

**Annual Report
2001**



OMBUDSMAN

Western Australia

**30th Annual Report of the
Parliamentary Commissioner for
Administrative Investigations**

Our Mission

To assist the Parliament of Western Australia to be confident that the public sector of the State is accountable for, and is improving the standard of, administrative decision-making, practices and conduct.

Our Office is located at:

17th Floor, 44 St Georges Terrace, Perth WA 6000

Postal address: PO Box Z5386
St Georges Terrace
PERTH WA 6831

Telephone: (08) 9220 7555
1800 117 000 (free call)

Facsimile: (08) 9325 1107

Email: mail@ombudsman.wa.gov.au

Website: www.ombudsman.wa.gov.au



OMBUDSMAN
Western Australia

Mr President, Mr Speaker

**Annual Report of the Parliamentary Commissioner for Administrative Investigations
for the year ended 30 June 2001**

In accordance with section 64(1) of the *Financial Administration and Audit Act 1985* (as modified by Part 1 of Schedule 1A) I submit this report for the year ended 30 June 2001, together with copies of the opinions of the Auditor General.

To the extent that the report contains subject matter not required by the *Financial Administration and Audit Act* or by the Treasurer's Instructions made under that Act, it is submitted pursuant to section 27 of the *Parliamentary Commissioner Act 1971*.

Murray Allen was the Parliamentary Commissioner for the whole of the reporting year but has since resigned, effective from 12 October 2001. Pursuant to section 6A(2) of the *Parliamentary Commissioner Act 1971* I am acting in the position until it is filled.

A handwritten signature in black ink, appearing to read 'Alex Errington', with a long horizontal stroke extending to the right.

Alex Errington
**Deputy Parliamentary Commissioner
for Administrative Investigations**

21 November 2001

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CHAPTER 1

The year's work

The reporting year which ended on 30 June 2001 proved to be another very busy one for the Office.

Over the course of the year a total of 2,911 complaints containing 4,048 allegations were received. The number of allegations received was the highest ever in a year and the number of complaints received was the second-highest ever. A total of 2,785 complaints involving 3,845 allegations were finalised during the year.

We commenced the year with 1,168 allegations brought forward, and closed the year with 1,371 allegations on hand. Efforts are being made to reduce this number. However, a reduction in funding for the Office for 2001/2002 and following years can only be accommodated by a reduction in staff numbers. If complaint numbers continue to rise, the number of cases on hand will inevitably increase. The average time taken to finalise complaints could also be expected to increase in 2001/2002.

Details of complaints received, how we dealt with them and the outcomes we were able to achieve follow.

Complaints and allegations received

As has been pointed out in previous reports, when examining the statistics relating to the work of the Office it is important to bear in mind the following:

- The amount of work involved in an investigation varies considerably from case to case. Records are kept on the basis of both complaints and allegations (i.e., a complaint can involve one or more allegations), in an attempt to reflect the differing amount of work involved. However, there is no quantitative or qualitative weighting of the relative importance or complexity of allegations. This means that allegations requiring major investigations are treated the same way, statistically, as brief, straightforward ones.
- Unlike most other Ombudsman legislation, the *Parliamentary Commissioner Act 1971* does not provide for the receipt of oral complaints. This, together with other variations in jurisdiction, and the differences in recording criteria, makes valid comparisons between the statistics of Ombudsmen's Offices in Australia or elsewhere difficult. In particular, it should be noted that the Office handles many thousands of telephone enquiries each year, frequently from members of the public seeking information rather than wishing to make a complaint. Many have a grievance but require assistance to establish how and to whom a complaint can be made.
- The Office has an important referral role. Even though we may be unable to be of direct assistance to people who approach the Office about matters that are not within jurisdiction, it is often possible to refer them to another appropriate source of assistance. Therefore, an outcome of "no jurisdiction" does not necessarily mean that the Office has not been of any assistance to them.

Table 1 shows the number of complaints and allegations received over the past five years.

TABLE 1		Complaints and allegations received 1997 to 2001				
	1997	1998	1999	2000	2001	
Complaints received						
Police	1,077	1,411	1,530	1,176	1,297	
Railway special constables	n/a	n/a	36	50	43	
Other State government departments and agencies and local governments	1,142	1,150	1,465	1,441	1,571	
Total	2,219	2,561	3,031	2,667	2,911	
Allegations received						
Police	1,599	2,180	2,149	1,996	1,986	
Railway special constables	n/a	n/a	67	86	88	
Other State government departments and agencies and local governments	1,246	1,213	1,611	1,756	1,974	
Total	2,845	3,393	3,827	3,838	4,048	

The trend has been a steady increase in both complaints and allegations received. The following figure illustrates the number of allegations received over the last twelve years.

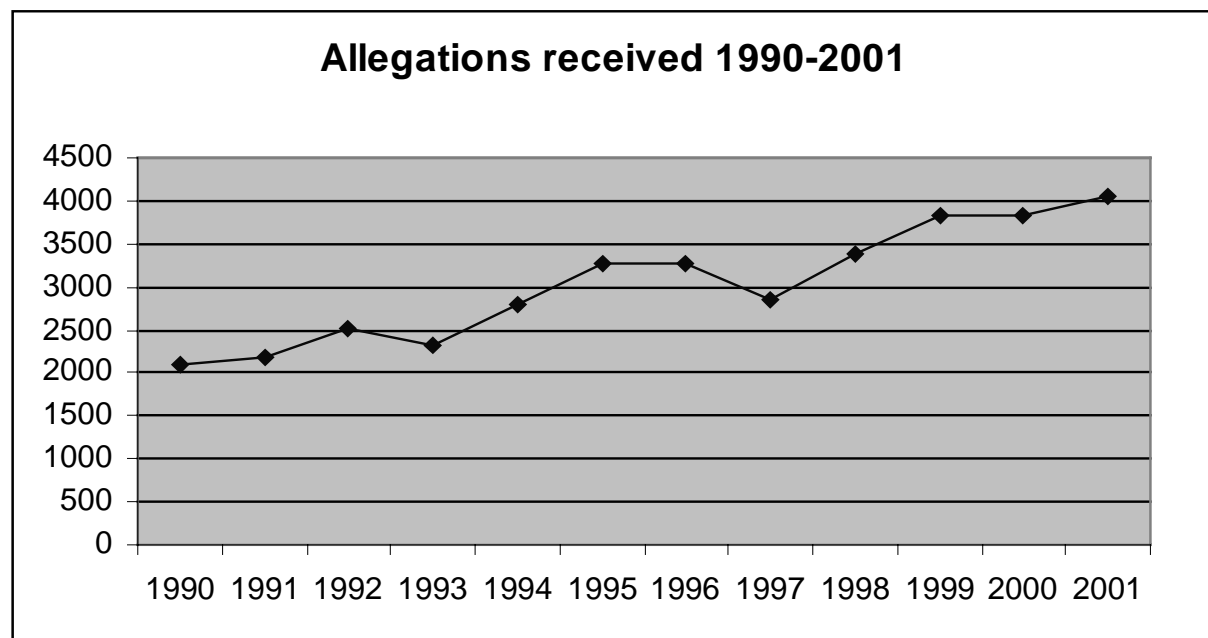


Table 2 shows the geographical origin of the allegations received, based on the electoral districts of Western Australia.

TABLE 2 Geographical origin of allegations received 1997 to 2001					
	1997	1998	1999	2000	2001
Number of allegations received					
Metropolitan electorates	2,078	2,593	2,835	2,804	3,015
Country electorates	705	738	893	935	986
Outside WA	62	62	99	99	47
Total	2,845	3,393	3,827	3,838	4,048
Number of allegations per 10,000 electors					
Metropolitan electorates	25	31	33	32	30
Country electorates	24	25	30	30	32

Complaints and allegations finalised

During the year 2,785 complaints containing 3,845 allegations were finalised in the manner shown in Table 3.

TABLE 3 Manner in which allegations finalised		
	Number of allegations	%
Finalised at initial stage		
No jurisdiction	211	6
Discretion exercised not to investigate	402	10
Withdrawn or not proceeded with	128	3
Finalised to satisfaction of complainant	49	1
Referred back to agency	193	5
Finalised by completed investigation or review of internal investigation		
Withdrawn or not proceeded with	74	2
Could not be determined	220	6
Sustained partly	325	9
Sustained wholly or substantially	436	11
Not sustained	1,807	47
Total allegations finalised	3,845	100

My staff and I continued our efforts to finalise as many older cases as possible and to reduce the time taken to complete them. What we achieved this year is reflected in the performance indicators shown in Chapter 2. Our aim is to finalise matters as quickly as possible and to achieve this we focus on:

- the average time taken to finalise each allegation;
- the proportion of allegations finalised within three months; and
- the proportion of allegations on hand that are less than three months old.

Assistance to complainants

Of most interest to complainants is whether we can provide some form of assistance or action to remedy the problem they have complained about. Table 4 shows the extent to which it was possible to obtain some form of benefit for complainants or a change to the law, or the practice or procedure of a government agency.

TABLE 4 Assistance provided – allegations finalised	
	Number of actions
Direct benefit for complainant	
Apology given	151
Act of grace payment made	33
Action/decision expedited	61
Explanation or reasons provided by agency	95
Monetary charge reduced, withdrawn or refunded	27
Reversal or significant variation of original decision	36
Criminal, disciplinary or infringement charge reduced or withdrawn	21
Other assistance	75
Changes to law, practice or procedure	219

Table 5 (at pages 7–10) gives details of allegations finalised in respect of individual departments, authorities and local governments.

Our experience is that a high proportion of allegations cannot be sustained. Sometimes this is because there is a conflict of evidence that cannot be resolved. However, in many cases we conclude that the agency has in fact acted reasonably and within its powers. As much as some complainants are reluctant to acknowledge, public officers do not ordinarily go out of their way to inconvenience the public or to make unreasonable decisions. Such things do of course happen – but "the system" is not always wrong.

Complaint handling in the public sector

Last year's Annual Report (at page 7) summarised the findings of the Office's 1999 *Report on a Survey of Complaint Handling in the Western Australia Public Sector*. It noted that more commitment to complaint systems was required in the public sector and to promote this the survey would be repeated in 2001. The survey forms were mailed out in May 2001 and the results should be released before the end of this calendar year.

Both surveys have generated interest in complaint handling and we continue to provide information and advice to callers interested in improving their organisation's complaint handling system.

The Public Sector Complaint Handling Forum was established in response to the interest in promoting better quality complaint handling arising from the 1999 survey. We continue to participate in the planning committee. The Forum has presented three information sessions and we coordinated presentations about choosing software to support complaint systems and complaint interviewing. All Forum sessions have been well attended.

The Office continued to coordinate the Public Sector Complaint Handling Forum email contact list. Information about relevant presentations was sent to more than 100 public sector staff with an interest in complaint handling and customer service.

Complaint Services Directory

During the year the Office commenced work on producing a directory of consumer complaint services available in the community. Launched by the Premier on 29 August 2001, the *Complaint Services Directory – A Guide for Consumers in Western Australia – 2001* provides consumers and their advocates with a range of information about making complaints. It gives information about the most common consumer complaint issues, contact details for lodging a complaint with the agency in the first instance and the correct external body to be approached should the consumer remain dissatisfied. The directory also lists telephone numbers for many advocacy organisations which can help the public with consumer complaints. As directories of this sort are often out of date soon after they are printed, the directory is also published on the Office's website (www.ombudsman.wa.gov.au), where it will be regularly updated.

The directory was launched during the *It's Your Right to Complain* seminar for advocates from community agencies. The seminar, which attracted a great deal of interest, introduced Commonwealth, State and local government staff who handle complaints. Several review agencies, including this Office, explained how complaints about government departments are reviewed. A representative from the Office of the Auditor General, which is conducting a Performance Examination on complaints management, described the characteristics of good complaint services.

Telecommunications interceptions

The *Telecommunications (Interception) Western Australia Act 1996* (the Act) was proclaimed on 17 December 1996. The Act came into operation on 24 December 1996 when the proclamation by the Governor was published in the *Government Gazette*. The *Telecommunications (Interception) Western Australia Regulations 1996* (the Regulations) made pursuant to the Act were also published in the *Government Gazette* on 24 December 1996 and came into operation on the same day as the Act.

The Act designated the Western Australia Police Service as an "eligible authority", which in turn allowed it to be declared an "agency" for the purposes of the *Telecommunications (Interception) Act 1979* of the Commonwealth (the Commonwealth Act). Final approvals for that declaration were completed on 15 July 1997, which was the day of its gazettal by the Commonwealth Attorney General.

The Regulations prescribe the Parliamentary Commissioner for Administrative Investigations (the Ombudsman) as the Principal Inspector for the purposes of the Act and officers of the Ombudsman as Inspectors.

The *Telecommunications (Interception) Western Australia Amendment Act 2000* was proclaimed on 9 May 2000 and came into operation the following day. It designated the Anti-Corruption Commission (the ACC) as an eligible authority, which in turn allows it to be declared an agency for the purposes of the Commonwealth Act. However, final approvals for that declaration were not completed by the Commonwealth during the 2000/2001 financial year, with the result that the ACC was not able to apply for warrants to carry out telephone interceptions during that year.

Subsection 10(2) of the Act provides that:

"The principal inspector is to inspect the eligible authority's records at least twice during each financial year in order to ascertain the extent to which the authority's officers have complied with Part 2 since the last inspection under this Part of the authority's records."

Subsection 11(2) of the Act provides that:

"The principal inspector, as soon as practicable, and in any event within 3 months, after the end of each financial year, is to report to the Minister in writing, in relation to the eligible authority, about the results of the inspections under section 10(2), during that financial year, of the authority's records."

In accordance with subsection 11(2), a report on the inspections carried-out in relation to the Western Australia Police Service under subsection 10(2) during the financial year ended 30 June 2001 has been presented to the Minister for Police.

In accordance with subsection 11(2), a report on the inspections carried out in relation to the ACC under subsection 10(2) during the financial year ended 30 June 2001 has been presented to the Attorney General.

My staff carried out fifteen inspections of the operations of the Western Australia Police Service in connection with telecommunications interceptions, including visits to the premises of the Telecommunications Interception Unit and other units during the reporting period. In the case of the ACC, the inspections were limited to those restricted records that the ACC had received from other authorised agencies under section 68 of the Commonwealth Act.

