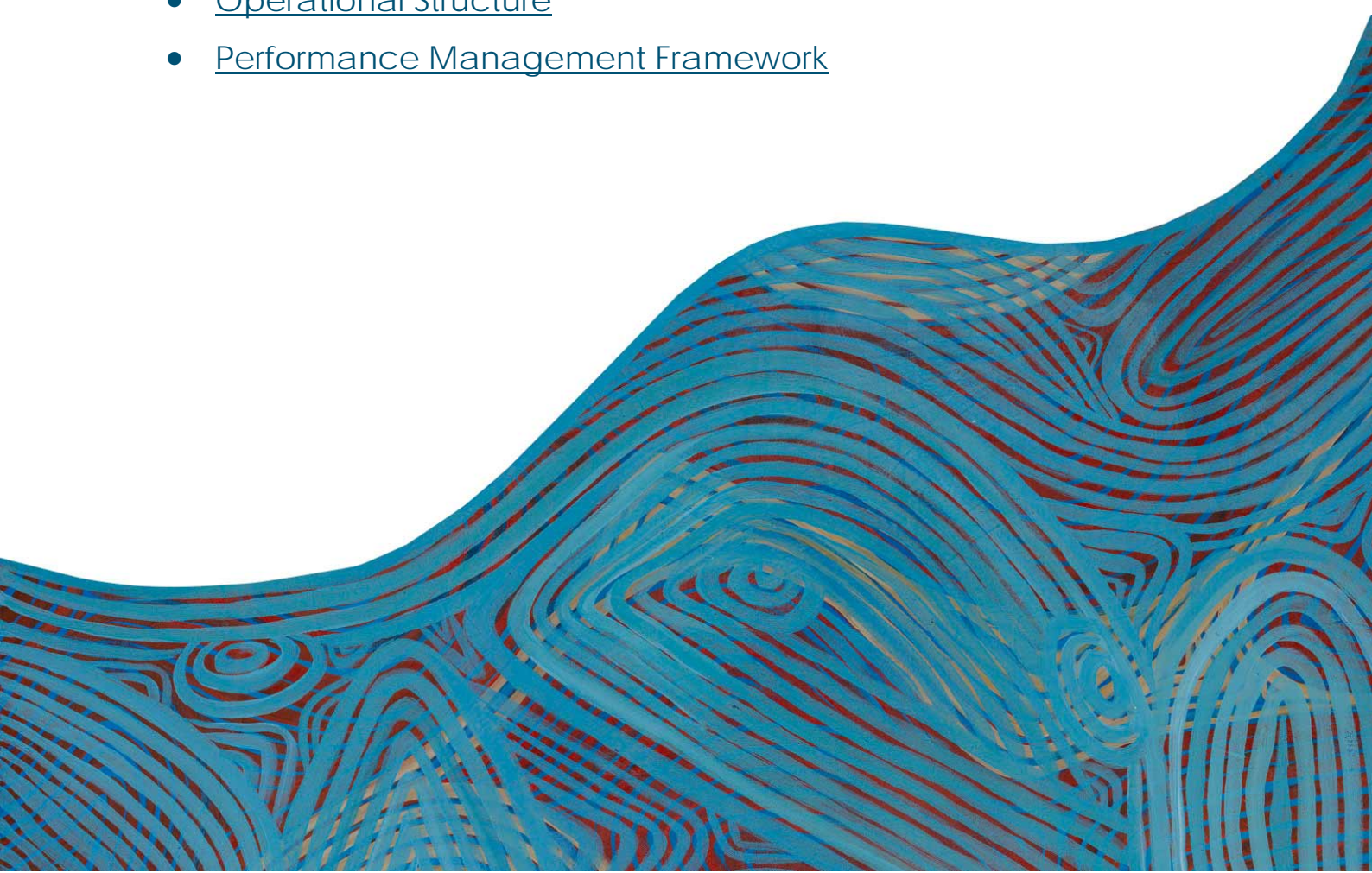




Overview

This section provides an executive summary of the Office's performance, general information about the Office and the Office's Performance Management Framework.

