

## **Speech by Western Australia Ombudsman, Chris Field, to the Integrity Coordinating Group (ICG) Forum on Monday 27 August 2007 at the Duxton Hotel, Perth.**

### **Introduction**

It is a pleasure to be here today for this Forum – it is welcome opportunity to join my colleagues that, together, form the Integrity Co-ordinating Group. I am grateful for the attendance of so many representatives of the public sector – I value the time you have taken to attend this Forum and your interest in the integrity of public administration that we are discussing today.

I must say that it is a particular pleasure to be speaking to you in a year that is an important milestone for the Western Australian Ombudsman – our 35<sup>th</sup> anniversary. While the office of the Ombudsman can be dated back 200 years to its beginning in Sweden, Western Australia led this country in creating the office of the Ombudsman in 1972.

In fact, delving into the Hansard debates on the creation of the Ombudsman's office makes for particularly interesting reading. Whilst I think humility is one of the single most important virtues in public office, I note with interest that at the time of debating the Ombudsman himself, one Member observed:

“Who will this man be? In looking at the schedule I think he will be God, Jesus, Christ, Allah, Mahomet and Solomon, all in one”.  
Another member went further and stated that “The heavens will open and he will descend in a golden chariot”

So, before I go further today, I should apologise for my – at least by comparison – inauspicious entry to the Forum today and my complete lack of divine powers.

More seriously, the forces that led government to set up the office in 1972 are no less compelling now than they were 35 years ago. Foremost among them was an awareness of the growing powers of public authorities to affect people's daily lives. Coupled with this, was the need to make agencies more accountable, by having a quick, accessible and low cost process for resolving people's concerns about the decisions and actions of officials.

The Ombudsman continues to play an important role in providing access to administrative justice for Western Australians. As you may have gathered from those quick excerpts from the Hansard debates, back in 1972, the establishment of an Ombudsman was a highly controversial matter, vigorously opposed by many parliamentarians. I am very pleased that thirty five years later, the office is well accepted and widely known, within government and the community. This is a great testament to my predecessors and their staff as well as the willingness of successive governments, and public servants, to embrace the office.

Our main function remains the investigation of complaints. At the heart of our work is whether agencies have acted in a way that is fair, reasonable, and lawful.

But the context of our work has changed dramatically since we were first established, and as government structures and priorities evolve, so the office faces new challenges if we are to remain relevant and effective.

I will comment on these from the perspective of our place as an integrity agency within the public sector and my office specifically.

### **Integrity agencies**

One of the significant changes that has occurred over the past 35 years has been the growth in the number of watchdog bodies overseeing the operation of government agencies.

The four of us represented at this forum today have different jurisdictions, powers and functions. Our face, when you deal with us is different, and our approach to what we do is different.

But at the heart of all four of our offices is the concept of integrity in government. Individually and collectively, we exist to make government accountable and give the community confidence that it is operating with high levels of integrity.

One of the purposes of the ICG is to help ensure that we give consistent messages to the public sector, that we share information within the limits imposed by our respective legislation and take a coordinated approach to our activities. I am a very strong supporter of the ICG and look forward to having an ongoing involvement in it.

Briefly, I would also like to mention another challenge that I see for watchdog agencies, my own included. Watchdog agencies have significant powers and operate with a high level of autonomy from executive government. For example the Ombudsman has the powers of a standing royal commission. Without these powers and independence, we could not operate effectively. They are central to our role.

I believe that this high level of autonomy must be balanced by appropriate accountability. The Ombudsman and other watchdog agencies operate with taxpayer's money and must be accountable to the Parliament for what they do.

I also believe we need to be conscious at all times of the trust that is placed in us and that the exercise of our extensive powers is undertaken not just impartially and fearlessly, but also responsibly - with great care and humility.

