



34th Annual Report of the
Parliamentary Commissioner for
Administrative Investigations

Annual Report 2005

Our mission

To assist the Parliament of Western Australia to be confident that the public sector of the State is accountable for, and is improving the standard of, administrative decision-making, practices and conduct.

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Mr President, Mr Speaker

**Annual Report of the Parliamentary Commissioner for Administrative Investigations for
the year ended 30 June 2005**

In accordance with section 64(1) of the *Financial Administration and Audit Act 1985* (as modified by Part 1 of Schedule 1A), I submit this report for the year ended 30 June 2005, together with copies of the opinions of the Auditor General.

To the extent that the report contains subject matter not required by the *Financial Administration and Audit Act* or by the Treasurer's Instructions made under that Act, it is submitted pursuant to section 27 of the *Parliamentary Commissioner Act 1971*.

Deirdre O'Donnell
Parliamentary Commissioner
for Administrative Investigations

31 October 2005

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The year's work

During the reporting year we continued to focus on improving our internal systems and processes for receiving and efficiently investigating complaints about matters of administration. In this, our core business, we need to be accessible to any member of the community who wishes to bring a grievance to our attention, and we should be able to respond to them in a timely manner, impartially and objectively. This aspect of our work is by definition reactive, and is generally seen as the traditional role of an Ombudsman.

It is important to acknowledge however that the context in which we operate is both complex and dynamic. Changes in the external environment have implications for our core business, and a continuing challenge for our Office in the years ahead will be to ensure we respond appropriately to these changes. For instance, more State and local government organisations now have a form of complaints handling mechanism in place. In our experience, members of the public have an enhanced awareness of their rights to a quality service from the public sector and are more willing to raise concerns if they are dissatisfied.

Over recent years, we have observed a shift in the number and types of matters being brought to our attention. While there has been a trend towards a decrease in total complaints received, there has been an increase in the number of complaints that involve more than one organisation and raise a more complex set of issues for investigation. Consistent with our role as an office of last resort, it is appropriate that agencies take greater responsibility for routine complaints and that the Ombudsman is called on where our skills and expertise can add value, as is the case in these more complex matters. This has led to a qualitative difference in the type of work we do.

We are also mindful of the increased focus across the Western Australian public sector on accountability, transparency and integrity, and how these should be manifest in the way agencies deliver their services. We see an important part of our role as reviewing administrative processes and procedures against these higher order objectives. This activity forms an essential component of our mission to assist the Parliament to be confident in the administrative processes and procedures of the public sector of the State.

In this changing environment, we increasingly play a proactive role, assisting State and local government organisations improve the quality of their administrative decision making, practices and procedures. In particular, we invest time and effort in supporting agencies as they strengthen the quality of their complaint handling processes. Using the expertise and knowledge we have gained in our complaint investigations, we help agencies focus on system improvements that will benefit the interaction between them and members of the public, or their clients.

Highlights of the year in terms of our complaint investigation work were:

- receiving 1,584 allegations and finalising 1,576;
- in 41% of these matters, providing some form of assistance for the complainant;
- a reduction in the average number of days taken to finalise allegations: from 123 in 2003/04 to 110 days in 2004/05;
- ending the year with 84% of allegations on hand less than 12 months old;

- producing Information Sheets entitled 'How we assess your complaint' and 'Being interviewed by the Ombudsman';
- consolidating our new Assessments and Investigations work teams and setting internal service standards for letters of acknowledgment and for preliminary assessment of complaints;
- setting up a dedicated team to deal with public interest disclosures made to the Ombudsman;
- speaking to around 25 community and professional organisations to raise awareness of our Office, including visits to four regional centres; and
- signing a Memorandum of Understanding with the Office of the Inspector of Custodial Services to establish and maintain a constructive and co-operative working relationship.

In terms of our advice and assistance (or our proactive) work, we:

- produced Information Sheets on 'Procedural Fairness' and 'Dealing with Difficult Complainants';
- met with or gave presentations to presented to twelve State and local government organisations on the role and powers of the Ombudsman;
- continued an 'own motion' investigation commenced in 2004 and commenced a second 'own motion' investigation with the aim of tabling these reports in the Parliament; and
- as a member of the Integrity Coordinating Group (chaired by the Commissioner for Public Sector Standards, and with the other members being the Commissioner of the Corruption and Crime Commission and the Auditor General), commenced development of practical resources for the public sector and members of the community about the respective roles of these accountability agencies in promoting integrity across the sector.

The number of complaints received was similar to the previous year (1,343 for the current year and 1,338 for the previous year), although the number of allegations was lower (1,584 as opposed to 1,670). (Note that this is the first full year in which complaints under our former jurisdiction over Police and Railway Special Constables do not figure. Rather, those complaints against these two categories for this year are properly about matters within our general jurisdiction.)

While our improved business processes allow us to deal more efficiently with complaints when they first come into the Office, the timeliness of our investigations remains an issue, and we will explore options to address this in the coming year.

I would like to acknowledge and thank my staff for the contribution they have made over the past year and for their commitment to producing high quality investigations and to identifying and helping agencies implement administrative process improvements.

What does the Ombudsman do?

The *Parliamentary Commissioner Act 1971* (the Act) determines that the main role of the Ombudsman is to investigate administrative acts or omissions in State Government agencies and local governments and to make recommendations to redress the effect of defective administration and to prevent its recurrence.

We fulfil this role in the following ways:

- by providing an efficient and effective complaint handling system;
- by assisting in improving the quality of, and public confidence in, public administration by identifying and investigating areas of defective administration - whether or not complaints have been received;
- by developing community awareness of the Ombudsman and services provided by the Ombudsman;
- by developing the understanding of the role of the Ombudsman in State Government agencies and local governments; and
- by assisting State Government agencies and local governments to maximise the efficiency and effectiveness of their own internal complaint handling systems.

How is the Ombudsman regulated?

The Act contains various provisions which regulate the Ombudsman, as follows:

- the Ombudsman is an independent office responsible to Parliament - not to a Minister of the Crown
- the Ombudsman may, at any time, lay before each House of Parliament a report on any matter arising in connection with the exercise of her functions
- the Act gives the Ombudsman wide investigative powers, including those of a Royal Commission - subject to the Rules of Parliament, the Ombudsman's procedures on investigation may be regulated in such a manner as she thinks fit
- the Ombudsman cannot investigate a decision of a Minister of the Crown, but may investigate a recommendation made to a Minister
- investigations may be commenced by the Ombudsman in response to the following:
 - a written complaint from any person or organisation affected in his or its personal capacity by an administrative act or omission of a department or authority under the Ombudsman's jurisdiction
 - on reference by either House of Parliament, a Committee of either House, or a Joint Committee of both Houses in respect of a matter within jurisdiction
 - on the Ombudsman's own motion
- any person who is involved in an investigation may be represented by counsel or otherwise
- the Ombudsman cannot in any report make any adverse comment about any person unless that person is given the opportunity of responding to it and a response is fairly set out in the report
- investigations are conducted in private and the Ombudsman can only disclose information or make a statement about an investigation subject to compliance with specified provisions of the Act

- the Ombudsman has a discretion whether to commence or continue an investigation
- provision is made for consultation between the Ombudsman and the Minister responsible for the agency under investigation
- as a result of an investigation, the Ombudsman may recommend to the Chief Executive Officer that redress be given to a complainant and that practices, procedures or legislation be reviewed to prevent a recurrence
- if the Ombudsman's recommendations are not accepted within a reasonable time frame, she can send to the Premier a copy of the report, the recommendations and the relevant correspondence - the Act provides that the Ombudsman may table those papers in each House of the Parliament.

How are decisions about investigations made?

The Act provides wide ranging discretionary powers to assist in determining the scope and nature of investigations. At the individual complaint level, in accordance with the Act, all complaints are assessed against the following criteria before an investigation commences:

1. **Basic jurisdiction issue - agency complained about** - First, we ascertain whether the agency complained about is within the Ombudsman's jurisdiction - i.e. a government department or authority, or local government. Certain agencies are outside our jurisdiction, as are decisions made by Cabinet or Ministers or the actions of legal advisers.
2. **Other key jurisdiction issues** - We assess whether:
 - the action or decision complained of relates to a matter of administration
 - the action complained of was in the exercise of a power or function
 - the complainant is personally affected by the action or decision
 - the complainant became aware of the action or decision complained of within 12 months of making the complaint
 - the complainant has or had a legal remedy or a right of review or appeal.
3. **Discretion whether or not to investigate** - We can exercise our discretion whether or not to investigate in situations where:
 - special circumstances exist for matters over 12 months old
 - the complainant has a legal remedy or right of review or appeal, in which case we consider whether it is reasonable to expect the complainant to resort to that remedy
 - a complaint appears to us to be frivolous, trivial, vexatious, or not in good faith
 - an investigation does not appear to be warranted in the circumstances, such as where the agency is still investigating the complaint or a complaint has not yet been made to the agency, or where another complaint-taking body may be more appropriate
 - the complainant does not have a sufficient personal interest in the matter.

4. **Referral to other body** - If a complaint is out of our jurisdiction we try to find another body which might be able to assist the complainant. For complaints within jurisdiction but where there is a more appropriate body to do the investigation, we refer it to that body (after having exercised our discretion not to investigate).
5. **Action once decision is made** - If we decide to investigate a complaint, we advise the agency and the complainant accordingly. As part of this process, we identify the issues raised by the complainant (along with any other issues that we consider material), and identify the specific heads of maladministration for each allegation. We can also choose to conduct either a formal or an informal investigation.

If we decide not to investigate, the complainant is advised of this, along with the reasons for our decision.

6. **Prioritising investigations** - The majority of our investigations are conducted informally. In prioritising these we have regard to a number of factors. For instance, we assess whether any particular urgency attaches to the outcome of the complaint. For complex matters, we consider conducting a more detailed investigation where there is significant public interest in the matter complained about, or the complaint has significant public policy implications, or raises systemic policy, procedural or legislative issues.

At the systemic level, investigations are more likely to proceed on a formal basis and involve the use of the Ombudsman's Royal Commission powers. In addition to the above criteria, we also consider the following when making decisions about whether to investigate an issue, as well as how the investigation should be conducted:

- public interest in the matter
- public policy implications of the matter
- whether there is a reasonable prospect of proving an allegation or group of allegations
- whether any practical outcome can be achieved for the complainant, due to the passage of time
- whether important systemic policy, procedural or legislative issues are involved
- available resources.

Requests for review

We are committed to providing complainants with a service which reflects best practice administration. Thus, we will always give reasons for a decision, and we will handle requests for review of a decision in a fair, timely and professional manner. This includes decisions not to investigate a complaint, or to discontinue an investigation, as well as conclusions reached after an investigation.

If a complainant asks for a review, we will treat this as an opportunity to identify whether there are any weaknesses in our systems. If we find problems with our investigative and decision-making process or in the way we have communicated our decision, our aim is to correct these, in order to continuously improve our service.

As reviewing a decision can often require substantial resources, our policy is to only review a decision once. There will of course be occasions when the complainant remains dissatisfied with this approach, but we recognise that it is not possible to satisfy every complainant who has dealings with us. Our mission is to assist Parliament to be confident in the public sector's administrative decision-making, policies and practices, and we need to use our limited resources in as efficient a way as possible.

The purpose of a review is to satisfy ourselves that we have acted fairly and reasonably in dealing with the complaint. The fact that a complainant remains dissatisfied with the outcome of a review is not in itself sufficient reason to further consider the matter.

The review will be done by a different staff member than the one who handled the original complaint. Wherever possible, the reviewer will be more senior and will have had no previous involvement with the case.

The reviewer will generally look at all documents in the case, including any new material. More inquiries may be made with the agency or the complainant. It is possible that in some cases the original decision may be changed, the case re-opened and some further action taken.

Except in cases where the Ombudsman is satisfied that special circumstances exist, we will only consider a request for a review up to 12 months after the date of our initial decision.

The Office's complaints management system does not currently permit recording of requests for reviews. However, we estimate that during the year approximately one per cent of the allegations investigated were subject to review.

Complaints and allegations received

The statistics relating to the work of the Office record both complaints and allegations (i.e. a complaint can involve one or more allegations) in an attempt to reflect the differing amount of work involved. However, it is important to bear in mind that the amount of work involved in an investigation varies considerably from case to case. As there is no quantitative or qualitative weighting of relative importance or complexity, allegations requiring major investigations are treated the same way, statistically, as straightforward ones.

Unlike some other Ombudsman legislation, the Act does not provide for the receipt of oral complaints. This, together with other variations in jurisdiction and the differences in recording criteria, makes valid comparisons between the statistics of Ombudsmen's offices in Australia or elsewhere problematic.

The Office handles thousands of telephone enquiries each year, frequently from members of the public seeking information rather than wishing to make a complaint. Many have a grievance but require assistance to establish how and to whom a complaint can be made. As far as possible, we provide advice and assistance on these occasions. Since 11 October 2004, enquiries received by telephone or in person have been recorded in a dedicated database, enabling the Office to link written complaints received to an initial enquiry, and to better track the nature of oral enquiries received and the agencies complained about. Over the past nine months some 2,748 enquiries were received. This includes 72 face-to-face interviews with complainants seeking assistance to lodge a written complaint.

The Office also has an important referral role. Even though we may be unable to be of direct assistance to people who approach the Office about matters that are not within jurisdiction, it is often possible to refer them to another appropriate source of assistance. Therefore, an outcome of 'no jurisdiction' does not necessarily mean that the Office has not been of any assistance to the person who consulted us.

Table 1.1 shows the number of complaints and allegations received over the past five years. It should be noted that from 2004 the figures reflect the transfer of the police complaints jurisdiction to the Corruption and Crime Commission on 1 January 2004. We continue to receive complaints about Police and Railway Special Constables and to consider these under our general jurisdiction when they relate to matters of administration.

	2001	2002	2003	2004	2005
Complaints received					
Police	1,297	1,267	1,170	789	176
Railway special constables	43	29	14	9	1
Other State government departments and agencies and local governments	1,571	1,642	1,435	1,338	1,166
TOTAL	2,911	2,938	2,619	2,136	1,343
Allegations received					
Police	1,986	1,811	1,574	872	182
Railway special constables	88	53	20	13	1
Other State government departments and agencies and local governments	1,974	2,059	1,878	1,670	1,401
TOTAL	4,048	3,923	3,472	2,555	1,584

Figure 1.1 illustrates the number of allegations received since 1990. Note that while the number of allegations for this year declined, the number of complaints about State Government departments and agencies and local governments (excluding complaints under our former police jurisdiction) was almost the same as for last year (1,343 in 2004/05, and 1,338 in 2003/04).

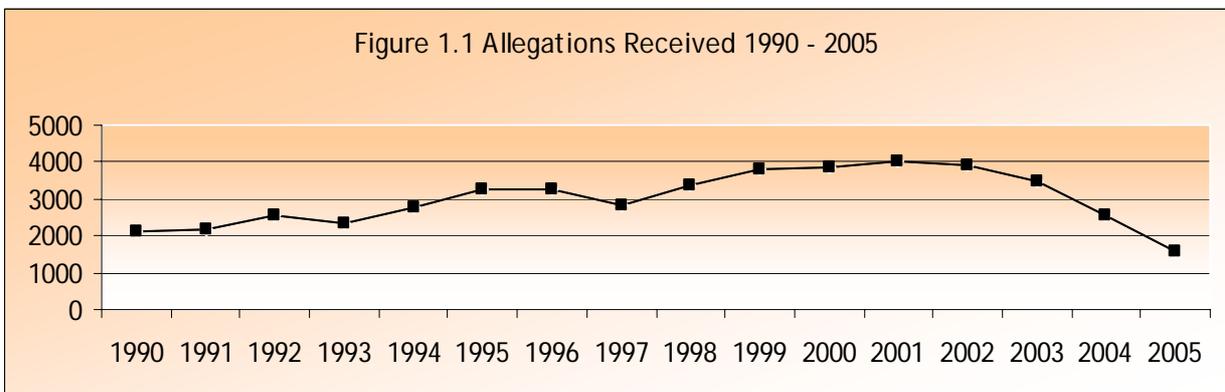


Table 1.2 shows the geographical origin of the allegations received, based on the electoral districts of Western Australia.

TABLE 1.2		Geographical origin of allegations received 2001 to 2005				
	2001	2002	2003	2004	2005	
Number of allegations received*						
Metropolitan electorates	3,015	2,857	2,477	1,903	1,076	
Country electorates	986	968	942	610	476	
Outside WA	47	98	53	42	32	
TOTAL	4,048	3,923	3,472	2,555	1,584	
Number of allegations per 10,000 electors						
Metropolitan electorates	30	31	28	21	11	
Country electorates	32	32	30	19	15	

* Figures for 2004 and 2005 reflect the transfer of the police complaints jurisdiction to the Corruption and Crime Commission.