TABLE 5: Outcome of allegations finalised – by agencies

Departments and Authorities	Allegations received	Finalised at initial stage					Finalised by completed investigation or review					Allegations finalised
		No jurisdiction	Discretion exercised	Withdrawn or not proceeded with	Finalised to satisfaction of complainant	Referred back to agency	Withdrawn or not proceeded with	Could not be determined	Sustained partly	Sustained wholly or substantially	Not sustained	
Aboriginal Affairs Department	7			1			4				2	7
Aboriginal Lands Trust	2			1					1			2
Agriculture – Department of	7		1					1	1	3		6
Albany Port Authority	1					1			1			2
AlintaGas	2	1	1									2
Australian Integration Management Services Corporation	25		1	1		1	1			3	1	8
Builders' Registration Board	3											-
Building Disputes Committee	12	5	3					1				9
Busselton Water Board	1		1									1
Central TAFE	5							3			3	6
Central West College of TAFE	2	1										1
Challenger TAFE	3						1			1	2	4
Commerce and Trade – Department of	1											-
Conservation and Land Management – Department of	17		8						1	1	7	17
Construction Industry Long Service Leave Payments Board	2						2					2
Contract and Management Services – Department of	4		1						1			2
Criminal Injuries Compensation	1				1							1
Culture and the Arts – Ministry of	2		2									2
Curtin University	3		1						1		1	3
Disability Services Commission	1					1						1
East Perth Redevelopment Authority	4									1	3	4
Eastern Pilbara College of TAFE	1						1					1
Edith Cowan University	3					1					2	3
Education Department	36	1	6	1		1	1		1	2	6	19
Education Services – Department of	1											-
Environmental Protection Authority	4		2									2
Environmental Protection – Department of	9		1							2	2	5
Fair Trading – Ministry of	16	1	4			2		1		1	4	13
Family & Children's Services – Department of	56	1	14	1		5	1		1	3	22	48
Fire and Emergency Services Authority	7									1		1
Fisheries Department	3		1									1
Fremantle Cemetery Board	1										1	1
Fremantle Port Authority	1		1									1
Government Employees' Housing Authority	2											-
Government Employees Superannuation Board	6		2						3	1	2	8
Great Southern Development Commission	1		1									1
Greyhound Racing Authority	1		1									1
Guardianship and Administration Board	1											-
Health Department	18		12				2				4	18
Health Review – Office of	17		4	1		1	1		1	1	8	17
Hospital and Health Services	21	1	19	1			1		1	1	1	24
Housing – Ministry of	104		30	9	6	11	4	1	4	11	16	92
Industrial Relations Commission – Dept. of the Registrar	-						1					1
Insurance Commission	4		2				1					4
Justice – Ministry of – Offender Management Division	696	7	47	29	22	146	1	29	48	66	206	601
Justice – Ministry of – Other	43	13	5	1	1	3	2	3	2	4	12	46
Land Administration – Department of	11		1	4			3		1		5	14
Landcorp	4		1								2	3

	Allegations received	Finalised at initial stage					Finalised by completed investigation or review					Allegations finalised
		No jurisdiction	Discretion exercised	Withdrawn or not proceeded with	Finalised to satisfaction of complainant	Referred back to agency	Withdrawn or not proceeded with	Could not be determined	Sustained partly	Sustained wholly or substantially	Not sustained	
Legal Aid	11	2	3	1		1					4	11
Legal Practitioners Complaints Committee	6		2					1				3
Local Government – Department of	3								1	1	2	4
Lotteries Commission	1		1								1	2
Main Roads	19		4						1	5	4	14
Medical Board	5								2		3	5
Mental Health Review Board	5											-
Metropolitan Cemeteries Board	2								1		1	2
Midland College of TAFE	1											-
Murdoch University	3						1		1		1	3
National Trust of Australia (WA)	6						7					7
Nurses Board	1		1									1
Painters' Registration Board	3										1	1
Parole Board	9	1	2			2					5	10
Planning – Ministry of	16		2	1					9			12
Planning Commission	1											-
Police Department	1986	1	96	62	2	1	27	146	194	243	1227	1999
Productivity & Labour Relations – Department of	4					1		1			3	5
Psychologists Board	1											-
Public Advocate	2										3	3
Public Trustee	34		7			1	5		1	1	16	31
Racing, Gaming & Liquor – Office of	3		2							1		3
Real Estate and Business Agents Supervisory Board	4				1						1	2
Resources Development – Department of	3		1		1						1	3
Rottneet Island Authority	1											-
State Revenue Department	16	2	4			3				2	2	13
Strata Titles Referee	1	1										1
Swan River Trust	1		1									1
Totalisator Agency Board	1										1	1
Tourism Commission	1		1									1
Training – Department of	1											-
Transport – Department of	47		7	4	6	1			1	10	19	48
University of Western Australia	1									1		1
Valuer General's Office	3		1			1					1	3
WA Government Railways – Special Constables	88		9	6			1	22	7	21	48	114
WA Government Railways – Other	9		5		1		1		1	2	1	11
WA Turf Club	4											-
Water and Rivers Commission	5		1	1								2
Water Corporation	26		10	1			1	1	1	1	7	22
Water Regulation – Office of	12			1	1		1				5	8
Western Australian Trotting Association	2		1									1
Western Power Corporation	73		7		4		2	3	7	16	26	65
WorkCover	9		7			2						9
Workplace Agreements Commissioner	1										1	1
WorkSafe	2										2	2
Youth Affairs Office	-									1		1
Sub Total	3605	38	348	127	46	187	71	214	293	406	1701	3431

	Allegations received	Finalised at initial stage					Finalised by completed investigation or review				Allegations finalised	
		No jurisdiction	Discretion exercised	Withdrawn or not proceeded with	Finalised to satisfaction of complainant	Referred back to agency	Withdrawn or not proceeded with	Could not be determined	Sustained partly	Sustained wholly or substantially		Not sustained
Local Governments												
Albany – City	2		1						1			2
Armadale – City	13	1							2	3	4	10
Augusta/Margaret River – Shire	2		2						1			3
Bassendean – Town	6							1	1	5		7
Bayswater – City	10		4			1					1	6
Belmont – City	5		2								3	5
Broome – Shire	3				1					1	1	3
Bunbury – City	7									1	4	5
Busselton – Shire	3						2				6	8
Cambridge – Town	7		2						1		2	5
Canning – City	5		1			1			1		1	4
Capel – Shire	1											-
Carnamah – Shire	2									2		2
Chapman Valley – Shire	2										2	2
Chittering – Shire	4		1							1	2	4
Cockburn – City	1										1	1
Cocos (Keeling) Islands – Shire	-								1			1
Cottesloe – Town	1										2	2
Dandaragan – Shire	2										3	3
Denmark – Shire	-										1	1
Donnybrook/Balingup – Shire	1		1									1
East Fremantle – Town	6											-
East Metropolitan Regional Council	2										2	2
Esperance – Shire	3										2	2
Exmouth – Shire	2											-
Fremantle – City	7		1			2					1	4
Geraldton – City	2									1	1	2
Gingin – Shire	4								1			1
Gosnells – City	14		2		1			2	1	1	7	14
Greenough – Shire	2		1								1	2
Harvey – Shire	-								1			1
Joondalup – City	7		1					1		1	3	6
Kalamunda – Shire	4		1							1	1	3
Kwinana – Town	1								1			1
Lake Grace – Shire	1		1									1
Mandurah – City	7					1			2		4	7
Manjimup - Shire	3		1								2	3
Melville – City	11	1	1			1	1		1		10	15
Menzies – Shire	1		1									1
Mundaring – Shire	2		1								1	2
Murray – Shire	1										1	1
Narrogin – Town	1											-
Nedlands – City	11		3								1	4
Northam – Shire	2											-
Northam – Town	1								1			1
Perth – City	10		6							2	1	9
Port Hedland – Town	2								1		1	2
Quairading – Shire	1									1		1
Rockingham – City	3		1							2		3

	Allegations received	Finalised at initial stage					Finalised by completed investigation or review					Allegations finalised
		No jurisdiction	Discretion exercised	Withdrawn or not proceeded with	Finalised to satisfaction of complainant	Referred back to agency	Withdrawn or not proceeded with	Could not be determined	Sustained partly	Sustained wholly or substantially	Not sustained	
Roebourne – Shire	3								3			3
Serpentine/Jarrahdale – Shire	1	1										1
Shark Bay – Shire	7	2	4								1	7
South Perth – City	10		4		1				2	2	4	13
Stirling – City	11	1	2						2	1	5	11
Subiaco – City	9		1						2	1	4	8
Swan – City	16		4	1					2	2	3	12
Toodyay – Shire	2		1									1
Victoria Park – Town	7		1				1				5	7
Vincent – Town	9						1	3	3		2	9
Wagin – Shire	1										1	1
Wanneroo – City	6		2				1				3	6
Waroona – Shire	1									1		1
West Arthur – Shire	2								1		1	2
Williams – Shire	1									1		1
Yalgoo – Shire	1									1		1
Sub Total	275	6	54	1	3	6	3	6	32	30	106	247
Organisations not within jurisdiction	168	167										167
Grand Total	4048	211	402	128	49	193	74	220	325	436	1807	3845

CHAPTER 2

Our performance

This chapter contains the material required by the *Financial Administration and Audit Act 1985* and *Treasurer's Instruction 904* – which require all government agencies, including this Office, to identify desired outcomes and outputs and to measure and report on the extent to which they have been achieved and delivered.

Mission

Our mission is “**To assist the Parliament of Western Australia to be confident that the public sector of the State is accountable for, and is improving the standard of, administrative decision-making, practices and conduct**”. To achieve this, we aim to provide effective and efficient systems for handling complaints received about the administrative actions and conduct of government agencies, thereby identifying the underlying causes of complaints and making recommendations for changes to procedures, practices, policies or legislation which will prevent similar problems recurring.

Key Performance Indicators

The performance indicators that have been identified for the Office in recent years focus on two key aspects:

- **Effectiveness**
in terms of the extent to which we have been able to provide assistance to complainants and to have agencies improve their practices and procedures; and
- **Efficiency**
in terms of how quickly we are able to deal with complaints.

The Key Performance Indicators for the past year are set out in the following pages, followed by the Auditor General's opinion regarding them. Following the Auditor General's opinion is information about the performance targets which were contained in the 2000/2001 Budget Statements. That information is not subject to audit by the Auditor General.

Key Performance Indicators

The desired outcome from the activities of the Office is that the public sector of Western Australia is accountable for, and is improving the standard of, administrative decision-making, practices and conduct.

To achieve this outcome the Office aims to provide effective and efficient systems for handling complaints received about the administrative actions and conduct of government agencies, thereby identifying underlying causes of complaints and making recommendations for changes to procedures, practices, policies or legislation which will prevent similar problems recurring.

The work of the Office is performed via the following three¹ output groups:

Police Service and railway special constables

Provide an effective and efficient system of investigating, and reviewing the adequacy of internal investigations of, complaints about the Police Service and railway special constables.

Other Public Sector Organisations

Provide an effective and efficient system of investigating complaints about public sector organisations other than the Police Service and railway special constables.

Telecommunications Interception Audit

Perform the duties of Principal Inspector and Inspectors under the *Telecommunications (Interception) Western Australia Act 1996*.

Key Effectiveness Indicators

The key effectiveness indicators of the Office report on the extent to which we have been able to provide assistance to complainants and have agencies improve their practices and procedures.

Police Service and railway special constables


A total of 859² allegations were brought forward from 1999/2000 and a further 2074 were received during the year. 2113 allegations were finalised, and of these, assistance to the complainant (by way of apology, action expedited, act of grace payment, monetary charge reduced/withdrawn/refunded/rebate given, reversal or significant variation of original decision, explanation/reason provided by agency, criminal/disciplinary/infringement charge reduced or withdrawn, explanation provided by my Office, referral to another appropriate agency, or other action to assist the complainant) was provided in respect of 902 allegations.

	1997 ³	1998 ³	1999	2000	2001
Percentage of allegations finalised where complainants received assistance ⁴	67%	83%	59%	70%	43%
Number of improvements to practices and procedures ⁵	17	24	14	15	97
Number of allegations where Police or Railways took further action following a review of the agency internal investigation by my Office	145	86	96	110	141
Other Public Sector Organisations					
<p>A total of 309² allegations were brought forward from 1999/2000 and a further 1,974 were received during the year. 1,732 allegations were finalised and assistance to the complainant (by way of apology, action expedited, act of grace payment, monetary charge reduced/withdrawn/refunded/rebate given, reversal or significant variation of original decision, explanation/reason provided by agency, criminal / disciplinary / infringement charge reduced or withdrawn, explanation provided by my Office, referral to another appropriate agency, or other action to assist the complainant) was provided in respect of 1,067 allegations.</p>					
	1997	1998	1999	2000	2001
Percentage of allegations finalised where complainants received assistance	83%	74%	75%	79%	62%
Number of improvements to practices and procedures ⁵	81	42	46	90	122
Key Efficiency Indicators					
<p>Key efficiency indicators cover the timeliness with which we deal with complaints and the cost of the various outputs and activities.</p>					
Police Service and railway special constables	1997 ³	1998 ³	1999	2000	2001
Average time taken to finalise allegations (days)	127	123	121	130	148
Allegations finalised per full-time equivalent staff member ⁶	130	141	165	153	143
Percentage of allegations finalised in less than three months	56%	58%	51%	54%	50%
Percentage of allegations on hand at 30 June less than three months old	62%	67%	39%	44%	41%
Cost per finalised allegation	n/a	n/a	\$513	\$606	\$672

Other Public Sector Organisations	1997	1998	1999	2000	2001
Average time taken to finalise allegations (days)	137	69	94	73	72
Allegations finalised per full-time equivalent staff member ⁶	114	91	112	128	118
Percentage of allegations finalised in less than three months	62%	83%	65%	77%	77%
Percentage of allegations on hand at 30 June less than three months old	61%	72%	57%	43%	57%
Cost per finalised allegation	n/a	n/a	\$628	\$676	\$787
Telecommunications Interception Audit	1997	1998	1999	2000	2001
Total cost of activity	n/a	n/a	\$70,038	\$49,344	\$44,499

Certification

The above performance indicators are based on proper records and fairly represent the performance of the Office of the Parliamentary Commissioner for Administrative Investigations for the year ended 30 June 2001.



Accountable Officer
29 October 2001

- 1 In the 2000/01 year a fourth output group entitled "Information and Advisory Services" was absorbed into the three other output groups of the Office.
- 2 This number differs from the number that could have been calculated from the numbers contained in the 1999/00 Annual Report, and reflects the deletion and creation of certain allegations in the database after 30 June 2000 that had been received prior to that date. For Police/Railways that number was 801 allegations and for Other Public Sector Organisations that number was 298.
- 3 The figures for 1997 and 1998 only related to police and did not include complaints about railway special constables.
- 4 The figures for 1997, 1998, 1999 and 2000 relate only to those allegations that were not finalised by way of a review of an internal investigation by Police or Railways and, therefore, related only to a minority of allegations finalised. The figure for 2001 relates to all allegations finalised by any means and, therefore, better reflects the work of the Office. For that reason the 2001 figure is not directly comparable with the figures for the previous years.
- 5 The figures for 1997, 1998, 1999 and 2000 reflect only changes that were recommended by the Office. The figure for 2001 includes changes recommended (18 for Police/Railways and 62 for Other Public Sector Organisations) and changes made voluntarily by the agency (79 for Police/Railways and 60 for Other Public Sector Organisations) without a recommendation having to be made.
- 6 The full-time equivalent (FTE) staff figure used for the purpose of this calculation includes investigating officers, an Assistant Ombudsman and a proportion of corporate services staff, the Ombudsman and Deputy Ombudsman.



AUDITOR GENERAL

To the Parliament of Western Australia

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS PERFORMANCE INDICATORS FOR THE YEAR ENDED JUNE 30, 2001

Scope

I have audited the key effectiveness and efficiency performance indicators of the Parliamentary Commissioner for Administrative Investigations for the year ended June 30, 2001 under the provisions of the Financial Administration and Audit Act 1985.

The Parliamentary Commissioner is responsible for developing and maintaining proper records and systems for preparing and presenting performance indicators. I have conducted an audit of the key performance indicators in order to express an opinion on them to the Parliament as required by the Act. No opinion is expressed on the output measures of quantity, quality, timeliness and cost.

My audit was performed in accordance with section 79 of the Act to form an opinion based on a reasonable level of assurance. The audit procedures included examining, on a test basis, evidence supporting the amounts and other disclosures in the performance indicators, and assessing the relevance and appropriateness of the performance indicators in assisting users to assess the Parliamentary Commissioner's performance. These procedures have been undertaken to form an opinion as to whether, in all material respects, the performance indicators are relevant and appropriate having regard to their purpose and fairly represent the indicated performance.

The audit opinion expressed below has been formed on the above basis.

Audit Opinion

In my opinion, the key effectiveness and efficiency performance indicators of the Parliamentary Commissioner for Administrative Investigations are relevant and appropriate for assisting users to assess the Parliamentary Commissioner's performance and fairly represent the indicated performance for the year ended June 30, 2001.

D D R PEARSON
AUDITOR GENERAL
October 31, 2001

Other Performance Measures

The following are the performance targets contained in the 2000/2001 Budget Statements and the actual performances achieved.

	Target	Actual
Police Service and railway special constables		
Quantity		
Allegations finalised	2,200	2,113
Timeliness		
Average time taken to finalise an allegation (days)	105	148
Cost		
Cost per finalised allegation	\$658	\$672
Other Public Sector Organisations		
Quantity		
Allegations finalised	1,650	1,732
Timeliness		
Average time taken to finalise an allegation (days)	91	72
Cost		
Cost per finalised allegation	\$783	\$787
Telecommunications Interception Audit		
Quantity		
Audit reports completed in accordance with legislation	2	1
Timeliness		
Statutory time limits complied with	100%	100%

CHAPTER 3

Police Service and railway special constables

The police team assists in the achievement of the Ombudsman's mission by ensuring that complaints about the Western Australia Police Service and Western Australian Government Railways Commission special constables are efficiently and effectively investigated. This involves three main programs:

- The review program
- The investigation program
- The information exchange program.

The review program

This constitutes the bulk of the police team's work. The aim of the program is to enhance the accountability of the Police Service and the Railways Commission by reviewing internal investigations against the following criteria:

- Have all reasonable and relevant issues highlighted by complainants, including specific allegations and related matters, been considered?
- Has all relevant and reasonably available evidence been gathered?
- Has the evidence gathered been logically analysed and reasonable conclusions reached?
- Have conclusions and outcomes been reasonably communicated to complainants?
- Have efficient and effective investigating practices been followed and documented in ways that allow external review?

