



# **Ombudsman Western Australia Annual Report 2011-12**



Serving  
Parliament  
Serving  
Western  
Australians

**The President of  
the Legislative Council**



**The Speaker of the  
Legislative Assembly**

In accordance with Section 63 of the *Financial Management Act 2006*, I submit to Parliament the Annual Report for the Parliamentary Commissioner for Administrative Investigations for the year ended 30 June 2012. The report has been prepared in accordance with the provisions of the *Financial Management Act 2006* and the *Parliamentary Commissioner Act 1971*.

A handwritten signature in blue ink, appearing to be 'C. Field'.

**Chris Field**  
**Western Australian Ombudsman**

27 September 2012

## About this Report

This report describes the functions and operations of the Ombudsman Western Australia for the year ending 30 June 2012.

It is available in print and electronic viewing format to optimise accessibility and ease of navigation. It can also be made available in alternative formats to meet the needs of people with a disability. Requests should be directed to the Communications Manager at (08) 9220 7555 or [mail@ombudsman.wa.gov.au](mailto:mail@ombudsman.wa.gov.au).

Requests to reproduce any content from this report should be directed to the Communications Manager. Content must not be altered in any way and Ombudsman Western Australia must be acknowledged appropriately.


## Contact Details

See inside back cover.

**ISSN:** 1832-245X

## Contents

<b>Overview .....</b>	<b>5</b>
Executive Summary .....	5
Ombudsman's Foreword .....	6
The Year in Brief for 2011-12.....	8
Operational Structure .....	10
Performance Management Framework .....	17
<b>Our Performance in 2011-12.....</b>	<b>19</b>
Summary of Performance .....	20
Complaint Resolution .....	24
Child Death Review.....	50
Own Motion Investigations and Administrative Improvement.....	82
Collaboration and Access to Services .....	90
<b>Significant Issues Impacting the Office.....</b>	<b>99</b>
<b>Disclosures and Legal Compliance .....</b>	<b>103</b>
Independent Audit Opinion.....	104
Financial Statements.....	107
Key Performance Indicators .....	147
Other Disclosures and Legal Compliance .....	151
<b>Appendices.....</b>	<b>171</b>
Appendix 1 - Complaints Received and Finalised .....	172
Appendix 2 - Legislation .....	177
Appendix 3 - Publications.....	178



---

This page has been intentionally left blank.

## Overview

This section provides an executive summary of the Office's performance, general information about the Office and provides the Office's performance management framework.

- [Executive Summary](#)
  - [Ombudsman's Foreword](#)
  - [2011-12 - The Year in Brief](#)
- [Operational Structure](#)
- [Performance Management Framework](#)



Fair  
Independent  
Accountable

## Ombudsman's Foreword

I am very pleased to present the 2011-12 Annual Report of the Western Australian Ombudsman. The office of the Ombudsman (**the Office**) has four principal functions, which are to:

- Receive, investigate and resolve complaints about the administrative decision making and practices of the public sector, local governments and universities;
- Improve public administration for the benefit of all Western Australians through own motion investigations and education and liaison programs with agencies;
- Review certain child deaths; and
- Undertake a range of additional functions that fit within the broad category of integrity oversight including inspections of telecommunications intercepts and investigation of public interest disclosures.



The Ombudsman also concurrently holds the role of Energy Ombudsman and State Records Commissioner.

This has been an extremely busy and productive year. Our major complaint handling improvement program, introduced in 2007-08, has ensured that over the last five years the Office has been able to manage successfully a significant increase in the level of complaints as well as continuing to achieve our key objectives of quality, timeliness and efficiency. The percentage of aged cases has fallen again this year with 99% of cases finalised within 12 months and for the fourth consecutive year the cost per finalised allegation has reduced, reflecting the efficiency dividends of the program. Overall, since 2006-07, the program has enabled us to achieve a 42% reduction in the average time to finalise complaints and an 85% reduction in the number of cases finalised older than 12 months.

This year the Office has developed and commenced a new organisational structure and processes to further promote early resolution of complaints and even greater timeliness of complaint handling, and this will be a key area of focus in 2012-13.

We have undertaken a significant level of work in relation to our Child Death Review role this year including, reviewing child deaths, identifying patterns and trends arising from these reviews and seeking to improve public administration to prevent or reduce child deaths. Our review of child deaths led to work during the year on two major own motion investigations into issues identified arising from our reviews.

A report of a major own motion investigation titled *Planning for children in care: An Ombudsman's own motion investigation into the administration of the care planning provisions of the Children and Community Services Act 2004* was tabled in Parliament in November 2011. The investigation found that since the introduction of the *Children and Community Services Act 2004* (**the Act**), the Departments for Child Protection, Health and Education had worked cooperatively to operationalise the

requirements of the Act. The investigation found that significant and pleasing progress on improved planning for children in care has been achieved, however there is still work to be done, particularly in relation to the timeliness of preparing care plans and ensuring that care plans fully incorporate health and education needs, other wellbeing issues, the wishes and views of children in care and are regularly reviewed. The report included 23 recommendations for improvement, all of which were agreed to by the agencies involved and we are actively monitoring the implementation and effectiveness of these recommendations. Significant work was undertaken during the year on an own motion investigation in relation to sleep related infant deaths and a report will be tabled in Parliament in 2012.

Recent years have seen an increasing diversity in the oversight functions undertaken by the Office and this has continued in 2011-12. On 1 July 2012, the Ombudsman will commence a critical new function to review family and domestic violence fatalities and we have undertaken a significant level of work in 2011-12 in preparing for this function.

In 2007, we commenced a new program aimed at addressing the historical under-representation of regional and Indigenous Western Australians in terms of complaints to the Office. The program aims to significantly enhance awareness of and accessibility to the Office and involves a range of strategies including seminars for public authorities and community groups, Indigenous liaison activities, complaint clinics for the general public, and visits to regional prisons. The program has continued this year, including development of a series of new measures to ensure that our services are as accessible as possible to children and young people.

In a particularly busy year for the Office, I take this opportunity to recognise the outstanding contribution of my staff team and thank them for their skill, commitment and hard work.

The Office is an accessible source of administrative justice for Western Australians and also contributes to improving public administration through recommendations that arise from resolving complaints and from undertaking major own motion investigations about matters of public importance. The Office is recognised as one of the key integrity and accountability agencies in government. The Office also has an important role in protecting and promoting the rule of law. In all of its responsibilities, we are committed to ensuring that the Office continues to provide services to the Parliament and the people of Western Australia that are of the highest quality. This is a commitment that I believe we have fulfilled this year.



Chris Field  
**Western Australian Ombudsman**

# The Year in Brief for 2011-12

## Resolving Complaints

### Complaints and Enquiries

There were 11,685 contacts with the Office, including:

- 9,259 enquiries; and
- 2,426 complaints.

### Timely Complaint Handling

Timely complaint handling in 2011-12 meant that:

- 72% of allegations were finalised within 3 months and 99% were finalised within 12 months; and
- There has been a reduction of 10% in the average time to finalise complaints over the last year.

Over the last five years, very significant improvements have been achieved in timely complaint handling, including:

- The average time to finalise complaints decreased by 42% from 92 days in 2006-07 to 53 days in 2011-12; and
- Finalised complaints older than 12 months have decreased by 85% between 2006-07 and 2011-12.

### Efficient Complaint Handling

- The average cost of finalising allegations reduced this year to \$1,866 per finalised allegation and has now decreased for the fourth consecutive year.

## Child Death Reviews

- There were 41 investigable child deaths.
- Timely review processes have resulted in:
  - 68% of reviews completed within 3 months; and
  - 77% of reviews completed within 6 months.
- Important patterns and trends in relation to child deaths have been identified.
- As a result of child death reviews, improvements to public administration, designed to prevent or reduce child deaths, have been achieved.
- Significant work has been undertaken on a new function to review family and domestic violence fatalities, commencing on 1 July 2012.



## **Own Motion Investigations and Administrative Improvements**

- Complaints to the Ombudsman resulted in improvements to administrative decision making and practices.
- A report of a major own motion investigation into planning for children in care was tabled in Parliament in November 2011. The report found significant and pleasing progress on improved planning for children in care has been achieved. However, there is still work to be done, particularly in relation to:
  - The timeliness of preparing care plans;
  - Ensuring care plans fully incorporate health and education needs, other wellbeing issues and the wishes and views of children in care; and
  - Regular review of care plans.

The report made 23 recommendations, all of which were accepted by the agencies involved.

- Significant work has been undertaken on an own motion investigation into ways to prevent or reduce sleep related infant deaths.

## **Collaboration and Access to Services**

- Collaboration with other accountability agencies including the Integrity Coordinating Group was undertaken.
- Access for Indigenous Western Australians continued to be a focus through strategies to strengthen networks, particularly in rural and remote locations.
- Significant work was undertaken in relation to a series of new measures to ensure that our services are as accessible as possible to children and young people.

## Operational Structure

### The Role of the Ombudsman

The Parliamentary Commissioner for Administrative Investigations – more commonly known as the Ombudsman – is an independent officer of the Western Australian Parliament. The Ombudsman is responsible to the Parliament rather than to the government of the day or a particular Minister. This allows the Ombudsman to be completely independent in the investigation and resolution of complaints about public authorities (State Government agencies, statutory authorities and boards, local governments and universities).

### Functions of the Ombudsman

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

### Principal Functions

<b>Investigating and resolving complaints</b>	Receiving, investigating and resolving complaints about the decision making and administrative practices of public authorities.
<b>Reviewing child deaths</b>	Reviewing and investigating the deaths of certain Western Australian children.
<b>Undertaking own motion investigations and recommending and promoting administrative improvements</b>	Improving public administration for the benefit of all Western Australians through own motion investigations, and education and liaison programs with public authorities.
<b>Other functions</b>	Undertaking a broad range of integrity and oversight functions as detailed under 'Other Functions of the Ombudsman'.

## Other Functions of the Ombudsman

<b>Telecommunications Interception</b>	The Ombudsman inspects the records of the Western Australia Police and the Corruption and Crime Commission to ensure compliance with telecommunications interception legislation.
<b>Reviewing appeals by overseas students</b>	The <a href="#"><i>National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007</i></a> gives overseas students a right to make a complaint to an external, independent body, such as the Ombudsman, if their internal appeals are unsuccessful at school, college or university level. The Ombudsman handles appeals relating to public educational facilities, including universities.
<b>Public Interest Disclosures</b>	The Ombudsman receives public interest disclosures about matters of State and local government administration that affect an individual.
<b>Indian Ocean Territories</b>	Under a service delivery arrangement between the Ombudsman and the Commonwealth 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.
<b>Terrorism</b>	The Ombudsman can receive complaints from a person detained under the <a href="#"><i>Terrorism (Preventative Detention) Act 2006</i></a> about administrative matters connected with his or her detention.
<b>Energy Ombudsman</b>	The Energy Ombudsman Western Australia was formed in 2005 and deals with complaints about electricity and gas. The Ombudsman undertakes the role of the Energy Ombudsman. The costs of the Energy Ombudsman are met by industry members.

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

## Our Vision, Mission and Values

### Our Vision

Fair, accountable and responsive decision making and practices by public authorities.

### Our Mission

To serve Parliament and Western Australians by:

- Resolving complaints about the decision making of public authorities; and
- Improving the standard of public administration.

### Our Values

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

## Our Strategic Focus

- Complaint resolution that is independent, fair and timely, raising community awareness of our role and ensuring our services are accessible.
- Improved public administration through own motion investigations and promoting good practice.
- Review and investigation of certain child deaths and improvements to public administration to reduce or prevent child deaths.
- Inspection of the records of telecommunications interception activities and review of appeals by overseas students.
- Good governance and maintaining a skilled and valued workforce.

**The *Strategic Plan 2009-2012* and the *Human Resources Strategic Plan 2010-2012* set the strategic direction for the office and provide more detailed strategies designed to achieve the office's goals. A review of these strategies in 2012-13 will set the strategic direction for 2013 and beyond.**

**In 2011-12, the office relocated from St Martins Tower to Albert Facey House, in accordance with the Government's Office Accommodation Master Plan.**

## Executive Management Team

The Corporate Executive is made up of six members whose role is to:

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

The Corporate Executive provides leadership to the Office and ensures strong corporate governance. For more information, see the [Disclosures and Legal Compliance section](#).

## Our Corporate Executive

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 Field, Ombudsman**



Peter commenced as Deputy Ombudsman in February 2009 and has more than 25 years experience in management roles in the Western Australian public sector. Peter has extensive public sector knowledge and expertise in the operation of independent accountability agencies.

**Peter Wilkins, Deputy Ombudsman**

Mary became an Assistant Ombudsman in February 2008. Before this, she was the Executive Director Strategic and Corporate Services. Mary has more than 25 years experience in the public sector, including strategic and corporate leadership roles in line and accountability agencies.



**Mary White, Principal Assistant Ombudsman Strategic Services**



Kim commenced her role as an Assistant Ombudsman in June 2008. She has more than 20 years experience in government roles, working at the Commonwealth and State levels, in both line and central agencies, and has a strong background in evaluation.

**Kim Lazenby, Assistant Ombudsman Administrative Improvement**

Sarah joined the office in 2001 and commenced her current role as an Assistant Ombudsman in February 2012. She has worked in the State public sector for over 20 years, with extensive experience in complaint investigation.



**Sarah Cowie, Assistant Ombudsman Complaint Resolution**



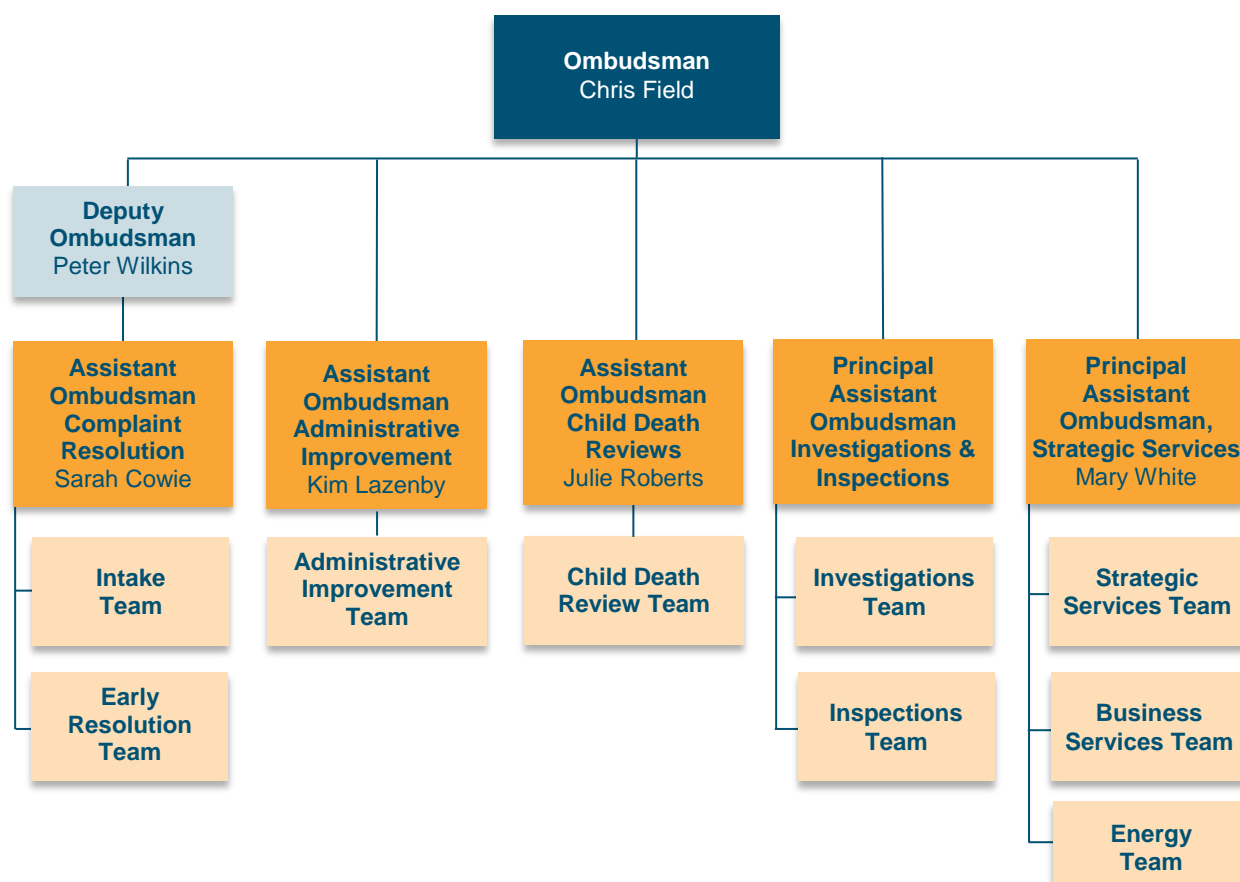
Julie joined the office in 2005 and commenced her current role in June 2009. Julie has more than 25 years experience in the Commonwealth and State public sectors and the non-government community services sector.

**Julie Roberts, Assistant Ombudsman Child Death Reviews**



## Our Structure and Teams

Organisational Structure as at 30 June 2012



## Team Responsibilities

- The **Administrative Improvement Team** undertakes own motion investigations and other strategies aimed at improving public administration.
- The **Complaint Resolution Team** includes the Intake Team and the Early Resolution Team and has responsibility for handling enquiries, receiving and assessing complaints, and the early resolution of complaints where appropriate.
- The **Child Death Review Team** reviews certain child deaths, identifies patterns and trends arising from these reviews and makes recommendations to relevant public authorities to prevent or reduce child deaths.
- The **Investigations and Inspections Team** includes the Investigations Team which handles the investigation of complaints and the Inspections Team which undertakes telecommunications interception inspections.
- The **Strategic and Corporate Services Team** includes the Strategic Services Team and the Business Services Team and supports the Office in strengthening its strategic focus, corporate communications, governance and business services.
- The **Energy Team** has responsibility for handling enquiries and receiving, investigating and resolving complaints about energy providers.



## Performance Management Framework

The Ombudsman's performance management framework is consistent with the Government goal of *Results-Based Service Delivery: Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.*

### Desired Outcomes of the Ombudsman's Office

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



### Key Effectiveness Indicators

- The percentage of recommendations accepted by public authorities.
- The number of improvements to practices or procedures as a result of Ombudsman action.

### Service Provided by the Ombudsman's Office

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



### Key Efficiency Indicators

- Percentage of allegations finalised within 3 months.
- Percentage of allegations finalised within 12 months.
- Percentage of allegations on hand at 30 June less than 3 months old.
- Percentage of allegations on hand at 30 June less than 12 months old.
- Average cost per finalised allegation.
- Average cost per finalised child death notification.

This page has been intentionally left blank.

## Our Performance in 2011-12

This section of the report compares results with targets for both financial and non-financial indicators and explains significant variations.

It also provides information on achievements during the year, major initiatives and projects, and explains why this work was undertaken.

- [Summary of Performance](#)
  - [Key Performance Indicators](#)
  - [Financial Performance](#)
- [Complaint Resolution](#)
- [Child Death Review](#)
- [Own Motion Investigations and Administrative Improvement](#)
- [Collaboration and Access to Services](#)



Fair  
Independent  
Accountable

## Summary of Performance

### Key Effectiveness Indicators

The Ombudsman aims to improve decision making and administrative practices in public authorities as a result of complaints handled by the Office, child death reviews and own motion investigations. Improvements may occur through action identified and implemented by agencies as a result of the Ombudsman's investigations and reviews, or as a result of the Ombudsman making specific recommendations and suggestions that are practical and effective. Key indicators are the percentage of these recommendations and suggestions accepted by public authorities and the number of improvements that occur as a result of Ombudsman action.

Key Effectiveness Indicators	2011-12 Target	2011-12 Actual	Variance
Of allegations where the Ombudsman made recommendations to improve practices or procedures, percentage of recommendations accepted by agencies	100%	100%	0
Number of improvements to practices or procedures as a result of Ombudsman action	55	96	+41

Another important role of the Ombudsman is to enable remedies to be provided to people who make complaints to the Office where service delivery by a public authority may have been inadequate. The remedies may include reconsideration of decisions, more timely decisions or action, financial remedies, better explanations and apologies. In 2011-12, there were 108 actions taken by public authorities to provide a remedy for people making complaints to the Office.

### Comparison of Actual Results and Budget Targets

Commencing in 2007-08, the Office commenced a program to ensure that its work increasingly contributed to improvements to public administration. Consistent with this program, the number of improvements to practices and procedures of public authorities as a result of Ombudsman action in 2011-12 is a significant improvement on the 2011-12 budget target and 2010-11 actual results. The number of improvements to practices and procedures of public authorities as a result of Ombudsman action has now increased each year for the past three years and has nearly trebled from 2007-08.

For the fifth consecutive year, public authorities have accepted every recommendation made by the Ombudsman, matching the 2010-11 actual result and meeting the 2011-12 budget target.

**The number of administrative improvements as a result of Ombudsman action has nearly trebled since 2007-08.**

**For the fifth consecutive year, public authorities have accepted every recommendation made by the Ombudsman.**

## Key Efficiency Indicators

The key efficiency indicators relate to timeliness of complaint handling, the cost per finalised allegation about public authorities and the cost per finalised child death notification.

Key Efficiency Indicators	2011-12 Target	2011-12 Actual	Variance
Percentage of allegations finalised within 3 months	85%	72%	-13%
Percentage of allegations finalised within 12 months	98%	99%	+1%
Percentage of allegations on hand at 30 June less than three months old	68%	45%	-23%
Percentage of allegations on hand at 30 June less than 12 months old	97%	99%	+2%
Average cost per finalised allegation	\$1,900	\$1,866	-\$34
Average cost per finalised notification of the sudden or unexpected death of a child	\$9,500	\$10,410	+\$910

## Comparison of Actual Results and Budget Targets

Overall, the timeliness of complaint handling has substantially improved over the previous five years due to a major complaint handling improvement program introduced in 2007-08. An initial focus of the program was the elimination of aged complaints, including a high number of complaints older than twelve months of age and complaints as old as six years. In 2011-12, there has been a further reduction of aged cases with 99 per cent of allegations finalised in less than 12 months and 99 per cent of allegations on hand less than twelve months old. Both these figures exceed 2011-12 budget targets and 2010-11 actual results. For the fourth consecutive year, the cost per finalised allegation has reduced and the Office has exceeded the 2011-12 budget target, reflecting the efficiency dividends of the program.

The program has also ensured that, over the last five years, the Office has been able to manage successfully a very substantial increase in the level of complaints that commenced in mid 2009. Overall, the Office has experienced an 83 per cent increase in the average number of complaints received in the last three years (2009-10 to 2011-12), compared to the average for the previous three years (2006-07 to 2008-09). In this context, the actual percentages of allegations finalised within three months and the percentage of allegations on hand less than three months old have not met 2011-12 budget targets, reflecting the fact that the Office has been required to manage the further 23 per cent increase in complaints received in 2011-12. Pleasingly, however, despite this increase in complaints, nearly three quarters of all complaints received have been resolved in less than three months.

The Office has now developed and commenced a new organisational structure and processes to promote and support early resolution of complaints. The early resolution of complaints will be a principal focus in 2012-13 and the Office expects to meet or exceed both budget targets in 2012-13.

The average cost of \$10,410 per finalised notification of the sudden or unexpected death of a child has moderately exceeded the 2011-12 budget target, reflecting an increased complexity of certain child death reviews.

## Summary of Financial Performance

The majority of expenses for the Office (67%) relate to staffing costs. The remainder is primarily for accommodation, communications and office equipment.

Financial Performance	2011-12 Target ('000s)	2011-12 Actual ('000s)	Variance ('000s)
Total cost of services (expense limit) (sourced from <a href="#">Statement of Comprehensive Income</a> )	\$8,012	<b>\$9,424</b>	\$1,412
Income other than income from State Government (sourced from <a href="#">Statement of Comprehensive Income</a> )	\$1,500	<b>\$2,372</b>	\$872
Net cost of services (sourced from <a href="#">Statement of Comprehensive Income</a> )	\$6,512	<b>\$7,052</b>	\$540
Total equity (sourced from <a href="#">Statement of Financial Position</a> )	\$1,439	<b>\$1,604</b>	\$165
Net increase in cash held (sourced from <a href="#">Statement of Cash Flows</a> )	\$17	<b>\$367</b>	\$350
Staff Numbers	Number	Number	Number
Full time equivalent (FTE) staff level	63	<b>64</b>	1

## Comparison of Actual Results and Budget Targets

The variation in total cost of services of \$1.412 million was mainly due to:

- Staffing costs for staff recruited to handle increased complaints in both the State and Energy jurisdictions, and work to develop the new function of family and domestic violence fatality reviews;
- Increased costs for accommodation, supplies, services and equipment related to the increase in staff and expenses resulting from a relocation to new accommodation during the year; and

- Increased expenses for fit-out depreciation associated with the refit of the Office's new accommodation (provided as resources free of charge by the Department of Finance - Building Management and Works).

Total income other than income from State Government increased due to an increase in funding approved by the Board of the Energy Ombudsman Western Australia to cover the staffing and other costs associated with the increased work in the Energy jurisdiction.

The increase in net cost of services was mainly due to staffing costs associated with a sustained increase in complaints in the State jurisdiction and preparatory work for the new family and domestic violence fatality review function, increased accommodation costs needed for the additional staffing and costs associated with moving to new accommodation. The increase was funded by increased appropriations and resources received free of charge.

The increase in total equity and cash held was primarily due to funds received in late June from appropriations and the revenue from the Energy jurisdiction, which will be used in early 2012-13. The increase in cash held is also partly due to invoices accrued but unpaid at the end of the reporting period.

The variation of one FTE is due to an approved FTE to undertake preparatory work for the new family and domestic violence fatality review function.

For further details see [Note 27 'Explanatory Statement'](#) in the Financial Statements section.

## Complaint Resolution

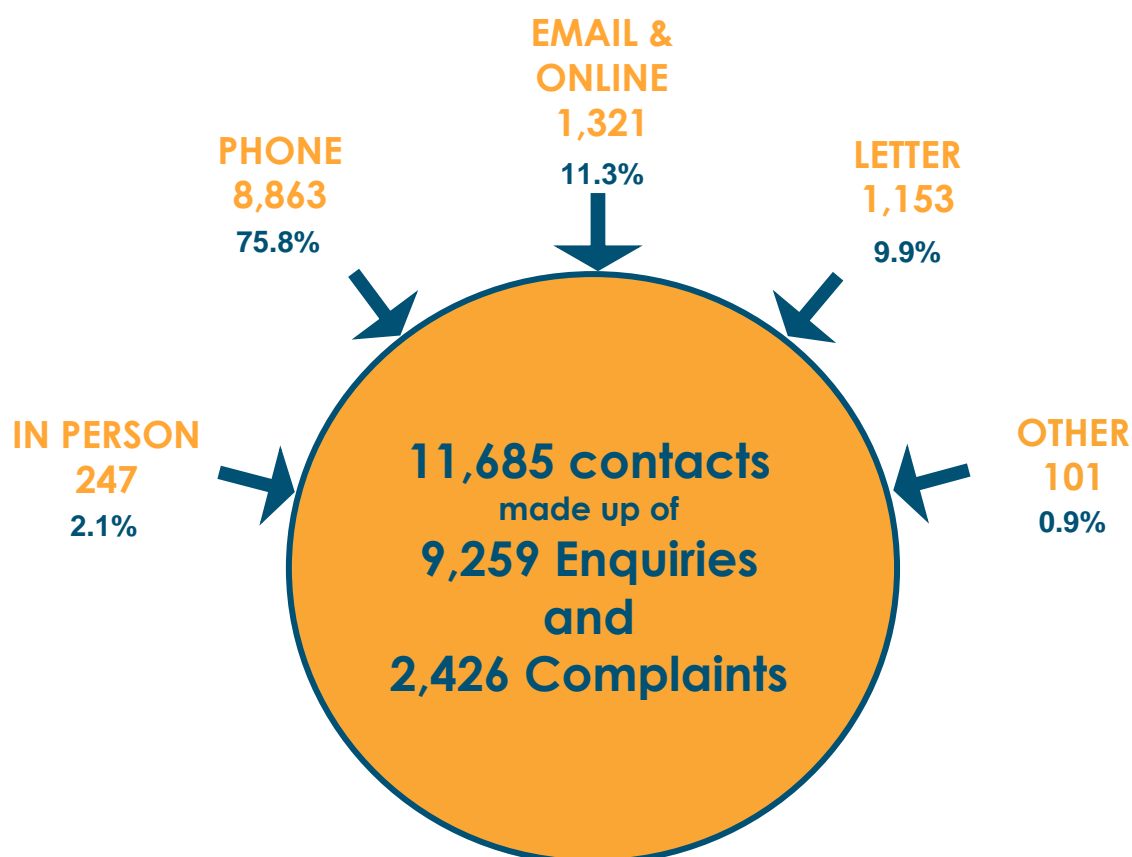
One of the core Ombudsman functions is to resolve complaints received from the public about State Government agencies, statutory authorities and boards, local governments and universities (commonly referred to as public authorities). This section of the report provides information about how the Office assists the public by providing independent and timely complaint resolution services or, where appropriate, referring them to a more appropriate body to handle the issues they have raised.

### Contacts

In 2011-12, the Office received 11,685 contacts from members of the public consisting of:

- 9,259 enquiries from people seeking advice about an issue or information on how to make a complaint; and
- 2,426 written complaints from people seeking assistance to resolve their concerns about the decision making and administrative practices of a range of public authorities.