- [Executive Summary](#)
 - [Ombudsman's Overview](#)
 - [Year in Brief](#)
 - [Operational Structure](#)
 - [Performance Management Framework](#)
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About the Ombudsman

The Ombudsman is an independent and impartial officer who reports directly to Parliament. The Ombudsman receives, investigates and resolves complaints about State Government agencies, local governments and universities, undertakes own motion investigations, reviews certain child deaths, reviews family and domestic violence fatalities and undertakes inspection and monitoring functions.

The Ombudsman concurrently holds the roles of Energy and Water Ombudsman and Chair, State Records Commission.

Ombudsman's Overview

A principal role of the Ombudsman is to investigate and resolve complaints from Western Australians. In 2017-18, we received 13,831 contacts, comprised of 11,596 enquiries and 2,235 complaints.

Complaints must be resolved effectively and efficiently. In the last year, 94% of complaints were resolved within three months. The average age of complaints as at 30 June 2007 was 173 days. As at 30 June 2018, it is 33 days. In that same time, the cost of resolving complaints has reduced by 36%, from \$2,941 in 2007-08 to \$1,879 in 2017-18.



A critical role undertaken by the Ombudsman is the review of certain child deaths and family and domestic violence fatalities. In 2017-18, we made 39 recommendations about ways to prevent or reduce child deaths and family and domestic violence fatalities. Timely review processes have resulted in nearly two-thirds of all reviews being completed within six months. In 2017-18, we tabled in Parliament the report on a major own motion investigation, *Investigation into ways to prevent or reduce child deaths by drowning*, that contained 25 recommendations about ways to prevent or reduce deaths of children by drowning.

At the completion of investigations and reviews the Ombudsman has the power to make recommendations. In 2017-18, for the eleventh consecutive year, 100% of my recommendations were accepted. A critical additional step is provided for in the Ombudsman's legislation to give confidence to Parliament about the steps that have been taken to give effect to these recommendations.

In April 2014, we tabled in Parliament a report titled *Investigation into ways that State Government departments and authorities can prevent or reduce suicide by young people*. In 2017-18, we undertook significant work on *A report on giving effect to the recommendations arising from the Investigation into ways that State government departments and authorities can prevent or reduce suicide by young people*, to be tabled in Parliament in 2018-19.

Further still, for the first time, we have included a review of the steps taken to give effect to the recommendations arising from the review of child deaths and family and domestic violence fatalities. This initiative will now be a permanent part of our reporting to Parliament.

In addition to investigating complaints, reviewing certain child deaths and family and domestic violence fatalities, and undertaking major own motion investigations, we undertake a range of other statutory functions. In 2017-18, in accordance with *The Criminal Code*, my Office provided *A report on the monitoring of the infringement notices provisions of The Criminal Code* to the Minister for Police and the Commissioner of Police. The report was tabled in Parliament by the Minister for Police on 30 November 2017. At over 400 pages in length, across five volumes, this scrutiny, importantly, included review of the impact of the operation of the provisions on Aboriginal and Torres Strait Islander communities. Overall, I found that considerable positive work has been undertaken by Western Australia Police (**WAPOL**) to implement Criminal Code infringement notices effectively. At the same time, I identified opportunities for further work to be undertaken by WAPOL. The report makes 34 recommendations relating to proposed amendments to the relevant regulations made under *The Criminal Code* as well as the proposed introduction of, or amendments to, other legislation, schemes, policies, procedures and other measures. I am very pleased that WAPOL accepted each of the recommendations directed to them.

The Ombudsman serves all Western Australians living and working in our vast State. To enhance awareness of, and accessibility to, our services by Aboriginal Western Australians and those living or working in the regions, we visited Bunbury, Busselton, Collie and Harvey in February and March 2018 and Geraldton in June 2018.

My Office has a profound commitment to listening to, working with, and for, Aboriginal Western Australians. This year we continued implementation of our inaugural *Aboriginal Action Plan* which includes a wide range of strategies and actions to enhance our services for, and engagement with, Aboriginal Western Australians.

