

Overview of the Ombudsman's Office

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Executive Summary

The 2008-09 financial year was marked by a number of significant achievements for the office in the following key strategic areas:

Complaint Resolution

- Over 5,500 people contacted the Ombudsman's office during the year. The majority of concerns were dealt with informally. The office dealt with 1,238 formal complaints for investigation.
- There has been significant improvement in the timeliness of complaint resolution with a 61 per cent reduction in the average time taken to resolve allegations, a reduction of 84 per cent in open cases over twelve months old and a reduction of 72 per cent in open cases over six months old.
- A significant project commenced to ensure consistent, efficient and effective complaint handling. It aims to achieve benefits for the public and public authorities through improved timeliness, quality and consistency in the office's outcomes and reports.
- In 2008-09 the office initiated a program to improve awareness of, and access to, our services for regional and Indigenous Western Australians. Under the program, regional visits were undertaken in Kalgoorlie in May and Geraldton in June.
- Other key communication activities to strengthen accessibility to our office included the quarterly newsletter ***Ombudsman Western Australia***, Ombudsman appearances on 'Ask the Ombudsman' on the 6PR Nightline program, which provides opportunities for listeners to raise questions directly with the Ombudsman, and delivery of a number of papers at conferences or forums.

The average time to resolve cases has improved by 61% compared with last year.

Our complaint resolution work resulted in:

- 69 administrative improvements;
- 124 remedial actions to benefit complainants; and
- 100% of our recommendations being accepted.

Improved Public Administration

- The Ombudsman contributed to the continuous improvement of public administration by identifying and investigating concerns that affect broader sections of the community. During the year work commenced on two investigation topics, the management of personal information by State Government agencies and local governments and the effective administration of complaint handling systems in public authorities.

- Administrative improvement is an important outcome of complaint resolution through the acceptance and implementation of recommendations and suggestions made by the Ombudsman and the initiation of action by public authorities.
- The Ombudsman provided leadership in integrity by working collaboratively with other integrity agencies to promote good decision making and administrative practices. In October 2008 the office hosted the *Integrity Coordinating Group Forum 2008 – Taking Action on Integrity Issues* in collaboration with the Integrity Coordinating Group. Over 170 senior staff from public authorities attended to gain insight into how accountability agencies deal with integrity issues.
- During regional visits, Ombudsman staff promoted good decision making and practices and effective complaint handling as part of workshops and seminars and through individual meetings with public authorities.

There were 29 recommendations and suggestions to improve public administration and 100% of these were accepted by public authorities.

Child Death Review and Investigation

- On 30 June 2009, the office commenced an important new jurisdiction following the passage of the *Parliamentary Commissioner Amendment Act 2009*. The new child death review function enables the Ombudsman to review and investigate the sudden or unexpected deaths of certain children known to the Department for Child Protection.

Audit and Review of Statutory Compliance

- During the year there were 33 visits under telecommunications interception legislation to inspect the interception activities of Western Australia Police and the Corruption and Crime Commission.
- Four universities in Western Australia have nominated the Ombudsman to perform the external appeals function under the national *Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*. During the year the office handled 25 appeals, and worked with universities to ensure the code is applied consistently.

Good Governance and a Skilled and Valued Workforce

- The office developed and implemented the **Ombudsman Western Australia Strategic Plan 2009-11**. The Plan defines the vision, mission and values of the office and provides a strong framework for the direction of the office's activities and initiatives over the next three years.
- The office commenced the development of a Human Resources Strategy which will be completed in 2009-10. This will support the attraction, retention, performance development and training of staff to undertake the diverse roles of the office.

Operational Structure

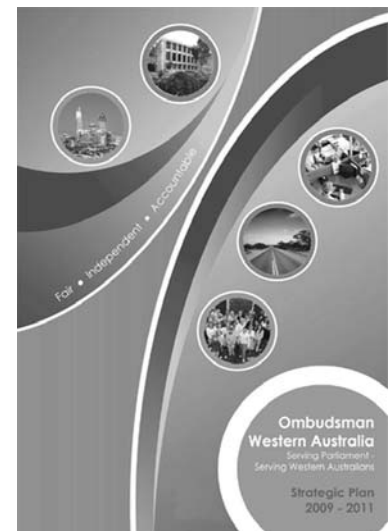
The Ombudsman

The Parliamentary Commissioner for Administrative Investigations - more commonly known as the Ombudsman - is an independent officer appointed by the Governor of Western Australia. The Ombudsman is responsible directly to the Parliament rather than to the Government of the day or a particular Minister.

