



# Introduction

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

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## Overview

### The Institution of the Ombudsman



The institution of the Ombudsman is more than 200 years old. The institution of the Ombudsman promotes and protects human rights, good governance and the rule of law as recognised through the adoption in December 2020 by the United Nations General Assembly of Resolution 75/186, *The role of Ombudsman and mediator institutions in the promotion and protection of human rights, good governance and the rule of law*.

The International Ombudsman Institute, established in 1978, is the global organisation for the cooperation of 205 independent Ombudsman institutions from more than 100 countries worldwide. The IOI is organised in six regional chapters - Africa, Asia, Australasian and Pacific, Europe, the Caribbean and Latin America and North America.

### Ombudsman Western Australia



Ombudsman Western Australia is one of the oldest Ombudsman institutions in the world. 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 child deaths, reviews family and domestic violence fatalities and undertakes inspection, monitoring and other functions.

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

In May 2021, the Ombudsman, Chris Field, commenced a four-year term as the President of the International Ombudsman Institute, the first Australian to be elected President in the 43-year history of the Institute. His appointment also marks the first time that a President has been elected by International Ombudsman Institute members. Historically, Presidents were elected by the International Ombudsman Institute World Board. A new voting system, applicable for the first time in the 2020 election, provided the opportunity for every member globally to vote for the position of President. Chris received 94% of the vote. He has previously served on the World Board as Second Vice President between 2016 and 2020, Treasurer between 2014 and 2016 and President of the Australasian and Pacific Ombudsman Region between 2012 and 2014.

## Ombudsman Western Australia: Proud of Diversity

The office of the Western Australian Ombudsman takes pride in diversity and equal opportunity. The office stands with the LGBTQIA+ community. The Ombudsman's pronouns are he/him/his.

## The Ombudsman Western Australia and Aboriginal Western Australians

Ombudsman Western Australia acknowledges Aboriginal and Torres Strait Islander people of Australia as the traditional custodians of this land. We recognise and respect the long history and ongoing cultural connection Aboriginal and Torres Strait Islander people have to Australia, recognise the strength, resilience and capacity of Aboriginal and Torres Strait Islander people and pay respect to Elders past, present and future.

Key initiatives in 2021-22 to work with, and for, Aboriginal Western Australians include creating a critical new executive position, Assistant Ombudsman Aboriginal Engagement and Collaboration, which was advertised in April 2022, and outreach to Aboriginal Western Australians living and working rurally and remotely. The Office is committed to working in a collaborative and transparent manner and respecting Aboriginal people's right to self-determination. The Office is committed to working with, and for, Aboriginal Western Australians to build understanding of the unique vulnerability and disadvantage faced by Aboriginal people due to past wrongs.

In 2017-18, Ombudsman Western Australia commissioned Aboriginal artist, Barbara Bynder, to create an artwork to be reproduced by the Office in its publications, including this Annual Report.

This initiative is part of the Office's *Aboriginal Action Plan*, a comprehensive whole-of-office plan that has been guided by the Office's Aboriginal staff led by its Principal Aboriginal Consultant.

By incorporating the artwork into publications and communications with Aboriginal people, the Office aims to further facilitate this understanding, as well as enhance accessibility to, and awareness of, the Office for Aboriginal Western Australians.

## Artist's Statement

This painting represents the idea of fairness, mediation and accessible services where just decision making is promoted and founded on unbiased outcomes for all parties as well as promoting development of sustainable relationships with Aboriginal people and their communities.

The Ombudsman Western Australia aims to develop and maintain sustainable relationships with Aboriginal communities and people of Western Australia.

To understand how relationships are developed and maintained in contemporary Aboriginal society, I have researched the topic to develop and create an artwork that represents the idea of relationship building, mediation and fair decision making between the Ombudsman Western Australia, Government Departments and Aboriginal people. During our discussions we came to an agreement that this would be best represented showing three specific elements in the painting thus representing the Ombudsman, agency and Aboriginal people. I have represented these three elements equally, as hills that come to a point where they meet with a river flowing between them representing independence.