### Contacts to the Office in 2011-12





## Enquiries Received

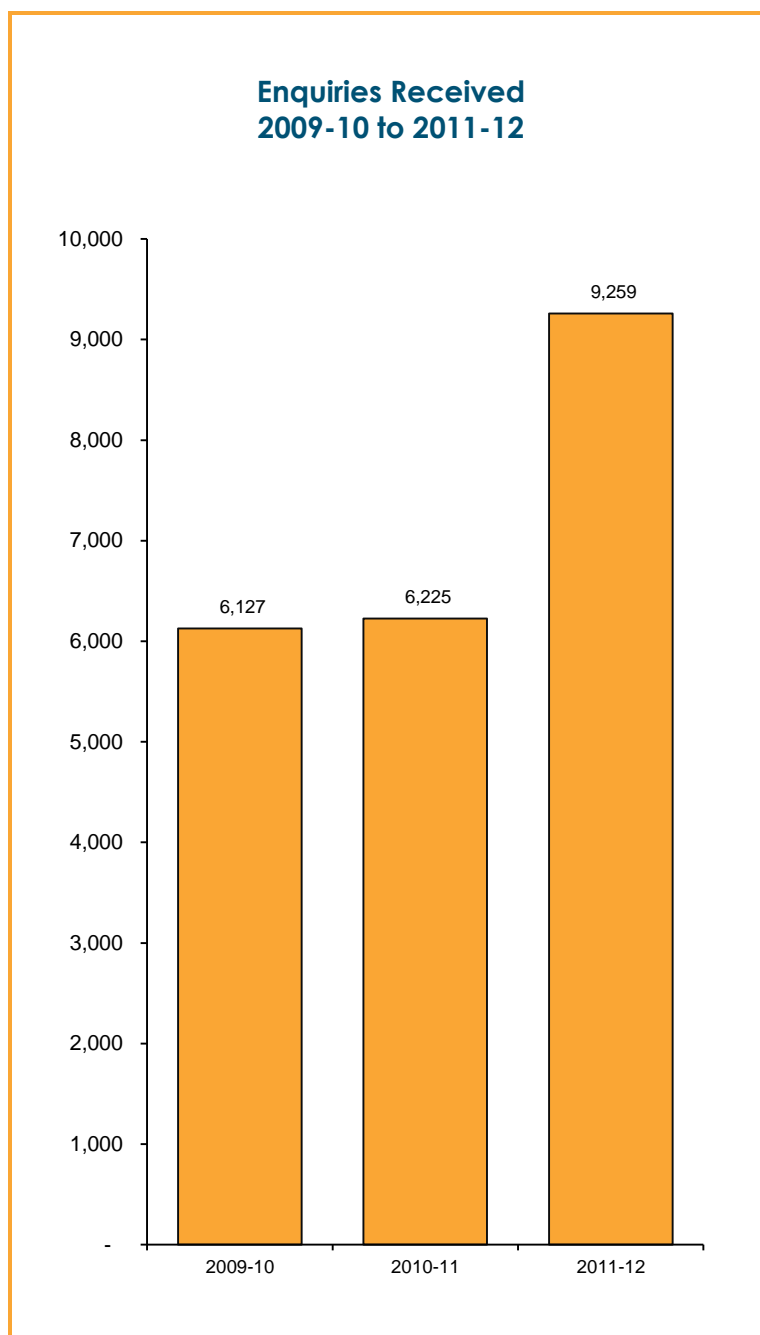
There were 9,259 enquiries received during 2011-12.

For enquiries that are within the Ombudsman's jurisdiction, staff provide information about the role of the Office and how to make a complaint.

Approximately half of all enquiries are referred back to the public authority in the first instance to give it the opportunity to hear about and deal with the issue. This is often the quickest and most effective way to have the issue dealt with. Enquirers are advised that if their issues are not resolved by the public authority, they can make a complaint to the Ombudsman.

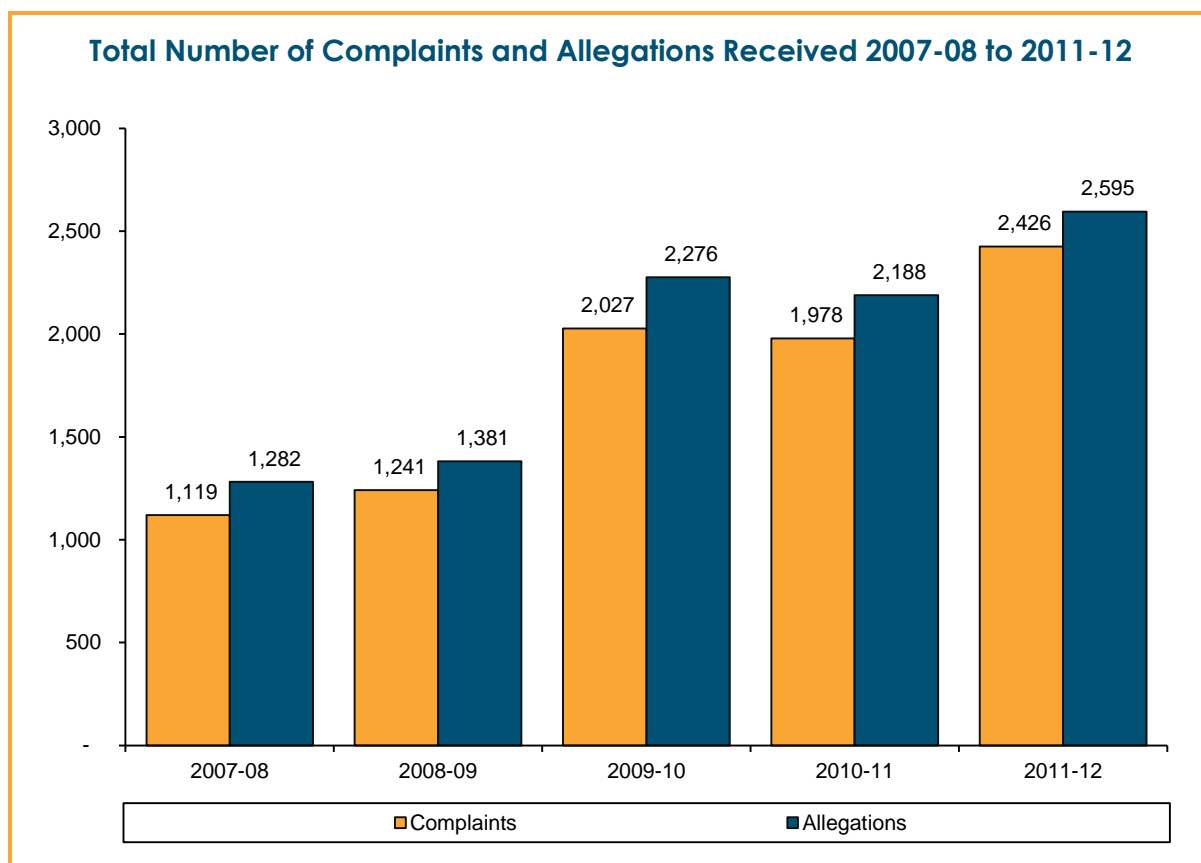
For enquiries that are outside the jurisdiction of the Ombudsman, staff assist members of the public by providing information about the appropriate body to handle the issues they have raised. In some cases, Ombudsman staff may be able to facilitate an early resolution of the matter by making informal contact with the public authority. One example of this is outlined in the following case.

**Enquirers are encouraged to try to resolve their concerns directly with the public authority before making a complaint to the Ombudsman.**



## Complaints Received

In 2011-12, the Office received 2,426 complaints, which included 2,595 separate allegations, and finalised 2,252. There are more allegations than complaints because one complaint may cover more than one issue. As shown in the chart below, the number of complaints received in 2011-12 is higher than that received in the previous four years.

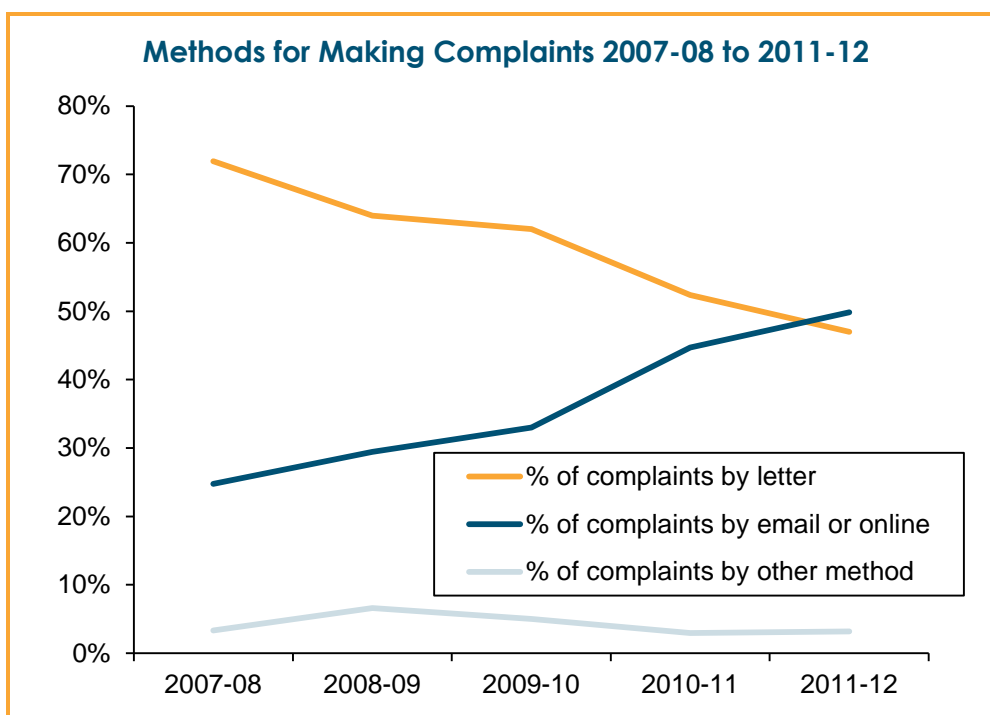


NOTE: The number of complaints and allegations shown for a year may vary, by a very small amount, from the number shown in previous annual reports. This occurs because, during the course of an investigation, it can become apparent that a complaint is about more than one public authority or there are additional allegations with a start date in a previous reporting year.

The average number of complaints received in the last three years (2009-10 to 2011-12) was 2,144 compared with the average of 1,171 for the three previous years (from 2006-07 to 2008-09). This represents an increase of 83 per cent in complaint numbers. The increase is across all sectors and is not confined to one public authority. For further information on trends in complaint numbers, see the [Significant Issues Impacting the Office section](#).

## How Complaints are made

The increase in the use of email and online facilities to lodge complaints has continued in 2011-12, increasing from 45 per cent in 2010-11 to 50 per cent in 2011-12. For the first time, email and online facilities have exceeded letters as the preferred method of lodging complaints. The proportion of people using email and online facilities to lodge complaints has more than doubled since 2007-08 when less than 25 per cent were received in this way. During the same period, the proportion of people who lodge complaints by letter has reduced from 72 per cent to 47 per cent. The remaining complaints were received by a variety of means including by fax, during regional visits and in person.



## Resolving Complaints

Where it is possible and appropriate, staff use an early resolution approach to resolve complaints. This approach is highly efficient and effective and results in timely resolution of complaints. It gives public authorities the opportunity to provide a quick response to the issues raised and to undertake timely action to resolve the matter for the complainant and prevent similar complaints arising again.

**Early resolution involves facilitating a timely response and resolution of a complaint.**

The outcomes of complaints may result in a remedy for the complainant or improvements to a public authority's administrative practices, or a combination of both. Complaint resolution staff also track recurring trends and issues in complaints and this information is used to inform broader administrative improvement in public authorities and investigations initiated by the Ombudsman (known as [own motion investigations](#)).

The following case study shows how early resolution can result in timely remedies for a complaint.



## Fence replaced through early resolution process

A man's property shared a portion of a back fence with a property owned by a public authority. In the course of installing a new fence at the public authority's property, the authority's contractor damaged seven panels of the man's fence.

The man complained to the public authority, which agreed that the actions of the contractor may have contributed to the damage to the fence. However, the public authority only offered to cover the cost of the replacement and installation of three of the panels.

The man contacted the Ombudsman complaining that the public authority was acting unreasonably by only offering to replace and install three of the fence panels and that it should replace all the damaged panels. As a result of contact from the Office, the public authority agreed to extend its offer and replace all the damaged fence panels.

## Time Taken to Resolve Complaints

Timely complaint handling is important, including the fact that early resolution of issues can result in more effective remedies and prompt action by public authorities to prevent similar problems occurring again. The Office's continued focus on timely complaint resolution has resulted in ongoing improvements in the time taken to handle complaints.

Timely complaint handling in 2011-12 meant that:

- 72% of allegations were finalised within 3 months and 99% were finalised within 12 months; and
- There has been a reduction of 10% in the average time to finalise complaints over the last year.

Over the last five years, very significant improvements have been achieved in timely complaint handling, including:

- The average time to finalise complaints decreased by 42% from 92 days in 2006-07 to 53 days in 2011-12; and
- Finalised complaints older than 12 months have decreased by 85% between 2006-07 and 2011-12.

In some cases, timely resolution of complaints is of the essence and public authorities can be quick to recognise this when there are risks to safety. This is illustrated in the following case study.



## Changes allow prisoner immediate access to medication

A prisoner suffered from an acute medical condition and was allowed to carry medication at all times to enable prompt treatment of a severe allergic reaction. When he was transferred to a different prison he was advised that this prison did not allow him to carry the medication, which he could only access at the prison's medical centre. The prison also restricted the prisoner's movements and activities within the prison to minimise the risk to his medical condition.

The prisoner complained to the Ombudsman that the different practices of this prison were unfair and unreasonable and compromised his physical wellbeing.

The Office wrote to the responsible public authority about the prisoner's complaint and the apparent inconsistencies in the authority's policy on access by prisoners to emergency medication at different prison sites.

As a result of the complaint the prison allowed the prisoner to carry his medication and the public authority took steps to ensure that all Western Australian prisons developed practices and procedures for the management of prisoners with a medical condition requiring immediate access to emergency medication.

## Complaints Finalised in 2011-12

There were 2,252 complaints finalised during the year and, of these, 1,510 were about public authorities in the Ombudsman's jurisdiction. Of the complaints about agencies within jurisdiction, 869 were finalised at initial assessment, 587 were finalised after an Ombudsman investigation and 54 were withdrawn.

### Complaints finalised at initial assessment

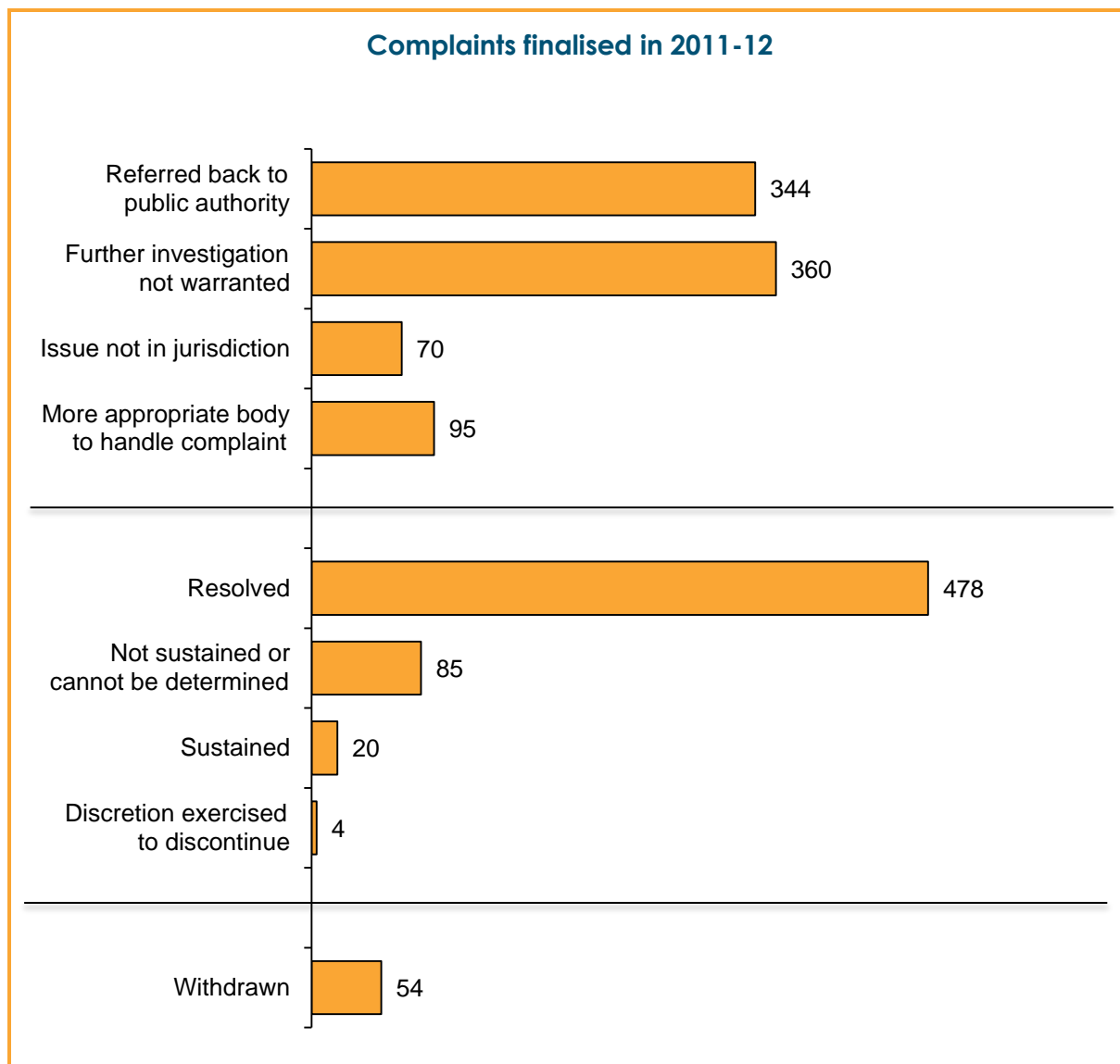
More than a third (40%) of the 869 complaints finalised at the initial assessment were referred back to the public authority to provide it with an opportunity to resolve the matter before involving the Ombudsman. This is a common and timely approach and often results in resolution of the matter. The person making the complaint is advised to contact the Office again if their complaint remains unresolved at the end of this referral process. In a further 11 per cent of complaints finalised at the initial assessment, it was determined that there was a more appropriate body to handle the complaint. In these cases, complainants are provided with contact details of the relevant body to assist them.

### Complaints finalised after investigation

Of the 587 complaints finalised after investigation, 81 per cent were resolved through the Office's early resolution process. This involves Ombudsman staff contacting the public authority to progress a timely resolution of complaints that appear to be able to be resolved quickly and easily. Public authorities have shown a strong willingness to resolve complaints using this approach. There has been an increasing trend in early resolution through the use of this process (from 207 in 2009-10 to 478 in 2011-12),

corresponding with a reduction in complaints finalised through more formal processes.

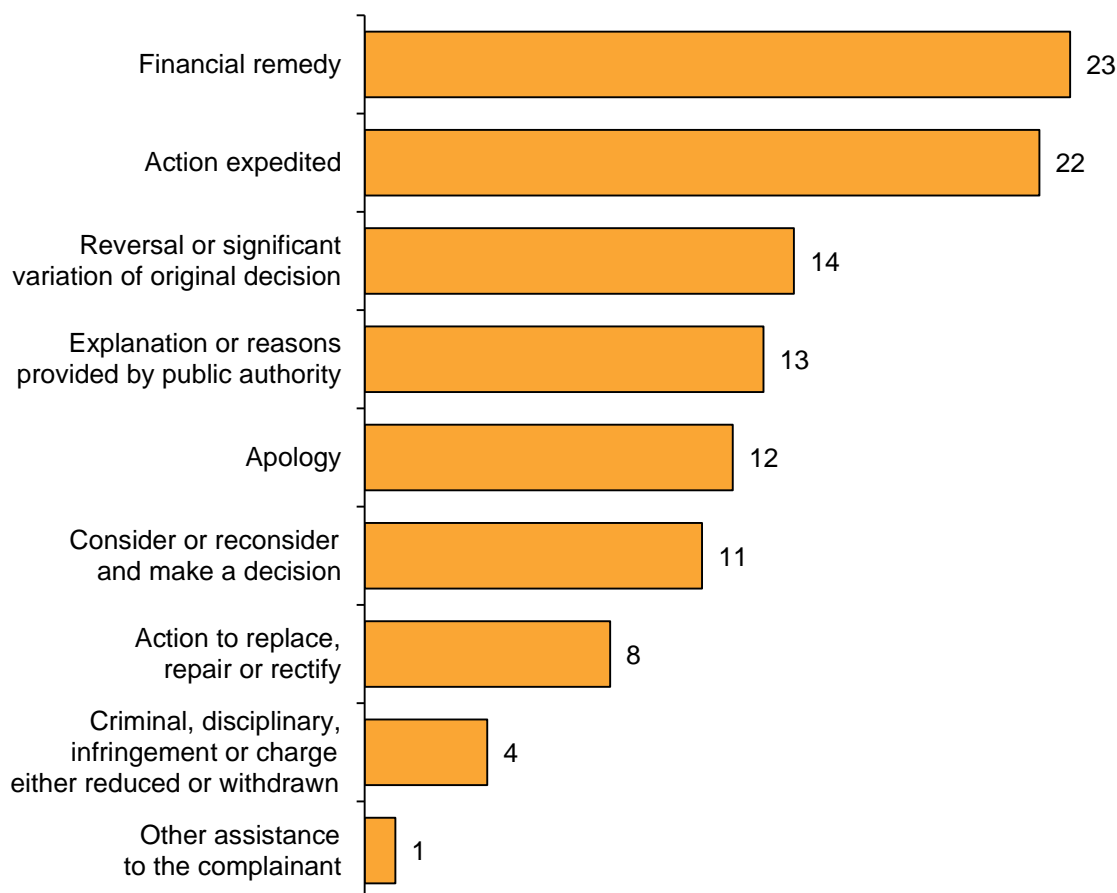
The following chart shows how complaints about public authorities in the Ombudsman's jurisdiction were finalised.



## Outcomes to Assist the Complainant

Complainants look to the Ombudsman to facilitate some form of assistance or action to remedy their complaint. In 2011-12 there were 108 remedies provided by public authorities to assist the individual who made a complaint to the Ombudsman, as shown in the following chart.

### Remedial Action to Assist the Complainant in 2011-12



## Outcomes to Improve Public Administration

In addition to providing individual remedies, complaint resolution can also result in improved public administration. This occurs when the public authority takes action to improve its decision making and practices in order to address systemic issues and prevent similar complaints in the future.

Administrative improvements include changes to policy and procedures, changes to business systems or practices and staff development and training. The following case study illustrates how individual complaints can lead to improved public administration.

Further information on outcomes to improve public administration is provided in the [Own Motion Investigations and Administrative Improvement](#) section.

## Public authority improves procedures to prevent future errors

A woman wrote to the Ombudsman alleging that a public authority unreasonably provided her with inconsistent valuations of her property, resulting in receipt of invoices for two different amounts. The woman claimed that she had been overcharged because she had paid on the higher valuation.

The Office contacted the public authority, which investigated the complaint and found that both valuations were incorrect because of flaws in the assessment process.

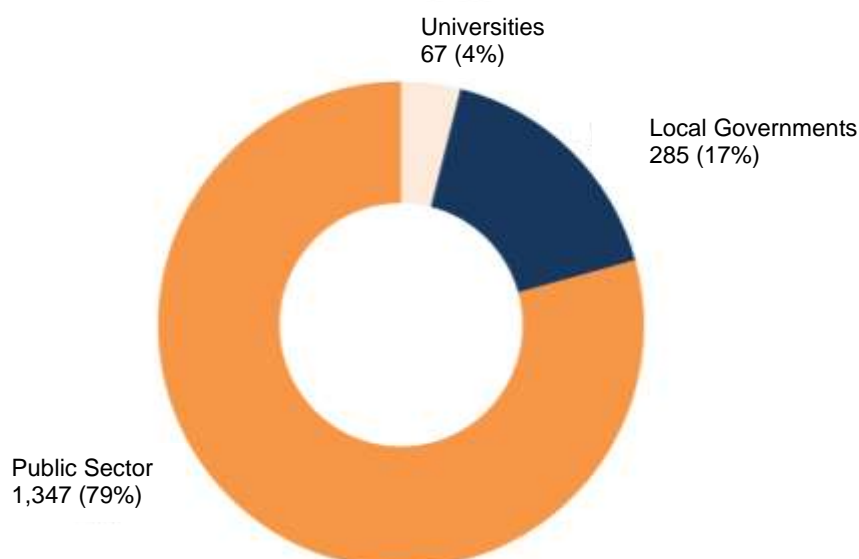
As a result of the complaint, the public authority wrote to the woman explaining what had occurred and apologising for the error. The authority invited her to apply for a refund of the overpayment. In addition, the authority took steps to improve its administrative procedures to ensure that the problem did not reoccur.

## About the Complaints

Of the 2,426 complaints received, 1,699 were about public authorities that are in the Ombudsman's jurisdiction. The remaining 727 complaints were about bodies outside the Ombudsman's jurisdiction. In these cases, Ombudsman staff provided assistance to enable the people making the complaint to take the complaint to a more appropriate body.

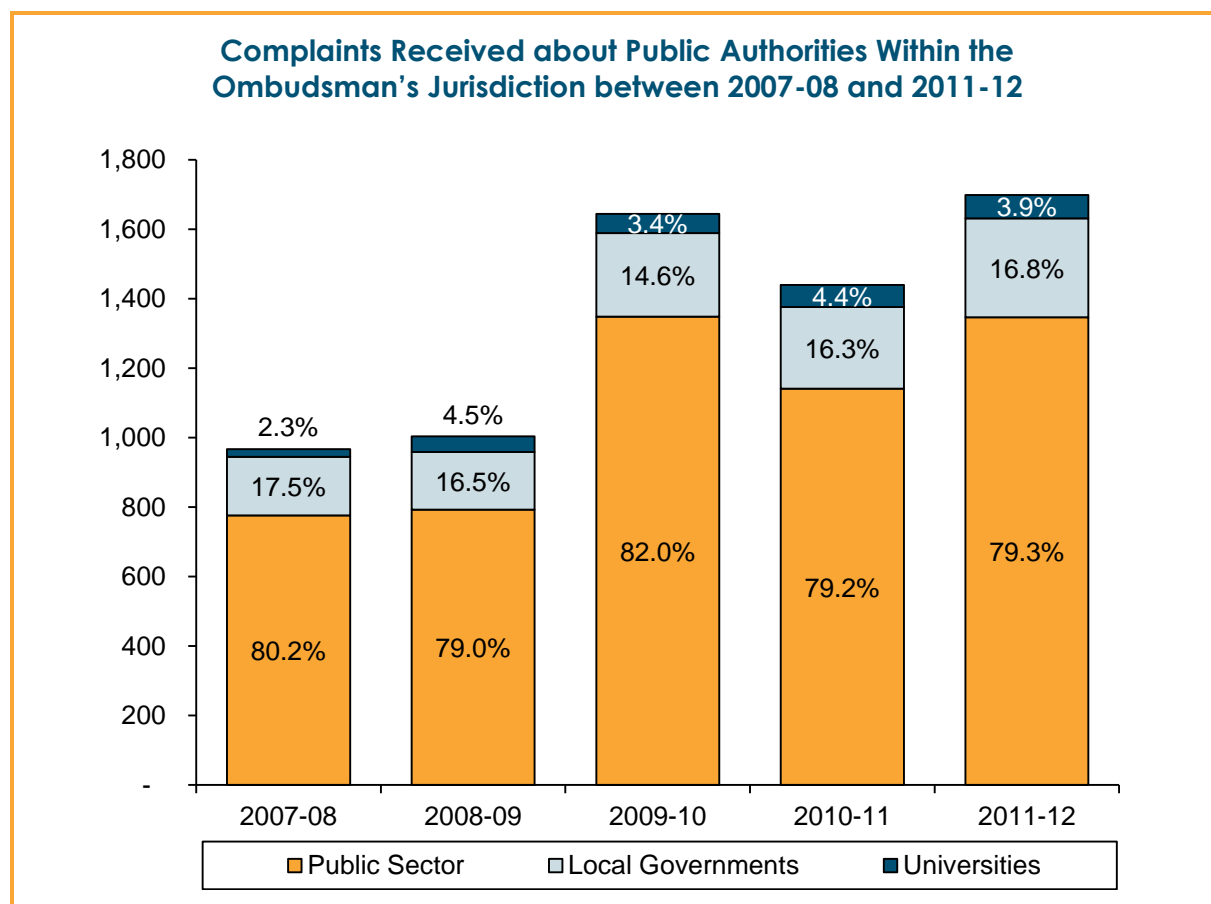
Public authorities in the Ombudsman's jurisdiction fall into three sectors: the public sector (1,347 complaints) which includes State Government departments, statutory authorities and boards; the local government sector (285 complaints); and the university sector (67 complaints).

**Complaints Received about Public Authorities Within the Ombudsman's Jurisdiction in 2011-12**





While there has been an increase in complaints in all sectors over the last five years, the proportion of complaints about each sector has remained relatively steady over this period, as shown in the chart below.

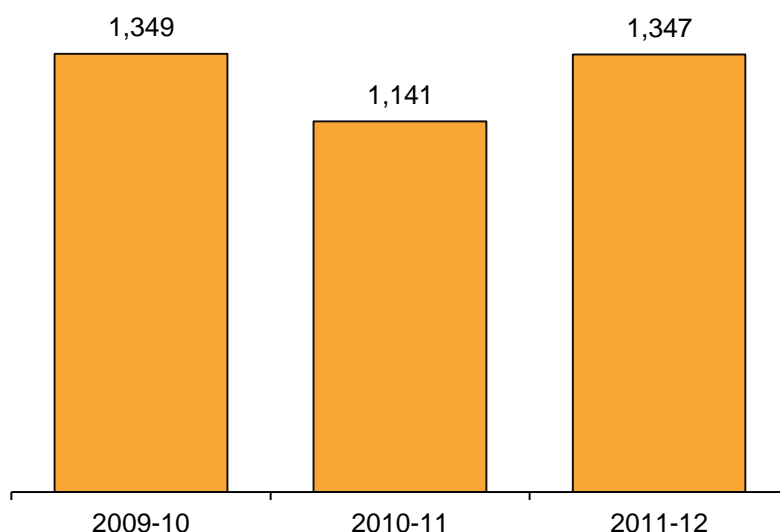


## The Public Sector

In 2011-12, there were 1,347 complaints received about the public sector, an increase of 18 per cent compared to 2010-11, and 1,169 complaints were finalised.

The number of complaints about the public sector as a whole in the last three years is shown in the chart below.

