complex considerations about the circumstances under which a public authority can legally obtain medical information about a person's ability to make decisions. These considerations were also relevant to the handling of the man's application because the public authority had not followed its normal process due to uncertainty about the man's decision making capacity.

Ombudsman staff consulted with the public authority which agreed to improve its processes by seeking advice on reasonable options to determine a person's decision making capacity, developing guidelines and establishing contacts for staff where they have concerns about a person's ability to make decisions.

Lost watch brings about review of property transfer process and compensation for complainant

A man was sent to prison and his property, including a watch, was removed. On his release his property was returned, but the watch was missing. The watch had significant monetary and sentimental value to the man. When he asked about it, the prison informed him his watch would be found and sent to him. He later received a letter from the prison asking him to contact the public authority responsible for his transport to the prison, as it claimed the watch was lost during the transfer process. When the man told the prison that the watch was not lost during transfer, the prison advised that as he did not have a property receipt, they could not assist him any further. This is when he complained to the Ombudsman's office.

The Ombudsman's investigation took into account operational instructions, policy directives, standing orders and procedures relating to the handling of prisoners' private property. Staff also reviewed all the correspondence between the prison and the complainant. As a result of the review, the prison acknowledged that it was unclear when the watch was lost and who was responsible. Due to the prison's inadequate record keeping, it could not prove that it was not responsible.

Responsibility was accepted for loss of the watch and financial compensation was provided to the complainant. Property transfer processes were also reviewed to prevent similar incidents occurring again.

Own Motion Investigations

One of the ways that the office endeavors to improve public administration is to undertake investigations that are based on the patterns, trends and themes that arise from our resolution of individual complaints. These investigations are referred to as own motion investigations. Own motion investigations are intended to result in improvements to public administration that are evidence-based, proportionate, practical and consider the costs, as well as the benefits, of proposed improvements. Topics for own motion investigations are selected on the basis of a number of criteria that include:

- The number of complaints received by the Ombudsman;
- The likely public interest in the identified issue of concern;
- The number of people likely to be affected;
- Whether other reviews of the issue have been done recently or are in progress;
- The potential for the Ombudsman's investigation to improve administration in public authorities; and
- Whether investigation of the chosen topic is the best and most efficient use of the office's resources.

Having identified a topic, the Ombudsman's office carries out extensive preliminary research to assist in planning the scope and objectives of the investigation. This may include a pilot study. A public authority selected to be part of an own motion investigation is advised when the project commences and Ombudsman staff consult regularly with staff at all levels to ensure that the facts and understanding of the issues are correct and findings are evidence-based. The public authority is given regular progress reports on findings together with the opportunity to comment on draft conclusions and any recommendations.

Recommendations for administrative improvements are based closely on evidence gathered during investigations and are designed to be a proportionate response to the number and type of administrative issues identified.

Three major own motion investigations were conducted during the year relating to:

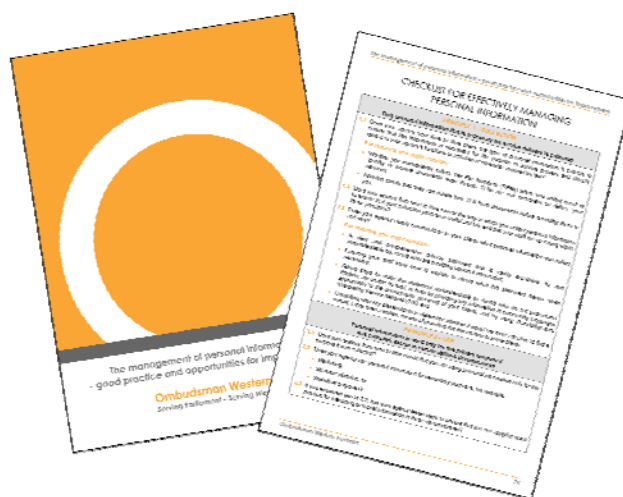
- The management of personal information;
- Deaths of infants; and
- Planning for children in care.

Information on the management of personal information is provided below. The other two projects were identified through child death reviews and further details are included in the [Child Death Review](#) section of this report.

The Management of Personal Information – Good Practice and Opportunities for Improvement

Project Rationale and Objectives

Personal information is information that identifies an individual or *could* identify that individual. State Government agencies require individuals to provide personal information about themselves in order to deliver services, carry out law enforcement, administer regulations and so on. In short, effective and efficient service delivery, including protecting the wellbeing of individuals and the community, may require an agency to collect, disclose and/or share, personal information.



Inappropriate use of personal information is, however, as a matter of principle, wrong. Practically, it can compromise an individual's privacy leading to problems such as fraud and identity theft.

Alleged inaccuracy and inappropriate use of personal information is a source of complaint to the Ombudsman's office. These complaints provided an important base of evidence to suggest that the Ombudsman's office should investigate the management of personal information by State Government agencies.

Our Performance – Administrative Improvement

The objective of the investigation was to:

- Determine whether the State Government agencies participating in the investigation (**the participating agencies**) were effectively managing personal information;
- If required, assist the participating agencies to improve their management of personal information; and
- Identify good practice, lessons learnt and opportunities for improvement that might be useful to other State Government agencies in managing personal information.

To ensure a cost effective investigation with a timely outcome, the office looked at a sample of State Government agencies. The office used a series of agreed good practice principles as shown below to assess the way in which these agencies were managing the personal information they collect and hold. These principles were based on national and state legislative requirements, agency specific legislation and internationally accepted good practice.

Summary of good practice principles for managing personal information	
1. Collection	Only personal information necessary for service delivery is collected.
2. Use	Personal information is used only for the primary purpose it was collected, except in certain defined circumstances.
3. Accuracy	Personal information collected, used and disclosed is accurate and current.
4. Disclosure	Personal information is not disclosed to any people or organisations other than the individual concerned, except in certain defined circumstances.
5. Storage and security	Personal information is protected from misuse, loss and inappropriate access and disclosure.
6. Responsibility for the actions of service providers	Agencies ensure personal information provided to third party service providers is protected from inappropriate use and disclosure.
7. Access and correction	Agencies allow individuals reasonable access to their personal information, except in certain defined circumstances, and take reasonable steps to make requested corrections or deletions.
8. Transparency	The type of personal information that is collected and held, and the principles for its management, are accessible to clients and other interested members of the public.

Our Performance – Administrative Improvement

The final report, *The Management of Personal Information – Good Practice and Opportunities for Improvement*, is available on the [Ombudsman's website](#). The report draws upon the observations made during the investigation and sets these out as good practices together with observations about opportunities for improvement as summarised below.

Good practices	<ul style="list-style-type: none">• An understanding of the importance of managing personal information effectively;• Maintaining the privacy of personal information was seen as part of day to day business;• Quality controls were used to improve the accuracy of personal information entered into agency Information and Communications Technology (ICT) systems; and• There was an ongoing proactive approach to updating personal information to ensure it remained accurate.
Opportunities for improvement	<ul style="list-style-type: none">• Individuals were, at times, not made aware of why their personal information was being collected;• Personal information that was not directly related or necessary to the agency's functions and activities or otherwise required by law was at times collected;• Some ICT systems did not facilitate the effective disposal of personal information when it was no longer necessary for service provision (and it would have otherwise been lawful to dispose of the information);• Measures to prevent inappropriate use and disclosure of personal information by third party service providers were at times not in place; and• At times there was uncertainty about how to apply the good practice principles to the personal information of children.

The report includes a checklist of good practice principles for managing personal information that is designed to assist State Government agencies:

- To consider their own management of personal information against commonly accepted principles; and
- If required, to identify aspects of their own management of personal information that do not meet the principles and therefore represent opportunities for improvement.

The report, incorporating the checklist, has been widely distributed and publicised. These materials are also being integrated into the workshops the office provides and will be available as part of the guidance material the Ombudsman's office provides to agencies through new guidelines to be published in 2011-12.

Continuous Administrative Improvement

The office maintains regular contact with staff from public authorities to inform them of trends and issues identified in individual complaints and on improving their administrative roles through the review of systemic issues and the Ombudsman's own motion investigations. This contact seeks to encourage thinking around the foundations of good administration and to identify opportunities for administrative improvements. Where relevant, these discussions concern internal investigations and complaint processes that authorities have conducted themselves. The information gathered demonstrates to the Ombudsman if these internal investigations have been conducted appropriately and in a manner that is consistent with the standards and practices of the Ombudsman's own investigations.

Ombudsman staff who resolve complaints and respond to enquiries also collect information and track trends in complaints that inform the office of potential broader administrative improvement projects the office might consider undertaking.

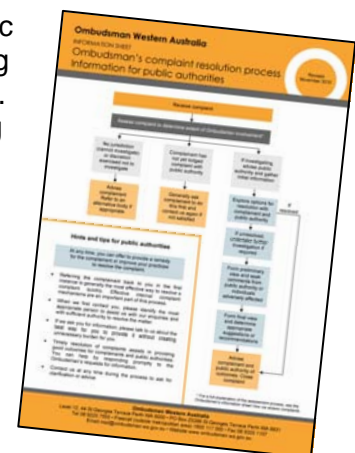
Guidance for Public Authorities

The office provides publications, workshops, assistance and advice to public authorities regarding their administrative and decision making practices and their complaint handling systems. This educative function assists with building the capacity of public authorities and subsequently improving the standard of administration.

Guidelines

The Ombudsman has a range of guidelines available for public authorities in the areas of effective complaint handling, conducting administrative investigations and administrative decision making. These guidelines aim to assist public authorities in strengthening their administrative and decision making practices.

The office released a new guideline titled [*Ombudsman's complaint resolution process: Information for public authorities*](#) during the year. The guideline contains simple hints and tips for public authorities on the Ombudsman's complaint handling process and includes a diagram to show the process in a simplified format. This information has also been integrated into workshops and presentations the office delivers to public authorities.



The office's suite of complaint handling guidelines continues to be a popular resource for public authorities, with the [*Procedural Fairness*](#) guideline being the most downloaded document from the Ombudsman's website. During the year, the suite of complaint handling guidelines and workshop material regarding complaint handling was revised following the release of the Ombudsman's report [*2009-10 Survey of Complaint Handling Practices in the Western Australian State and Local Government Sectors*](#) on 30 June 2010. The updates to the guidelines incorporate the key learnings from the project and report.

Workshops for Public Authorities



Above: Mary White, Assistant Ombudsman Strategic Services, Western Australian Ombudsman's office with staff from the Shire of Denmark during a workshop.

During the year, the office continued to proactively engage with public authorities through presentations and workshops.

Workshops are targeted at people responsible for handling complaints or making decisions as well as customer service staff. The workshops are also relevant for supervisors, managers, senior decision and policy makers as well as integrity and governance officers who are responsible for implementing and maintaining complaint handling systems or making key decisions within a public authority. The workshops are tailored to the organisation or sector by using case studies and practical exercises. Workshops conducted during the year include:

- *Good Administrative Decision Making* to Perth-based Department of Housing staff and community members on the Department's Housing Appeals Committee.
- *The Role of the Ombudsman to:*
 - The Aboriginal Visitors Scheme Conference run by the Department of Corrective Services;
 - The Applied Law and Policy Symposium at Curtin University; and
 - New public sector officers at the Public Sector Commission's Ethics and Integrity Induction Program.
- *Conducting Administrative Investigations* to the Murdoch University Student Discipline Investigation Skills Group.
- *Managing Unreasonable Complainant Conduct for:*
 - Human Resources Practitioners from the Australian Higher Education Industrial Association;
 - Members of the Complaint Managers' Forum coordinated by the University of Western Australia;
 - Advice staff from WorkCover Western Australia; and
 - Local government managers at the Local Government Managers Australia (Western Australia) 'Fit to Lead' Conference.



Attendees have responded positively to the information provided, with public authorities requesting further sessions. The office continues to refine workshop content in light of feedback from the sessions.

Left: Sarah Cowie, Director Research and Projects, Western Australian Ombudsman's office delivering a workshop to staff from WorkCover Western Australia.

Inspection and Monitoring Functions

Telecommunications Interception Inspections

The [Telecommunications \(Interception and Access\) Western Australia Act 1996](#), the [Telecommunications \(Interception and Access\) Western Australia Regulations 1996](#) and the [Telecommunications \(Interception and Access\) Act 1979 \(Commonwealth\)](#) permit designated 'eligible authorities' to carry out telecommunications interceptions. Western Australia Police and the Corruption and Crime Commission are eligible authorities in Western Australia. The Ombudsman is appointed as the Principal Inspector to inspect relevant records of both agencies to ascertain the extent of their compliance with the legislation. The Ombudsman must inspect the telecommunications interception records at least twice during each financial year and must report to the responsible Ministers about the results of those inspections within three months of the end of the financial year.

Monitoring of Criminal Penalty Infringement Notices

The [Criminal Code Amendment \(Infringement Notices\) Act 2011 \(the Act\)](#) amends the [Criminal Code](#) and introduces a new scheme into Western Australia for the issue of Criminal Penalty Infringement Notices by Western Australia Police for certain *Criminal Code* offences. When proclaimed, the Act will require the Ombudsman to keep under scrutiny the operation of relevant parts of the *Criminal Code* and regulations and relevant parts of the [Criminal Investigation \(Identifying People\) Act 2002](#) for a period of 12 months. The scrutiny is to include the impact on Aboriginal and Torres Strait Islander communities. The Ombudsman will have to report to the Minister for Police and the Commissioner of Police as soon as practicable after this time and the Minister is to table the report in both Houses of Parliament as soon as practicable after receiving the report.

Collaboration and Access to Services

Effective engagement with key stakeholder groups is essential to the office's achievement of positive complaint outcomes and improved public administration. The office does this through:

- Working collaboratively with other integrity and accountability agencies - locally, nationally and internationally - to encourage best practice and leadership in the sector;
- Ensuring ongoing accessibility to its services for public authorities and the community;
- Developing, maintaining and supporting relationships with public authorities and community groups; and
- Providing publications, workshops and advice to public authorities on good administrative decision making and complaint handling (also see the [Administrative Improvement](#) section).

Working Collaboratively

The office works collaboratively with local, national and international integrity and accountability agencies to encourage best practice and leadership in the sector. Working collaboratively also provides an opportunity for the office to benchmark its performance and stakeholder communication activities against other similar agencies, and to identify areas for improvement through the experiences of others.

[Integrity Coordinating Group](#)

Members:

[Western Australian Ombudsman](#)

[Public Sector Commissioner](#)

[Corruption and Crime Commissioner](#)

[Auditor General](#)

[Information Commissioner](#)

Background:

The Group was formed to promote and strengthen integrity in Western Australian public bodies.

The office's involvement:

The Ombudsman was the Chair of the Group during the year and the office provided executive support for this role. The Ombudsman passed his responsibilities as Chair to the Auditor General on 30 June 2011. Senior Ombudsman staff members also sit on the Group's joint working party.

2010-11 initiatives:

In June 2011 the Group held the Integrity Coordinating Group Forum 2011 and launched the [Integrity in Decision Making](#) product ([see details](#) later in this section).

In January 2011 the Ombudsman appointed a Graduate Officer who is undertaking a program of six-monthly placements with members of the Group ([see details](#) later in this section).

Australia and New Zealand Ombudsman Association

Members:

Western Australian Ombudsman & Energy Ombudsman Western Australia

16 Parliamentary and industry-based Ombudsmen from Australia and New Zealand

Background:

The Association is a peak body industry group for Parliamentary and industry-based Ombudsmen in Australia and New Zealand. It acts as a network for consultation and discussion for Ombudsmen on matters of interest, concern or common experience.

The office's involvement:

The Ombudsman sits on the Association's Executive. The office regularly reports on its activities to the Association and also has nominated representatives who sit on interest groups in the areas of policy and research, first contact and public relations and communications.

2010-11 initiatives:

The Ombudsman was involved in four scheduled meetings via teleconference during the year, and attended the Association's Annual General Meeting and Executive Committee meeting in Melbourne in November 2010.

Australasian and Pacific Ombudsman Region

Members:

Western Australian Ombudsman

Parliamentary Ombudsmen from the Australasian and Pacific region

Background:

Ombudsmen from the Australasian and Pacific region meet to foster engagement, liaison and best practice in the pursuit of good governance and complaint handling within the region.

2010-11 Initiatives:

The Ombudsman attended the 26th Australasian and Pacific Ombudsman Region Conference in Taipei, Taiwan in March 2011. The conference theme was 'The Ombudsman and Human Rights: Protecting Human Rights and Promoting Good Governance.' The Ombudsman addressed the conference with a paper titled, [*The Ombudsman and the Constitution of Liberty*](#).

Indonesian/Australian Ombudsman Linkages and Strengthening Program

Members:

Western Australian Ombudsman

Commonwealth Ombudsman

New South Wales Ombudsman

Ombudsman of the Republic of Indonesia

Background:

The program aims to provide access across a larger portion of Indonesia to more effective and sustainable Ombudsman and complaint management services.

The office's involvement:

The office has been involved with the program since 2005 and supports the program through staff placements in Indonesia and Australia.

2010-11 initiatives:

Planning commenced for an Ombudsman staff member to visit Indonesia in July 2011. The purpose of the visit is to be introduced to Indonesia's incoming Ombudsmen, to develop a work program for the next phase of the program and to continue to evaluate outcomes from earlier program activities.