In Noongar and other Aboriginal cultures research demonstrates that there is similarity in the way that building and maintaining strong relationships occur. Following the processes of historical cultural practice and relationship building and how this is developed through the idea of kinship law is embedded in the background of this painting. Although this practice has adapted, changed and evolved due to the impact of colonization, relationships remain core elements of contemporary Aboriginal culture and is maintained through understanding of and through the idea of culture. The linear work in the painting is representative of contemporary Aboriginal culture and the idea of songlines that traverse the Australian continent connecting Aboriginal people to each other. Although the songlines appear invisible if you look closely you can see that the linear work beneath the surface is visible. Relationship protocols In Aboriginal cultures today, continue to influence cultural values and protocols of contemporary Aboriginal society.

In more traditional areas of Australia, decision making is applied through senior men and women who come together to discuss conflict and disputes within their communities. Basil Sansom, Anthropologist (*The Camp at Wallaby Cross: Aboriginal fringe dwellers in Darwin*, 1979), studied conflict resolution in the Northern Territory. Sansom observed dispute resolution in three different camps who lived in a neighbourhood that shared the same area of land. Each camp was managed by senior men separately, yet they came together to discuss the rules for sharing the same space and how outsiders would be managed whilst staying or visiting the camps because they wanted to maintain good relationships with fellow country men and women and because they wanted to keep the peace in the camps. Sansom sketched a drawing of his understanding for the mediation of dispute process which has influenced and

informed this painting because the protocols that Sansom talks about in his research remains prevalent in today's Aboriginal society.

Research also determines that the best practice for mediation and fair decision making in today's Aboriginal society is driven by 'insider knowledge' therefore being a primary method in resolving conflict and disputes and is found to be the most effective approach to resolving disputes (Turner-Walker, 2010, *Clash of the Paradigms: Night Patrols in remote central Australia*). The results of Turner-Walker's (2010) research concurs with Sansom's (1997) research and highlights the importance of understanding the relationships that exist between Aboriginal people and how this is relational with the idea of culture therefore maintaining cultural values through practicing culture.

To promote the vision of the Ombudsman Western Australia the painting represents the following characteristics; fairness, transparency, acting independently, providing accessible services and promoting fair decision-making processes. The process for implementing this vision of the Ombudsman Western Australia is to develop, maintain and sustain relationships between the Ombudsman, agency and Aboriginal community and people.

**Barbara Bynder**  
Karda Designs



## Ombudsman's Overview

The Ombudsman investigates and resolves complaints from Western Australians. In 2021-22, we received 15,815 contacts from Western Australian citizens, comprised of 13,482 enquiries and 2,333 complaints.

Complaints must be resolved effectively and efficiently. In the last year, 97% of complaints were resolved within three months. The average age of complaints as at 30 June 2007 was 173 days. As at 30 June 2022, it is 37 days. In that same time, the cost of resolving complaints has reduced by 41%, from \$2,941 in 2007-08 to \$1,749 in 2021-22.



A vital role undertaken by the Ombudsman is the review of certain child deaths and family and domestic violence fatalities. In 2021-22, we made ten recommendations about ways to prevent or reduce child deaths and family and domestic violence fatalities. Timely review processes have resulted in 67% of all reviews being completed within six months.

At the completion of investigations and reviews, the Ombudsman has the power to make recommendations. In 2021-22, for the fifteenth consecutive year, 100% of my recommendations were accepted.

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 the East Kimberley in August 2021 and West Kimberley in October 2021, as well as a range of other engagement and collaboration initiatives.