**Complaints Received About the Public Sector between 2007-08 and 2011-12**

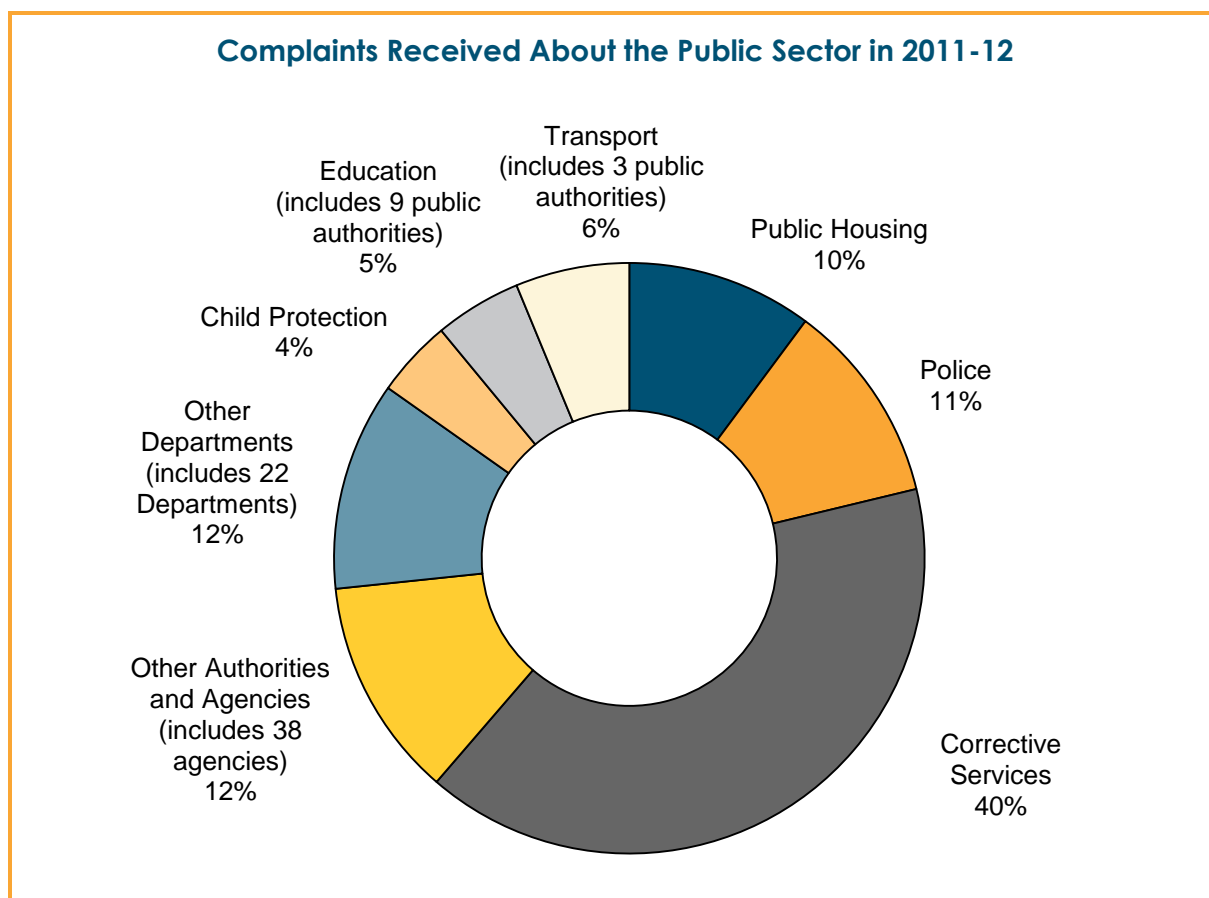


Of the 1,347 complaints received, 76 per cent were about six key areas covering:

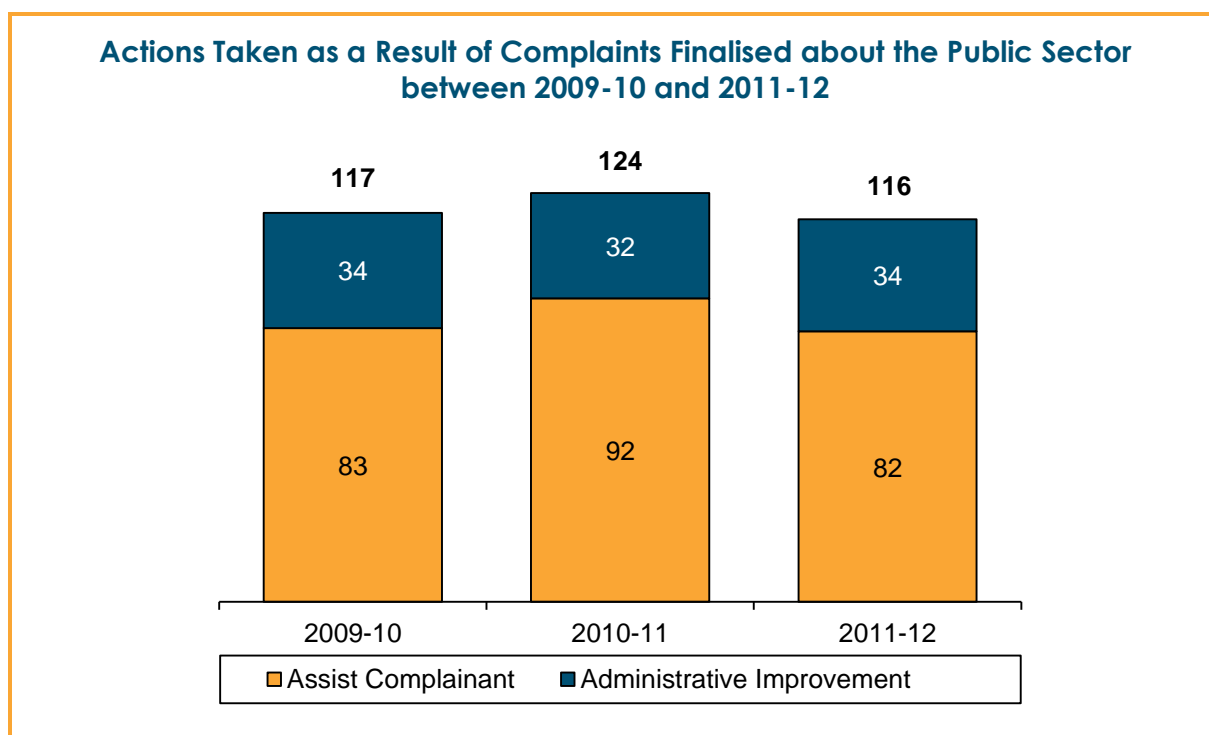
- Corrective services, in particular prisons (540 or 40%);
- Police (149 or 11%);
- Public housing (137 or 10%);
- Transport (84 or 6%);
- Education - public schools and Technical and Further Education colleges (64 or 5%). Information about universities is shown separately under the University Sector; and
- Child protection (57 or 4%).

The remaining complaints about the public sector (316) were about 60 other State Government departments, statutory authorities and boards. Seventy two per cent (43) of these agencies received five complaints or less.

The following chart provides a breakdown of the complaints received.



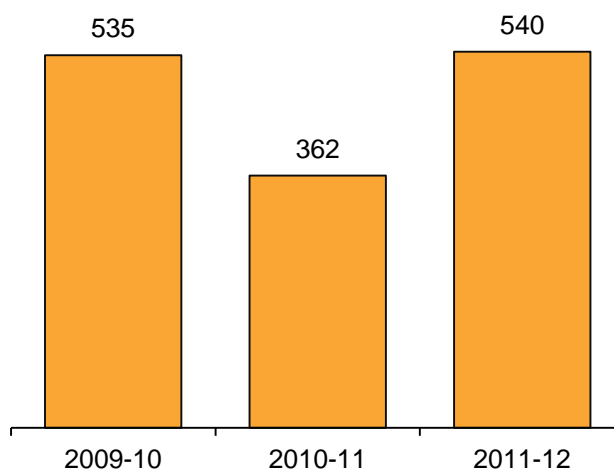
There were 116 actions taken by public sector bodies as a result of complaints finalised in 2011-12. These resulted in 82 remedies being provided to complainants and 34 improvements to public sector practices.



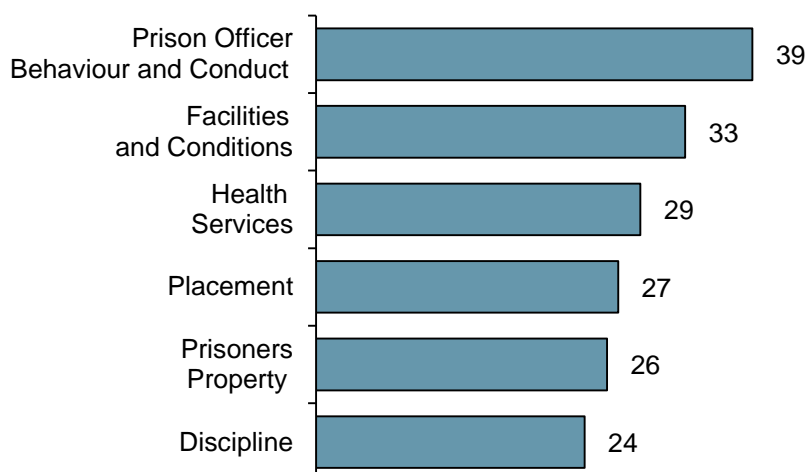
## Public Sector Complaint Issues and Outcomes

### Corrective Services

#### Complaints received



#### Most common allegations



#### Other types of allegations

- Sentencing and parole issues;
- Communication and visits;
- Drug detection for prisoners;
- Prisoner grievance procedure;
- Education courses and facilities;
- Food and diet; and
- Prisoner employment.

#### Outcomes achieved

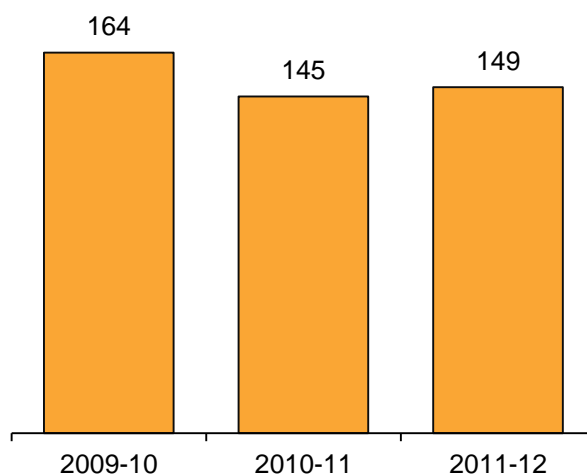
- Changed policy or procedure;
- Punishment or charges reduced or withdrawn;
- Actions expedited;
- Explanations provided; and
- Reversal or significant variation of original decision.

## Case Study

**Better information for prisoners on remote telephone allowance**

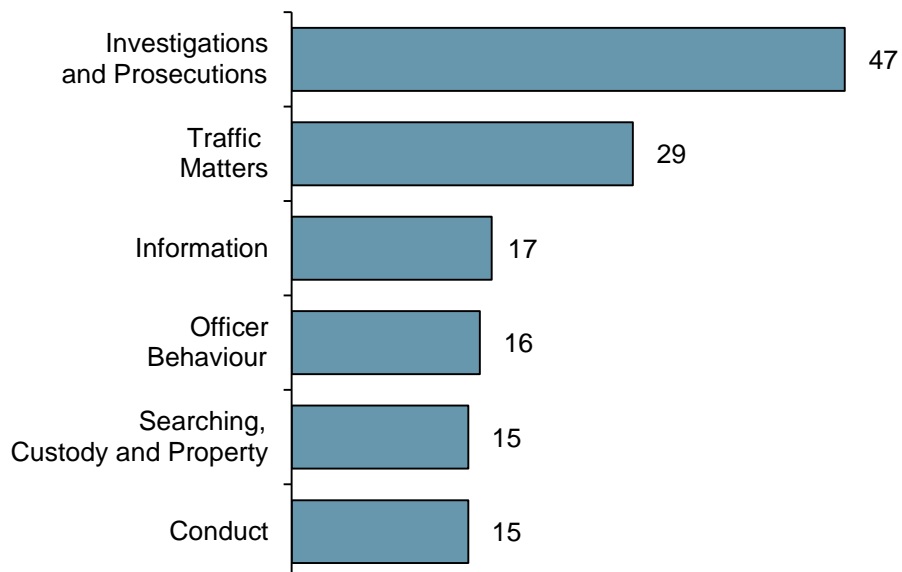
Prisoners in certain Western Australian prisons receive a 'remote telephone allowance' because they cannot receive visits from family or friends. A prisoner wrote to the Ombudsman claiming that the prison had not informed him about the allowance and that he only found about it from another prisoner after he had been in prison for some time and had borrowed money from his son to telephone his children. The prisoner said that the prison refused his request to have the allowance backdated to his admission to the prison because he would have been informed of his entitlement through the prisoner induction program and handbook.

The Office contacted the prison and found that its refusal to backdate the prisoner's remote telephone allowance was in line with the public authority's policy that the allowance could not be credited if not used. However, the enquiries also revealed that information about the allowance was not in the prisoners' handbook and that the prison could not confirm that prisoners were automatically informed of their entitlement during their induction. As a result of the enquiries, the prison produced a new prisoners' induction program and handbook to incorporate information about the allowance and took steps to ensure that officers also advised prisoners of their entitlement during the case management process.

**Police****Complaints  
received**

## Police

### Most common allegations



### Other types of allegations

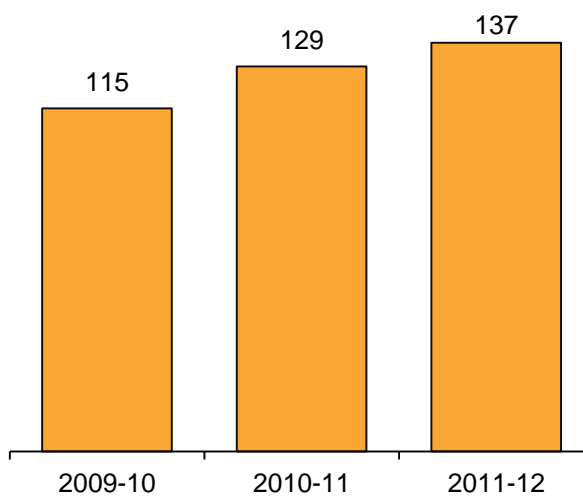
- Arrest and detention;
- Assault; and
- Internal investigation of complaints.

### Outcomes achieved

- Refund for incorrect infringement payment.

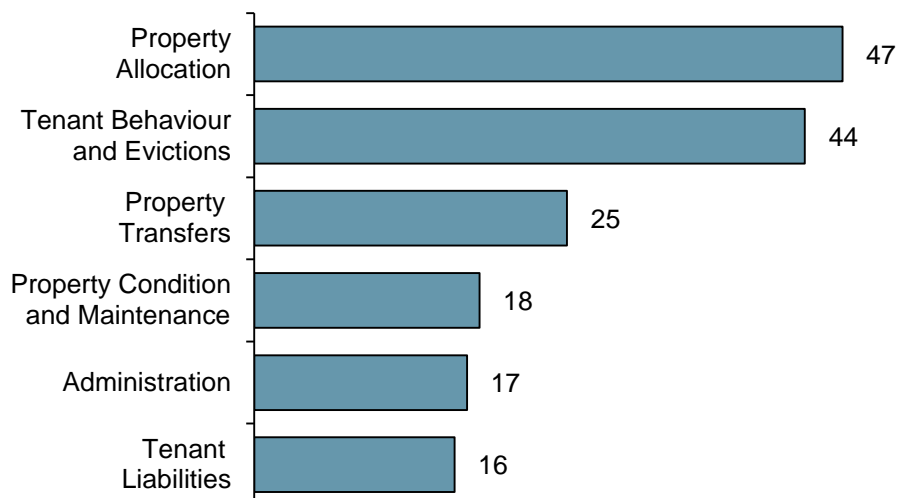
## Public Housing

### Complaints received



## Public Housing

### Most common allegations



### Other types of allegations

- Debt repayments;
- Rental or bond assistance;
- Construction and development; and
- Rental sales.

### Outcomes achieved

- Reversal or significant variation of original decision;
- Actions expedited;
- Apology given;
- Provide training to Officers; and
- Tenant liability waived.



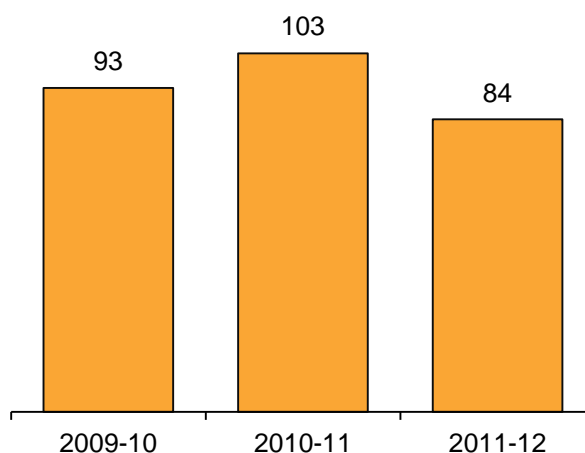
## Changes to meet the needs of disabled complainant

A woman living in public housing contacted the Ombudsman complaining about the response to maintenance requirements at the property from the responsible public authority. The woman claimed that the public authority had failed to undertake changes to accommodate the physical disability of her husband. In addition she claimed that the public authority's decision to replace the current garage, which was in need of repair, with an open carport was unreasonable because it removed her access to waterproof storage.

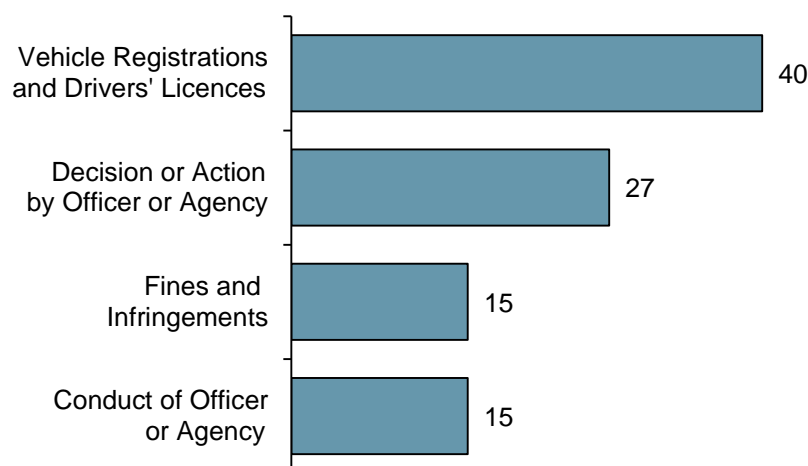
As a result of enquiries by the Office, the public authority arranged a property inspection to review the woman's property. Following this inspection, the public authority advised that it had made the changes recommended by an Occupational Therapist to accommodate the disability needs of the woman's husband and had agreed to replace the garage with another garage instead of an open carport.

## Transport

### Complaints received



### Most common allegations



### Other types of allegations

- Provision of information to the public, including on websites; and
- Accuracy of personal information.

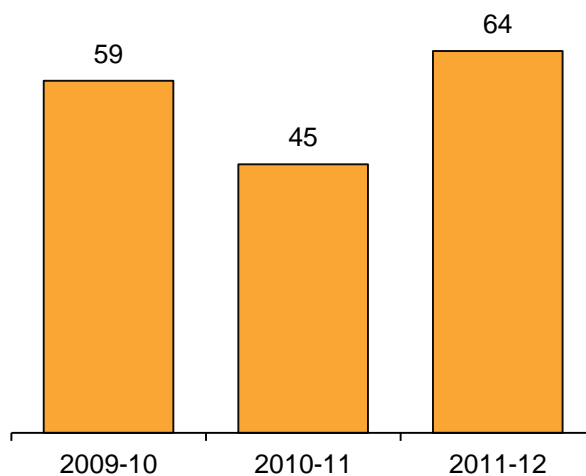
### Outcomes achieved

- Change systems;
- Agency officer training;
- Fees waived or penalties withdrawn;
- Refund of infringement payments;
- Apology;
- Act of Grace payment;
- Reversal or significant variation of original decision; and
- Explanation/reasons provided by Agency.

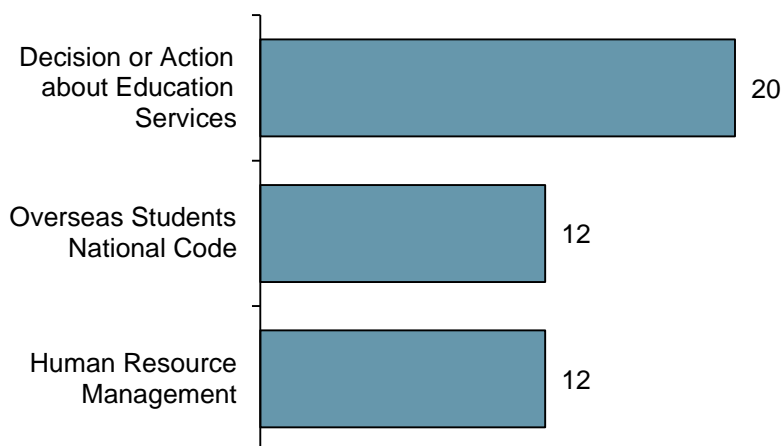


## Education

### Complaints received



### Most common allegations



### Other types of allegations

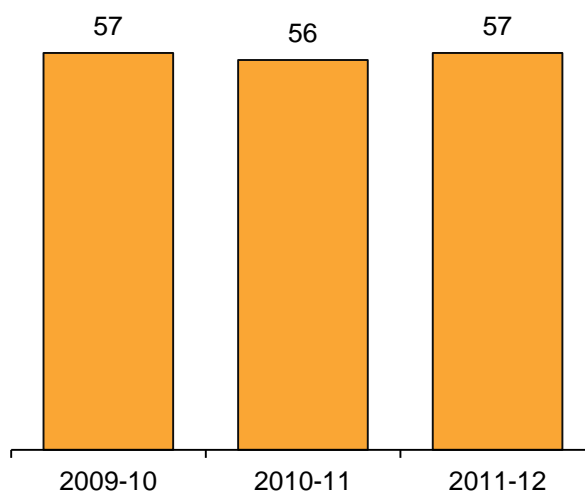
- Enrolment;
- School fees and charges; and
- Examinations, assessments and prizes.

### Outcomes achieved

- Changed policy or procedure;
- Apology given;
- Explanation or reasons provided;
- Changed procedures; and
- Course fees refunded.

## Child Protection

### Complaints received



### Most common allegations



### Other types of allegations

- Human resource management
- Special assistance; and
- Adoption.

### Outcomes achieved

- Improved record keeping; and
- Actions expedited.



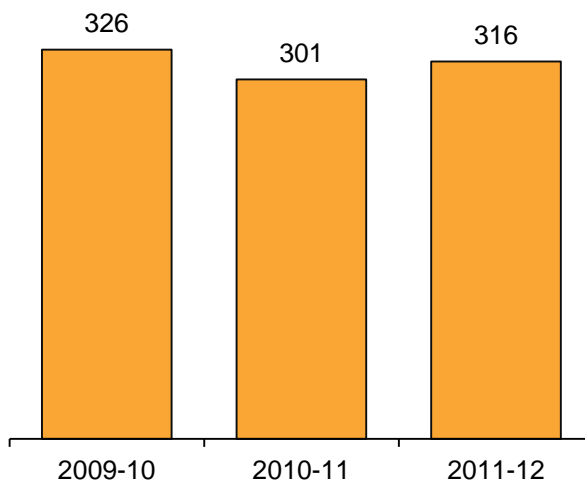
## Explanation alleviates concerns of respite carer

A woman who provided monthly respite care to a teenage boy who usually resided with foster carers wrote to the Ombudsman after she had concerns about his development. The respite carer expressed her concerns that the boy did not communicate effectively, and that he may have difficulty when he leaves the care of his foster carers at the age of eighteen.

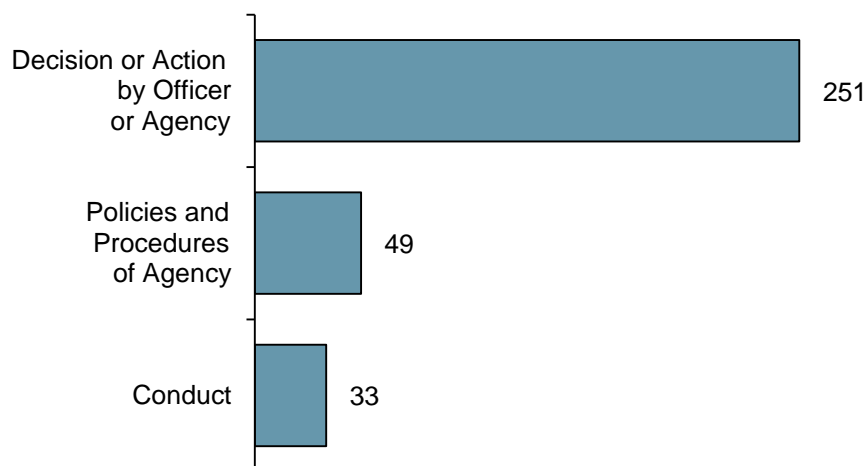
Enquiries made by the Office to the agency responsible for the care of the boy highlighted that the boy has a number of conditions which affect his learning and communication with others. The agency agreed to meet with the respite carer and explain his conditions in greater detail to alleviate her concerns, and to assist her in better understanding the boy's needs.

## Other Public Authorities

### Complaints received



### Most common allegations



### Other types of allegations

- Medical or allied health treatment; and
- Human resource issues.

### Outcomes achieved

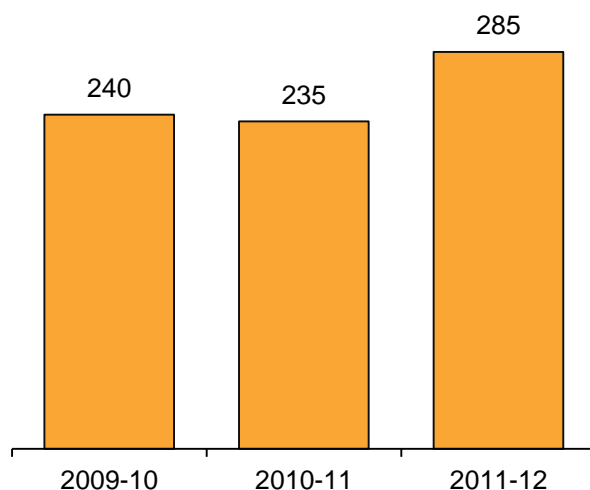
- Change policy or procedure;
- Change systems;
- Improve record keeping;
- Agency officer training;
- Apology;
- Action expedited;
- Explanation or reasons provided by agency;
- Refund of fines and fees; and
- Act of grace payment.

## The Local Government Sector

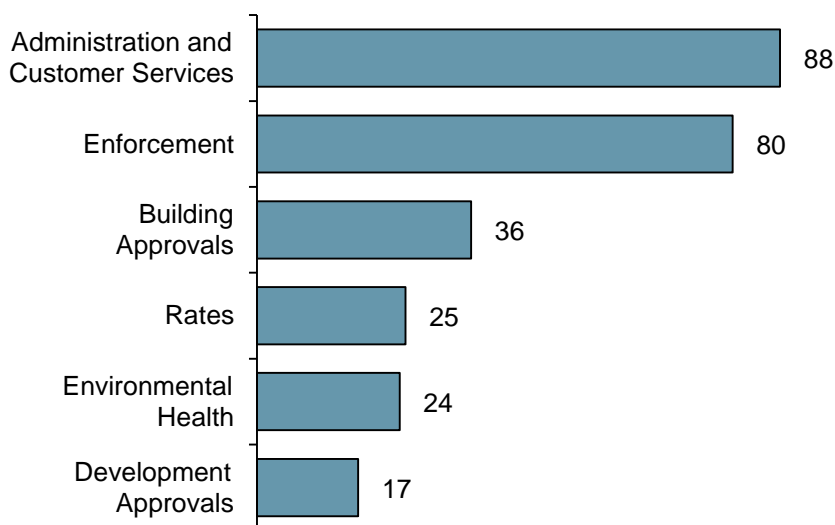
In 2011-12, there were 285 complaints received about the local government sector, an increase of 21 per cent compared to 2010-11, and 272 complaints were finalised. There were 29 actions taken by local governments as a result of complaints finalised.

### Local Government

#### Complaints received



#### Most common allegations



#### Other types of allegations

- Engineering;
- Community facilities;
- Planning;
- Contracts and property management;
- Decision or action by officer or local government;
- Investigations and prosecutions;
- Policies or procedures of local government; and
- Traffic Matters.

## Local Government

### Outcomes achieved

- Change policy/procedure;
- Provide officer training and informal counselling;
- Act of Grace payment;
- Reversal or significant variation of original decision;
- Action expedited;
- Refund of security deposits and write-off of minor debt;
- Explanation / Reasons provided by Agency; and
- Apology.



### Improved access for wheelchairs

A woman used a wheelchair for mobility purposes and had complained to the responsible local government that the unevenness of crossover from her driveway to the roadway interfered with her ability to use her wheelchair. The local government advised that it was unable to assist because of the drainage and road safety considerations caused by the location of the woman's property.

The woman wrote to the Ombudsman alleging that the local government's refusal to fix this problem had severely limited her ability to lead a reasonable lifestyle.

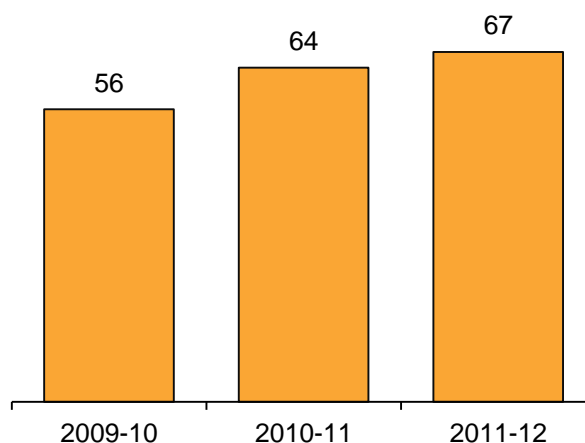
As a result of enquiries by the Office, the local government undertook an inspection of the property and advised that it would install a footpath across the front of the woman's property, together with suitable ramps to allow her to cross the road safely and join the current footpath network. The woman was happy with the local government's actions.