Managing Unreasonable Complainant Conduct Project

Members:

Western Australian Ombudsman

Led by New South Wales Ombudsman, involving Parliamentary Ombudsmen from all other jurisdictions.

Background:

The project aims to develop better strategies for managing complainants whose behaviour is challenging and is led by the New South Wales Ombudsman.

The office's involvement:

The office has been involved with the project since 2006 and has had input into the interim and [final practice manuals](#), developed in the first phase of the project.

2010-11 initiatives:

Work has been progressing on phase 2 of the project. The office has had input into the strategic direction of the next edition of the practice manual which will incorporate strategies for managing unreasonable behaviour where there is an ongoing relationship and for dealing with relationships in remote areas.

Information sharing with Ombudsmen from other jurisdictions

Background:

Where possible and practical, the office aims to share information and insights about its work with Ombudsmen from other jurisdictions, as well as with other accountability and integrity agencies

2010-11 Initiatives:

In February 2011, the office hosted a visit from the New Zealand Ombudsman's office. New Zealand's Deputy Ombudsman and an Assistant Ombudsman travelled to Western Australia to find out more about how the Western Australian office works, and how the office's processes might be applied in New Zealand.

Public Sector Commission's Induction: Your Guide to Ethics and Integrity in the Public Sector Program

Background:

As part of the induction process for all new public officers, the Public Sector Commission holds a half-day module on ethics and integrity in the public sector. The sessions are available to all new public officers. The Public Sector Commission, Corruption and Crime Commission and Office of the Information Commissioner also present at these sessions.

2010-11 Initiatives:

As a key integrity agency, the office presented on five occasions during the year. The office provides information to new public sector employees on *The Role of the Ombudsman* and how the office may be able to assist them in their work. This program will continue into 2011-12.

Integrity Coordinating Group Forum 2011



Left: The ICG members taking part in the panel discussion at the Forum.

Integrity in decision making was the theme of the Integrity Coordinating Group Forum for 2011, *Integrity in decision making: A discussion with the Integrity Coordinating Group* which was held in Perth on 16 June 2011. The Forum was a joint initiative of the Group and, as the Ombudsman was the Chair during 2010-11, the office was primarily responsible for the coordination of the Forum.

The topic of integrity in decision making was selected by the Group as it applies to all public officers as they carry out their daily duties. Around 200 Chief Executive Officers, senior executive staff and those involved with promoting integrity in public bodies attended the event. During the Forum, the Integrity Coordinating Group members, the Public Sector Commissioner, the Auditor General, the Corruption and Crime Commissioner, the Western Australian Ombudsman and the Information Commissioner, spoke about their roles in relation to decision making, why integrity is important and shared their insights and observations based on their experiences. The Forum was followed by an Expo where senior staff from the member bodies were available to speak to, and take questions from, attendees about the work of the integrity agencies and integrity generally.

“Attendees gave extremely positive feedback with 96 per cent very satisfied or satisfied with the overall quality of the Forum and relevance of the content.”



Above: Communications Manager, Janelle Walker, and Publications Manager, Lisa Webb, at the Ombudsman's stand at the ICG Expo.

The Integrity Coordinating Group also launched its new product, *Integrity in Decision Making*, at the event. The product provides an Integrity in Decision Making Framework and a series of practical guides along with checklists for individual decision makers and public authorities.

The *Integrity in Decision Making* product can be downloaded from the [ICG website](#) or received electronically by [emailing the ICG](#).



Right: The ICG's *Integrity in Decision Making* product which includes guidelines and checklists for public authorities and decision makers.

Providing Access to Key Stakeholders

'Ask the Ombudsman' on *Nightline*

The office continues to provide access to its services through the Ombudsman's regular appearances on Radio 6PR's *Nightline* program. Listeners who have complaints about public authorities or want to make enquiries have the opportunity to call in and speak with the Ombudsman live on air. The segment has allowed the public to communicate a range of concerns with the Ombudsman over the three years the initiative has been running. The segment also allows the office to communicate key messages about the State Ombudsman and Energy Ombudsman jurisdictions, the outcomes that can be achieved for members of the public and how public administration can be improved. The Ombudsman appeared on the 'Ask the Ombudsman' segment in September and November 2010 and March 2011.

Ombudsman Website

The [Western Australian Ombudsman website](#) is a valuable resource for the community and public sector. The number of visitors to the website increased significantly in 2010-11, particularly around the time of regional visits, publication of Ombudsman investigation reports and public sector events including the Integrity Coordinating Group 2011 Forum in June.

The website provides a wide range of information and resources for:

- Members of the public on the complaint handling services provided by the office as well as links to other complaint bodies for issues outside the Ombudsman's jurisdiction. In 2010-11 the most visited pages on the site included ['How to make a complaint'](#), ['What you can complain about'](#) and ['Links to other complaint handling bodies'](#);
- Public sector agencies on decision making, complaint handling and conducting investigations. The website provides access to a wide range of guidelines and information sheets, which are regularly reviewed and updated to assist both complainants and agencies. Throughout 2010-11 the office's [Procedural Fairness](#) guideline was not only the most viewed document but also in the top five most viewed site content;
- Access to the Ombudsman's investigation reports such as [The Management of Personal Information](#);
- The latest news on events such as regional visits and collaborative initiatives such as the Integrity Coordinating Group 2011 Forum; and
- Links to other key functions undertaken by the office such as the Energy Ombudsman role. There was significant redevelopment and improvement of the [Energy Ombudsman](#) section of the website in 2010-11 to improve access and information to members of the public and Energy Ombudsman scheme members.

In August 2010, a [new website page](#), information sheet and complaint form was added to the 'How to make a complaint' section to assist overseas students wishing to make a complaint about their public education provider.

The website content and functionality is continually reviewed and improved to ensure there is maximum accessibility to all members of the diverse Western Australian community. The site provides information in a wide range of [community languages](#) and is accessible to people with disabilities.

Indian Ocean Territories Visit



Left: Anne Donaldson, Director Health and Disability Services Complaints Office; Sandra Pelham, Senior Investigating Officer, Commonwealth Ombudsman's office; and Mary White, Assistant Ombudsman Strategic Services, Western Australian's Ombudsman's office.

In April 2011, staff from the office visited the Indian Ocean Territories. The team travelled to both the Cocos (Keeling) Islands and to Christmas Island.

While the visit was coordinated by the Ombudsman's office, it also involved staff from the Commonwealth Ombudsman's office and the Health and Disability Services Complaints Office.

Under a service delivery arrangement with the Commonwealth Government, the Ombudsman's office handles complaints from people in the Indian Ocean Territories about Western Australian public authorities which are within the Ombudsman's jurisdiction and operate in the

Indian Ocean Territories. The visit aimed to raise awareness of, and access to, these services for people living and working in the Territories.

Activities conducted on the visit included:

- Meetings and discussions with the local governments on both islands along with the Administration Team (part of the Commonwealth's Department of Regional Australia, Regional Development and Local Government) to discuss issues and trends affecting service delivery on the islands;
- Meetings with the local schools and hospitals to discuss the role of the office and methods for improving standards of administration;
- Meetings with representatives from key community groups including the Malay Association, Chinese Literary Association, seniors group and the Community Consultative Committee to discuss how these groups can assist others in the community with the complaint handling process; and
- Complaint clinics to provide an opportunity for people to speak with complaint resolution staff face-to-face about their issues and complaints.

"Having the State and Commonwealth accountability agencies working together to answer questions and share perspectives ensured maximum benefit for everyone concerned."

While the visit enabled the office to deliver key messages about the Ombudsman's work and services, it also provided a valuable opportunity for staff to strengthen their understanding of the issues affecting people in the island communities. The visit also highlighted the important interaction of the Commonwealth, State and local governments in the provision of services to the communities.

Regional Awareness and Accessibility Program

The office continued the Regional Awareness and Accessibility Program (**the Program**), visiting the Great Southern Region in November 2010. The Program is an important way for the office to raise awareness of, and access to its services, for regional and Indigenous Western Australians.

While the Program is coordinated by the Ombudsman's office, it incorporates the work of other integrity and accountability agencies including the Health and Disability Services Complaints Office, the Office of the Information Commissioner and the Commonwealth Ombudsman's office.

Activities conducted on the visit included:

For Public Authorities	<ul style="list-style-type: none"> • A seminar for Commonwealth, State and local public authorities to discuss the role of the office, relevant issues and current trends in complaints and good administrative practice; • Workshops on <i>Effective Complaint Handling Systems, Complaint Investigation and Resolution, Managing Unreasonable Complainant Conduct and Good Administrative Decision Making Practices</i>; and • Meetings and/or workshops with individual public authorities.
For Prisons	<ul style="list-style-type: none"> • A visit to Albany Regional Prison that included the Ombudsman meeting with the Superintendent and other prison staff about current issues and trends; and • A visit to Pardelup Prison Farm including a meeting with the Superintendent and a tour of the facilities.
For Indigenous People	<ul style="list-style-type: none"> • An information session with local Indigenous government workers on the role of the Ombudsman and how the office can assist them with their work; and • An open session for the local Indigenous community to discuss challenging issues faced in the community and any complaints they wished to have heard.
For the Community	<ul style="list-style-type: none"> • A seminar for community groups to discuss the role of the office and how to assist people wishing to make a complaint; • Promotion of the role and functions of the Ombudsman and the visits in local print and radio media; and • Complaint clinics for the community to discuss their issues and complaints with staff.



Above: Information Commissioner, Sven Bluemmel, and Ombudsman, Chris Field discuss regional issues at the Great Southern Region visit.

Below: Ombudsman, Chris Field, delivers a presentation at the Great Southern Region visit.



Complaint clinics enabled members of the local community to speak with office staff face-to-face about their issues and concerns. The office was able to provide advice about, or resolve many of the complaints made during the visit. The collaboration with other integrity and accountability agencies during regional visits and complaint clinics also assists in ensuring regional Western Australians can be easily referred to the most appropriate body to assist them.

In July 2010, Ombudsman staff travelled to Wiluna to meet with members of the community and provide access to the Ombudsman's services. Staff observed the interaction between the public authorities operating in the community and the local people. The experience was a valuable opportunity to gather a sense of the issues facing regional and remote Western Australian Indigenous communities.

Presentations and Publications

Speeches and Presentations



Photograph courtesy of Control Yuan

The Ombudsman and other staff delivered speeches and presentations throughout the year at local, national and international conferences and events.

Left: Ombudsman, Chris Field, presenting a paper titled *The Ombudsman and the Constitution of Liberty* at the 26th Australasian and Pacific Ombudsman Region Conference in Taipei, Taiwan.

Western Australian Ombudsman Newsletter

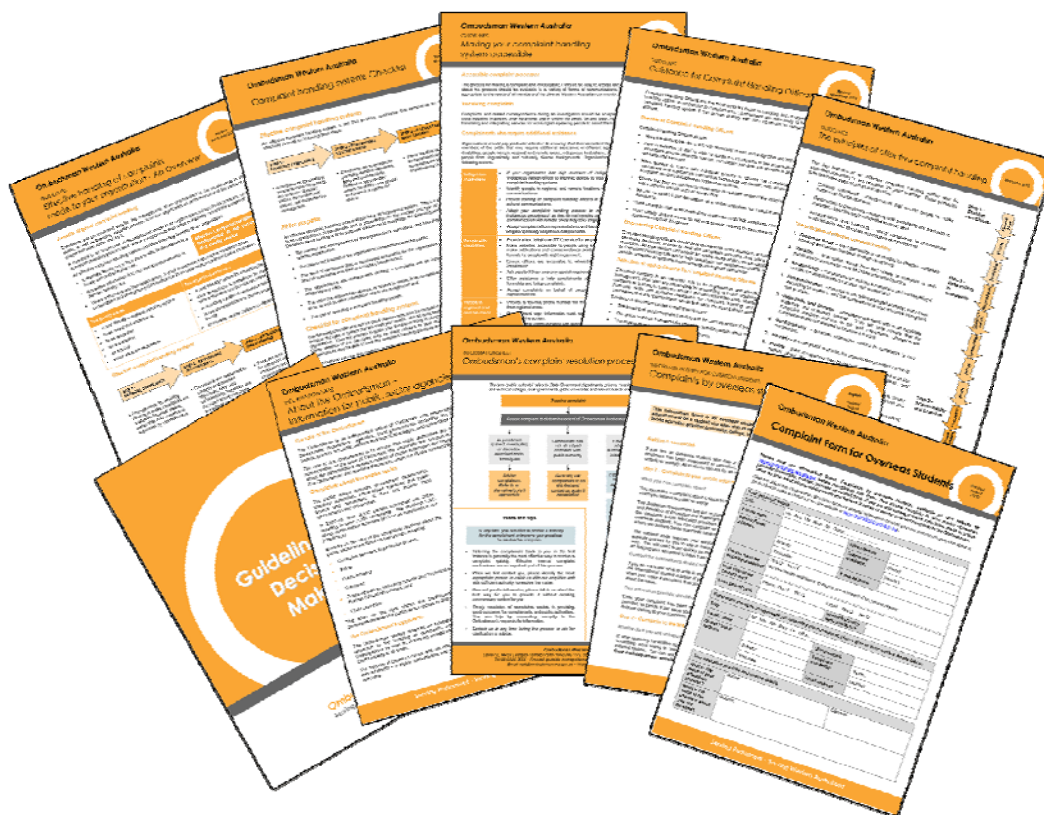
The *Western Australian Ombudsman Newsletter* is a key publication used by the office to communicate information to its stakeholders about the office's performance, achievements, events and resources. During the year, two editions of the newsletter were issued.

The newsletter is distributed electronically to Members of Parliament, public authorities and interested members of the public. Subscription to the newsletter from interested parties through events and online has increased steadily over the past year. The newsletter is posted on the [website](#) after it is issued.



Publications

The office has a comprehensive range of publications to assist complainants and public authorities, which are available on the Ombudsman's [website](#). For a full listing of the office's publications, see [Appendix 3](#).



Significant Issues Impacting the Office

The significant issues affecting the Ombudsman's office are:

- The office has experienced a significant increase in the number of complaints since 2009-10. Managing the workload associated with the increased level of complaints is a key issue for the office.
- The office commenced a child death review function on 30 June 2009 and has undertaken a significant level of work on reviewing child deaths, identifying patterns and trends and achieving improvements in ways to prevent or reduce child deaths.
- The office undertakes own motion investigations aimed at improving administration across the public sector. The two most recent own motion investigations were a report on the effective management of personal information by State Government agencies and a comprehensive survey of the complaint handling practices of State Government agencies, local governments and universities.
- The office continues to engage effectively with public authorities to strengthen their capacity in complaint handling and decision making through a range of mechanisms including guidelines, workshops and the development of new products.
- The office seeks to enhance accessibility of its services by Indigenous and regional Western Australians through a range of strategies including the office's Regional Awareness and Accessibility Program.
- The office undertakes a diversity of functions in addition to handling complaints about public authorities and seeking to improve public administration. In recent years, the trend has been for an increasing range of functions to be undertaken by the office.

Increase in Complaints

The office continues to experience increased numbers of complaints. The number of complaints received in 2010-11 was similar to the number received in 2009-10 but significantly higher than historical levels. The average number of complaints over the last two years was 1,999 compared to the average for the previous four years (from 2005-06 to 2008-09) of 1,197 an increase of 67 per cent. The increase in complaints is across all sectors and is not confined to one public authority or sector.

The office has managed the increased workload associated with the higher levels of complaint numbers through the office's continuous improvement program, combined with economies of scale and scope arising from new functions as well as efficiencies from existing management, corporate and administration functions of the office.

Child Death Reviews

The office has developed mechanisms for undertaking child death reviews and to address broader systemic issues. The focus of this work is to identify ways to prevent or reduce child deaths. The office is working with a range of public authorities to address issues arising from specific reviews as well as the patterns and trends that arise from individual reviews. In 2010-11 significant work was done on two own motion investigations relating to the deaths of infants and planning for children in care. Analysis of individual reviews and identified patterns and trends is highlighting a range of other areas for future own motion investigations.

Own Motion Investigations

The office is increasingly using a range of tools to improve public administration across the public sector. This includes undertaking own motion investigations about key administrative practices and developing related tools and products to assist public authorities build their capacity in these areas.

Engaging Effectively with Public Authorities

The office continues to engage effectively with public authorities to strengthen their capacity in complaint handling and decision making.

During 2010-11 the office reviewed and updated its suite of complaint handling guidelines and workshops and developed workshops on decision making and conducting investigations. During the year, the office worked collaboratively with the [Integrity Coordinating Group \(ICG\)](#) member agencies to develop new [Integrity in Decision Making](#) guidelines which cover four key elements for decision making: power; principles; proper process; and proportionate outcomes. The product was launched at the ICG Forum in June 2011.

Providing Access to Ombudsman Services

The office seeks to ensure its services are accessible to all Western Australians, with a particular focus on Indigenous and regional Western Australians, through a range of strategies including the office's [Regional Awareness and Accessibility Program](#). This program involves a range of activities for the community and public authorities including seminars and workshops, visits to regional prisons, workshops for community groups and Indigenous people and complaint clinics.