My Office is also strongly committed to enhancing awareness of, and accessibility to, our services for children and young people. This year this included a dedicated visiting program to vulnerable groups of children and young people in the child protection system and a range of strategies and activities to enhance awareness of, and access to, our services for children and young people.

I am deeply grateful to my Deputy, Assistant Ombudsmen and staff team for their singular commitment to serving Parliament and citizens. Their level of professionalism, integrity and commitment to public service is of the very highest level.

The information we provide in our annual report is designed not just to ensure transparency of our work, but information that can contribute to improving the administration of the laws of the Western Australian Parliament. As Western Australian Ombudsman, and an officer of the Western Australian Parliament, it is a privilege to present the report of our work in 2017-18.

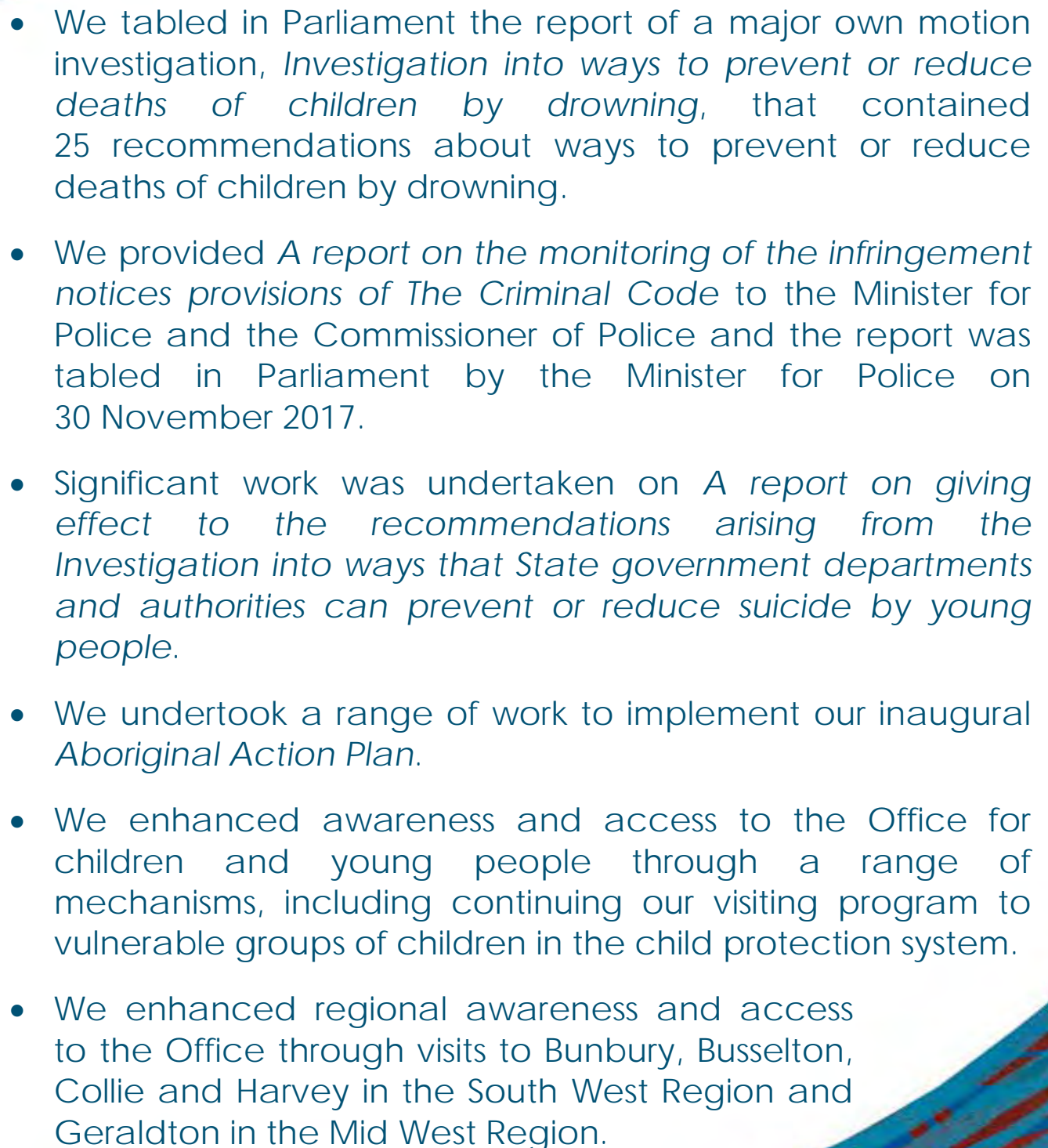


Chris Field
Ombudsman



Year in Brief 2017-18

- We finalised 94% of complaints within 3 months.
- Since 2007, we have:
 - Decreased the age of complaints from 173 days to 33 days; and
 - Reduced the cost of resolving complaints by 36%.
- 100% of our recommendations were accepted for the eleventh consecutive year.
- We received:
 - 23 investigable child deaths;
 - 16 reviewable family and domestic violence fatalities; and
 - Made 39 recommendations about ways to prevent or reduce these deaths and fatalities.

- 
- We tabled in Parliament the report of a major own motion investigation, *Investigation into ways to prevent or reduce deaths of children by drowning*, that contained 25 recommendations about ways to prevent or reduce deaths of children by drowning.
 - We provided *A report on the monitoring of the infringement notices provisions of The Criminal Code* to the Minister for Police and the Commissioner of Police and the report was tabled in Parliament by the Minister for Police on 30 November 2017.
 - Significant work was undertaken on *A report on giving effect to the recommendations arising from the Investigation into ways that State government departments and authorities can prevent or reduce suicide by young people*.
 - We undertook a range of work to implement our inaugural *Aboriginal Action Plan*.
 - We enhanced awareness and access to the Office for children and young people through a range of mechanisms, including continuing our visiting program to vulnerable groups of children in the child protection system.
 - We enhanced regional awareness and access to the Office through visits to Bunbury, Busselton, Collie and Harvey in the South West Region and Geraldton in the Mid West Region.



Operational Structure

The Role of the Ombudsman

The Parliamentary Commissioner for Administrative Investigations – more commonly known as the Ombudsman – is an independent and impartial officer of the Western Australian Parliament. The Ombudsman is responsible to the Parliament rather than to the government of the day or a particular Minister. This allows the Ombudsman to be completely independent in undertaking the Ombudsman's functions.