## The University Sector

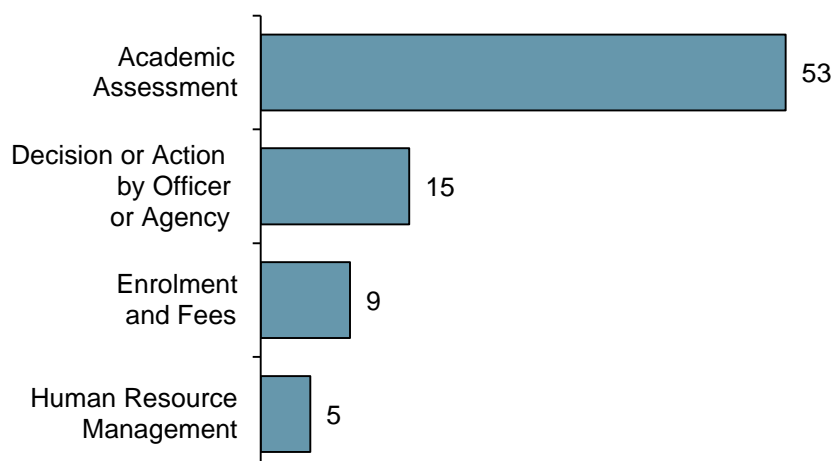
In 2011-12, there were 67 complaints received about the university sector, an increase of 5 per cent compared to 2010-11, and 69 complaints were finalised. There were six actions taken by universities as a result of complaints finalised.

### Universities

#### Complaints received



#### Most common issues raised



#### Other types of issues raised

- Enrolment;
- Other dealings with the public; and
- Staff appointment and promotion.
- Complaints include appeals by overseas students under the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*.

#### Outcomes Achieved

- Change policy or procedure;
- Reversal or significant variation of original decision;
- Apology; and
- Action expedited.



## Decision to refuse a student's withdrawal due to illness reversed

An overseas student at a Western Australian University had her enrolment terminated on the basis of poor academic results. In the appeal against the University's decision, the student submitted medical evidence that a medical condition had impacted upon her academic progress and results.

The student subsequently contacted the Office complaining that the University's decision to terminate her enrolment was unfair and unreasonable because it had not taken the medical evidence into account and because decisions about the impact of medical considerations on a student's academic progress were not made by qualified health practitioners.

As a result of enquiries by the Office and discussions with University staff, the University agreed to review its decision and subsequently advised that it had re-enrolled the student who was allowed to continue in the course, subject to a number of conditions.

## Other Complaint Related Functions

### Reviewing Appeals by Overseas Students

The [\*National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007\*](#) (**the Code**) sets out standards required of registered providers who deliver education and training to overseas students studying in Australia. It provides overseas students with rights of appeal to external, independent bodies if their internal appeal with their education or training provider is unsuccessful. Overseas students studying with both public and private education providers have access to an Ombudsman who:

- Provides a free complaint resolution service;
- Is independent and impartial and does not represent either the overseas students or education and training providers; and
- Can make recommendations arising out of investigations.

In Western Australia, the Office is the external appeals body for overseas students studying in Western Australian public education and training organisations. The [\*Commonwealth Ombudsman\*](#) is the external appeals body for overseas students studying in private education and training organisations.

### Complaints Lodged with the Office under the Code

Education and training providers are required to comply with 15 standards under the Code. In dealing with these complaints, the Ombudsman considers whether the decisions or actions of the agency complained about comply with the requirements of the Code and if they are fair and reasonable in the circumstances.

During 2011-12, the Office received 37 complaints about public education and training providers from overseas students under the Code, and finalised 37 complaints about 54 issues. Thirty of the finalised issues were about termination of enrolment decisions made by universities and public training providers and 24 were about other issues such as course transfers and marking. These complaints and issues can be further broken down as follows:

- **Universities** - 26 complaints about 42 issues with 25 issues about termination of enrolment decisions.
- **TAFEs** - 8 complaints about 9 issues with 4 issues about termination of enrolment decisions.
- **Other Education agencies** - 3 complaints about 3 issues with 1 issue about termination of enrolment decisions.

## Public Interest Disclosures

Section 5(3) of the [Public Interest Disclosure Act 2003](#) allows any person to make a disclosure to the Ombudsman about particular types of 'public interest information'. The information provided must relate to matters that can be investigated by the Ombudsman, such as the administrative actions and practices of public authorities or involve the improper conduct of public officers.

Key members of staff have been authorised to deal with disclosures made to the Ombudsman and have received appropriate training. They assess the information provided to determine whether the matter requires investigation, having regard to the [Public Interest Disclosure Act 2003](#), the [Parliamentary Commissioner Act 1971](#) and relevant guidelines. If a decision is made to investigate, subject to certain additional requirements regarding confidentiality, the process for investigation of a disclosure is the same as that applied to the investigation of complaints received under the [Parliamentary Commissioner Act 1971](#).

During the year, the Ombudsman completed the investigation of one disclosure and three new disclosures were received.

## Indian Ocean Territories

Under a service delivery arrangement between the Ombudsman and the Commonwealth Government, the Ombudsman handles complaints from residents of the Indian Ocean Territories about public authorities in the Ombudsman's jurisdiction. In 2011-12, the Office received two complaints from the Indian Ocean Territories and finalised three.

## 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. There were no complaints received during the year.



## Requests for Review

Occasionally, the Ombudsman is asked to review or reopen a complaint that was investigated by the Office. The Ombudsman is committed to providing complainants with a service that reflects best practice administration and, therefore, offers complainants who are dissatisfied with a decision made by the Office an opportunity to request a review of that decision.

Thirty seven requests for review were received in 2011-12, less than two per cent of the total number of complaints finalised. Two reviews resulted in the original decision being amended in part or in whole. In all other cases where a review was undertaken, the original decision was upheld.

## Child Death Review

This section sets out the work of the Office in relation to its child death review function. Information on this work has been divided as follows:

- Background;
- The role of the Office in child death reviews;
- Notifications and reviews;
- Patterns and trends identified from child death reviews;
- Improvements to public administration to prevent or reduce child deaths;
- Major own motion investigations arising from child death reviews; and
- Stakeholder liaison.

### Background

In November 2001, prompted by the coronial inquest into the death of a 15 year old Aboriginal girl at the Swan Valley Nyoongar Community in 1999, the (then) Government announced a special inquiry into the response by Government agencies to complaints of family violence and child abuse in Aboriginal communities.

The resultant 2002 report, *Putting the Picture Together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*, recommended that a Child Death Review Team be formed to review the deaths of children in Western Australia (Recommendation 146). Responding to the report the (then) Government established the Child Death Review Committee (**CDRC**), with its first meeting held in January 2003. The function of the CDRC was to review the operation of relevant policies, procedures and organisational systems of the (then) Department for Community Development in circumstances where a child had contact with the Department.

In August 2006, the (then) Government announced a functional review of the (then) Department for Community Development. Ms Prudence Ford was appointed the independent reviewer and presented the report, *Review of the Department for Community Development: Review Report (the Ford Report)* to the (then) Premier in January 2007. In considering the need for an independent, interagency child death review model, the Ford Report recommended that:

- The CDRC together with its current resources be relocated to the Ombudsman (Recommendation 31); and
- A small, specialist investigative unit be established in the Ombudsman's office to facilitate the independent investigation of complaints and enable the further examination, at the discretion of the Ombudsman, of Child Death Review cases where the child was known to a number of agencies (Recommendation 32).

Subsequently, the [Parliamentary Commissioner Act 1971](#) was amended to enable the Ombudsman to undertake child death reviews, and on 30 June 2009, the child death review function in the Ombudsman's office commenced operation.

## The Role of the Office in Child Death Reviews

The child death review function enables the Ombudsman to review investigable deaths. Investigable deaths are defined in the Ombudsman's legislation, the *Parliamentary Commissioner Act 1971* (see Section 19A(3)), and occur when a child dies in any of the following circumstances:

- In the two years before the date of the child's death:
  - The Chief Executive Officer (**CEO**) of the [Department for Child Protection \(the Department\)](#) had received information that raised concerns about the wellbeing of the child or a child relative of the child;
  - Under section 32(1) of the [Children and Community Services Act 2004](#), the CEO had determined that action should be taken to safeguard or promote the wellbeing of the child or a child relative of the child; and
  - Any of the actions listed in section 32(1) of the [Children and Community Services Act 2004](#) was done in respect of the child or a child relative of the child.
- The child or a child relative of the child is in the CEO's care or protection proceedings are pending in respect of the child or a child relative of the child.

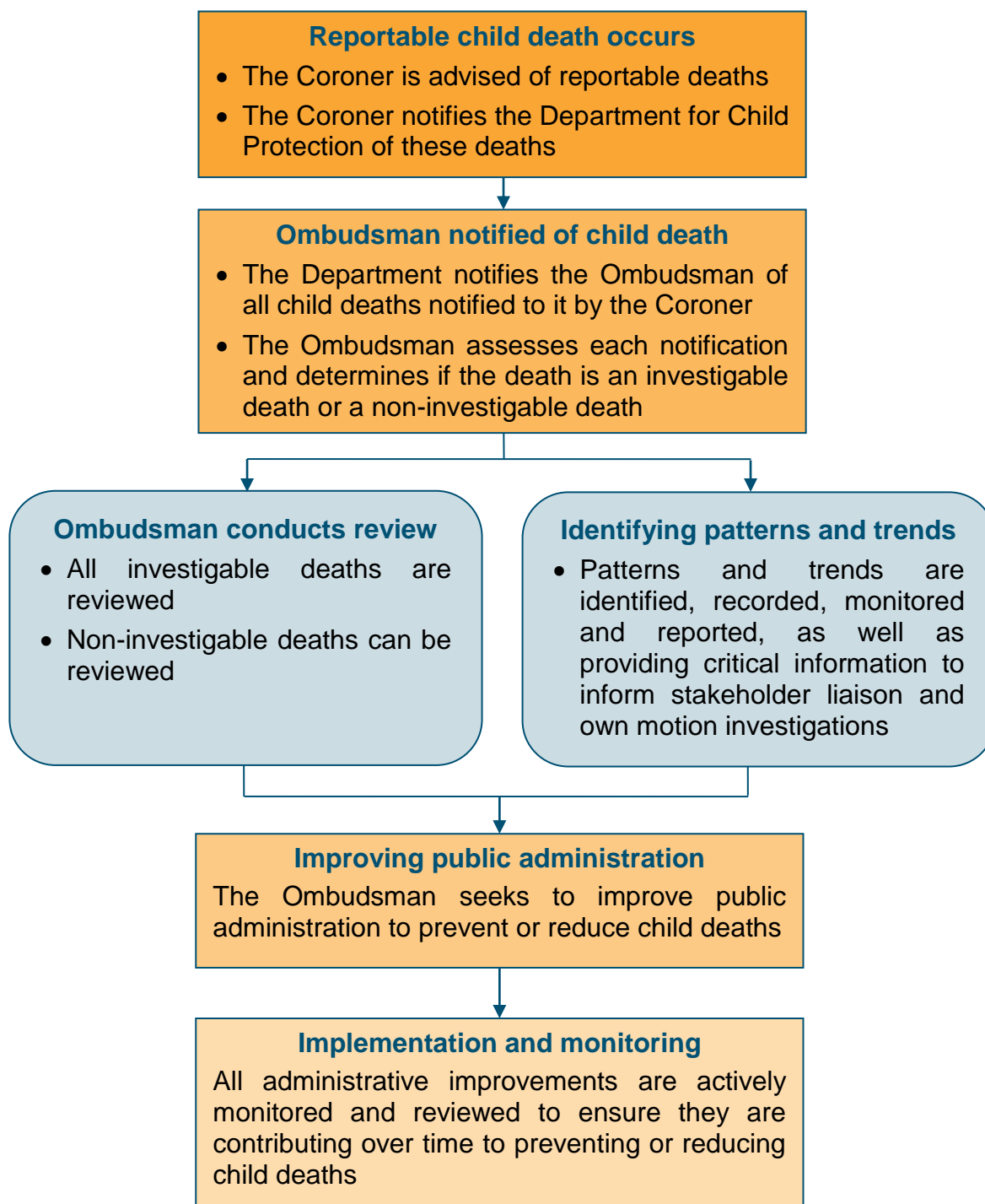
In particular, the Ombudsman reviews the circumstances in which and why child deaths occur, identifies patterns and trends arising from child deaths and seeks to improve public administration to prevent or reduce child deaths.

In addition to reviewing investigable deaths the Ombudsman can investigate the actions of other public authorities.

In reviewing child deaths the Ombudsman has wide powers of investigation, including powers to obtain information relevant to the death of a child.

**The Ombudsman reviews certain child deaths, identifies patterns and trends arising from these deaths and seeks to improve public administration to prevent or reduce child deaths.**

## The Child Death Review Process



## Notifications and Reviews

The Department receives information from the Coroner on reportable deaths of children and notifies the Ombudsman of these deaths. The notification provides the Ombudsman with a copy of the information provided to the Department by the Coroner about the circumstances of the child's death together with a summary outlining the Department's past involvement with the child.

The Ombudsman assesses all child death notifications received to determine if the death is or is not an investigable death. If the death is an investigable death, it must be reviewed. If the death is a non-investigable death, it can be reviewed. The extent of a review depends on a number of factors, including the circumstances surrounding the child's death and the level of involvement of the Department or other public authorities in the child's life. Confidentiality of the child, family members and other persons involved with the case is strictly observed.

The child death review process is intended to identify key learnings that will positively contribute to ways to prevent or reduce child deaths. The review does not set out to establish the cause of the child's death; this is properly the role of the Coroner.

### Child Death Review Cases Prior to 30 June 2009

At the commencement of the child death review jurisdiction on 30 June 2009, 73 cases were transferred to the Ombudsman from the CDRC. These cases related to child deaths prior to 30 June 2009 that were reviewable by the CDRC and covered a range of years from 2005 to 2009. Almost all (67 or 92%) of the transferred cases were finalised in 2009-10 and six cases were carried over. Three of these transferred cases were finalised during 2010-11 and the remaining three were finalised in 2011-12.

### Number of Child Death Notifications and Reviews

During 2011-12 there were 41 child deaths that were investigable and subject to review from a total of 83 child death notifications received.

### Comparison of investigable deaths over time

The Ombudsman commenced the child death review function on 30 June 2009. Prior to that, child death reviews were undertaken by the CDRC with the first full year of operation of the CDRC in 2003-04.

The following table provides the number of deaths that were determined to be investigable by the Ombudsman or reviewable by the CDRC compared to all child deaths in Western Australia for the nine years from 2003-04 to 2011-12. It is important to note that an investigable death is one which meets the legislative criteria and does not necessarily mean that the death was preventable, or that there has been any failure of the responsibilities of the Department.

Comparisons are also provided with the number of child deaths reported to the Coroner and deaths where the child or a relative of the child was known to the Department. It should be noted that children or their relatives may be known to the Department for a range of reasons.

Year	A	B	C	D
	Total WA child deaths (excluding stillbirths) (See Note 1)	Child deaths reported to the Coroner (See Note 2)	Child deaths where the child or a relative of the child was known to the Department (See Note 3)	Reviewable/ investigable child deaths (See Note 4)
2003-04	177	92	42	19
2004-05	212	105	52	19
2005-06	210	96	55	14
2006-07	165	84	37	17
2007-08	187	102	58	30
2008-09	167	84	48	25
2009-10	201	93	52	23
2010-11	199	118	60	31
2011-12	144	76	49	41

### Abbreviations

Department: Department for Child Protection for the years 2006-07 to 2009-10 and Department for Community Development (**DCD**) for the preceding years.

### Notes

1. The data in Column A has been provided by the [Registry of Births, Deaths and Marriages](#). Child deaths within each year are based on the date of death rather than the date of registration of the death. The CDRC included numbers based on dates of registration of child deaths in their Annual Reports in the years 2005-06 through to 2007-08 and accordingly the figures in Column A will differ from the figures included in the CDRC Annual Reports for these years because of the difference between dates of child deaths and dates of registration of child deaths.
2. The data in Column B has been provided by the [Office of the State Coroner](#). Reportable child deaths received by the Coroner are deaths reported to the Coroner of children under the age of 18 years pursuant to the provisions of the [Coroners Act 1996](#). The data in this section is based on the number of deaths of children that were reported to the Coroner during the year.
3. The data in Column C has been provided by the Department and is based on the date the notification was received by the Department. For 2003-04 to 2007-08 this information is the same as that included in the CDRC Annual Reports for the relevant year. In the 2005-06 to 2007-08 Annual Reports, the CDRC counted 'Child death notifications where any form of contact had previously occurred with the Department: recent, historical, significant or otherwise'. In the 2003-04 and 2004-05 Annual Reports, the CDRC counted 'Coroner notifications where the families had some form of contact with DCD'.
4. The data in Column D relates to child deaths considered reviewable by the CDRC up to 30 June 2009 or child deaths determined to be investigable by the Ombudsman from 30 June 2009. It is important to note that reviewable deaths and investigable deaths are not the same, however, they are similar in effect. The definition of reviewable death is contained in the Annual Reports of the CDRC. The term investigable death has the meaning given to it under section 19A(3) of the *Parliamentary Commissioner Act 1971*.

## Timely Handling of Notifications and Reviews

The Office places a strong emphasis on the timely review of child deaths. This ensures reviews are most relevant and contribute, in the most timely way possible, to the prevention or reduction of future deaths. In 2011-12, timely review processes have resulted in 68 per cent of reviews being completed within three months and 77 per cent being completed within six months.

## Patterns and Trends Identified for Child Death Reviews

By examining all child death notifications, the Ombudsman is able to capture data relating to demographics, risk factors, social and environmental characteristics and identify patterns and trends in relation to child deaths. When child death notifications are finalised, all relevant issues are identified and recorded. Over time these issues indicate relevant patterns and trends in relation to child deaths. These patterns and trends are identified, recorded, monitored, reported and discussed. They also provide critical information for own motion investigations, such as the Ombudsman's report, *Planning for children in care: An Ombudsman's own motion investigation into the administration of the care planning provisions of the Children and Community Services Act 2004*, which was tabled in Parliament in November 2011 and the current own motion investigation on sleep related infant deaths.

### Important Information on Interpretation of Data

Information in this section is presented across the first three years of the operation of the Ombudsman's child death review function to give a better understanding of developing patterns and trends over time. However as the information in the following charts is based on three years of data only, significant care should be undertaken in interpreting the underlying trends arising from this data or trends from year to year.

## Characteristics of Children who have died

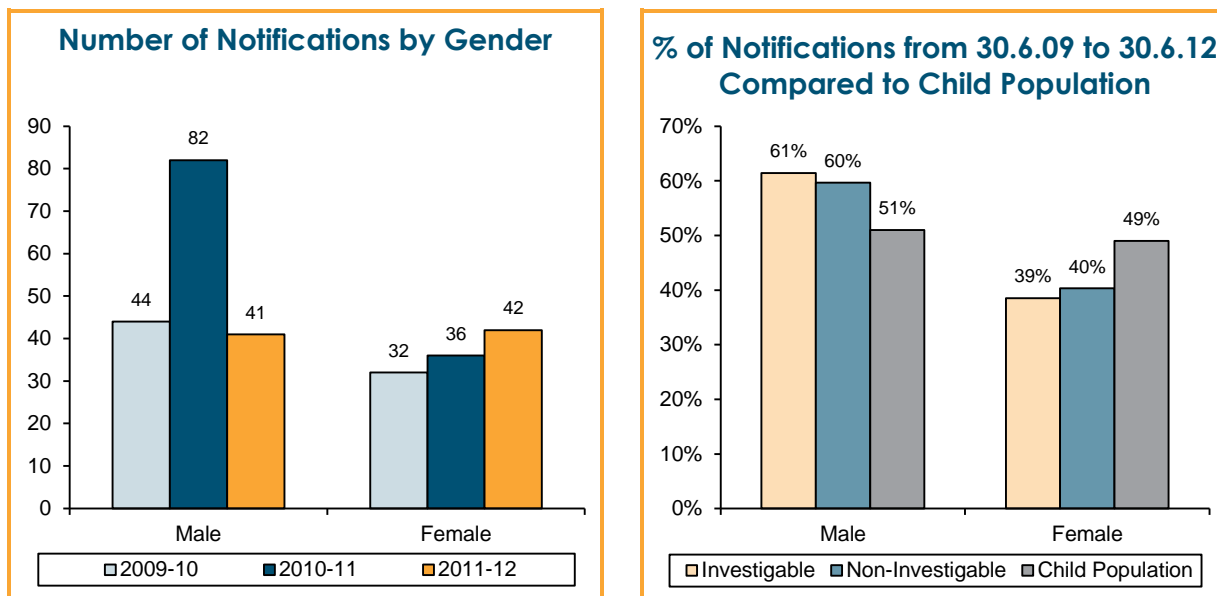
Information is obtained on a range of characteristics of the children who have died including gender, Indigenous status, various age groups and residence in the metropolitan or regional areas. A comparison between investigable and non-investigable deaths can give insight into factors that may be able to be affected by the Department in order to prevent or reduce deaths.

The following charts show:

- The number of children in each group for each year from 2009-10 to 2011-12; and
- For the period from 30 June 2009 to 30 June 2012, the percentage of children in each group for both investigable deaths and non-investigable deaths, compared to the child population in Western Australia.

## Males and Females

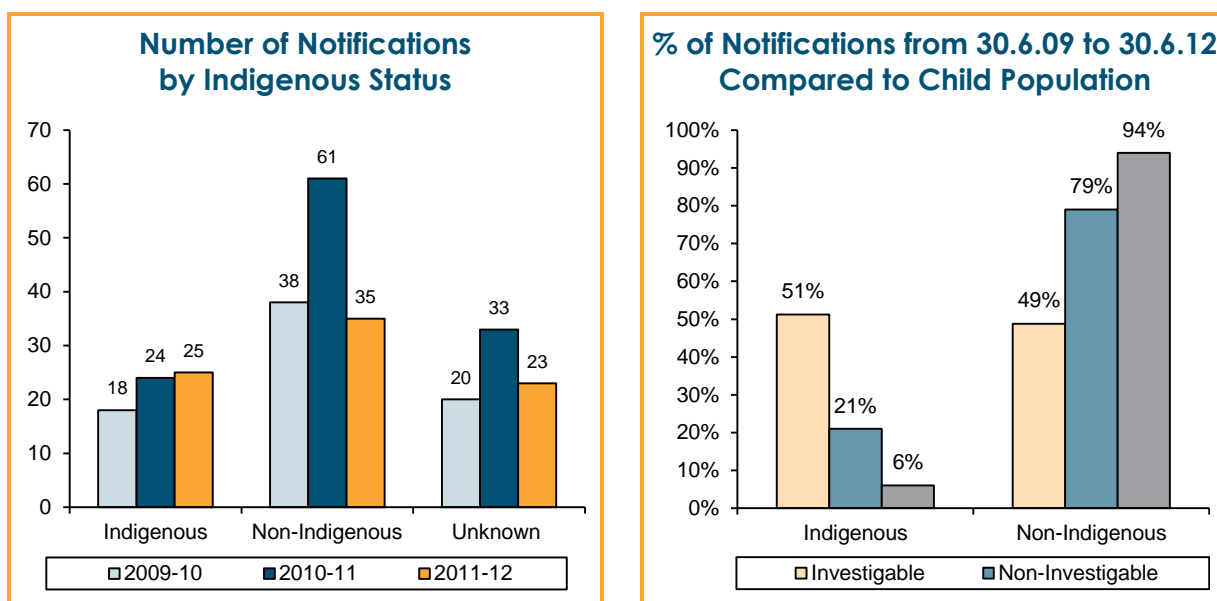
As shown in the following charts, considering all three years, male children are over-represented compared to the population for both investigable and non-investigable deaths. However, in 2011-2012 the number of male and female deaths were similar.



Further analysis of the data shows that, considering all three years, male children who die are more likely than females to be Indigenous and living in regional areas.

## Indigenous Status

As shown in the following charts, Indigenous children are over-represented compared to the population in all deaths and more so for investigable deaths.



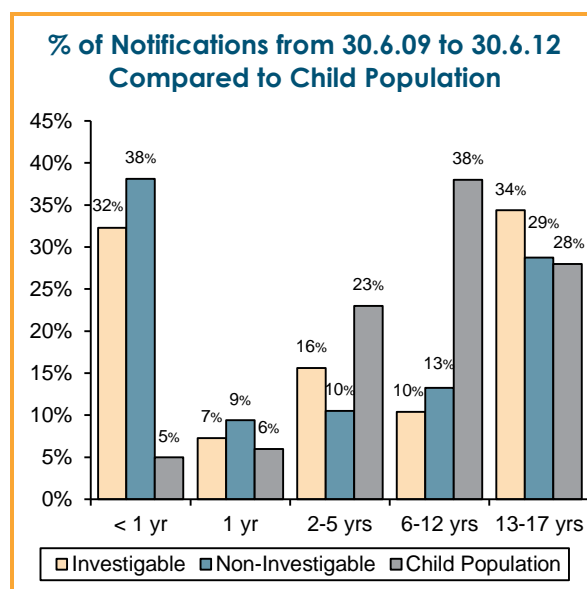
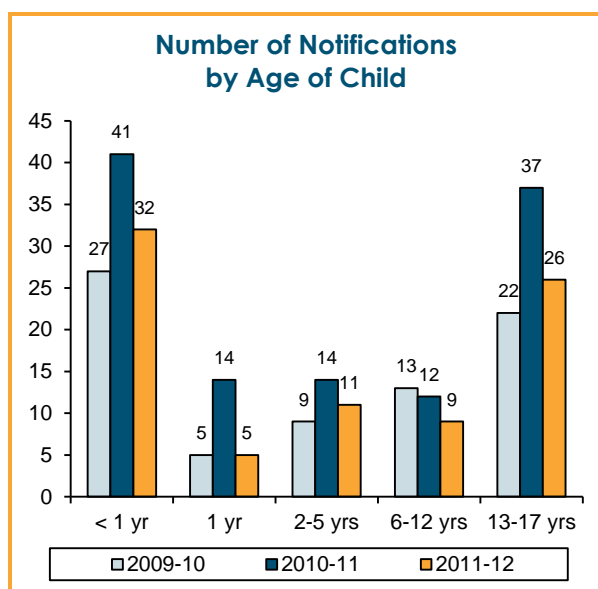
Note: Percentages for each group are based on the percentage of children whose Indigenous status is known. Numbers may vary slightly from those previously reported as, during the course of a review, further information may become available on the Indigenous status of the child.



Further analysis of the data shows that Indigenous children who die are more likely than non-Indigenous children to be male, under the age of one and living in regional and remote locations.

## Age Groups

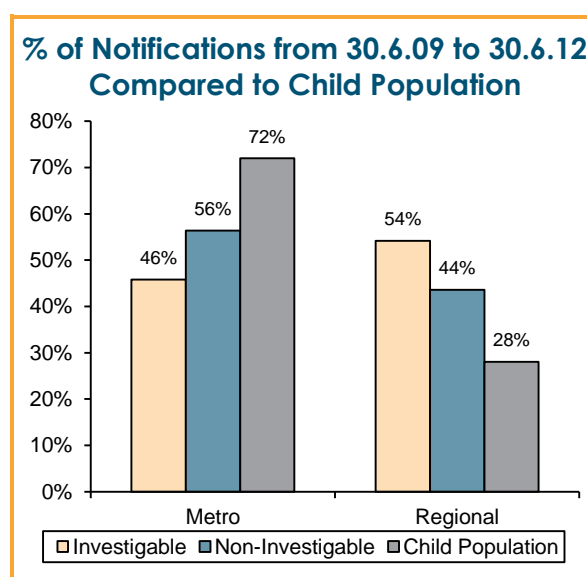
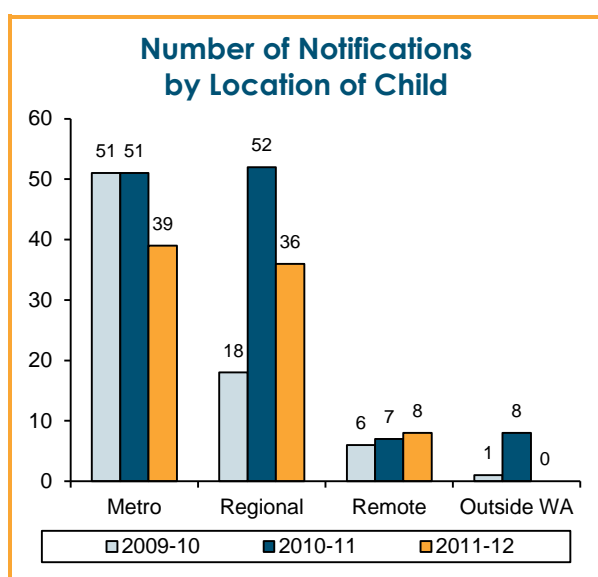
As shown in the following charts, children under two years and children aged between 13 and 17 are over-represented compared to the child population as a whole for both investigable and non-investigable deaths.



Further analysis of the data shows that a higher proportion of Indigenous children and children living in remote locations are under the age of one compared to other groups. A more detailed analysis by age group is provided later in this section.

## Location of Residence

As shown in the following charts, children in regional locations are over-represented compared to the child population as a whole, and more so for investigable deaths.



Note: Outside WA includes children whose residence is not in Western Australia, but the child died in Western Australia. Numbers may vary slightly from those previously reported as, during the course of a review, further information may become available on place of residence of the child.

Further analysis of the data shows that 81% of Indigenous children who died were living in regional or remote locations when they died. Most non-Indigenous children who died lived in the metropolitan area but the proportion of non-Indigenous children who died in regional areas is higher than would be expected based on the child population as a whole.

