



Presenter – Chris Ilsley

Guest – Chris Field, Western Australian Ombudsman

Chris Ilsley: We are joined by Chris Field the WA Ombudsman, who joins us for the first time in 2015. Really good to have you back with us Chris.

Chris Field: Just delighted to be here Chris.

Chris Ilsley: Good Christmas and New Year and all that sort of stuff?

Chris Field: Had an absolutely lovely Christmas and New Year, and I hope that all your listeners did as well.

Chris Ilsley: Did you make a New Year's resolution at the WA Ombudsman's Office in relation to something that perhaps you think you ought to do better in 2015? Or do you think you're motoring along pretty nicely?

Chris Field: I've made it a personal habit not to make New Year's resolutions for a whole raft of reasons.

Chris Ilsley: You've gone up in my estimations already.

Chris Field: In relation to our office we have an aspiration at the start of every year that whilst we believe we are providing a good service to the West Australian Parliament and the Western Australian people, we always think we can do better, so we have a plan every year to try to incrementally improve.

Chris Ilsley: If you have some issues with a Government department, or think you may have an issue because sometimes you may not necessarily have an issue but you might think you have an issue, or you might have been dealing with a department and feel just a little bit frustrated, good opportunity now, jump on the phone, 9221 1882, and have a chat to Chris Field, the WA Ombudsman because if for an example you are in a situation where you felt ok, we can't resolve this problem, you would logically go the WA Ombudsman's Office and it would be Chris and his staff who would ultimately deal with your complaint anyway, and sometimes half the battle is getting somebody to understand your point but also getting them to understand yours, and how often Chris do you see that, where you're able to resolve a problem, simply because the respective Government department and the individual concerned had not communicated well?

Chris Field: Communication is certainly an issue that is raised in complaints and it is now a noted feature I think of Ombudsman Offices around the world, certainly in my office's case that at a really early stage in disputes that citizens have with government departments, that we can get those two departments – the department and the citizen – talking and communication is there, and that communication can often resolve a matter in a very effective way in a very early way and that is good for everyone.

Chris Ilsley: What, generally speaking, are the most common complaints that are made?

Chris Field: We certainly get complaints about a range of the major government departments. As you know too, local governments and universities, but the major government departments are a large part of the complaints we get, for obvious reasons, and the most number of citizens using their services. What are the sorts of things that people complain about? Well it may be that they feel that they are owed some form of compensation, an apology, they want something done, something not done. They are the sort of things people will come and ask about.

Chris Ilsley: What is the extent of your scope? Let's say for example somebody believes they should be compensated for something? Are you able to make, or, if it came to the point where you ultimately had to adjudicate on that dispute, would you be able to say, 'You know something? I believe that you should be paying this person compensation because you didn't do what you were supposed to do or you went about it in such a way that you generated unnecessary expense for them' or something of that nature?

Chris Field: We absolutely could. So we have a wide range of remedies that we can make in relation to the ombudsman's office. Remember they're recommendations to government departments. In my role as Energy and Water Ombudsman I can make determinations, but as Western Australian Parliamentary Ombudsman they are recommendations. But 100% of our recommendations have been accepted in the last 8 years.

Chris Ilsley: What would be the scenario – because if you are saying 100% of your recommendations have been accepted, that means that they are not inclined to disagree with you – what would be the case if they did disagree with you? And if you dug your heels in and went, no, we made this recommendation, and we made this recommendation because I believe we are absolutely correct in the recommendation, do you have the authority to go to the responsible minister and say, I know this government department has rejected our recommendation, but this is why our recommendation is correct, these are the reasons, and you drop all the information in front of them, can the minister then make a determination, go back to that department and say, the WA Ombudsman said XYZ, make it happen?

Chris Field: Certainly as I say, in relation to a recommendation not being accepted by a department, that hasn't yet occurred in my time and it's generally speaking for Ombudsman not a typical thing. Mostly Ombudsman's recommendations are accepted. When a recommendation is not accepted, if that was to occur our legislation provides a clear pathway in relation to that. So recommendations once they are made, are made to the CEO, the head of a government department, local government as the case may be, and also given to, as the case may be, the Minister as well. As I say, if one wasn't accepted, there are procedures under legislation to escalate that matter, and that includes ultimately, tabling that matter in the Western Australian Parliament. Remember the Ombudsman is an officer of the Parliament. Ultimately I report to and account to the Western Australian Parliament.