Strategic Direction

In recent years, the role of the Ombudsman has expanded to encompass a number of additional functions. During 2008-09, the office has taken the opportunity to review the operational activities and strategic initiatives that contribute to the achievement of these new functions while maintaining a strong focus on the Ombudsman's two principal functions of resolving complaints and improving public administration.

This has resulted in the development of the **Ombudsman Western Australia Strategic Plan 2009-2011**. The Plan defines the vision, mission and values of the office and provides a strong framework for the direction of the office's activities and initiatives over the next three years. Details of the strategic directions are contained on the inside cover and form the framework for the **Report on Operations**.



Role and Functions of the Ombudsman

Principal Functions

The Ombudsman's office has two principal functions. First, the office investigates and resolves complaints about the decision making practices and procedures of public authorities. Second, the office aims to improve public administration for the benefit of all Western Australians. In part, this occurs through the recommendations for change to administrative practices that result from the investigation of complaints. The Ombudsman's governing legislation is the **Parliamentary Commissioner Act 1971 (the Act)**.

The Ombudsman can commence an investigation in response to a written complaint, a referral from Parliament or on the Ombudsman's own initiative. The Ombudsman has wide powers of investigation but there are also limitations to these powers, which are identified in the Act. Details of the investigations conducted by the Ombudsman's office in 2008-09 and the processes followed are contained in **Appendices 1 and 2** respectively.

Other Functions

The Ombudsman also has functions derived from other legislation, codes or service delivery arrangements.

Public Interest Disclosure

The Ombudsman receives disclosures under the **Public Interest Disclosure Act 2003** (the PID Act) about matters of State and local government administration that affect an individual.

Terrorism

The Ombudsman can receive complaints from a person detained under the **Terrorism (Preventative Detention) Act 2006**, about administrative matters connected with his or her detention.

Indian Ocean Territories

Under the service delivery arrangement between the Ombudsman and the Australian Government, the Ombudsman handles complaints from residents of the Indian Ocean Territories (Christmas and Cocos (Keeling) Islands) about public authorities in the Ombudsman's jurisdiction. The legislation that covers this function includes:

- **Indian Ocean Territories (Administration of Laws) Act 1992**
- **Christmas Island Act 1958**
- **Cocos (Keeling) Islands Act 1955**

Right of appeal for international students

The **National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007** gives international students a right of appeal to an external, independent body such as the Ombudsman, if their internal appeals were unsuccessful at school, college or university level.

Energy Ombudsman

Western Australia's Gas Industry Ombudsman scheme was established in 2004 and the Electricity Ombudsman scheme in 2005, when these roles were combined to form the Energy Ombudsman Western Australia. The governing body of the two schemes is Energy Industry Ombudsman (Western Australia) Limited. The Ombudsman undertakes the role of the Energy Ombudsman for the schemes under a service delivery arrangement with the governing body. The costs of the governing body and the Energy Ombudsman are met by industry members. The legislation that covers this function includes:

- **Economic Regulation Authority Act 2003**
- **Electricity Industry Act 2004**
- **Energy Coordination Act 1994**
- **Parliamentary Commissioner Act 1971 (section 34)**

Telecommunications Interception

The Ombudsman inspects the records of Western Australia Police and the Corruption and Crime Commission to ensure their compliance with telecommunications interception legislation. The legislation that covers this function includes:

- **Telecommunications (Interception and Access) Act 1979 (Commonwealth)**
- **Telecommunications (Interception) Western Australia Act 1996**

Governance Framework

Corporate Executive

The Corporate Executive comprises of the Ombudsman, Deputy Ombudsman and four Assistant Ombudsmen. Corporate Executive meets monthly and its role is to:

- Set and monitor the direction and corporate policies of the office;
- Monitor performance and set priorities for funding;
- Provide leadership to staff and model the office's values;
- Ensure compliance with relevant directives, legislation and guidelines; and
- Work collaboratively with other integrity and co-located agencies.



Photo: Jacaranda Photography

Back row, L-R: Mary White, Chris Field, Kim Lazenby, Peter Wilkins. Seated, L-R: Andrew Harvey, Julie Roberts

Chris Field
Ombudsman

Chris has held the position of Ombudsman since March 2007. He concurrently holds the roles of Energy Ombudsman and State Records Commissioner. Prior to his appointment as Ombudsman, Chris held a number of senior roles in Western Australia and Victoria in the public and private sectors. Chris holds Arts and Law (Honours) degrees and is an Adjunct Professor at the University of Western Australia and La Trobe University.

Peter Wilkins
Deputy Ombudsman

Peter commenced as Deputy Ombudsman in February 2009. He has more than 25 years experience in the Western Australian public sector and has also worked overseas. Peter holds Bachelor of Mechanical Engineering, Master of Science and Doctor of Philosophy degrees. He is an Adjunct Professor at Curtin University and an Associate of the Public Sector Governance & Accountability Research Centre at La Trobe University.