In May 2021, I commenced my four-year term as President of the International Ombudsman Institute (**the IOI**) at the Closing Ceremony of the 12th quadrennial World Conference of the IOI held (virtually) in Dublin. The IOI represents 205 Ombudsman institutions from more than 100 countries. This marks the first time in the 43-year history of the IOI that an Australian has been elected President. It was also the first time a President was elected by a vote open to all members of the IOI. Historically, the President was elected by a majority vote of the World Board of the IOI.

During the year, I have had the extraordinary privilege of working with my deeply valued colleagues on the IOI World Board, fellow Ombudsmen, Public Protectors, and Human Rights Commissioners from all around the world, the IOI Secretary General and IOI Secretariat staff. I have been involved in a range of initiatives to advance the protection and promotion of human rights, good governance and the rule of law. This work is set out in detail in the Annual Report.

As President, I am also deeply committed to advancing the strategic, investment, trade and jobs interests, and cultural relationships, of Western Australia globally, and particularly in the Asia Pacific, a region so vital to Western Australian interests.

I take this opportunity to express my deep gratitude for the tireless contributions of my outstanding staff team. Their level of professionalism, integrity and commitment to public service continues to be of the very highest order.

The Ombudsman serves Parliament and its Committees. I consider it the highest honour to serve as an officer of the Parliament and a great privilege to present to Parliament the report of our work in 2021-22.