I personally place significant importance on the office of the Ombudsman recognising the very real pressures on public administrators. The office of the Ombudsman should consider the materiality of the matters it pursues. It must also be aware that while revised administrative actions will hopefully be beneficial, revised policies and procedures will have costs – both direct costs and opportunity costs. The Ombudsman does have a proper role to consider - in making recommendations for administrative change arising from its reviews - whether the costs imposed on agencies of those matters we recommend are outweighed by greater public benefits.

### **Challenges for my office**

I now want to turn to the challenges facing my own office. Consistent with experience elsewhere in Australia, the role of Ombudsman in this State has expanded to encompass a wider range of activities than complaints about public authorities.

Since May 2004, we have operated an industry funded Ombudsman scheme dealing with complaints about gas and electricity. Following a recommendation of the Ford review of the Department of Community Development, we will soon be taking on responsibility for reviewing child deaths.

The Ombudsman also has functions under new terrorism legislation enacted in this state in 2006. We currently audit the use by the Crime and Corruption Commission and Western Australian police of telecommunications intercept powers under Commonwealth legislation. There are proposals to extend our audit responsibilities further to cover surveillance devices and controlled undercover operations.

There is also a prospect that the responsibilities of the Ombudsman may be impacted by new privacy legislation, now before the parliament, and by proposed new human rights legislation currently the subject of community consultation.

I welcome these developments. The office of the Ombudsman needs to respond to the evolving needs of citizens and government, and maintain its relevance and effectiveness. As an office, we are committed to delivering timely, efficient and effective services in which parliament and the community can have confidence.

Another challenge for our office is to ensure that we are more accessible to those sectors of the community who, for one reason or another, find our services difficult to access. I refer particularly to children, young people and indigenous peoples and to people living in regional and rural areas of the State.

Finally, I would like through my role as Ombudsman to be able to recognise the very significant importance of public administration. A strong and positive relationship with the sector is something that I regard as fundamental to the work of the Ombudsman. Sometimes, the importance of what you do, and how well you do it, can be lost when agencies like mine necessarily spend time focused on things that have gone wrong. It is important for all of us to acknowledge that the overwhelming majority of public administration is done well, by people committed to doing it well. This needs to be recognised and reinforced, in part to ensure that the Western Australian community continues to have confidence in government.

## **Conclusion**

In conclusion, a recent speech given to the Commonwealth Ombudsman's 30<sup>th</sup> anniversary conference, the Secretary of the Department of Prime Minister and Cabinet, Peter Shergold, welcomed the conference as "an opportunity to present my personal view that the Ombudsman is a pain in the bum".<sup>1</sup>

In fact he goes on to give what I think is this very good analysis of the role of the Ombudsman. He states:

"The existence of the Ombudsman acts as a powerful reminder to public servants that they have an obligation to ensure that their actions are not infected with administrative error, beyond legal authority, lack proper appropriation, deny natural justice, breach parliamentary convention or undermine public service values. It is a heavy responsibility to bear. Beyond that, the informed evaluation of the Ombudsman helps to drive higher administrative performance. His activities help to improve the quality of government service delivery and to ensure fair and impartial treatment of recipients – in an environment in which the ever-present danger of internal red-tape, poor record-keeping, bureaucratic and inadequate governance can find expression in administrative drift. The pain in the bum is a small price to pay for identifying and remedying defective administration. It might even increase the trust which citizens need to have in their governments, parliaments and public services".<sup>2</sup>

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<sup>1</sup> Peter Shergold, 'At least every three decades: Acknowledging the beneficial role of the Commonwealth Ombudsman', 30<sup>th</sup> Anniversary Conference of the Commonwealth Ombudsman, available at

[http://www.ombudsman.gov.au/commonwealth/publish.nsf/AttachmentsByTitle/seminar\\_notes\\_Peter\\_Shergold/\\$FILE/seminar\\_notes\\_Peter\\_Shergold.pdf](http://www.ombudsman.gov.au/commonwealth/publish.nsf/AttachmentsByTitle/seminar_notes_Peter_Shergold/$FILE/seminar_notes_Peter_Shergold.pdf) (viewed 10 September 2007) at 2.

<sup>2</sup> Ibid at 4.