Additionally, we conduct our own inquiries into issues that have not been properly addressed during the internal investigation, as well as consulting and negotiating with Police Service and Railways Commission staff. Inadequate internal investigations are usually returned for further work and then reviewed a second time. We seek out the opinions of complainants by interviewing them and by recording and considering their responses to a standard questionnaire.

Reviews of internal investigations into 2,072 allegations were conducted during the year. The breakdown between reviews of the Police Service and the Railways Commission and their adequacy was as follows:

TABLE 1

	Adequate	Inadequate	Total
All first reviews	1,807 (91%)	175 (9%)	1,982
All second reviews	75 (83%)	15 (17%)	90
Total reviews	1,882 (91%)	190 (9%)	2,072
First reviews Police Service	1,719 (92%)	157 (8%)	1,876
Second reviews Police Service	67 (84%)	13 (16%)	80
Total Police Service reviews	1,786 (91%)	170 (9%)	1,956
First reviews Railways Commission	88 (83%)	18 (17%)	106
Second reviews Railways Commission	8 (80%)	2 (20%)	10
Total Railways Commission reviews	96 (83%)	20 (17%)	116

Reviews of Police Service Local Complaint Resolutions

Local Complaint Resolutions involve allegations about minor misconduct. They are dealt with at the district level using an informal process that focuses on speedy resolution to the satisfaction of complainants and police officers. They accounted for 40% (828) of reviews conducted. Of those reviews, 5% found the internal investigation to be inadequate.

A total of 277 complainants (45% of complainants surveyed) responded to the standard questionnaire. Their responses to key questions were as follows:

Question	Yes	No
Are you satisfied with the process followed by police to investigate your complaint?	59%	41%
Do you think that all of the issues that you raised were dealt with during the police investigation?	53.5%	46.5%
Are you satisfied that all relevant information and evidence was taken into account during the police investigation?	53%	47%
Are you satisfied that the conclusions reached and the actions taken by police (if any) as a result of your complaint were appropriate?	49%	51%

The Police Service has entered into an agreement with the Ombudsman to complete Local Complaint Resolutions within 30 days, on average. The average time taken in the past year was actually 58 days. For those matters that were found to be inadequate during the first review it took an additional 68 days, on average, to complete the matter. The breakdown of the time taken to complete Local Resolutions was as follows:

- 33% in under 30 days
- 16% between 31 and 42 days
- 34% between 43 and 90 days
- 10% between 91 and 150 days
- 7% in over 150 days.

Complainants' opinions about the time taken by the Police Service were also canvassed in the questionnaire. Of those who responded, 70% said that they were satisfied with the time taken. Only 46 complainants expressed an opinion about how long they thought it should take the Police Service to complete a Local Complaint Resolution. On average, they thought the process should take 31 days.

Reviews of Police Service major matters

Major matters involve the more serious allegations. They are also mostly dealt with at the district level, but the process is focussed on gathering and analysing evidence to establish the facts. They accounted for 54% (1,128) of reviews conducted. 11% (129) of those reviews found the internal investigation to be inadequate.

A total of 390 complainants (33% of complainants surveyed) responded to the standard questionnaire. Their responses to key questions were as follows:

Question	Yes	No
Are you satisfied with the process followed by police to investigate your complaint?	51%	49%
Do you think that all of the issues that you raised were dealt with during the police investigation?	46%	54%
Are you satisfied that all relevant information and evidence was taken into account during the police investigation?	45%	55%
Are you satisfied that the conclusions reached and the actions taken by police (if any) as a result of your complaint were appropriate?	43%	57%

For major matters there is no specified average agreed time for completion. Instead the following range of targets has been agreed:

- Number completed within 42 days 40%
- Number completed within 43 to 90 days 45%
- Number completed within 91 to 150 days 15%

These targets equate to an average age of between 27 and 80 days. The average time taken was actually 184 days, with a further 75 days, on average, to complete those matters that were found to be inadequate during the first review. The breakdown of the time taken was as follows:

- 8% in under 30 days
- 3% between 31 and 42 days

- 18% between 43 and 90 days
- 22% between 91 and 150 days
- 49% in over 150 days.

62% of the complainants who responded to the questionnaire said that they were satisfied with the time taken. Only 89 complainants expressed an opinion about how long they thought it should take the Police Service to investigate a major matter. On average, they thought it should take 47 days.

Overall observations about the review of Police Service internal investigations

The current review program grew out of changes made to the police complaint handling system in the 1993/94 financial year in response to an identified need for the system to adhere to the principle of public accountability and enhance public confidence in the Police Service. In that year the then Ombudsman began the process of reviewing police internal investigations into the more serious matters instead of simply investigating matters in which complainants had expressed dissatisfaction with the outcome of the Police Service internal investigation.

The implementation of this limited system of reviews quickly established that the standard of police internal investigations was unimpressive. For example, in the 1994/95 financial year 397 reviews were conducted. Ninety of those (23%) were found to be inadequate.

In his 1997 Annual Report the then Ombudsman signalled that the review process would be extended to include all completed internal investigations. In that year a total of 455 allegations were reviewed and 145 (32%) were found to be inadequate. During that year the Police Service also began a process of devolving responsibility for the conduct of internal investigations to police districts. At the time it was unclear whether devolution would detract from or enhance the quality of internal investigations. Subsequently the devolution process gathered momentum. Today the overwhelming majority of internal investigations are conducted by police districts.

The introduction of the review program has coincided with a significant improvement in the standard of police internal investigations, despite the real risk that the opposite would occur as a direct consequence of devolution. This is no small achievement and the Police Service deserves credit for it – after all, the standard of its internal investigations is something that only the Police Service can control.

However, the significance of the review program in influencing that positive improvement should not be underestimated. Its introduction constituted a fundamental change to the environment in which police internal investigations are conducted. Improvement followed that fundamental change.

The level of improvement in the standard of police internal investigations indicates that the review program has made significant progress towards achieving its objectives of public accountability and confidence in the Police Service. That is not to say that there is not any room for improvement. Impressive as the overall statistic that internal investigations are found to be adequate 91% of the time may be, there is further work to be done. In particular, to reduce the time taken and to improve the level of complainant satisfaction.

Over more recent months the Police Service has made progress towards reducing the time taken to complete internal investigations. However, the greatest potential for improvement lies in the area of complainant satisfaction by improving the way in which the Police Service communicates with complainants. The following communication issues are important:

- final letters to complainants are often too brief to adequately explain the amount of work that has gone into the investigation
- the Police Service is sometimes coy about exactly what action has been taken in the light of deficiencies, errors or misconduct identified during internal investigations
- correspondence is sometimes couched in either inflammatory or overly defensive terms
- the Police Service is often reluctant to make good its mistakes by compensating complainants who have incurred unnecessary expenses and, when it does, it sometimes takes a long time
- apologies are sometimes unnecessarily guarded
- complainants are often not kept informed about the progress of internal investigations.

Reviews of complaints about railway special constables

All Railways Commission internal investigations involve a similar investigative technique to Police Service internal investigations into major matters. They accounted for 6% (116) of reviews conducted. 17% (20) of those reviews found the internal investigation to be inadequate.

Only 12 complainants (28% of complainants surveyed) responded to the questionnaire. This makes it difficult to draw reliable conclusions about their opinions. Nevertheless their responses to key questions were as follows:

Question	Yes	No
Are you satisfied with the process followed by the Commission to investigate your complaint?	8%	92%
Do you think that all of the issues that you raised were dealt with during the Commission's investigation?	17%	83%
Are you satisfied that all relevant information and evidence was taken into account during the Commission's investigation?	8%	92%
Are you satisfied that the conclusions reached and the actions taken by the Commission (if any) as a result of your complaint were appropriate?	8%	92%

There is no agreement with the Railways Commission about the time for completing an internal investigation. The average time taken was 223 days. For those matters found to be inadequate it took an additional 95 days, on average, to complete the matter. The breakdown of the time taken was as follows:

- 15% in under 30 days
- 0% between 31 and 42 days
- 25% between 43 and 90 days

- 15% between 91 and 150 days
- 45% in over 150 days.

Complainants' opinions about the time taken by the Railways Commission were also canvassed in the questionnaire. Only 25% of those who responded said that they were satisfied with the time taken. Only seven complainants expressed a view about how long they thought the Railways Commission should take to complete an internal investigation. On average, they thought it should take 53 days.

Overall observations about the review of Railways Commission internal investigations

The current Railways Commission review program grew out of a need identified in 1996/97 to establish an effective and efficient complaint handling system for Railways Commission special constables. Although the number of allegations made about special constables is relatively small, future growth seems to be assured, given the Government's announcement that the urban rail network will be extended to Mandurah, and the Commission's commitment to improve rail security by:

- establishing a 150 member Transit Guard Squad to patrol every train
- ensuring that all night trains have at least two security personnel on board.

Railway special constables do not routinely engage in a broad range of policing activities. They are generally limited to dealing with public disorder and ticketing. Although conducting internal investigations into allegations about these types of matters can be difficult they do not often present complex or challenging legal technicalities. Much of the conduct of special constables is captured by train and station based video surveillance. It is therefore surprising that Railways Commission internal investigations are characterised by long delays, a relatively poor level of adequacy and very low levels of complainant satisfaction.

It is not entirely clear why this state of affairs has developed. There is no valid reason to believe that the Commission is not committed to developing an effective and efficient system. It has, for example, established a full-time internal investigation team. The members of that team have been appropriately trained and adopt much the same investigating techniques as Police Service internal investigators.

Whatever the reasons, the complaint handling system for railway special constables cannot be said to be either effective or efficient at this time. Expansion of the urban rail network and increased train security can only compound existing problems. It would therefore be opportune to overhaul the complaint handling system in the light of its performance and likely future demands. Such an overhaul should address resource and skill levels, investigating techniques, quality control and ways to streamline investigations into less serious matters.

The investigation program

The investigation program is intended to add value to the review process by focussing on significant issues. Investigations examine issues identified from the review program, complaints or other intelligence in a variety of ways.

This program also has a wider focus than the review program. Although information gathered from specific complaints may be utilised to decide what issues warrant investigation, such investigations may also be undertaken on an "own motion" basis – the

current investigation into the management, supervision and control of "*Operation Safe Trains*" is such an example. A broad view of what constitutes an investigation is also taken, given that the *Parliamentary Commissioner Act 1971* enables the Ombudsman to conduct investigations in such manner as he thinks fit.

The distinction between investigations into specific allegations under this program and reviews under the review program is one of emphasis, rather than the nature of the work involved. In both cases evidence is gathered, subjected to logical analysis and opinions formed and reported.

Significant investigations currently underway

At the time of publication four significant investigations were well advanced, but had not been completed:

- 1. Management, supervision and control of "*Operation Safe Trains*".** This operation involved both police and railway special constables in a joint taskforce between August and December 2000. The investigation into the management, supervision and control of the taskforce is being conducted on an "own motion" basis as a result of concerns identified in several complaints received.
- 2. Random breath testing procedures.** This investigation was commenced following an inadequate Police Service internal investigation into the alleged falsification of random breath testing statistics.
- 3. Alleged miscarriage of justice.** This investigation involves an allegation by a young Aboriginal man that he was improperly charged and convicted of sexual assault and deprivation of liberty in 1993. The issue was the subject of internal investigation by the Police Service in 1998 and 1999, and subsequent review by this Office. After further consideration of the evidence in October 2000 we decided to conduct another investigation into the matter. A draft report of the investigations has been completed and forwarded to relevant parties for comment.
- 4. Police "urgent duty" driving policy.** A number of internal investigations by police into alleged or suspected breaches of regulations in this area indicate that existing policy may be deficient. A working party involving this Office, the Police Service and Edith Cowan University has been established to research the issues with a view to compiling a report for public discussion.

In addition, we have been examining internal investigations into alleged or suspected breaches of the duty of care in police lockups, and actual or attempted instances of self harm or suicide. This is being undertaken to determine if these issues need closer scrutiny through an investigation.

Investigations into specific allegations

Investigations into 46 separate allegations were undertaken during 2000/2001 and 20 were completed. They dealt with the following allegations:

- misleading information and advertising about the storage of firearms (carried forward from previous year)
- inadequate investigation of traffic crash
- criminal defamation by senior police

- three assaults or excessive force (one carried forward from previous year)
- laser beam directed at complainant's eyes
- unreasonable strip search
- abuse by a police officer
- failure to record complaint
- coerced into wearing a listening device
- no reasons given for decision not to charge
- criminal protected from prosecution (carried forward from previous year)
- improper relationship with detective (carried forward from previous year)
- detective paid money to stop prosecution (carried forward from previous year)
- detective influenced building contract (carried forward from previous year)
- detective failed to return dishonoured cheque to owner (carried forward from previous year)
- detective involved in the theft of motor vehicles (carried forward from previous year)
- juvenile son interviewed without parents' knowledge (carried forward from previous year)
- police e-mail system used to send offensive images.

The 26 investigations commenced which have not been finalised deal with the following issues:

- offender information not being properly exchanged between the Police Service and the Fines Enforcement Registry
- misuse of arrest powers by special constables
- unreasonable delay in executing a warrant of commitment
- failure to investigate activities of a paedophile
- excessive force used by special constables during an arrest
- property not returned by police after an arrest
- five unlawful/unnecessary arrests (one carried forward from previous year)
- three assaults in police stations or lockups
- unlawful/unnecessary use of pepper spray
- commandeering of a private vehicle to engage in high speed pursuit
- detention in lockup for an unnecessarily long period of time
- denied telephone calls while in lockup
- reasons for arrest not given
- compensation for police-caused trauma not offered

- stolen vehicle not identified as such by police and on-sold (carried forward from previous year)
- threatened by arresting officer (carried forward from previous year)
- denied access to medical treatment (carried forward from previous year)
- offensive remarks by arresting officer (carried forward from previous year)
- investigation took too long to finalise (carried forward from previous year)
- unreasonably prosecuted (carried forward from previous year).

Outcomes

The outcomes of this program are difficult to measure. We often hold divergent views to the Police Service about the issues addressed in the investigation program. Frequently, the most important outcome is that the issue in question has been aired. This can be a catalyst for change, but that change is not always swift. Nevertheless, the following specific outcomes were achieved:

- apologies were recommended in four matters
- an act of grace payment was recommended
- changes to policy and procedure were recommended in ten matters
- improvements to training were recommended in two matters
- improvements to record-keeping were recommended in one matter
- changes to other aspects of the policing system were recommended in five matters
- counselling was recommended for two officers
- disciplinary action was recommended for two officers
- criminal charges involving one officer were recommended
- re-training was recommended for one officer
- other forms of action were recommended for four officers.

The information exchange program

The information exchange program is intended to support and enhance the review and investigation programs. By providing information in a strategic and timely way we can:

- draw attention to issues of public interest
- educate the Police Service and the Railways Commission about our expectations of them, how we think they are performing against agreed criteria and what we think are appropriate strategies to minimise misconduct
- enhance our accessibility to complainants and community groups.

An important aspect of this program during the year was the decision to begin a process of early intervention and consultation in internal investigations. This involves making contact with internal investigators and their managers to provide them with advice and support in the conduct of their investigations.

In addition to making use of our website we also try to address interest groups as often as possible. The types of groups addressed during the year included:

- police districts and regions
- the WA Police Union
- community groups
- Electorate Office staff
- graduating police recruits
- meetings of police station officers in charge
- internal investigator training courses
- Railways Commission special constable training courses.

Research project – *Reporting Police Misconduct*

This project was conducted as a partnership involving this Office, Edith Cowan University and the Police Service and was largely completed in 2000/2001. The report of the project was tabled in the Parliament in August 2001 and is accessible from our website (www.ombudsman.wa.gov.au).

The research involved surveying 1,500 police officers and analysing the responses of the 342 officers who returned the questionnaire. It revealed that police:

- seem to be confused about what constitutes misconduct and the differences between professional and criminal misconduct
- base decisions about reporting misconduct on personal beliefs and values that are heavily influenced by police officer culture
- take responsibility for convicting and punishing offenders
- are uncertain about how to report misconduct.