Increasing Diversity of Functions

In recent years the office has increased the diversity of functions it undertakes. These include a child death review function, an inspection function for telecommunications interception activities, dealing with complaints from overseas students about the termination of their enrolment and undertaking the role of the Western Australian Energy Ombudsman.

Disclosures and Legal Compliance

This section provides details of the office's audited financial statements and key performance indicators, along with information on other mandatory disclosures and legal compliance.

- **Financial Statements and Key Performance Indicators**
 - Independent Audit Opinion
 - Key Performance Indicators
 - Financial Statements and Notes
- **Other Disclosures and Legal Compliance**
 - Governance Disclosures
 - Other Financial and Staffing Disclosures
 - Other Legal Requirements
 - Government Policy Requirements

Financial Statements and Key Performance Indicators

Independent Audit Opinion



Auditor General

INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS

Report on the Financial Statements

I have audited the accounts and financial statements of the Parliamentary Commissioner for Administrative Investigations.

The financial statements comprise the Statement of Financial Position as at 30 June 2011, the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows, Schedule of Income and Expenses by Service, Schedule of Assets and Liabilities by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, and Notes comprising a summary of significant accounting policies and other explanatory information.

Parliamentary Commissioner's Responsibility for the Financial Statements

The Parliamentary Commissioner is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the Treasurer's Instructions, and for such internal control as the Parliamentary Commissioner determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements based on my audit. The audit was conducted in accordance with Australian Auditing Standards. Those Standards require compliance with relevant ethical requirements relating to audit engagements and that the audit be planned and performed to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Parliamentary Commissioner's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Parliamentary Commissioner, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the financial position of the Parliamentary Commissioner for Administrative Investigations at 30 June 2011 and its financial performance and cash flows for the year then ended. They are in accordance with Australian Accounting Standards and the Treasurer's Instructions.

Parliamentary Commissioner for Administrative Investigations

Report on Controls

I have audited the controls exercised by the Parliamentary Commissioner for Administrative Investigations. The Parliamentary Commissioner is responsible for ensuring that adequate control is maintained over the receipt, expenditure and investment of money, the acquisition and disposal of public and other property, and the incurring of liabilities in accordance with the Financial Management Act 2006 and the Treasurer's Instructions, and other relevant written law.

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the controls exercised by the Parliamentary Commissioner based on my audit conducted in accordance with Australian Auditing Standards.

Opinion

In my opinion, the controls exercised by the Parliamentary Commissioner for Administrative Investigations are sufficiently adequate to provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions.

Report on the Key Performance Indicators

I have audited the key performance indicators of the Parliamentary Commissioner for Administrative Investigations. The Parliamentary Commissioner is responsible for the preparation and fair presentation of the key performance indicators in accordance with the Financial Management Act 2006 and the Treasurer's Instructions.

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the key performance indicators based on my audit conducted in accordance with Australian Auditing Standards.

Opinion

In my opinion, the key performance indicators of the Parliamentary Commissioner for Administrative Investigations are relevant and appropriate to assist users to assess the Parliamentary Commissioner's performance and fairly represent indicated performance for the year ended 30 June 2011.

Independence

In conducting this audit, I have complied with the independence requirements of the Auditor General Act 2006 and the Australian Auditing Standards, and other relevant ethical requirements.



COLIN MURPHY
AUDITOR GENERAL
10 August 2011

Statement of Certification

Certification of Key Performance Indicators for year ended 30 June 2011

I certify that the performance indicators are based on proper records, are relevant and are appropriate for assisting users to assess performance and accurately represent the performance of the Parliamentary Commissioner for Administrative Investigations for the financial year ended 30 June 2011.



Mary White
Chief Finance Officer

5 August 2011



Chris Field
Accountable Authority

5 August 2011

Key Performance Indicators

Key Effectiveness Indicators

The desired outcome for the Parliamentary Commissioner for Administrative Investigations (the Ombudsman) is:

The public sector of Western Australia is accountable for, and is improving the standard of, administrative decision making, practices and conduct.

The key effectiveness indicators report on the extent to which public authorities are improving their decision making, practices and conduct as a result of recommendations and suggestions made by the Ombudsman.

In 2010-11 there were 1,970 complaints received and 1,949 complaints finalised (including 2,175 separate allegations). During the year public authorities responded to 57 recommendations and suggestions for improvement made by the Ombudsman, all of which were accepted. In addition there were 123 actions by public authorities to provide a remedy for the complainant.

The effectiveness of the Ombudsman in achieving improved administrative decision making and practices in public authorities is shown by the high levels of acceptance of recommendations and suggestions for improvement over the last four years, with 100 per cent being accepted by public authorities each year from 2007-08 to 2010-11.

Key Effectiveness Indicators	2007-08	2008-09	2009-10	2010-11 Target	2010-11 Actual
Of allegations where Ombudsman made recommendations to improve practices or procedures, percentage of recommendations accepted by agencies (a)	100%	100%	100%	100%	100%
Number of improvements to practices or procedures as a result of Ombudsman action (b)	34	29	49	40	57

- (a) For public authority responses each year, the percentage of recommendations and suggestions relating to improved practices and procedures that were accepted by the public authority.
- (b) For public authority responses each year, the number of recommendations and suggestions relating to improved practices and procedures that were accepted by the public authority.

Comparison of Actual Results and Budget Targets

The percentage of recommendations and suggestions accepted has been maintained over the last four years with 100 per cent of recommendations and suggestions being accepted in each year from 2007-08 to 2010-11. This meets the target for 2010-11 of 100 per cent and the office has again set a target of 100 per cent for 2011-12.

The number of accepted recommendations and suggestions for improvements to practices and procedures was 57 in 2010-11, an improvement on the 2010-11 target.

Key Efficiency Indicators

The Ombudsman's key efficiency indicators relate to the following service:

Resolving complaints about the decision making of public authorities and improving the standard of public administration.

Key functions of the Ombudsman include complaint resolution services, reviews of the sudden and unexpected deaths of children and other activities to improve public administration. The key efficiency indicators relate to timeliness of complaint handling, the cost per finalised allegation and the cost per finalised notification of the sudden and unexpected death of a child.

Key Efficiency Indicators	2007-08	2008-09	2009-10	2010-11 Target	2010-11 Actual
Percentage of allegations finalised within three months	78%	82%	82%	85%	78%
Percentage of allegations finalised within 12 months	95%	96%	99%	98%	96%
Percentage of allegations on hand at 30 June less than three months old	51%	71%	63%	68%	68%
Percentage of allegations on hand at 30 June less than 12 months old	85%	96%	97%	97%	98%
Average cost per finalised allegation (a)	\$2,941	\$2,759	\$1,999	\$1,800	\$1,899
Average cost per finalised notification of the sudden or unexpected death of a child (b)	NA	NA	\$9,377	\$5,900	\$9,651

(a) This is the net cost of complaint resolution services divided by the number of allegations finalised.

(b) This is net cost of undertaking the child death review function divided by the number of notifications finalised.

Comparison of Actual Results and Budget Targets

Overall, the timeliness of complaint handling by the Ombudsman has substantially improved over the previous four years due to a strong management focus on the efficiency of the complaint handling process, including a very significant reduction in the number of aged cases (cases older than 12 months) and the percentage of allegations on hand less than three and twelve months slightly exceeding the targets.

In 2010-11 there were 78 per cent of allegations finalised within three months, compared to the target of 85 per cent and 96 per cent of allegations were finalised within 12 months, compared to the target of 98 per cent. The primary reason for these variations is the significant increase in the number of complaints, an increase that commenced in 2008-09 and has continued through 2010-11. The cost per finalised allegation in complaint resolution is slightly above the 2010-11 target but is less than the cost in 2009-10.

The average cost per finalised notification of the sudden or unexpected death of a child remains similar to 2009-10. It is above the target for 2010-11 because this was an initial estimate in relation to this new function.

Statement of Certification

Certification of Financial Statements for year ended 30 June 2011

The accompanying financial statements of the Parliamentary Commissioner for Administrative Investigations have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2011 and the financial position as at 30 June 2011.

At the date of signing, we are not aware of any circumstances which would render any particulars included in the financial statements misleading or inaccurate.



Mary White
Chief Finance Officer

5 August 2011



Chris Field
Accountable Authority

5 August 2011

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Statement of Comprehensive Income

For the year ended 30 June 2011

	Note	2011 \$	2010 \$
COST OF SERVICES			
Expenses			
Employee benefits expense	<u>6.</u>	5,709,530	5,028,391
Supplies and services	<u>7.</u>	1,004,258	982,862
Depreciation and amortisation expense	<u>8.</u>	180,678	192,616
Accommodation expenses	<u>9.</u>	812,271	737,327
Other expenses	<u>10.</u>	24,693	24,278
Total cost of services		7,731,430	6,965,474
Income			
<i>Revenue</i>			
Other revenue	<u>11.</u>	1,656,686	953,475
Total Revenue		1,656,686	953,475
Total income other than income from State Government		1,656,686	953,475
NET COST OF SERVICES		6,074,744	6,011,999
Income from State Government			
Service appropriation	<u>12.</u>	6,348,000	5,753,000
Resources received free of charge		176,883	106,231
Total income from State Government		6,524,883	5,859,231
SURPLUS/(DEFICIT) FOR THE PERIOD		450,139	(152,768)
OTHER COMPREHENSIVE INCOME			
		-	-
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD		450,139	(152,768)

The Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

Statement of Financial Position

As at 30 June 2011

	Note	2011 \$	2010 \$
ASSETS			
Current Assets			
Cash and cash equivalents	<u>22.</u>	861,019	447,023
Receivables	<u>14.</u>	88,849	180,126
Amounts receivable for services	<u>15.</u>	125,000	87,000
Total Current Assets		1,074,868	714,149
Non-Current Assets			
Restricted cash and cash equivalents	<u>13. 22.</u>	115,169	86,271
Amounts receivable for services	<u>15.</u>	1,744,000	1,445,000
Plant and equipment	<u>16.</u>	679,453	674,383
Intangible assets	<u>17.</u>	85,731	81,166
Total Non-Current Assets		2,624,353	2,286,820
TOTAL ASSETS		3,699,221	3,000,969
LIABILITIES			
Current Liabilities			
Payables	<u>19.</u>	440,045	315,708
Provisions	<u>20.</u>	1,180,468	1,081,805
Total Current Liabilities		1,620,513	1,397,513
Non-Current Liabilities			
Provisions	<u>20.</u>	327,594	302,481
Total Non-Current Liabilities		327,594	302,481
TOTAL LIABILITIES		1,948,107	1,699,994
NET ASSETS		1,751,114	1,300,975
EQUITY			
Contributed equity	<u>21.</u>	930,000	930,000
Accumulated surplus/(deficit)		821,114	370,975
TOTAL EQUITY		1,751,114	1,300,975

The Statement of Financial Position should be read in conjunction with the accompanying notes.

Statement of Changes in Equity

For the year ended 30 June 2011

	Note	Contributed equity	Reserves	Accumulated surplus/ (deficit)	Total equity
Balance at 1 July 2008		732,000	-	606,070	1,338,070
Total comprehensive income for the year		-	-	(82,327)	(82,327)
Restated balance at 1 July 2008		732,000	-	523,743	1,255,743
Total comprehensive income for the year		-	-	-	-
Transactions with owners in their capacity as owners					
Capital appropriations		198,000	-	-	198,000
Other contributions by owners		-	-	-	-
Distributions to owners		-	-	-	-
Total		198,000	-	-	198,000
Balance at 30 June 2009		930,000	-	523,743	1,453,743
Changes in accounting policy or correction of prior period errors		-	-	-	-
Balance at 1 July 2009	21.	930,000	-	523,743	1,453,743
Total		-	-	-	-
Balance at 30 June 2010		930,000	-	370,975	1,300,975
Balance at 1 July 2010		930,000	-	370,975	1,300,975
Total comprehensive income for the year		-	-	450,139	450,139
Balance at 30 June 2011		930,000	-	821,114	1,751,114

The Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Statement of Cash Flow

For the year ended 30 June 2011

	Note	2011 \$	2010 \$
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriation		5,924,000	5,254,000
Holding account drawdowns		87,000	67,000
Net cash provided by State Government		6,011,000	5,321,000
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits		(5,516,621)	(4,716,300)
Supplies and services		(769,716)	(975,169)
Accommodation		(799,681)	(737,328)
GST payments on purchases		(202,466)	(185,285)
GST payments to taxation authority		-	(85,986)
Other payments		(24,694)	(24,278)
Receipts			
User charges and fees		1,649,246	1,254,492
GST receipts on sales		206,544	129,023
GST receipts from taxation authority		38,143	142,315
Net cash provided by/(used in) operating activities	<u>22.</u>	(5,419,245)	(5,198,516)
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments			
Purchase of non-current physical assets		(148,861)	(62,258)
Receipts			
Proceeds from sale of non-current physical assets		-	-
Net cash provided by/(used in) investing activities		(148,861)	(62,258)
Net increase/(decrease) in cash and cash equivalents		442,894	60,226
Cash and cash equivalents at the beginning of period		533,294	473,068
CASH AND CASH EQUIVALENTS AT THE END OF PERIOD	<u>22.</u>	976,188	533,294

The Statement of Cash Flows should be read in conjunction with the accompanying notes.

Statement of Consolidated Account Appropriations and Income Estimates For the year ended 30 June 2011

	2011 Estimate \$	2011 Actual \$	Variance \$	2011 Actual \$	2010 Actual \$	Variance \$
<u>Delivery Services</u>						
Item 4 Net amount appropriated to deliver services	4,871,000	5,795,000	924,000	5,795,000	5,217,000	578,000
Amount Authorised by Other Statutes						
- Parliamentary Commissioner Act 1971	553,000	553,000	-	553,000	536,000	17,000
Total appropriations provided to deliver services	5,424,000	6,348,000	924,000	6,348,000	5,753,000	595,000
GRAND TOTAL	5,424,000	6,348,000	924,000	6,348,000	5,753,000	595,000
<u>Details of Expenses by Service</u>						
Resolving complaints about decision making of public authorities and improving the standard of public administration	6,390,000	7,731,430	1,341,430	7,731,430	6,965,474	765,956
Total Cost of Services	6,390,000	7,731,430	1,341,430	7,731,430	6,965,474	765,956
Less Total Income	(921,000)	(1,656,686)	(735,686)	(1,656,686)	(953,475)	(703,211)
Net Cost of Services	5,469,000	6,074,744	605,744	6,074,744	6,011,999	62,745
Adjustment ^(a)	(45,000)	273,256	318,256	273,256	(258,999)	532,255
Total appropriations provided to deliver services	5,424,000	6,348,000	924,000	6,348,000	5,753,000	595,000
<u>Capital Expenditure</u>						
Purchase of non-current physical assets	87,000	148,861	61,861	148,861	62,258	86,603
Adjustments for other funding sources	(87,000)	(148,861)	(61,861)	(148,861)	(62,258)	(86,603)
Capital appropriations	-	-	-	-	-	-

Adjustments comprise movements in cash balances and other accrual items such as receivables, payables and superannuation. [Note 27 'Explanatory statement'](#) provides details of any significant variations between estimates and actual results for 2010 and between the actual results for 2010 and 2011.

Notes to the Financial Statements for the year ended 30 June 2011

Note 1. Australian Accounting Standards

General

The office's financial statements for the year ended 30 June 2011 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' includes Standards and Interpretations issued by the Australian Accounting Standards Board (AASB).

The office has adopted any applicable new and revised Australian Accounting Standards from their operative dates.

Early adoption of standards

The office cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 *Application of Australian Accounting Standards and Other Pronouncements*. No Australian Accounting Standards that have been issued or amended [but not operative] have been early adopted by the office for the annual reporting period ended 30 June 2011.

Note 2. Summary of significant accounting policies

(a) General statement

The financial statements constitute general purpose financial statements that have been prepared in accordance with Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB as applied by the Treasurer's instructions. Several of these are modified by the Treasurer's instructions to vary application, disclosure, format and wording.

The *Financial Management Act 2006* and the Treasurer's Instructions are legislative provisions governing the preparation of financial statements and take precedence over Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB.

Where modification is required and has had a material or significant financial effect upon the reported results, details of that modification and the resulting financial effect are disclosed in the notes to the financial statements.

(b) Basis of preparation

The financial statements have been prepared on the accrual basis of accounting using the historical cost convention.

The accounting policies adopted in the preparation of the financial statements have been consistently applied throughout all periods presented unless otherwise stated.

The financial statements are presented in Australian dollars and all values are rounded to the nearest dollar.

[Note 3 'Judgements made by management in applying accounting policies'](#) discloses judgements that have been made in the process of applying the office's accounting policies resulting in the most significant effect on amounts recognised in the financial statements.

[Note 4 'Key sources of estimation uncertainty'](#) discloses key assumptions made concerning the future, and other key sources of estimation uncertainty at the end of the reporting period, that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year.

(c) Reporting entity

The reporting entity comprises the office of the Parliamentary Commissioner for Administrative Investigations, generally known as the Ombudsman Western Australia (the office).