Complaints and allegations finalised

During the year 1,306 complaints containing 1,576 allegations were finalised in the manner shown in Table 1.3 below.

TABLE 1.3		Manner in which allegations finalised	
	Number of allegations	% (approx)	
Finalised at initial stage			
No jurisdiction	366*	23	
Discretion exercised not to investigate	228	14	
Withdrawn or not proceeded with	67	4	
Finalised to satisfaction of complainant	51	3	
Referred back to agency	248	16	
Finalised by completed investigation			
Withdrawn or not proceeded with	130	9	
Could not be determined	60	4	
Sustained partly	34	2	
Sustained wholly or substantially	78	5	
Not sustained	314	20	
TOTAL ALLEGATIONS FINALISED	1,576	100	

* includes 153 misconduct matters referred to the Corruption and Crime Commission

Some 60% of complaints received by the Ombudsman during 2004-05 were finalised at the initial stage. This is slightly less than the previous year, when 64% of complaints received were finalised at the initial stage.

Of those complaints finalised at the initial stage, 16% were referred back to the original agency in the first instance. This is in line with the Ombudsman as an 'office of last resort' and also accords with the Government's complaints management strategy, established in March 2004. In referring complainants back to the original agency, we advise complainants that they may return to the Ombudsman should their complaint remain unresolved.

Assistance to complainants

Complainants look to the Ombudsman to provide some form of assistance or action to remedy the problem they have complained about. Table 1.4 shows the extent to which it was possible to obtain some form of benefit for complainants or a change to the law, or the practice or procedure of a government agency.

TABLE 1.4 Assistance provided - allegations finalised	
	Number of actions
Direct benefit for complainant	
Apology given	27
Act of grace payment made	9
Action/decision expedited	19
Explanation or reasons provided by agency	12
Monetary charge reduced, withdrawn or refunded	14
Reversal or significant variation of original decision	25
Other assistance	21
Changes to law, practice or procedure	71

Table 1.5 (at page 11) gives details of allegations finalised in respect of individual departments, authorities and local governments.

As illustrated in Table 1.3, 20% of allegations investigated could not be sustained. While in some instances this may be because there is a conflict of evidence that cannot be resolved, in many cases we concluded that the agency had in fact acted reasonably and within its powers. While it may appear to the complainant that a public officer has acted unreasonably, in our experience the cause is far more likely to be inadvertence or human error. However, we remain vigilant for evidence of poor systems or processes, and always aim to ensure that the circumstances which gave rise to a particular complaint do not recur. We see this aspect of our work as of considerable importance in fulfilling our mission.

Telecommunications Interception

The *Telecommunications (Interception) Western Australia Act 1996* (the Act) was proclaimed by His Excellency the Governor of the State of Western Australia on 17 December 1996. The Act came into operation on 24 December 1996 when the proclamation by the Governor was published in the Government Gazette. The *Telecommunications (Interception) Western Australia Regulations 1996* (the Regulations) made pursuant to the Act were also published in the Government Gazette on 24 December 1996 and came into operation on the same day as the Act.

The Act designated the Western Australia Police (WAPOL) as an "eligible authority", which in turn allowed it to be declared an "agency" for the purposes of the *Telecommunications (Interception) Act 1979* of the Commonwealth (the Commonwealth Act). Final approvals for that declaration were

completed on 15 July 1997, which was the day of its gazettal by the Commonwealth Attorney General.

The Regulations prescribe the Parliamentary Commissioner for Administrative Investigations (the Ombudsman) as the Principal Inspector for the purposes of the Act, and officers of the Ombudsman as Inspectors.

The *Corruption and Crime Commission Act 2003* was assented to by His Excellency the Governor on 3 July 2003 and proclaimed to commence on 1 January 2004. It designated the Corruption and Crime Commission as an eligible authority under the Act, which in turn allowed it to be declared an agency for the purposes of the Commonwealth Act. This declaration took place on 24 March 2004.

Subsection 10(2) of the Act provides that:

"The principal inspector is to inspect the eligible authority's records at least twice during each financial year in order to ascertain the extent to which the authority's officers have complied with Part 2 since the last inspection under this Part of the authority's records."

Subsection 11(2) of the Act provides that:

"The principal inspector, as soon as practicable, and in any event within 3 months, after the end of each financial year, is to report to the Minister in writing, in relation to the eligible authority, about the results of the inspections under section 10(2), during that financial year, of the authority's records."

In accordance with subsection 11(2), a report on the inspections carried out in relation to WAPOL under subsection 10(2) during the financial year ended 30 June 2004 was presented to the Minister for Police. A report on the inspections carried out in relation to the CCC under subsection 10(2) during the financial year ended 30 June 2004 was presented to the Attorney General.

During the reporting period, we carried out 13 inspections of the operations of the WAPOL in connection with telecommunications interceptions, including visits to the premises of the Telecommunications Interception Unit, one external unit, and one regional centre. In respect of the CCC, we carried out six inspections.

Our inspections revealed one breach of the Commonwealth Act relating to a warrant issued to WAPOL. We took immediate steps to determine how this breach had occurred, which led me to the view that this particular matter arose through a misunderstanding between WAPOL and the issuing party, and the practical effect of it was not significant in terms of infringing the privacy of any third parties. I was satisfied with the manner in which the matter was addressed by both parties and quickly resolved.

State Administrative Tribunal

Under section 168 of the *State Administrative Tribunal Act 2004* ("Arrangements with Parliamentary Commissioner"), the President and the Parliamentary Commissioner (Ombudsman) may enter into arrangements regarding the co-operative exercise of the respective functions of the Tribunal and the Ombudsman and the measures to be taken to increase public awareness of the other's functions. Discussions have commenced between our Office and the Tribunal on public education, training for staff of both organisations, options for regular consultation and referral of cases.

TABLE 1.5 Outcome of allegations received and/or finalised - by agencies

	Allegations received	Finalised at initial stage					Finalised by completed investigation or review					Allegations finalised
		No jurisdiction	Discretion exercised	Withdrawn or not proceeded with	Finalised to satisfaction of complainant	Referred back to agency	Withdrawn or not proceeded with	Could not be determined	Sustained partly	Sustained wholly or substantially	Not sustained	
Departments and Authorities												
Agriculture - Department of	10	1				2				1	4	
Australian Integration Management Services Corp.	122	8	12	6	6	25	10	13	1	7	25	113
Builders' Registration Board	17	1				1	2				1	5
Building Disputes Tribunal	12	5		2	1						2	10
Central TAFE	2					2	1					3
Central West TAFE	1											-
Challenger TAFE	2					1						1
Commercial Tribunal	-						1					1
Community Development - Department for	50	6	7		3	18	3	5	6	2	14	64
Conservation and Land Management - Department of	6		1			1					2	4
Consumer and Employment Protection - Department of	10		1			2					3	6
Criminal Injuries Compensation - Office of	1	1										1
Culture and the Arts, Department of	2											-
Curtin University	19		5			4					2	11
Director of Public Prosecutions	3	2										2
Disability Services Commission	4		1			1						2
Edith Cowan University	1								2			2
Education Services - Department of	1		1									1
Education and Training - Department of	25	2	3	1	1	9	7	2		7	10	42
Environmental Protection Authority	-										1	1
Environment - Department of	6	1		1		1				1	2	6
Fire and Emergency Services Authority	5		4									4
Fisheries - Department of	3	2									1	3
Fisheries Objections Tribunal	3						3					3
Forest Products Commission	1					1	2					3
Government Employees' Housing Authority	-						1			1		2
Government Employees Superannuation Board	4					1			1			2
Guardianship and Administration Board	5	5				2	1				2	10
Hairdressers Registration Board	-							1				1
Health - Department of	8	2	4				1				2	9
Health Review - Office of	10		1	1		1			1		6	10
Heritage Council	3					1					2	3
Hospital and Health Services	11	2	4	1		1	2					10
Housing and Works - Department of	68	2	5	2	1	13	22	1	3	5	35	89
Indigenous Affairs, Department of	1			1			3				1	5
Industry and Resources - Department of	2				1	1						2
Insurance Commission	3	1	2			1						4
Justice - Dept. of - Offender Management Division	397	59	53	32	22	52	13	20	2	17	60	330
Justice - Department of - Other	34	4	9		1	6	1	2	1	6	3	33
Kimberley TAFE	-	1										1
Land Information - Department of	10	2	4			3				1	2	12

	Allegations received	Finalised at initial stage					Finalised by completed investigation or review					Allegations finalised
		No jurisdiction	Discretion exercised	Withdrawn or not proceeded with	Finalised to satisfaction of complainant	Referred back to agency	Withdrawn or not proceeded with	Could not be determined	Sustained partly	Sustained wholly or substantially	Not sustained	
Legal Aid	8	5	1			3			1		1	11
Legal Practitioners Complaints Committee	4		1	6		1						8
Legal Practitioners Disciplinary Tribunal	-			1								1
Local Government Advisory Board	1	1										1
Local Government & Regional Development - Dept. of	14	1	4			6	2		1		3	17
Main Roads	7	1				1					1	3
Medical Board	3		1								2	3
Metropolitan Cemeteries Board	1								1		2	3
Murdoch University	7		1								1	2
Nurses Board	1		1									1
Organisation not identified	14	9	2			2					5	18
Parole Board	10	4		1		2	1	1				9
Pilbara TAFE	1					1						1
Planning and Infrastructure - Department for	45	6	6	3	3	4	1	4	2	5	7	41
Planning Commission	1	1	1									2
Police Service	182	106	11	3	1	32	4	3	3	2	8	173
Psychologists Board of Western Australia	1					1						1
Premier and Cabinet - Department of the	3	1						1				2
Public Advocate	-						1				4	5
Public Transport Authority	12	4			2	1	4		1		4	16
Public Trustee	19					2	3		1		8	14
Racing, Gaming & Liquor - Department of	1					1						1
Real Estate and Business Agents Supervisory Board	9	1	1	2			3	1		1	4	13
Rottneet Island Authority	1					1						1
Settlement Agents Supervisory Board	-										1	1
Strata Titles Referee	-					1						1
Tourism Commission	1					1						1
Treasury and Finance - Department of	10	2	1	1		2					3	9
University of Western Australia	3					1	1					2
Valuer General's Office	2						1				1	2
Veterinary Surgeons Board	3	1				1						2
WA Land Authority	1					1						1
WA Turf Club	-						3					3
Water and Rivers Commission	-						4					4
Water Corporation	35		10		1	4	2		1	1	10	29
Water Regulation - Office of	-						3					3
West Coast TAFE	1											-
Western Power Corporation	41	3	4	1	1	8	1	4	1	7	17	47
Westrail - Administration	-		1								1	2
Westrail - Special Constables	1	1										1
Workcover	2		1									1
Worksafe	8		1				2				1	4
Sub Totals	1,315	254	165	65	44	225	111	57	26	67	261	1,275

Local Governments

	Allegations received	Finalised at initial stage				Finalised by completed investigation or review				Allegations finalised	
		No jurisdiction	Discretion exercised	Withdrawn or not proceeded with	Finalised to satisfaction of complainant	Referred back to agency	Withdrawn or not proceeded with	Could not be determined	Sustained partly		Sustained wholly or substantially
Albany - City	-		1								1
Armadale - City	2		1						1		2
Augusta/Margaret River - Shire	2	1	1		1				1	4	8
Bassendean - Town	1					1					1
Bayswater - City	9		1		4					2	7
Bridgetown - Shire	3							1			1
Broome - Shire	-			1							1
Busseton - Shire	4		1					1		1	3
Cambridge - Town	11		9			2				1	12
Canning - City	4		2		1	3				1	7
Capel - Shire	1							1		1	2
Chittering - Shire	-		1								1
Claremont - Town	1					1				1	2
Cockburn - City	6	1	1		2					7	11
Collie - Shire	1									1	1
Coolgardie - Shire	1				1						1
Dandaragan - Shire	1										-
Denmark - Shire	1				1						1
Dumbleyung - Shire	-					1					1
Dundas - Shire	1			1							1
East Fremantle - Town	2								1		1
Fremantle - City	2		1								1
Geraldton - City	3		1					1		1	3
Gingin - Shire	1	1									1
Gosnells - City	13		13				2	1		4	20
Greenough - Shire	2	1	1								2
Harvey - Shire	1										-
Joondalup - City	6	1	1	1		1					4
Kalamunda - Shire	8	3	3							2	8
Katanning - Shire	1							1			1
Kojonup - Shire	1			1							1
Kwinana - Town	2		1							1	2
Mandurah - City	4	1	3								4
Melville - City	3		1			4				3	8
Merredin - Shire	1				1						1
Moora - Shire	1										-
Mundaring - Shire	4		3							4	7
Murray - Shire	10	1	1	1	1			1		5	10
Narrogin - Town	1			1							1
Nedlands - City	1									1	1
Northam - Town	1										-
Not Council Specific	1			1							1
Nungarin - Shire	1		1								1

	Allegations received	Finalised at initial stage					Finalised by completed investigation or review					Allegations finalised
		No jurisdiction	Discretion exercised	Withdrawn or not proceeded with	Finalised to satisfaction of complainant	Referred back to agency	Withdrawn or not proceeded with	Could not be determined	Sustained partly	Sustained wholly or substantially	Not sustained	
Perth - City	3		1								3	4
Pingelly - Shire	-							1				1
Plantagenet - Shire	1										1	1
Port Hedland - Town	2	1									1	2
Rockingham - City	1		1				1				1	3
Roebourne - Shire	4						3					3
Serpentine/Jarrahdale - Shire	2	1								1	1	3
South Perth - City	1		1								1	2
Stirling - City	12		4			2	1		1	3		11
Subiaco - City	5	2			1	1				1		5
Swan - City	4		1			2					1	4
Toodyay - Shire	-									2	1	3
Victoria Park - Town	5		1			2	1				3	7
Vincent - Town	7	1	1									2
Wanneroo - City	6		2			2					1	5
Wyndham East Kimberley - Shire	1		1									1
Sub Totals	173	15	61	1	7	21	19	3	8	11	53	199
Organisations not within jurisdiction	96	97	2	1		2						102
GRAND TOTALS	1,584	366	228	67	51	248	130	60	34	78	314	1,576

Improving our accessibility

Our services are available to any individual or group who wishes to make a complaint about the administrative actions of State government agencies or local governments. As an Office, we are committed to increasing awareness of the role of the Ombudsman and improving our accessibility to all Western Australians. We achieve this through a program of targeted outreach initiatives and training programs. In the reporting period, this has involved a number of activities, including:

- presentations to new prison officers
- presentation to the WA Rangers' Association Conference
- briefings to Murdoch University students
- talks on the role of the Ombudsman to a variety of clubs, associations and professional bodies
- participation in the 'WA on Show' exhibition at the Perth Convention Centre
- presentations to agencies within our jurisdiction
- presentations and keynote speeches at conferences.

During the year particular emphasis was placed on outreach programs in regional centres, often incorporating meetings with agencies and/or complainants. Many of our regional visits were held in conjunction with agencies with which our Office is collocated, such as the Commonwealth Ombudsman, the Office of Health Review, the Office of the Information Commissioner or the Gas Industry Ombudsman. The program included:

- regional visits to Kalgoorlie-Boulder
- participation in the Albany Agricultural Show and Trade Exhibition
- participation in the Wagin Woolorama
- participation in North West Expo 2005
- visit to Christmas and Cocos (Keeling) Islands in conjunction with the Commonwealth Ombudsman and Office of Health Review.

Each of these activities provides us with an opportunity to raise awareness of the role of the Office and how the Ombudsman endeavours to improve public confidence in the accountability of the public sector of Western Australia. We also receive valuable feedback about our performance as well as insight into issues of concern to citizens in each location.

In addition, I gave a presentation to newly elected Members of Parliament about my role and the work of the Office.

Gas Industry Ombudsman (Western Australia)

Section 34 of the *Energy Legislation Amendment Act 2003* added to the Act and authorised the Parliamentary Commissioner (State Ombudsman) to enter into an agreement with the governing body of the Gas Industry Ombudsman Scheme to serve as the Gas Industry Ombudsman.

The State Ombudsman entered into such an agreement with Gas Industry Ombudsman (Western Australia) Limited, the governing body of the Gas Industry Ombudsman Scheme approved by the Minister for Energy. The Scheme came into effect on 31 May 2004.