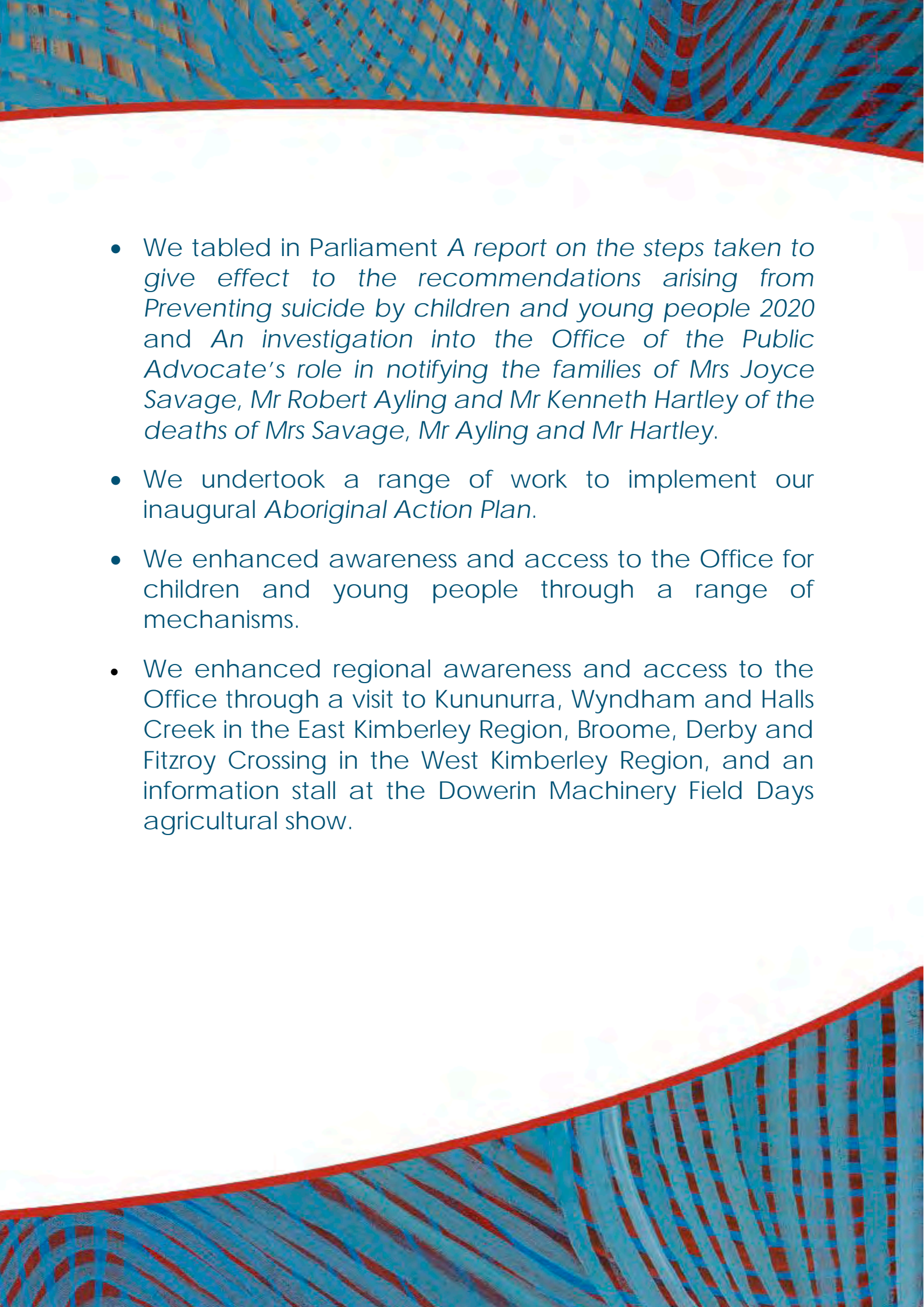


Chris Field  
**OMBUDSMAN**

## **Year in Brief 2021-22**

- We finalised 97% of complaints within 3 months.
- Since 2007, we have:
  - Decreased the age of complaints from 173 days to 37 days; and
  - Reduced the cost of resolving complaints by 41%.
- 100% of our recommendations were accepted for the fifteenth consecutive year.
- In relation to our important function to review child deaths and family domestic violence fatalities, we:
  - Received 27 investigable child deaths;
  - Received 9 reviewable family and domestic violence fatalities; and
  - Made 10 recommendations about ways to prevent or reduce these deaths and fatalities.



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- We tabled in Parliament *A report on the steps taken to give effect to the recommendations arising from Preventing suicide by children and young people 2020 and An investigation into the Office of the Public Advocate's role in notifying the families of Mrs Joyce Savage, Mr Robert Ayling and Mr Kenneth Hartley of the deaths of Mrs Savage, Mr Ayling and Mr Hartley.*
  - 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.
  - We enhanced regional awareness and access to the Office through a visit to Kununurra, Wyndham and Halls Creek in the East Kimberley Region, Broome, Derby and Fitzroy Crossing in the West Kimberley Region, and an information stall at the Dowerin Machinery Field Days agricultural show.

## 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

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

## Other Functions of the Ombudsman

<u><b>Complaints and appeals by overseas students</b></u>	Under the relevant national code, the Ombudsman can receive complaints or appeals by overseas students.
<u><b>Public Interest Disclosures</b></u>	The Ombudsman can receive disclosures of public interest information relating to matters of administration, and public officers.
<u><b>Complaints from residents of the Indian Ocean Territories</b></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><b>Complaints from persons detained under terrorism legislation</b></u>	Persons detained under relevant terrorism legislation can make a complaint to the Ombudsman.
<u><b>Inspection of Telecommunications Interception records</b></u>	The Ombudsman inspects the records of the Western Australia Police Force ( <b>WA Police Force</b> ) and the Corruption and Crime Commission to ascertain the extent of compliance with relevant telecommunications interception legislation.
<u><b>Scrutiny of police powers in relation to unlawful consorting and prohibited insignia</b></u>	The Ombudsman keeps under scrutiny the exercise of powers by the WA Police Force to ascertain the extent of their compliance with unlawful consorting and prohibited insignia legislation.
<u><b>Energy and Water Ombudsman</b></u>	The Energy and Water Ombudsman Western Australia resolves complaints about electricity, gas and water 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, reasonable, 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 and impartial:** 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 WA Police Force and the Corruption and Crime Commission.
- 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, Senior Assistant Ombudsman Corporate Services and Senior Assistant Ombudsman Strategic Planning, Projects and International Relations, 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, and 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

## 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.

In May 2021, Chris commenced his four-year term as President of the International Ombudsman Institute (IOI). This is the first time in the 43-year history of the IOI that an Australian has been elected President.