Mary White
Assistant Ombudsman, Strategic Services

Mary was appointed to her current position in February 2008. Prior to this, Mary was the Executive Director Strategic and Corporate Services. Mary has 25 years of experience in the public sector, including strategic and corporate leadership roles. Mary holds qualifications including a Bachelor of Science (Genetics and Statistics), a Diploma in Education and a Post Graduate Diploma in Arts (Public Policy).

Kim Lazenby
Assistant Ombudsman, Administrative Improvement

Kim commenced in the position of Assistant Ombudsman in June 2008. Kim has 20 years experience in government, working at the Commonwealth and State levels, in both line and central agencies. She holds a number of qualifications including a Master of Assessment and Evaluation from the University of Melbourne.

Andrew Harvey
Assistant Ombudsman, Complaint Resolution

Andrew was appointed to his current role in September 2008. Andrew joined the office in 2005, initially managing the investigations team and implementing the office's new case management system. Andrew has worked for a range of Commonwealth and State agencies and holds a Bachelor of Arts (Politics and Anthropology) and a Masters in Criminal Justice.

Julie Roberts
A/Assistant Ombudsman, Child Death Review

Julie joined the office in 2005 and commenced in her current role in June 2009. Prior to this, Julie was the Assistant Ombudsman, Special Projects. Julie has more than 25 years experience in the Commonwealth and State public sectors and the non-government community services sector. Julie holds a Bachelor of Applied Science (Social Work).

Plans, Policies and Delegations

The Ombudsman's office has a strong organisational policy framework covering governance, conduct, communications, information technology, human resources, finance and procurement. Policies are available to staff through the office's intranet and new staff are informed about them as part of their induction.

The Joint Consultative Committee is made up of staff representatives from around the office. The Committee has input into the policies and procedures of the office that affect staff by considering issues and making recommendations to Corporate Executive.

Internal Audit

An internal audit and risk management charter has been developed for the office that sets out the internal audit process and provides for an Internal Audit and Risk Management Committee. The committee meets quarterly to consider the annual audit program, internal audit plans and scope documents, and the annual evaluation of internal audit activities.