The Gas Industry Ombudsman receives, investigates and facilitates the resolution of complaints from residential and small business customers about their gas company.

Staff of the Ombudsman's Office assist me in my role as Gas Industry Ombudsman (GIO). All associated costs are recovered from Gas Industry Ombudsman (Western Australia) Limited. This organisation in turn is funded by gas companies.

Between 31 May 2004 and 30 June 2005 the GIO received and finalised 188 cases. Of these, 185 or 98% were resolved at the enquiry stage and the remaining three were resolved after investigation. This was a pleasing result and reflects the effective procedures that have been developed by staff of the Ombudsman's Office and the Gas Companies.

Indian Ocean Territories

A service delivery arrangement between the State Ombudsman and the Commonwealth Government provides for my Office to offer Ombudsman services to residents of the Indian Ocean Territories (Christmas and Cocos (Keeling) Islands) covering agencies within my jurisdiction which also operate in the Territories at the request of the Commonwealth. Under that arrangement, I visited the

Territories between 2 and 7 May 2005 together with the Commonwealth Ombudsman, Professor John McMillan, and the Director of the Office of Health Review, Mr Eamon Ryan.

During the visit Professor McMillan and I launched a joint Ombudsman brochure explaining our respective roles. We also met with key government and community representatives, and made ourselves available to receive complaints from individuals. A matter that was brought to my attention during this visit has since been received as a formal complaint which is being dealt with by my Office.

Seminars, conferences and staff development

In September 2004 I attended the VIIIth Conference of the International Ombudsman Institute (IOI), which was held from 7 to 10 September 2004 in Quebec City, Canada. The IOI conference is held every four years. It is a high level international meeting, which is generally regarded as providing the most significant forum for professional development for Ombudsmen worldwide. On this occasion, a total of 430 delegates attended, representing 178 Ombudsman offices from 77 different countries. In addition to specific country representatives, major organisations such as the European Union and the United Nations were represented by Ombudsmen. All Australian States and Territories were represented, as was New Zealand. The title of the 2004 Conference was *'Balancing the obligations of Citizenship with the recognition of individual rights and responsibilities: The Role of the Ombudsman'*.

The theme for the 2004 conference had clearly been selected to reflect global changes post-September 11, which have resulted in heightened security measures, increased military presence in a range of locations around the world, worldwide changes in immigration patterns and policies, and a renewed focus on international human rights law. Significant debate occurred amongst Ombudsmen around the core theme of the conference, and I found it a most worthwhile experience.

In October 2004, Elizabeth Horne, Senior Investigating Officer, completed the Practitioner's Certificate in Mediation and Conciliation conducted by the Institute of Arbitrators and Mediators.

Acting Assistant Ombudsman Shayne Sherman and Senior Investigating Officer Jo Merrick attended the 5th National Investigations Symposium in Manly, New South Wales, in November 2004. This symposium is conducted jointly by the NSW Ombudsman and the Independent Commission Against Corruption.

Also in November, Senior Investigating Officer Ian Cox attended a workshop at the Commonwealth Ombudsman's office in Canberra for agencies involved in inspections of telecommunications interceptions.

As a member of the International Ombudsman Institute, I also participate in the activities of the Australasian and Pacific Ombudsman Region (APOR), which is made up of Ombudsmen from all the States and Territories of Australia as well as the Commonwealth Ombudsman, together with New Zealand, Papua New Guinea, Cook Islands, Fiji, Solomon Islands, Taiwan, Tonga, Vanuatu and Western Samoa. The APOR conference for 2005 was hosted by the New Zealand Office of the Ombudsmen in Wellington, New Zealand, in February 2005. The theme of this conference was *'The Small Ombudsman Office'* and I was privileged to deliver a session in collaboration with my colleague, the Tasmanian Ombudsman, Ms Jan O'Grady, on the special challenges of being a small Ombudsman Office. The APOR conference in 2006 will be hosted by my Office, and the theme is *'Public confidence @ ombudsman - Promoting Integrity, Accountability and Transparency'*. I look forward to reporting on this important event in next year's Annual Report.

Investigating Officer Sherry Armstrong attended training in alternative dispute resolution at the end of May 2005.

At the end of June 2005, I attended a meeting of Australian Ombudsmen in Canberra. This is an annual meeting, traditionally held the day before the annual Administrative Law Conference conducted by the Australian Institute of Administrative Law (AIAL). Deputy Ombudsman Heather Brown attended this conference.

Guest speakers

As an initiative of the collocated agencies (State Ombudsman, Gas Industry Ombudsman, Office of the Public Sector Standards Commissioner, Office of the Information Commissioner, Office of Health Review and the Commonwealth Ombudsman), our series of guest speakers continued during the reporting period. We were privileged to be addressed by the following guest speakers: Mr Des Pearson, Auditor General; Mr Allan Smith, Assistant Commonwealth Ombudsman; Mr Eamon Ryan, Director, Office of Health Review; Ms Bronwyn Davies-Taylor, referee with the Small Claims Tribunal; Mr Kieran Boothman SM; Mr Alistair Hope, State Coroner; Ms Maxine Murray, Commissioner, Office of the Public Sector Standards Commissioner; Ms Darryl Wookey, Acting Information Commissioner; Professor John McMillan, Commonwealth Ombudsman; and Ms Noela Taylor, Director of Equal Opportunity in Public Employment.

Other staff training courses

During the year, staff attended training in the following areas:

- management skills such as team leadership; change management; budgeting; project management and risk management;
- administrative skills such as minute taking; website development; business writing; report writing; and job application and interview skills; and
- various aspects of administrative law including natural justice.

Six staff, comprising Enquiry and Investigating Officers, attended a course run by Central TAFE entitled 'Awareness of mental health issues. Dealing with people with challenging behaviours. Passive self-defence.' Three Corporate Services staff members, including our two Customer Service officers, attended a course on 'Dealing with difficult or aggressive clients'.

All staff completed office health training conducted by the ORS Group, and in May 2005, all staff undertook recordkeeping awareness training.

Visitors to the office

During the year we were visited by the following people, who took the opportunity to talk to us about their specific areas of expertise:

- Mr Bruce Barbour, NSW Ombudsman
- Ms Jan O'Grady, Tasmanian Ombudsman
- Mr Tony Redmond, United Kingdom Local Government Ombudsman.

Seminar on 'Best Practice Complaint Handling'

In November 2004, in conjunction with the Western Australian Office of the Commonwealth Ombudsman, we hosted a seminar to provide Commonwealth and State government agencies and local government organisations with examples of best practice complaints handling.

Our performance

This chapter contains the material required by the *Financial Administration and Audit Act 1985* and *Treasurer's Instruction 904*, which require all government agencies to identify desired outcomes and outputs and to measure and report on the extent to which they have been achieved and delivered.

Mission

Our mission is:

To assist the Parliament of Western Australia to be confident that the public sector of the State is accountable for, and is improving the standard of, administrative decision-making, practices and conduct.

To achieve this, we aim to provide effective and efficient systems for handling complaints received about the administrative actions and conduct of government agencies, thereby identifying the underlying causes of complaints and making recommendations for changes to procedures, practices, policies or legislation which will prevent similar problems recurring.

Key Performance Indicators

The performance indicators for the Office focus on two key aspects:

- Effectiveness - the extent to which we have been able to provide assistance to complainants and to influence agencies to improve their practices or procedures.
- Efficiency - how quickly and cost-effectively we are able to deal with complaints.

The Key Performance Indicators for the past year are set out in the following pages, followed by the Auditor General's opinion regarding them. Following the Auditor General's opinion is information about the performance targets that were contained in the 2004/2005 Budget Statements. That information is not subject to audit by the Auditor General.

Key Performance Indicators

The desired outcome from the activities of the office is that the public sector of Western Australia is accountable for, and is improving the standard of, administrative decision-making, practices and conduct.

To achieve this outcome the office aims to provide effective and efficient systems for handling complaints received about the administrative actions and conduct of government agencies, thereby identifying underlying causes of complaints and making recommendations for changes to procedures, practices, policies or legislation which will prevent similar problems recurring.

During the year the work of the office was performed via the following two services:

Public Sector Organisations

Investigation of complaints about administrative actions of public sector organisations.

Telecommunications Interception Audit

Inspection of eligible authorities to ensure compliance with statutory provisions when they intercept telecommunications.

Key Effectiveness Indicators

The key effectiveness indicators of the office report on the extent to which we have been able to provide assistance to complainants and have agencies improve their practices and procedures.

Public Sector Organisations

1,584 allegations were received during the year. 1,576 allegations were finalised and assistance to the complainant (by way of apology, action expedited, act of grace payment, monetary charge reduced/ withdrawn/ refunded/ rebate given, reversal or significant variation of original decision, explanation/reason provided by agency, criminal / disciplinary / infringement charge reduced or withdrawn, referral to another appropriate agency, or other action to assist the complainant) was provided in respect of 641 allegations.

	2001	2002	2003	2004	2005
Of allegations where Ombudsman made recommendations to improve practices or procedures, percentage of recommendations accepted by agencies ⁱ					88%
Number of improvements to practices or procedures as a result of Ombudsman action ⁱ					14
Percentage of allegations finalised where complainants received assistance	62%	41%	41%	41%	41%
Telecommunications Interception Audit					2005
The proportion of inspections completed where no serious breaches of legislation were found ⁱ					95%

Key Efficiency Indicators

Key efficiency indicators cover the time taken to deal with complaints, the age of allegations on hand and the cost of the various outputs and activities.

<i>Public Sector Organisations</i>	2001	2002	2003	2004	2005
Average time taken to finalise allegations (days)	72	86	108	123	110
Allegations finalised per full-time equivalent staff member	118	129	118	83	66
Percentage of allegations finalised within three months	77%	69%	69%	68%	67%
Percentage of allegations finalised within 12 months ⁱ					93%
Percentage of allegations on hand at 30 June less than three months old	57%	35%	34%	42%	43%
Percentage of allegations on hand at 30 June less than 12 months old ⁱ					84%
Cost per finalised allegation	\$787	\$715	\$851	\$1,181	\$1,724
<i>Telecommunications Interception Audit</i>	2001	2002	2003	2004	2005
Total cost of activity	\$44,499	\$40,095	\$44,984	\$43,560	\$58,158

I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Parliamentary Commissioner for Administrative Investigations' performance, and fairly represent the performance of the Parliamentary Commissioner for Administrative Investigations for the financial year ended 30 June 2005.



Accountable Officer
26 August 2005

ⁱ New indicator for 2004/2005.



AUDITOR GENERAL

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS
PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2005

Audit Opinion

In my opinion, the key effectiveness and efficiency performance indicators of the Parliamentary Commissioner for Administrative Investigations are relevant and appropriate to help users assess the Parliamentary Commissioner's performance and fairly represent the indicated performance for the year ended 30 June 2005.

Scope

The Parliamentary Commissioner's Role

The Parliamentary Commissioner is responsible for developing and maintaining proper records and systems for preparing performance indicators.

The performance indicators consist of key indicators of effectiveness and efficiency.

Summary of my Role

As required by the Financial Administration and Audit Act 1985, I have independently audited the performance indicators to express an opinion on them. This was done by looking at a sample of the evidence.

An audit does not guarantee that every amount and disclosure in the performance indicators is error free, nor does it examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the performance indicators.

A handwritten signature in black ink, appearing to read 'D D R Pearson'.

D D R PEARSON
AUDITOR GENERAL
11 October 2005

Other performance measures

The following are the performance targets contained in the 2004/2005 Budget Statements and the actual performances achieved.

	<i>Target</i>	<i>Actual</i>
<u><i>Other Public Sector Organisations</i></u>		
Quantity		
Allegations finalised	1,800	1,576
Timeliness		
Average time taken to finalise an allegation (days)	90	110
Cost		
Cost per finalised allegation	\$1,526	\$1,724
<u><i>Telecommunications Interception Audit</i></u>		
Quantity		
Audit reports completed in accordance with legislation	2	2
Timeliness		
Statutory time limits complied with	100%	100%

Public sector organisations

Complaints

In the reporting period, 1,584 allegations were received concerning public sector agencies.

The Office finalised 1,576 allegations during the year, which represents a decrease in the number finalised (approximately 17%) compared to the 1,898 allegations finalised in the previous year. The number finalised was also below the target for the year of 1,800. The average time taken to finalise an allegation was 110 days, an improvement on the average time taken in the previous year (123 days). However, it was above our target of 90 days. One reason for this is that during 2004/05 we continued to concentrate on finalising matters that had been with the Office for over 12 months. The number of allegations more than 12 months old on hand at 30 June 2005 was 83, compared with 101 the previous year.

Details about allegations received on an agency-by-agency basis can be found at Table 1.5, page 11. The information in this chapter relates to those agencies about which the most allegations were received.

By far the greatest number of allegations received were about the Department of Justice and Australian Integration Management Services Corporation at 33%. Second highest were complaints about police, the majority of which were referred to the Corruption and Crime Commission. Third were complaints about local governments, which in aggregate accounted for 11% of complaints. Then a number of agencies (Department of Housing and Works, Department for Community Development, Department for Planning and Infrastructure, Western Power Corporation) each generated between 2.5% and 4% of complaints.

Department of Justice - offender management

Department of Justice (DOJ) and Australian Integration Management Services Corporation (AIMS) complaints

In the reporting period, we adopted a new Assessments/Investigation team model for receiving and handling complaints. This has had a significant impact on improving the effectiveness of our complaint assessment process, and in the handling of both written complaints and telephone calls from prisoners.

The Assessments Team receives all initial complaints, including those complaints relating to the Department of Justice and AIMS. After acknowledgement, initial enquiries are conducted by the Assessments team to determine if the complaint is within our jurisdiction. If suitable for investigation, the complaint is passed to the Investigation Team for completion.

General prison and related complaint analysis

We received 519 allegations about offender management this financial year. Of these:

- 494 related to prisons (107 to Acacia Prison and 387 to DOJ prisons);
- 10 related to prison services or administration; and
- 15 to prison transport and court security services provided by AIMS.

Figure 3.1 shows the most common categories of complaint over the past three years.

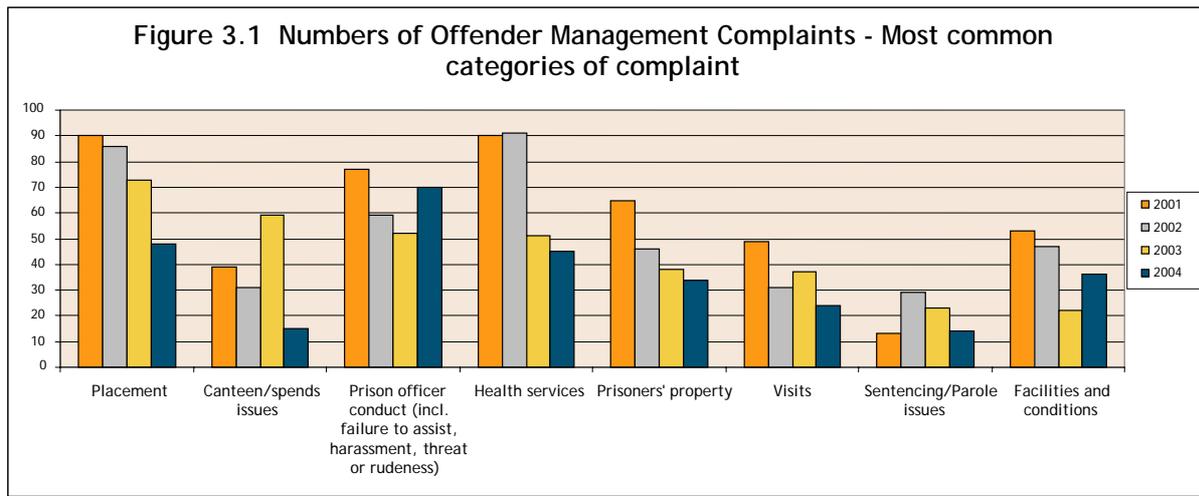


Table 3.1 shows the source of allegations received over the past four years.