Functions of the Ombudsman

The Office has four principal functions derived from its governing legislation, the [*Parliamentary Commissioner Act 1971*](#), and other legislation, codes or service delivery arrangements.

Principal Functions

| | |
|---|--|
| <u>Investigating and resolving complaints</u> | Receiving, investigating and resolving complaints about State Government agencies, local governments and universities. |
| <u>Reviewing certain deaths</u> | Reviewing certain child deaths and family and domestic violence fatalities. |
| <u>Undertaking own motion investigations and promoting improvements to public administration</u> | Improving public administration for the benefit of all Western Australians through own motion investigations and education and liaison programs with public authorities. |
| <u>Other functions</u> | Undertaking a range of additional functions, including statutory inspection and monitoring functions. |

Other Functions of the Ombudsman

| | |
|---|---|
| <u>Complaints and appeals by overseas students</u> | Under the relevant national code, the Ombudsman can receive complaints or appeals by overseas students. |
| <u>Public Interest Disclosures</u> | The Ombudsman can receive disclosures of public interest information relating to matters of administration, and public officers. |
| <u>Complaints from residents of the Indian Ocean Territories</u> | Under a service delivery arrangement between the Ombudsman and the Australian Government, the Ombudsman can investigate complaints about public authorities in the Ombudsman's jurisdiction that provide services in the Indian Ocean Territories (Christmas and Cocos (Keeling) Islands). |
| <u>Complaints from persons detained under terrorism legislation</u> | Persons detained under relevant terrorism legislation can make a complaint to the Ombudsman. |
| <u>Inspection of Telecommunications Interception records</u> | The Ombudsman inspects the records of the Western Australia Police and the Corruption and Crime Commission to ascertain the extent of compliance with relevant telecommunications interception legislation. |
| <u>Monitoring functions under the <i>Criminal Organisations Control Act 2012</i></u> | Under the <i>Criminal Organisations Control Act 2012</i> , the Ombudsman monitors and reports on the exercise of powers conferred on the Commissioner of Police and police officers under the legislation for a five year period. |
| <u>Monitoring the Infringement Notices provisions of <i>The Criminal Code</i></u> | During the year the Ombudsman completed the function to monitor the Infringement Notices provisions of <i>The Criminal Code</i> and report on the first 12 months of operation to the Minister for Police and the Commissioner of Police. The report was tabled in Parliament by the Minister for Police on 30 November 2017. |
| <u>Energy and Water Ombudsman</u> | 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. |