Mission

The mission of the Ombudsman Western Australia is to serve Parliament and Western Australians by:

- Resolving complaints about decision making of public authorities; and
- Improving the standard of public administration

The office is predominantly funded by Parliamentary appropriation. The Ombudsman Western Australia also performs the functions of the Energy Ombudsman Western Australia (**EOWA**) under a services agreement with the Board of Energy Industry Ombudsman (Western Australia) Limited, the governing body of EOWA. The office recoups the costs for EOWA from the Board. The financial statements encompass all funds through which the office controls resources to carry on its functions.

Services

The office provides the following service:

Service 1: Resolving complaints about decision making of public authorities and improving the standard of public administration

Investigating and resolving complaints from members of the public about Western Australian public authorities and improving the standard of public administration by identifying and investigating concerns that affect the broader community, making recommendations for improvement and identifying and promoting good decision making and practices.

The office does not administer assets, liabilities, income and expenses on behalf of Government which are not controlled by, nor integral, to the function of the office.

(d) Contributed equity

AASB Interpretation 1038 *Contributions by Owners Made to Wholly-Owned Public Sector Entities* requires transfers in the nature of equity contributions, other than as a result of a restructure of administrative arrangements, to be designated by the Government (the owner) as contributions by owners (at the time of, or prior to transfer) before such transfers can be recognised as equity contributions. Capital appropriations have been designated as contributions by owners by TI 955 *Contributions by Owners made to Wholly Owned Public Sector Entities* and have been credited directly to Contributed equity.

(e) Income

Revenue recognition

Revenue is recognised and measured at the fair value of consideration received or receivable. Revenue is recognised for the major business activities as follows:

Provision of services

Revenue is recognised on delivery of the service to the client or by reference to the stage of completion of the transaction.

Service appropriations

Service Appropriations are recognised as revenues at fair value in the period in which the office gains control of the appropriated funds. The office gains control of appropriated funds at the time those funds are deposited to the bank account or credited to the 'Amounts receivable for services' (holding account) held at Treasury.

Net appropriation determination

The Treasurer may make a determination providing for prescribed receipts to be retained for services under the control of the office. In accordance with the determination specified in the 2010-2011 Budget Statements, the office retained **\$1,656,686** in 2011 (**\$953,475** in 2010) from the following:

- GST Input Credits;
- Proceeds from fees and charges; and
- Other office Receipts.

Grants, donations, gifts and other non-reciprocal contributions

Revenue is recognised at fair value when the office obtains control over the assets comprising the contributions, usually when cash is received.

Other non-reciprocal contributions that are not contributions by owners are recognised at their fair value. Contributions of services are only recognised when a fair value can be reliably determined and the services would be purchased if not donated.

Gains

Realised or unrealised gains are usually recognised on a net basis. These include gains arising on the disposal of non-current assets and some revaluations of non-current assets.

(f) Plant and equipment

Capitalisation/expensing of assets

Items of plant and equipment costing \$5,000 or more are recognised as assets and the cost of utilising assets is expensed (depreciated) over their useful lives. Items of plant and equipment costing less than \$5,000 are immediately expensed direct to the Statement of Comprehensive Income.

Initial recognition and measurement

Plant and equipment are initially recognised at cost.

For items of plant and equipment acquired at no cost or for nominal cost, the cost is the fair value at the date of acquisition.

Subsequent measurement

Subsequent to initial recognition as an asset, the cost model is used for plant and equipment. All items of plant and equipment are stated at historical cost less accumulated depreciation and accumulated impairment losses.

Derecognition

Upon disposal or derecognition of an item of plant and equipment, any revaluation surplus relating to that asset is retained in the asset revaluation surplus.

Depreciation

All non-current assets having a limited useful life are systematically depreciated over their estimated useful lives in a manner that reflects the consumption of their future economic benefits.

Depreciation is calculated using the straight line method, using rates which are reviewed annually. Estimated useful lives for each class of depreciable asset are:

Furniture and fittings	10 years
Plant and machinery	10 years
Computer hardware	3 years
Office equipment	5 years

(g) Intangible assets

Capitalisation/expensing of assets

Acquisitions of intangible assets costing \$5,000 or more and internally generated intangible assets costing \$50,000 or more are capitalised. The cost of utilising the assets is expensed (amortised) over their useful life. Costs incurred below these thresholds are immediately expensed directly to the [Statement of Comprehensive Income](#).

All acquired and internally developed intangible assets are initially recognised at cost. For assets acquired at no cost or for nominal cost, the cost is their fair value at the date of acquisition.

The cost model is applied for subsequent measurement requiring the asset to be carried at cost less any accumulated amortisation and accumulated impairment losses.

Amortisation for intangible assets with finite useful lives is calculated for the period of the expected benefit (estimated useful life which is reviewed annually) on the straight line basis. All intangible assets controlled by the office have a finite useful life and zero residual value.

The expected useful lives for each class of intangible asset are:

Software (a)	3 Years
--------------	---------

(a) Software that is not integral to the operation of any related hardware.

Computer software

Software that is an integral part of the related hardware is recognised as plant and equipment. Software that is not an integral part of the related hardware is recognised as an intangible asset. Software costing less than \$5,000 is expensed in the year of acquisition.

Website costs

Website costs are charged as expenses when they are incurred unless they relate to the acquisition or development of an asset when they may be capitalised and amortised. Generally, costs in relation to feasibility studies during the planning phase of a website, and ongoing costs of maintenance during the operating phase are expensed. Costs incurred in building or enhancing a website, to the extent that they represent probable future economic benefits that can be reliably measured, are capitalised.

(h) Impairment of assets

Plant and equipment and intangible assets are tested for any indication of impairment at the end of each reporting period. Where there is an indication of impairment, the recoverable amount is estimated. Where the recoverable amount is less than the carrying amount, the

asset is considered impaired and is written down to the recoverable amount and an impairment loss is recognised. As the office is a not-for-profit entity, unless an asset has been identified as a surplus asset, the recoverable amount is the higher of an asset's fair value less costs to sell and depreciated replacement cost.

The risk of impairment is generally limited to circumstances where an asset's depreciation is materially understated, where the replacement cost is falling or where there is a significant change in useful life. Each relevant class of assets is reviewed annually to verify that the accumulated depreciation/amortisation reflects the level of consumption or expiration of the asset's future economic benefits and to evaluate any impairment risk from falling replacement costs.

Intangible assets with an indefinite useful life and intangible assets not yet available for use are tested for impairment at the end of each reporting period irrespective of whether there is any indication of impairment.

The recoverable amount of assets identified as surplus assets is the higher of fair value less costs to sell and the present value of future cash flows expected to be derived from the asset. Surplus assets carried at fair value have no risk of material impairment where fair value is determined by reference to market-based evidence. Where fair value is determined by reference to depreciated replacement cost, surplus assets are at risk of impairment and the recoverable amount is measured. Surplus assets at cost are tested for indications of impairment at the end of each reporting period.

(i) Leases

The office holds operating leases for its office buildings and motor vehicles. Operating leases are expensed on a straight line basis over the lease term as this represents the pattern of benefits derived from the leased property.

(j) Financial instruments

In addition to cash, the office has two categories of financial instrument:

- Receivables; and
- Financial liabilities measured at amortised cost.

Financial instruments have been disaggregated into the following classes:

- Financial Assets
 - Cash and cash equivalents
 - Restricted cash and cash equivalents
 - Receivables
 - Amounts receivable for services
- Financial Liabilities
 - Payables

Initial recognition and measurement of financial instruments is at fair value which normally equates to the transaction cost or the face value. Subsequent measurement is at amortised cost using the effective interest method.

The fair value of short-term receivables and payables is the transaction cost or the face value because there is no interest rate applicable and subsequent measurement is not required as the effect of discounting is not material.

(k) Cash and cash equivalents

For the purpose of the [Statement of Cash Flows](#), cash and cash equivalent (and restricted cash and cash equivalent) assets comprise cash on hand and short-term deposits with original maturities of three months or less that are readily convertible to a known amount of cash and which are subject to insignificant risk of changes in value.

(l) Accrued salaries

Accrued salaries represent the amount due to staff but unpaid at the end of the financial year. Accrued salaries are generally settled within a fortnight of the financial year end. For the current financial year a component of accrued salaries relates to settlement of liability in relation to the Public Services and Government Officers General Agreement 2011 (PS GOSAG) pay award. Settlement of this component of accrued salaries is within two months of the financial year end. The office considers the carrying amount of accrued salaries to be equivalent to its net fair value.

The accrued salaries suspense consists of amounts paid annually into a suspense account over a period of 10 financial years to largely meet the additional cash outflow in each eleventh year when 27 pay days occur instead of the normal 26. No interest is received on this account.

(m) Amounts receivable for services (holding account)

The office receives funding on an accrual basis. The appropriations are paid partly in cash and partly as an asset (holding account receivable). The accrued amount receivable is accessible on the emergence of the cash funding requirement to cover leave entitlements and asset replacement.

(n) Receivables

Receivables are recognised at original invoice amount less an allowance for any uncollectible amounts (i.e. impairment). The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written-off against the allowance account. The allowance for uncollectible amounts (doubtful debts) is raised when there is objective evidence that the office will not be able to collect the debts. The carrying amount is equivalent to fair value as it is due for settlement within 30 days.

(o) Payables

Payables are recognised at the amounts payable when the office becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value, as settlement is generally within 30 days.

(p) Provisions

Provisions are liabilities of uncertain timing or amount and are recognised where there is a present legal or constructive obligation as a result of a past event and when the outflow of resources embodying economic benefits is probable and a reliable estimate can be made of the amount of the obligation. Provisions are reviewed at the end of each reporting period.

Provisions - employee benefits

All annual leave and long service leave provisions are in respect of employees' services up to the end of the reporting period.

Annual leave

The liability for annual leave expected to be settled within 12 months after the reporting period is recognised and measured at the undiscounted amounts expected to be paid when the liability is settled.

Annual leave not expected to be settled within 12 months after the reporting period is recognised and measured at the present value of amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions, as well as the experience of employee departures and periods of service. The expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

The provision for annual leave is classified as a current liability as the office does not have an unconditional right to defer settlement of the liability for at least 12 months after the reporting period.

Long service leave

The liability for long service leave expected to be settled within 12 months after the reporting period is recognised and measured at the undiscounted amounts expected to be paid when the liability is settled.

Long service leave not expected to be settled within 12 months after the reporting period is recognised and measured at the present value of amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions, as well as the experience of employee departures and periods of service. The expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

Unconditional long service leave provisions are classified as current liabilities as the office does not have an unconditional right to defer settlement of the liability for at least 12 months after the reporting period. Conditional long service leave provisions are classified as non-current liabilities because the office has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

Superannuation

The Government Employees Superannuation Board (GESB) administers public sector superannuation arrangements in Western Australia in accordance with legislative requirements.

Eligible employees contribute to the Pension Scheme, a defined benefit pension scheme closed to new members since 1987, or the Gold State Superannuation Scheme (GSS), a defined benefit lump sum scheme closed to new members since 1995.

The GSS is a defined benefit scheme for the purposes of employees and whole-of-government reporting. However, it is a defined contribution plan for agency purposes because the concurrent contributions (defined contributions) made by the office to GESB extinguishes the agency's obligations to the related superannuation liability.

The office has no liabilities under the Pension Scheme or the GSS. The liabilities for the unfunded Pension Scheme and the unfunded GSS transfer benefits attributable to members

who transferred from the Pension Scheme, are assumed by the Treasurer. All other GSS obligations are funded by concurrent contributions made by the office to the GESB.

Employees commencing employment prior to 16 April 2007 who were not members of either the Pension Scheme or the GSS became non-contributory members of the West State Superannuation Scheme (WSS). Employees commencing employment on or after 16 April 2007 became members of the GESB Super Scheme (GESBS). Both of these schemes are accumulation schemes. The office makes concurrent contributions to GESB on behalf of employees in compliance with the *Commonwealth Government's Superannuation Guarantee (Administration) Act 1992*. These contributions extinguish the liability for superannuation charges in respect of the WSS and GESBS.

The GESB makes all benefit payments in respect of the Pension Scheme and GSS, and is recouped from the Treasurer for the employer's share.

Provisions - other

Employment on-costs

Employment on-costs, including workers' compensation insurance, are not employee benefits and are recognised separately as liabilities and expenses when the employment to which they relate has occurred. Employment on-costs are included as part of 'Other expenses' and are not included as part of the office's 'Employee benefits expense'. The related liability is included in 'Employment on-costs provision'.

(q) Superannuation expense

The superannuation expense in the [Statement of Comprehensive Income](#) comprises of employer contributions paid to the GSS (concurrent contributions), the WSS, and the GESBS. The employer contribution paid to the GESB in respect of the GSS is paid back into the Consolidated Account by the GESB.

(r) Resources received free of charge or for nominal cost

Resources received free of charge or for nominal cost that can be reliably measured are recognised as income at fair value. Where the resource received represents a service that the office would otherwise pay for, a corresponding expense is recognised. Receipts of assets are recognised in the [Statement of Financial Position](#).

Assets or services are received from other State Government agencies are separately disclosed under Income from State Government in the Statement of Comprehensive Income.

(s) Comparative figures

Comparative figures are, where appropriate, reclassified to be comparable with the figures presented in the current financial year.

Note 3. Judgements made by management in applying accounting policies

The preparation of financial statements requires management to make judgements about the application of accounting policies that have a significant effect on the amounts recognised in the financial statements. The office evaluates these judgements regularly.

Operating lease commitments

The office has entered into a number of leases for buildings for branch office accommodation. Some of these leases relate to buildings of a temporary nature and it has

been determined that the lessor retains substantially all the risks and rewards incidental to ownership. Accordingly, these leases have been classified as operating leases.

Note 4. Key sources of estimation uncertainty

Key estimates and assumptions concerning the future are based on historical experience and various other factors that have a significant risk of causing a material adjustment to the carrying amount of assets and liabilities within the next financial year.

Long Service Leave

Several estimations and assumptions used in calculating the office's long service leave provision include expected future salary rates, discount rates, employee retention rates and expected future payments. Changes in these estimations and assumptions may impact on the carrying amount of the long service leave provision.

Note 5. Disclosure of changes in accounting policy and estimates

Initial application of an Australian Accounting Standard

The office has applied the following Australian Accounting Standards effective for annual reporting periods beginning on or after 1 July 2010 that impacted on the Authority.

2009-5 *Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project.* [AASB 5, 8, 101, 107, 118, 136, & 139]

Under amendments to AASB 107, only expenditures that result in a recognised asset are eligible for classification as investing activities in the Statement of Cash Flows. All investing cashflows recognised in the Authority's Statement of Cash Flows relate to increases in recognised assets.

Future impact of Australian Accounting Standards not yet operative

The office cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 *Application of Australian Accounting Standards and Other Pronouncements*. Consequently, the office has not applied early any of the following Australian Accounting Standards that have been issued that may impact the office. Where applicable, the office plans to apply these Australian Accounting Standards from their application date.

		Operative for reporting periods beginning on/after
AASB 2009-11	<p><i>Amendments to Australian Accounting Standards arising from AASB 9 [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 121, 127, 128, 131, 132, 136, 139, 1023 & 1038 and Interpretations 10 & 12].</i></p> <p>The amendment to AASB 7 requires modification to the disclosure of categories of financial assets. The office does not expect any financial impact when the Standard is first applied. The disclosure of categories of financial assets in the notes will change.</p>	1 Jan 2013

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AASB 2009-12	<i>Amendments to Australian Accounting Standards [AASBs 5, 8, 108, 110, 112, 119, 133, 137, 139, 1023 & 1031 and Interpretations 2,4,16,1039 & 1052]</i>	1 Jan 2011
	This Standard introduces a number of terminology changes. There is no financial impact resulting from the application of this revised Standard.	
AASB 1053	<i>Application of Tiers of Australian Accounting Standards</i>	1 July 2013
	This Standard establishes a differential financial reporting framework consisting of two tiers of reporting requirements for preparing general purpose financial statements.	
	The Standard does not have any financial impact on the office. However it may affect disclosures in the financial statements of the office if the reduced disclosure requirements apply. DTF has not yet determined the application or the potential impact of the new Standard for agencies.	
AASB 2010-2	<i>Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements</i>	1 July 2013
	This Standard makes amendments to many Australian Accounting Standards, including Interpretations, to introduce reduced disclosure requirements into these pronouncements for application by certain types of entities.	
	This Standard is not expected to have any financial impact on the office. However this Standard may reduce some note disclosures in the financial statements of the office. DTF has not yet determined the application or the potential impact of the amendments to these Standards for agencies.	
AASB 2011-2	<i>Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project – Reduced Disclosure Requirements [AASB 101 & AASB 1054]</i>	1 July 2011
	This Amending Standard removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards for reduced disclosure reporting. DTF has not yet determined the application or the potential impact of the amendments to these Standards for agencies.	
ASB 2010-5	<i>Amendments to Australian Accounting Standards [AASB 1, 3, 4, 5, 101, 107, 112, 118, 119, 121, 132, 133, 134, 137, 139, 140, 1023 & 1038 and Interpretations 112, 115, 127, 132 & 1042] (October 2010)</i>	1 Jan 2011
	This Standard introduces a number of terminology changes as well as minor presentation changes to the Notes to the Financial Statements. There is no financial impact resulting from the application of this revised Standard.	