Prison	Allegations				
	2002	2003	2004	2005 (Number)	(%)
Acacia (AIMS)	177	245	133	107	23
Acacia (Dept. of Justice)	12	4	20	18	4
Albany	7	12	6	13	3
Bandyup	25	64	40	30	6
Banksia Hill	1	-	5	-	-
Broome	-	5	2	2	-
Bunbury	20	13	14	13	3
Casuarina	167	70	121	105	21
Eastern Goldfields	1	8	4	19	4
Greenough	18	16	16	10	2
Hakea Prison - Remand	21	2	2	7	1
Hakea Prison	166	159	113	85	17
Karnet	29	13	15	9	2
* Nyandi	8	3	9	5	1
Pardelup	1	closed	closed	-	-
Rangeview Remand Centre	-	-	5	3	-
Riverbank	1	closed	closed	-	-

Prison	Source of allegations received 2002-2005				
	2002	2003	2004	2005 (Number)	(%)
Roebourne	4	4	9	9	2
Wooroloo	24	37	18	6	1
Not allocated to a prison	66	50	62	53	10
TOTAL	748	705	594	494	100

* Nyandi includes any complaints received from Boronia, the new women's pre-release facility, to 30 June 2005. We will separately report on Boronia Prison complaints in the 2005/2006 financial year.

Table 3.2 shows the nature of allegations received by category during 2004/2005.

Nature of allegations received 2004-2005	
	Allegations
Prison officer conduct (incl. failure to assist, harassment, threat or rudeness)	70
Placement	49
Health services	45
Communication - telephones	36
Facilities and conditions	36
Prisoner's property	34
Visits	24
Prisoner grievance procedure	23
Assault (by prison officer or AIMS officer)	18
Discipline (incl. loss of privileges/prison charges)	18
Prisoner employment	16
Canteen/spends issues	15
Sentencing/parole issues	14
Food and diet	12
Security classification	11
Education courses and facilities	10
Rehabilitation programs	9
Individual Management Plan	7
Protection	5
Authorised absences/funerals	4
Drug detection (prisoners)	4
Prison officer grievances	2
Separate confinement	2
Other	30
TOTAL	494

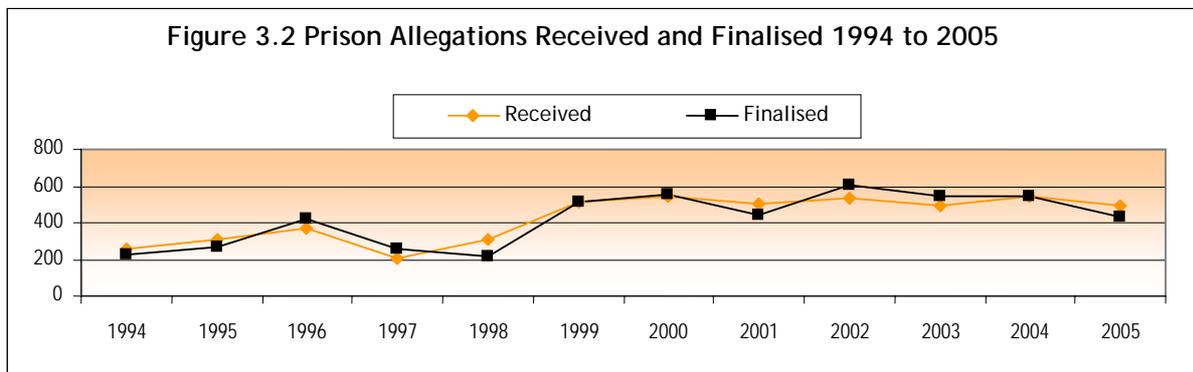
One issue that remains of concern is the number of allegations about prisoner program issues (education courses and rehabilitation programmes). This may indicate the need for clearer

communication between the Department and persons who want to complete programs to address offending behaviour prior to their Earliest Eligibility Date in advance of their appearance before the Parole Board.

Prisons

The 494 allegations we received about prisons during the year represents a 9% decrease in allegations received from last year. This year the Office finalised 418 allegations.

Figure 3.2 shows the pattern over nine years of numbers of allegations received and finalised.



Note - Allegations received for 2001 may be slightly inaccurate due to anomalies in the recording of telephone queries.

Finalised allegations

The outcomes of the 418 allegations finalised during the year are shown in tables 3.3 and 3.4.

Manner in which allegations finalised	Manner in which allegations finalised		
	AIMS - Acacia Prison	Dept. of Justice Prisons	Total
Finalised without investigation			
Misconduct matter within CCC jurisdiction	5	35	40
No jurisdiction	3	22	25
Discretion exercised not to investigate*	11	51	62
Withdrawn or not proceeded with	4	31	35
Finalised to satisfaction of complainant	6	21	27
Referred back to the agency	25	51	76
Sub total	54	211	265
Finalised by completed investigation			
Sustained wholly or substantially	2	16	18
Sustained partly	1	2	3
Not sustained	22	59	81
Could not be determined	12	20	32
Withdrawn or not proceeded with	6	13	19
Sub total	43	110	153
TOTAL ALLEGATIONS FINALISED	97	321	418

* "Discretion exercised not to investigate" does not necessarily indicate that no enquiries about the matter raised were undertaken, nor does it imply that no assistance was provided.

TABLE 3.4	Assistance provided - allegations finalised by investigation		
	Voluntary	Formally recommended	Total
Benefit for complainant			
Act of grace payment made	7	1	8
Action/decision expedited	62	12	74
Apology	9	3	12
Explanation or reasons provided by agency	18	5	23
Reversal or significant variation of original action	21	4	25
Monetary charge reduced/withdrawn/refunded/rebated	2	-	2
Other	42	21	63
TOTAL BENEFIT FOR COMPLAINANT			207
Changes to law, practice or procedure			
Change policy/procedure	37	17	54
Improve record-keeping	6	6	12
Other change to system	18	-	18
Training issue	13	1	14
TOTAL CHANGES TO LAW, PRACTICE OR PROCEDURE			98

Prison visits

This year, we visited the following prisons and remand centres:

- Broome Regional Prison
- Eastern Goldfields Regional Prison
- Rangeview Detention Centre
- Banksia Hill Detention Centre
- Bandyup Women's Prison
- Nyandi Prison
- Boronia Pre-release Centre
- Casuarina Prison
- Hakea Prison
- Acacia Prison.

The visits to prisons and detention centres at Casuarina, Bandyup, Rangeview, Banksia Hill and Eastern Goldfields were in conjunction with the inspections of these facilities conducted by the Inspector of Custodial Services. Our involvement was to take individual complaints and to look at the current internal grievance and confidential mail processes. These visits allowed us to identify concerns with the internal grievance process which will be explored further in an 'own motion' investigation to be undertaken during 2005/2006.

Presentations

Awareness sessions were given to trainee prison officers at Casuarina Prison and Nyandi Prison on the role of the Ombudsman. The sessions also gave trainee officers an understanding of the process followed when our officers investigate a complaint made by a prisoner.

'Unwelcome communications'

During the year we conducted an investigation into a complaint by a person who received unwelcome communication from an incarcerated ex-defacto who had been subject to restraining orders obtained by the complainant. This issue received some significant media coverage at the time.

We found that unwelcome communication did occur, in spite of the complainant's specific request to the contrary; her allegations were sustained and eight recommendations were made to and accepted by the Department of Justice.

These recommendations identified process improvements designed to assist prison management to improve the effectiveness of assessing and managing prisoners at risk of threatening individuals outside prison. We did not want the circumstances giving rise to this complaint to be able to recur.

'Inquiry into the Management of Offenders in Custody'

On 5 April 2005, the Premier, the Honourable Dr Geoff Gallop MLA set up the Inquiry into the Performance of the Department of Justice with regard to the Management of Offenders in Custody and in the Community, in collaboration with the Honourable Mr John D'Orazio MLA, Minister for Justice.

The Honourable Dennis Mahoney AO QC was appointed to carry out the Inquiry.

Legal & Investigating Officer, Mrs Jane Burn, was seconded to form part of the team assisting Mr Dennis Mahoney with his Inquiry. Our Office provided a briefing paper to this Inquiry detailing the scope of our jurisdiction in relation to prison complaints and providing statistical data.

Local government

Complaints received

One hundred and twenty nine complaints involving 173 specific allegations were received this year. These concerned 52 of the State's 142 local governments. In the previous year, 111 complaints involving 225 allegations were received. Overall, complaints about local governments represented 11% of all allegations received by our Office in the reporting period.

Table 3.5 shows the types of allegations received this year.

TABLE 3.5	Nature of allegations received about local governments 2004/2005
Building Control	
Refusals, conditions of applications, objections, construction and demolition matters	15
Community Services	
Cultural and community services, parks and recreation reserves and facilities	6
Contracts and Property Management	
Tenders and contracts for goods and services, resumption of property, leases, other property transactions	7
Corporate and Customer Services	
Complaint-handling, provision of information, liability claims, meetings/elections, conduct of officers and elected members, staffing issues	37
Development	
Refusals, conditions of application, objections, home occupations	18
Enforcement	
Enforcement of development and building conditions, unauthorised development, parking and traffic, control of animals, fire control and other statutes and local laws	43
Engineering	
Roads, footpaths, rights of way, construction/maintenance, traffic management, road closures, access	16
Environmental Health Issues	
Noise and other pollution, public health issues, waste disposal and other environmental issues	11
Other Approvals and Licences	
Refusals, conditions/objections	3
Rates and Charges	
Valuations and ratings, payments, collection, rebates, other charges	10
Town Planning	
Subdivision, land use, town planning schemes, rezoning	7
TOTAL	173

Complaints finalised

One hundred and ninety nine allegations were finalised this year, compared with 260 last year. Of those, 105 were finalised at the assessment stage (that is, the complaint was withdrawn or not proceeded with; discretion not to investigate was exercised; the issue of complaint was outside jurisdiction; it was referred back to the original agency; or it was finalised to the satisfaction of the complainant). Ninety four were finalised by an investigation. Of those, three allegations could not be determined; 53 were not sustained; 8 were sustained in part; and 11 were sustained wholly or

substantially. The other 19 were withdrawn or not proceeded with. Ten resulted in changes to practice or procedure.

Table 3.6 shows the kinds of voluntary assistance given to complainants following the involvement of this Office.

TABLE 3.6 Assistance provided - allegations finalised	
	Number of actions
Apology	5
Action expedited	3
Adequate explanation or reasons given	3
Charge reduced or rebate given	2
Reversal or significant variation of original decision	4
Explanation only	77
TOTAL	94

Department of Housing and Works

We received 61 complaints containing 68 allegations about the Department of Housing and Works in 2005. This was 39 complaints fewer than 2004 when 100 complaints were received containing 138 allegations. In percentage terms, the number of complaints received fell by 39% while the number of allegations fell by 51%. While the number of complaints received over recent years has fluctuated, as shown in Table 3.7, this is the lowest number of complaints about the Department since at least 1992.

TABLE 3.7 Complaints and allegations received 1998-2005								
	1998	1999	2000	2001	2002	2003	2004	2005
Number of individual complaints	66	111	128	68	98	66	100	61
Number of allegations	67	121	137	104	132	125	138	68

The majority of allegations received (55 in total) concerned the rental operations program of the Department. Of these 55 allegations, 21, slightly over one third, concerned the property allocation and transfer process. This proportion is slightly higher than in 2004 but still less than in 2003, when more than half of the allegations received concerned the allocation and transfer process.

The number of allegations about property condition and maintenance fell to just two in 2005. This is a significant fall as there have never been fewer than 20 allegations regarding maintenance over the last three years. In our view, this decline may be the result of two factors. The first is the increase in funds allocated to maintenance, which has risen 23% over the past two years. The second is the action taken by the Department as a consequence of the Auditor General's Report to Parliament in October 2003, entitled "A Roof Over Our Heads: Maintenance of Public Housing." The report made a number of recommendations, including the need to improve the consistent application, transparency, and due process of the Homeswest Appeals Mechanism.

Table 3.8 shows details of the number of allegations received this year compared with previous years across a range of categories.

TABLE 3.8	Nature of allegations received					
	2000	2001	2002	2003	2004	2005
Actions of agency officers/employee management issues	27	8	-	-		
Administration	-	-	12	25	16	6
Rental operations						
- Property allocations and transfers	51	38	28	47	39	21
- Tenant liability	29	13	8	4	4	10
- Property condition and maintenance	10	9	20	23	22	2
- Behaviour of tenants/evictions	3	12	11	6	29	12
- Rental/bond assistance	6	5	7	5	2	1
- Debt repayments	-	-	4	2	4	-
- Other	-	-	29	3	12	9
Property purchase	4	3	4	-	3	-
Construction and development	-	-	2	-	1	-
Other	7	16	7	10	6	7
TOTAL	137	104	132	125	138	68

In finalising our inquiries during 2005 we made a range of suggestions for process improvements, which were generally well received by the Department.

Tables 3.9 and 3.10 show the outcome of complaints finalised in 2004/2005. As occurred last year, a higher number of allegations were finalised (89) in 2005 than were received (68). This outcome included completing a range of complex older matters.

TABLE 3.9	Manner in which allegations finalised	
	Allegations	%
Finalised without investigation		
Discretion exercised not to investigate	5	6
Withdrawn or not proceeded with	2	2
Finalised to satisfaction of complainant	1	1
Referred back to Department	13	15
No jurisdiction	1	1
Misconduct matter within CCC jurisdiction	1	1
Finalised by completed investigation		
Sustained wholly or substantially	5	6
Sustained partly	3	3
Not sustained	35	39
Could not be determined	1	1
Opinion unnecessary	22	25
TOTAL	89	100

TABLE 3.10 Assistance provided - allegations finalised by investigation		Allegations
Benefit for complainant		
Monetary charge reduced, withdrawn or refunded		3
Action/decision expedited		1
Reversal or significant variation of original decision		3
Apology given		3
Other assistance given		1
Explanation only		55
TOTAL		66

Education – Departments, schools, universities and TAFE colleges

During the year 47 complaints were received, involving 63 individual allegations, about the Department of Education and Training, individual schools, universities and TAFE colleges. A total of 63 allegations were finalised during this period. Table 3.11 shows details of allegations received and finalised during the year compared with the previous year, together with a list of the institutions complained about. As can be seen, there was a significant reduction in the number of allegations received as compared to the previous year (down from 94 to 63) with most of this resulting from a more than 50% decrease in the allegations received against the Department of Education and Training.

TABLE 3.11	Allegations received and finalised			
	2003/2004		2004/2005	
Agency	Received	Finalised	Received	Finalised
Department of Education and Training (administration and individual schools)	55	54	25	39
Department of Education Services	4	-	1	1
Curtin University	7	14	19	11
Edith Cowan University	1	-	1	2
Murdoch University	10	13	7	2
University of Western Australia	5	6	3	2
Central TAFE	4	3	2	3
Central West College of TAFE	-	-	1	-
Challenger TAFE	2	2	2	1
Kimberley TAFE	1	-	-	1
Pilbara TAFE	-	-	1	1
Swan TAFE	1	1	-	-
West Coast TAFE	4	4	1	-
TOTAL	94	97	63	63

The 63 allegations finalised during 2004/2005 covered the following general areas:

TABLE 3.12	General areas of complaint		
	No.	%	As compared to % 2003/4
Academic assessment	5	8	14
Enrolment/fees/charges	4	6	15.5
Home schooling	-	-	2
Quality of teaching/organisation of courses	1	2	15.5
Staff employment issues	31	49	28
Student discipline	7	11	3
Miscellaneous	15	24	22
TOTAL	63	100%	100%

These allegations were dealt with as follows:

TABLE 3.13	Manner in which allegations finalised		
	No.	%	As compared to % 2003/4
Withdrawn or not proceeded with prior to commencement of investigation	1	2	2
Finalised to complainant's satisfaction without investigation	-	-	1
No jurisdiction	1	2	6
Discretion exercised not to investigate	13	21	18
Referred back to agency	18	28	18
Finalised after investigation	30	47	55
TOTAL	63	100%	100%

Of the 30 allegations for which an investigation was commenced, nine were resolved wholly in favour of the complainant, one was partly sustained, 11 were not sustained, one could not be determined and eight were discontinued.

The assistance that was able to be provided as a result of recommendations made by the Ombudsman or voluntary action by the agency concerned in relation to matters finalised by investigation is shown in Table 3.14.

TABLE 3.14	Assistance provided for allegations finalised after investigation commenced 2004/2005	
	No. of instances	As compared to 2003/4
Act of grace payment	2	-
Action expedited	-	1
Apology given	1	2
Explanation only by Ombudsman and/or agency	17	34
Monetary charge reduced, withdrawn or refunded	3	-
Other	-	1
Reversal or significant variation of original decision	4	2
TOTAL	27	40¹

¹ It is possible for a complainant to receive more than one form of assistance with respect to the one allegation.