A full list of legislation governing these functions can be found in the Appendices Section in [Appendix 2](#).

Our Vision, Mission and Values

Our Vision

Lawful, fair and accountable decision making and practices by public authorities.

Our Mission

To serve Parliament and Western Australians by:

- Receiving, investigating and resolving complaints about State Government agencies, local governments and universities;
- Reviewing certain child deaths and family and domestic violence fatalities;
- Improving public administration for the benefit of all Western Australians through own motion investigations and education and liaison programs with public authorities; and
- Undertaking a range of additional functions, including statutory inspection and monitoring functions.

Our Values

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

Our Strategic Focus

- Complaint resolution that is high quality, independent, fair and timely, with an emphasis on early resolution, practical remedies for members of the public and improvements to public administration.
- Improved public administration through own motion investigations, making practical recommendations for improvement and monitoring their implementation.
- Review of certain child deaths and family and domestic violence fatalities, identifying patterns and trends and making recommendations to public authorities about ways to prevent or reduce these deaths.
- Inspection of certain records and reports to ensure statutory compliance by the Western Australia Police and the Corruption and Crime Commission and monitoring and reporting on the exercise of certain powers by Western Australia Police under defined legislation.
- Collaboration with other Ombudsman and accountability agencies, raising community awareness, making our services accessible and promoting good decision making practices and complaint handling in public authorities.
- Strong and effective governance and attracting, developing and retaining a skilled and valued workforce with a culture that supports high quality, responsive and efficient service.

Management

Management of the Office is undertaken by the Executive Management Group comprised of the Ombudsman, Deputy Ombudsman, Principal Assistant Ombudsman Executive Services and Principal Assistant Ombudsman Investigations and Legal Services, and the Office's Corporate Executive which includes each member of the Executive Management Group and the leaders of the teams in the Office.

The role of the Corporate Executive is to:

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

For more information, see the [Disclosures and Legal Compliance section](#).

Executive Management Group

Chris Field, Ombudsman

Chris Field is the Western Australian Ombudsman. He concurrently holds the roles of Energy and Water Ombudsman and Chair, State Records Commission.

Chris was elected Second Vice President of the International Ombudsman Institute (IOI) in 2016, having served as Treasurer of the IOI between 2014-2016 and President of the Australasian and Pacific Ombudsman Region of the IOI between 2012-2014. He is also a member of the Australian and New Zealand Ombudsman Association.



Chris is an Adjunct Professor in the School of Law at the University of Western Australia and founder and co-coordinator of the unit 'Government Accountability – Law and Practice'. Chris is also the author of a range of publications on law, economics and public policy.

He commenced his career as a lawyer at Arthur Robinson and Hedderwicks (now Allens Linklaters), prior to holding the roles of Executive Director, Consumer Law Centre Victoria and Chairman, Australian Consumers' Association (now Choice). Immediately prior to his appointment as Ombudsman, he was an inaugural Member of the Western Australian Economic Regulation Authority. He holds Arts and Law (Honours) degrees.



Mary White, Deputy Ombudsman

Mary was appointed Deputy Ombudsman in April 2014 and concurrently holds the role of Deputy Energy and Water Ombudsman. Prior to her appointment Mary worked in a number of senior executive roles in the Office, from February 2008. Mary has more than 30 years' experience in the public sector, including strategic and corporate leadership roles in line and accountability agencies.