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AASB 2010-6	<p><i>Amendments to Australian Accounting Standards – Disclosures on Transfers of Financial Assets [AASB 1 & AASB 7]</i></p> <p>This Standard makes amendments to Australian Accounting Standards, introducing additional presentation and disclosure requirements for Financial Assets.</p> <p>The Standard is not expected to have any financial impact on the office. DTF has not yet determined the application of the potential impact of the amendments to these Standards for agencies.</p>	1 July 2011
AASB 9	<p><i>Financial Instruments</i></p> <p>This Standard supersedes AASB 139 <i>Financial Instruments: Recognition and Measurement</i>, introducing a number of changes to accounting treatments.</p> <p>The Standard was reissued on 6 Dec 2010 and the Department is currently determining the impact of the Standard, DTF has not yet determined the application or the potential impact of the Standard for agencies.</p>	1 Jan 2013
AASB 2010-7	<p><i>Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 & 1038 and Interpretations 2, 5, 10, 12, 19 & 127]</i></p> <p>This Amending Standard makes consequential adjustments to other Standards as a result of issuing AASB 9 <i>Financial Instruments</i> in December 2010. DTF has not yet determined the application or the potential impact of the Standard for agencies.</p>	1 Jan 2013
AASB 1054	<p><i>Australian Additional Disclosures</i></p> <p>This Standard, in conjunction with AASB 2011-1 <i>Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project</i>, removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards.</p>	1 July 2011
AASB 2011-1	<p><i>Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project [AASB 1, 5, 101, 107, 108, 121, 128, 132 & 134 and Interpretations 2, 112 & 113]</i></p> <p>This Amending Standard, in conjunction with AASB 1054 <i>Australian Additional Disclosures</i>, removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards.</p>	1 July 2011

Note 6. Employee benefits expense

	2011	2010
	\$	\$
Wages and salaries ^(a)	5,115,194	4,567,083
Superannuation - defined contribution plans ^(b)	530,108	370,428
Other related expenses	64,228	90,880
	5,709,530	5,028,391

(a) Includes the value of the fringe benefit to the employee plus the fringe benefit tax component, leave entitlements including superannuation contribution component.

(b) Defined contribution plans include West State, Gold State and GESB Super Scheme (contributions paid).

Employment on-costs expenses, such as workers' compensation insurance are included at [Note 10 'Other expenses'](#).

Employment on-costs liability is included in [Note 20 'Provisions'](#).

Note 7. Supplies and services

	2011	2010
	\$	\$
Travel	51,037	68,852
Communications	69,542	52,267
Consumables	230,842	108,672
Services and contracts	312,445	416,180
Resources received free of charge (see note 12)	135,432	106,231
Other	204,960	230,660
	1,004,258	982,862

Note 8. Depreciation and amortisation expense

	2011	2010
	\$	\$
<u>Depreciation</u>		
Furniture fixtures and fittings	77,714	71,172
Computer equipment	15,127	8,939
Communications	20,623	18,217
Office equipment	6,977	4,471
Plant and machinery	1,726	1,593
Total depreciation	122,167	104,392
<u>Amortisation</u>		
Intangible assets	58,511	88,224
Total amortisation	58,511	88,224
Total depreciation and amortisation	180,678	192,616

Note 9. Accommodation expenses

	2011	2010
	\$	\$
Lease rentals	809,952	734,948
Repairs and maintenance	2,319	2,379
	812,271	737,327

Note 10. Other expenses

	2011	2010
	\$	\$
Employment on-cost ^(a)	48	533
Audit Fee ^(b)	21,600	20,700
Other Miscellaneous Expenses	3,045	3,045
	24,693	24,278

(a) Includes workers' compensation insurance and other employment on-costs. The on-costs liability associated with the recognition of annual and long service leave liability is included at [Note 20 'Provisions'](#). Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.

(b) Audit fee, see also [Note 30 'Remuneration of auditor'](#).

Note 11. Other revenue

	2011	2010
	\$	\$
Other revenue - general	1,597,214	908,243
Other recoup	59,472	45,232
	1,656,686	953,475

Note 12. Income from State Government

	2011	2010
	\$	\$
Appropriation received during the year:		
Service appropriations ^(a)		
- Recurrent	5,795,000	5,217,000
- Special Acts	553,000	536,000
	6,348,000	5,753,000
Resources received free of charge ^(b)		
Determined on the basis of the following estimates provided by agencies:		
- Department of the Premier and Cabinet Corporate and Business Services	122,842	95,408
- DTF - Building and Management Works	12,590	10,823
- Public Sector Commission	41,451	-
	176,883	106,231
	6,524,883	5,859,231

- (a) Service appropriations funds the net cost of services delivered. Appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account) comprises the depreciation expense for the year and any agreed increase in leave liability during the year.
- (b) Assets or services received free of charge or for nominal cost are recognised as revenue at fair value of the assets and/or services that can be reliably measured and which would have been purchased if they were not donated. Contributions of assets or services in the nature of contributions by owners are recognised direct to equity.

Note 13. Restricted cash and cash equivalents

	2011 \$	2010 \$
<u>Non-current</u>		
Accrued salaries suspense account ^(a)	115,169	86,271
	115,169	86,271

- (a) Funds held in the suspense account used only for the purpose of meeting the 27th pay in a financial year that occurs every 11 years.

Note 14. Receivables

	2011 \$	2010 \$
<u>Current</u>		
Receivables	84,459	99,152
GST receivable	4,390	80,974
Total current	88,849	180,126

There were no allowances made in the current year for the impairment of receivables (2009/10: nil)
The office does not hold any collateral or other credit enhancements as security for receivables.

Note 15. Amounts receivable for services (Holding Account)

	2011 \$	2010 \$
Current	125,000	87,000
Non-Current	1,744,000	1,445,000
	1,869,000	1,532,000

Represents the non-cash component of service appropriations. It is restricted in that it can only be used for asset replacement or payment of leave liability. See [Note 2\(m\) 'Amounts receivable for services \(Holding Account\)'](#).

Note 16. Plant and Equipment

	2011 \$	2010 \$
<u>Furniture fixtures and fittings</u>		
At cost	1,187,897	1,114,048
Accumulated depreciation	(664,258)	(580,556)
	523,639	533,492

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	2011 \$	2010 \$
<u>Computer Hardware</u>		
At Cost	208,778	117,631
Accumulated depreciation	(174,611)	(81,536)
	34,167	36,095
<u>Office equipment</u>		
At cost	33,921	33,921
Accumulated depreciation	(14,501)	(7,524)
	19,420	26,397
<u>Plant and machinery</u>		
At cost	31,560	15,780
Accumulated depreciation	(14,571)	(5,693)
	16,989	10,087
<u>Communications</u>		
At cost	150,017	109,083
Accumulated depreciation	(64,779)	(40,771)
	85,238	68,312
	679,453	674,383

Reconciliation

Reconciliations of the carrying amounts of plant and equipment at the beginning and end of the reporting period are set out in the table below:

	Furniture and Fittings	Computer hardware	Office Equipment	Communi- cations	Plant and Machinery	Total
2011	\$	\$	\$	\$	\$	\$
Carrying amount at start of year	533,493	36,095	26,396	68,312	10,087	674,383
Additions	67,861	13,199	-	37,549	8,628	127,237
Depreciation	(77,714)	(15,127)	(6,977)	(20,623)	(1,726)	(122,167)
Carrying amount at end of year	523,640	34,167	19,419	85,238	16,989	679,453

2010	\$	\$	\$	\$	\$	\$
Carrying amount at start of year	593,382	5,651	19,296	86,529	11,680	716,538
Additions	11,282	39,383	11,572	-	-	62,237
Depreciation	(71,171)	(8,939)	(4,472)	(18,217)	(1,593)	(104,392)
Carrying amount at end of year	533,493	36,095	26,396	68,312	10,087	674,383

Note 17. Intangible assets

	2011 \$	2010 \$
<u>Computer Software</u>		
At cost	298,651	250,500
Accumulated amortisation	(249,270)	(190,759)
	49,381	59,741
Work in Progress	36,350	-
	36,350	-

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<u>Licenses</u>		
At cost	-	21,425
Accumulated amortisation	-	-
	-	21,425
Total intangible assets	85,731	81,166

	2011	2010
	\$	\$

Reconciliation:

<u>Computer Software</u>		
Carrying amount at start of year	59,741	147,965
Additions	36,350	-
Transfer	21,425	-
Amortisation expense	(58,511)	(88,224)
Carrying amount at end of year	59,005	59,741

<u>Licenses</u>		
Carrying amount at start of year	21,425	-
Additions	-	21,425
Transfer	(21,425)	-
Carrying amount at end of year	-	21,425

Note 18. Impairment of assets

There were no indications of impairment to plant and equipment or intangible assets at 30 June 2011.

The office held no goodwill or intangible assets with an indefinite useful life during the reporting period. At the end of the reporting period there were no intangible assets not yet available for use.

All surplus assets as at 30 June 2011 have either been classified as assets held for sale or written-off.

Note 19. Payables

	2011	2010
	\$	\$
<u>Current</u>		
Trade payables	82,176	25,383
Accrued Expenses	213,909	166,710
Accrued Salaries	139,828	73,620
Accrued Superannuation	2,925	-
Other payables	1,207	49,995
Total current	440,045	315,708

Note 20. Provisions

	2011	2010
	\$	\$
Current		
<i>Employee benefits provision</i>		
Annual leave ^(a)	568,572	515,697
Long service leave ^(b)	611,361	565,613
	1,179,933	1,081,310
<i>Other provisions</i>		
Employment on-costs ^(c)	535	495
	535	495
	1,180,468	1,081,805

	2011	2010
	\$	\$
Non-current		
<i>Employee benefits provision</i>		
Long service leave ^(b)	327,445	302,340
	327,445	302,340
<i>Other provisions</i>		
Employment on-costs ^(c)	149	141
	149	141
	327,594	302,481

(a) Annual leave liabilities have been classified as current as there is no unconditional right to defer settlement for at least 12 months after the reporting period. Assessments indicate that actual settlement of the liabilities will occur as follows:

	2011	2010
	\$	\$
Within 12 months of the end of the reporting period	342,357	276,256
More than 12 months after the reporting period	226,215	239,441
	568,572	515,697

(b) Long service leave liabilities have been classified as current where there is no unconditional right to defer settlement for at least 12 months after the reporting period. Assessments indicate that actual settlement of the liabilities will occur as follows:

	2011	2010
	\$	\$
Within 12 months of the end of the reporting period	303,443	347,528
More than 12 months after the reporting period	635,363	520,425
	938,806	867,953

(c) Movement in other provisions: Movements in each class of provisions during the financial year, other than employee benefits, are set out below.

	2011 \$	2010 \$
<u>Employment on-cost provision</u>		
Carrying amount at start of year	636	103
Additional provisions recognised	48	533
Carrying amount at end of year	684	636

Note 21. Equity

The Government holds the equity interest in the office on behalf of the community. Equity represents the residual interest in the net assets of the office.

Contributed equity

	2011 \$	2010 \$
Balance at start of period	930,000	930,000
<u>Contributions by owners</u>		
Capital Contributions	-	-
Total contributions by owners	-	-
BALANCE AT END OF PERIOD	930,000	930,000

Accumulated surplus/(deficit)

	2011 \$	2010 \$
Balance at start of year	370,975	523,743
Result for the period	450,139	(152,768)
Balance at end of year	821,114	370,975

Note 22. Notes to the Statement of Cash Flows

Reconciliation of cash

Cash at the end of the financial year as shown in the [Statement of Cash Flows](#) is reconciled to the related items in the [Statement of Financial Position](#) as follows:

	2011 \$	2010 \$
Cash and cash equivalents	861,019	447,023
Restricted cash and cash equivalents	115,169	86,271
	976,188	533,294

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Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities

	2011	2010
	\$	\$
Net cost of services	(6,074,744)	(6,011,999)
<u>Non-cash items:</u>		
Depreciation and amortisation expense	180,678	192,616
Resources received free of charge	135,432	106,231
<u>(Increase)/decrease in assets:</u>		
Current receivables ^(a)	57,729	301,017
<u>Increase/(decrease) in liabilities:</u>		
Accrued salaries	66,208	32,345
Accrued superannuation	2,925	-
	2011	2010
	\$	\$
Accrued expenses	47,199	-
Current payables	8,005	(80,144)
Current provisions	98,663	228,824
Non-current provisions	25,113	50,922
Net GST receipts/(payments) ^(a)	20,088	-
Change in GST in receivables/payables ^(b)	13,459	(18,328)
Net cash provided by/(used in) operating activities	(5,419,245)	(5,198,516)

(a) Note that the Australian Taxation Office (ATO) receivable/payable in respect of GST and the receivable/payable in respect of the sale/purchase of non-current assets are not included in these items as they do not form part of the reconciling items.

(b) This reverses out the GST in receivables and payables.

At the end of the reporting period, the office had fully drawn on all financing facilities, details of which are disclosed in the financial statements.

Note 23. Resources provided free of charge

The office did not provide any resources to other agencies free of charge.

Note 24. Commitments

The commitments below are inclusive of GST where relevant.

Capital expenditure commitments

	2011	2010
	\$	\$
Capital expenditure commitments, being contracted capital expenditure additional to the amounts reported in the financial statements, are payable as follows:		
Within 1 year	-	62,329
	-	62,329

Lease commitments

Commitments in relation to leases contracted for at the end of the reporting period but not recognised in the financial statements are payable as follows:

	2011 \$	2010 \$
Within 1 year	572,195	576,444
Later than 1 year and not later than 5 years	42,802	570,552
	<u>614,997</u>	<u>1,146,996</u>
Representing:		
Non-cancellable operating leases	614,997	1,146,996
	<u>614,997</u>	<u>1,146,996</u>

	2011 \$	2010 \$
Non-cancellable operating leases commitments		
Commitments for minimum leases payments are payable as follows:		
Within 1 year	572,195	576,444
Later than 1 year and not later than 5 years	42,802	570,552
	<u>614,997</u>	<u>1,146,996</u>

The office has entered into a property lease which is a non-cancellable lease with a five year term, with rent payable monthly in advance. Contingent rent provisions within the lease agreement require that the minimum lease payments shall be increased by the lower of CPI or 4% per annum. An option exists to renew the lease at the end of the five year term for an additional term of five years.

The motor vehicle lease is a non-cancellable lease with a three year term, with lease payments monthly. New vehicle leases are negotiated at the end of this period, the number of vehicle leases being subject to the office's operational needs.

Note 25. Contingent liabilities and contingent assets

Contingent liabilities

The office had no contingent liabilities

Contingent assets

The office had no contingent assets

Note 26. Events occurring after the end of the reporting period

There were no events occurring after the reporting date that impact on the financial statements.

Note 27. Explanatory statement

Significant variations between estimates and actual results for income and expense as presented in the financial statement titled '[Summary of Consolidated Account Appropriations and Income Estimates](#)' are shown below. Significant variations are considered to be those greater than 10%.

Total appropriations provided to deliver services

Significant variances between estimate and actual for 2011

	2011 Estimate \$	2011 Actual \$	Variance \$
Employee benefits expense	4,833,000	5,709,530	876,530
Supplies and services	442,000	1,004,258	562,258
Accommodation	733,000	812,271	79,271
Depreciation and amortisation	253,000	180,678	(72,322)
Other expenses	129,000	24,693	(104,307)
Other revenue	921,000	1,656,686	735,686
Service appropriation	5,424,000	6,348,000	(924,000)
Resources received free of charge	45,000	176,883	(131,883)

Employees benefits expenses

The increase is primarily due to an additional five Full Time Equivalents (**FTEs**) to handle an increased number of complaints and telecommunication intercept inspections; and additional staff to handle an increased number of complaints under the Energy jurisdiction.

Supplies and services

The increase is primarily due to the supplies and services associated with the additional staff, including power, phones and office equipment, as well as use of temporary staff pending filling of the additional positions.

Accommodation

The increase is primarily due to the costs of accommodation required for the additional staff.

Depreciation and amortisation

The decrease is because some capital purchases occurred later in the year than initially estimated and the depreciation did not commence until they were purchased.

Other expenses

The decrease is primarily because some expenses, included in the estimate as other expenses, were included under supplies and services for actual expenses.

Other revenue

The increase is primarily due to an increase in funding approved by the Board of the Energy Ombudsman Western Australia to cover additional expenses associated with an increase in complaints under the Energy Ombudsman's jurisdiction.

Service appropriations

The increase is primarily due to approved additional funding of:

- \$455,000 for four FTEs to manage an increased number of complaints;
- \$157,000 for one FTE to undertake an increased number of telecommunications intercept inspections;
- \$172,000 to meet additional business services costs and accommodation requirements; and
- \$138,000 to replenish cash reserves used to handle an increase in complaints in 2009-10.

Resources received free of charge

The increase is primarily due to an increase in the resources received free of charge from the Department of the Premier and Cabinet for human resource management services, and one-off resources received free of charge from the Public Sector Commissioner to cover the residual value of assets transferred to the Ombudsman. These assets had previously been shared with the Ombudsman.