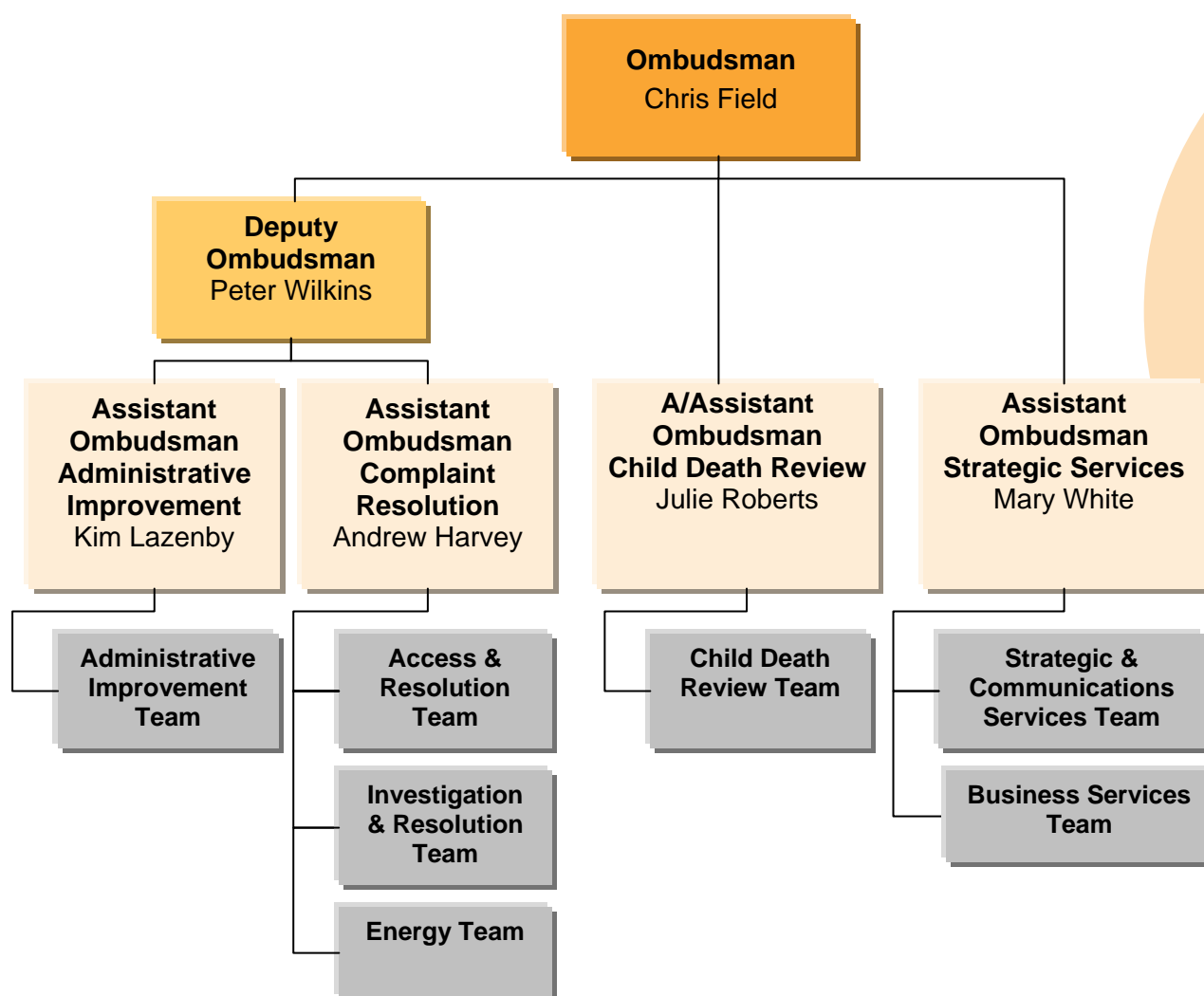
Organisational Structure

The Ombudsman's office has five key business areas:

- The **Executive Team** includes the Ombudsman, Deputy Ombudsman and the Assistant Ombudsman, Strategic Services who oversee the operations of the office. The Ombudsman concurrently holds the position of Energy Ombudsman and the Ombudsman and Assistant Ombudsman, Strategic Services oversee the operations of the Energy Ombudsman function.
- The complaint handling function is undertaken by the **Complaint Resolution Team**, split into two teams: the **Access and Resolution Team**, which is responsible for the initial assessment of complaints, resolution of more straight forward cases and the office's telephone enquiry service; and the **Investigation and Resolution Team**, which deals with more complex cases. This team also has responsibility for monitoring compliance by the Corruption and Crime Commission and Western Australia Police with telecommunications intercept legislation. It also includes the **Energy Team**, which is responsible for handling complaints received by the Energy Ombudsman.
- The **Administrative Improvement Team** has responsibility for a broad range of strategies aimed at improving administrative practice across the public sector. In addition to this, the team contributes to the continuous improvement of public administration through monitoring trends and issues and identifying and investigating concerns about public administration affecting broader sections of the community.
- The **Child Death Review Team** undertakes the child death review function which commenced operation on 30 June 2009. The team undertakes reviews and investigations of the sudden or unexpected deaths of children known to the Department for Child Protection and advances good decision making practices and strengthened collaborative approaches across the public sector in relation to child safety and well-being. In addition, the team identifies patterns and trends in child deaths that may indicate the need for administrative improvement.

- The **Strategic and Corporate Services Team** supports the office in strengthening its strategic focus and governance and responding in a timely and effective way to emerging issues of significant concern. This team encompasses Research and Projects, Communications and Business Services. As well as undertaking strategic planning projects, it enhances the office's capacity to communicate effectively with public authorities and the public and to play a leading role in promoting integrity across the sector. It also provides corporate governance and business services to the office.

Organisational structure as at 30 June 2009



Shared Business Services

The Ombudsman's office is co-located with the Commonwealth Ombudsman's Perth office, the Office of the Public Sector Standards Commissioner, the Office of Health Review and the Office of the Information Commissioner. Parts of the Business Services Team are shared with the Office of the Public Sector Standards Commissioner, including information technology, records, reception and general administration services. The Business Services Team also provides reception and other services for the Office of Health Review, the Commonwealth Ombudsman and the Information Commissioner under a Memorandum of Understanding.

Performance Management Framework

Relationship to Government Goals

The Ombudsman's office supports the goal of having a greater focus on achieving results in key service delivery areas for the benefit of all Western Australians as shown below.

Government goal	Desired outcomes of the Ombudsman's office	Services provided by the Ombudsman
Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.	The public sector of Western Australia is accountable for, and is improving the standard of, administrative decision making, practices and conduct.	Investigation of complaints about administrative actions of public sector organisations.
	Confidence that telecommunication interceptions are conducted in accordance with statutory provisions.	Inspection of eligible authorities to ensure compliance with statutory provisions when they intercept telecommunications.

For 2009-10, the office will combine its two key outcomes and services and incorporate new outcomes associated with the child death review and investigation function, established in the office on 30 June 2009.