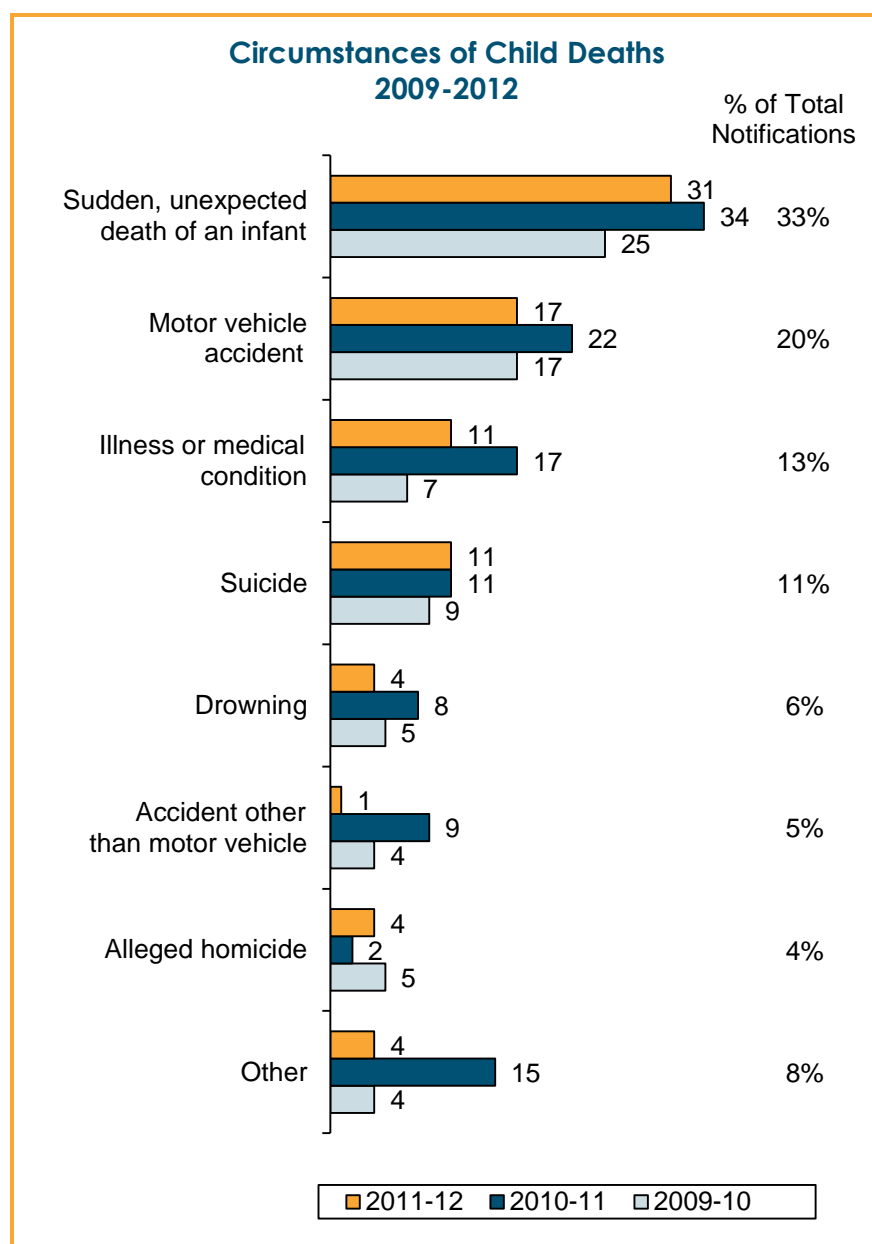
## Circumstances of Child Deaths

The child death notification received by the Ombudsman includes general information on the circumstances of death. This is an initial indication of how the child may have died but is not the cause of death, which can only be determined by the Coroner. The Ombudsman's review of the child death will normally be finalised prior to the Coroner's determination of cause of death.

The circumstances of death are categorised by the Ombudsman as:

- Sudden unexpected death of an infant – that is, infant deaths in which the likely cause of death cannot be explained immediately;
- Motor vehicle accident – the child may be a pedestrian, driver or passenger;
- Illness or medical condition;
- Accident other than motor vehicle – this includes accidents such as house fires, electrocution, falls and crushing injuries;
- Suicide;
- Drowning;
- Alleged Homicide; and
- Other.

The following chart shows the circumstances of notified child deaths over the last three years.



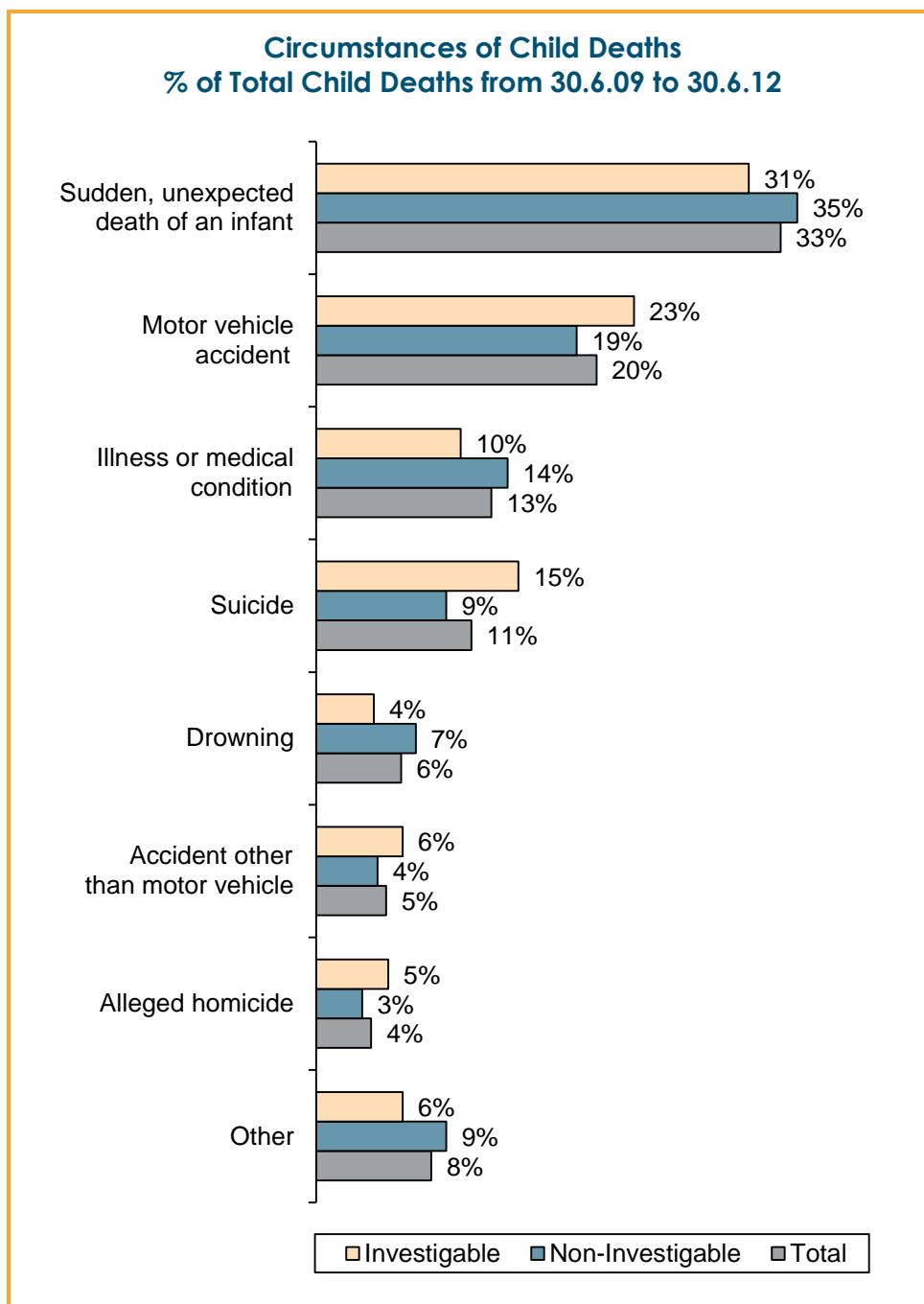
**Note 1:** In 2010-11 the 'Other' category includes eight children who died in the SIEV (Suspect Illegal Entry Vessel) 221 boat tragedy off the coast of Christmas Island in December 2010.

**Note 2:** The numbers for each circumstance of death may vary from numbers previously reported as, during the course of a review, further information may become available on the circumstances in which the child died.

The two main circumstances of death for the 277 child death notifications received in the three years from 30 June 2009 to 30 June 2012 are:

- Sudden, unexpected deaths of infants, representing 33% of the total child death notifications received in 2009-10, 29% in 2010-11 and 37% in 2011-12; and
- Motor vehicle accidents, representing 24% of the total child death notifications received in 2009-10, 19% in 2010-11 and 20% in 2011-12.

The following chart provides a breakdown of the circumstances of death for investigable and non-investigable deaths.



There are four areas where the circumstance of death shows a higher proportion for investigable deaths than for deaths that are not investigable. These are:

- Motor vehicle accidents;
- Suicide;
- Accidents other than motor vehicle; and
- Alleged homicide.

## Longer Term Trends in the Circumstances of Death

The CDRC also collated information on child deaths, using similar definitions, for the deaths it reviewed. The following tables show the trends over time in the circumstances of death. It should be noted that the Ombudsman's data shows the information for all notifications received, including deaths that are not investigable, while the data from the CDRC relates only to completed reviews.

### Child Death Review Committee up to 30 June 2009 – See Note 1

The figures on the circumstances of death for 2003-04 to 2008-09 relate to cases where the review was finalised by the CDRC during the financial year.

Year	Accident – non-vehicle	Accident - Vehicle	Acquired illness	Asphyxiation /Suffocation	Alleged Homicide (lawful or unlawful)	Immersion/ drowning	SUDI *	Suicide	Other
2003-04	1	1	1	1	2	3	1		
2004-05		2	1	1	3	1	2		
2005-06	1	5			2	3	13		
2006-07	1	2	2				4	1	
2007-08	2	1			1	1	2	3	4
2008-09						1	6	1	

\* Sudden, unexpected death of an infant – includes Sudden Infant Death Syndrome

### Ombudsman from 30 June 2009 – See Note 2

The figures on the circumstances of death for 2009-10 relate to all notifications received by the Ombudsman during the year including cases that are not investigable and are not known to the Department. These figures are much larger than previous years as the CDRC only reported on the circumstances of death for the cases that were reviewable and that were finalised during the financial year.

Year	Accident other than motor vehicle	Motor Vehicle Accident	Illness or medical condition	Asphyxiation /Suffocation	Alleged Homicide	Drowning	SUDI *	Suicide	Other
2009-10	4	17	7		5	5	25	9	4
2010-11	9	22	17		2	8	34	11	15
2011-12	1	17	11		4	4	31	11	4

\* Sudden, unexpected death of an infant – includes Sudden Infant Death Syndrome

**Note 1:** The source of the CDRC's data is the CDRC's Annual Reports for the relevant year. For 2007-08, only partial data is included in the Annual Report. The remainder of the data for 2007-08 and all data for 2008-09 has been obtained from the CDRC's records transferred to the Ombudsman. Types of circumstances are as used in the CDRC's Annual Reports.

**Note 2:** The data for the Ombudsman is based on the notifications received by the Ombudsman during the year. The types of circumstances are as used in the Ombudsman's Annual Reports.

## Social and Environmental Factors Associated with Investigable Deaths

A number of social and environmental factors affecting the child or their family may impact on the wellbeing of a child, such as:

- Family and domestic violence;
- Alcohol use;
- Parental supervision;
- Parental mental health issues;
- Drug or substance use; and
- Homelessness.

Reviews of investigable deaths often highlight the impact of these factors on the circumstances leading up to the child's death and, where this occurs, these factors are recorded to enable an analysis of patterns and trends to assist in considering ways to prevent or reduce future deaths.

It is important to note that the existence of these factors is associative. They do not necessarily mean that the removal of this factor would have prevented the death of a child or that the existence of the factor necessarily represents a failure by the Department or another public authority.

Social or Environmental Factor	% of Finalised Investigable Deaths
Family and domestic violence	38%
Alcohol use	38%
Parental supervision	76%
Parental mental health issues	10%
Drug or substance use	10%
Homelessness	14%

One of the features of the investigable deaths reviewed is the co-existence of a number of these social and environmental factors. The following observations can be made:

- Where family and domestic violence was present:
  - Alcohol use was a co-existing factor in two thirds of the cases; and
  - Parental supervision was a co-existing factor in over a third of the cases.
- Where alcohol use was present:
  - Drug or substance use was a co-existing factor in over a third of the cases; and
  - Parental supervision was a co-existing factor in over two thirds of the cases.

## Reasons for Contact with the Department

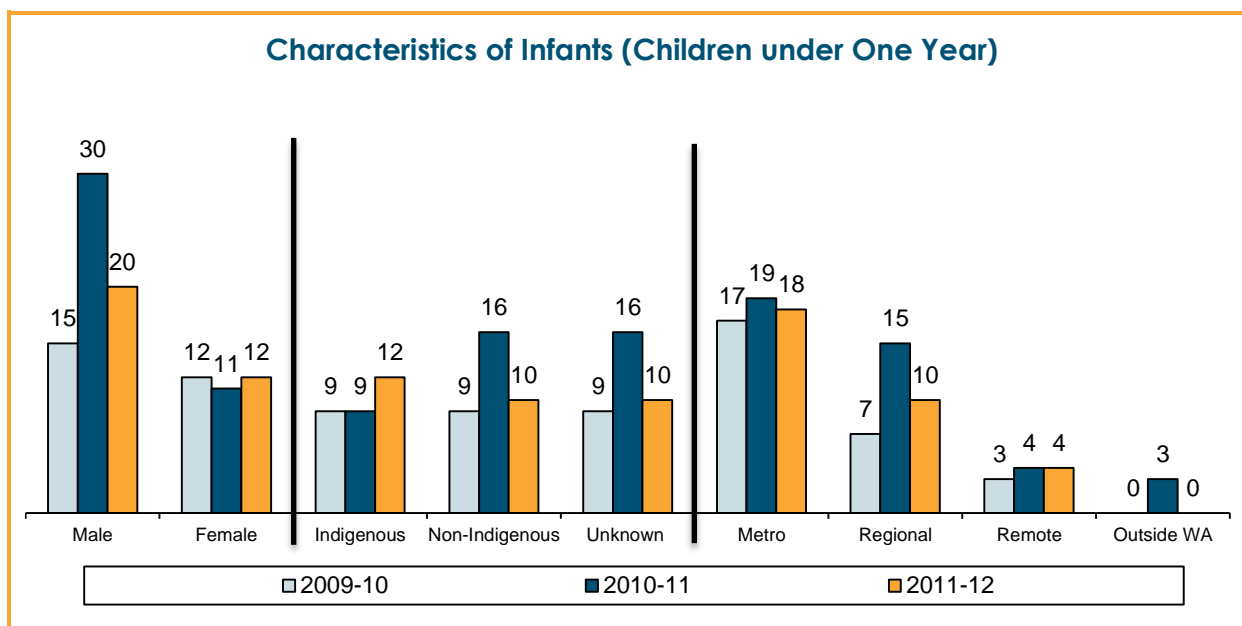
In 2011-12 the majority of children were known to the Department because of contact relating to them or their family for financial problems or concerns for a child's wellbeing. Other reasons included family and domestic violence, parental support and access, foster or adoption enquiries.

## Patterns and Trends of Children in Particular Age Groups

In examining the child death notifications by their age groups the Office is able to identify patterns that appear to be linked to childhood developmental phases and associated care needs. This age related focus has enabled the Office to identify particular characteristics and circumstances of death that have a high incidence in each age group and refine the reviews to examine areas where improvements to public administration may prevent or reduce these child deaths. The following section identifies the four groupings of infants (children under one year), children aged 1 to 5, children aged 6 to 12 and children aged 13 to 17, and demonstrates the learning and outcomes from this age related focus.

### Deaths of Infants

Of the 277 child death notifications received by the Ombudsman from 30 June 2009 to 30 June 2012, there were 100 (36%) related to deaths of children aged less than one year (**infants**). The characteristics of infants who died are shown below.



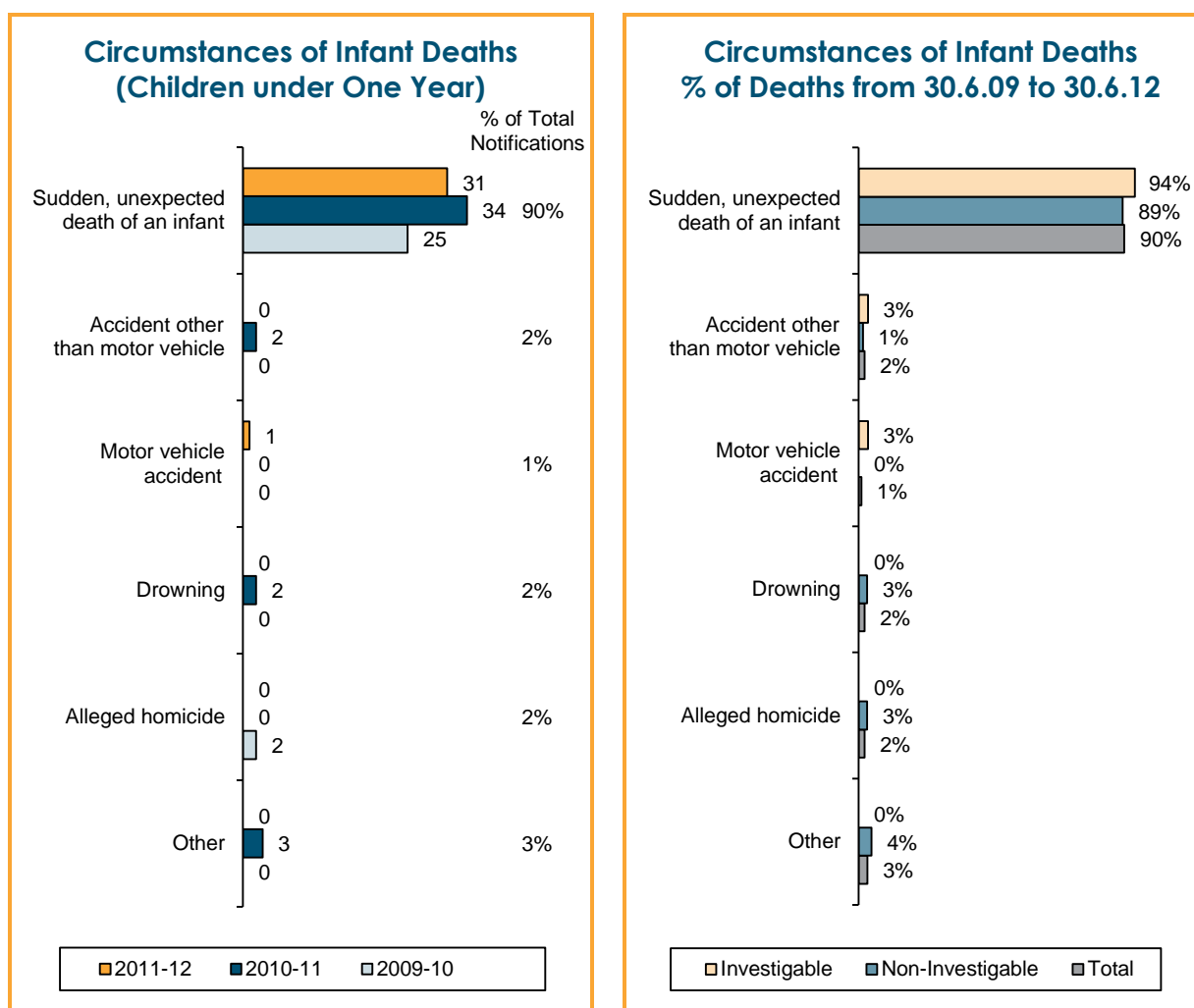
Further analysis of the data showed that, for these infant deaths, there was an over-representation compared to the child population for:

- Males – 87% of investigable infant deaths and 55% of non-investigable infant deaths were male compared to 51% in the child population;
- Indigenous children – 64% of investigable deaths and 35% of non-investigable deaths were Indigenous children compared to 6% in the child population; and

- Children living in regional or remote locations – 52% of investigable infant deaths and 41% of non-investigable deaths of infants, living in Western Australia, were children living in regional or remote locations compared to 28% in the child population.

An examination of the patterns and trends of the circumstances of infant deaths showed that of the 100 infant deaths, 90 (90%) were categorised as sudden, unexpected deaths of an infant and the majority of these (60) appear to have occurred while the infant had been placed for sleep.

There were a small number of other deaths as shown in the following charts.



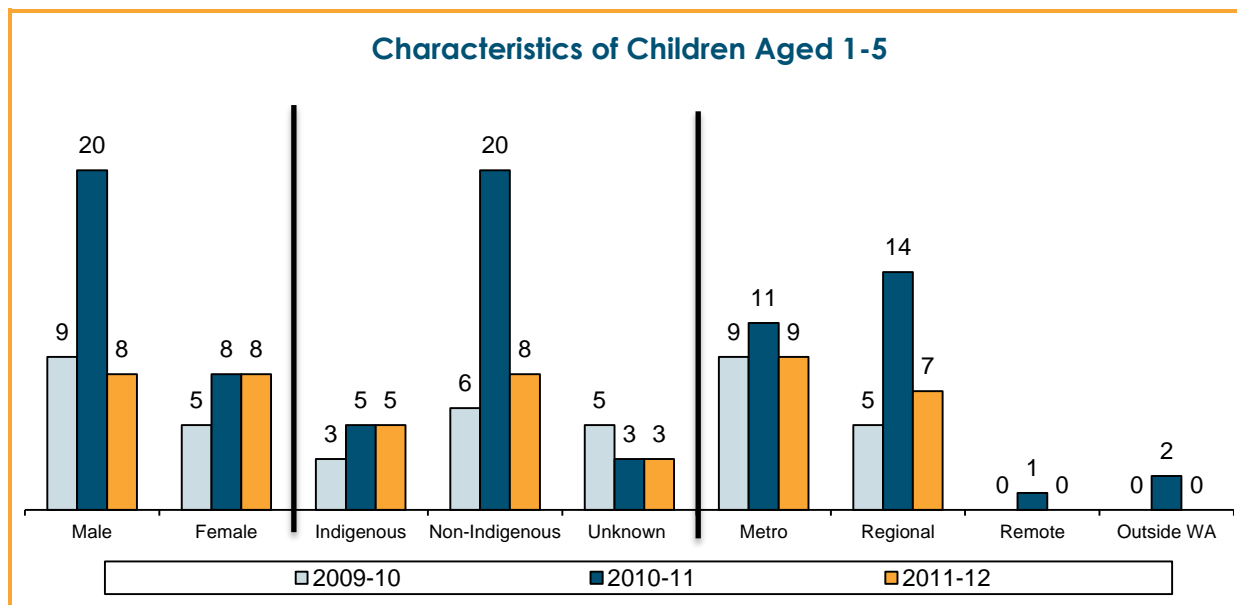
Thirty one infant death notifications received from 30 June 2009 to 30 June 2012 were determined to be investigable deaths.



## Deaths of Children Aged 1 to 5 Years

Of the 277 child death notifications received by the Ombudsman from 30 June 2009 to 30 June 2012, there were 58 (21%) related to children aged from one to five years.

The characteristics of children aged 1-5 are shown in the following chart.

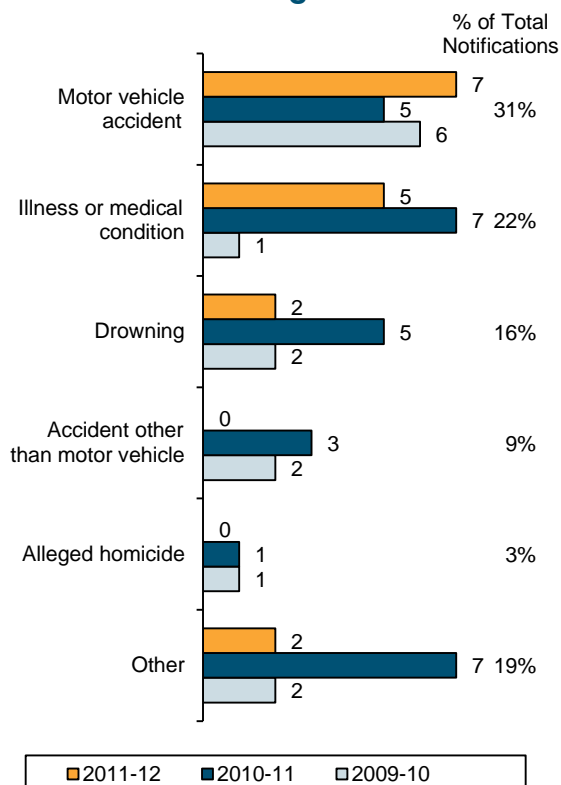


Further analysis of the data showed that, for these deaths, there was an over-representation compared to the child population for:

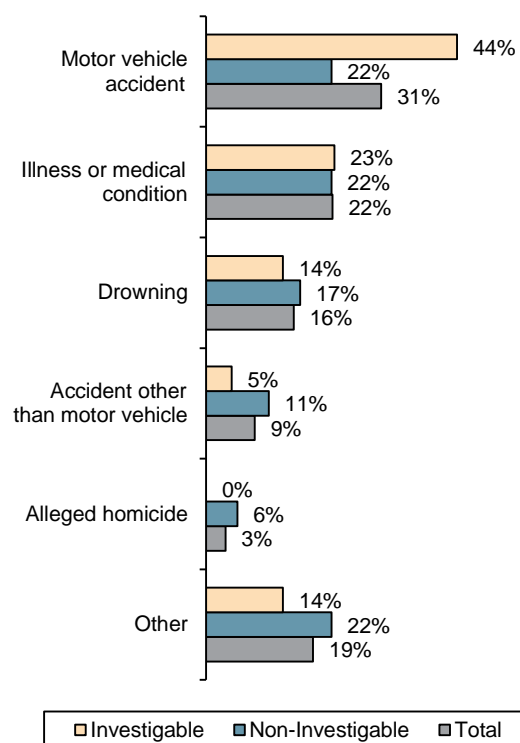
- Males – 55% of investigable deaths and 69% of non-investigable deaths of children aged 1 to 5 were male compared to 51% in the child population;
- Indigenous children – 50% of investigable deaths and 11% of non-investigable deaths of children aged 1 to 5 were Indigenous children compared to 6% in the child population; and
- Children living in regional or remote locations – 45% of investigable deaths and 50% of non-investigable deaths of children aged 1 to 5, living in Western Australia, were children living in regional or remote locations compared to 28% in the child population.

As shown in the chart below, motor vehicle accidents are the most common circumstance of death for this age group (31%), particularly for investigable deaths, followed by illness or medical conditions (22%) and drowning (16%).

### Circumstances of Deaths Children Aged 1-5



### Circumstances of Deaths Aged 1-5 % of Deaths from 30.6.09 to 30.6.12

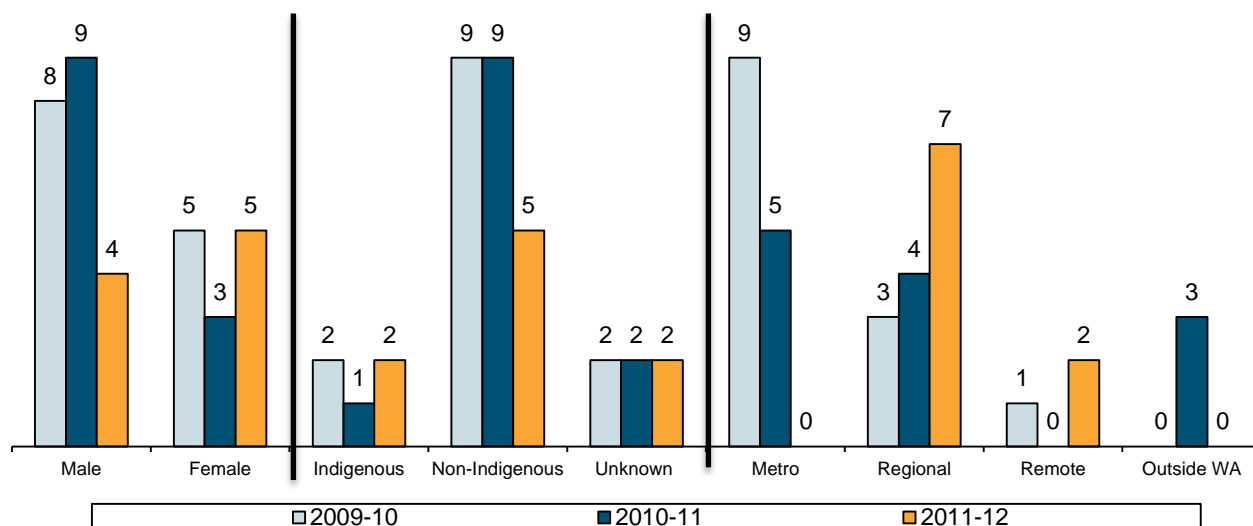


Twenty one deaths of children aged 1 to 5 years were determined to be investigable deaths.

### Deaths of Children Aged 6 to 12 Years

Of the 277 child death notifications received by the Ombudsman from 30 June 2009 to 30 June 2012 there were 34 (12%) related to children aged from 6 to 12 years. The characteristics of children aged 6 to 12 are shown in the following chart.