Alan Shaw, Principal Assistant Ombudsman Executive Services

Alan commenced his role as Principal Assistant Ombudsman Executive Services in June 2017. He has extensive experience in management roles and has been accountable for strategy and financial, and asset management. He has held a number of senior roles in the Western Australian public sector, Government Trading Enterprises and the Not-for-Profit sector.



Lisa Ward, Principal Assistant Ombudsman Investigations & Legal Services

Lisa commenced her role as Principal Assistant Ombudsman Investigations and Legal Services in November 2015. She is a legal practitioner with significant experience in administrative and criminal law, including 14 years as a member of various tribunals.

Our Corporate Executive

Michelle Bovill, Assistant Ombudsman Complaint Resolution

Michelle joined the Office in 2007 and commenced the role of Assistant Ombudsman in December 2015. She has more than 18 years' public sector experience in investigations and complaint handling.



Marcus Claridge, Assistant Ombudsman Energy and Water

Marcus was appointed to the role of Assistant Ombudsman Energy and Water in April 2018. Prior to his appointment Marcus was Director, Energy and Water Ombudsman and has worked in other investigatory roles since 2011. Marcus has over 30 years regulatory and investigations experience, both within Australia and Asia.

Natarlie De Cinque, Assistant Ombudsman Reviews

Natarlie joined the office in 2009 and commenced the role of Assistant Ombudsman Reviews in July 2016. She has worked in the State public sector for over 20 years, and has extensive experience working with the issues of child safety and wellbeing, and family and domestic violence.



**Kim Lazenby, Assistant Ombudsman
Administrative Improvement**

Kim commenced her role as an Assistant Ombudsman in June 2008. She has more than 25 years' experience in government roles, working at the Commonwealth and State levels, in both line and central agencies, and has a strong background in evaluation.



**Paula Parentich, Assistant Ombudsman
Investigations**

Paula was appointed as an Assistant Ombudsman in April 2017. She has been a legal practitioner for over 20 years, working in the Commonwealth and State public sectors, and in the non-government sector.