Examples of the assistance received by complainants after making a complaint to our Office are:

- the Department of Education and Training agreed to negotiate with two suppliers unreasonably affected by actions of the Department with a view to making an act of grace payment to them;
- the Department of Education and Training Recovery Section dropped its claim for the costs involved in referring a salary overpayment to a debt collection agency before it had taken adequate steps to contact the former employee concerned itself;
- a University waived fees relating to parking infringements inappropriately referred to the Fines Enforcement Registry; and
- the Department of Education and Training agreed to resubmit its Fringe Benefits Tax return to the Australian Taxation Office to take into account the actual vehicle usage of employee novated lease holders who had failed to lodge an odometer reading on time or correctly. Although the employees were required to meet the cost of the resubmission, they were nonetheless much better off financially because the FBT they would otherwise have had to reimburse the Department for under the terms of the lease was much greater than the resubmission cost.

Systemic changes

In four instances, in response to specific recommendations by the Ombudsman or voluntary initiatives by the agency concerned, changes to agency policies and procedures occurred subsequent to an investigation. These included:

- a University amended its procedures to better cover situations where drivers wish to have parking infringements determined by a Court;
- the Department of Education and Training increased the information it provides to employee novated leaseholders about the need to submit vehicle odometer readings by the due date; and
- a University placed information on its staff services internet site outlining staff's responsibility for personal property brought on to campus and the limits on claims under the University's insurance policy.

Investigation commenced in 2003/04

Last year we commenced a formal investigation into the way the Department of Education and Training responds to complaints, having regard in a broad sense to its complaints management processes. Focusing on a particular set of circumstances, which we decided to use as a case study, our aim was to identify any systemic issues that might emerge and to make recommendations to assist the Department improve its overall complaint handling. To that end, draft reports were provided to the Department and a number of high level meetings took place to discuss the implications of the case study.

During the current reporting period, two additional issues arose that were relevant to this investigation. One was the imminent ratification of the International Standard for complaint handling. As one objective of the investigation was to identify for the Department ways in which it could improve its complaint handling against a relevant benchmark, I decided that this development needed to be reflected in the final report.

The second development of relevance was that in early 2005, almost all the Ombudsmen in Australia identified that they shared concerns about how well the tertiary education sectors in their respective jurisdictions were handling complaints. This was a national first for this group, reflected in a collectively signed letter to *The Australian's* higher education supplement. Many of the issues

raised by the Ombudsmen were not dissimilar to the higher level issues raised in our investigation. For that reason, I decided to ensure that the recommendations that emerged in the case of the primary and secondary sectors could also be applied to the tertiary sector, with the aim of making the final report as useful as possible across the Western Australian education sector.

Western Power Corporation

During the reporting period we received 37 written complaints containing 41 allegations about Western Power. This represents a decrease of approximately 41% from the 63 complaints in 2003/2004 and also a decrease in allegations of approximately 47% from the 77 allegations received in that period.

Table 3.15 shows the outcome of those allegations finalised and Table 3.16 records the type of assistance provided to these complainants.

TABLE 3.15	Outcome of allegations finalised	
	Allegations	%
Finalised without investigation		
Discretion exercised not to investigate	4	9
Finalised to satisfaction of complainant	1	2
Referred back to agency	8	17
Complaint withdrawn or not proceeded with	1	2
No jurisdiction	3	6
Finalised by completed investigation		
Sustained wholly or substantially	7	15
Sustained partly	1	2
Not sustained	17	36
Could not be determined	4	9
Withdrawn or not proceeded with	1	2
TOTAL ALLEGATIONS FINALISED	47	100

TABLE 3.16	Assistance provided - allegations finalised by investigation	
	Allegations	
Benefit for complainant		
Act of grace payment made		2
Action/decision expedited		1
Apology		1
Explanation or reasons provided by agency		2
Reversal or significant variation of original decision		2
TOTAL		8

Types of issues

As in past years, the largest category of complaint which accounted for 17 of the 41 allegations related to billing, account, credit management and payment plan issues. The second largest complaint area related to damage to goods or electrical appliances by power interruptions, which accounted for ten allegations. The remaining allegations involved connections, reconnections, entry onto property, power pole damage, tree lopping and customer service matters.

Energy Ombudsman - new jurisdiction

It is anticipated that the complaint numbers for Western Power under the State Ombudsman's jurisdiction will reduce further in the next financial year with the introduction of the Energy Ombudsman, who will have jurisdiction over small use residential and business customer gas and electricity complaints.

Processes have been put in place to ensure that customers of Western Power who contact the State Ombudsman with an enquiry or complaint can choose to have the matter dealt with under the State Ombudsman's jurisdiction or using the new Energy Ombudsman's dispute resolution process.

If the complainant elects to have the matter remain with the State Ombudsman, the complaint will be assessed and, if appropriate, investigated. At the end of the investigation, we may make recommendations to Western Power to change its policies or procedures.

If the complainant elects to use the new Energy Ombudsman process, alternative dispute resolution methods will be used to help resolve the problem. In the first instance, complainants are directed to Western Power representatives to give the company an opportunity to try and resolve the problem. If the complainant is unhappy with the initial contact made with the company, Energy Ombudsman staff will work with higher level Western Power representatives and the complainant to try and help resolve the matter to the satisfaction of both parties. If the matter cannot be resolved within ten business days, the Energy Ombudsman can assess whether an investigation is warranted.

One major difference between these two jurisdictions is that the Energy Ombudsman may make a Determination which is binding on Western Power, in an amount up to \$20,000 or, with the consent of the parties, \$50,000.

Overview of other activities

Public Interest Disclosures

The Ombudsman is one of the "proper authorities" to whom a public interest disclosure may be made under the *Public Interest Disclosure Act 2003* (the PID Act) which came into effect on 1 July 2003. The PID Act facilitates the disclosure of information by anyone (not just government employees) who has reason to believe that something is wrong with the way a government official or public authority or government contractor is acting or going to act. The information must tend to show that, in relation to the performance of a public function, a public authority, a public officer, or a public sector contractor is involved in:

- improper conduct
- irregular or unauthorised use of public resources
- an offence under State law, including corruption
- substantial unauthorised or irregular use of, or substantial mismanagement of, public resources
- administration matter(s) affecting the person concerned
- conduct involving a substantial and specific risk of injury to public health, prejudice to public safety or harm to the environment.

The PID Act provides that the Ombudsman is the proper authority to receive disclosures about both administration matters falling within the Ombudsman's jurisdiction, as well as disclosures about improper conduct by a public officer (other than a Member of Parliament, a Minister of the Crown, a judicial officer or an officer referred to in Schedule 1 of the Act).

The PID Act does not define “improper conduct” and the phrase therefore has a potential to apply to a wide range of conduct, having regard to the general standards and codes of conduct that apply to public officers.

Under the PID Act, the potential for involvement in public interest disclosures by my Office is wide. However, we received only one such disclosure during the year. In addition, in response to some preliminary enquiries we received in relation to the application of the PID Act to the sphere of responsibility of a Department or public authority, we provided advice to the effect that a person can first make a disclosure to the PID officer at the Department or public authority concerned.

We also continued the investigation of a complex disclosure raised with us the previous year. We took steps during the reporting period to reallocate caseloads of senior members of the Investigations and Major Projects team in order to better resource our PID investigations.

My nominated Public Interest Disclosure officer continued to participate in meetings of the Public Interest Disclosure Coordination Committee, a committee facilitated by the Office of the Public Sector Standards Commissioner and operating as a specialist forum to assist those agencies that are prescribed as “proper authorities” to comply with their obligations under the PID Act.

Administration and staffing

The position of Parliamentary Commissioner for Administrative Investigations (or Ombudsman, as it is more commonly known) was established under the *Parliamentary Commissioner Act 1971* (the Act), which was assented to on 22 December 1971 and came into operation on 12 May 1972. Under the Act the Ombudsman reports direct to the Parliament, and it is to the Parliament - not the Government of the day - that the Ombudsman is responsible.

The responsibility for the administration of the Act (as distinct from the responsibility for the Ombudsman's office) is allocated to the Premier. The Department of the Premier and Cabinet provides a bureau service for such matters as human resource management, financial management and some information technology services.

Part 3 of the *Public Sector Management Act 1994* (which relates to the constitution and staffing of the Public Service) does not apply to the Ombudsman, the Deputy Ombudsman, an Acting Ombudsman or officers of the Ombudsman.

Staffing

Staff changes in the Office for the reporting period were as follows:

In January 2005, Shayne Sherman completed his term as Acting Assistant Ombudsman. In March 2005, Claire Forte and Andrew Harvey joined the Office on a 6 month placement as Manager Assessments and Manager Investigations and Major Projects respectively.

In May 2005, Dr Heather Brown was appointed Deputy Ombudsman. Dr Brown has a postgraduate qualification in psychology and over 20 years' experience in the public sector in a range of agencies including the Health Department, the former Department of Local Government, the former Ministry of Fair Trading and the Disability Services Commission. Her responsibilities have encompassed strategic planning, policy, legislative review, performance evaluation, intergovernmental relations and operational management. Dr Brown's depth of skills and background will be a great asset to our Office.

During the year we were also helped by Gary Casey as Acting Assistant Ombudsman from 7/2/05 to 4/3/05; Wendy Lee as a Senior Investigating Officer for the whole reporting period; Lianne Pulling as Investigating Officer from 29/3/05 to 22/4/05; Peter Pierre as Investigating Officer from 10/1/05; Louise Basson as Senior Investigating Officer from 2/5/05. Also additional assistance in the Enquiry Officer role was provided by Thaedra Frangos, Kaye Towers-Hammond and Clint Ambler.

Phil Barden, who had been with our Office for 19 years, moved across to the Corruption and Crime Commission (CCC) in November 2004. Melissa Baxter, another long serving officer, moved to the CCC in May 2005. In April 2005, Kathleen McDonald took up a position at the Department of Consumer and Employment Protection.

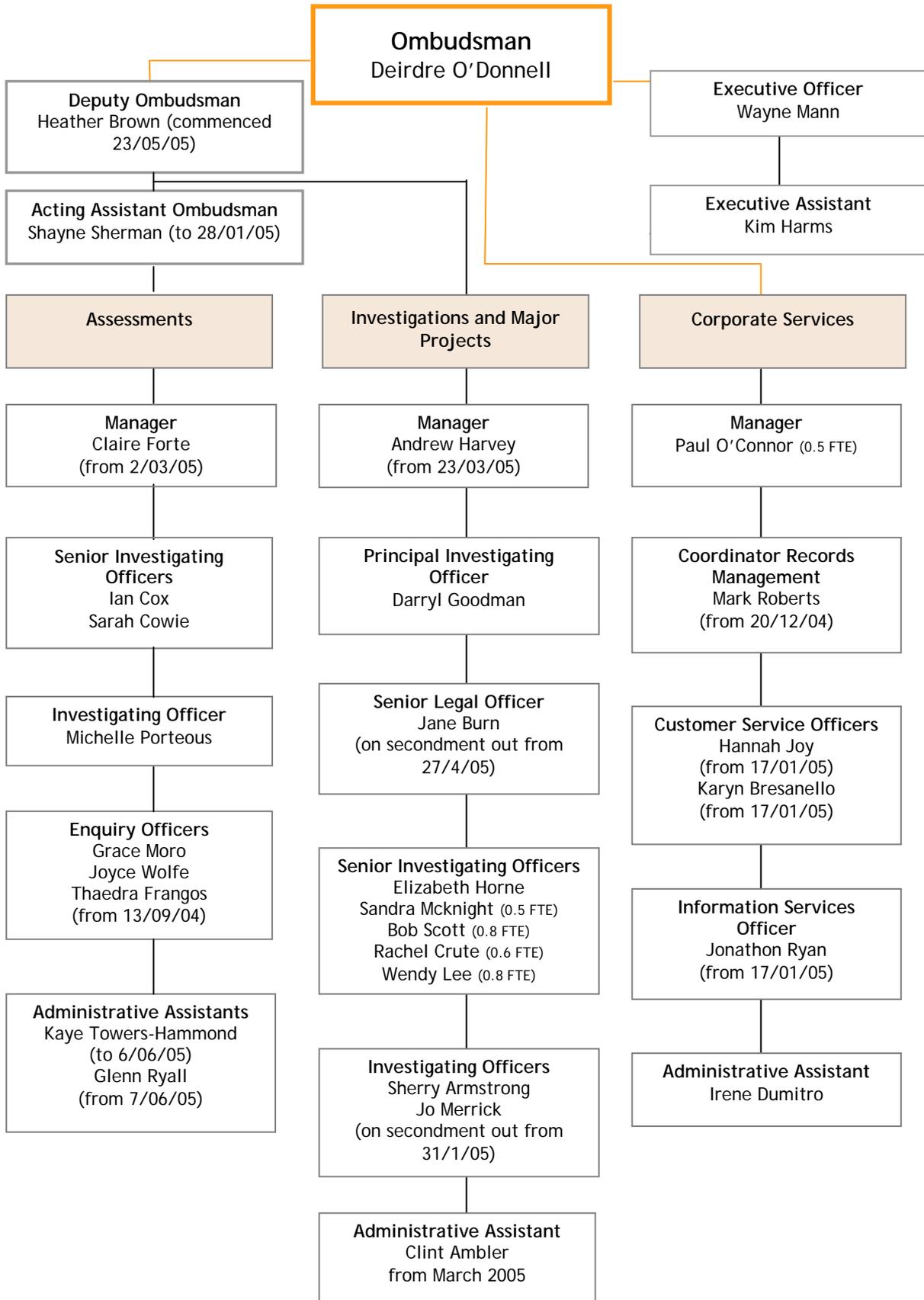
Shared Corporate Services

One of the benefits of collocating with the Office of the Public Sector Standards Commissioner (OPSSC) has been the opportunity this has provided to share corporate services. Under this arrangement, our two Offices effectively pay half the salary of the Manager Corporate Services (Paul O'Connor), and we each then pay for approximately half the salary budget of this function.

In December 2004, Mark Roberts joined us in Corporate Services as the Coordinator Records Management to progress the Office records management program in accordance with the *State Records Act 2000*. In January 2005, Hannah Joy and Karyn Bresanello joined Mark's team as Customer Service Officers to provide reception and records management services. As well, Jonathon Ryan worked as Information Services Officer from 17/1/05; and Glenn Barber, who helped archive some of our older files was with us from 23/5/05. Irene Dumitro continued to help as Administrative Assistant.

We are also helped by the following staff, whose salaries are funded by OPSSC: Zarin Milambo, Assistant Manager; Rukhila Khan, Coordinator Information Management; and Grace Warren, Senior Administrative Assistant and formerly employee of our Office since 1985.

In 2004/05 the Office was staffed as shown in the following chart.



Compliance reports

Corruption Prevention and Control

The Office is committed to operating with a high level of integrity, consistent with its role in promoting confidence in public administration. We adopt a continuous improvement approach to our code of conduct and conflict of interest policy. Both documents are incorporated into the induction manual for new staff and are available on the Office's intranet. Ethical awareness is reinforced through attendance by staff at presentations by guest speakers and relevant seminars and workshops.

Information security is a high priority for the Office. Relevant risks and control strategies are identified in the Office's risk register and in 2004 staff attended a risk management workshop conducted by RiskCover to improve their skills and awareness. A copy of the information security policy is included in the staff induction manual.

An effective whistleblowing regime is also an important element in helping detect corrupt and illegal practices within organisations. In 2004, the Office commenced the development of an internal policy and procedures for public interest disclosures.

Disability Service Plan

As an Office we aim to provide appropriate access and service to people with disabilities, their families and carers. In the year ahead we will develop a Disability Service Plan to demonstrate our commitment to being an accessible Ombudsman and to ensure that all key Disability Service Plan outcomes are addressed. There were no formal complaints received during the year regarding the Office's provision of appropriate facilities or access to services.

During the year the fitting of electronic doors to improve access to the amenities area on the 12th floor was commenced. This will be completed in July 2005.

Equal Employment Opportunity

The Office has adopted policies to assist employees with family responsibilities. A number of staff have taken up flexible working conditions, including part-time employment, working from home and paid parental leave.

Cultural Diversity and Language Service Outcomes

The Office exists to serve all members of the public, and is committed to being accessible to people from diverse cultures.

As part of meeting its Language Services Outcomes and reflective of its commitment to valuing diversity, the Office disseminates information on the provision of translation and interpreter services to complainants as required and produces key information in various languages. It also provides interpreters and telephone access for people with hearing or speech impairment where appropriate.

Complainants are able to use the Translating and Interpreting Service if English is not their first language, or the National Relay Service if they have hearing or speech impairments.

Youth Outcomes

The Office did not specifically target youth during the year but recognises this group as an important stakeholder. A Communications Officer (to be shared with the Office of the Public Sector

Standards Commissioner) will be recruited later in 2005. The Communications Officer will assist with the development of specific outreach programs for young people.