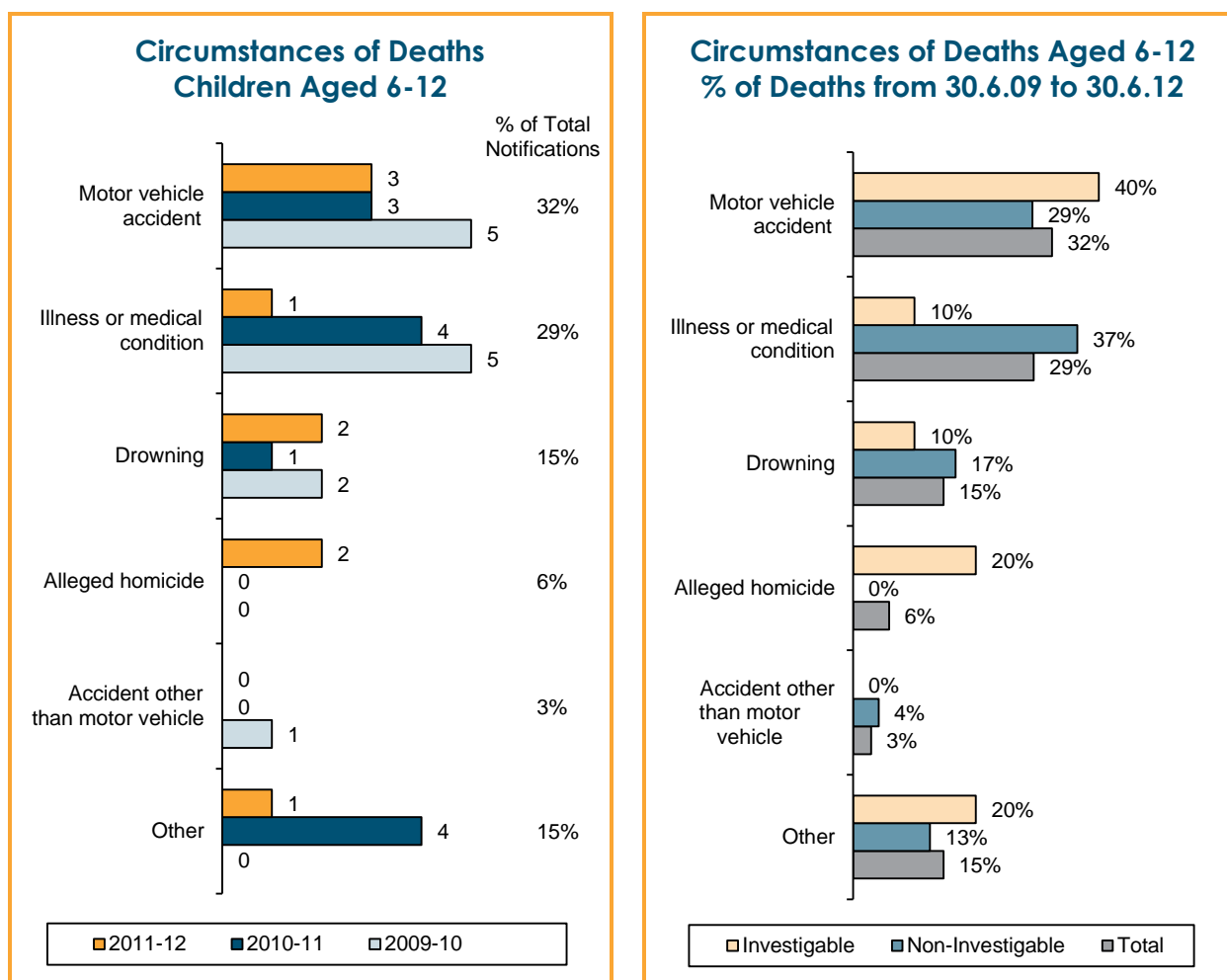
### Characteristics of Children Aged 6-12



Further analysis of the data showed, for these deaths, there was an over-representation compared to the child population for:

- Males – 67% of non-investigable deaths of children aged 6 to 12 were male compared to 51% in the child population, but this over-representation was not present in investigable deaths as 50% of investigable deaths were male;
- Indigenous children – 22% of investigable deaths and 16% of non-investigable deaths of children aged 6 to 12 were Indigenous children compared to 6% in the child population. However the discrepancy for Indigenous children is less in this age group than in other age groups; and
- Children living in regional or remote locations – 70% of investigable deaths and 48% of non-investigable deaths of children aged 6 to 12, living in Western Australia, were children living in regional or remote locations compared to 28% in the child population.

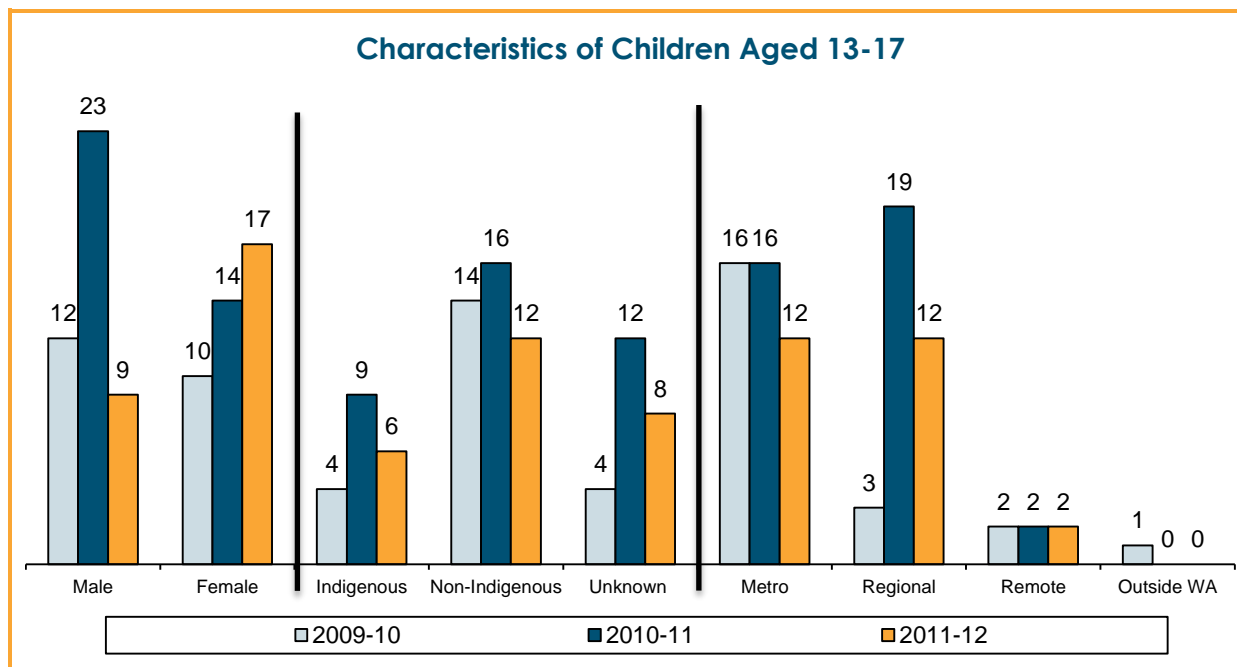
As shown in the chart below, motor vehicle accidents are the most common circumstance of death for this age group (32%), particularly for investigable deaths, followed by illness or medical conditions (29%) and drowning (15%).



Ten deaths of children aged 6 to 12 years were determined to be investigable deaths.

## Deaths of Children Aged 13 – 17 Years

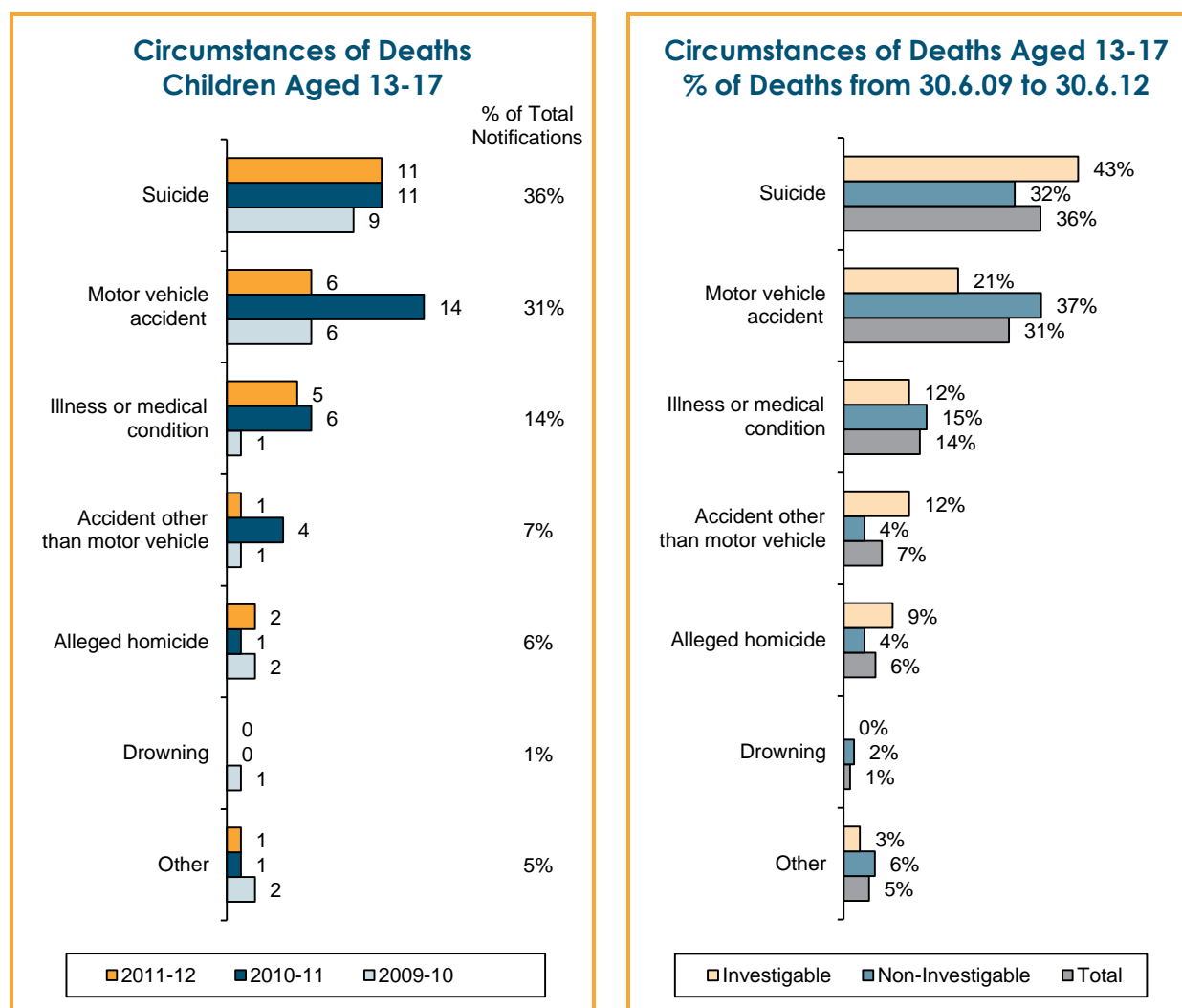
Of the 277 child death notifications received by the Ombudsman from 30 June 2009 to 30 June 2012, there were 85 (31%) related to children aged from 13 to 17 years. The characteristics of children aged 13 to 17 are shown in the following chart.



Further analysis of the data showed that, for these deaths, there was an over-representation compared to the child population for:

- Indigenous children – 50% of investigable deaths and 15% of non-investigable deaths of children aged 13 to 17 were Indigenous compared to 6% in the child population; and
- Children living in regional or remote locations – 58% of investigable deaths and 41% of non-investigable deaths of children aged 13 to 17, living in Western Australia, were living in regional or remote locations compared to 28% in the child population.

As shown in the chart below, suicide is the most common circumstance of death for this age group (36%), particularly for investigable deaths, followed by motor vehicle accidents (31%) and illness or medical conditions (14%).



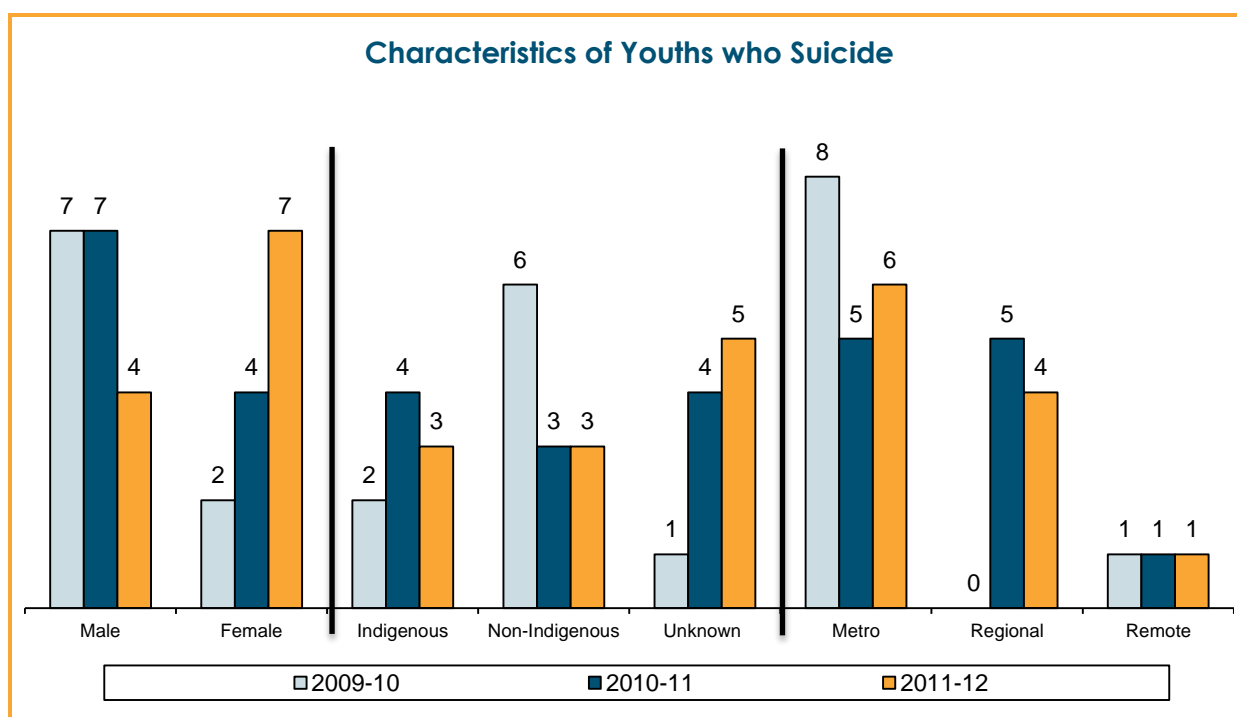
Thirty three deaths of children aged 13 to 17 years were determined to be investigable deaths.

All children who took their own lives were in the 13 to 17 year age cohort. Of the 31 young people who took their own lives from 30 June 2009 to 30 June 2012:

- Three were 14 years old;
- Nine were 15 years old;
- Eight were 16 years old; and
- Eleven were 17 years old.

The characteristics of the young people who took their own lives are shown in the following chart which shows that:

- For investigable deaths, there were equal numbers of males and females but for non-investigable deaths there was a higher proportion of males (65%);
- Indigenous youths are over-represented in this group, accounting for 9 (43%) of the 21 youth suicides where information on the Indigenous status of the young person was available; and
- The majority of these youth suicides occurred in the metropolitan area, but regional or remote suicides were over-represented compared to the population as a whole with 50% of investigable youth suicides and 29% of non-investigable youth suicides being young people who were living in regional or remote locations compared to 28% in the child population.

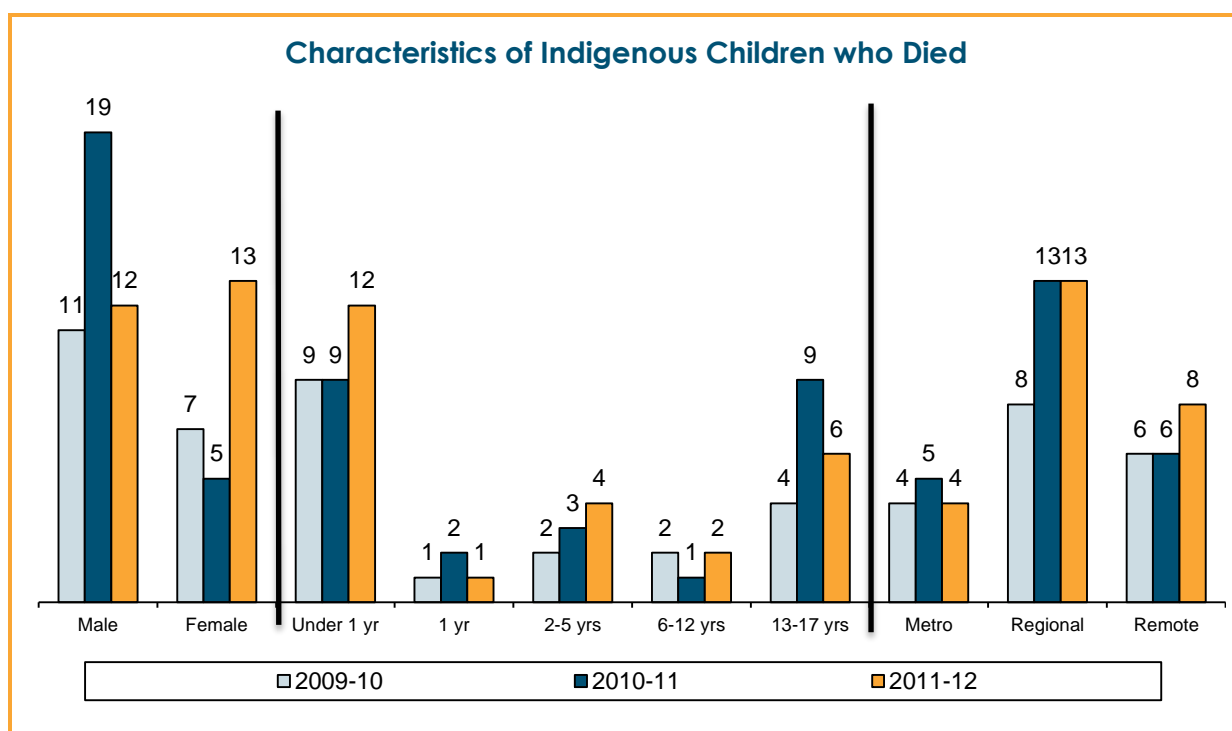


## Deaths of Indigenous Children

Of the 201 child death notifications received from 30 June 2009 to 30 June 2012, where the Indigenous status of the child was known, 67 (33%) of the children were identified as Indigenous.

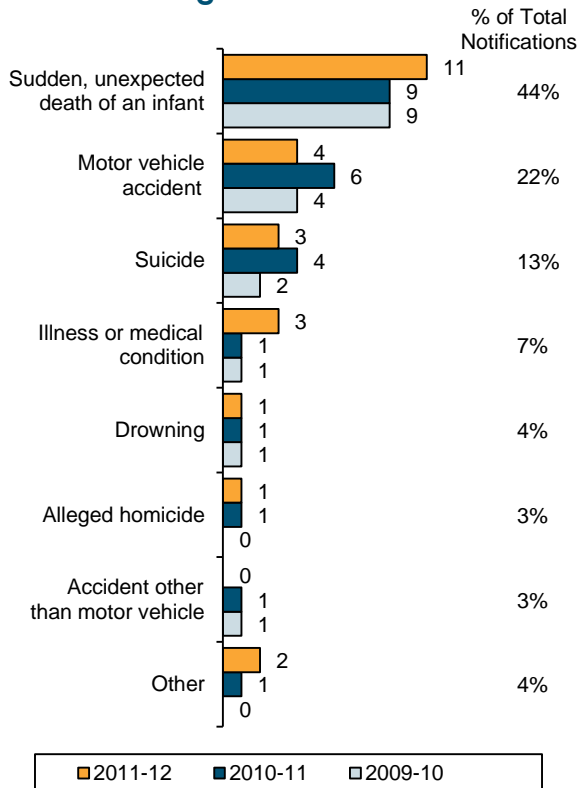
For the notifications received, the following chart demonstrates:

- Over the three year period from 30 June 2009 to 30 June 2012, the majority of Indigenous children who died were male (63%) but for 2011-12 the numbers of male and female Indigenous children who died are similar;
- The infant and youth groupings are the largest age range categories; and
- Regional and remote Indigenous child deaths far outnumber the deaths of the Indigenous children living in the metropolitan area. Over the three year period, 81% of Indigenous children who died lived in regional or remote communities.

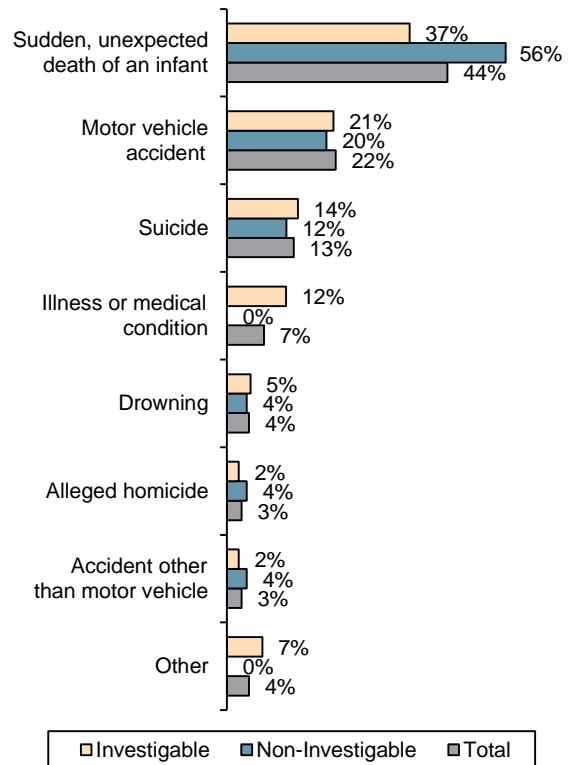


Sudden, unexpected death of infants, motor vehicle accidents and suicide are the largest circumstance of death categories for Indigenous children as shown in the following charts.

### Circumstances of Deaths Indigenous Children



### Circumstances of Indigenous Deaths % of Deaths from 30.6.09 to 30.6.12



## Improvements to Public Administration to Prevent or Reduce Child Deaths

By undertaking child death reviews the Ombudsman seeks to improve public administration in order to prevent or reduce investigable child deaths in the future and to promote good decision making in those public authorities that provide services to children. Information has been set out as follows:

- Issues identified in child death reviews;
- Administrative improvements to address issues;
- Outcomes of reviews by age cohort;
- Identification of good practice and collaboration;
- Major own motion investigations (including future own motion investigations arising from the monitoring of reviews);
- Other mechanisms to prevent or reduce child deaths; and
- Research into Foetal Alcohol Spectrum Disorder.

All administrative improvements are subject to ongoing monitoring and review as recommendations of the Ombudsman to ensure that they are, over time, leading to the prevention or reduction of child deaths.



## Issues Identified in Child Death Reviews

The following are the types of issues identified when undertaking child death reviews:

It is important to note that:

- Issues are not identified in every child death review; and
  - When an issue has been identified, it does not necessarily mean that the issue is related to the death of a child.
- Not responding to child wellbeing concerns within required timeframes.
  - Not appropriately identifying child wellbeing concerns at assessment.
  - Not consulting with an Aboriginal Practice Leader as required by policy.
  - Lack of appropriate communication and planning when co-working of cases across multiple districts as required by policy.
  - Limited policy or practice guidance in identifying the possible existence of Foetal Alcohol Spectrum Disorder and its impact on child wellbeing.
  - Insufficient collaboration when multiple agencies are, or should be, involved with the child.
  - Inadequate record keeping practices, in particular, recording of decisions made.
  - Not appropriately using the Signs of Safety framework.
  - Not undertaking adequate Pre-birth safety planning.

## Administrative Improvements to Address Issues

To address the types of issues identified during the Ombudsman's reviews, the Department undertook to carry out a range of actions. The following are the types of administrative improvements:

- Reiterating the importance of consultation with Aboriginal Practice Leaders.
- Reiterating the requirements relating to child wellbeing concerns, including appropriate identification and assessment of child wellbeing concerns.
- Improved interagency collaboration in relation to pre-birth protocols.
- Using a child death review as a case example in Signs of Safety training for staff.
- Considering the issue of Foetal Alcohol Spectrum Disorder (**FASD**), both in relation to prevention during pregnancy and the needs of children living with FASD, as they relate to child safety and wellbeing, and considering FASD in relation to policy development, practice requirements and training.

- Reiterating requirements in relation to the recording of decisions made and actions taken.
- Reviewing intake and assessment process and current response times.
- A review of cases being 'co-worked' across multiple districts to assess if the decisions in regard to case management, case transfer and 'co-working' have been made in accordance with the child's best interests.

## Outcomes of Reviews by Age Cohort

Information on outcomes of reviews and the administrative improvements achieved as a result of reviews is set out below. The information has been structured under the various age cohorts identified earlier in the patterns and trends section of the report.

### Deaths of Infants

The Ombudsman's examination of reviews of infant deaths has highlighted promoting safe sleeping practices as a key issue. This issue identified from the Ombudsman's reviews has led to a major own motion investigation by the Ombudsman in relation to sleep related infant deaths. Further details about this [own motion investigation](#) are set out in the [Own Motion Investigations and Administrative Improvement](#) section.

#### Promoting safe sleeping practices

In considering the information available through the infant death reviews, it became apparent that a number of environmental factors were present that are identified by [SIDS and Kids Australia](#) as safe sleep risk factors that relate to the infant's sleeping position, the bedding, exposure to tobacco smoke, the infant's sleep location and sharing a sleep surface with an adult who is under the influence of alcohol or drugs that cause sedation. As these environmental factors can potentially be modified, there is potential to reduce these risk factors.

The Ombudsman's review of these infant deaths has identified that where public sector agencies, particularly the Department of Health and the Department for Child Protection, come into contact with the family of infants exposed to these risk factors, there is opportunity to promote safe practices and reduce the risks to the infant.

### Deaths of Children Aged 1 to 5 Years

The Ombudsman's examination of reviews of deaths of children aged 1 to 5 years, undertaken in 2011-12, has highlighted supervision of the child as a key issue in preventing fatal accidents.

## Supervision of a Child Aged 1 to 5 Years

[Kidsafe WA](#), an Australian non-government organisation dedicated to preventing unintentional childhood injuries and reducing deaths from childhood accidents in children under the age of 15 years, identifies that most injuries happen to children under the age of five, as this age group is curious and mobile but have little awareness of danger. As such, this age group is a particular risk group for fatalities associated with drowning or being run over in a driveway. Kidsafe WA identifies supervision as an important factor in reducing the risk of injury and death for this age group.

In 2011-12 a review highlighted the potential for foetal alcohol spectrum disorder (**FASD**) to impact on parenting and supervision of a child aged 1 to 5 years, as outlined in the case study below.



### Child A

The Department for Child Protection was working with Child A's family, assisting the parents to improve their parenting skills and address their alleged drinking problems. Child A's parents spoke of the difficulty they had in controlling Child A's impulsive behavior, saying Child A did not follow instructions. The review highlighted that the Department's work with this family was positive and proactive. However, the review identified that Child A's impulsive behaviour could have been indicating potential FASD, and consideration should have been given to this possibility.

As a result of the Ombudsman's review, the Department agreed to consider the issues of FASD, both in relation to prevention during pregnancy and the needs of children living with FASD, as they relate to child safety and wellbeing, and consider FASD in relation to policy development, practice requirements and training across the Department.

## Deaths of Children Aged 6 to 12 Years

The Ombudsman's examination of reviews of deaths of children aged 6 to 12 years have identified the critical nature of certain core health and education needs (such as attendance at school) and interagency cooperation between the Department, the Department of Health and the Department of Education, as the involvement of all three agencies will generally be required if health and education needs are to be incorporated into the child's care planning. This is of particular relevance for children in the care of the CEO of the Department.

The resulting major own motion investigation into care planning for these children was completed in 2011-12 and the report, *Planning for children in care: An Ombudsman's own motion investigation into the administration of the care planning provisions of the Children and Community Services Act 2004*, was tabled in

Parliament in November 2011. Further details about [own motion investigations](#) are set out in the [Own Motion Investigations and Administrative Improvement](#) section.

### Deaths of Children Aged 13 to 17 Years

The Ombudsman's examination of reviews of deaths of children aged 13 to 17 undertaken in 2011-12 has highlighted the following key factors:

- Youth suicide; and
- Risk taking behaviours.

The reviews have identified trends in the presence of risk factors such as:

- Self-harm or suicidal behaviours;
- Chronic school truancy and behavioural issues;
- Adolescent homelessness; and
- Criminal behaviour.

There is often multiple agency involvement (including child protection, health, education, police and juvenile justice services) in the lives of these adolescents. These cases also identify issues relating to interagency communication and collaboration, and engagement with the adolescent.

### Youth Suicide

In 2011-12, there were 26 child death notifications for children aged 13-17, of which 11 (42%) were apparent suicides. As identified by the [Western Australian Suicide Prevention Strategy](#), there are a number of 'risk and protective factors that are related to suicide' such as 'individual, social and contextual factors' and 'suicide is rarely the result of a single cause'. This is reflected in the examination of child death notifications related to youth suicide.

Youth suicide notifications received by the Ombudsman can generally be separated into two key groupings:

- Young people who have had little or no contact with government services; and
- Young people with concerning social and environmental factors that put them at risk, who have consequently had significant contact with public sector agencies.

The following case study highlights issues identified in reviews of youth suicides.



## Adolescent B

Adolescent B came from a complex family system, with a history of alleged domestic violence and parental drug use, and Adolescent B had experienced neglect and abuse. Adolescent B was aggressive and problematic at school, and her attendance was poor. Adolescent B experienced emotional difficulties, which were evident in her history of self-harming and suicide attempts. Adolescent B would often abscond from home and come to the attention of police and juvenile justice services for her behaviour.

Following Adolescent B's suicide, the Ombudsman reviewed the decisions and actions by the public sector agencies involved with Adolescent B in the two years prior to her death. It became apparent that while the agencies individually attempted to assist Adolescent B, there were missed opportunities for interagency collaboration and communication. Following the Ombudsman's review, the relevant departments are implementing a range of ways to improve their communication and collaboration with other agencies when working with children and young people in these circumstances.

Due to the number of youth suicide notifications to the Ombudsman, and the issues identified through the reviews undertaken, the Ombudsman will undertake an own motion investigation into youth suicides, to commence in 2012-13.

## Identification of Good Practice and Collaboration

The following case study sets out good practice by the Department and other public sector agencies, as well as good interagency communication and cooperation, in relation to care planning.



## Child C

Child C was placed in the care of the Department at an early age due to concerns her family was unable to meet her extensive health needs, which included physical and intellectual disabilities. Child C experienced a long term successful foster placement with carers who were able to effectively manage all her care needs.

A number of services worked collaboratively with Child C to support her in the stable foster placement and ensure that all her complex health needs were met. The Department demonstrated good practice in undertaking Care Planning associated with her social, health and education needs while in foster care. In addition, good interagency collaboration was evident between the Department, the Department of Health and the Department of Education with respect to Child C's care planning.

## Major Own Motion Investigations

In addition to taking action on individual child deaths, the Ombudsman's office identifies patterns and trends arising out of child death reviews to inform major own motion investigations that examine the practice of public authorities that provide services to children and their families. During the year, the Ombudsman undertook significant work on two major own motion investigations with a view to improving public administration in order to prevent or reduce child deaths.

These own motion investigations were:

- Sleep-related deaths of infants; and
- Planning for Children in Care.

Details of own motion investigations are provided in the [Own Motion Investigations and Administrative Improvement section](#).

In 2012-13, the Ombudsman will commence a major own motion investigation in relation to youth suicide.

## Other Mechanisms to Prevent or Reduce Child Deaths

In addition to major own motion investigations, the Ombudsman uses a range of other mechanisms to improve public administration with a view to preventing or reducing child deaths. These include:

- Assisting public authorities by providing information about issues that have arisen from child death reviews, and enquiries and complaints received, that may need their immediate attention, including issues relating to the safety of a child's siblings;
- Through the Child Death Review Advisory Panel, and other mechanisms, working with public authorities and communities where children may be at risk to consider child safety issues and potential areas for improvement, and highlight the critical importance of effective liaison and communication between and within public authorities and communities;
- Exchanging information with other accountability and oversight agencies including Ombudsmen in other States to facilitate consistent approaches and shared learning; and
- Undertaking or supporting research that may provide an opportunity to identify good practices that may assist in the prevention or reduction of child deaths, as shown in the following example.

