

The Ombudsman

Treasury Coffee Shop Forum

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Overview

- The role of the office of the Ombudsman.
- Observations about key issues and themes across the public sector.
- Treasury's role in relation to these key issues and themes.

The role of the office of the Ombudsman

- Background

- Western Australia led the country in introducing the office of the Ombudsman in 1972. This was followed by the establishment of an Ombudsman in each State/Territory and at the Commonwealth level.
- Outside of Australia, the office has a longer history again – the office of the Ombudsman is over 200 years old, originating in Sweden in 1809.

The role of the office of the Ombudsman (cont.)

- Background

- The Ombudsman is an officer of the Western Australian Parliament, independent of the government of the day and completely impartial.
- The operation of the office of the Ombudsman is governed by the *Parliamentary Commissioner Act 1971* (**the Act**) and a range of other legislation.

The role of the office of the Ombudsman (cont.)

- Background

- A key function of the Ombudsman is the investigation of administrative action of certain departments and authorities.
- Stated broadly, the Ombudsman investigates whether the administration of the laws of Parliament is lawful, just, reasonable and correct.

The role of the office of the Ombudsman (cont.)

- Investigations

- We have jurisdiction to investigate the administrative actions of nearly all public authorities, including government departments, statutory bodies, universities and local governments.
- In undertaking investigations, we have all the powers of a standing Royal Commission.

The role of the office of the Ombudsman (cont.)

- Our role to review deaths and fatalities

- The Ombudsman:

- Reviews the circumstances in which, and why, child deaths and family and domestic violence fatalities occur;
- Identifies patterns and trends that arise from reviews of child deaths and family and domestic violence fatalities; and
- Makes recommendations to public authorities about ways to prevent or reduce child deaths and family and domestic violence fatalities.

The role of the office of the Ombudsman (cont.)

- Own motion investigations

- The Ombudsman may initiate an investigation by own motion (s 16(1) the Act).

The role of the office of the Ombudsman (cont.)

- Other significant functions

- The Energy and Water Ombudsman Western Australia resolves complaints about electricity, gas and water services providers. The Ombudsman undertakes the role of the Energy and Water Ombudsman. The costs of the Energy and Water Ombudsman are met by industry members.

The role of the office of the Ombudsman (cont.)

- Other significant functions

- Complaints or appeals by overseas students.
- Disclosures of public interest information.
- Complaints from residents of the Indian Ocean Territories (Christmas and Cocos (Keeling) Islands).
- Complaints from persons detained under terrorism legislation.

The role of the office of the Ombudsman (cont.)

- Other significant functions

- Inspections of eligible authorities' records to ascertain the extent of compliance by the authority's officers with the relevant provisions of the telecommunications interception legislation.

The role of the office of the Ombudsman (cont.)

- Other significant functions

- The Ombudsman is to keep under scrutiny the exercise of powers conferred on WA Police under the *Criminal Organisations Control Act 2012*, and report annually, for a five year monitoring period (ss 157 and 158 of the *Criminal Organisations Control Act 2012*).
- The Ombudsman is to keep under scrutiny the operation of the Infringement Notices provisions of *The Criminal Code* and report on the first 12 months of operation (s 723 of *The Criminal Code*).

The role of the office of the Ombudsman (cont.)

- Access to justice

- The Productivity Commission, in its recent *Access to Justice Arrangements* Inquiry, found:
 - “In the context of the broader civil justice system, ombudsmen and other complaint bodies resolve a large volume of complaints at low cost.”

Observations about key issues and themes

- Public sector collaboration

- In our *Investigation into issues associated with violence restraining orders and their relationship with family and domestic violence fatalities*, we made 54 recommendations to four government agencies about ways to prevent or reduce family and domestic violence fatalities.

Observations about key issues and themes (cont.)

- Public sector collaboration

- Eight of those recommendations were directed at two or more of those agencies to collaborate in relation to ways to prevent or reduce family and domestic violence fatalities.
- Complaint management.

Treasury's role in relation to key issues and themes

- Treasury has a critical role.

Questions