Chris Ilsley: Alright, 9221 1882, let's take some calls. Richard?

Richard: Hello.

Chris Ilsley: G'day Richard.

Richard: How are you going there?

Chris Ilsley: Chris is listening to you.

Richard: Thanks very much. Look I've just got a bit of a query please with the Water Authority. I have to have my meter raised up in the garden bed, and I've paid the money up front. Is that the way the government usually operates like that, or do you pay for it when the job is done?

Chris Field: So is this something you've discussed with the Water Authority?

Richard: I rang them up and spoke to some lady. She said you have to pay upfront, and I thought ok, that's fair enough, and I filled out a form that they sent out. Then I rang up a week later to query it, when is it going to be done, and she said that form is obsolete, we will have to send you another form out. But on the previous form I gave my visa number and all that so they could draw the money out.

Chris Field: So Richard, thanks for your call, it is important for listeners to be aware that in addition to my role I think as we discussed before as the Western Australian Ombudsman, I am also the Energy and Water Ombudsman of Western Australia and we can certainly take and resolve, investigate complaints in relation to energy and water providers in the state.

Chris Ilsley: So that means electricity providers, and of course obviously the Water Corp.

Chris Field: Absolutely, and other water authorities as well, who are members of the Energy and Water Ombudsman Scheme. Richard, in relation to particular circumstances of those matters they may potentially vary depending on the particular circumstances of your case. Usually what we would be saying to you is this: if there is a current concern that you have, a matter that you believe that you are dissatisfied about that hasn't yet been able to be resolved with the relevant water authority and that is you've taken it to them and said 'this is something I'm not satisfied about', on your particular case the particular circumstances, give them that chance to resolve it. Give them the chance to make you satisfied about the concern that you are raising. But if you are still not satisfied that the end then you are absolutely welcome to approach my office, and as I say, in your particular case and certainly if you were to leave your details off air with Chris's producer – I won't call him Grumpy because he's a delightful man, I'm sure that's an ironic title.

Chris Ilsley: No he wears Grumpy as a mantle of pride. He insists on being called Grumpy.

Chris Field: He told me that in the lift on the way up. Certainly, If you want to leave your details with him, my office in the next 24 hours will be delighted to contact you back and just talk you through that issue to make sure it is working effectively for you.

Chris Ilsley: Good stuff Richard we will pass you back to Grumpy now. 9221 1882, this is Chris Field by the way. Chris is the WA Ombudsman, so if you would like to have a chat to Chris, maybe there is some issue or potential issue you have with a government department or water authority or electricity supplier whatever the case may be. I'll tell you something, and I'll talk to you about it on the other side of the break, but I'll tell you something that really annoys me. I've got to say electricity is very very bad for doing this, and we will discuss it in a moment - estimating accounts.

[BREAK]

Chris Ilsley: I'm joined by Chris Field, the WA Ombudsman. Got a question for the WA Ombudsman? Got a query about a government department? Think their actions are not – State Government department of course, and the Water Authority or anything related to water and the electricity authorities? Because we have multiple of them nowadays, and anything related to those. And you also deal with police matters I believe?

Chris Field: We absolutely do, so police are one of the agencies/authorities within our jurisdiction. Although principally and importantly for your listeners, the majority of complaints about police are dealt with by our Corruption and Crime Commission.

Chris Ilsley: Yeah, although there are some issues surrounding that which I certainly don't expect you to comment on. Question I wanted you to answer if you wouldn't mind. How is it that people find themselves receiving electricity bills particularly; they are very bad at doing this, which have been estimated? And I'll give you an example. I knew of a case where a fellow received an electricity bill that was estimated, and the reason they decided to estimate it was that they decided to compare the consumption with the previous year, and said the consumption is down. And so somebody somewhere decided to make an arbitrary decision that obviously this much lower reading was clearly wrong, and so they decided to estimate the account higher. This person was livid, and with good reason. They had been away on holidays overseas for 3 months, there had been nobody home. So of course the power consumption had been dropped dramatically. I find it really hard to get my head around the concept that they can just decide to estimate a power bill. You couldn't pull into a petrol station and have the service station say well I think you might have had about 35 litres.