These factors appear to combine to influence police officers such that they are unlikely to report misconduct, even when that misconduct involves criminality. However, the more seriously they view misconduct the more likely they are to report it. To that extent, 55.8% of the police officers surveyed thought that evidence invented in support of a serious criminal charge would be reported. On the other hand, only 22.8% thought that an assault of a juvenile would be reported.

The report makes a series of recommendations about the Police Service implementing and supporting training programs to assist police to:

- differentiate between misconduct and proper conduct
- understand how to report misconduct and the role of oversight bodies
- identify core personal standards about acceptable conduct, as distinct from culturally derived standards
- develop senior role models to guide probationary officers
- clarify that police officers are not responsible for convicting and punishing offenders.

Statistics

A total of 1,340 complaints containing 2,074 allegations were received during the year. This represents a 9.6% increase in complaints received and a marginal decline in allegations received compared to last year.

Complaints received about the Police Service rose by 10% (from 1,176 to 1,297). They contained 1,986 allegations, which amounted to a marginal decline from last year's figure of 1,996. Although complaints received about railway special constables declined by 14% (from 50 to 43), allegations received increased marginally (from 86 to 88).

Figure 1 shows the seven-year trend for allegations finalised, together with allegations received. The overall trend in the number of allegations finalised – like allegations received – is of continued growth. This year the police team finalised 2,113 allegations – 6% more than last year. The number of allegations against police finalised rose by 4% (from 1,929 to 1,999) and the number of allegations against railway special constables finalised rose by 46% (from 62 to 114).

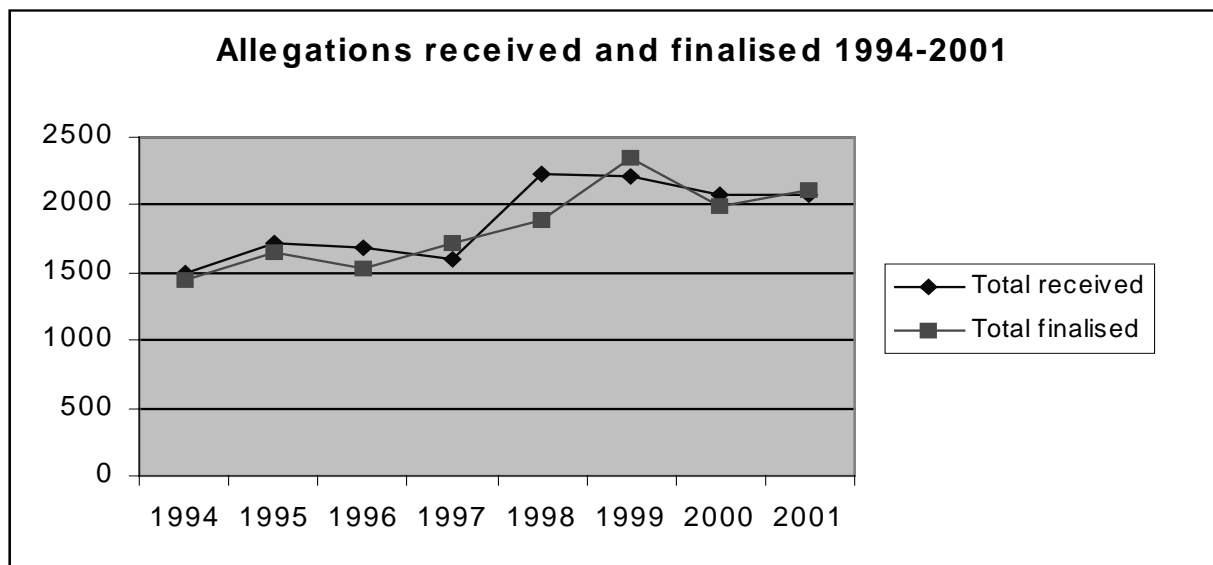


Figure 1

Our capacity to finalise allegations at a rate commensurate with the growth in the rate at which they are received is a particularly pleasing result. Growth in the number of allegations finalised has occurred over a period of initially static and recently shrinking staff resources. As at 30 June 1998 the police team constituted ten full-time equivalent (FTE) staff and finalised 1,889 allegations in the previous year. In each of the three subsequent years the team has operated with ten or less FTEs, but finalised more allegations. As at 30 June 2001 the police team constituted only nine FTEs but finalised 2,113 allegations in 2000/2001.

Allegations about the Police Service are categorised as follows:

- **Improper conduct** (e.g., sexual harassment, misuse of office or regulatory breaches)
- **Attitude and demeanour** (e.g., swearing, abusive remarks or disrespect)
- **Assault** (e.g., common assault, serious assault, excessive force or improper use of handcuffs, batons or pepper spray)
- **Arrest and detention issues** (e.g., personal searches, improper detention or self-harm in custody)

- **Investigations and prosecutions** (e.g., forced confessions, fabrication of evidence or failure to prosecute)
- **Search/custody/property handling** (e.g., unlawful detention or loss of property)
- **Information** (e.g., disclosure of confidential information or inaccurate records)
- **Traffic matters** (e.g., issue of infringements, manner of driving by police officers or traffic policy issues)
- **Significant criminal conduct** (e.g., theft, fraud or sexual assault)
- **Management issues** (e.g., administration of warrants, condition of cells or recruitment procedures)
- **Internal investigation of complaints** (e.g., failure to record complaints or inadequate investigation).

The following figure shows the percentages of allegations finalised on a category basis.

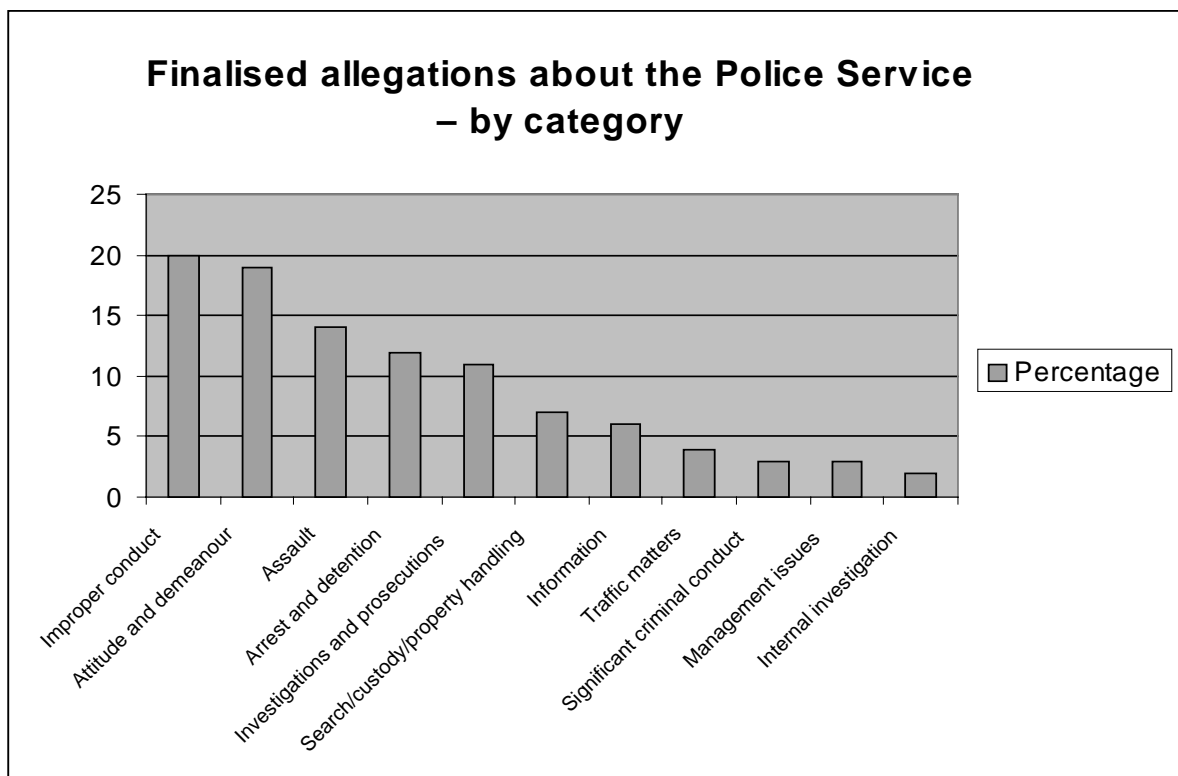


Figure 2

Because of their relatively small numbers, allegations about railway special constables are categorised into three broad categories:

- **Conduct** – including allegations of assault, excessive force or demeanour (constituted 77% of allegations finalised)
- **Decision or action** – including allegations such as improper detention or wrong prosecution (constituted 18% of allegations finalised)
- **Policies and procedure** – including allegations such as policies relating to issuing infringements (constituted 6% of allegations finalised).

CHAPTER 4

Other public sector organisations

During the year 1,974 allegations were received concerning public sector agencies other than the Police Service and WA Government Railways Commission special constables, compared to 1,756 allegations received in the previous year. That represents an increase of approximately 12% in the number of allegations received. A total of 309 allegations were brought forward from 1999/2000, compared to 340 brought forward from 1998/1999.

The "General" Public Sector Team finalised 1,732 allegations during the year, which represents a slight decrease in the number finalised (approximately 4%) compared to the 1,798 allegations finalised in the previous year. The number finalised exceeded the team's target for the year which was 1,650 and the average time taken to finalise an allegation was 72 days, which also bettered the year's target of 91 days and was comparable to the average time taken in the previous year (73 days).

In the last three months of the year the team was restructured, beginning with the appointment of an Assistant Ombudsman to manage and supervise the work of the team. Some restructuring within the team was also initiated together with some changes in the distribution of complaints, the development of an operational plan for the team and some changes to operational practices. The detail and effect of those will be reported in next year's annual report.

The agencies about which allegations were received and the number received for each of those agencies is shown in Table 5 in Chapter 1. Notably, as in previous years, the greatest number of allegations (730) came from prisoners concerning the Offender Management Division of the Ministry of Justice, Australian Integration Management Systems Corporation (AIMS Corporation) and the Parole Board. We received 275 allegations concerning local governments; 106 allegations concerning the Ministry of Housing (including two allegations concerning the Government Employees' Housing Authority); 73 allegations concerning Western Power Corporation; 58 allegations concerning the Education Department, individual schools, universities and TAFE colleges; 56 allegations concerning Family and Children's Services; 47 allegations concerning the Department of Transport; 43 allegations concerning the Ministry of Justice other than the Offender Management Division; and 34 allegations concerning the Public Trustee; with the balance involving various other agencies.

The following information relates to those agencies concerning which the most complaints were received.

Ministry of Justice

Prison Services

The number of complaints from prisoners about the prison system increased for the fourth consecutive year. Of the 696 allegations received, 683 were from adult prisoners. This represents an increase of more than 300% compared to the number received in 1996/97.

It is always difficult to determine exactly why the number of complaints in this area continues to rise. This year's increase is perhaps more surprising given that there are now two other bodies – the Office of Health Review, which deals with complaints about medical treatment and the Inspector of Custodial Services who reviews prison services but cannot deal with individual complaints – which can also look at problems in the system, albeit in a more limited field than my jurisdiction. During the year the Ministry introduced a formal grievance procedure aimed at resolving prisoners' complaints at the lowest possible level. The initiative is commended and prisoners complaining to this Office are encouraged to pursue that process in appropriate cases. It will be interesting to observe over time the effectiveness of the process and whether it has a notable impact on the number of complaints to this Office. It is worth noting that the greatest number of complaints are still generated by prisoners at Casuarina and Hakea Prisons, where there is no grievance procedure.

The increase may perhaps be partially explained by the ease of telephone access to my Office compared with a few years ago when the only access was by letter. In my view, the automatic addition of my Office's number to most prisoners' telephone list following admission into prison, and a more liberal approach by the Ministry to allowing prisoners access to my Office by telephone, will result in tangible benefits for prisoners and the overall accountability of the system. In addition, greater informal contact between my investigating officers and prison and departmental staff has also resulted in a speedier resolution of complaints and enhanced awareness of the role of the Ombudsman by both prisoners and prison staff.

Table 1 shows the sources of allegations received in 2000/2001 and the four previous years.

TABLE 1		Source of allegations received 1997–2001				
	Allegations					
Prison	1997	1998	1999	2000	2001	
Acacia	-	-	-	-	1	
Albany	21	14	24	12	25	
Bandyup	4	33	41	43	36	
Banksia Hill	-	-	2	1	1	
Broome	-	1	7	4	9	
Bunbury	35	24	63	42	55	
CW Campbell Remand Centre (Hakea Prison – Remand)	12	20	17	29	55	
Canning Vale (Hakea Prison)	43	39	69	73	133	
Casuarina	55	97	161	194	233	
Eastern Goldfields	-	4	6	5	9	
Greenough	7	20	20	21	32	
Karnet	8	9	8	11	22	
Nyandi	-	-	2	5	9	
Pardelup	5	2	7	4	8	
Rangeview Remand Centre	-	-	-	-	5	
Riverbank	-	-	8	5	2	
Roebourne	6	7	9	11	20	
Woorloo	7	13	21	9	11	
Not allocated to a prison	7	20	45	72	30	
Total	210	303	510	541	696	

As Table 1 shows, the number of complaints from the Hakea Prison complex (both the Prison and the Remand Centre) has increased from 102 last financial year to 188 this year. This may be a reflection of significant changes to the structure and function of this prison complex. From our experience, change frequently leads to uncertainty for both prisoners and staff and a consequential increase in complaints.

Nature of allegations

Although it is not possible to make a direct comparison with previous years because of changes in the way allegations are categorised following the introduction of our new computer complaints register, health services and disciplinary matters continue to generate the largest number of allegations (99 and 94 respectively). There has been a significant increase in the number of allegations involving transfers and security classifications (from 39 to 101); prisoners’ property (from 40 to 62) and prisoners’ visits (from 22 to 47). Importantly, however, there has been a dramatic decrease in the number of allegations about the conduct of prison officers (from 113 to 46).

Table 2 shows the nature of allegations received in the past year.

TABLE 2		Nature of allegations received
	Allegations	
Authorised absences / funerals	4	
Classification / placements / transfers / sentence plans	101	
Conduct of officer or agency	5	
Decision or action by officer or agency	15	
Education courses and facilities	12	
Facilities and conditions	29	
Food and diet	15	
Health services policy issues	4	
Mail and telephones	49	
Medical treatment	95	
Other issues	41	
Policies / procedures of agency	4	
Prison officer grievances	7	
Prison officer misconduct / harassment / assault	46	
Prisoner property	62	
Record-keeping / administration	19	
Rehabilitation programs	12	
Security / discipline / prison offences	94	
Segregation / protection / special treatment / physical safety	26	
Visits	47	
Work / employment issues	9	
Total	696	

It is possible to speculate on the reasons for changes in the types of complaint. High muster levels and the opening of Acacia Prison may well have caused uncertainty for prisoners and given rise to complaints. The management of visits is also affected by increasing numbers in the system and the tightening of drug detection methods by the Ministry (notably, the introduction of sniffer dogs) has also generated complaints. Prisoners' property is a constant 'thorn in the side' for both the Ministry and my Office. The vast amount of property that some prisoners have accumulated, the frequency of inter-prison transfers and deficiencies in the Ministry's property handling processes and record-keeping have all contributed to the rise and complexity in property complaints. The Ministry is aware of the problems and is taking steps to improve its systems. In my view, this is an area in need of overhaul and until this occurs it will continue to absorb a disproportionate amount of resources in my Office and in the Ministry.

However, the decrease in the number of complaints about prison officers is very encouraging. In last year's Annual Report and also in his Deaths in Prisons Report, the former Ombudsman was critical of the quality of prisoner/prison officer relations and attributed the high level of complaints about the conduct of prison officers to "*an element within prison officer ranks that is unwilling or unable to 'manage' prisoners and instead chooses to exercise authority, often imposing some form of disciplinary measure to deal with an issue or incident rather than applying some more constructive and appropriate alternative*".

He also referred to a number of new initiatives by the Ministry to "*move the 'attitude' log-jam*", namely, the re-introduction of unit management, the establishment of a formal grievance procedure and a comprehensive cognitive skills program for both prison officers and prisoners. The Ministry also commissioned an independent review of its disciplinary process, particularly hearings before the visiting justice which have long been a source of complaint from prisoners – with justification in some instances - and introduced new disciplinary management regimes which appear to be fairer and less arbitrary.