Significant variances between actual results for 2010 and 2011

	2011 Actual \$	2010 Actual \$	Variance \$
<u>Income</u>			
Other revenue	1,656,686	953,475	703,211
Service appropriation	6,348,000	5,753,000	595,000
Resources received free of charge	176,883	106,231	70,652
<u>Expenses</u>			
Employee benefits expense	5,709,530	5,028,391	681,139
Accommodation expense	812,271	737,327	74,944

Other revenue

The increase is primarily due to an increase in funding approved by the Board of the Energy Ombudsman Western Australia to cover additional expenses associated with a significant increase in complaints under the Energy jurisdiction.

Service appropriation

The increase is primarily due to approved budget increases as described above. The reason the variation between the actual appropriations is less is because supplementary funding of \$300,000 was provided in 2009-10 to cover the increase in complaints in that year. This was also included in the appropriations provided in 2010-11.

Resources received free of charge

The increase is primarily due to an increase in the resources received free of charge from the Department of the Premier and Cabinet for human resource management services, and one-off resources received free of charge from the Public Sector Commissioner to cover the residual value of assets transferred to the Ombudsman. These assets had previously been shared with the Ombudsman.

Employee benefits expense

The increase is primarily due to additional staff required to handle an increased number of complaints and telecommunication intercept inspections under the State jurisdiction and an increased number of complaints under the Energy jurisdiction.

Accommodation expense

The increase is primarily due to the costs of accommodation required for the additional staff.

Note 28. Financial instruments

(a) Financial risk management objectives and policies

Financial instruments held by the office are cash and cash equivalents, restricted cash and cash equivalents, receivables and payables. The office has limited exposure to financial risks. The office's overall risk management program focuses on managing the risks identified below.

Credit risk

Credit risk arises when there is the possibility of the office's receivables defaulting on their contractual obligations resulting in financial loss to the office.

The maximum exposure to credit risk at the end of the reporting period in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment, as shown in the table at [Note 28\(c\) 'Financial instruments disclosures'](#) and [Note 14 'Receivables'](#).

Credit risk associated with the office's financial assets is minimal because the main receivable is the amounts receivables for services (holding accounts). For receivables other than government, the office trades only with recognised, creditworthy third parties. The office has policies in place to ensure that sales of products and services are made to customers with an appropriate credit history. In addition, receivable balances are monitored on an ongoing basis with the result that the office's exposure to bad debts is minimal. At the end of the reporting period there were no significant concentrations of credit risk.

Liquidity risk

Liquidity risk arises when the office is unable to meet its financial obligations as they fall due.

The office is exposed to liquidity risk through its trading in the normal course of business.

The office has appropriate procedures to manage cash flows including drawdowns of appropriations by monitoring forecast cash flows to ensure that sufficient funds are available to meet its commitments.

Market risk

Market risk is the risk that changes in market prices such as foreign exchange rates and interest rates will affect the office's income or the value of its holdings of financial instruments. The office does not trade in foreign currency and is not materially exposed to other price risks. The office's exposure to market risk for changes in interest rates relate primarily to the long-term debt obligations.

(b) Categories of financial instruments

In addition to cash, the carrying amounts of each of the following categories of financial assets and financial liabilities at the end of the reporting period are:

	2011	2010
	\$	\$
<u>Financial Assets</u>		
Cash and cash equivalents	861,019	447,023
Restricted cash and cash equivalents	115,169	86,271
Receivables ^(a)	1,953,459	1,631,152
<u>Financial Liabilities</u>		
Financial liabilities measured at amortised cost	440,045	315,708

(a) The amount of receivables excludes GST recoverable from the ATO (statutory receivable).

(c) Financial instrument disclosures

Credit risk and interest rate exposures

The following table discloses the office's maximum exposure to credit risk, interest rate exposures and the ageing analysis of financial assets. The office's maximum exposure to credit risk at end of the reporting period is the carrying amount of financial assets as shown below. The table discloses the ageing of financial assets that are past due but not impaired and impaired in financial assets. The table

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is based on information provided to senior management of the office.

The office does not hold any collateral as security or other credit enhancements relating to the financial assets it holds.

The office does not hold any financial assets that had to have their terms renegotiated that would have otherwise resulted in them being past due or impaired.

Interest rate exposures and ageing analysis of financial assets ^(a)										
	Weighted average effective interest rate %	Carrying Amount	Interest rate exposure			Past due but not impaired				
			Fixed interest rate	Variable interest rate	Non-interest bearing	Up to 3 months	3 – 12 months	1-2 Years	2 – 5 Years	More than 5 Years
	€	€	€	€	€	€	€	€	€	€
Financial Assets										
2011										
Cash and cash equivalents		861,019	-	-	861,019	-	-	-	-	-
Restricted cash and cash equivalent		115,169	-	-	115,169	-	-	-	-	-
Receivables ^(a)		84,459	-	-	84,459	6,608	-	-	-	-
Amount receivable for service		1,869,000	-	-	1,869,000	-	-	-	-	-
		2,929,647	-	-	2,929,647	6,608	-	-	-	-
2010										
Cash and cash equivalents		447,023	-	-	447,023	-	-	-	-	-
Restricted cash and cash equivalent		86,271	-	-	86,271	-	-	-	-	-
Receivables ^(a)		99,152	-	-	99,152	37,419	-	-	-	-
Amount receivable for service		1,532,000	-	-	1,532,000	-	-	-	-	-
		2,164,446	-	-	2,164,446	37,419	-	-	-	-

Liquidity Risk

The following table details the contractual maturity analysis for financial liabilities. The table includes interest and principal cash flows. An adjustment has been made where material.

Interest rate exposures and maturity analysis of financial liabilities												
	Weighted average effective interest rate %	Carrying Amount	Interest rate exposure				Maturity date					
			Fixed interest rate	Variable interest rate	Non-interest bearing	Adjustment for discounting	Total nominal amount	Up to 3 months	3 – 12 months	1-2 Years	2 – 5 Years	More than 5 Years
	€	€	€	€	€	€	€	€	€	€	€	€
Financial Liabilities												
2011												
Payables		315,708	-	-	315,708	-	-	315,708	-	-	-	-
		315,708	-	-	315,708	-	-	315,708	-	-	-	-
2010												
Payables		304,102	-	-	304,102	-	-	304,102	-	-	-	-
		304,102	-	-	304,102	-	-	304,102	-	-	-	-

(a) The amount disclosed are the contractual undiscounted cash flows of each class of financial liabilities at the end of the reporting period.

Interest rate sensitivity analysis

None of the office's financial assets and liabilities at the end of reporting date are sensitive to movements in interest rates, hence movements in interest rates have no bottom line impact on the office's surplus or equity.

Fair values

All financial assets and liabilities recognised in the [Statement of Financial Position](#), whether they are carried at cost or fair value, are recognised at amounts that represent a reasonable approximation of fair value unless otherwise stated in the applicable notes.

Note 29. Remuneration of senior officers

The number of senior officers whose total fees, salaries, superannuation, non-monetary benefits and other benefits for the financial year fall within the following bands are:

\$	2011	2010
120,001 - 130,000	-	-
130,001 - 140,000	-	1
140,001 - 150,000	1	2
150,001 - 160,000	2	1
160,001 - 170,000	1	-
200,001 - 210,000	-	1
220,001 - 230,000	1	-
300,001 - 310,000	-	1
350,001 - 360,000	1	-
	\$	\$
Total remuneration of senior officers	1,207,813	1,088,031

The total remuneration includes the superannuation expense incurred by the office in respect of senior officers.

Note 30. Remuneration of auditor

Remuneration payable to the Auditor General in respect of the audit for the current financial year is as follows:

	2011	2010
	\$	\$
Auditing the accounts, financial statements and performance indicators	20,000	21,600
	20,000	21,600

Note 31. Indian Ocean Territories

The Indian Ocean Territories Reimbursement Fund was established in March 1996 and became operational in July 1996.

The purpose of the Fund is to meet the cost of the services of the office in relation to complaints involved the Indian Ocean Territories.

The balance of the Fund at the end of the financial year is included in the office's Operating Account.

The figures presented below for the Fund have been prepared on a cash basis.

	2011	2010
	\$	\$
Opening Balance	11,632	10,034
Receipts	39,399	23,402
Payments	(60,630)	(21,804)
Closing Balance	(9,599)	11,632

Note 32. Supplementary financial information

(a) Write-offs

There was no write-off during the financial year.

(b) Losses through theft, defaults and other causes

There were no losses of public money and public and other property during the financial year.

(c) Gifts of public property

There were no gifts of public property provided by the office during the financial year.

Other Disclosures and Legal Compliance

Governance Disclosures

Ministerial Directives	The Ombudsman reports directly to the Western Australian Parliament and is not under the control of a Minister. Ministers cannot issue directives to the Ombudsman in relation to desired outcomes or operational issues.
Shares in Statutory Authorities	This is not relevant as the Ombudsman's office is not a statutory authority and does not have shares.
Shares in Subsidiary Bodies	This is not relevant as the Ombudsman's office does not have any subsidiary bodies.
Interests in Contracts by Senior Officers	<p>The office's <i>Code of Conduct</i> and Conflict of Interest Policy define conflict of interest and appropriate action to take where a conflict arises between the employee's public duty and their private interests, including during tender and purchasing processes.</p> <p>Employees are aware through the <i>Code of Conduct</i> that they have an obligation to disclose interests that could reasonably create a perception of bias, or an actual conflict of interest, and members of Corporate Executive are asked to declare any interests at each Corporate Executive meeting.</p> <p>In addition, senior staff are aware of the Conflict of Interest Guidelines developed by the Integrity Coordinating Group, of which the Ombudsman is a member.</p> <p>The office's policy on identifying and addressing conflict of interest includes any interest of:</p> <ul style="list-style-type: none"> • A senior officer; or • A firm of which a senior officer is a member; or • An entity in which the senior officer has a substantial financial interest; <p>in any existing or proposed contract made with the Ombudsman's office.</p> <p>There have been no declarations of an interest in any existing or proposed contracts by senior officers.</p>
Benefits to Senior Officers through Contracts	This is not applicable as no senior officers have received any benefits.
Insurance Paid to Indemnify Directors	This is not applicable as the Ombudsman's office does not have any directors as defined in Part 3 of the <i>Statutory Corporations (Liability of Directors) Act 1996</i> .

Other Financial and Staffing Disclosures

Pricing Policies of Services Provided

The Ombudsman's office currently receives revenue for the functions outlined below.

- Costs for the Energy Ombudsman functions are recouped from the Energy Industry Ombudsman (Western Australia) Limited on a full cost recovery basis. These costs are determined by the actual staffing costs involved in delivering the service plus an allowance for overheads and the direct recovery of capital expenditure and particular operational expenses, such as travel.
- Under an arrangement with the Commonwealth Government, the office handles enquiries and complaints from the Indian Ocean Territories about local government and Western Australian public authorities delivering services to the Territories. Each year the office recoups costs from the Commonwealth Government for any complaints received from the Territories. Cost recovery is based on the average cost per complaint in the last two years as published in the office's annual reports. Administrative costs and the costs of any travel to the Territories by the Ombudsman or staff and any promotional materials are also recouped in full.
- The office is a partner with the Commonwealth Ombudsman and the New South Wales Ombudsman in an AusAID funded program in Indonesia (funded under the AusAID Government Partnership Fund), the principal goal of which is to provide greater access across Indonesia, to more effective and sustainable Ombudsman Services. The Ombudsman's office recoups costs for these activities from the Commonwealth Ombudsman's office in accordance with the Australia Indonesia Partnership for Reconstruction and Development Government Partnership Fund Guidelines.

Capital Works

The development of an improved database for the case management of child death reviews commenced during the year. The estimated total cost of the project is \$150,000 and, as at 30 June 2011, the outstanding amount required to complete the project is \$114,000. There were no other major capital projects in 2010-11.

Ombudsman Staff

Employment of Staff

Staff numbers at the Ombudsman's office have increased in 2010-11 due to an increase in the number of complaints received and the number of telecommunications interceptions inspected by the office.

Over the full year 2010-11 there were 54 full-time equivalent positions (**FTEs**). There were also additional staff seconded into the office and people employed through a recruitment agency to cover short term vacancies.

As at 30 June 2011 there were 66 staff (60 FTEs) undertaking the work of the office. There were 62 people (57 FTEs) directly employed by the office including 49 full-time employees and 13 part-time employees. This includes people on unpaid leave, contract staff providing short term expertise and backfilling staff during extended leave periods, and people seconded out of the office. There were also two people seconded into the office and four people employed through a recruitment agency to cover short term vacancies.

Other Disclosures and Legal Compliance

All employees are public sector employees operating in executive, policy, enquiry, investigation and administrative roles. The following table provides a breakdown of the categories of employment for staff as at 30 June over the past three years.

Employee Category	2008-09	2009-10	2010-11
Full-time permanent	30	37	40
Full-time contract	5	8	9
Part-time permanent	11 (7.4 FTEs)	13 (8.6 FTEs)	11 (7 FTEs)
Part-time contract	0	0	2 (0.9 FTEs)
TOTAL	46 (42.4 FTEs)	58 (53.6 FTEs)	62 (56.9 FTEs)
Employees seconded out (included in numbers above)	0	-2 (2 FTEs)	-2 (2 FTEs)
Employees seconded in (not included in numbers above)	3 (3 FTEs)	4 (4 FTEs)	2 (2 FTEs)
Temporary staff employed through recruitment agencies	n/a	3 (3 FTEs)	4 (3.4 FTEs)
NET TOTAL (FTE)	45.4	58.6	60.3
NET TOTAL (Head Count)	49	63	66

Human Resources Strategy 2010-12

The office continued with the implementation of the Human Resources Strategy 2010-12 (**the Strategy**) during the year. The Strategy aims to support staff development and aid in the attraction and retention of staff.

Work was undertaken on the Strategy in three key areas:

Recruitment, Retention and Engagement of High Quality Staff

Recruitment practices are proving successful in attracting staff to apply for positions with the Ombudsman's office with high numbers of quality applications received for positions advertised during the year. The Ombudsman's office provides benefits for staff such as flexible work options and part-time arrangements and this is promoted in all job advertisements. Many staff use flexible work options, and staff in all areas and at all levels have access to, and use, part-time or purchased leave arrangements as well as working from home arrangements.

Accounting for Performance

The office's performance management system incorporates identifying expectations as well as performance-based recognition. Managers and staff annually formalise a performance agreement that provides a framework to:

- Develop and retain skilled employees;
- Identify and acknowledge the contribution employees make in the achievement of the Ombudsman's operational and strategic goals; and
- Assist employees achieve their professional and personal career goals.

Continual Learning

The office completed the 2010 Training and Continuous Professional Development Calendar and developed topics and events for the 2011 Calendar. In 2010-11 the office held five in-house training sessions and eight professional development sessions for staff including one for managers on performance management. There were also two sessions in the Occasional Speaker Series involving people with expertise of relevance to the Ombudsman's work. Where appropriate the sessions used the expertise of senior Ombudsman staff to deliver the material.

To supplement the office-wide program, staff are encouraged to attend external training to improve their skills and knowledge in areas relevant to their work. This training is discussed and facilitated through development plans as part of staff annual performance reviews. This continual learning direction assists with positioning the Ombudsman's office as an employer of choice.

Induction

In February 2011, the office launched the Online Induction mini-site and the Induction Reference Book for new staff to the office. The product has also proved valuable for existing staff members to keep them informed and updated about policy and governance issues within the office.

The Online Induction mini-site and Reference Book contain useful information on:

- Strategic Direction;
- Office and team structure and roles; and
- Office policies and procedures including governance, security and conduct, human resources, information technology and communications, finance and procurement and records management; and
- Office facilities.

Content for the product was drafted from existing strategic documents, policies and procedures. The process also allowed for a desktop review of these documents. The development of the product included consultation across the office through the Joint Consultative Committee, with changes implemented based on staff feedback. The site was piloted by three new staff members who provided positive feedback about the product's value. The product is a key way the office communicates its governance policies and procedures to staff.

Other Legal Requirements

Disability Access and Inclusion Plan Outcomes

The office is committed to providing optimum access and service to people with disabilities, their families and carers. The Ombudsman's Disability Access and Inclusion Plan includes the following initiatives.

Initiative 1: People with disabilities have the same opportunities as other people to access the services of, and any events organised by, a public authority.

People with a disability have an equal opportunity to participate in consultation, decision making, events, processes, complaints and other services provided by the office. Venues for events and meetings are assessed for suitable access for people with disabilities. A notice regarding disclosure of 'special access or dietary requirements', is added to all invitations for events coordinated by the office.

Initiative 2: People with disabilities have the same opportunities as others to access the buildings and other facilities of a public authority.

The office is located within the St Martins Tower, which provides access for people with disabilities. This includes a lift to accommodate wheelchairs, an accessible toilet on the ground floor, and electronic door openers within the Ombudsman's office area. Disability access has also been a key consideration in preparation for the office's move to Albert Facey House in 2012.

Initiative 3: People with disabilities receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.

All office documents are in plain English. Publications are available in alternative formats on request. Information published on the office website can be viewed and printed in alternative sizes and formats and TTY phone access is available. The office provides suitable equipment to enable employees with vision impairments to access electronic information.

Initiative 4: People with disabilities receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.

The services provided by the office have been adapted to reduce access barriers for people with disabilities and information is available in various formats on request. Staff receive disability access awareness training and watch a DVD about their obligations in dealing with people with a disability at induction. During the year, the office prepared an internal guideline for staff on *Assisting complainants with vision, hearing or speech impairments*. The document was added to the internal Complaint Handling Toolkit and provides useful information, contacts and procedures for all staff on dealing with a complainant with a disability.