Chris Field: It is important for listeners to know that if you have a bill which is estimated, and you, for whatever reason, think it is not accurate to your usage during that relevant billing period, and there may be all sorts of ways that you might form a view about that including referencing to past billing periods, your own understanding of your own usage, then the very first thing you should do is to contact the electricity company and raise that with them and say look, I'm concerned about this. I think most listeners would find under most circumstances that there would be a resolution that could be provided to people under those circumstances. It is also important to know that if there isn't a resolution provided to the satisfaction of the person contacting them that they certainly can come to my office, and we can then look to resolve that matter, and if necessary investigate it and resolve it after that investigation. There may be reasons for estimates, indeed potentially perfectly good reasons.

Chris Ilsley: Why are they allowed to do it though? They shouldn't be allowed. No one else Chris can do it. Why do we even have legislation that allows them to do it?

Chris Field: There could be circumstance where, for example companies may not be able to get access to a meter and therefore not be able to undertake –

Chris Ilsley: Isn't it part of the regulations that they have to have access to a meter?

Chris Field: Certainly there is some regulation around the estimation of bills, and some regulations in relation to the timeliness of those issues and they are all matters that are taken into account or that need to be taken into account by the companies, and matters that would be taken into account in relation to my office. So I think there are circumstances where estimation would be appropriate. But as I say there are protections around it.

Chris Ilsley: There are some people that have had their accounts estimated when normally they don't. There is no logical reason. Those things you've talked about haven't come into play, and you could almost be forgiven for thinking that meter readers haven't bothered.

Chris Field: Certainly under the circumstances where a person is concerned about estimation, what we would always encourage them to do is contact the electricity provider and say look I'm concerned about this, and let them talk them through that issue. There may be a perfectly good explanation, that is absolutely consistent with the policies and regulations in the area, but it also may be that there has been some form of error. That happens, and they can remedy that. All that might be required is an explanation. There may be some mistake as well, and if there is they can resolve that. If it isn't resolved at that stage, and I suspect the vast majority would be resolved at that stage, then of course a complainant can come to my office and we will assist to resolve the issue.

Chris Ilsley: I must say, in the main I have a lot of trouble coming to grips with the concept that a person then has to go out of their way to say hang on a second, you haven't actually read this meter. You've come to the conclusion that this is my power consumption and now I have to prove to you that it wasn't my power consumption. And I understand yourself that you are only working with the legislation you have been given. I appreciate that, but I find myself wondering whether that legislation should be in play in the first place. Because I don't know about you but I find that I am more or less affronted but the concept of somebody having to go and prove that they didn't do something when somebody simply said that they think this is what you did. Even though they've got the ability and the instrumentation to be able to go and verify it, they don't do it.

Chris Field: Well as I say, I think that you are absolutely right in relation to the broader questions; they are not ones for me. I think there are some public policy reasons for estimations. The important thing is this – are there consumer protections in place? Is there a level of regulation? Is there a capacity to go to your provider? Is there a capacity to come to an independent umpire in my office? And those things certainly do exist, and I think they are important matters.

Chris Ilsley: Beautiful. 9221 1882 is the telephone number. G'day Henry.

Henry: Good evening. My query is I've just got my Alinta Energy gas bill, and it's got all these little levies and gas usage charges etc. One that puzzles me is that I've got a network pass-through charge, \$1.98 per day for 64 days. Can you please tell me what's that all about?

Chris Ilsley: What's it called again Henry?

Henry: Network pass-through charge.

Chris Ilsley: Network pass-through charge.

Henry: Yes.

Chris Ilsley: Ok, that's an interesting one.

Chris Field: Thanks for your call Henry. Electricity, gas and water providers are within the jurisdiction of the Energy and Water Ombudsman. Can I check, have you actually gone back to your provider and actually asked them to provide you with some explanation about the relevant charges on the bill?

Henry: No I haven't, because these charges just came through after the legislation for the Carbon Tax has been passed.

Chris Field: Ah, yes. Look, what we would always do, rather than me comment on particular items on particular bills, we would absolutely encourage you to go back to your provider and say, could you give me a further explanation beyond any explanation that might otherwise have been provided in relation to that item, if you could just give me a further explanation? We would find under that in those circumstances, companies will be very happy to provide information beyond information that they may have already provided. As I say, if at that point, you are not satisfied, you don't believe that information is sufficient for you to understand it, and that is not able to be provided, and I think that is probably unlikely, but if that's the case, then of course, you should feel absolutely free to contact my office and we can assist to make sure that information is provided to you. But certainly this is a good example for your listeners, where the most efficient, quickest, effective way to get that sort of info is to go straight to the provider, go straight to the company who sent the bill to you.