The fall in the number of complaints about the conduct of prison officers appears to be an indicator that some, or all, of these strategies have had a positive impact on prisoner/prison officer relations. In particular we continue to receive positive feedback from both prisoners and prison staff about the benefits of the cognitive skills program. It is no secret that both were sceptical about the introduction of the program and the innovative approach that prison officers should undertake the program and then facilitate it for prisoners. However, it has been reported that even the most cynical have been "converted". In fact it has proved so successful that incorporation of the principles of cognitive therapy in other treatment programs (such as substance abuse and sex offender programs) is currently being worked on. The Ministry is to be congratulated on its promotion of this initiative.

Inevitably, we will continue to receive and pursue complaints from prisoners where small differences of opinion with, or poor communication by, prison officers have escalated into serious incidents with unnecessary punitive consequences for prisoners. It is unrealistic to expect that such situations will not arise. However, the Ministry now appears to me to be more ready than it was a number of years ago to acknowledge when it has "done the wrong thing" and to make amends by changing procedures and/or apologising to prisoners.

Finalised complaints

A total of 601 allegations were finalised during the year, approximately 8% more than in the previous year. Tables 3 and 4 show the outcome of allegations dealt with.

TABLE 3	Manner in which allegations finalised
	Allegations
Finalised without investigation	
No jurisdiction	7
Discretion exercised not to investigate*	47
Withdrawn or not proceeded with	29
Finalised to satisfaction of complainant	22
Referred back to the Ministry	146
Finalised by completed investigation	
Sustained wholly or substantially	66
Sustained partly	48
Not sustained	206
Could not be determined	29
Withdrawn or not proceeded with	1
Total allegations finalised	601
* "Discretion exercised not to investigate" does not necessarily indicate that no enquiries about the matter raised were undertaken, nor does it imply that no assistance was provided.	

TABLE 4	Assistance provided – allegations finalised by investigation
	Allegations
Benefit for complainant	
Act of grace payment made	5
Action/decision expedited	32
Explanation or reasons provided by agency	12
Reversal or significant variation of original action	13
Explanation given	288
Total allegations finalised by investigation	350
Changes to law, practice or procedure	
Change policy/procedure	31
Improve record-keeping	3
Other change to system	10
Training issue	6
Total	50

Significant events during the current year

Deaths in Prison Inquiry

The former Ombudsman's report of his inquiry into Deaths in Prisons was tabled on 18 December 2000. The 420-page report, containing 83 recommendations, was the result of an in-depth inquiry into the deaths of the 74 prisoners who died either by suicide or from natural causes in Western Australian prisons between 1 January 1991 and 30 June 2000. The inquiry took considerably longer than initially anticipated because it soon became clear it would be necessary to look at the system in total in order to form a view on the reasons for the high rate of deaths in Western Australian prisons compared to other jurisdictions.

The report looked at the circumstances of each death in order to identify systemic deficiencies or stress factors which might lead to the death of a prisoner. Recommendations made by the Coroner and Ministry of Justice staff over the years and the extent to which the Ministry appeared to have taken steps to avoid future deaths as a result of past experience were also considered, together with the extent to which the Ministry's practices and procedures comply with international and national standards and whether recommendations made by the 1991 Royal Commission into Aboriginal Deaths in Custody had been implemented in practice.

The key conclusions in the report were that prison services such as health and education were under-resourced and were frequently over-ridden by prison operational considerations; and that there was a need for improved prisoner/prison officer relations. Significantly, the report also found that the Ministry's response to recommendations made by the various bodies which are required to investigate prison deaths lacked coordination and commitment. Furthermore, it was apparent that the Ministry had failed to follow its own procedures, such as reporting to the Attorney General on recommendations made by the Coroner and had not implemented recommendations which it appeared to have accepted. As a result, the Ombudsman's inquiry reached the inevitable conclusion that "reinventing the wheel" had tragic and unnecessary consequences resulting in a number of deaths which might have been avoided if greater effort had been made to address identified problems.

The major shortcoming seemed to be that there was no specific person in the Ministry with responsibility for responding to and pursuing recommendations made following the death of a prisoner. This concern was drawn to the Ministry's attention at an early stage in the inquiry with the result that it appointed a Project Manager, Deaths in Custody. As far as I am aware this initiative has led to a far more proactive approach to addressing deficiencies.

The main recommendations in the report included:

- increased funding and resources for prison health services which should be provided by a body external to the Ministry
- greater effort to encourage the involvement of Aboriginal medical services
- provision of appropriate accommodation and services for special needs groups of prisoners such as those suffering the effects of substance abuse, those with a psychiatric disorder and female prisoners
- additional resources for the Forensic Case Management Team to enable ongoing monitoring of at risk prisoners and provision of self-help strategies, not just crisis care
- improved facilities and services for female prisoners in regional prisons and increased education, employment and training opportunities for women at all prisons

- the discontinuation of the use of medical observation cells as currently operated
- review of selection and recruitment procedures for all prison-based staff to ensure that sufficient priority is given to a high level of communication and interpersonal skills
- increased involvement of all relevant community support organisations such as The Samaritans
- expansion of the methadone program; provision of drug rehabilitation programs from the beginning of a prisoner's sentence and discrete detoxification areas in each prison
- increased resources for the Prison Pharmacy to enable greater monitoring of prescription levels
- acknowledgment of the importance of constructive activity in the prevention of suicide and self harm and in the rehabilitation of prisoners and increased opportunities for education, employment and training at all prisons
- additional resources for the Parole Board
- improved procedures for prisoner transfers, and
- incorporation of a statement of prisoner rights in the *Prisons Act*.

The recommendations have been the subject of discussion and negotiation with the Ministry and a number have been introduced, for example:

- strategies for the improvement of prisoner/prison officer relations
- provision of regular health reviews for all prisoners
- greater involvement of Aboriginal health services
- refurbishment of prison medical centres
- greater separation of nursing staff from prison operational staff
- comprehensive training programs for health staff
- provision of improved facilities for female and elderly prisoners
- review of prison psychiatric services
- increase in staff for the Prison Pharmacy
- increase in the number of telephones at some prisons
- expansion of methadone and naltrexone programs, and
- improved delivery of Parole Board decisions to prisoners.

However, a number of recommendations are dependent on the availability of funding, which in the current climate is unlikely to be provided.

Budgetary constraints and anticipated changes in muster levels as a result of the opening of Acacia Prison and the eventual transfer of 750 medium security prisoners out of the public system have already resulted in a reduction in certain prison services e.g., the number of Forensic Case Management staff has been reduced; the contracts of a number of education tutors have been terminated resulting in periodic reduced access to educational and library facilities; the Art Room at Hakea has been closed; nursing hours at some prisons are likely to be cut and research projects and a number of initiatives to improve health services are unlikely to be funded. It is not possible at this stage to estimate the likely effect of these

changes on the “health” of the system in general, but my Office has already received a number of complaints about reduced services.

The opening of Acacia and the progressive transfer of prisoners out of the public system has, and will, reduce demand for some services and these changes will cause some transitional management problems. However, prisoners often become “the end of the line” in such a situation and it is clear from our research into deaths in prisons that uncertainty and, particularly, discontent among prison officers can have serious consequences on the “health” of the system and the wellbeing of prisoners.

AIMS Corporation

Amendments to the *Parliamentary Commissioner Act 1971* in 1999 resulted in the inclusion of “a contractor as defined in the *Court Security and Custodial Services Act 1999* or the *Prisons Act 1981*” in the definition of an authority under the Act. This means that the AIMS Corporation – the contractor responsible for the management of Acacia Prison, prisoner transport and court security services – falls directly within my jurisdiction for the purposes of receiving and investigating complaints about its activities. As at 30 June 2001, the following number of allegations about those functions had been received:

Acacia Prison	6
Prisoner transport	8
Court security services	11

Continuing problems with the provision of prisoner transport and court security services have been well-documented in recent reports. Complaints to my Office have primarily involved complaints about the conditions in transport vehicles; allegations about the inappropriate use of restraints and assaults by AIMS officers, and missing property. Difficulties with inter-prison visits and the way in which sick and injured prisoners have been transported have also been raised by prisoners.

Given that Acacia Prison had only been open for a short period of time by 30 June 2001 and had only a fraction of its eventual muster of 750, the number of complaints is too small to form a view on the way this prison is managed. However, we are able to say at this early stage that the majority of prisoners who we have spoken to during visits to the prison have volunteered positive comments on the way they have been treated by AIMS staff and appear to particularly appreciate the practice at Acacia of being referred to by their first name or by their title and surname (e.g., Mr Brown). We will be in a better position to comment on Acacia in next year’s annual report.

On a positive note

I would like to congratulate the prisoners and industrial officers at a number of prisons throughout the State responsible for a wide range of projects including:

- refurbishment of old water pumps for East Timor (Karnet)
- production of custom-made bicycles for people with particular disabilities (Karnet)
- refurbishment and grading of old spectacles for needy communities around the world (Casuarina)
- construction of a new medical centre and activity room from mud-bricks (Pardelup)
- construction of a new chapel (Wooroloo)
- numerous projects for local communities across the State.

Local Government

During the year a total of 203 complaints involving 275 specific allegations were received about the actions or decisions of 61 of the State's 142 local governments, and the Shires of Christmas Island and the Cocos (Keeling) Islands. This represents a 13% increase in allegations received this year compared to the 244 allegations contained in the 175 complaints which were received in 1999/2000. Table 1 shows the kinds of allegations received in 2000/2001.

Allegation category	Sub-category	Sub total	Total
Planning	Zoning	6	12
	Subdivision	6	
Development approvals	Conditions/refusals of application	7	25
	Objections to applications	18	
Building approvals	Conditions/refusals of application	3	23
	Objections to applications	4	
	Construction and demolition matters	16	
Other approvals/licenses	Conditions/refusals of application	9	9
	Objections to applications	0	
Contracts and property management	Tenders and contracts	7	16
	Leases and property transactions	9	
Rating	Valuations and ratings	4	12
	Payment/collection/rebate issues	8	
Engineering	Roads/footpaths/rights of way – construction & maintenance	13	27
	Traffic management/road closures/access	4	
	Drainage/flooding	8	
	Other works	2	
Environmental health	Noise pollution	4	15
	Other pollution	3	
	Public health issues	4	
	Waste disposal	2	
	Other environmental issues	2	
Community facilities	Parks and recreation reserves	5	8
	Cultural and community services	3	

Allegation category	Sub-category	Sub total	Total
Enforcement	Enforcement of development and building conditions	7	
	Action on unauthorised development/use/buildings	4	
	Parking and traffic enforcement	11	
	Control of animals enforcement	10	
	Fire control enforcement	2	
	Enforcement of other statutes/Local laws	13	47
Administration and customer services	Complaint handling/provision of information	41	
	Liability claims	4	
	Resumption of property	0	
	Meetings	1	
	Elections	2	
	Conduct of officers/councillors	33	81
Grand total			275

Table 2 shows how the local governments that were the subject of complaints this year are distributed across the broad categories into which local governments are classified according to the Australian Classification of Local Governments.

Category	% of total local governments in category	% of the 61 local governments subject of complaint	% of complaints received
Urban – metropolitan developed	13%	33%	50%
Regional town/city	7%	15%	15%
Fringe developing urban or regional	6%	11%	15%
Rural – significant growth	6%	10%	5%
Rural – agricultural	52%	25%	11%
Rural – remote	16%	6%	4%

Of the 247 allegations finalised during the year, 70 were resolved without an investigation. Of the 177 that were finalised after an investigation, 62 were found wholly, substantially or partly in favour of the complainant, six could not be determined, three were withdrawn or not proceeded with and 106 were not substantiated. Table 3 shows the type of assistance that was provided in respect of the 177 allegations that were finalised after investigation.

TABLE 3 Assistance provided – allegations finalised by investigation

	Allegations
Apology given	6
Action/decision expedited	6
Act of grace payment made	3
Explanation or reasons provided by agency	5
Monetary charge reduced, withdrawn or refunded	3
Reversal or significant variation of original decision	2
Explanation given	152
Total allegations finalised by investigation	177
Changes to practice/procedure	21

In 201 (75%) of the allegations finalised during the year the Office was able to assist complainants by providing an explanation about the actions of the local government complained about and/or the reasons for those actions.

Administration and customer service

In the majority of the complaints made to the Office this year, the primary focus has been a decision or action of the local government that, to the complainant, has been unfair or unreasonable. However, many complainants make secondary allegations that relate to the handling of a complaint by the local government.

30% of the complaints received concerned basic administrative service delivery issues such as the timely provision of information, complaint handling and the conduct of officers and councillors.

Generally, administrative complaints relate to direct customer contact and interaction with the resident by either staff or elected members. The attitude of the officers and elected members together with the attitude of the customer will determine the ultimate quality of the service experience.

The customer is the judge of quality and a complaint system is one of the most effective means of collecting vital information about customer views of an organisation. Effective internal complaint systems have the potential to reduce the need for this Office to deal with a proportion of the more simple complaints and for such complaints to be dealt with more quickly and efficiently for all concerned.

Few local governments offer to customers, as a matter of course, the opportunity to make general service delivery complaints as distinct from requests for a review of a decision. Even where local governments claim to offer customers access to an internal complaint handling mechanism, there is often confusion or misunderstanding of the principles that should underpin such a system, thereby limiting its usefulness, both for the local government and its customers.

Failure to deal effectively with general service delivery complaints creates a false sense of economy in local governments. While there undoubtedly is a cost associated with handling complaints, these costs increase significantly if local governments fail to resolve complaints quickly. Such complaints can then escalate into ongoing disputes requiring considerable additional resources to resolve. The lack of effective internal complaint mechanisms has a significant impact on the workload of both local governments and this Office.

Expectation gap

The gap between customer expectations of the service and the service actually delivered is often a source of frustration. The gap means that local governments have found themselves dealing with individuals or sections of their communities whose demands on the available resources are unreasonable and unmanageable. Huge amounts of time can be spent on requests for information and responding to complaints on issues that have already been thoroughly examined. This can be an unreasonable diversion of already strained resources.

When customers' expectations exceed what the organisation can afford to deliver or what a particular program is designed to provide, relationships with individuals and sections of the community can break down.

Development and building approvals

Local governments are vested with statutory powers to make certain types of decisions – particularly in relation to development approvals – but have no legal capacity to reverse a decision once the approval has been issued. However, it is obvious from the number of complaints made in relation to these issues that the processes are not fully understood.

When submissions are invited by local governments about planning and building matters – particularly where advertising of such rights is required by statutory provisions – explanation about the processes, the right of appeal, the lack of third party power of veto and the overriding decision-making power of a council, is not normally given or where some information is given, is inadequate. For example, many people believe that when councils receive objections in the course of assessing a development application, they are obliged to refuse the application. When this is not the outcome, neighbours opposing developments complain to the Ombudsman about the decision-making process and the overall performance of the council. In such cases it often falls on this Office to explain the situation to complainants.

Enforcement

A significant number of the complaints received this year relate to enforcement matters. This is cause for some concern. Enforcement is an area where – because of its very nature – there will always be dissatisfied customers. Enforcement officers can and in many cases do perform a vital role in delivering services that impact on the amenity and safety of the community as a whole. Often they can be the first point of contact that members of the public have with a local government and this contact leaves a lasting impression. It is imperative that enforcement officers ensure that their contact with the general public is always conducted with a high level of professionalism.

Ministry of Housing

The number of complaints received about the Ministry has fluctuated from year-to-year and the 68 recorded this year represent one of the lowest levels of complaint in recent years. Those complaints contained 104 allegations, representing a decrease of approximately 24% compared to last year.

	1997	1998	1999	2000	2001
Number of individual complaints	99	66	115	128	68
Number of allegations	104	67	121	137	104

We have previously acknowledged the Ministry's good practice in informing people who use its Appeals Mechanism of their right to a review by this Office should they remain dissatisfied. It is important that people who may wish to take a matter further are aware that this avenue is available to them.

Table 2 shows a significant drop in complaints about tenant liability and property allocations and transfers, all matters that may be taken through the formal appeals process.

	2000	2001
Property allocations and transfers	51	38
Tenant liability	29	13
Actions of agency officers/employee management issues	27	8
Property condition and maintenance	10	9
Property purchase	4	3
Behaviour of tenants	3	12
Rental assistance	6	5
Other	7	16
Total	137	104

Tables 3 and 4 show the outcome of complaints finalised in 2000/2001.