Initiative 5: People with disabilities have the same opportunities as other people to make complaints to a public authority.

A key role of the Ombudsman's office is to handle complaints about public authorities. Anyone with a disability has an equal opportunity to make a complaint. Where necessary, the complaint process is modified to meet the needs of a person with a disability. This includes meeting people outside of the office and modifying communication strategies, for example, by using a translator (ie. TTY or Auslan) where required.

Initiative 6: People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority.

Staff and members of the public with a disability have an equal opportunity to participate in any consultation process. Most consultation is handled electronically and the website meets disability access requirements. Documents can be made available in alternative formats to meet the needs of people with disabilities.

Advertising and Sponsorship Expenditure

During 2010-11 the office incurred the following expenditure in relation to advertising, market research, polling, direct mail and media advertising that requires disclosure under s.175ZE of the [Electoral Act 1907](#).

Total expenditure was \$5,995 for advertising vacant positions and promoting regional visits.

Category of Expenditure	Total	Company
Advertising agencies	Nil	Nil
Market research organisations	Nil	Nil
Polling organisations	Nil	Nil
Direct mail organisations	Nil	Nil
Media advertising organisations	\$5,995	Adcorp

Compliance with Public Sector Standards and Ethical Codes

As a member of the Integrity Coordinating Group, the Ombudsman's office has a strong commitment to promoting and strengthening integrity in public sector bodies and building integrity in the conduct of public officers. The office understands that its good conduct is essential to its reputation, which in turn influences its business activities. The office aspires to lead by example and is committed to ensuring compliance with, and internal monitoring of, the Public Sector Standards, the Western Australian Public Sector *Code of Ethics* and the office's Code of Conduct. The Corporate Executive, which includes the Ombudsman, promotes these guidelines within the office.

The office has policies, guidelines, strategies, procedures and processes that support the application of:

- The Western Australian Public Sector *Code of Ethics*;
- The Ombudsman's *Code of Conduct*;
- The Public Sector Standards in Human Resources Management;
- Part IX of the [Equal Opportunity Act 1984](#); and
- A family friendly workplace.

The following table identifies action taken to monitor and ensure compliance with each of these areas and any compliance issues that have arisen in 2010-11.

Significant Action to Monitor and Ensure Compliance with Western Australian Public Sector Standards

Managers and staff are required to comply with the Public Sector Standards in Human Resource Management. Examples of monitoring provisions include:

- For recruitment, selection and appointment, an individual review of each process is undertaken prior to the final decision to ensure compliance with the Employment Standard;
- A review process to ensure that, for acting and secondment positions, a merit-based process is used and there are no inadvertent extensions that result in long-term opportunities without expressions of interest or a full merit selection process; and
- A monitoring process to ensure there are current performance management processes in place for all employees.

All staff attended a Continuous Professional Development session titled *Public Sector Reform Legislation Update* delivered by the Public Sector Commission in February 2011. The session outlined the changes to recruitment, selection and appointment and discipline as a result of the legislative changes to the [Public Sector Management Act 1994](#).

Compliance issues:

Internal reviews have shown compliance with the Standards is achieved before any final decision is made.

Significant Action to Monitor and Ensure Compliance with Western Australian Public Sector Code of Ethics

The *Code of Ethics* is available on the office's intranet and is part of the Online Induction for new staff.

Guidelines for *Ethical and Accountable Decision Making* have been developed as a ready reference for staff when dealing with a difficult situation related to the *Code of Ethics* and the office's Code of Conduct. The Guidelines are based on the *Accountable and Ethical Decision Making in the WA Public Sector* training materials provided by the Public Sector Commissioner.

Compliance issues:

There has been no evidence of non-compliance with the Public Sector *Code of Ethics*.

Significant Action to Monitor and Ensure Compliance with Ombudsman Western Australia Code of Conduct

The office's *Code of Conduct* links the office's corporate values with expected standards of personal conduct. All staff, contractors and consultants who carry out work for, or on behalf of, the Ombudsman's office are required to comply with the spirit of the *Code of Conduct*, which has the premise that all staff accept personal responsibility for their behaviour, such behaviour being what the office would expect of a person employed to serve the interests of the citizens of Western Australia.

Compliance issues:

There has been no evidence of non-compliance with the office's *Code of Conduct*. The Ombudsman's office has a Public Interest Disclosure Policy and strongly supports disclosures being made by staff. The Ombudsman will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for making a public interest disclosure. The office provides guidelines to staff wishing to make such disclosures. In 2010-11 there were no public interest disclosures about the activities of the Ombudsman's office or issues raised about breaches of the *Code of Conduct*.

Corporate Governance Framework

The office's corporate governance framework is based on the Public Sector Commissioner's *Good Governance Guide*.

Principle 1: Government and public sector relationship

(The organisation's relationship with the government is clear)

The Ombudsman is an independent officer appointed by the Governor of Western Australia. The Ombudsman is responsible directly to the Parliament rather than to the Government of the day or a particular Minister.

The *Parliamentary Commissioner Act 1971* regulates the operations of the office.

Delegations for communication and interaction between Ministers and other Parliamentary representatives are identified in the office's Instruments of Delegations, in particular those relating to external communications, and staff are aware of these delegations.

Principle 2: Management and oversight

(The organisation's management and oversight is accountable and have clearly defined responsibilities)

The Ombudsman's Strategic Plan outlines the office's vision, mission and values, and provides a framework for the strategic direction for 2009 to 2011 with identifiable key measures of success. The office's Operational Plan identifies how the key strategies in the Strategic Plan will be achieved through a detailed list of key projects, measures and targets.

Chief Executive Officer delegations are set out in the office's *Instrument of Delegation – Chief Executive Officer Functions*. Statutory delegations under the *Parliamentary Commissioner Act 1971* and administrative arrangements for statutory roles are set out in the *Ombudsman Western Australia, Statutory Delegations and Administrative Arrangements* document.

The office has a strong organisational policy framework covering governance, conduct, communications, information technology, human resources, finance and procurement. Policies and guidelines are available to staff through the office's intranet and as part of the Online Induction.

The Ombudsman undertakes the role of Energy Ombudsman under a service delivery arrangement with the Energy Industry Ombudsman (Western Australia) Limited (**the governing body**). Management and oversight arrangements are included in a separate annual report of the Board of the governing body.

The office has an Internal Audit and Risk Management Charter and Committee. An external quality assurance review of the Ombudsman's internal audit function has been undertaken to ensure the Ombudsman conforms with the Institute of Internal Auditors international standards for the professional practice of internal auditing.

Principle 3: Organisational structure

(The organisation's structure services its operations)

Decision making responsibilities for the office lie with the Executive Team comprising the Ombudsman, Deputy Ombudsman and Assistant Ombudsman, Strategic Services and the Corporate Executive.

The office's organisational structure has been created in line with its operations and reflects its key strategic direction covering complaint resolution, improved public administration, child death reviews, audit and review of statutory compliance, good governance and a skilled and valued workforce.

Structural reviews of the office are linked to the Strategic Plan and resources are redirected within the structure to respond to workload priorities. A detailed organisational chart is updated regularly and provided for reference to staff on the office's intranet.

Principle 4: Operations

(The organisation plans its operations to achieve its goals)

The organisational structure, business processes and key performance indicators are linked to the strategic goals and outcomes in the Strategic Plan. Progress toward key performance indicators and major strategic projects are monitored through reports every two months to the Corporate Executive and are reported in the annual report each year.

The Operational Plan is linked to the Strategic Plan. Progress on projects identified in the Operational Plan is reported to Corporate Executive every two months and priorities are altered based on strategic and environmental imperatives.

An Online Complaint Handling Toolkit is available to all enquiry and investigating staff for the purpose of achieving consistent, efficient and effective complaint handling. It is updated regularly as new processes, or updates to processes occur. Work was also commenced during the year on developing a Precedents Database as a reference tool for staff on past decisions and best practice examples. The database will be launched in late 2011-12.

A Child Death Review Advisory Panel has been established to provide independent advice to the Ombudsman. The Panel is an advisory body, separate from the administrative and policy processes of the office, and does not review child death cases. Terms of appointment apply to all panel members.

Principle 5: Ethics and Integrity

(Ethics and integrity are embedded in the organisation's values and operations)

The Ombudsman's values are to be fair, independent and accountable (including being rigorous, responsible and efficient). In line with these values, the Ombudsman observes an independent and impartial approach to the conduct of investigations as well as observing procedural fairness at all times.

Ethics and integrity are contained within the Code of Conduct and *Guidelines for Ethical and Accountable Decision Making*. Staff are required to sign a Conduct Agreement to confirm their understanding of the application of the Code of Conduct in the workplace.

As a member of the Integrity Coordinating Group, the Ombudsman's office coordinates activities, fosters consistency in communication and education, and collaborates on shared activities to support integrity throughout the public sector.

Through the Online Induction, staff are made aware of the [Public Interest Disclosure Act 2003](#) and the protections that apply. The office has identified Public Interest Disclosure Officers who receive public interest disclosure information. Staff are also made aware of the office's Conflict of Interest and Gift Policies and registers and how they should be declared.

Principle 6: People

(The organisation's leadership in people management contributes to individual and organisational achievements)

It is a strategic direction of the office to attract, develop and retain a skilled and valued workforce with a culture that supports high quality, responsive and efficient service; and to treat people professionally, courteously and with appropriate sensitivity.

The office continues to implement its Human Resources Strategy which focuses on the recruitment, retention and engagement of staff; individual performance and development; and, continual learning. For more information see [Human Resources Strategy 2010-2012](#).

The office has a strong human resources policy framework covering flexible work arrangements, staff development, study assistance and occupational safety and health.

Principle 7: Finance

(The organisation safeguards financial integrity and accountability)

The office produces an annual budget, by team and by function, which is approved by Corporate Executive to ensure that it is in line with the strategic direction of the office. Financial integrity and accountability is secured through reporting to Corporate Executive every two months.

The Ombudsman also has a Financial Management Manual, designed to assist employees to perform their tasks efficiently and effectively by assisting them to become fully conversant with the financial management aspects of the office's operations, and to ensure disruptions to operations are minimised as a result of staff changes. The processes in the manual are consistent with relevant Treasurer's Instructions and State Supply Commission policies.

An Internal Audit and Risk Management Committee reviews an audit of financial management each year against the policies and procedures in the Financial Management Manual. Every two years an audit is conducted on procurement. The audit in 2010-11 showed no areas of non-compliance with State Supply Commission requirements.

Principle 8: Communication

(The organisation communicates with all parties in a way that is accessible, open and responsive)

To ensure services are accessible, open and responsive, the Ombudsman's office communicates with its key stakeholders using a range of communication channels, adapted to suit the audience. The office also provides guidance for dealing with people with disabilities and people from culturally and linguistically diverse backgrounds.

Communication with external stakeholders occurs through the office's complaint handling service, Regional Awareness and Accessibility Program, workshops, advice to public authorities, Integrity Coordinating Group Forums, publications and information on the website. Information about the office has been translated into 15 languages and is available in other formats as requested.

Monthly whole-of-staff meetings and separate team meetings provide a forum for sharing information internally. The Joint Consultative Committee has input into office policies and procedures that affect staff, by considering issues and making recommendations to Corporate Executive. The committee is made up of management and staff representatives from within the office.

Policies covering record keeping, records management and communications ensure the office safeguards the confidentiality and integrity of information, preventing unauthorised or false disclosure.

Principle 9: Risk Management

(The organisation identifies and manages its risks)

The Ombudsman's office identifies and manages its risk through a Risk Management Plan that has been created in line with the office's [Strategic Plan](#). A review of the Plan was conducted during 2010-11 to ensure it continues to be relevant. The office also has a Business Continuity Plan to ensure it can respond to, and recover from, any business disruption.

Under the Risk Management Plan, controls have been identified for significant risks and any action required is assigned to a relevant member of Corporate Executive. Progress on these actions is monitored through reporting to Corporate Executive.

The internal audit plan is based on the areas of risk identified in the Risk Management Plan and the Audit and Risk Management Committee oversees these audits and the Audit Plan for each year.

Record Keeping Plans

Records Management Framework

The Ombudsman's office is committed to maintaining a strong records management framework and aims for best practice record keeping practices. The office is continuously improving record keeping practices to ensure they are consistent with the requirements of the [State Records Act 2000](#) and meet the needs of the office for high quality record keeping. The office's framework includes:

- A Record Keeping Plan, a Retention and Disposal Schedule, a Records Keeping Policy, a Records Classification Plan and Security Framework and a Records Disaster Recovery Plan;
- An electronic document records management system (**EDRMS**) called Tower Records Information Management (**TRIM**), which was implemented in 2005 and upgraded in 2010-11; and
- A series of guidelines and user manuals for staff.

Evaluation and Review of Efficiency and Effectiveness of Systems

During 2010-11 the office's record keeping processes continued to undergo reviews to ensure compliance with the Records Management Framework and promote best practice record keeping. An internal audit was completed in February 2011 which found that:

- The records management systems and practices comply with the requirements of the *State Records Act 2000* and the *State Records Commission Standards* and appear to be effectively operating in practice;
- The Record Keeping Plan and Retention and Disposal Schedule comply with the requirements of the *State Records Act 2000* and the *State Records Commission Standards*; and
- The only issue noted concerned ongoing arrangements for safe storage of State archives (that is, State records to be retained permanently) which need to be reviewed to comply with the instructions from the Director, State Records Office to all government agencies. A project has commenced to provide archival quality storage for these records.

Records Plans and Policies

The office has a range of plans and policies designed to ensure effective record keeping suited to the office's needs as outlined in the Record Management Framework above. During 2010-11 the following plans and guidelines have been developed or reviewed:

- The reviewed Record Keeping Plan was approved by the State Records Commission for five years in September 2010;
- The Retention and Disposal Schedule was reviewed to provide for retention and disposal of records associated with new functions for the office and submitted in December 2010 to the State Records Office for approval; and
- Two guidelines were developed - *Managing our Records* and *Managing Email* and a checklist was produced *Should I 'TRIM' it?* These have been added to the office's intranet to assist in maintaining consistency and efficiency in record handling by staff.

Offsite Storage and Disposal

The office continues to maintain an off-site storage facility for the storage of all 'significant' complaint files and all other relevant files for the duration of their retention. A regular disposal program is undertaken to ensure ongoing onsite storage capacity.

Archive records are being identified and will be moved to storage that meets State Records Commission requirements as outlined in the State Records Office publication *Directions for keeping hardcopy State archives awaiting transfer to the State Records Office*.

Electronic Records Management

All incoming, outgoing and significant internal documents are saved electronically into the EDRMS. Staff are required to save their final electronic documents into the EDRMS as well as saving electronic mail and facsimiles directly into the EDRMS.

The complaints management system, RESOLVE, which was installed in April 2008, continues to perform effectively with TRIM, increasing efficiency with all records created in RESOLVE saved automatically into the EDRMS and records saved directly to the EDRMS able to be accessed through RESOLVE.

Induction and Training

All records related plans, policies, guidelines and manuals are available on the office's intranet to assist staff to comply with their record keeping requirements and include user friendly guides for training staff.

The office's Online Induction mini-site, developed in 2010-11, includes a section on record keeping. This is part of the induction process for new staff and is also available as a resource for existing staff members. The induction process also includes individual training sessions with new staff members, conducted by the Customer Service and Records Manager soon after appointment. Follow up training and help desk assistance are provided as required.

The efficiency and effectiveness of the training for record keeping was reviewed as part of the internal audit completed in February 2011 and was found to be effectively operating in practice.

Government Policy Requirements

Substantive Equality

The Ombudsman's office does not currently have obligations under the Substantive Equality Framework as it is not a member of the Strategic Management Council. However, the office is committed to the objectives of the policy, including the elimination of systemic racial discrimination in the delivery of public services, and the promotion of sensitivity to the different needs of key stakeholders.

The office understands the importance of appropriate service delivery for people from culturally and linguistically diverse backgrounds. To ensure that services provided by the office are as accessible as possible, information on how to make a complaint to the Ombudsman is available in 15 languages and features on the homepage of the office's website. All publications are available in alternative formats and can be translated on request. Information published on the office website can be viewed and printed in alternative formats. TTY phone access is available, and promoted to, people with a hearing impairment.

Other Disclosures and Legal Compliance

Details for Translating and Interpreting Services are promoted on the website and in publications for people with English as a second language.

The office has reviewed and updated its Equal Employment Opportunity/Diversity Management Plan.

Occupational Safety, Health and Injury Management

Commitment to Occupational Safety, Health and Injury Management

The Ombudsman's office is committed to ensuring a safe and healthy workplace. The goal is for a workplace that is free from work-related injuries and diseases by developing and implementing safe systems of work and by continuing to identify hazards and control risks as far as practicable.

The office maintains an Occupational Safety and Health (**OSH**) framework that includes:

- Managing and reporting workplace hazards, incidents and injuries;
- Safe work practices;
- Injury management, including a Return to Work Program that extends to non-work related injuries;
- Emergency procedures; and
- General employee health and wellbeing, including an Employee Assistance Program.