## Research into Foetal Alcohol Spectrum Disorder (FASD)

Foetal Alcohol Spectrum Disorder (**FASD**) is the term used to describe a range of disabilities caused from prenatal alcohol exposure. FASD is a risk to the unborn child of a woman that consumes alcohol during pregnancy. A child born with FASD will have lifelong effects including deficits in executive functioning, such as memory loss, retrieval of information, and difficulty understanding concepts or that actions have consequences. They may also have physical defects such as a small head and heart and/or kidney problems. People with FASD require lifelong support from services in all areas of health and wellbeing, education, child protection, disability services, corrective services, justice, police and employment.

This year the Ombudsman's office has undertaken a number of activities in relation to FASD, given its relevance to child deaths reviewed by the Ombudsman.

## Stakeholder Liaison

### The Department for Child Protection

Efficient and effective liaison has been established with the Department to support the child death review process and objectives. Regular liaison occurs between the Ombudsman and the CEO of the Department, together with regular liaison at senior executive level, to discuss issues raised in child death reviews and how positive change can be achieved. Since the jurisdiction commenced, meetings with Departmental staff have been held in all districts in the metropolitan area, and in regional and remote areas.

### The Child Death Review Advisory Panel

The Child Death Review Advisory Panel (**the Panel**) is an advisory body established to provide independent advice to the Ombudsman on:

- Issues and trends that fall within the scope of the child death review function;
- Contemporary professional practice relating to the wellbeing of children and their families; and
- Issues that impact on the capacity of public sector agencies to ensure the safety and wellbeing of children.

The Panel met four times this year and is comprised of five members who provide a range of expertise:

- Professor Steve Allsop (Director, National Drug Research Institute of Curtin University);
- Ms Sue Ash (Chief Executive Officer, Uniting Care West);



- Professor Helen Milroy (Director, Centre for Aboriginal Medical and Dental Health, University of Western Australia);
- Ms Cissy Cox (Group Coordinator, Social Outreach and Advocacy, St John of God Health Care); and
- Ms Monica McDougall (Nganggawili Health Service, Wiluna Child Health Centre).

Observers from the Department, the Department of Health, Department of Indigenous Affairs, Department of Education, Department of Corrective Services, Western Australia Police and a representative of the Minister for Child Protection also attended the meetings.

This year, among other things, the Panel provided valuable advice to the Ombudsman regarding the two major own motion investigations undertaken during the year.

### Other Key Stakeholder Relationships

There are a number of public authorities and other organisations that interact with or deliver services to children and their families. Important stakeholders with which the Ombudsman's office liaises as part of the child death review jurisdiction include:

- Public authorities that have a role in relation to child deaths including:
  - The Coroner; and
  - The Western Australia Police;
- Public authorities that provide services to children and their families including:
  - Department of Housing;
  - Department of Health;
  - Department of Education;
  - Department of Corrective Services;
  - Department of Indigenous Affairs; and
  - Department for Communities.
- Other accountability and similar agencies including the Commissioner for Children and Young People;
- Non-government agencies; and
- Research institutions including universities.

A Memorandum of Understanding has been established by the Ombudsman with the Commissioner for Children and Young People and a letter of understanding has been established with the Coroner.

### Indigenous and Regional Communities

Significant work continued throughout the year to build relationships relating to the child death review jurisdiction with Indigenous and regional communities, for example by communicating with:

- Key public authorities that work in regional areas;



- Non-government agencies that provide key services; such as health services to Indigenous people; and
- Indigenous community leaders to increase the awareness of the child death review function and its purpose.

Additional networks and contacts have been established to support effective and efficient child death reviews and the family and domestic violence fatality review function, commencing in 2012-13. This has strengthened the Office's understanding and knowledge of the issues faced by Indigenous and regional communities that impact on child and family wellbeing and service delivery in diverse and regional communities.

As part of this work, the Office's Principal Indigenous Liaison Officer and the Assistant Ombudsman Child Death Reviews visited Kalgoorlie and Wiluna and surrounding communities during the year. Ombudsman staff met with a number of Indigenous community leaders, Aboriginal Health Services, local governments, Western Australia Police and Department staff and community advocates in these regions.

## Family and Domestic Violence Fatality Reviews

The Office will commence family and domestic violence fatality reviews on 1 July 2012 and during 2011-12 undertook significant work to prepare for the new function.

## Own Motion Investigations and Administrative Improvement

A key function of the Office is to improve the standard of administration in public authorities. The Office achieves positive outcomes in this area in a number of ways including:

- Making recommendations and suggestions to improve public administration as a result of:
  - The investigation of complaints; and
  - Reviews of child deaths.
- Undertaking own motion investigations that are based on the patterns, trends and themes that arise from the resolution of individual complaints and child death reviews, referred to as own motion investigations;
- Providing guidance to public authorities on decision making and complaint handling through continuous liaison, publications, presentations and workshops;
- Working collaboratively with other integrity and accountability agencies to encourage best practice and leadership in public authorities; and
- Undertaking inspection and monitoring functions.

### Improvements from Complaints and Reviews

In addition to outcomes which result in some form of assistance for the complainant, the Ombudsman also achieves outcomes which are aimed at improving a public authority's administrative practices. This reduces the likelihood of the same or similar issues which gave rise to the complaint occurring again in the future. Further details of the improvements arising from complaint resolution are shown in the [Complaint Resolution section](#).

Child death reviews also result in improvements to administrative practices as a result of the review of individual child deaths. Further details of the improvements arising from complaint resolution are shown in the [Child Death Review section](#).

### Own Motion Investigations

One of the ways that the Office endeavours to improve public administration is to undertake investigations of systemic and thematic patterns and trends arising from complaints made to the Ombudsman and from child death reviews. These investigations are referred to as own motion investigations.

Own motion investigations are intended to result in improvements to public administration that are evidence-based, proportionate, practical and where the benefits outweigh the costs.

Own motion investigations that arise out of child death reviews focus on the practices of agencies that provide services to children and their families and aim to improve the administration of these services so as to prevent or reduce child deaths.

## Selecting Topics for Own Motion Investigations

Topics for own motion investigations are selected based on a number of criteria that include:

- The number and nature of complaints, child death reviews, and other issues brought to the attention of the Ombudsman;
- The likely public interest in the identified issue of concern;
- The number of people likely to be affected;
- Whether reviews of the issue have been done recently or are in progress by the Office or other organisations;
- The potential for the Ombudsman's investigation to improve administration across the public sector; and
- Whether investigation of the chosen topic is the best and most efficient use of the Office's resources.

Having identified a topic, extensive preliminary research is carried out to assist in planning the scope and objectives of the investigation. A public authority selected to be part of an own motion investigation is advised when the project commences and Ombudsman staff consult regularly with staff at all levels to ensure that the facts and understanding of the issues are correct and findings are evidence-based. The public authority is given regular progress reports on findings together with the opportunity to comment on draft conclusions and any recommendations.

## Monitoring the implementation of recommendations

Recommendations for administrative improvements are based closely on evidence gathered during investigations and are designed to be a proportionate response to the number and type of administrative issues identified. Each of the recommendations arising from own motion investigations is actively monitored by the Ombudsman's office to ensure its implementation and effectiveness in relation to the observations made in the investigation.

## Own Motion Investigations in 2011-12

In 2011-12, two major own motion investigations were conducted relating to:

- Planning for children in care; and
- Sleep-related deaths of infants.

### Planning For Children in Care Report

In November 2011, the Planning for Children in Care report was tabled in Parliament. The full report, entitled [\*Planning for children in care: An Ombudsman's own motion investigation into the administration of the care planning provisions of the Children and Community Services Act 2004\*](#), is available on the [Ombudsman's website](#).



## Reasons for the investigation

For the majority of Western Australian children, their parents and family network provide for their protection and care. However, at the commencement of this investigation there were 3,356 children in the care of the Chief Executive Officer (CEO) of the Department for Child Protection (DCP). For these children (referred to as 'children in care'), the State provides protection and care. The way in which the State is to perform this role is set out in the *Children and Community Services Act 2004* (CCS Act), the objects of which include 'to provide for the protection and care of children in circumstances where their parents have not given, or are unlikely to give that protection and care...' (s.6(d)).

As part of providing for the protection and care of children in care, the CCS Act contains a number of provisions requiring care planning for children in care. These include requirements for the preparation, timing, content and review of care plans, as well as provisions specific to participation by the child, their family and carers in care planning, and to Aboriginal and Torres Strait Islander children in care. There are also further instruments that have the effect of regulating the administration of care planning responsibilities in Western Australia, in particular the policies and procedures established by DCP.

Cooperation between DCP, the Department of Health and the Department of Education is a critical aspect of the care planning system and is promoted by the CCS Act.

This cooperation is consistent with the recommendations of the Department for Community Development: Review Report, presented by the independent reviewer Ms Prudence Ford (**the Ford Review**). The Ford Review report recommendations were endorsed by the (then) Western Australian Government in 2007. Recommendation 63, in particular, recommended that 'the Departments of Health and Education and Training (now the Department of Education and the Department of Training and Workforce Development) respectively be required to develop a Health Plan (covering physical, mental and dental health) and an Educational Plan respectively for each child or young person in care.'

## Objectives of the investigation

The objective of the investigation was to examine how State Government agencies have administered the requirements of the CCS Act regarding care planning for children in care, in particular whether:

- DCP has established policies and procedures for care planning that are consistent with the requirements of the CCS Act;
- DCP is appropriately complying with the requirements for the preparation, timing and review of provisional care plans and care plans, set out in the CCS Act and its own policies and procedures;
- Care plans address the areas that the CCS Act and DCP's policies and procedures identify as necessary to ensure a child's wellbeing; and

- Health care planning and education planning are undertaken in accordance with the agreements that DCP has established with the Department of Health and the Department of Education, and in accordance with the related policies and procedures of the three agencies.

The investigation examined the administration of care planning for those children in care who were of primary school age at the commencement of the investigation, had been taken into care after 1 July 2008, and were still in care when the investigation commenced. This cohort numbered 443 children in total.

### Key messages from the investigation

Significant and pleasing progress on improved planning for children in care has been achieved, however, there is still work to be done, particularly in relation to the timeliness of preparing care plans and ensuring that care plans fully incorporate health and education needs, other wellbeing issues, the wishes and views of children in care and are regularly reviewed.

**There has been significant and pleasing progress on improved planning for children in care but there is still work to be done.**

The key messages arising from the investigation, and set out in the report are:

- In the five years since the proclamation of the CCS Act, the three State Government agencies that are primarily responsible for planning for children in care have cooperated to operationalise the requirements of the CCS Act. This work has resulted in the agencies redesigning the system for care planning, as follows:
  - DCP has developed a series of policies and procedures for care planning that are consistent with the CCS Act;
  - DCP and the Department of Health have agreed and developed a comprehensive strategy for health care planning that addresses the Ford Review recommendations regarding health care planning for children in care; and
  - DCP and the Department of Education have taken initial steps to address the Ford Review recommendations regarding education planning for children in care.
- DCP had prepared provisional care plans and/or care plans for nearly all children included in the investigation, as required by the CCS Act, however:
  - In most instances examined, DCP did not achieve the timeframes for care planning as required by the CCS Act and its own policies and procedures, although timeliness varied widely across DCP districts; and
  - In many instances examined, DCP had not conducted reviews of care plans, as required by the CCS Act.

- Many of the children in care included in the investigation had not received appropriate health care and education planning. More particularly:
  - Although DCP and the Department of Health have commenced a comprehensive strategy for health care planning, only one third of children included in the investigation had received health assessments and/or medical examinations, as agreed in the strategy; and
  - Although DCP and the Department of Education have taken initial steps to establish a strategy for education planning, they have not yet implemented the education component of care planning and therefore few *Documented Education Plans* had been prepared for children included in the investigation.
- Many care plans did not record or otherwise demonstrate that the children in care included in the investigation were given the opportunity to express their wishes and views about their own care planning, as required by the CCS Act.
- Only half of the care plans we examined in detail covered all of the areas of child wellbeing identified in the CCS Act and DCP's policies and procedures.

**All 23 recommendations for administrative improvement arising from the planning for children in care report were accepted by the agencies involved.**

The report also identified 23 recommendations for improvement in care planning for children in care. Agencies have agreed to these recommendations and monitoring of their implementation and effectiveness is discussed further below.

### **Monitoring the implementation and effectiveness of report recommendations**

Each of the recommendations arising from own motion investigations is being monitored by the Office to ensure its implementation and effectiveness in relation to the observations made in the investigation.

Relevant agencies have provided reports on their progress to date in implementing the recommendations arising from the report on planning for children in care. These reports indicate that, to date, satisfactory progress has been made in implementing the recommendations. The Ombudsman will undertake further work in 2012-13 to confirm the implementation of the recommendations and the extent to which this action by agencies has resulted in the intended administrative improvements.

**The Ombudsman monitors recommendations to ensure their implementation and effectiveness.**

The Ombudsman also monitors improvements in care planning through the review of individual child deaths. These reviews identified good practice by DCP and other public authorities, as well as good interagency communication and cooperation, in relation to care planning.



## Investigation into ways to prevent or reduce sleep-related infant deaths

### Investigation rationale and objectives

Own motion investigations are informed by patterns and trends arising from child death notifications to the Ombudsman. The Ombudsman identified a high proportion of cases in which infants (defined as children under the age of 12 months) died during their sleep. For this reason, the Ombudsman decided to undertake an investigation of these sleep-related infant deaths with a view to determining whether it was appropriate to make recommendations to any department or agency about ways to prevent or reduce such deaths.

The objectives of the investigation are to:

- Analyse all sleep-related infant deaths notified to the Ombudsman between 1 July 2009 and 31 December 2011;
- Undertake research, including a comprehensive literature and practice review, in relation to sleep-related infant deaths;
- Undertake consultation with key stakeholders;
- Identify patterns and trends specifically in relation to sleep-related infant deaths; and
- From this analysis, pattern and trend identification, research and consultation, identify opportunities for State government agencies to prevent or reduce sleep-related infant deaths and make recommendations to these agencies accordingly.

A full report of the investigation will be tabled in Parliament in November 2012 and, once tabled, will be available from the [Ombudsman's website](#).

## Continuous Administrative Improvement

The Office maintains regular contact with staff from public authorities to inform them of trends and issues identified in individual complaints and the Ombudsman's own motion investigations with a view to them improving their administrative practices. This contact seeks to encourage thinking around the foundations of good administration and to identify opportunities for administrative improvements.

Where relevant, these discussions concern internal investigations and complaint processes that authorities have conducted themselves. The information gathered demonstrates to the Ombudsman if these internal investigations have been conducted appropriately and in a manner that is consistent with the standards and practices of the Ombudsman's own investigations.

### Guidance for Public Authorities

The Office provides publications, workshops, assistance and advice to public authorities regarding their decision making and administrative practices and their complaint handling systems. This educative function assists with building the capacity of public authorities and subsequently improving the standard of administration.



## Publications

The Ombudsman has a range of guidelines available for public authorities in the areas of effective complaint handling, conducting administrative investigations and administrative decision making. These guidelines aim to assist public authorities in strengthening their administrative and decision making practices.

## Workshops for Public Authorities

During the year, the Office continued to proactively engage with public authorities through presentations and workshops.

Workshops are targeted at people responsible for making decisions or handling complaints as well as customer service staff. The workshops are also relevant for supervisors, managers, senior decision and policy makers as well as integrity and governance officers who are responsible for implementing and maintaining complaint handling systems or making key decisions within a public authority.

The workshops are tailored to the organisation or sector by using case studies and practical exercises. Workshops and presentations conducted during the year include:

- Various presentations on the role of the Ombudsman to:
  - Local government governance specialists at the Western Australian Local Government Association 2011 State Conference;
  - Local government managers at the Local Government Managers Australia Customer Service Forum;
  - Aged care and disability service providers and relevant government agencies at a Seniors Forum coordinated by Centrelink;
  - Department for Child Protection staff at their complaint forum;
  - New public sector officers at the Public Sector Commission's Ethics and Integrity Induction Program; and
  - Prison Officers, as part of the Department of Corrective Services induction program.
- *Good Administrative Decision Making* to Department of Housing staff; and
- *Managing Unreasonable Complainant Conduct* to members of the State Administrative Tribunal.

## Working Collaboratively

The Office works collaboratively with other integrity and accountability agencies to encourage best practice and leadership in public authorities. Improvements to public administration are supported by the collaborative development of products and forums to promote integrity in decision making, practices and conduct. Details are provided in the section on Collaboration and Access to Services.



## Inspection and Monitoring Functions

### Telecommunications Interception Inspections

The [Telecommunications \(Interception and Access\) Western Australia Act 1996](#), the [Telecommunications \(Interception and Access\) Western Australia Regulations 1996](#) and the [Telecommunications \(Interception and Access\) Act 1979 \(Commonwealth\)](#) permit designated 'eligible authorities' to carry out telecommunications interceptions. Western Australia Police and the Corruption and Crime Commission are eligible authorities in Western Australia. The Ombudsman is appointed as the Principal Inspector to inspect relevant records of both agencies to ascertain the extent of their compliance with the legislation. The Ombudsman must inspect the telecommunications interception records at least twice during each financial year and must report to the responsible Ministers about the results of those inspections within three months of the end of the financial year.

### Monitoring of Criminal Penalty Infringement Notices

The *Criminal Code Amendment (Infringement Notices) Act 2011 (the Act)* amends the [Criminal Code](#) and introduces a new scheme into Western Australia for the issue of Criminal Penalty Infringement Notices by Western Australia Police for certain *Criminal Code* offences.

The Act will require the Ombudsman to keep under scrutiny the operation of relevant parts of the *Criminal Code* and regulations and relevant parts of the [Criminal Investigation \(Identifying People\) Act 2002](#) for a period of 12 months. The scrutiny is to include the impact on Aboriginal and Torres Strait Islander communities. The Ombudsman will have to report to the Minister for Police and the Commissioner of Police as soon as practicable after this time and the Minister is to table the report in both Houses of Parliament as soon as practicable after receiving the report.

## Collaboration and Access to Services

Effective engagement with key stakeholder groups is essential to the Office's achievement of positive complaint outcomes and improved public administration. The Office does this through:

- Working collaboratively with other integrity and accountability agencies - locally, nationally and internationally - to encourage best practice and leadership in the sector;
- Ensuring ongoing accessibility to its services for public authorities and the community; and
- Developing, maintaining and supporting relationships with public authorities and community groups.

### Working Collaboratively

The Office works collaboratively with local, national and international integrity and accountability agencies to encourage best practice and leadership in the sector. Working collaboratively also provides an opportunity for the Office to benchmark its performance and stakeholder communication activities against other similar agencies, and to identify areas for improvement through the experiences of others.

#### Integrity Coordinating Group

##### Members:

Western  
Australian  
Ombudsman  
Public Sector  
Commissioner  
Corruption and  
Crime  
Commissioner  
Auditor General  
Information  
Commissioner

#### Background:

The Group was formed to promote and strengthen integrity in Western Australian public bodies.

#### The Office's involvement:

The Ombudsman participates as a member of the Group and the Office has nominated senior representatives who sit on the Group's joint working party to collaborate on shared initiatives.

#### 2011-12 initiatives:

The Ombudsman's workshops on Good Administrative Decision making were revised during 2011-12 to incorporate the key principles in the *Integrity in Decision Making* product developed by the Group and ensure consistent information is provided to public authorities. The Office also coordinated the graduate program, which involves a graduate working in each of the member agencies over a two year period in total.

**Public Sector Commission's Induction: Your Guide to Ethics and Integrity in the Public Sector Program**

**Background:**

As part of the induction process for all new public officers, the Public Sector Commission holds a half-day module on ethics and integrity in the public sector. The sessions are available to all new public officers. Staff from the Public Sector Commission, the Ombudsman's office, the Corruption and Crime Commission and the Office of the Information Commissioner present at these sessions.

**2010-11 Initiatives:**

As a key integrity agency, the Office presented on four occasions during the year. The Office provides information to new public sector employees on *The Role of the Ombudsman* and how the Office may be able to assist them in their work. This program will continue into 2012-13.

**Australia and New Zealand Ombudsman Association**

**Members:**

Western Australian Ombudsman & Energy Ombudsman Western Australia  
16 Parliamentary and industry-based Ombudsmen from Australia and New Zealand

**Background:**

The Association is a peak body industry group for Parliamentary and industry-based Ombudsmen in Australia and New Zealand. It acts as a network for consultation and discussion for Ombudsmen on matters of interest, concern or common experience.

**The Office's involvement:**

The Ombudsman sits on the Association's Executive. The Office regularly reports on its activities to the Association and also has nominated representatives who sit on interest groups in the areas of policy and research, first contact, public relations and communications and business services.

**2011-12 initiatives:**

The Ombudsman was involved in four scheduled meetings via teleconference during the year, attended the Association's Annual General Meeting and Executive Committee meeting. The Ombudsman also gave a presentation, [Growing pains – large increases in complaints and substantial variation in demand for Ombudsman services](#), chaired a session and was a panel member in the plenary closing session at the Association's 2012 conference in Melbourne in May 2012.

**Information sharing with Ombudsmen from other jurisdictions**

**Background:**

Where possible and practical, the Office aims to share information and insights about its work with Ombudsmen from other jurisdictions, as well as with other accountability and integrity agencies.

**2011-12 Initiatives:**

In November 2011, the Office hosted the annual Deputy Ombudsman's meeting attended by Deputy Ombudsmen from across Australia and in October 2011 the Office hosted a visit by the British Columbia Deputy Representative for Children and Youth. The Tasmanian Ombudsman's office also travelled to Western Australia to examine the Western Australian Ombudsman's complaint resolution processes and how these processes might be applied in Tasmania. Materials on the Office's complaint handling improvement program were shared with the Tasmanian Ombudsman's office.

**Indonesian/ Australian Ombudsman Linkages and Strengthening Program**

**Members:**

Western Australian Ombudsman

Commonwealth Ombudsman

New South Wales Ombudsman

Ombudsmen of the Republic of Indonesia

**Background:**

The program aims to provide access across a larger portion of Indonesia to more effective and sustainable Ombudsman and complaint management services.

**The Office's involvement:**

The Office has been involved with the program since 2005 and supports the program through staff placements in Indonesia and Australia.

**2011-12 initiatives:**

In July 2011, the Assistant Ombudsman Complaints Resolution visited Indonesia. The purpose of the visit was to work with Indonesia's incoming Ombudsmen, to develop a work program for the next phase of the program and to continue to evaluate outcomes from earlier program activities. In March 2012, the Indonesian anti-corruption body, KPK, visited the Western Australian Ombudsman to understand more about our role in handling complaints and accountable and transparent decision making in the public sector.

## Providing Access to Key Stakeholders

### Access to the Ombudsman's Services

The Office continues to implement a number of strategies to ensure its complaint services are accessible to all Western Australians. These include access through online facilities as well as more traditional approaches by letter and through visits to the Office. The Office also holds complaint clinics and delivers presentations to community groups, particularly through the Regional Awareness and Accessibility Program.

Access to the Office through online services is popular. This is further demonstrated by the increased use of online access this year. This year, for the first time, the number of people using email and on-line services to make a complaint is higher than those using letters.

Significant work was undertaken in relation to a series of new measures to ensure that the Office's services are as accessible as possible to children and young people.

### Communicating with Complainants

The Office provides a range of information and services to assist specific groups and the public more generally to understand the role of the Ombudsman and the complaint process. Many people find the Office's enquiry service assists them to make their complaint. Other initiatives in 2011-12 include:

- Promotion of the Ombudsman's translated information sheets *How to complain to the Ombudsman* and *Complaints by overseas students*. Information is already available in a number of community languages and can be made available in specific languages on request;
- Ongoing promotion of the role of the Office and the type of complaints the Office handles through 'Ask the Ombudsman' on 6PR's Nightline Program; and
- Regular updating and simplification of the Ombudsman's website to provide easy access to information for people wishing to make a complaint and those undertaking the complaint process.

### Liaison with Public Authorities

The Office liaises with various public authorities throughout the year to discuss case-specific information and to track issues and trends occurring within different sectors.

### Liaison with the Public Sector

#### Corrective Services

Regular meetings were held with the Director General of Corrective Services and senior representatives of the Department's Professional Standards and Adult Custodial Divisions. In addition, the Office attended quarterly meetings with representatives of the Office of the Inspector of Custodial Services. These meetings have proved useful in allowing both offices to become better informed of issues affecting the corrective services sector in Western Australia.

## Department of Housing

During the year, discussions were held with senior staff within the Department of Housing to exchange information about the Office's own motion investigation on sleep related infant deaths. The Office also conducted a workshop on *Effective Decision Making* to Department of Housing staff in August 2011.

## Department for Child Protection

Regular meetings were held with the Director General of the Department for Child Protection as well as monthly discussions with senior representatives from the Ombudsman's office and the Department for Child Protection. Discussions were also held during the year with senior staff within the Department to exchange information about the Office's own motion investigation on sleep related infant deaths

## Liaison with the Local Government Sector

The Office continued to work on strengthening its liaison with the local government sector. Initiatives undertaken during the year include:

- In August 2011, the Office gave a presentation titled, *Overview of the Role of the Ombudsman* at the Western Australian Local Government Association Conference; and
- The Office also presented at the Local Government Managers Australia Customer Service Forum on *The Ombudsman's Role in Resolving Complaints*.

## Liaison with the University Sector

A number of meetings and teleconferences were held with senior representatives from Curtin University, University of Western Australia and Murdoch University as well as interstate University representatives.

## 'Ask the Ombudsman' on Nightline

The Office continues to provide access to its services through the Ombudsman's regular appearances on Radio 6PR's *Nightline* program. Listeners who have complaints about public authorities or want to make enquiries have the opportunity to call in and speak with the Ombudsman live on air. The segment allows the public to communicate a range of concerns with the Ombudsman. The segment also allows the Office to communicate key messages about the State Ombudsman and Energy Ombudsman jurisdictions, the outcomes that can be achieved for members of the public and how public administration can be improved. The Ombudsman appeared on the 'Ask the Ombudsman' segment in September and November 2011 and March and June 2012.

## Ombudsman Website

The [Western Australian Ombudsman website](#) provides a wide range of information and resources for:

- Members of the public on the complaint handling services provided by the Office as well as links to other complaint bodies for issues outside the Ombudsman's jurisdiction;



- Public sector agencies on decision making, complaint handling and conducting investigations;
- Access to the Ombudsman's investigation reports such as the Report on *Planning for Children in Care*;
- The latest news on events and collaborative initiatives such as the Regional Awareness and Accessibility Program; and
- Links to other key functions undertaken by the Office such as the Energy Ombudsman website and related bodies including the Integrity Coordinating Group.

The website continues to be a valuable resource for the community and public sector as shown by the increased use of the website this year. In 2011-12:

- The number of hits to the website increased by 25% to 1,264,215 in 2011-12;
- The number of visitors also increased, particularly around the time of publication of Ombudsman investigation reports such as the Report on Planning for Children in Care;
- The top two most visited pages (besides the homepage) on the site were *What you can complain about* and *How to make a complaint*; and
- The Office's *Procedural Fairness* guidelines and *Guidelines on Complaint Handling* were the top two most viewed documents.



The website content and functionality are continually reviewed and improved to ensure there is maximum accessibility to all members of the diverse Western Australian community. The site provides information in a wide range of [community languages](#) and is accessible to people with disabilities.

## Regional Awareness and Accessibility Program

The Office continued the Regional Awareness and Accessibility Program (**the Program**), with preparation underway for our visit to the Pilbara towns of South Hedland, Karratha, Roebourne and Marble Bar in August 2012. The Program is an important way for the Office to raise awareness of, access to, and use of, its services, for regional and Indigenous Western Australians.

While the Program is coordinated by the Ombudsman's Office, it generally incorporates the work of other integrity and accountability agencies including the Health and Disability Services Complaints Office, the Office of the Information Commissioner and the Commonwealth Ombudsman's office.

The Program enables the Office to deliver key messages about the Ombudsman's work and services, and also provides a valuable opportunity for staff to strengthen

their understanding of the issues affecting people in regional and Indigenous communities. The visits also highlight the important interaction of State and local governments in the provision of services to the communities.

Complaint forums enable members of local communities to speak with Ombudsman staff face-to-face about their issues and concerns and the Office provides advice about, and assists in resolving, many of the complaints made during the visit. The collaboration with other integrity and accountability agencies during regional visits and complaint clinics also assists in ensuring regional Western Australians can be easily referred to the most appropriate body to assist them.

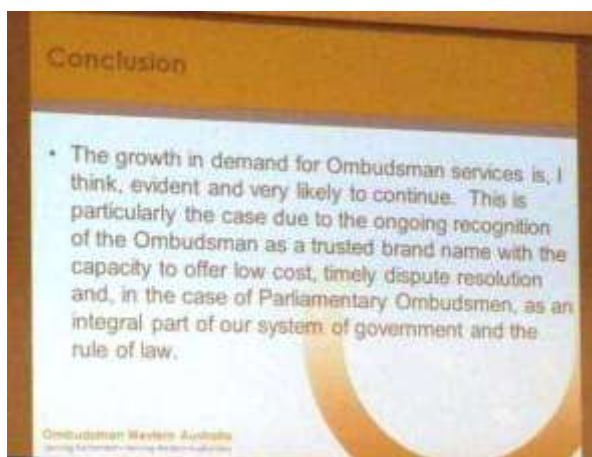
## Presentations and Publications

### Speeches and Presentations

The Ombudsman and other staff delivered speeches and presentations throughout the year at local, national and international conferences and events.

As well as the presentations and workshops designed to support improvements to public administration, provided in the [Own Motion Investigations and Administrative Improvement section](#), speeches and presentations by the Ombudsman and other staff of the Office included:

- A five day intensive unit 'Government Accountability – Law and Practice' co-ordinated by the Ombudsman and Professor Simon Young, Faculty of Law, University of Western Australia in February 2012;
- A presentation to the Public Sector Commission on achieving improved timeliness of complaint resolution in November 2011;



Above: an extract from Ombudsman, Chris Field's presentation at the 2012 ANZOA Conference in Melbourne. Photograph courtesy of ANZOA Secretariat.