TABLE 3	Manner in which allegations finalised	
	Allegations	%
Finalised without investigation		
Discretion exercised not to investigate	30	33
Withdrawn or not proceeded with	9	10
Finalised to satisfaction of complainant	6	7
Referred back to Ministry	11	12
Finalised by completed investigation		
Sustained wholly or substantially	11	12
Sustained partly	4	4
Not sustained	16	17
Could not be determined	1	1
Withdrawn or not proceeded with	4	4
Total	92	100

TABLE 4	Assistance provided – allegations finalised by investigation
	Allegations
Benefit for complainant	
Act of grace payment made	2
Monetary charge reduced, withdrawn or refunded	3
Action/decision expedited	3
Explanation or reasons provided by agency	1
Reversal or significant variation of original decision	6
Apology given	2
Other assistance given	1
Explanation given	18
Total allegations finalised	36

Western Power Corporation

During the year 66 complaints containing 73 allegations were received concerning Western Power Corporation. This represents a significant decrease (approximately 21%) from the 93 allegations received in the previous year. This supports the general impression of my Office that there has been an overall improvement in complaint-handling by the Corporation.

A total of 20 (approximately 27%) concerned damage to electrical appliances caused by power surges, outages or other supply irregularities. The difficulty for people whose appliances are damaged in those circumstances is that the *Energy Operator (Powers) Act*

1979 effectively provides that Western Power is not liable for damage to appliances unless the damage is caused by negligence on the part of the Corporation or its officers. Often the cause of such an incident cannot be determined or is determined to have been caused by something other than negligence on the part of the Corporation (e.g., birds flown into overhead wires or acts of vandalism) and the Corporation is therefore not liable to compensate the consumer for the damage. However, many private insurers do not provide cover for such incidents and consumers are left in the unsatisfactory position of not being able to claim for repair of their damaged appliances. This is a problem that we propose to discuss further with the Corporation to explore whether or not a satisfactory resolution can be found.

The following table shows the outcome of the 58 complaints containing 65 allegations that were finalised during the year.

TABLE 1		Outcome of allegations finalised	
	Allegations	%	
Finalised without investigation			
Discretion exercised not to investigate	7	11	
Finalised to satisfaction of complainant	4	6	
Finalised by completed investigation			
Sustained wholly or substantially	16	25	
Sustained partly	7	11	
Not sustained	26	40	
Could not be determined	3	4	
Withdrawn or not proceeded with	2	3	
Total allegations finalised	65	100	

TABLE 2		Assistance provided – allegations finalised by investigation	
	Allegations		
Benefit for complainant			
Act of grace payment made	3		
Action/decision expedited	1		
Explanation or reasons provided by agency	1		
Reversal or significant variation of original decision	4		
Monetary change reduced, withdrawn or refunded	9		
Other assistance	2		
Explanation given	34		
Total allegations finalised by investigation	54		
Changes to practice/procedure	4		

Education – schools, universities and TAFE colleges

During the year a total of 33 complaints were received, involving 58 individual allegations, about the Education Department, individual schools, universities and TAFE colleges. A total of 41 allegations were finalised. Table 1 shows details of allegations received and finalised during the year compared with the previous year together with the institutions the allegations concerned.

TABLE 1		Allegations received and finalised			
		2000		2001	
Agency		Allegations received	Allegations finalised	Allegations received	Allegations finalised
Education	Department				
(administration and individual schools)		25	32	36	19
Curtin University		7	6	3	3
Edith Cowan University		3	4	3	3
Murdoch University		5	3	3	3
University of Western Australia		7	6	1	1
Tertiary Institutions Service Centre		2	2	-	-
Curriculum Council		2	2	-	-
Central TAFE		7	5	5	6
Challenger TAFE		-	-	3	4
Central West College of TAFE		-	-	2	1
Eastern Pilbara College of TAFE		-	-	1	1
Great Southern College of TAFE		1	1	-	-
Kimberley College of TAFE		1	1	-	-
Midland College of TAFE		1	2	1	-
South East Metro College of TAFE		-	1	-	-
South Metro College of TAFE		2	1	-	-
South West Regional College of TAFE		1	1	-	-
Totals		64	67	58	41

The 41 allegations finalised during 2000/2001 covered the following general areas.

TABLE 2 Nature of allegations received		
	Allegations	%
Academic Assessment	8	20
Fees/charges	3	7
Home Schooling	2	4
Quality of teaching/organisation of courses	5	12
Staff employment issues	8	20
Student discipline	7	17
Miscellaneous	8	20
Total	41	100

Table 3 shows how the 41 allegations finalised were dealt with.

TABLE 3 Manner in which allegations finalised		
	Allegations	%
No jurisdiction	2	6
Withdrawn or not proceeded with	1	3
Discretion exercised not to investigate	7	17
Referred back to agency	2	6
Finalised by investigation	29	68
Total	41	100

Of the 29 allegations finalised by the completion of an investigation, seven were sustained wholly, substantially or partly in favour of the complainant, 15 were not sustained, three could not be determined and four were withdrawn or not proceeded with.

The assistance that was able to be provided in the matters finalised by investigation is shown in Table 4.

TABLE 4 Assistance provided – allegations finalised by investigation		
	Allegations	%
Apology given	2	7
Action/decision expedited	4	14
Monetary charge reduced, withdrawn or refunded	2	7
Reversal or significant variation of original decision	1	3
Other	2	7
Explanation only	18	62
Total	29	100

CHAPTER 5

Administration and staffing

The position of Parliamentary Commissioner for Administrative Investigations (or Ombudsman, as it is more commonly known) was established under the *Parliamentary Commissioner Act 1971* which was assented to on 22 December 1971 and came into operation on 12 May 1972. Under the Act the Parliamentary Commissioner reports direct to the Parliament and it is to the Parliament – not the Government of the day – that the Commissioner is responsible.

The responsibility for the administration of the Act (*as distinct from the responsibility for the Commissioner's Office*) is allocated to the Premier. The Ministry of the Premier and Cabinet provides a support service for such matters as the payment of salaries and the keeping of accounts and personnel records.

Appointments to the positions of Parliamentary Commissioner and Deputy Parliamentary Commissioner are made by the Governor pursuant to section 5(2) of the Act. The Governor may, on the recommendation of the Parliamentary Commissioner, appoint such officers as he considers necessary for the purpose of enabling the functions of the Commissioner to be carried out. Part 3 of the *Public Sector Management Act 1994* (which relates to the constitution and staffing of the Public Service) does not apply to the Commissioner, the Deputy Commissioner, an Acting Commissioner or officers of the Commissioner.

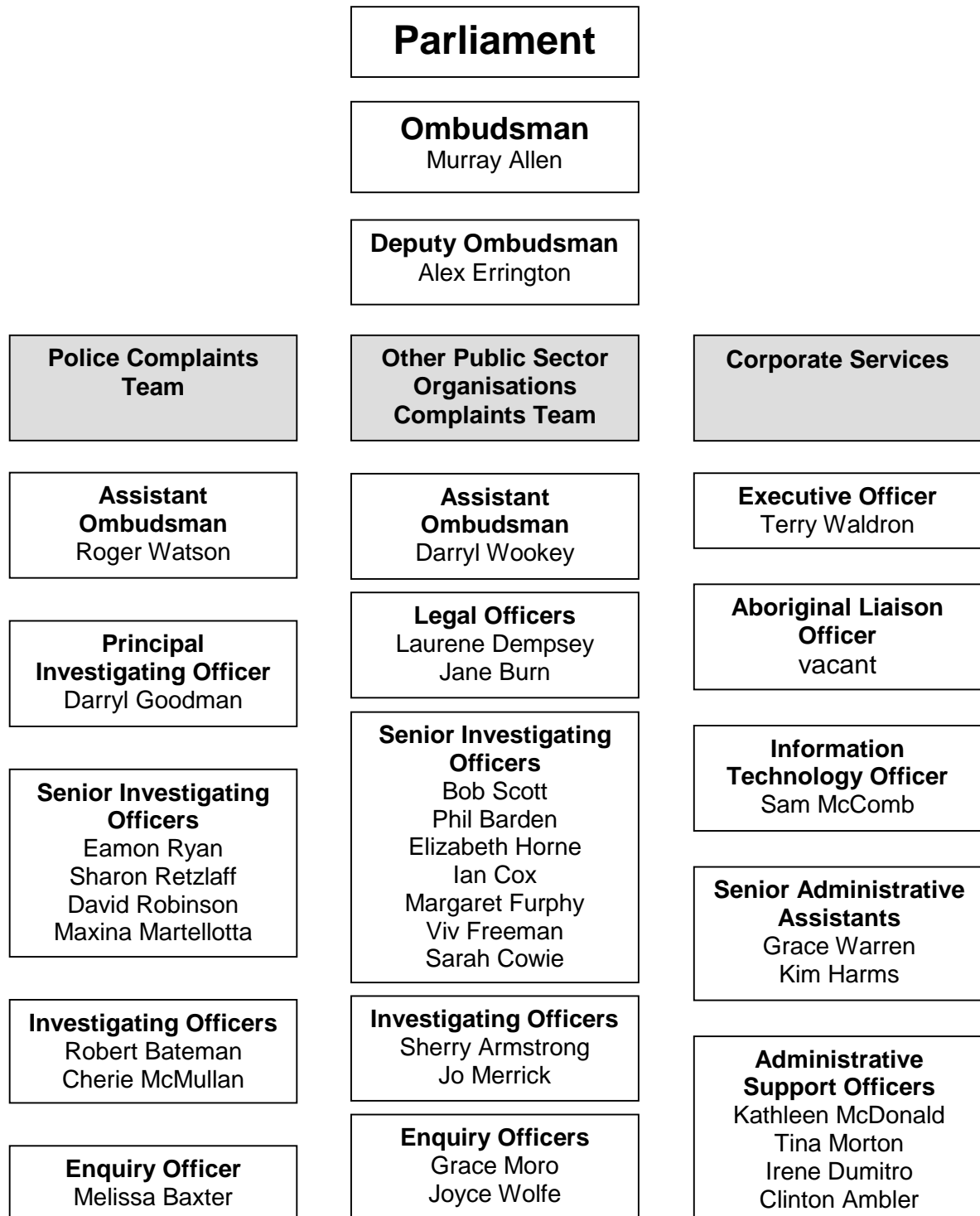
Murray Allen took up duty on 25 November 1996 for a term of five years as the fifth Ombudsman for Western Australia. He has recently resigned, effective from 12 October 2001. My current five-year term as Deputy Ombudsman expires on 1 November 2002.

Staffing

The year saw a large number of staff changes in the Office:

- Peter Fisk retired on 15 December 2000 after serving for seven years as Assistant Ombudsman with oversight of the Police Complaints Team.
- Roger Watson returned from secondment to the Office of the Public Sector Standards Commissioner, to the position of Assistant Ombudsman vacated by Peter Fisk.
- Darryl Wookey was appointed to a new position of Assistant Ombudsman to have oversight of the Other Public Sector Organisations Complaints Team.
- The secondments of Chris Read, Joseph Wallam and Terri Vincent came to an end and they returned to positions in the Public Service.
- Ian Wilson, Penny Griffiths, Kathleen Foley and Jacinta Mack resigned. Tony Langmaid, who had been on secondment to the Ministry of Justice, resigned to take up an appointment with the Ministry.
- Sherry Armstrong returned to the Office from secondment to the Ministry of Fair Trading.
- Jason Agar was on secondment to the Ministry of Justice for most of the year.
- Viv Freeman, Maxina Martellotta, Sarah Cowie and Alisdair Putt were appointed as Senior Investigating Officers, Cherie McMullan and Jo Merrick were appointed as Investigating Officers, and Joyce Wolfe was appointed as an Enquiry Officer. Alisdair Putt subsequently resigned.
- Kathleen McDonald, Katayoon Yazdani and Clinton Ambler were appointed as Administrative Support Officers. Katayoon Yazdani subsequently resigned.

As at 30 June 2001 the Office was organised as shown in the following chart.



Secondment of police officers

Mention was made in last year's report of a pilot program involving the secondment of police officers to the Office. The objective of the program was to allow police officers engaged in conducting internal investigations of complaints about police to be exposed to the philosophy and work practices that are followed by my staff in conducting reviews of police internal investigation files.

Two experienced officers, Senior Sergeants Larry Morgan and Brad Van Aken, commenced working in the Office in February 2000. Larry Morgan returned to police duties in August 2000 and was replaced by Senior Sergeant Derek Staats, who worked in the Office until February 2001. Brad Van Aken returned to police duties in September 2000 and was not replaced.

All three officers fitted in well and claim to have enjoyed the experience and to have benefited from it. The Office also found that it was useful to be able to draw on their practical experience.

It was originally envisaged that one of our staff would be seconded to the Police Service so that the scheme would operate more as an exchange program. However, due to other secondments already in place and a shortage of staff this has not been possible.

Workplace agreement

The Office registered its first workplace agreement on 20 August 1997. It had a term of two years and was replaced by a new agreement registered on 8 September 1999. Its expiry date is 7 September 2001.

Office accommodation

Since 1978 this Office and the Commonwealth Ombudsman's Perth Office have shared accommodation at 44 St Georges Terrace. This has proved to be very convenient over the years as members of the public are often unsure whether their complaint concerns a State or a Commonwealth agency. Consequently there are advantages if they can visit or contact the one "Ombudsman Centre". We share a reception area and telephone switchboard and this has provided a convenient "one-stop" service for members of the public.

In last year's report it was mentioned that our lease had expired and proposals were being considered for more appropriate accommodation. Various alternatives were considered and it was decided to remain at our existing address but to accommodate all our investigating and administrative staff on the one floor. An adjacent floor was fitted out to meet our requirements and we moved in over the weekend of 22/23 July 2000. Our reception area, interview rooms and conference room remain on the 17th floor, which now also accommodates the Commonwealth Ombudsman's Perth Office. The Office of Health Review has also since moved onto the 17th floor and shares our facilities on that floor.

Information technology

There were no significant changes made to the Office's computing network during the year. The network operated efficiently and provided a stable service to users. However, a number of minor improvements recommended by our consultants were accepted and were introduced at the time of the accommodation change in July 2000. Also, we were able to include a dedicated, purpose-built IT room in the new office layout.

We are continuing with our program that provides for the replacement of computing hardware on a three-year renewal basis. While we are able to fund the program we should be able to keep pace with technological improvements.

Netsense continued to provide a range of IT support services. Andrew Arena (W.A. Customware) and Sam McComb continued to develop the Office's new complaints register database known as OSCAR (Ombudsman Statistical Complaints Automated Register). The system was successfully introduced on 1 July 2000.

Legislation impacting on the Office

The Office does not administer any legislation. However, the *Parliamentary Commissioner Act 1971* provides the basis for the existence of the Office, and the *Telecommunications (Interception) Western Australia Act 1996* places certain statutory responsibilities on the Ombudsman and his officers. Other written laws which have an impact on the activities of the Office are:

- *Anti-Corruption Commission Act 1998*
- *Disability Services Act 1993*
- *Equal Opportunity Act 1984*
- *Financial Administration and Audit Act 1985*
- *Library Board of Western Australia Act 1951*
- *Occupational Health, Safety and Welfare Act 1987*
- *Public Sector Management Act 1994*
- *Royal Commissions Act 1968*
- *State Records Act 2000*
- *State Supply Commission Act 1991*
- *Workers' Compensation and Assistance Act 1981*
- *Workplace Agreements Act 1993*

Freedom of information

The Office is an exempt agency under the *Freedom of Information Act 1992*. However, it has always been the policy to apply the spirit of the Act, where possible, to documents held by, or originating from, the Office, provided their release would not contravene the secrecy provision of the *Parliamentary Commissioner Act 1971*.

Agencies that receive applications for access to documents which have originated from my Office or have been specifically prepared for my Office are required to notify us of such applications so that we have the opportunity to point out any sensitivities in the documents.

Public Sector Management Act

A code of conduct for the Office was adopted in 1997/98. It incorporates appropriate policy and procedures for resolving complaints about discrimination and harassment and draws upon provisions contained in the *Public Sector Code of Ethics*.

In accordance with section 31(1) of the *Public Sector Management Act 1994*, in the administration of the Office during 2000/2001 I have complied with the *Public Sector Standards in Human Resource Management*, the *Public Sector Code of Ethics* and the *Office Code of Conduct*.

There were no breach of standards applications received during the year.

Occupational Health and Safety

One compensation claim was received during the year. However, there was no time lost from work.