All employees and contractors are made aware of their OSH responsibilities through an Online Induction that includes a component on OSH as well as safe work practices in an office environment. This is also used as an information source for existing staff. The office's policies and guidelines are also accessible to employees through the office's intranet.

Consultation

The office promotes a consultative environment in which management, staff and other stakeholders work together to continually improve OSH practices. Formal mechanisms for consultation with employees on OSH matters include:

- Management and staff are represented on a committee comprised of independent agencies co-located with the Ombudsman at St Martins Tower (Co-located Committee) that meets regularly and incorporates OSH as a standing item;
- A Joint Consultative Committee that has OSH responsibilities; and
- Dissemination of information and discussion at whole-of-staff monthly meetings.

Statement of Compliance

The Ombudsman's office complies with the injury management requirements of the [Workers' Compensation and Injury Management Act 1981](#) and is committed to providing injury management support to all workers who sustain a work related injury or illness with a focus on a safe and early return to their pre-injury/illness position.

Other Disclosures and Legal Compliance

As part of this approach, the Ombudsman's office encourages early intervention in injury management, and ensures there is early and accurate medical assessment and management of each injury, work related or not.

Self Evaluation

An audit of the Ombudsman's OSH systems was conducted internally in 2009 against the elements of the WorkSafe Plan. The results of the audit were used to develop an OSH framework that was endorsed by the Joint Consultative Committee and approved by Corporate Executive in June 2009.

A review of the office's emergency procedures for dealing with unreasonable conduct by visitors to the office was undertaken as a result of an incident in October 2009. Recommendations to strengthen the office's security policy and procedures were discussed at the Co-located Committee meeting. As a result, new safety procedures and modifications to improve staff safety have been implemented.

During 2010-11 there were two trial evacuations of St Martin's Tower, where the fire alarms were sounded and all staff in St Martin's Tower were evacuated for drill purposes.

Initiatives for 2011-12 include undertaking an external accredited assessment of the Ombudsman's OSH management systems.

Annual Performance

During 2010-11 there was a single workers compensation claim recorded within the agency. The claim was for medical expenses only and there was no lost time involved with the claim.

The Ombudsman's office OSH statistics for 2010-11 are shown below.

Occupational Safety and Health Statistics	2010-11 Target	2010-11 Actual
Number of fatalities	0	Target achieved, 0
Lost time injury/diseases (LTI/D) incidence rate	0	Target achieved, 0
Lost time injury severity rate	0	Target achieved, 0
Percentage of injured workers returned to work within 28 weeks	100%	100%
Percentage of managers trained in occupational safety, health and injury management responsibilities	Greater than or equal to 50%	Target achieved, 60%





Appendices

This section provides additional information to assist readers.

- **Appendix 1 – Complaints Received and Finalised**
- **Appendix 2 – Legislation**
- **Appendix 3 – Publications**

Appendix 1 – Complaints Received and Finalised

	Total Complaints Received in 2010-11	Complaints finalised at assessment				Complaints finalised at investigation				Total Complaints Finalised in 2010-11	
		Issue not in jurisdiction	More appropriate body to handle complaint	Referred back to the public authority	Further investigation not warranted	Resolved	Sustained	Not sustained or cannot be determined	Discontinued		Withdrawn
PUBLIC SECTOR											
Agriculture and Food, Department of	3	1				2	1			1	5
Animal Resources Authority	1			1							1
Attorney General, Department of the	14	2	1	3	5	4		1			16
Botanic Gardens & Parks Authority	1				1						1
Builders' Registration Board	3				3						3
Building Disputes Tribunal	1		1						1		2
Busselton Water Board	1			1							1
Cemetery Boards	3				2						2
Central Institute of Technology	4				3	2					5
Challenger Institute of Technology	3			1	1	1		1			4
Child Protection, Department for	56	2	2	27	12	14	1	2		1	61
Communities, Department for	10	3			1	4					8
Commerce, Department of	21	1	3	6	7	1					18
Corrective Services, Department of	302	11	18	125	56	75	9	7		12	313
Culture and the Arts, Department of	2				1						1
Curriculum Council	4			1	1	3					5
Disability Services Commission	4		1								1
East Perth Redevelopment Authority								1			1
Education, Department of	22	1		3	9	8	1	8		1	31
Education Services, Department of	1				1						1
Electoral Commission	1	1			1						2
Energy, Office of	1					1					1
Environment and Conservation, Department of	7			1		1	1	4			7
Environmental Protection Authority, Office of the	3	2					1				3
Equal Opportunity Commission	2	2									2
Fire and Emergency Services Authority	2		1		1						2
Fisheries, Department of	5	1		2		2		1			6
Forest Products Commission	2				1						1
Gold Corporation	1					2					2
Government Employees Superannuation Board	4		2		2	1					5
GSL (Aust) Pty Ltd - Transport						2					2
Health, Department of	33	4	8	5	5	2	2	1		2	29
Health and Disability Services Complaints Office (formerly Office of Health Review)	4				2						2
Housing, Department of	129	3	1	19	20	66		1		7	117
Indigenous Affairs, Department of	3	1								1	2
Insurance Commission of Western Australia	2				2	1	1				4
Landgate	8	1			1	3	1			1	7
Legal Aid WA	10	2	1	2		2		1		1	9
Legal Practice Board	2				1					1	2

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	Total Complaints Received in 2010-11	Complaints finalised at assessment				Complaints finalised at investigation				Total Complaints Finalised in 2010-11	
		Issue not in jurisdiction	More appropriate body to handle complaint	Referred back to the public authority	Further investigation not warranted	Resolved	Sustained	Not sustained or cannot be determined	Discontinued		Withdrawn
Legal Profession Complaints Committee	5	1			4						5
Lotteries Commission	2		1	1							2
Local Government, Department of	9			9	8	4					21
Main Roads WA	14	1			5	6	1	1		1	15
Mental Health Review Board	1										
Mines and Petroleum, Department of	2										
Nurses and Midwives Board of WA	1		1								1
Pilbara TAFE								1			1
Planning, Department of	5	2			1	2		1			6
Plumbers Licensing Board	2										
Podiatrists Registration Board								1			1
Polytechnic West	2			1		1					2
Prisoners Review Board	13	1	1	1	8	3		1			15
Psychologists Board of WA	1		1								1
Public Advocate	3				1					1	2
Public Sector Commission	1			1							1
Public Sector Standards Commissioner, Office of the	1	1									1
Public Transport Authority	22	2		9	3	2				3	19
Public Trustee	12	1		5		5					11
Racing, Gaming and Liquor, Department of	1					1					1
Real Estate and Business Agents Supervisory Board	8	2			4	1				1	8
Regional Development and Lands, Department of	2			1		1		1			3
Rottneest Island Authority	3	1		1		1		1			4
SERCO - Acacia Prison	61	1	1	24	6	13				2	47
Settlement Agents Supervisory Board	1									1	1
South West Institute of Technology	2		1		1						2
Sport and Recreation, Department of	1				1						1
Tertiary Institutions Service Centre	1					1					1
Training and Workforce Development, Department of	6			3		4					7
Transport, Department of	67	3	1	17	13	26	2			5	67
Treasury and Finance, Department of	10		1	2	2					2	7
Veterinary Surgeons' Board	3					2		1			3
Water, Department of	6	1			1	3	1				6
Water Corporation	37	1	4	14	6	14				1	40
West Coast Institute of Training	1							1			1
Western Australia Police	147	9	9	60	25	33		1		5	142
Western Australian College of Teaching	1				1		1				2
Western Australian Planning Commission	2					2					2
Western Power Corporation	2	1	1								2
Workcover	5			1	1	2		1			5
TOTAL PUBLIC SECTOR COMPLAINTS	1138	66	61	347	230	324	23	39	1	50	1141

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	Total Complaints Received in 2010-11	Complaints finalised at assessment				Complaints finalised at investigation				Total Complaints Finalised in 2010-11
		Issue not in jurisdiction	More appropriate body to handle complaint	Referred back to the public authority	Further investigation not warranted	Resolved	Sustained	Not sustained or cannot be determined	Discontinued	
LOCAL GOVERNMENT										
Albany, City of						2				2
Armadale, City of	3				1	2				3
Ashburton, Shire of						1				1
Augusta / Margaret River, Shire of	3					2				2
Bassendean, Town of	1			1				1		2
Bayswater, City of	5	1			1	1		1		4
Belmont, City of	5			1	1	3		1		6
Boddington, Shire of	1					2				2
Bridgetown / Greenbushes, Shire of	1		1							1
Broome, Shire of						1				1
Bunbury, City of	5				1	2			1	4
Busselton, Shire of						1				1
Cambridge, Town of	5	1		1	2	1				5
Canning, City of	8				5	3		1		9
Capel, Shire of	1					1				1
Christmas Island, Shire of	2					1				1
Cockburn, City of	6	1	1	3						5
Collie, Shire of	1									
Coolgardie, Shire of	2					2				2
Cottesloe, Town of	5				1	1			2	4
Cranbrook, Shire of	1				1					1
Cunderdin, Shire of	1							1		1
Dardanup, Shire of	1					1				1
East Fremantle, Town of	2							1		1
Esperance, Shire of	1					1	1			2
Fremantle, City of	9	2			1	4		3		10
Geraldton-Greenough, City of	2					1				1
Gingin, Shire of	2				1					1
Gosnells, City of	3				2	2				4
Harvey, Shire of	2			1				2		3
Joondalup, City of	16			1	2	9				12
Kalamunda, Shire of	2				2	1	1			4
Kellerberrin, Shire of	1									
Kojonup, Shire of	1					1				1
Kondinin, Shire of	1				1					1
Kwinana, Town of	1			1						1

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	Total Complaints Received in 2010-11	Complaints finalised at assessment				Complaints finalised at investigation				Total Complaints Finalised in 2010-11	
		Issue not in jurisdiction	More appropriate body to handle complaint	Referred back to the public authority	Further investigation not warranted	Resolved	Sustained	Not sustained or cannot be determined	Discontinued		Withdrawn
Mandurah, City of	4					3		1			4
Manjimup, Shire of	3				1						1
Melville, City of	16			1	2	7		2			12
Mundaring, Shire of	10		1			2		2			5
Murray, Shire of	4				1	1		1			3
Nannup, Shire of	1							1			1
Narrogin, Town of	2				1	1					2
Nedlands, City of	3				1	2					3
Northam, Shire of	2							1	1		2
Northampton, Shire of	1			1							1
Perenjori, Shire of	1										
Perth, City of	14	1	2	2	6	1		1			13
Plantagenet, Shire of	1					2					2
Port Hedland, Town of	1				1						1
Rockingham, City of	2					1					1
Roebourne, Shire of	1				1						1
Serpentine / Jarrahdale, Shire of	4				1	3		1			5
Shark Bay, Shire of	1			1							1
South Perth, City of	3	1		2	1	2					6
Stirling, City of	18		1		2	13	1	3		1	21
Subiaco, City of	4				1		1	1		1	4
Swan, City of	11				5	3		1		1	10
Toodyay, Shire of	1										
Victoria Park, Town of	4	1				2					3
Victoria Plains, Shire of	1										
Vincent, Town of	4				1	2				1	4
Wanneroo, City of	8		2		1	4		1			8
West Arthur, Shire of	1					1					1
Wyndham / East Kimberley, Shire of	3					1		2			3
York, Shire of	4				4						4
Local Government not specifically identified	1				1						1
TOTAL LOCAL GOVERNMENT COMPLAINTS	234	8	8	16	53	97	4	29	0	8	223

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	Total Complaints Received in 2010-11	Complaints finalised at assessment				Complaints finalised at investigation				Total Complaints Finalised in 2010-11	
		Issue not in jurisdiction	More appropriate body to handle complaint	Referred back to the public authority	Further investigation not warranted	Resolved	Sustained	Not sustained or cannot be determined	Discontinued		Withdrawn
UNIVERSITIES											
Curtin University	38	1		4	3	8		15			31
Edith Cowan University	10	1		1	2	5		2			11
Murdoch University	8			2	4	2		1			9
University of Western Australia	6			2	1	2					5
TOTAL UNIVERSITY COMPLAINTS	62	2	0	9	10	17	0	18	0	0	56
OUT OF JURISDICTION											
Organisation not identified		33	8	1	13					4	59
Out of jurisdiction		194	269	7							470
TOTAL OUT OF JURISDICTION	536	227	277	8	13	0	0	0	0	4	529
TOTAL COMPLAINTS											
Total complaints about agencies in jurisdiction	1434	76	69	372	293	438	27	86	1	58	1420
Total complaints about agencies not in jurisdiction	536	227	277	8	13	0	0	0	0	4	529
GRAND TOTAL	1970	303	346	380	306	438	27	86	1	62	1949

Appendix 2 - Legislation

Principal Legislation

- *Parliamentary Commissioner Act 1971*

Legislation and Other Instruments Governing Other Functions

Telecommunications Interception	<ul style="list-style-type: none"> • <u><i>Telecommunications (Interception and Access) Act 1979 (Commonwealth)</i></u> • <u><i>Telecommunications (Interception and Access) Western Australia Act 1996</i></u>
Reviewing appeals by overseas students	<ul style="list-style-type: none"> • <u><i>National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007</i></u>
Public Interest Disclosure	<ul style="list-style-type: none"> • <u><i>Public Interest Disclosure Act 2003</i></u>
Indian Ocean Territories	<ul style="list-style-type: none"> • <u><i>Indian Ocean Territories (Administration of Laws) Act 1992</i></u> • <u><i>Christmas Island Act 1958</i></u> • <u><i>Cocos (Keeling) Islands Act 1955</i></u>
Terrorism	<ul style="list-style-type: none"> • <u><i>Terrorism (Preventative Detention) Act 2006</i></u>
Energy Ombudsman	<ul style="list-style-type: none"> • <u><i>Parliamentary Commissioner Act 1971 (section 34)</i></u> • <u><i>Economic Regulation Authority Act 2003</i></u> • <u><i>Electricity Industry Act 2004</i></u> • <u><i>Energy Coordination Act 1994</i></u>

Other Key Legislation Impacting on the Office's Activities

- *Auditor General Act 2006;*
- *Disability Services Act 1993;*
- *Equal Opportunity Act 1984;*
- *Financial Management Act 2006;*
- *Industrial Relations Act 1979;*
- *Minimum Conditions of Employment Act 1993;*
- *Occupational Safety and Health Act 1984;*
- *Public Sector Management Act 1994;*
- *Salaries and Allowances Act 1975;*
- *State Records Act 2000;* and
- *State Supply Commission Act 1991*

Appendix 3 – Publications

The following publications are available electronically on the Ombudsman's website at www.ombudsman.wa.gov.au and in hard copy, in various formats, by request to mail@ombudsman.wa.gov.au.

Brochures and Posters

Ombudsman Brochures and Posters
Ombudsman Western Australia Brochure
Ombudsman Western Australia Summary Posters
Ombudsman Western Australia Summary Brochure

Guidelines and Information Sheets

For Members of the Public	
<ul style="list-style-type: none"> • How to complain to the Ombudsman (translated into 15 community languages) • Making a complaint to the Ombudsman summary information sheet • Overview of the complaint management process - Information for complainants • Making a complaint to a State Government agency 	<ul style="list-style-type: none"> • How we assess complaints • Assessment of complaints checklist • Being formally interviewed by the Ombudsman • Requesting the review of a decision • Complaints by overseas students • Complaining to the Ombudsman – Information for prisoners
For Public Authorities	
<p>General:</p> <ul style="list-style-type: none"> • Information for agencies – About the Ombudsman • Information for local governments – About the Ombudsman • Information for universities – About the Ombudsman • Overview of the complaint management process - Information for public authorities • Good record keeping • Information for boards and tribunals <p>Decision Making:</p> <ul style="list-style-type: none"> • Exercising discretion in administrative decision making • Giving reasons for decisions 	<p>Effective Complaint Handling:</p> <ul style="list-style-type: none"> • The principles of effective complaint handling • Effective handling of complaints made to your organisation – An overview • Complaint handling system checklist • Making your complaint handling system accessible • Guidance for complaint handling officers • Dealing with unreasonable complainant conduct • Managing unreasonable complainant conduct practice manual <p>Conducting Investigations:</p> <ul style="list-style-type: none"> • Conducting administrative investigations • Investigation of complaints • Procedural fairness (natural justice) • Remedies and redress

Publications Developed or Revised and Released During 2010-11

For Complainants

- *Ombudsman's complaint resolution process - Information for complainants*
- *Complaints by overseas students (also available in five community languages)*
- *Complaint form for overseas students*

For Public Authorities – About the Ombudsman

- *Ombudsman's complaint resolution process - Information for public authorities*
- *Information for public sector agencies – About the Ombudsman*
- *Information for local governments – About the Ombudsman*
- *Information for universities – About the Ombudsman*

For Public Authorities – Guidance on Effective Internal Complaints Processes

- *The principles of effective complaint handling*
- *Effective handling of complaints made to your organisation - An overview*
- *Complaint handling systems checklist*
- *Making your complaint handling system accessible*
- *Guidance for Complaint Handling Officers*

For Public Authorities – Collation of Related Guidance Material

The office created a series of binders that collate all the office's relevant guidelines on:

- Decision Making;
- Complaint Handling; and
- Conducting Investigations.