Compliance with Public Sector Standards

Human Resource Management Standards

The Office operates in accordance with Public Sector Standards and is developing appropriate internal human resource management (HRM) policies consistent with the Standards. Where appropriate, the Office also adopts the HRM policies of its bureau service provider, the Department of the Premier and Cabinet. These comply with the Standards. All staff are required to adopt these policies which are readily accessible on our intranet. There were no breach of standards applications lodged within the Office during the reporting period.

Ethical Codes

The Office complies with the Public Sector Code of Ethics and has its own Code of Conduct. No internal grievances were lodged relating to non-compliance with the ethical codes and no complaints were made to external authorities.

Recordkeeping Plan

As an Office we are committed to continuously improving our recordkeeping practices consistent with the requirements of the *State Records Act 2000*, thus improving the transparency and accountability of our business processes. Our Coordinator Records Management has the function of reviewing current systems and ensuring that we implement best practice recordkeeping policies and procedures.

The State Records Commission cleared our Recordkeeping Plan on 16 December 2004. Based on feedback from the State Records Office about our Plan, we have made further progress in improving our recordkeeping systems during the reporting period.

Staff have attended recordkeeping training about their responsibilities under the *State Records Act 2000*. The Staff Induction Program provides guidance on recordkeeping practices for all new staff and the Induction Manual acts as a reference for all staff on matters relating to record keeping.

As a result of a comprehensive audit, in January 2005 we implemented an electronic records management database ('TRIM') to capture, classify and track records using bar-coding technology. We commenced saving incoming electronic documents into 'TRIM' at this time.

A functional thesaurus has been developed and implemented covering both the administrative and functional records captured by the Office. An electronic version of the thesaurus and current General Disposal Authorities (GDAs) published by the State Records Commission have been entered into 'TRIM' to provide full functionality over the lifecycle of the administrative records captured in the system.

The Office's Retention and Disposal Schedule has been amended to reflect the file classification plan of the Office and is awaiting approval. A disposal program has commenced targeting records covered by the current GDAs. The program also identified the need to improve our onsite storage facilities and these have been re-designed to maximise space and storage capability. A significant amount of records in the central storage area has been placed in government contract-approved storage boxes and entered into the 'TRIM' database to assist in location and retrieval. Files from the previous filing system are being entered into 'TRIM' to determine their disposition and current files have been converted into the new system and classification plan. We will include functional records such as case files upon the approval of our Retention and Disposal Schedule.

Since December, the Office's records management policy and procedural documents and manuals have been updated regularly to provide for the ongoing improvements in our recordkeeping systems and have been made consistent with our obligations under the *State Records Act 2000* and our Recordkeeping Plan. We are currently undertaking the development of Performance Indicators to complement the review and improvements in recordkeeping practices and procedures at the Office and to measure the efficiency and effectiveness of our records management systems.

Advertising and Sponsorship Expenditure (*Electoral Act*)

The Office has not engaged any companies or organisations relating to advertising, market research, polling, direct mail or media advertising that require disclosure under s.175ZE of the *Electoral Act 1907*.

Complaints about our Office

The Office is committed to providing a fair, timely and professional response to people who complain about our decisions and actions. Complaints are an important means by which the Office is accountable for its activities and can help identify opportunities for us to improve our processes and the quality of our communications.

If a complainant is dissatisfied with the outcome or quality of an investigation, they may request that their case be reviewed. Our policy on reviews is outlined in Chapter 1.

Complainants may also express dissatisfaction with other aspects of our processes, such as the time we take to finalise a matter. While as an Office we work hard to provide a more timely service, this remains a source of dissatisfaction for some complainants, particularly where the matter is complex. It is important that we acknowledge these concerns and offer an apology.

If, after this, the complainant remains dissatisfied with the administrative processes of our Office, including timeliness, we will advise them of the option to bring the matter to the attention of the Speaker of the Legislative Assembly. However, because of the Ombudsman's independence, and as the Office is an office of 'last resort', the merits of an Ombudsman decision will not be reviewed by the Speaker.

During the year, one complaint was made to the Speaker about the timeliness of our investigation, including the length of time taken to clarify an issue of jurisdiction, and the complainant's perception that our investigation was not as detailed as it should have been. Our review of this complaint led to an improvement in our internal procedures such that we will now seek external legal advice if we are unable to address such jurisdictional questions in a timely way.

Waste Paper Recycling

Consistent with the Government's commitment to waste reduction and recycling, the Office continues its commitment to paper recycling through the proper use of recycling providers and by encouraging staff to recycle paper. Waste paper recycling practices for confidential papers are incorporated in our Office through the use of security shredding bins. In 2004-05, 36 bins of 240-litre capacity were used for recycled paper.

Evaluations

No formal evaluations of operations were undertaken under section 7(e) of the *Public Sector Management Act 1994* during the reporting year.

Energy Smart Government Program

In accordance with the Energy Smart Government policy the Office has committed to achieve a 12% reduction in non transport-related energy use by 2006-07 with a 2% reduction targeted for 2005/06.

Energy Smart Government program	Baseline Data	2003/04 Actuals	2004/05 Actuals	Variation %
Energy Consumption (GJ)	322	310	305	-1.6
Energy Cost (\$)	14,976	13,984	14,008	-
Greenhouse Gas Emissions (tonnes of CO ₂)	82	78	77	-1.2
Performance indicators				
MJ/sqm	356	342	466	36.2
MJ/Occupancy.	11,116	10,695	9,525	-10.9

The Office has implemented a number of energy saving modifications in the latter part of the financial year. In addition, a memorandum of understanding (MOU) between collocated government agencies has been signed which will result in an accurate allocation of shared electricity costs being attributed to each agency next year. The 2004/2005 figures do not reflect these more accurate costings. However it is anticipated that once the effects of the modifications and the accurate apportionment of costs have been realised, reduced costs will be able to be reported in the 2005/2006 year for our Office.

Report on operations

Corporate Services Bureau Support

Corporate Services Bureau support continues to be provided by the Department of the Premier and Cabinet. The services provided include:

- Financial Management - account payments, financial reporting, chart maintenance and asset management.
- Human Resource Management - salary payments, policy development, leave processing, classification determination and recruitment services.
- Information Technology - permanent connection to the Internet.

Accommodation

The Office is collocated with the Office of the Public Sector Standards Commissioner, the Office of Health Review, the Office of the Information Commissioner and the Commonwealth Ombudsman.

The corporate services section of the Office is shared with the Office of the Public Sector Standards Commissioner. The shared arrangements of corporate services also provide reception and other services for the Office of Health Review, the Commonwealth Ombudsman and the Information Commissioner under a memorandum of understanding.

Information Technology

The Information Technology Section continues to provide support to our information technology environment, upgrading essential network servers to improve system performance and service internal clients. The network integration project which will allow the sharing of information, emails and resources between our Office and the Office of the Public Sector Standards Commissioner was successfully commenced during the year and will be completed by the end of 2006.

We have engaged a Consultant to assist with the development and documentation of an IT Strategic Plan for our Office and the Office of the Public Sector Standards Commissioner, which will map out future IT requirements and direction for both Offices and identify budget implications.

A financial management database is currently being developed for our Office by Corporate Services to enable easier tracking and reporting on accounts payable and receivable.

Supply Function

A review by the State Supply Commission was conducted of compliance with State Supply policies. A sample of contracts awarded during the year was examined and the Office was found to have fully complied with relevant policies.

An annual review of the Office's Supply Business Management Plan and Supply Procedures Plan is due to be undertaken in 2005/06. This will assist our continued compliance with State Government purchasing policies.

Occupational Health, Safety, and Welfare

As an Office, we aim to provide a safe and secure working environment for employees. There was one compensation claim processed during the year.

An employee assistance program provider is available to staff to access confidential counselling services including their immediate family, if required.

We regularly update emergency contact information posters that include information from other collocated agencies. Regular training in emergency procedures, including building evacuation, first aid and office health training, was undertaken during the reporting period. Security and safety features including policy and procedures are continually reassessed in the areas of public access including the interview rooms of the shared reception area. This is of particular importance to our Office and is a high priority for management. A OHS&W Committee with representatives from collocated agencies has commenced.

Risk Management

Workshops in risk management at strategic levels were conducted by RiskCover in October 2004 and attended by senior staff. A risk management database has been provided by RiskCover to analyse and record potential risks to the Office.

Industrial Relations

In August 2004 the Office for the first time became part of an industrial award and agreement, namely the Government Officers Salaries, Allowances and Conditions Award and the Government Officers Salaries, Allowances and Conditions Allowances Agreement.

No industrial disputes were recorded during the year.

Freedom of information

The Office is an exempt agency under the *Freedom of Information Act 1992*. However, it is our policy to apply the spirit of this Act, where possible, to documents held by, or originating from, our Office, provided that their release would not contravene the secrecy provision of the Act.

Agencies that receive applications for access to documents that have originated from this Office or have been specifically prepared for the Ombudsman are required to notify us of such applications so that we have the opportunity to identify any sensitivities in the documents.

Legislation impacting on the Office

The Office does not administer any legislation. However, the *Parliamentary Commissioner Act 1971* provides the basis for the existence of the Office, and the *Telecommunications (Interception) Western Australia Act 1996* places certain statutory responsibilities on the Ombudsman.

Other written laws which have an impact on our activities are:

- *Corruption and Crime Commission Act 2003*
- *Disability Services Act 1993*
- *Equal Opportunity Act 1984*
- *Financial Administration and Audit Act 1985*
- *Inspector of Custodial Services Act 2003*
- *Library Board of Western Australia Act 1951*
- *Occupational Health, Safety and Welfare Act 1987*
- *Public Sector Management Act 1994*
- *Royal Commissions Act 1968*
- *Royal Commission (Police) Act 2002*
- *State Records Act 2000*
- *State Supply Commission Act 1991*
- *Workers' Compensation and Rehabilitation Act 1981*.

In relation to our Gas Industry Ombudsman function, the following Acts are of relevance:

- *Economic Regulation Authority Act 2003*
- *Energy Coordination Act 1994*
- *Parliamentary Commissioner Act 1971 (section 34)*.

Financial statements

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS

CERTIFICATION OF FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2005

The accompanying financial statements relating to the Parliamentary Commissioner for Administrative Investigations have been prepared in compliance with the provisions of the *Financial Administration and Audit Act 1985* from proper accounts and records to present fairly the financial transactions for the year ending 30 June 2005 and the financial position as at 30 June 2005.

At the date of signing, I am not aware of any circumstances which would render any particulars included in the financial statements misleading or inaccurate.



D A O'Donnell
Accountable Officer
26 August 2005



Parliamentary Commissioner for Administrative Investigations
Statement of Financial Performance
for the year ended 30 June 2005

	Note	2004/05 \$	2003/04 \$
COST OF SERVICES			
Expenses from ordinary activities			
Employee expenses	4	1,894,528	1,981,108
Travelling expenses		25,008	21,485
Depreciation expense	5	183,568	123,721
Supplies and services	6	385,342	326,293
Accommodation expenses	7	357,103	322,200
Capital user charge	8	74,897	28,934
Total cost of services		<u>2,920,446</u>	<u>2,803,741</u>
Revenues from ordinary activities			
Revenue from other services	10	145,645	1,452
Proceeds from disposal of non-current assets	9	0	100
Total revenues from ordinary activities		<u>145,645</u>	<u>1,552</u>
NET COST OF SERVICES		<u>2,774,801</u>	<u>2,802,189</u>
REVENUES FROM STATE GOVERNMENT			
Service Appropriation	11	3,050,000	2,822,000
Resources received free of charge		93,298	81,121
Liabilities assumed by the Treasurer		4,500	4,541
Total revenues from State Government		<u>3,147,798</u>	<u>2,907,662</u>
Total changes in equity other than those resulting from transactions with WA State Government as owners		<u>372,997</u>	<u>105,473</u>

The Statement of Financial Performance should be read in conjunction with the accompanying notes.



Parliamentary Commissioner for Administrative Investigations
Statement of Financial Position
as at 30 June 2005

	Note	2004/05 \$	2003/04 \$
Current Assets			
Cash assets	21(a)	723,353	479,312
Restricted cash assets	12	0	72,000
Other Assets	13	57,070	0
Receivables	14	25,653	31,389
Amounts receivable for services	15	72,000	83,000
Total current assets		<u>878,076</u>	<u>665,701</u>
Non-Current Assets			
Restricted Cash Assets	12	0	0
Furniture and fittings	16	1,159	0
Computer equipment	16	74,277	69,394
Office equipment	16	46,625	15,340
Office establishment	16	393,896	501,683
Works of art	16	4,965	4,965
Amounts receivable for services	15	321,000	56,000
Total Non Current Assets		<u>841,922</u>	<u>647,382</u>
TOTAL ASSETS		<u>1,719,998</u>	<u>1,313,083</u>
Current Liabilities			
Payables	17	32,956	110,046
Other liabilities	19	0	58,072
Provisions	18	318,968	297,800
Total current liabilities		<u>351,924</u>	<u>465,918</u>
Non-Current Liabilities			
Provisions	18	192,285	180,373
Total Non-Current Liabilities		<u>192,285</u>	<u>180,373</u>
Total liabilities		<u>544,209</u>	<u>646,291</u>
Equity			
Contributed equity	20	732,000	596,000
Reserves		5,117	5,117
Accumulated surplus/(deficiency)		438,672	65,675
Total equity		<u>1,175,789</u>	<u>666,792</u>
TOTAL LIABILITIES AND EQUITY		<u>1,719,998</u>	<u>1,313,083</u>

The Statement of Financial Position should be read in conjunction with the accompanying notes.



Parliamentary Commissioner for Administrative Investigations
Statement of Cash Flows
for the year ended 30 June 2005

	Note	2004/05 \$ Inflows (Outflows)	2003/04 \$ Inflows (Outflows)
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriations		2,713,000	2,742,000
Capital contribution		136,000 ✓	0
Holding account drawdowns		83,000 ✓	100,000
Net Cash provided by State Government		<u>2,932,000</u>	<u>2,842,000</u>
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee costs		(1,929,925)	(1,991,595)
Travelling expenses		(25,050)	(21,401)
Supplies and services		(314,653)	(239,572)
Capital User Charge		(74,897) ✓	(71,500)
Accommodation		(375,392)	(319,974)
GST payments on purchases		(91,124)	(113,742)
Receipts			
Revenue from services		145,645	1,452
GST receipts on sales		11,967	145
GST receipts from taxation authority		76,049	96,488
Net cash provided by/(used in) operating activities	21(b)	<u>(2,577,380)</u>	<u>(2,659,699)</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Purchase of non-current physical assets		(182,579)	(511,927)
Proceeds from sales of non-current physical assets		0	100
Net cash provided by/(used in) investing activities		<u>(182,579)</u>	<u>(511,827)</u>
Net Increase/(Decrease) In cash held		172,041	(329,526)
Cash assets at the beginning of the financial year		551,312	880,838
CASH ASSETS AT THE END OF THE FINANCIAL YEAR	21(a)	<u><u>723,353</u></u>	<u><u>551,312</u></u>

The Statement of Cash Flows should be read in conjunction with the accompanying notes.



✓ - Sedad.

Parliamentary Commissioner for Administrative Investigations
Schedule of Expenses and Revenues by Service
for the year ended 30 June 2005

	Police Service and railway special constables		Other Public Sector Organisations		Telecommunication Interception Audit		Total
	2004/05	2003/04	2004/05	2003/04	2004/05	2003/04	
COST OF SERVICES							
Expenses from ordinary activities							
Employee expenses	0	346,951	1,838,237	1,592,238	56,291	41,918	1,981,107
Travelling expenses	0	5,305	25,008	16,180	0	0	25,008
Depreciation	0	2,691	183,568	121,030	0	0	183,568
Supplies and services	0	84,789	385,809	242,088	1,866	1,642	387,675
Accommodation expenses	0	79,607	354,770	240,367	0	0	354,770
Capital User Charge	0	0	74,897	28,935	0	0	74,897
Carrying amount of non-current assets disposed of	0	0	0	0	0	0	0
Total cost of services	0	519,343	2,862,289	2,240,838	56,157	43,560	2,920,446
Revenues from ordinary activities							
Revenue from other services	0	0	119,775	1,452	0	0	119,775
Proceeds from disposal of non-current assets	0	0	0	100	0	0	100
Other revenue from ordinary activities	0	0	0	0	0	0	0
Commonwealth grants and contributions	0	0	25,870	0	0	0	25,870
Total revenues from ordinary activities	0	0	145,645	1,552	0	0	145,645
NET COST OF SERVICES	0	519,343	2,716,644	2,239,286	56,157	43,560	2,774,801
REVENUES FROM STATE GOVERNMENT							
Service appropriation	0	543,000	2,998,000	2,227,000	52,000	52,000	3,050,000
Resources received free of charge	0	25,610	91,432	53,869	1,866	1,642	93,298
Liabilities assumed by the Treasurer	0	0	4,275	4,208	225	333	4,500
Total revenues from State Government	0	568,610	3,093,707	2,285,077	54,091	53,975	3,147,798
CHANGE IN NET ASSETS	0	49,267	377,063	45,791	(4,066)	10,415	372,997

The Schedule of Expenses and Revenues by Services should be read in conjunction with the accompanying notes.