Equal Employment Opportunity

The Office continued to actively support the principles and practice of equal employment opportunity in the workplace. Flexible work practices, including part-time employment, working from home, care of family and parental leave are provided for in the Office's workplace agreement.

Disability services

There were no complaints received during the year regarding the Office's provision of appropriate facilities or access to services.

Electoral Act 1907

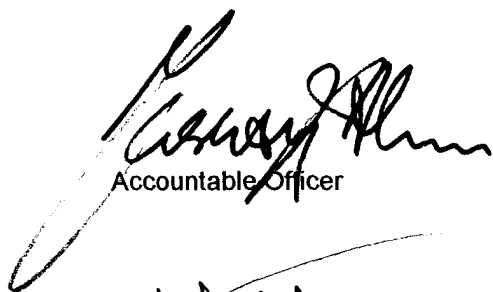
Amounts of \$1,693.34 and \$1,490.61 were paid to Marketforce Productions for arranging the placing of staff recruitment advertisements in *The West Australian* newspaper in September and November 2000.

CHAPTER 6


Financial statements for the year ended 30 June 2001

The accompanying financial statements relating to the Office of the Parliamentary Commissioner for Administrative Investigations have been prepared in compliance with the provisions of the *Financial Administration and Audit Act 1985* from proper accounts and records to present fairly the financial transactions for the year ended 30 June 2001 and the financial position as at 30 June 2001.

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



Accountable Officer



Principal Accounting Officer

31 August 2001

Parliamentary Commissioner for Administrative Investigations Statement of Financial Performance

for the year ended 30 June 2001

	Note	2000/01 \$	1999/00 \$
COST OF SERVICES			
Expenses from ordinary activities			
Employee expenses	4	2,253,036	2,157,921
Travelling expenses		10,107	8,624
Depreciation expense	5	58,900	49,240
Administration expenses	6	380,059	342,649
Accommodation expenses	7	125,947	128,899
Total cost of services		<u>2,828,049</u>	<u>2,687,333</u>
Revenue from ordinary activities			
Revenue from other services	10	4,936	1,838
Net profit on disposal of non-current assets	9	2,908	0
Other revenue – from State Government	10	7,110	0
Grant from Commonwealth	10	6,528	3,000
Total revenue from ordinary activities		<u>21,482</u>	<u>4,838</u>
NET COST OF SERVICES		<u>2,806,567</u>	<u>2,682,495</u>
REVENUES FROM GOVERNMENT			
Appropriations	12	2,541,133	2,436,000
Resources received free of charge	8	82,201	53,660
Liabilities assumed by the Treasurer	11	170,618	207,888
Total revenues from Government		<u>2,793,952</u>	<u>2,697,548</u>
CHANGE IN NET ASSETS RESULTING FROM OPERATIONS		<u>(12,615)</u>	<u>15,053</u>

This statement should be read in conjunction with the accompanying notes.

Parliamentary Commissioner for Administrative Investigations Statement of Financial Position

as at 30 June 2001

	Note	2000/01 \$	1999/00 \$
CURRENT ASSETS			
Cash assets	13	275,795	338,738
Restricted cash assets	13	46,000	36,000
Prepayments	14	0	2,353
Receivables – GST	15	1,705	235
Total Current Assets		<u>323,500</u>	<u>377,326</u>
NON-CURRENT ASSETS			
Furniture and fittings	16	0	0
Computer equipment	16	61,982	63,883
Office equipment	16	10,602	16,853
Office establishment	16	97,233	0
Works of art	16	4,965	0
Total Non-Current Assets		<u>174,782</u>	<u>80,736</u>
TOTAL ASSETS		<u><u>498,282</u></u>	<u><u>458,062</u></u>
CURRENT LIABILITIES			
Payables	18	33,096	34,061
Accrued salaries	19	50,237	40,907
Provisions	20	334,343	312,615
Total Current Liabilities		<u>417,676</u>	<u>387,583</u>
NON-CURRENT LIABILITIES			
Provisions	20	208,394	185,652
Total Non-Current Liabilities		<u>208,394</u>	<u>185,652</u>
Total Liabilities		<u>626,070</u>	<u>573,235</u>
EQUITY			
Accumulated surplus (deficit)	21	(132,905)	(120,290)
Reserves	22	5,117	5,117
Total Equity		<u>(127,788)</u>	<u>(115,173)</u>
TOTAL LIABILITIES AND EQUITY		<u><u>498,282</u></u>	<u><u>458,062</u></u>

This statement should be read in conjunction with the accompanying notes.

Parliamentary Commissioner for Administrative Investigations Statement of Cash Flows

for the year ended 30 June 2001

	Note	2000/01 \$	1999/00 \$
CASH FLOWS FROM GOVERNMENT			
Recurrent appropriations		2,190,133	2,087,000
Capital appropriations		50,000	63,000
Special Acts appropriations		301,000	286,000
Net cash provided by Government		<u>2,541,133</u>	<u>2,436,000</u>
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee costs		(2,026,762)	(1,880,243)
Travelling expenses		(9,566)	(8,624)
GST payments on purchases		(55,085)	(235)
Administration		(300,215)	(289,603)
Accommodation		(110,423)	(117,332)
Receipts			
Revenue from services		7,212	1,838
Grant from Commonwealth		6,528	3,000
Other revenue – from ordinary activities		7,110	0
GST receipts on sales		2,477	0
GST receipts from taxation authority		51,630	0
Net cash provided by/(used in) operating activities	23	<u>(2,427,093)</u>	<u>(2,291,199)</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for purchase of Non-Current Assets		(166,983)	(47,851)
Net cash provided by/(used in) investing activities		<u>(166,983)</u>	<u>(47,851)</u>
NET INCREASE(DECREASE) IN CASH HELD			
		(52,943)	96,950
Cash assets at the beginning of the financial year		374,739	277,788
CASH ASSETS AT THE END OF THE FINANCIAL YEAR	13	<u>321,795</u>	<u>374,739</u>

This statement should be read in conjunction with the accompanying notes.

Parliamentary Commissioner for Administrative Investigations Summary of Consolidated Fund Appropriations and Revenue Estimates

for the year ended 30 June 2001

	Note	Estimate \$	2000/01 Actual \$	Variation \$	Estimate \$	1999/00 Actual \$	Variation \$
RECURRENT							
Amount provided to fund outputs for the year		2,257,000	2,211,390	45,610	2,081,000	2,091,838	(10,838)
Less: Retained Revenue – Section 23A of the Financial Administration and Audit Act		10,000	21,257	(11,257)	12,000	4,838	7,162
Item 4 Amount provided for recurrent services for the year		2,247,000	2,190,133	56,867	2,069,000	2,087,000	(18,000)
Amount authorised by other statutes – Parliamentary Commissioner Act 1971		296,000	301,000	(5,000)	253,000	286,000	(33,000)
Total recurrent services		2,543,000	2,491,133	51,867	2,322,000	2,373,000	(51,000)
CAPITAL							
Item 123 Amount provided for capital services for the year		50,000	50,000	0	63,000	63,000	0
GRAND TOTAL		2,593,000	2,541,133	51,867	2,385,000	2,436,000	(51,000)
DETAILS OF EXPENDITURE							
RECURRENT							
Outputs	26						
Output 1 - Police Service and railway special constables		1,325,000	1,273,816	(51,184)	1,120,320	1,014,815	(105,505)
Output 2 - Other Public Sector Organisations		1,179,000	1,239,018	60,018	980,280	1,048,582	68,302
Output 3 - Information and Advisory Services		0	0	0	186,720	195,687	8,967
Output 4 - Telecommunications Interception Audit		49,000	35,872	(13,128)	46,680	43,953	(2,727)
Recurrent expenditure		2,553,000	2,548,706	(4,293)	2,334,000	2,303,037	(30,963)
Less: Retained revenue		(10,000)	(21,257)	(11,257)	(12,000)	(4,838)	7,162
Changes in operating account balances		0	(36,317)	(36,317)	0	74,801	74,801
TOTAL		2,543,000	2,491,132	(51,867)	2,322,000	2,373,000	51,000
CAPITAL							
Capital expenditure		50,000	66,627	16,627	63,000	47,851	(15,149)
Changes in operating account balances		0	(16,627)	(16,627)	0	15,149	15,149
		50,000	50,000	0	63,000	63,000	0
GRAND TOTAL OF APPROPRIATION		2,593,000	2,541,133	(51,867)	2,385,000	2,436,000	51,000
DETAILS OF REVENUE ESTIMATES							
Revenues disclosed as operating revenues		0	21,482	21,482	0	4,838	4,838
TOTAL REVENUE ESTIMATES		0	21,482	21,482	0	4,838	4,838

This summary should be read in conjunction with the accompanying notes.
The Summary provides the basis for the Explanatory Statement information requirements of TI 945.

Parliamentary Commissioner for Administrative Investigations Output Schedule of Expenses and Revenues

for the year ended 30 June 2001

Output	Police Service and railway special constables		Other Public Sector Organisations		Information and Advisory Services		Telecommunication Interception Audit		Total	
	2000/01	1999/00	2000/01	1999/00	2000/01	1999/00	2000/01	1999/00	2000/01	1999/00
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Expenses from ordinary activities										
Employee expenses	1,128,328	954,271	1,081,878	995,678	0	168,772	42,831	39,198	2,253,036	2,157,919
Travelling expenses	5,053	2,129	5,053	633	0	5,776	0	86	10,107	8,624
Depreciation expense	29,650	23,645	29,249	20,734	0	3,943	0	918	58,900	49,240
Administration expenses	193,696	164,894	184,702	144,624	0	26,567	1,661	6,564	380,059	342,649
Accommodation expenses	62,981	61,872	62,959	54,137	0	10,312	7	2,578	125,947	128,899
TOTAL OPERATING EXPENSES	1,419,709	1,206,811	1,363,842	1,215,806	0	215,370	44,499	49,344	2,828,049	2,687,331
Operating revenues										
Revenue from other services	2,468	882	2,468	772	0	147	0	37	4,936	1,838
Net profit on disposal of non-current assets	1,454	0	1,454	0	0	0	0	0	2,908	0
Other revenue – from ordinary activities	3,555	0	3,555	0	0	0	0	0	7,110	0
Grant from Commonwealth	0	0	6,528	0	0	3,000	0	0	6,528	3,000
TOTAL	7,477	882	14,005	772	0	3,147	0	37	21,482	4,838
NET COST OF SERVICES	1,412,232	1,205,929	1,349,837	1,215,034	0	212,223	44,499	49,307	2,806,568	2,682,493
Revenues from Government										
Appropriations	1,320,389	1,169,280	1,170,921	1,023,120	0	194,880	49,823	48,720	2,541,133	2,436,000
Resources received free of charge	42,745	25,757	37,813	22,537	0	4,293	1,644	1,073	82,201	53,660
Liabilities assumed by the Treasurer	88,721	91,470	78,484	95,629	0	16,631	3,412	4,158	170,618	207,888
TOTAL REVENUES FROM GOVERNMENT	1,451,855	1,286,507	1,287,218	1,141,286	0	215,804	54,879	53,951	2,793,952	2,697,548
CHANGE IN NET ASSETS RESULTING FROM OPERATIONS	39,623	80,578	(62,619)	(73,748)	0	3,581	10,380	4,644	(12,615)	15,055

The schedule should be read in conjunction with the accompanying notes.

Parliamentary Commissioner for Administrative Investigations

Notes to the Financial Statements for the year ended 30 June 2001

1. Mission and funding

The mission of the Office is "To assist the Parliament of Western Australia to be confident that the public sector of the State is accountable for, and improving the standard of, administrative decision-making, practices and conduct."

The Office is predominantly funded by Parliamentary appropriations. The financial statements encompass all funds through which the Office controls resources to carry on its functions.

2. Significant accounting policies

The following accounting policies have been adopted in the preparation of the financial statements. Unless otherwise stated these policies are consistent with those adopted in the previous year.

(a) General Statement

The financial statements constitute a general purpose financial report which has been prepared in accordance with Australian Accounting Standards and Urgent Issues Group (UIG) Consensus Views as applied by the *Treasurer's Instructions*. Several of these are modified by the *Treasurer's Instructions* to vary the application, disclosure, format and wording. The *Financial Administration and Audit Act and the Treasurer's Instructions* are legislative provisions governing the preparation of financial statements and take precedence over Australian Accounting Standards and UIG Consensus Views. The modifications are intended to fulfil the requirements of general application to the public sector together with the need for greater disclosure and also to satisfy accountability requirements.

If any such modification has a material or significant financial effect upon the reported results, details of that modification and, where practicable, the resulting financial effect are disclosed in individual notes to these financial statements.

(b) Basis of Accounting

The financial statements have been prepared in accordance with the Australian Accounting Standard AAS29.

The statements have been prepared on the accrual basis of reporting under the historical cost convention, with the exception that certain non-current physical assets have been introduced at written down current cost as at 30 June 1997. Additions to non-current physical assets since valuation are stated at cost.

(c) Appropriations

Appropriations in the nature of revenue, whether recurrent or capital, are recognised as revenues 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 into the Office's bank account.

(d) Operating accounts

Amounts appropriated are deposited into the account and any revenues which are the subject of net appropriation determinations are also deposited into the account. Revenues not subject to net appropriation determinations are deposited into the Consolidated Fund. All payments of the Office are made from the operating account.

(e) Depreciation of non-current assets

All non-current assets of a material value being those over \$1,000 and having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of their future economic benefits. Depreciation is provided for on a straight line basis using rates which are reviewed annually.

Useful lives for each class of depreciable asset are:

Furniture and fittings	5 years
Computer equipment	3 years
Office equipment	5 years
Office establishment	4-7 years

Works of art controlled by the Office are classified as heritage assets. They are anticipated to have very long and indeterminate useful lives. Their service potential has not, in any material sense, been consumed during the reporting period. As such, no amount for depreciation has been recognised in respect of them.

(f) Employee entitlements

Annual and long service leave

These entitlements are calculated at current remuneration rates. A liability for long service leave is recognised after an officer has completed four years of service. A liability is further recognised on the transfer of an officer's employment to or from the Office.

An actuarial assessment of long service leave was carried out at 30 June 1999 and it was determined that the actuarial assessment of the liability was not materially different from the liability Australian Accounting Standard AAS 30 "Accounting for Employee Entitlements".

Superannuation

Staff may contribute to the Superannuation and Family Benefits Act Scheme, a defined benefits pension scheme now closed to new members, or to the Gold State Superannuation Scheme, a defined benefit and lump sum scheme now also closed to new members. All staff who do not contribute to either of these schemes become non-contributory members of the West State Superannuation Scheme, an accumulation fund complying with the Commonwealth Government's *Superannuation Guarantee (Administration) Act 1992*.

The superannuation expense comprises the following elements:

- (i) change in the unfunded employer's liability in respect of current employees who are members of the Superannuation and Family Benefits Act Scheme and current employees who accrued a benefit on transfer from that Scheme to the Gold State Superannuation Scheme; and
- (ii) notional employer contributions which would have been paid to the Gold State Superannuation Scheme and West State Superannuation Scheme if the Office had made concurrent employer contributions to those Schemes.

The superannuation expense does not include payment of pensions to retirees as this does not constitute part of the cost of services provided by the Office in the current year.

The total unfunded liability for pensions and transfer benefits assumed by the Treasurer at 30 June 2001 in respect of current employees is \$170,618 (1999/00 – \$207,888) and pensions payable to retirees is nil (1999/00 – nil).

(g) Leases

The Office has entered into an operational lease arrangement for motor vehicles where the lessors effectively retain all the risks and benefits incidental to ownership of the items held under the operating lease. Equal instalments of the lease payments are charged to the operating statement over the lease term as this is representative of the pattern of benefits to be derived from the leased property. Office accommodation occupied by the Office is under a head lease between the lessor and the Commercial Property Branch of Treasury.

(h) Payables and Accrued Salaries

Accrued Salaries Suspense Account 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 in that year instead of the normal 26. No interest is received on this account.

Accounts payable, including accruals not yet billed, are recognised when the Office becomes obliged to make future payments as a result of a purchase of assets or services. Accounts payable are generally settled within 30 days.

Accrued salaries represents the amount due to staff but unpaid at the end of the financial year, as the end of the last pay period for that financial year does not coincide with the end of the financial year. Accrued salaries are settled within a few days of the financial year end. The Office considers the carrying amount of accrued salaries to be equivalent to the net fair value.