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

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 to her current role 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 of experience in the public sector, including strategic and corporate leadership roles in line and accountability agencies.

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## Alan Shaw

### Senior Assistant Ombudsman Corporate Services

Alan commenced in his current role 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.

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## Michelle Bovill

### Senior Assistant Ombudsman Complaint Resolution

Michelle joined the Office in 2007 and commenced in her current role in September 2016. Prior to this, she worked in a number of roles in complaint resolution and executive services including as an Assistant Ombudsman from 2015. She has more than 20 years of public sector experience in investigations and complaint handling.

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## Belinda West

### Senior Assistant Ombudsman Own Motion Investigations and Monitoring

Belinda joined the Office in 2008 and commenced in her current role in March 2020. Prior to this, Belinda was an Assistant Ombudsman from 2014. She has more than 25 years of experience working in the public sector in financial and performance auditing and leadership roles in both line and accountability agencies.



## Natarlie De Cinque

### Senior Assistant Ombudsman Reviews

Natarlie joined the Office in 2009 and commenced in her current role in July 2019. Prior to this, Natarlie was an Assistant Ombudsman from 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.



## Rebecca Poole

### Senior Assistant Ombudsman Strategic Planning, Projects and International Relations

Rebecca joined the Office in 2006 and commenced in her current role in April 2022. Prior to this, she was an Assistant Ombudsman from 2018 and a Director from 2010. She has extensive experience managing strategic research, policy and projects and intergovernmental and international engagement on issues of good governance.



## Marcus Claridge

### Assistant Ombudsman Energy and Water

Marcus joined the Office in 2011 and commenced in his current role in April 2018. Prior to this, Marcus was Director, Energy and Water Ombudsman and has worked in other investigatory roles. Marcus has over 30 years of regulatory and investigations experience, both within Australia and Asia.



## Paula Parentich

### Assistant Ombudsman Investigations

Paula commenced with the Office in her current role in October 2016. She has been a legal practitioner for over 20 years, working in the Commonwealth and State public sectors, and in the non-government sector.