Henry: Ok, thanks very much.

Chris Field: Thanks Henry, thanks for your call.

Chris Ilsley: Thanks very much for that. It's a really interesting question in regards to those sort of things, because often people get charges added to their bills, and they sometimes don't know what they are. And to be fair sometimes explanations that are given are clear as mud.

Chris Field: Yes, well look, what would generally happen with these sorts of things, is that there would be explanations provided either on the bill within the accompanying documentation. Sometimes there could be quite public changes, and there have been other forms of public information provided about it, but that doesn't necessarily mean that every single person will necessarily immediately understand it. In some cases the explanation may not be ones that are sufficient but I do think the people that work in the companies are generally able to provide an explanation and are happy to do so.

Chris Ilsley: Do you know what my biggest complaint would be if you were to say what would be a complaint I would make to your office? I would make it on behalf of many people that call this program. That would be that sometimes things are not explained in plain English. Sometimes the answer to something, why can't I do that? Rather than some longwinded convoluted explanation about how it violates regulation 43, paragraph 12, subsection B and C. Rather than doing that say because, you're not allowed to do that because if it goes pear shaped it'll blow your head off. You know something, even though that is not what you might call a correct explanation, its actually an accurate one, and it's one that people get. And sometimes I wish, especially in the public service, that's what they would do. Just answer a question clearly. Using the example we were talking about before, why did you estimate my power bill? The answer may be that your bloody great Rottweiler was going to take a chunk out of my bum. Ok fine, well we better keep Fido under control. You can kind of accept that.

Chris Field: Look I think, if you go back many years ago to, if you read Ombudsman's annual reports, Commonwealth level and others, you will see so regularly is a highlight issue of complaints that people have not had explanations in plain English, and this ongoing push to have things explained in plain English. I don't think we are perfect at that, anyone's perfect at that, in either the public or private sector. I do think there have been pretty significant advances in that space.

Chris Ilsley: I'd have to argue though; I think the private sector are better at it. The problem where the private sector really fall over with that is when you have call centres. And you get someone who is reading off an idiot card that basically says, if a client says yes say this, if a client says no, ask this. That kind of stuff can often be sometimes a problem, and I reckon it would work better with interaction with the public, if people are employed, given some licence and some training to know that they've got a reasonable amount of common sense about them where they can answer those sort of questions. Somebody records that they can't answer properly because there's a dog. You know, your dog wanted to have our meter reader for lunch. Well ok, maybe I should have kept him under control. Keep it light hearted. Firstly people understand that, and secondly its said in a way that people aren't going to be affronted, because at the same time the persons saying in the back of their mind the reason I've got the dog is to stop people getting on the property, you know what I mean?

Chris Field: Well let's face it, most people don't want (and I'm saying this as a lawyer by original qualification), most people don't want legalese in their letters. Most people don't want convoluted language. Most people don't want pretentious language. They don't want something that they have to have a dictionary to understand. Most people want plain English communication. And you're right, as long as it's sensitively given, they want correct communication as well. It doesn't talk down to them. It treats them as the intelligent adults they are and communicates to them accordingly. Now I think largely speaking that's infinitely better than it was many decades ago in the public sector, but there's no doubt that's one of those areas that needs to be subject to ongoing thought, and ongoing improvement.

Chris Ilesley: No doubt about that. Final drinks by the way, and I'm sure you understand that. If you'd like to have a chat to Chris Field, the WA Ombudsman, 9221 1882.

[BREAK]

Chris Ilesley: Joined by Chris Field from the WA Ombudsman's Office, his first visit for 2015, and your chance to put some questions to the WA Ombudsman. As I said before, many times you may have been in dispute with a state government department, or instrumentality over something and you thought to yourself, I don't know if I'm going to be able to resolve this. If you couldn't resolve it yourself ultimately you would end up at the WA Ombudsman Office. G'day Mike.

Mike: G'day Chris and Chris.

Chris Field: G'day Mike, how are you?