(i) Net Fair Values of Financial Assets and Liabilities

As monetary financial assets and liabilities are not traded in an organised financial market the carrying amounts of accounts payables and accruals approximate net fair values.

3. Outputs of the Office

Information about the Office's outputs and the expenses and revenues which are reliably attributable to those outputs is set out in the Output Schedule.

The outputs of the Office and their objectives are:

Output 1: Police Service and railway special constables

Description: Provide an effective and efficient system of investigating, and reviewing the adequacy of internal investigations of, complaints about the Police Service and railway special constables.

Output 2: Other Public Sector Organisations

Description: Provide an effective and efficient system of investigating complaints about public sector organisations other than the Police Service and railway special constables.

Output 3: Telecommunications Interception Audit

Description: Perform the duties of Principal Inspector and Inspectors under the *Telecommunications (Interception) Western Australia Act 1996*.

A fourth output – entitled Information and Advisory Services – existed in 1999/2000 and is referred to in the Summary of Consolidated Fund Appropriations and Revenue Estimates, the Output Schedule of Expenses and Revenues and Note 26. In 2000/2001 this output was absorbed into Output 1 and Output 2.

The Ministry of the Premier and Cabinet provides assistance with the provision of Corporate Services to support the Commissioner's functions.

	2000/01 \$	1999/00 \$
4. Employee expenses		
Salaries	1,999,316	1,862,130
Superannuation	170,618	207,889
Long service leave	82,143	65,750
Annual leave	(37,673)	(6,873)
Other related expenses	38,632	29,025
	2,253,036	2,157,921
5. Depreciation expense		
Furniture and fittings	0	2,981
Computer equipment	36,747	36,564
Office equipment	6,252	9,695
Office establishment	15,901	0
	58,900	49,240
6. Administration expenses		
Communication	38,295	31,426
Consumables	77,470	56,178
Services and contracts	183,009	202,341
Resources received free of charge (see note 8)	81,285	52,704
	380,059	342,649
7. Accommodation expenses		
Expenses directly incurred by the Office	125,031	127,943
Resources received free of charge (see note 8)	916	956
	125,947	128,899
8. Resources received free of charge		
Administration expenses	81,285	52,704
Accommodation expenses	916	956
	82,201	53,660
Resources received free of charge has been determined on the basis of the following estimates provided by agencies.		
Office of the Auditor General – Audit services	7,500	7,000
Ministry of the Premier and Cabinet		
– Corporate and Business Services Division	58,109	41,622
Department of Justice – legal services	15,676	4,082
Treasury – property management	916	956
	82,201	53,660
These costs have been included in expenses for the year in order to disclose an accurate cost of services.		
9. Net profit on disposal of non-current assets		
Profit on sale of non-current assets		
Office equipment	2,908	0
Gross proceeds	2,908	0

10. Other revenue – from ordinary activities

Retained revenue other	1,247	0
Revenue from other services	3,689	1,838
	<u>4,936</u>	<u>1,838</u>
Other revenue – State Government	7,110	0
Grant from Commonwealth (see note 28)	6,528	3,000
	<u>18,574</u>	<u>4,838</u>

11. Liabilities assumed by the Treasurer

Superannuation	<u>170,618</u>	<u>207,888</u>
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12. Appropriations

Consolidated Fund		
Recurrent	2,190,133	2,087,000
Capital	50,000	63,000
Special Acts	301,000	286,000
	<u>2,541,133</u>	<u>2,436,000</u>

13. Cash assets and restricted cash assets

Cash assets		
Operating account	275,795	338,738
Restricted cash assets		
Accrued Salaries Suspense Account	46,000	36,000
	<u>321,795</u>	<u>374,738</u>

The Accrued Salaries Suspense Account is represented by a cash balance and is therefore equivalent to the net fair value. The amount held is to be used for the purpose of meeting the 27th pay in a financial year that occurs every 11 years.

14. Prepayments

Accommodation	0	0
Other	0	2,353
	<u>0</u>	<u>2,353</u>

15. Receivables – GST

GST receivable	2,267	235
GST payable	(562)	0
	<u>1,705</u>	<u>235</u>

16. Property, furniture, fittings, equipment and software

Furniture and fittings		
At cost or valuation	16,000	18,500
Accumulated depreciation	(16,000)	(18,500)
	<u>0</u>	<u>0</u>
Computer equipment		
At cost or valuation	160,490	173,696
Accumulated depreciation	(98,508)	(109,813)
	<u>61,982</u>	<u>63,883</u>

Office equipment		
At cost or valuation	52,450	52,450
Accumulated depreciation	<u>(41,848)</u>	<u>(35,596)</u>
	<u>10,602</u>	<u>16,854</u>
Office establishment		
At cost or valuation	118,250	5,116
Accumulated depreciation	<u>(21,017)</u>	<u>(5,116)</u>
	<u>97,233</u>	<u>0</u>
Works of art		
At cost	<u>4,965</u>	<u>0</u>
Total		
At cost and valuation	352,156	249,762
Accumulated depreciation	<u>(177,374)</u>	<u>(169,026)</u>
	<u>174,782</u>	<u>80,736</u>

17. Property, furniture, fittings, equipment and software – reconciliations

Reconciliations of the carrying amounts at the beginning and end of the current and previous financial year are:

2000/2001	Furniture and fittings	Computer equipment	Office equipment	Office establishment	Works of art	Total
Carrying amount at start of year	0	63,883	16,854	0	0	80,736
Additions	0	34,846	0	113,134	4,965	152,946
Disposals						0
Revaluation increments						0
Depreciation	<u>0</u>	<u>(36,747)</u>	<u>(6,252)</u>	<u>(15,901)</u>	<u>0</u>	<u>(58,900)</u>
Carrying amount at end of year	<u>0</u>	<u>61,982</u>	<u>10,602</u>	<u>97,233</u>	<u>4,965</u>	<u>174,782</u>

1999/2000	Furniture and fittings	Computer equipment	Office equipment	Office establishment	Works of art	Total
Carrying amount at start of year	2,981	48,716	26,549	0	0	78,245
Additions	0	51,731	0	0	0	51,731
Disposals						0
Revaluation increments						0
Depreciation	<u>(2,981)</u>	<u>(36,564)</u>	<u>(9,695)</u>	<u>0</u>	<u>0</u>	<u>(49,240)</u>
Carrying amount at end of year	<u>0</u>	<u>63,883</u>	<u>16,854</u>	<u>0</u>	<u>0</u>	<u>80,736</u>

18. Payables

Administration expenses	33,096	20,024
Capital expenses	<u>0</u>	<u>14,037</u>
	<u>33,096</u>	<u>34,061</u>

The carrying amount of payables approximates their net fair values.

19. Accrued salaries

Amounts owing for the working days between the end of the last pay period for the financial year and 30 June.

2001 – 6 working days	<u>50,237</u>	
2000 – 6 working days		<u>40,907</u>

Accrued salaries are settled within a few days of the financial year end.

The carrying amount of accrued salaries is equivalent to the net fair value.

20. Provisions

Current liabilities		
Liability for annual leave	90,515	128,188
Liability for long service leave	243,828	184,427
	<u>334,343</u>	<u>312,615</u>
Non-current liabilities		
Liability for long service leave	208,394	185,652
	<u>542,737</u>	<u>498,267</u>

The carrying amount of employee entitlements is equivalent to the net fair value

21. Equity

Liabilities exceed assets and there is therefore no residual interest in the assets of the Office. This deficit arises through expenses such as depreciation and accrual of employee entitlements for leave not involving the payment of cash in the current period being recognised in the operating statement. Funding for the Office is entirely through appropriation on a cash basis. This situation reverses when appropriated cash is used to purchase assets or to pay out accrued liabilities.

Accumulated surplus/(deficit)		
Balance at the beginning of the year	(120,290)	(135,344)
Change in net assets resulting from operations	(12,615)	15,054
Balance at the end of the year	<u>(132,905)</u>	<u>(120,290)</u>

22. Asset revaluation reserve

An independent valuation of non-current physical assets was undertaken on 21 April 1995 and was based on a fair market value to establish the carrying value for the financial statements. In establishing the depreciable value, items with a value of under \$1,000 were excluded.

	<u>5,117</u>	<u>5,117</u>
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23. Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities

Net cost of services (Statement of Financial Performance)	<u>(2,806,567)</u>	<u>(2,682,493)</u>
Non-cash items:		
Depreciation expense	58,900	49,240
Liabilities assumed by the Treasurer	170,618	207,888
Resources received free of charge	82,201	53,660
(Profit)/loss on sale of property, plant and equipment	0	0
(Increase)/decrease in assets:		
Prepayments	2,353	8,258
Increase/(decrease) in liabilities:		
Accrued salaries	9,330	10,912
Provisions	21,728	73,303
Payables	13,072	2,695
Non current employee entitlements	22,742	(14,427)
Change in GST in receivables/payables	(1,470)	(235)
Net cash provided by/(used in) operating activities	<u>(2,427,093)</u>	<u>(2,291,199)</u>

24. Lease commitments

Motor vehicles

These commitments relate to motor vehicle leases which are due for payment:

Within one year	11,267	15,244
Later than one year and not later than five years	3,733	15,244
	<u>15,000</u>	<u>30,488</u>

Property lease

The Government Property Office leases office accommodation on behalf of government agencies under non-cancellable operating leases. At reporting date, the net fair value of this commitment is:

Not later than 1 year	163,693	127,943
Later than 1 year and not later than 5 years	563,426	0
Later than 5 years	126,761	0
	<u>853,880</u>	<u>127,943</u>

25. Remuneration and retirement benefits of senior officers

Remuneration

The number of senior officers whose total of fees, salaries and other benefits received, or due and receivable, for the financial year, who fall within the following bands is:

\$		
20,001 – 30,000	2	0
90,001 – 100,000	0	1
110,001 – 120,000	1	0
140,001 – 150,000	1	1
170,001 – 180,000	0	1
180,001 – 190,000	1	0

The total remuneration of senior officers was: 486,151 420,653

Retirement Benefits

The following amounts in respect of retirement benefits for senior officers were paid or became payable for the financial year:

1. Redundancy payments	0	0
2. Total notional contributions to Gold State Superannuation Scheme and West State Superannuation Scheme	32,579	30,770
3. Contributions to other superannuation funds	0	0

No senior officers are members of the Superannuation and Family Benefits Act Scheme.

26. Explanatory statement

The Summary of Consolidated Fund Appropriations and Revenue Estimates discloses appropriations and other statutes expenditure estimates, the actual expenditures made and revenue estimates and payments into the Consolidated Fund, all on a cash basis.

The following explanations are provided in accordance with *Treasurer's Instruction 945*:

Significant variations between actual revenue and expenditure and estimates for the financial year (variations of 10% or greater are considered significant).

	Estimate 2000/01 \$	Actual 2000/01 \$	Variance \$
Outputs			
Police Service and railway special constables	1,325,000	1,273,816	(51,184)
Other Public Sector Organisations	1,179,000	1,239,018	60,018
Telecommunications Interception Audit	49,000	35,872	(13,128)
TOTAL	<u>2,553,000</u>	<u>2,548,706</u>	<u>(4,293)</u>

Explanation of variations

The overall variation between actual expenditure and the estimate was 1%. There were minor variances between the Police Service and Other Public Sector Organisations outputs but these were 5% or less. However, there was a 26.79% variance between the estimate and actual expenditure in the Telecommunications Interception Audit Output. Actual expenditure was less than the estimate by \$13,128. This was due to expenses other than salaries not being allocated against the output.

Retained Revenue exceeded the estimate by \$11,257. This was due to increased revenue from shared accommodation and services.

Capital Expenditure exceeded the estimate by \$16,627. The increase in expenditure resulted from refurbishment and re-location expenses.

Significant variations between actual revenue and expenditure for the current financial year and the immediately preceding financial year (variations of 10% or greater are considered significant).

	Estimate 2000/01 \$	Actual 1999/00 \$	Variance \$
Outputs			
Police Service and railway special constables	1,273,816	1,014,815	(259,001)
Other Public Sector Organisations	1,239,018	1,048,582	(190,436)
Information and Advisory Services	0	195,687	195,687
Telecommunications Interception Audit	35,872	43,953	8,081
TOTAL	<u>2,548,706</u>	<u>2,303,037</u>	<u>(245,670)</u>
Departmental Revenue	21,482	4,838	(16,644)

Explanation of variations

The increase in actual recurrent expenditure was \$245,669 or 10.67%.

Variances between the outputs requires adjustment for the integration of the Information and Advisory Services output into the Police Service and Other Public Sector Organisations outputs. After allowing for the adjustment the Police Service output expenditure was greater than the previous year by \$161,157 or 14.48% . The Other Public Sector Organisations output expenditure was greater than the previous year by \$92,593 or 7.47%. The increases in both outputs were mainly attributed to increases in salaries expenditure. The decrease in current expenditure of \$8,081 or 18% in the Telecommunications Interception Audit output is as a result of expenses other than salaries not being allocated against the output.

Departmental revenue increased by \$17,051 over the previous year. This was mainly due to revenue from shared accommodation and services.

Capital expenditure was greater than the previous financial year by \$15,149. The additional expenditure was a result of office refurbishment and re-location.

27. Additional Financial Instruments Disclosures

Interest rate risk exposure

The Office's exposure to interest rate risk is nil as the relevant financial instruments, consisting of cash and amounts in suspense, accounts payable, accrued salaries and employee entitlements are all non-interest bearing.

	2000/01	1999/00
	\$	\$
	Non-Interest Bearing	Non-Interest Bearing
Assets		
Cash resources	275,795	338,738
Restricted cash assets	46,000	36,000
Total Financial Assets	<u>321,795</u>	<u>374,738</u>
Liabilities		
Payables	33,096	34,061
Accrued salaries	50,237	40,907
Provisions	542,737	498,267
Total Financial Liabilities	<u>626,070</u>	<u>573,235</u>
Net Financial Assets/(Liabilities)	<u>(304,275)</u>	<u>(198,497)</u>

Credit risk exposure

The Office's exposure to credit risk is nil as there are no amounts receivable other than GST.

28. 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 involving 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.

	2000/01	1999/00
	\$	\$
Opening balance	4,473	20,000
Receipts	6,528	3,000
Payments	0	18,527
Closing balance	<u>11,001</u>	<u>4,473</u>



AUDITOR GENERAL

To the Parliament of Western Australia

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS FINANCIAL STATEMENTS FOR THE YEAR ENDED JUNE 30, 2001

Scope

I have audited the accounts and financial statements of the Parliamentary Commissioner for Administrative Investigations for the year ended June 30, 2001 under the provisions of the Financial Administration and Audit Act 1985.

The Parliamentary Commissioner is responsible for keeping proper accounts and maintaining adequate systems of internal control, preparing and presenting the financial statements, and complying with the Act and other relevant written law. The primary responsibility for the detection, investigation and prevention of irregularities rests with the Parliamentary Commissioner.

My audit was performed in accordance with section 79 of the Act to form an opinion based on a reasonable level of assurance. The audit procedures included examining, on a test basis, the controls exercised by the Parliamentary Commissioner to ensure financial regularity in accordance with legislative provisions, evidence to provide reasonable assurance that the amounts and other disclosures in the financial statements are free of material misstatement and the evaluation of accounting policies and significant accounting estimates. These procedures have been undertaken to form an opinion as to whether, in all material respects, the financial statements are presented fairly in accordance with Accounting Standards, other mandatory professional reporting requirements and the Treasurer's Instructions so as to present a view which is consistent with my understanding of the Parliamentary Commissioner's financial position, the results of its operations and its cash flows.

The audit opinion expressed below has been formed on the above basis.

Audit Opinion

In my opinion,

- (i) the controls exercised by the Parliamentary Commissioner for Administrative Investigations provide reasonable assurance that the receipt and expenditure of moneys and the acquisition and disposal of property and the incurring of liabilities have been in accordance with legislative provisions; and
- (ii) the Statement of Financial Performance, Statement of Financial Position, Statement of Cash Flows, Output Schedule of Expenses and Revenue and Summary of Consolidated Fund Appropriations and Revenue Estimates and the Notes to and forming part of the financial statements are based on proper accounts and present fairly in accordance with applicable Accounting Standards, other mandatory professional reporting requirements and the Treasurer's Instructions, the financial position of the Parliamentary Commissioner at June 30, 2001 and the results of its operations and its cash flows for the year then ended.

D D R PEARSON
AUDITOR GENERAL
October 31, 2001