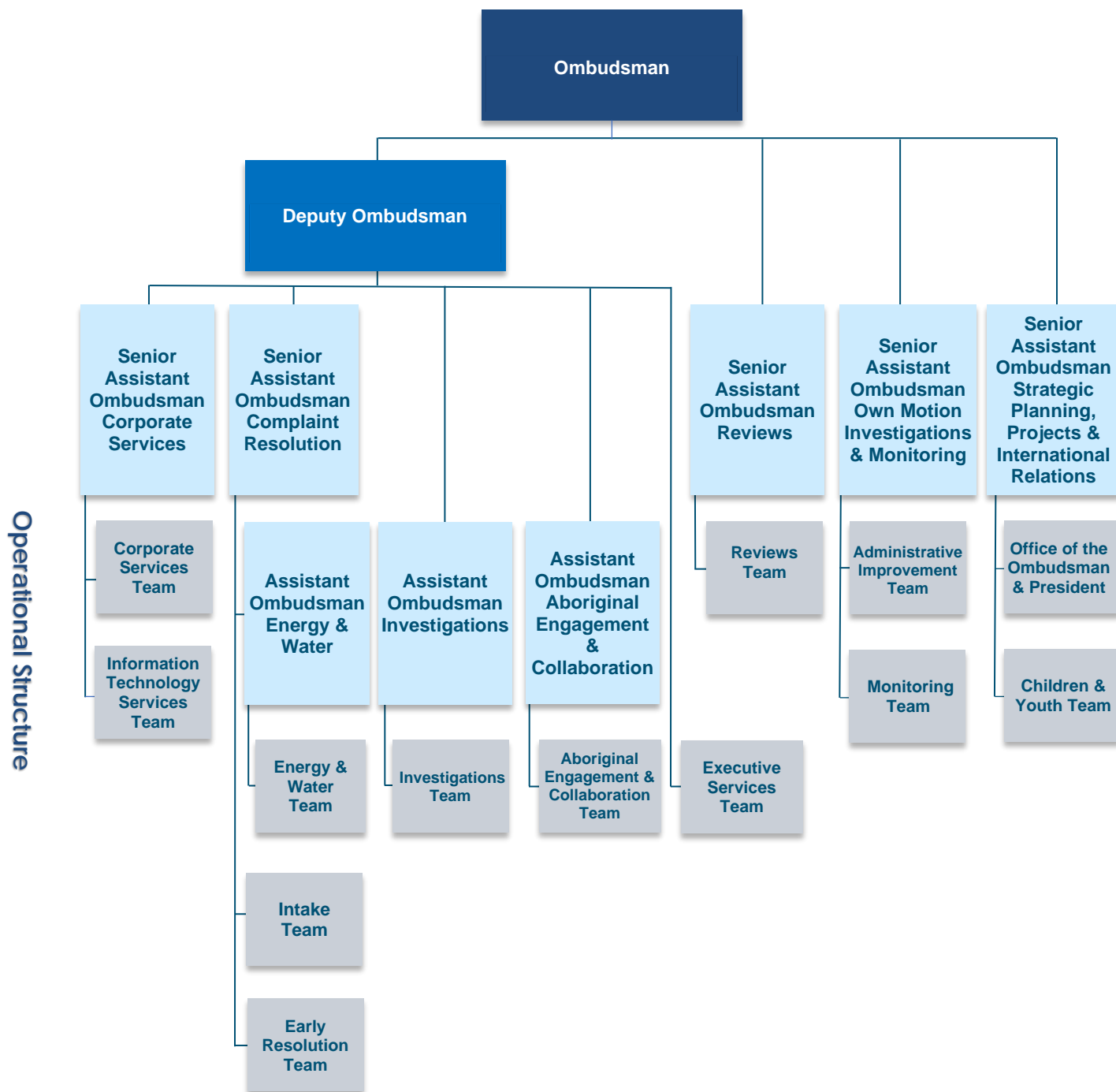


In 2021-22, the Ombudsman created a critical new executive position, Assistant Ombudsman Aboriginal Engagement and Collaboration, which will be recruited in 2022.



## Our Structure and Teams

Organisational Structure as at 30 June 2022



## 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 **Major Own Motion Investigations Team** undertakes own motion investigations and other strategies aimed at improving public administration.
- 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.
- The **Aboriginal Engagement and Collaboration Team** provides expert advice and support to each of the Ombudsman's functions including continuing to promote high levels of awareness and accessibility for Aboriginal Western Australians to the Office.
- The **Monitoring Team** undertakes inspections of telecommunications interception records of the WA Police Force and the Corruption and Crime Commission, and keeps under scrutiny the exercise of powers by the WA Police Force to ascertain the extent of their compliance with unlawful consorting and criminal insignia legislation.
- The **Energy and Water Team** has responsibility for handling enquiries and receiving, investigating and resolving complaints about electricity, gas and water providers.
- The **Corporate Governance and Business Services** and **Information Technology Services Teams** support the Office in providing corporate communications, governance, business services, internal audit and integrity of corporate services.
- The **Office of the Ombudsman and President** is responsible for national and international relations, executive services to the Ombudsman and corporate communications, and the **Children and Youth Team** is responsible for services for children and youth.
- The **Executive Services Team** is responsible for strategic research, policy and projects, community outreach and engagement programs and publications.

## Performance Management Framework

The Ombudsman's performance management framework is consistent with the Government goal of *Safe, Strong and Fair Communities: Developing healthy and resilient communities*.

### 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.