Parliamentary Commissioner for Administrative Investigations
Summary of Consolidated Fund Appropriations and Revenue Estimates
for the year ended 30 June 2005

	2004/05 Estimate \$	2004/05 Actual \$	Variance \$	2004/05 Actual \$	2003/04 Actual \$	Variance \$
DELIVERY OF SERVICES						
Item 4 Net amount appropriated to deliver services	2,349,000	2,745,000	402,000	2,745,000	2,517,000	228,000
Section 25 transfer of appropriation	0	0	0	0	0	0
Amount authorised by other statutes Parliamentary Commissioner Act 1971	305,000	305,000	0	305,000	305,000	0
Total appropriations provided to deliver services	2,648,000	3,050,000	402,000	3,050,000	2,822,000	228,000
CAPITAL						
Item 120 Capital Contributions	136,000	136,000	0	136,000	0	136,000
GRAND TOTAL OF APPROPRIATIONS	2,784,000	3,186,000	402,000	3,186,000	2,822,000	364,000
Details Of Expenses by Services						
Service 1 - Police Service and railway special constables	0	0	0	0	519,343	(519,343)
Service 2 - Other Public Sector Organisations	2,748,000	2,862,289	114,289	2,862,289	2,240,838	621,451
Service 3 - Telecommunications Interception Audit	52,000	58,157	6,157	58,157	43,580	14,597
Total Cost of Services	2,800,000	2,920,446	120,446	2,920,446	2,803,741	116,705
Less total revenues from ordinary activities	(51,000)	(145,645)	(94,645)	(145,645)	(1,552)	(144,093)
Net Cost of Services	2,749,000	2,774,801	25,801	2,774,801	2,802,189	(27,388)
Adjustments (1)	(101,000)	275,199	376,199	275,199	19,811	255,388
Total appropriations provided to deliver services	2,648,000	3,050,000	402,000	3,050,000	2,822,000	228,000
Capital Expenditure						
Purchase of non-current physical assets	433,000	113,108	(319,892)	113,108	589,440	(476,332)
Adjustment for other funding sources	-297,000	22,892	319,892	22,892	(589,440)	612,332
Capital Contribution (appropriation)	136,000	136,000	0	136,000	0	136,000
DETAILS OF REVENUE ESTIMATES						
Revenues disclosed as operating revenues						

(1) Adjustments are related to movements in cash balances and other accrual items such as receivables, payables and superannuation.

The Summary of Consolidated Fund Appropriations, Variance to Budget and Actual should be read in conjunction with the accompanying notes.

This Summary provides the basis for the Explanatory Statement information requirements of TI 945, set out in Note 23.



Parliamentary Commissioner for Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

1. Mission and funding

The mission of the Office of the Parliamentary Commissioner for Administrative Investigations (the Office) is "To assist the Parliament of Western Australia to be confident that the public sector of the State is accountable for, and improving the standard of, administrative decision-making, practices and conduct".

The Office is predominantly funded by Parliamentary appropriations. The financial statements encompass all funds through which the Office controls resources to carry on its functions.

2. Significant accounting policies

The following accounting policies have been adopted in the preparation of the financial statements. Unless otherwise stated these policies are consistent with those adopted in the previous year.

(a) General Statement

The financial statements constitute a general purpose financial report which has been prepared in accordance with Australian Accounting Standards, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board and Urgent Issues Group (UIG) Consensus Views as applied by the *Treasurer's Instructions*. Several of these are modified by the *Treasurer's Instructions* to vary the application, disclosure, format and wording. The *Financial Administration and Audit Act* and the *Treasurer's Instructions* are legislative provisions governing the preparation of financial statements and take precedence over Australian Accounting Standards, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standard Board and UIG Consensus Views. The modifications are intended to fulfill the requirements of general application to the public sector, together with the need for greater disclosure and also to satisfy accountability requirements.

If any such modification has a material or significant financial effect upon the reported results, details of that modification and, where practicable, the resulting financial effects are disclosed in individual notes to these financial statements.

(b) Basis of Accounting

The financial statements have been prepared in accordance with the Australian Accounting Standard AAS 29 'Financial Reporting by Government Departments'.

The statements have been prepared on the accrual basis of accounting under the historical cost convention, except that certain non-current physical assets have been introduced at written down current cost as at 30 June 1997. Additions to non-current physical assets since valuation are stated at cost.

(c) Service Appropriation

Service Appropriations are recognised as revenues in the period in which the Office gains control of the appropriated funds. The Office gains control of appropriated funds at the time



Parliamentary Commissioner for Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

those funds are deposited into the Office's bank account or credited to the holding account held at the Department of Treasury and Finance.

(d) Contributed Equity

Under UIG 38 "Contributions by Owners Made to Wholly-Owned Public Sector Entities" transfers in the nature of equity contributions must be designated by the Government (owners) as contributions by owners (at the time of, or prior to transfer) before such transfers can be recognised as equity contributions in the financial statements. Capital contributions (appropriations) have been designated as contributions by owners and have been credited directly to Contributed Equity in the Statement of Financial Position.

(e) Net Appropriation Determination

Pursuant to section 23A of the Financial Administration and Audit Act, the net appropriation determination by the Treasurer provides for retention of the following moneys received by the Office:

- proceeds from fees and charges;
- Commonwealth specific purpose grants and contributions;
- revenues derived from the sale of real property;
- one-off revenues with a value of less than \$10,000 derived from the sale of property other than real property; and
- other departmental revenue.

In accordance with the determination, the Office retained \$145,645 in 2004-05 (\$1,552 in 2003-04). Retained revenues may only be applied to the services specified in the 2004-2005 Budget Statements.

(f) Revenue Recognition

Revenue from the sale of goods and disposal of other assets and the rendering of services is recognised when the Office has passed control of the goods or other assets or delivery of the service to the customer.

(g) Acquisition of assets

The cost method of accounting is used for all acquisitions of assets. Cost is measured as the fair value of the assets given up or liabilities undertaken at the date of acquisition plus incidental costs directly attributable to the acquisition.

Assets costing less than \$1,000 are expensed in the year of acquisition (other than where they form part of a group of similar items which are significant in total).

(h) Depreciation of non-current assets

All non-current assets having a limited useful life are systematically depreciated over their useful lives in a manner which reflects the consumption of their future economic benefits. Depreciation is calculated on the straight-line basis using rates which are reviewed annually.

Expected useful lives for each class of depreciable asset are:

Furniture and fittings	5 years
Computer equipment	3 years



Parliamentary Commissioner for Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

Office equipment	5 years
Office establishment	5 years

Works of art controlled by the Office are classified as heritage assets. They are anticipated to have very long and indeterminate useful lives. Their service potential has not, in any material sense, been consumed during the reporting period. As such, no amount for depreciation has been recognised in respect of them.

(i) Leases

The Office has entered into an operating lease arrangement for motor vehicles where the lessors effectively retain all the risks and benefits incidental to ownership of the items held under the operating lease.

Office accommodation occupied by the Office is under a head lease arrangement between the lessor and the Commercial Property Branch of the Department of Housing and Works. As such, the Office has entered into an operating lease for the rent of its office space where the lessor effectively retains all of the risks and benefits incidental to ownership of the building held under the operating lease.

Equal installments of the lease payments are charged to the statement of financial performance over the lease term as this is representative of the pattern of benefits to be derived from the leased property.

(j) Cash

For the purposes of the Statement of Cash Flows, cash includes cash assets and restricted cash assets.

(k) Accrued Salaries

The accrued salaries suspense Account (refer to note 12) consists of amounts paid annually into a suspense account over a period of 10 financial years to largely meet the additional cash outflow in each eleventh year when 27 pay days occur in that year instead of the normal 26. No interest is received on this account.

Accrued salaries (refer note 19) represent the amount due to staff but unpaid at the end of the financial year, as the end of the last pay period for that financial year does not coincide with the end of the financial year. Accrued salaries are settled within a few days of the financial year end. The Office considers the carrying amount of accrued salaries to be equivalent to the fair net value.

(l) Receivables

Receivables are recognised at the amounts receivable as they are due for settlement no more than 30 days from the date of recognition.

Collectability of receivables is reviewed on an ongoing basis. Debts, which are known to be uncollectable, are written off. A provision for doubtful debts is raised where some doubt as to collection exists and in any event where the debt is more than 60 days overdue.



Parliamentary Commissioner for Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

(m) Payables

Payables, including accruals not yet billed, are recognised when the Office becomes obliged to make future payments as a result of a purchase of assets or services. Payables are generally settled within 30 days.

(n) Employee benefits

Annual leave

This benefit is recognised at the reporting date in respect to employees' service up to that date and is measured at the nominal amounts expected to be paid when the liabilities are settled.

Long service leave

The liability for long service leave expected to be settled within 12 months of the reporting date is recognised in the provisions for employee benefits and is measured at the nominal amounts expected to be paid when the liability is settled. The liability for long service leave expected to be settled more than 12 months from the reporting date is recognised in the provisions for employee benefits and is measured at the present value of expected future payments to be made in respect of services provided by employees up to the reporting date. Consideration is given, when assessing expected future payments, to expected future wage and salary levels including relevant on costs, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity and currency that match, as closely as possible, the estimated future cash outflows.

Superannuation

Staff may contribute to the Pension Scheme, a defined benefits pension scheme now closed to new members, or to the Gold State Superannuation Scheme, a defined benefit and lump sum scheme now also closed to new members. All staff who do not contribute to either of these schemes become non-contributory members of the West State Superannuation Scheme, an accumulation fund. The Office contributes to this accumulation fund in compliance with the Commonwealth Government's Superannuation Guarantee (Administration) Act 1992. All of these schemes are administered by the Government Employees Superannuation Board (GESB).

The superannuation expense comprises the following elements:

- (i) change in the unfunded employer's liability in respect of current employees who are members of the Pension Scheme and current employees who accrued a benefit on transfer from that Scheme to the Gold State Superannuation Scheme; and
- (ii) employer contributions paid to the Gold State Superannuation Scheme and West State Superannuation Scheme.

The superannuation expense does not include payment of pensions to retirees as this does not constitute part of the cost of services provided by the Office in the current year.



Parliamentary Commissioner for Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

A revenue "Liabilities assumed by the Treasurer" equivalent to (i) is recognised under revenues from Government in the Statement of Financial Performance as the unfunded liability is assumed by the Treasurer. The GESB makes the benefit payments and is recouped by the Treasurer.

The Office is funded for employer contributions in respect of the Gold State Superannuation Scheme and the West State Superannuation Scheme. These contributions were paid to the GESB during the year. The GESB subsequently paid the employer contributions in respect of the Gold State Superannuation Scheme to the Consolidated Fund.

The liabilities for superannuation charges under the Gold State Superannuation Scheme and West State Superannuation Scheme are extinguished by payment of employer contributions to the GESB.

Employee benefit on-costs

Employee benefit on-costs are recognised and included in employee benefit liabilities and costs when the employee benefits to which they relate are recognised as liabilities and expenses.

(o) Resources Received Free of Charge or For Nominal Value

Resources received free of charge or for nominal value which can be reliably measured are recognised as revenues and as assets or expenses as appropriate at fair value.

3. Services of the Office

Information about the Office's services is set out in the Schedule of Expenses and Revenues by Service.

The three key services of the Office are:

Service 1: Police Service and railway special constables

Description: Provide an effective and efficient system of investigating, and reviewing the adequacy of internal investigations of, complaints about the Police Service and railway special constables.

Service 2: Other Public Sector Organisations

Description: Provide an effective and efficient system of investigating complaints about public sector organisations other than the Police Service and railway special constables.

Service 3: Telecommunications Interception Audit

Description: Perform the duties of Principal Inspector and Inspectors under the *Telecommunications (Interception) Western Australian Act 1996*.



Parliamentary Commissioner For Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

	2004/05	2003/04
	\$	\$
4 Employee expenses		
Salaries	1,677,842	1,804,656
Superannuation	177,706	183,864
Long service leave	17,799	(21,087)
Annual leave	(5,010)	(5,337)
Other related expenses (l)	<u>26,191</u>	<u>19,012</u>
	<u>1,894,528</u>	<u>1,981,108</u>
<p>(l) These employee expenses include Superannuation, RiskCover premiums and other employment on-costs associated with the recognition of annual and long service leave liability. The related on-costs liability is included in employee entitlements liabilities at Note 18.</p>		
5 Depreciation expense		
Computer equipment	42,210	39,149
Office equipment	3,525	2,638
Office establishment	<u>137,833</u>	<u>81,934</u>
Total Depreciation	<u>183,568</u>	<u>123,721</u>
6 Supplies and Services		
Communications	31,185	33,698
Consumables	106,909	86,279
Services and contracts	156,283	127,421
Resources received free of charge (see note 11)	<u>90,965</u>	<u>78,895</u>
	<u>385,342</u>	<u>326,293</u>
7 Accommodation expenses		
Expenses directly incurred by the Office	354,770	319,974
Resources received free of charge (see note 11)	<u>2,333</u>	<u>2,226</u>
	<u>357,103</u>	<u>322,200</u>



Parliamentary Commissioner For Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

	2004/05	2003/04
	\$	\$
8 Capital User Charge	74,897	28,934

A capital user charge rate of 8% has been set by the Government and represents the opportunity cost of capital invested in the net assets of the Office used in the provision of services. The charge is calculated on the net assets adjusted to take account of exempt assets. Payments are made to the Department of Treasury and Finance on a quarterly basis.

9 Other expenses form ordinary activitiesNet gain/(loss) on disposal of non-current assetsGain on Disposal of Non-Current Assets

Plant and Equipment

0

100

Net gain/(loss)

0

100

10 Other revenue - from ordinary activities

Retained revenue - other

118,725

100

Revenue from other services

26,920

1,452

145,645

1,552



Parliamentary Commissioner For Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

	2004/05	2003/04
	\$	\$
11 Revenues from government		
Appropriation revenue received during the year:		
Service appropriation (I)		
Recurrent	2,745,000	2,517,000
Special Acts	<u>305,000</u>	<u>305,000</u>
	<u>3,050,000</u>	<u>2,822,000</u>
The following liabilities have been assumed by the Treasurer during the financial year:		
- Superannuation (II)	<u>4,500</u>	<u>4,541</u>
Total liabilities assumed by the Treasurer	4,500	4,541
Resources received free of charge (III) Determined on the basis of the following estimates provided by agencies:		
Department of Justice	17,665	16,695
Department of the Premier and Cabinet		
- Corporate and Business Services	73,300	62,200
Department of Housing and Works - property management	<u>2,333</u>	<u>2,226</u>
	<u>93,298</u>	<u>81,121</u>

(I) Service appropriations are accrual amounts reflecting the full cost of services delivered. The appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account) comprises the depreciation expense for the year and any agreed increase in leave liability during the year.

(II) The assumption of the superannuation liability by the Treasurer is only a notional revenue to offset the notional superannuation expense reported in respect of current employees who are members of the pension scheme and current employees who have a transfer benefit entitlement under the Gold State Superannuation Scheme.

(III) Where assets or services have been received free of charge or for nominal consideration, the Office recognises revenues (except where the contributions of assets or services are in the nature of contributions by owners in which case the Office shall make a direct adjustment to equity) equivalent to the fair value to the assets and/or the fair value of those services that can be reliably determined and which would have been purchased if not donated, and those fair values shall be recognised as assets or expenses, as applicable.



Parliamentary Commissioner For Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

	2004/05	2003/04
	\$	\$
12 Restricted cash assets		
Current		
Accrued salaries suspense account (I)	<u>0</u>	<u>72,000</u>
Non-current		
Accrued salaries and cash in suspense account (I)	<u>0</u>	<u>0</u>
 (I) Amount held in suspense account is only to be used for the purpose of meeting the 27th pay in a financial year that occurs every 11 years.		
13 Other assets		
Prepayments	<u>57,070</u>	<u>0</u>
	<u>57,070</u>	<u>0</u>
14 Receivables		
Current		
GST Receivable	22,676	31,389
Other	<u>2,977</u>	<u>0</u>
	<u>25,653</u>	<u>31,389</u>
15 Amounts receivable for services		
Current	72,000	83,000
Non-current	<u>321,000</u>	<u>56,000</u>
	<u>393,000</u>	<u>139,000</u>

This asset represents the non-cash component of service appropriations. It is restricted in that it can only be used for asset replacement or payment of leave liability.