Mike: Good, good. I don't know whether the teacher's registration board comes under your portfolio, but I reckon they're bullies. Number one, I'm a relief teacher. I might not even teach this year. But I like to be on standby to help my school if a teacher is away, and I've got my name down. But I've got to pay the teachers registration board. But the thing is they say, if you don't register now, at the first and final notice, you are up for a \$52 or \$60 late fee to register later. I think they're bullies.

Chris Field: Mike, thanks for your call. I certainly don't want to go into the details of those particular allegations on air, but what I can say is this. We would be delighted, with this sort of particular case we would be raising a very specific form of issues and looking at matters that we may be able to assist you with, in relation to your relationship with any board, and sort of places you can go to escalate those issues. I think it would be really good if we could actually talk to you off air about that. If you wish to do so, leave your name with Chris's producer. We'd certainly be delighted to call you back within the next 24 hours, effectively tomorrow, and have a chat to you about those issues, if you'd like.

Mike: Yeah fine, that sounds great. I just think, some of these government departments or semi government departments are very dictatory, and they just lay down the rules and don't have any arguments.

Chris Ilesley: I think Mike, that sometimes that happens because they can. You know what I mean? Like if for example you were dealing with a private commercial organisation and they shove attitude in your face, you go well ok, screw you, I'll go down and deal with the next guy, I'll deal with your competitors, I'll take my business elsewhere. A scenario like you're describing, obviously you're not going to be able to do that. It's a very good point. Thanks very much for that Mike. I'll put you back to Grumpy. Give him your information.

That's actually a really interesting point. The whole concept of the first and final notice. I'd argue that once again that also tends to be the domain very much of the public sector, although it's probably fair to say that the private sector now afford people credit less and less because people have credit cards and things like that which they didn't once use to. I suppose in some respects that is a bit of a legacy of the past really isn't it, where you can say first and final notice, you pay up now and we will charge you a whacking great fee if you don't. Which is something that also the private sector was never really able to do in that sense.

Chris Field: The broader point about the fact that in the private sector yes right if you don't like one provider you can go to the competitor down the road is a general proposition, that's not necessarily the case with the public sector in generally won't be. My professional experience over the past 8 years as Ombudsman is, it's not regularly the case where we see government agencies despite that monopoly provision of a service to customers, consumers, citizens, that they do misuse that power that they have. I think largely speaking, public servants in this state, are very well intentioned with what they do, and do a good job of what they do. But that doesn't mean that it always goes right, and that's exactly why we have an Ombudsman's office.

Chris Ilsley: How many complaints on average a year do you handle? I guess like a lot of legal issues I suppose, when something gets to the Ombudsman's office, it's probably comparable with something going to court. And of course if you talk to lawyers they'll tell you that most cases get resolved before they go to court. I suppose it's fair to say that most get resolved before you actually have to make a ruling yourself.

Chris Field: That's completely correct, so most of the government agencies, in particular the large ones have quite properly, sophisticated mechanisms within their agencies to deal with concerns and complaints that are made by those who use their services. And we find that a very good number of complaints are resolved in exactly that way, and that's the most efficient, that's the most effective, and that's good for everyone. Remember its tax payers paying for all of those services, so we want them to be done as efficiently as possible. And it's also good for people that make the complaints, because they're resolved in the most timely way. We from that get around 10,000 enquiries a year and then complaints arising out of that from the ones where we need to take that complaint and investigate it.

Chris Ilsley: Say you get 10,000 enquiries a year, how many of those roughly, I'll just accept a ballpark figure, turn into complaints?

Chris Field: The majority don't. The majority are dealt with in ways of referring back to agencies, that aren't in the jurisdiction of the Ombudsman's office.

Chris Ilsley: Of the minority that do, how many of those do you actually have to make a ruling on as opposed to people being able to resolve it with the respective authority?

Chris Field: Well, it's a good point. We, like the vast majority of Ombudsman's offices around the country have moved to resolving matters in the earliest fashion possible, that's once again good for everyone. We're finding that we have to make less findings, if you like, and less ultimately determinations effectively of what the results are, because the matters are being able to be resolved in a way where departments can offer up solutions which are acceptable to complainants and acceptable to us.

Chris Ilsley: Which is exactly what you want. Chris Field, pleasure having you in, we look forward to your next visit.

Chris Field: Chris just delighted to be here as always.

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