**Belinda West, Assistant Ombudsman
Monitoring**

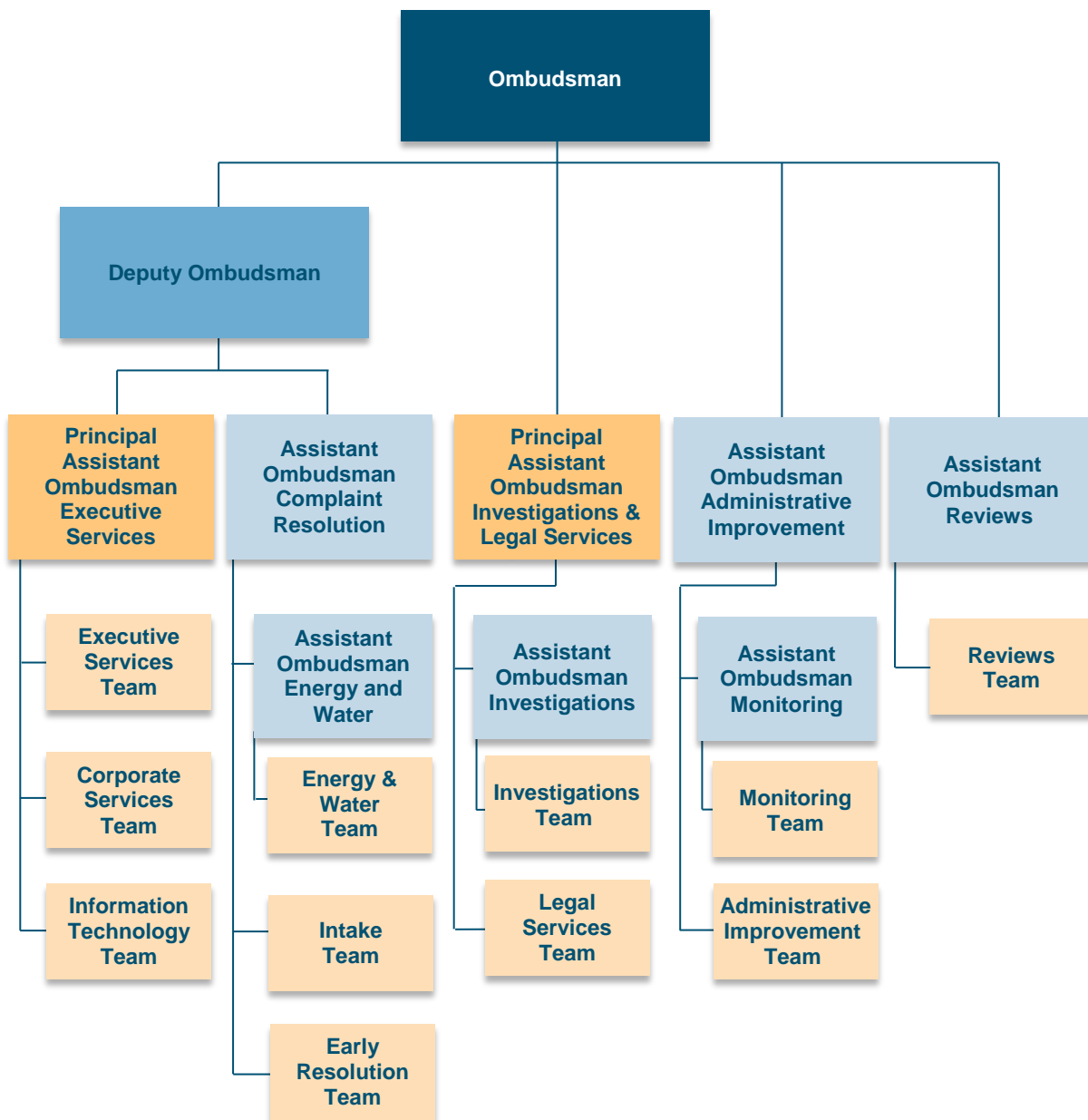
Belinda joined the office in 2008 and commenced the role of Assistant Ombudsman Monitoring in August 2014. She has more than 25 years' experience working in the public sector in financial and performance auditing and leadership roles in both line and accountability agencies.



Our Structure and Teams

Organisational Structure as at 30 June 2018

Operational Structure



Team Responsibilities

- The **Complaint Resolution Team** includes the Intake Team and the Early Resolution Team and has responsibility for handling enquiries, receiving and assessing complaints, and undertaking the early resolution of complaints, where appropriate, through informal investigations.
- The **Administrative Improvement Team** undertakes own motion investigations and other strategies aimed at improving public administration.
- The **Monitoring Team** monitors and reports on the operation of powers conferred on the Western Australia Police under legislation, undertakes inspections of telecommunications interception records and undertakes other statutory inspection and monitoring functions.
- The **Reviews Team** reviews certain child deaths and family and domestic violence fatalities, identifies patterns and trends arising from these reviews and makes recommendations to relevant public authorities to prevent or reduce these deaths.
- The **Investigations Team** handles the investigation of complaints and the **Legal Services Team** provides legal services across the Office.
- The **Energy and Water Team** has responsibility for handling enquiries and receiving, investigating and resolving complaints about electricity, gas and water services providers.
- The **Executive Services, Corporate Services** and **Information Technology Services Teams** support the Office in strengthening its strategic focus, corporate communications, governance and business services.

Performance Management Framework

The Ombudsman's performance management framework is consistent with the Government goal of *Strong Communities: Safe communities and supported families*.

Desired Outcomes of the Ombudsman's Office

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

Key Effectiveness Indicators

- Where the Ombudsman made recommendations to improve practices or procedures, the percentage of recommendations accepted by agencies.
- Number of improvements to practices or procedures as a result of Ombudsman action.

Service Provided by the Ombudsman's Office

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

Key Efficiency Indicators

- Percentage of allegations finalised within three months.
- Percentage of allegations finalised within 12 months.
- Percentage of allegations on hand at 30 June less than three months old.
- Percentage of allegations on hand at 30 June less than 12 months old.
- Average cost per finalised allegation.
- Average cost per finalised notification of death.
- Cost of monitoring and inspection functions.