Parliamentary Commissioner For Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

	2004/05	2003/04
	\$	\$
16 Property, furniture, fittings, equipment and software		
Furniture and fittings		
At cost or valuation	17,159	16,000
Accumulated depreciation	<u>(16,000)</u>	<u>(16,000)</u>
	<u>1,159</u>	<u>0</u>
Computer equipment		
At cost or valuation	325,417	278,324
Accumulated depreciation	<u>(251,140)</u>	<u>(208,930)</u>
	<u>74,277</u>	<u>69,394</u>
Office equipment		
At cost or valuation	92,820	58,010
Accumulated depreciation	<u>(46,195)</u>	<u>(42,670)</u>
	<u>46,625</u>	<u>15,340</u>
Office establishment		
At cost or valuation	659,272	629,226
Accumulated depreciation	<u>(265,376)</u>	<u>(127,543)</u>
	<u>393,896</u>	<u>501,683</u>
Works of Art		
At cost	<u>4,965</u>	<u>4,965</u>
Total		
At cost and valuation	1,099,633	986,524
Accumulated depreciation	<u>(578,711)</u>	<u>(395,142)</u>
	<u>520,922</u>	<u>591,382</u>



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Notes to the Financial Statements
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16 Property, furniture, fittings, equipment and software (cont'd)

Reconciliations

Reconciliations of the carrying amounts of property, plant, equipment and vehicles at the beginning and end of the current and previous financial year are set out below.

	Furniture & fittings	Computer equipment	Office equipment	Office establishment	Art Work	Total
2004/2005						
Carrying amount at start of year	0	69,394	15,340	501,683	4,965	591,382
Additions	1,159	47,093	34,810	30,046	0	113,108
Disposals	0	0	0	0	0	0
Depreciation Write back	0	0	0	0	0	0
Revaluation increments						
Depreciation	0	(42,210)	(3,525)	(137,833)	0	(183,568)
Carrying amount at end of year	1,159	74,277	46,625	393,896	4,965	520,922

	Furniture & fittings	Computer equipment	Office equipment	Office establishment	Art Work	Total
2003/2004						
Carrying amount at start of year	0	58,336	2,378	59,984	4,965	125,663
Additions	0	50,207	15,600	523,633	0	589,440
Disposals	0	0	(10,040)	(5,116)	0	(15,156)
Depreciation Write back	0	0	10,040	5,116	0	15,156
Revaluation increments						
Depreciation	0	(39,149)	(2,638)	(81,934)	0	(123,721)
Carrying amount at end of year	0	69,394	15,340	501,683	4,965	591,382

Parliamentary Commissioner For Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

	2004/05	2003/04
	\$	\$
17 Payables		
Current		
Administration expenses	21,602	29,220
Capital expenses	11,354	80,826
	<u>32,956</u>	<u>110,046</u>

The carrying amount of payables approximates their net fair values.

18 Provisions

Current		
Annual leave	119,298	96,225
48/52 Salary Purchasing	1,000	751
Long service leave	173,824	172,170
Other - On-costs (l)	24,846	28,654
	<u>318,968</u>	<u>297,800</u>
Non-current		
Long service leave	179,267	163,122
Other - On-costs (l)	13,018	17,251
	<u>192,285</u>	<u>180,373</u>

(l) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including superannuation and RiskCover premiums. The liability for such on-costs is included here. The associated expense is included under other related expenses (under Employee expenses) at Note 4.

The Office considers the carrying amount of employee benefits to approximate the net fair value.

Employee Benefit Liabilities

The aggregate employee entitlement liability recognised and included in the financial statements is as follows:

Provision for employee entitlements		
Current	318,968	297,801
Non-current	192,285	180,372
	<u>511,253</u>	<u>478,173</u>



Parliamentary Commissioner For Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

	2004/05	2003/04
	\$	\$

19 Other Liabilities

Accrued Salaries

Amounts owing for the working days between the end of the last pay period for the financial year end 30 June.

2005 - 0 working day	<u>0</u>	
2004 - 9 working days		<u>58,072</u>

Accrued salaries are settled within a few days of the financial year end. The carrying amount of accrued salaries is equivalent to the net fair value.

20 Equity

Equity represents the residual interest in the net assets of the Office. The Government holds the equity interest in the Office on behalf of the community. The asset revaluation reserve represents that portion of equity resulting from the revaluation of non-current assets.

Contributed equity		
Opening balance	596,000	596,000
Capital Contributions (I)	<u>136,000</u>	<u>0</u>
Closing Balance	<u>732,000</u>	<u>596,000</u>

(I) Capital contributions have been designated as contributions by owners and are credited directly to equity in the Statement of Financial Position.

Reserves

Asset revaluation reserve (I)

Opening balance	5,117	5,117
Revaluations during the year	<u>0</u>	<u>0</u>
Closing balance	<u>5,117</u>	<u>5,117</u>

(I) The asset revaluation reserve is used to record increments and decrements on the revaluation of non-current assets.

Accumulated surplus

Balance at the beginning of the year	65,675	(39,798)
Change in net assets resulting from operations	<u>372,997</u>	<u>105,473</u>
	<u>438,672</u>	<u>65,675</u>



Parliamentary Commissioner For Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

	2004/05	2003/04
	\$	\$
21 Notes to the Statement of Cash Flows		
(a) Reconciliation of cash		
Cash assets	723,353	479,312
Restricted cash assets (refer to Note 12)	0	72,000
	<u>723,353</u>	<u>551,312</u>

(b) Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities

Net cost of services (operating statement)	(2,774,801)	(2,802,189)
Non-cash items:		
Depreciation expense	183,568	123,721
Superannuation expense	4,500	4,541
Resources received free of charge	93,298	81,121
(Profit)/loss on sale of property, plant and equipment	0	(100)
(Increase)/decrease in assets:		
Prepayments	(57,070)	0
Receivables	(2,977)	1,079
Increase/(decrease) in liabilities:		
Accrued salaries	(58,072)	13,206
Provisions	21,167	(77,116)
Current payables	(7,618)	(25,658)
Non-current provisions	11,912	47,155
Change in GST receivables/payables	8,713	(25,459)
Net cash provided by/(used in) operating activities	<u>(2,577,380)</u>	<u>(2,659,699)</u>

22 Lease Commitments

These commitments relate to motor vehicle leases which are due for payment:

not later than one year	65,538	3,559
later than one year and not later than 5 years	23,855	4,153
	<u>89,393</u>	<u>7,712</u>

Property Lease

The Commercial Property Branch leases office accommodation on behalf of government agencies under non-cancellable operating leases.

At reporting date, the net fair value of this commitment is:

Within 1 year	138,654	188,983
Later than 1 year and not later than 5 years	140,026	358,022
Later than 5 years	0	0
	<u>278,680</u>	<u>547,005</u>



Parliamentary Commissioner For Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

23 Explanatory Statement

The Summary of Consolidated Fund Appropriations and Revenue Estimates discloses appropriations and other statutes expenditure estimates, the actual expenditures made and revenue estimates and payments into the Consolidated Fund, all on an accrual basis.

The following explanations are provided in accordance with Treasurer's Instruction 945:

Significant variations are considered to be those greater 10%.

(i) Significant variances between estimate and actual - Total appropriation to deliver services:

Estimate 2004/05 \$	Actual 2004/05 \$	Variance \$
2,648,000	3,050,000	(402,000)

Additional funding of \$152,000 was approved as part of the mid year review process for systemic investigations, better communication and technology to improve service delivery. The balance of \$250,000 related to adjustments of employee entitlements and depreciation.

(ii) Significant variances between actual and prior year actual - Total appropriation to deliver services:

	Actual 2004/05 \$	Actual 2003/04 \$	Variance \$
Total appropriation provided to deliver services for the year	3,050,000	2,822,000	228,000

The variation relates to increased funding received in 2004/05 as detailed above and to increased expenditure for depreciation and employee entitlements.

Total revenues from ordinary activities	145,645	1,552	144,093
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The variation relates to revenue for the recoup of Gas Industry Ombudsman costs. This service was not performed previously.



Parliamentary Commissioner For Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

Service Expenditure

Service 1	0	519,343	(519,343)
Service 2	2,862,289	2,240,838	621,451
Service 3	58,157	43,560	14,597
	<u>2,920,446</u>	<u>2,803,741</u>	<u>116,705</u>

The variance in Service 1 relates to staff costs of this function being transferred to the Corruption and Crime Commission, which assumed responsibility for part of this jurisdiction in 2004.

The variance in Service 2 relates to costs associated with retention of some staff previously assigned to Service 1 to now work in this area, together with additional funding approved as part of the mid-year review, as detailed above.

The variance in Service 3 relates to increases in salary costs associated with this function.

(iii) Significant variances between estimate and actual - Capital

Contribution:

	Estimate 2004/05 \$	Actual 2004/05 \$	Variance \$
Capital Contribution	136,000	136,000	0

No significant variances.

Capital Expenditure	433,000	113,108	(319,892)
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The variation partly relates to accommodation works that were anticipated to be completed in 2004/05 but were actually completed in 2003/04 and brought in account as a payable in 2004/05. This is therefore not reflected as an expense in the 2004/05 year. There were payables in 2004/05 of \$22,500 and carry-overs of \$148,607 which relate to the delayed fit-out of the Office of the Information Commissioner and the implementation of the TRIM records management project due to be completed in 2005/2006.



Parliamentary Commissioner For Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

(iv) Significant variances between actual and prior year actual - Capital Contribution:

	Actual 2004/05 \$	Actual 2003/04 \$	Variance \$
Capital Contribution	136,000	0	136,000

The variation results from a review of the 10 year asset replacement program resulting in additional funds being sought and approved to fund the program. In addition, there was funding provided to enable the Office of the Information Commissioner to collocate with this office.

Capital Expenditure	113,108	589,440	(476,332)
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The expenditure for 2003/2004 included expenses relating to the new fit-out of the co-located agencies. This was a once off expense and resulted in higher than normal expenditure in 2003/2004. In 2004/2005 there were two projects yet to be progressed namely the fit-out of another proposed collocated agency and the evaluation and purchase of TRIM records management software. This resulted in lower than expected expenditure for 2004/2005.



Parliamentary Commissioner For Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

	2004/05	2003/04
	\$	\$
24 Remuneration and Retirement Benefits of Senior Officers		
<i>Remuneration</i>		
The number of senior officers whose total of fees, salaries and other benefits received, or due and receivable, for the financial year, who fall within the following bands is:		
\$		
10,001 - 20,000	1	
20,001 - 30,000	1	1
30,001 - 40,000	1	1
40,001 - 50,000	2	2
80,001 - 90,000	1	1
100,001 - 110,000	1	
200,001 - 210,000		1
250,001 - 260,000	1	
The total remuneration of senior officers was: (l)	<u>613,229</u>	<u>434,030</u>

(l) Previous year figure includes superannuation

No senior officers are members of the Superannuation and Family Benefits Act Scheme.

25 Remuneration of Auditor

Remuneration to the Auditor General for the Financial year is as follows:

Auditing the accounts, financial statements and performance indicators	<u>14,500</u>	<u>13,500</u>
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Parliamentary Commissioner For Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

26 Additional Financial Instruments Disclosures

(a) Interest rate risk exposure

The Office's exposure to interest rate risk is nil as the relevant financial instruments, consisting of cash and amounts in suspense, accounts payable, accrued salaries and employee entitlements are all non-interest bearing.

(b) Credit risk exposure

The Office's exposure to credit risk is nil as there are no amounts receivable.

(c) The carrying amount of financial assets and financial liabilities recorded in the financial statements are not materially different from their net fair values, determined in accordance with the accounting policies disclosed in Note 2.

	2004/05	2003/04
	Non-Interest Bearing	Non-Interest Bearing
	\$	\$
<u>Financial Assets</u>		
Cash assets	723,353	479,312
Restricted cash assets	0	72,000
Accounts receivable for services	393,000	139,000
Receivables	25,652	31,389
Total Financial Assets	<u>1,142,005</u>	<u>721,701</u>
<u>Financial Liabilities</u>		
Payables	32,956	110,046
Accrued Salaries	0	58,072
Total Financial Liabilities	<u>32,956</u>	<u>168,118</u>
Net Financial Assets/(Liabilities)	<u>1,109,049</u>	<u>553,582</u>



Parliamentary Commissioner For Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

27 Indian Ocean Territories

The Indian Ocean Territories Reimbursement Fund was established in March 1996 and became operational in July 1996.

The purpose of the Fund is to meet the cost of the services of the Office in relation to complaints involving the Indian Ocean Territories.

The balance of the Fund at the end of the financial year is included in the Office's Operating Account.

The figures presented below for the Fund have been prepared on a cash basis.

	2004/05	2003/04
	\$	\$
Opening Balance	2,092	15,573
Receipts	18,680	0
Payments	15,833	13,481
Closing Balance	<u>4,939</u>	<u>2,092</u>



Parliamentary Commissioner For Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

28 Impact of Adopting Australian Equivalents to International Financial Reporting Standards

AASB 1047 requires financial reports for the period ending on or after 30 June 2005 to disclose information about how the transition to Australian Equivalents to International Financial Reporting Standards (AIFRS) and the key impacts of any changes in accounting policies in the transition period leading up to the adoption date.

The Department of the Premier and Cabinet's AIFRS Working Group considers that based on current information there are no material differences resulting from the application of proposed accounting policies under AIFRS when compared with the application of existing Australian Generally Accepted Accounting Principles (AGAAP).

As such, it is anticipated that the adoption of the AIFRS will not have a significant impact on the department's financial reporting.

The impact of adopting AIFRS including the key differences in accounting policies

Reconciliation of total equity as presented under previous AGAAP to that under AIFRS

	30 June 2005 \$	1 July 2004 \$
Total equity under previous AGAAP	1,175,789	666,792
Adjustments to accumulated surplus/(deficiency):		
Employee Benefits (I)	1,046	
Provisions (on-costs) (II)	5	
Total equity under AIFRS	<u>1,176,840</u>	<u>666,792</u>

The adjustments are explained as follows:

(I) The adjustment reflects the difference resulting from actuarial review of employee benefits as determined under AASB 1028 and AASB 119 respectively.

(II) The adjustment reflects the difference resulting from actuarial review of employee benefit on-costs as determined under AASB 1028 and AASB 119 respectively.



Parliamentary Commissioner For Administrative Investigations

Notes to the Financial Statements for the Year Ended 30 June 2005

Reconciliation of surplus/(deficit) for the period as presented under previous AGAAP to that under AIFRS

	30 June 2005 \$
Surplus/(deficit) for the period under previous AGAAP	372,997
Employee Benefits actuarial adjustment (I)	1,051
Surplus/(deficit) for the period under AIFRS	<u>374,048</u>

The adjustments are explained as follows:

(I) The adjustment reflects the difference resulting from actuarial review of employ benefits as determined under AASB 1028 and AASB119 respectively.





AUDITOR GENERAL

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2005

Audit Opinion

In my opinion,

- (i) the controls exercised by the Parliamentary Commissioner for Administrative Investigations provide reasonable assurance that the receipt and expenditure of moneys, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (ii) the financial statements are based on proper accounts and present fairly in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia and the Treasurer's Instructions, the financial position of the Parliamentary Commissioner at 30 June 2005 and its financial performance and cash flows for the year ended on that date.

Scope

The Parliamentary Commissioner's Role

The Parliamentary Commissioner is responsible for keeping proper accounts and maintaining adequate systems of internal control, preparing the financial statements, and complying with the Financial Administration and Audit Act 1985 (the Act) and other relevant written law.

The financial statements consist of the Statement of Financial Performance, Statement of Financial Position, Statement of Cash Flows, Schedule of Expenses and Revenues by Services, Summary of Consolidated Fund Appropriations and Revenue Estimates, and the Notes to the Financial Statements.

Summary of my Role

As required by the Act, I have independently audited the accounts and financial statements to express an opinion on the controls and financial statements. This was done by looking at a sample of the evidence.

An audit does not guarantee that every amount and disclosure in the financial statements is error free. The term "reasonable assurance" recognises that an audit does not examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the financial statements.

A handwritten signature in black ink, appearing to read 'D D R Pearson'.

D D R PEARSON
AUDITOR GENERAL
11 October 2005