- A presentation at the Australian Public Sector Anti Corruption Conference on complaint handling in November 2011;
- A presentation to the Indonesian anti-corruption body, KPK, on our role in handling complaints and accountable and transparent decision making in the public sector in March 2012; and
- A speech at the Australian and New Zealand Ombudsman Association (ANZOA) Conference on managing the large increases in complaints and variation in demand for Ombudsman services in May 2012.

The Ombudsman also delivered presentations in his role as the Energy Ombudsman including a speech at the Financial Counsellors' Association of Western Australia Annual Conference on the role of the Energy Ombudsman in September 2011.



## Western Australian Ombudsman Newsletter

The *Western Australian Ombudsman Newsletter* is a key publication used by the Office to communicate information to its stakeholders about the Office's performance, achievements, events and resources. During the year, two editions of the newsletter were issued (July and December 2011).

The newsletter is distributed electronically to Members of Parliament, public authorities and interested members of the public and subscription to the newsletter from interested parties has increased steadily over the past year. The newsletter is published on the website after it is issued.



## Publications

The Office has a comprehensive range of publications about the role of the Ombudsman to assist complainants and public authorities, which are available on the Ombudsman's website. For a full listing of the Office's publications, see [Appendix 3](#).



This page has been intentionally left blank.



## Significant Issues Impacting the Office



Fair  
Independent  
Accountable

## Significant Issues Impacting the Office

The significant issues affecting the Office are:

- The increased level of complaints that commenced in 2009-10 has continued in 2011-12. Managing the workload associated with the increased complaints continues to be a key issue for the Office.
- The Office undertakes own motion investigations aimed at improving administration across the public sector. In 2011-12, the Office tabled in Parliament a report of an own motion investigation into planning for children in the care of the Chief Executive Officer of the Department for Child Protection. The report contained 23 recommendations designed to improve planning for children in care, all of which were agreed to by government agencies.
- The Office seeks to enhance accessibility of its services by Indigenous and regional Western Australians through a range of strategies, including the Office's Regional Awareness and Accessibility Program. The Office also continues to engage effectively with public authorities to strengthen their capacity in complaint handling and decision making through a range of mechanisms including guidelines, workshops and the development of new products.
- The Office undertakes a diversity of functions in addition to handling complaints about public authorities and seeking to improve public administration. In recent years, the trend has been for an increasing range of functions to be undertaken by the Office.

### Increased Demand for Complaint Resolution Services

Complaint numbers continue at the increased levels that commenced in 2009-10. Overall, the Office has experienced an 83 per cent increase in the average number of complaints received in the last three years (2009-10 to 2011-12), compared to the average for the previous three years (2006-07 to 2008-09).

The Office has managed the increased workload associated with the higher levels of complaint numbers through the Office's complaint handling improvement program, combined with a focus on early resolution of complaints and economies of scale and scope arising from new functions as well as efficiencies from existing management, corporate and administration functions of the Office.

This year the Office has developed and commenced a new organisational structure and processes to further promote early resolution and this will be a principal area of focus in 2012-13.

### Own Motion Investigations

One of the ways that the Office endeavours to improve public administration is to undertake investigations of systemic and thematic patterns and trends arising from complaints made to the Ombudsman and from the review of investigable child deaths. These investigations are referred to as own motion investigations.

Own motion investigations are intended to result in improvements to public administration that are evidence-based, proportionate, practical and consider the costs, as well as the benefits, of proposed improvements.

In 2011-12, the Office tabled in Parliament a report of an own motion investigation into planning for children in the care of the Chief Executive Officer of the Department for Child Protection. The report contained 23 recommendations designed to improve planning for children in care, all of which were agreed to by the agencies involved. The Office has commenced monitoring of the implementation and effectiveness of these recommendations.

Significant work was also done on an own motion investigation relating to deaths of infants that are sleep related.

## Providing Access to Ombudsman Services

The Office seeks to ensure its services are accessible to all Western Australians, with a particular focus on Indigenous and regional Western Australians, through a range of strategies including the Office's Regional Awareness and Accessibility Program. This program involves a range of activities for the community and public authorities including seminars and workshops, visits to regional prisons, workshops for community groups and Indigenous people and complaint clinics.

## Increasing Diversity of Functions

In recent years the Office has increased the diversity of functions it undertakes. These include a child death review function, an inspection function for telecommunications interception activities, dealing with complaints from overseas students about the termination of their enrolment and undertaking the role of the Western Australian Energy Ombudsman.

From 1 July 2012, the Office will commence a further new function, to review family and domestic violence fatalities and in 2011-12 the Office undertook considerable work to establish the framework for the new role.

An additional function to be undertaken by the Office arises from the *Criminal Code Amendment (Infringement Notices) Act 2011* (the Act). The Act introduces a new scheme into Western Australia for the issue of Criminal Penalty Infringement Notices by Western Australia Police for certain offences.

This page has been intentionally left blank.

## Disclosures and Legal Compliance

This section provides details of the Office's audited financial statements and key performance indicators, along with information on other mandatory disclosures and legal compliance.

- [Independent Audit Opinion](#)
- [Financial Statements and Notes](#)
- [Key Performance Indicators](#)
- [Other Disclosures and Legal Compliance](#)
  - [Ministerial Directives](#)
  - [Other Financial Disclosures](#)
  - [Governance Disclosures](#)
  - [Other Legal Requirements](#)
  - [Government Policy Requirements](#)



Fair  
Independent  
Accountable

# Independent Audit Opinion



## Auditor General

### INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

### PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS

#### Report on the Financial Statements

I have audited the accounts and financial statements of the Parliamentary Commissioner for Administrative Investigations.

The financial statements comprise the Statement of Financial Position as at 30 June 2012, the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows, Schedule of Income and Expenses by Service, Schedule of Assets and Liabilities by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, and Notes comprising a summary of significant accounting policies and other explanatory information.

#### *Parliamentary Commissioner's Responsibility for the Financial Statements*

The Parliamentary Commissioner is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the Treasurer's Instructions, and for such internal control as the Parliamentary Commissioner determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

#### *Auditor's Responsibility*

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements based on my audit. The audit was conducted in accordance with Australian Auditing Standards. Those Standards require compliance with relevant ethical requirements relating to audit engagements and that the audit be planned and performed to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Parliamentary Commissioner's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Parliamentary Commissioner, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

#### **Opinion**

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the financial position of the Parliamentary Commissioner for Administrative Investigations at 30 June 2012 and its financial performance and cash flows for the year then ended. They are in accordance with Australian Accounting Standards and the Treasurer's Instructions.

7th Floor Albert Facey House 469 Wellington Street Perth MAIL TO: Perth BC PO Box 8489 Perth WA 6849 TEL: 08 6557 7500 FAX: 08 6557 7600

XOFAGL001



**Report on Controls**

I have audited the controls exercised by the Parliamentary Commissioner for Administrative Investigations during the year ended 30 June 2012.

Controls exercised by the Parliamentary Commissioner for Administrative Investigations are those policies and procedures established by the Parliamentary Commissioner to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions.

***Parliamentary Commissioner's Responsibility for Controls***

The Parliamentary Commissioner is responsible for maintaining an adequate system of internal control to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of public and other property, and the incurring of liabilities are in accordance with the Financial Management Act 2006 and the Treasurer's Instructions, and other relevant written law.

***Auditor's Responsibility***

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the controls exercised by the Parliamentary Commissioner for Administrative Investigations based on my audit conducted in accordance with Australian Auditing and Assurance Standards.

An audit involves performing procedures to obtain audit evidence about the adequacy of controls to ensure that the Parliamentary Commissioner complies with the legislative provisions. The procedures selected depend on the auditor's judgement and include an evaluation of the design and implementation of relevant controls.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

***Opinion***

In my opinion, the controls exercised by the Parliamentary Commissioner for Administrative Investigations are sufficiently adequate to provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions during the year ended 30 June 2012.

**Report on the Key Performance Indicators**

I have audited the key performance indicators of the Parliamentary Commissioner for Administrative Investigations for the year ended 30 June 2012.

The key performance indicators are the key effectiveness indicators and the key efficiency indicators that provide information on outcome achievement and service provision.

***Parliamentary Commissioner's Responsibility for the Key Performance Indicators***

The Parliamentary Commissioner is responsible for the preparation and fair presentation of the key performance indicators in accordance with the Financial Management Act 2006 and the Treasurer's Instructions and for such controls as the Parliamentary Commissioner determines necessary to ensure that the key performance indicators fairly represent indicated performance.

***Auditor's Responsibility***

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the key performance indicators based on my audit conducted in accordance with Australian Auditing and Assurance Standards.

An audit involves performing procedures to obtain audit evidence about the key performance indicators. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the key performance indicators. In making these risk assessments the auditor considers internal control relevant to the Parliamentary Commissioner's preparation and fair presentation of the key performance indicators in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the relevance and appropriateness of the key performance indicators for measuring the extent of outcome achievement and service provision.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

**Opinion**

In my opinion, the key performance indicators of the Parliamentary Commissioner for Administrative Investigations are relevant and appropriate to assist users to assess the Parliamentary Commissioner's performance and fairly represent indicated performance for the year ended 30 June 2012.

**Independence**

In conducting this audit, I have complied with the independence requirements of the Auditor General Act 2006 and the Australian Auditing and Assurance Standards, and other relevant ethical requirements.

**Matters Relating to the Electronic Publication of the Audited Financial Statements and Key Performance Indicators**

This auditor's report relates to the financial statements and key performance indicators of the Parliamentary Commissioner for Administrative Investigations for the year ended 30 June 2012 included on the Parliamentary Commissioner's website. The Parliamentary Commissioner is responsible for the maintenance and integrity of the Parliamentary Commissioner's website. I have not been engaged to report on the integrity of the Parliamentary Commissioner's website. The auditor's report refers only to the financial statements and key performance indicators named above. It does not provide an opinion on any other information which may have been hyperlinked to/from these financial statements and key performance indicators. If readers of this report are concerned with the inherent risks arising from electronic data communication they should refer to the published hard copy of the audited financial statements and key performance indicators and related auditor's report dated 7 August 2012 to confirm the information included in the audited financial statements and key performance indicators presented on this website.



COLIN MURPHY  
AUDITOR GENERAL  
FOR WESTERN AUSTRALIA  
Perth, Western Australia  
7 August 2012

## Financial Statements

### Certification of Financial Statements

#### For the year ended 30 June 2012

The accompanying financial statements of the Parliamentary Commissioner for Administrative Investigations have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the financial year ended 30 June 2012 and the financial position as at 30 June 2012.

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



Mary White  
Chief Finance Officer

2 August 2012



Chris Field  
Accountable Authority

2 August 2012

## Statement of Comprehensive Income

For the year ended 30 June 2012

	Note	2012 \$	2011 \$
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits expense	<u>6.</u>	6,306,890	5,709,530
Supplies and services	<u>7.</u>	1,260,339	1,004,258
Depreciation and amortisation expense	<u>8.</u>	250,933	180,678
Accommodation expenses	<u>9.</u>	1,096,401	812,271
Loss on disposal of non-current asset	<u>12.</u>	485,598	-
Other expenses	<u>10.</u>	23,587	24,693
<b>Total cost of services</b>		<b>9,423,748</b>	<b>7,731,430</b>
<b>Income</b>			
<i>Revenue</i>			
Other revenue	<u>11.</u>	2,371,609	1,656,686
<b>Total Revenue</b>		<b>2,371,609</b>	<b>1,656,686</b>
<b>Total income other than income from State Government</b>		<b>2,371,609</b>	<b>1,656,686</b>
<b>NET COST OF SERVICES</b>		<b>7,052,139</b>	<b>6,074,744</b>
<b>Income from State Government</b>			
	<u>13.</u>		
Service appropriation		6,630,000	6,348,000
Resources received free of charge		275,945	176,883
<b>Total income from State Government</b>		<b>6,905,945</b>	<b>6,524,883</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>		<b>(146,194)</b>	<b>450,139</b>
<b>OTHER COMPREHENSIVE INCOME</b>			
		-	-
<b>TOTAL COMPREHENSIVE INCOME FOR THE PERIOD</b>		<b>(146,194)</b>	<b>450,139</b>

The Statement of Comprehensive Income should be read in conjunction with the accompanying notes.

## Statement of Financial Position

As at 30 June 2012

	Note	2012 \$	2011 \$
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and cash equivalents	<u>23.</u>	1,191,108	861,019
Receivables	<u>15.</u>	255,893	88,849
Amounts receivable for services	<u>16.</u>	190,000	125,000
<b>Total Current Assets</b>		<b>1,637,001</b>	<b>1,074,868</b>
<b>Non-Current Assets</b>			
Restricted cash and cash equivalents	<u>14.</u> <u>23.</u>	152,461	115,169
Amounts receivable for services	<u>16.</u>	1,847,000	1,744,000
Plant and equipment	<u>17.</u>	113,718	679,453
Intangible assets	<u>18.</u>	88,172	85,731
<b>Total Non-Current Assets</b>		<b>2,201,351</b>	<b>2,624,353</b>
<b>TOTAL ASSETS</b>		<b>3,838,352</b>	<b>3,699,221</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	<u>20.</u>	652,711	440,045
Provisions	<u>21.</u>	1,234,858	1,180,468
<b>Total Current Liabilities</b>		<b>1,887,569</b>	<b>1,620,513</b>
<b>Non-Current Liabilities</b>			
Provisions	<u>21.</u>	346,313	327,594
<b>Total Non-Current Liabilities</b>		<b>346,313</b>	<b>327,594</b>
<b>TOTAL LIABILITIES</b>		<b>2,233,882</b>	<b>1,948,107</b>
<b>NET ASSETS</b>		<b>1,604,470</b>	<b>1,751,114</b>
<b>EQUITY</b>			
	<u>22.</u>		
Contributed equity		930,000	930,000
Accumulated surplus/(deficit)		674,470	821,114
<b>TOTAL EQUITY</b>		<b>1,604,470</b>	<b>1,751,114</b>

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

## Statement of Changes in Equity

For the year ended 30 June 2012

	Note	Contributed equity	Reserves	Accumulated surplus/(deficit)	Total equity
<b>Balance at 1 July 2010</b>	<u>22.</u>	930,000	-	370,975	1,300,975
Total comprehensive income for the year		-	-	450,139	450,139
<b>Balance at 30 June 2011</b>		930,000	-	821,114	1,751,114
<b>Balance at 1 July 2011</b>		930,000	-	821,114	1,751,114
Correction of prior period error <sup>(a)</sup>		-	-	(450)	(450)
<b>Restated balance at 1 July 2011</b>		930,000	-	820,664	1,750,664
Total comprehensive income for the year		-	-	(146,194)	(146,194)
<b>Balance at 30 June 2012</b>		<b>930,000</b>	-	<b>674,470</b>	<b>1,604,470</b>

The Statement of Changes in Equity should be read in conjunction with the accompanying notes.

(a) Correction to fixed asset

## Statement of Cash Flows

For the year ended 30 June 2012

	Note	2012 \$	2011 \$
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Service appropriation		6,337,000	5,924,000
Holding account drawdowns		125,000	87,000
<b>Net cash provided by State Government</b>		<b>6,462,000</b>	<b>6,011,000</b>
Utilised as follows:			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits		(6,227,563)	(5,516,621)
Supplies and services		(982,903)	(769,715)
Accommodation		(952,012)	(799,681)
GST payments on purchases		(240,492)	(202,466)
GST payments to taxation authority		(39,548)	-
Other payments		(23,587)	(24,694)
<b>Receipts</b>			
User charges and fees		2,200,597	1,649,245
GST receipts on sales		284,657	206,544
GST receipts from taxation authority		-	38,143
<b>Net cash provided by/(used in) operating activities</b>	<b>23.</b>	<b>(5,980,851)</b>	<b>(5,419,245)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<b>Payments</b>			
Purchase of non-current physical assets		(113,768)	(148,861)
<b>Receipts</b>			
		-	-
<b>Net cash provided by/(used in) investing activities</b>		<b>(113,768)</b>	<b>(148,861)</b>
Net increase/(decrease) in cash and cash equivalents			
		367,381	442,894
Cash and cash equivalents at the beginning of period		976,188	533,294
<b>CASH AND CASH EQUIVALENTS AT THE END OF PERIOD</b>	<b>23.</b>	<b>1,343,569</b>	<b>976,188</b>

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

## Summary of Consolidated Account Appropriations and Income Estimates

For the year ended 30 June 2012

	2012 Estimate \$	2012 Actual \$	Variance \$	2012 Actual \$	2011 Actual \$	Variance \$
<u>Delivery Services</u>						
Item 4 Net amount appropriated to deliver services	5,828,000	6,052,000	224,000	6,052,000	5,795,000	257,000
 Amount Authorised by Other Statutes						
- <i>Parliamentary Commissioner Act 1971</i>	578,000	578,000	-	578,000	553,000	25,000
 <b>Total appropriations provided to deliver services</b>	<b>6,406,000</b>	<b>6,630,000</b>	<b>224,000</b>	<b>6,630,000</b>	<b>6,348,000</b>	<b>282,000</b>
 <b>GRAND TOTAL</b>	<b>6,406,000</b>	<b>6,630,000</b>	<b>224,000</b>	<b>6,630,000</b>	<b>6,348,000</b>	<b>282,000</b>
 <u>Details of Expenses by Service</u>						
Resolving complaints about decision making of public authorities and improving the standard of public administration	8,012,000	9,423,748	1,411,748	9,423,748	7,731,430	1,692,318
Total Cost of Services	<b>8,012,000</b>	<b>9,423,748</b>	<b>1,411,748</b>	<b>9,423,748</b>	<b>7,731,430</b>	<b>1,692,318</b>
Less Total Income	(1,500,000)	(2,371,609)	(871,609)	(2,371,609)	(1,656,686)	(714,923)
Net Cost of Services	<b>6,512,000</b>	<b>7,052,139</b>	<b>540,139</b>	<b>7,052,139</b>	<b>6,074,744</b>	<b>977,395</b>
Adjustment <sup>(a)</sup>	(106,000)	(422,139)	(316,139)	(422,139)	273,256	(695,395)
<b>Total appropriations provided to deliver services</b>	<b>6,406,000</b>	<b>6,630,000</b>	<b>224,000</b>	<b>6,630,000</b>	<b>6,348,000</b>	<b>282,000</b>
 <u>Capital Expenditure</u>						
Purchase of non-current physical assets	125,000	113,768	(11,232)	113,768	148,861	(35,093)
Adjustments for other funding sources	(125,000)	(113,768)	11,232	(113,768)	(148,861)	35,093
<b>Capital appropriations</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

Adjustments comprise movements in cash balances and other accrual items such as receivables, payables and superannuation.

[Note 27 'Explanatory statement'](#) provides details of any significant variations between estimates and actual results for 2012 and between the actual results for 2011 and 2012.



## Notes to the Financial Statements for the year ended 30 June 2012

### Note 1. Australian Accounting Standards

#### General

The Office's financial statements for the year ended 30 June 2012 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' includes Standards and Interpretations issued by the Australian Accounting Standards Board (**AASB**).

The Office has adopted any applicable new and revised Australian Accounting Standards from their operative dates.

#### Early adoption of standards

The Office cannot early adopt an Australian Accounting Standard unless specifically permitted by *TI 1101 Application of Australian Accounting Standards and Other Pronouncements*. There has been no early adoption of Australian Accounting Standards that have been issued or amended (but not operative) by the Office for the annual reporting period ended 30 June 2012.

### Note 2. Summary of significant accounting policies

#### (a) General statement

The Office is a not-for-profit reporting entity that prepares general purpose financial statements in accordance with Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB as applied by the Treasurer's instructions. Several of these are modified by the Treasurer's instructions to vary application, disclosure, format and wording.

The *Financial Management Act* and the Treasurer's Instructions impose legislative provisions that govern the preparation of financial statements and take precedence over Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB.

Where modification is required and has had a material or significant financial effect upon the reported results, details of that modification and the resulting financial effect are disclosed in the notes to the financial statements.

#### (b) Basis of preparation

The financial statements have been prepared on the accrual basis of accounting using the historical cost convention.

The accounting policies adopted in the preparation of the financial statements have been consistently applied throughout all periods presented unless otherwise stated.

The financial statements are presented in Australian dollars and all values are rounded to the nearest dollar.

Note 3 'Judgements' made by management in applying accounting policies' discloses judgements that have been made in the process of applying the Office's accounting policies resulting in the most significant effect on amounts recognised in the financial statements.

Note 4 'Key sources of estimation uncertainty' discloses key assumptions made concerning the future, and other key sources of estimation uncertainty at the end of the reporting period, that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year.

### **(c) Reporting entity**

The reporting entity comprises the Office of the Parliamentary Commissioner for Administrative Investigations, generally known as the Ombudsman Western Australia (**the Office**).

#### Mission

The mission of the Ombudsman Western Australia is to serve Parliament and Western Australians by:

- Resolving complaints about decision making of public authorities; and
- Improving the standard of public administration.

The Office is predominantly funded by Parliamentary appropriation. The Ombudsman Western Australia also performs the functions of the Energy Ombudsman Western Australia (**EOWA**) under a services agreement with the Board of Energy Industry Ombudsman (Western Australia) Limited, the governing body of EOWA. The Office recoups the costs for EOWA from the Board. The financial statements encompass all funds through which the Office controls resources to carry on its functions.

#### Services

The Office provides the following service:

*Service 1: Resolving complaints about decision making of public authorities and improving the standard of public administration*

Investigating and resolving complaints from members of the public about Western Australian public authorities and improving the standard of public administration by identifying and investigating concerns that affect the broader community, making recommendations for improvement and identifying and promoting good decision making and practices.

The Office does not administer assets, liabilities, income and expenses on behalf of Government which are not controlled by, nor integral to, the function of the Office.

### **(d) Contributed equity**

AASB Interpretation 1038 *Contributions by Owners Made to Wholly-Owned Public Sector Entities* requires transfers in the nature of equity contributions, other than as a result of a restructure of administrative arrangements, to be designated by the Government (the owner) as contributions by owners (at the time of, or prior to transfer) before such transfers can be recognised as equity contributions. Capital appropriations have been designated as contributions by owners by TI 955

*Contributions by Owners made to Wholly Owned Public Sector Entities* and have been credited directly to Contributed equity.

## **(e) Income**

### Revenue recognition

Revenue is recognised and measured at the fair value of consideration received or receivable. Revenue is recognised for the major business activities as follows:

#### *Provision of services*

Revenue is recognised by reference to the stage of completion of the transaction.

#### *Service appropriations*

Service appropriations are recognised as revenues at fair value in the period in which the Office gains control of the appropriated funds. The Office gains control of appropriated funds at the time those funds are deposited to the bank account or credited to the 'Amounts receivable for services' (holding account) held at Treasury.

#### *Net Appropriation Determination*

The Treasurer may make a determination providing for prescribed receipts to be retained for services under the control of the Office. In accordance with the determination specified in the 2011-2012 Budget Statements, the Office retained **\$2,371,609** in 2012 (**\$1,656,686** in 2011) from the following:

- GST Input Credits;
- Proceeds from fees and charges; and
- Other Office receipts.

#### *Grants, donations, gifts and other non-reciprocal contributions*

Revenue is recognised at fair value when the Office obtains control over the assets comprising the contributions, usually when cash is received.

Other non-reciprocal contributions that are not contributions by owners are recognised at their fair value. Contributions of services are only recognised when a fair value can be reliably determined and the services would be purchased if not donated.

### Gains

Realised or unrealised gains are usually recognised on a net basis. These include gains arising on the disposal of non-current assets and some revaluations of non-current assets.

## **(f) Plant and equipment**

### Capitalisation/expensing of assets

Items of plant and equipment costing \$5,000 or more are recognised as assets and the cost of utilising assets is expensed (depreciated) over their useful lives. Items of plant and equipment costing less than \$5,000 are immediately expensed direct to the Statement of Comprehensive Income.

Initial recognition and measurement

Plant and equipment are initially recognised at cost.

For items of plant and equipment acquired at no cost or for nominal cost, the cost is the fair value at the date of acquisition.

Subsequent measurement

Subsequent to initial recognition as an asset, the cost model is used for plant and equipment. All items of plant and equipment are stated at historical cost less accumulated depreciation and accumulated impairment losses.

Depreciation

All non-current assets having a limited useful life are systematically depreciated over their estimated useful lives in a manner that reflects the consumption of their future economic benefits.

Depreciation is calculated using the straight line method, using rates which are reviewed annually. Estimated useful lives for each class of depreciable asset are:

Furniture and fittings	10 years
Plant and machinery	10 years
Computer hardware	3 years
Office equipment	5 years

**(g) Intangible assets**Capitalisation/expensing of assets

Acquisitions of intangible assets costing \$5,000 or more and internally generated intangible assets costing \$50,000 or more are capitalised. The cost of utilising the assets is expensed (amortised) over their useful lives. Costs incurred below these thresholds are immediately expensed directly to the Statement of Comprehensive Income.

Intangible assets are initially recognised at cost. For assets acquired at no cost or for nominal cost, the cost is their fair value at the date of acquisition.

The cost model is applied for subsequent measurement requiring the asset to be carried at cost less any accumulated amortisation and accumulated impairment losses.

Amortisation for intangible assets with finite useful lives is calculated for the period of the expected benefit (estimated useful life which is reviewed annually) on the straight line basis. All intangible assets controlled by the Office have a finite useful life and zero residual value.

The expected useful lives for each class of intangible asset are:

Software (a)	3 years
Website Costs	3 years

(a) Software that is not integral to the operation of any related hardware.

#### Computer software

Software that is an integral part of the related hardware is recognised as plant and equipment. Software that is not an integral part of the related hardware is recognised as an intangible asset. Software costing less than \$5,000 is expensed in the year of acquisition.

#### Website costs

Website costs are charged as expenses when they are incurred unless they relate to the acquisition or development of an asset when they may be capitalised and amortised. Generally, costs in relation to feasibility studies during the planning phase of a website, and ongoing costs of maintenance during the operating phase are expensed. Costs incurred in building or enhancing a website, to the extent that they represent probable future economic benefits that can be reliably measured, are capitalised.

### **(h) Impairment of assets**

Plant and equipment and intangible assets are tested for any indication of impairment at the end of each reporting period. Where there is an indication of impairment, the recoverable amount is estimated. Where the recoverable amount is less than the carrying amount, the asset is considered impaired and is written down to the recoverable amount and an impairment loss is recognised. As the Office is a not-for-profit entity, unless an asset has been identified as a surplus asset, the recoverable amount is the higher of an asset's fair value less costs to sell and depreciated replacement cost.

The risk of impairment is generally limited to circumstances where an asset's depreciation is materially understated, where the replacement cost is falling or where there is a significant change in useful life. Each relevant class of assets is reviewed annually to verify that the accumulated depreciation/amortisation reflects the level of consumption or expiration of the asset's future economic benefits and to evaluate any impairment risk from falling replacement costs.

Intangible assets with an indefinite useful life and intangible assets not yet available for use are tested for impairment at the end of each reporting period irrespective of whether there is any indication of impairment.

The recoverable amount of assets identified as surplus assets is the higher of fair value less costs to sell and the present value of future cash flows expected to be derived from the asset. Surplus assets carried at fair value have no risk of material impairment where fair value is determined by reference to market-based evidence. Where fair value is determined by reference to depreciated replacement cost, surplus assets are at risk of impairment and the recoverable amount is measured. Surplus assets at cost are tested for indications of impairment at the end of each reporting period.

**(i) Leases**

The Office holds operating leases for its Office buildings and motor vehicles. Operating leases are expensed on a straight line basis over the lease term as this represents the pattern of benefits derived from the leased property.

**(j) Financial instruments**

In addition to cash, the Office has two categories of financial instrument:

- Receivables; and
- Financial liabilities measured at amortised cost.

Financial instruments have been disaggregated into the following classes:

- Financial Assets
  - Cash and cash equivalents
  - Restricted cash and cash equivalents
  - Receivables
  - Amounts receivable for services
- Financial Liabilities
  - Payables

Initial recognition and measurement of financial instruments is at fair value which normally equates to the transaction cost or the face value. Subsequent measurement is at amortised cost using the effective interest method.

The fair value of short-term receivables and payables is the transaction cost or the face value because there is no interest rate applicable and subsequent measurement is not required as the effect of discounting is not material.

**(k) Cash and cash equivalents**

For the purpose of the Statement of Cash Flows, cash and cash equivalent (and restricted cash and cash equivalent) assets comprise cash on hand and short-term deposits with original maturities of three months or less that are readily convertible to a known amount of cash and which are subject to insignificant risk of changes in value.

**(l) Accrued salaries**

Accrued salaries represent the amount due to staff but unpaid at the end of the financial year. Accrued salaries are settled within a fortnight of the financial year end. The Office considers the carrying amount of accrued salaries to be equivalent to its fair value.

The accrued salaries suspense 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 instead of the normal 26. No interest is received on this account.

**(m) Amounts receivable for services (holding account)**

The Office receives funding on an accrual basis. The appropriations are paid partly in cash and partly as an asset (holding account receivable). The accrued amount receivable is accessible on the emergence of the cash funding requirement to cover leave entitlements and asset replacement.

**(n) Receivables**

Receivables are recognised at original invoice amount less an allowance for any uncollectible amounts (i.e. impairment). The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written-off against the allowance account. The allowance for uncollectible amounts (doubtful debts) is raised when there is objective evidence that the Office will not be able to collect the debts. The carrying amount is equivalent to fair value as it is due for settlement within 30 days.

**(o) Payables**

Payables are recognised at the amounts payable when the Office becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value, as settlement is generally within 30 days.

**(p) Provisions**

Provisions are liabilities of uncertain timing or amount and are recognised where there is a present legal or constructive obligation as a result of a past event and when the outflow of resources embodying economic benefits is probable and a reliable estimate can be made of the amount of the obligation. Provisions are reviewed at the end of each reporting period.

Provisions - employee benefits

All annual leave and long service leave provisions are in respect of employees' services up to the end of the reporting period.

*Annual leave*

The liability for annual leave that is expected to be settled within 12 months after the end of the reporting period is recognised and measured at the undiscounted amounts expected to be paid when the liability is settled.

Annual leave that is not expected to be settled within 12 months after the end of the reporting period is recognised and measured at the present value of amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions, as well as the experience of employee departures and periods of service. The expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.



The provision for annual leave is classified as a current liability as the Office does not have an unconditional right to defer settlement of the liability for at least 12 months after the end of the reporting period.

#### *Long service leave*

The liability for long service leave that is expected to be settled within 12 months after the end of the reporting period is recognised and measured at the undiscounted amounts expected to be paid when the liability is settled.

Long service leave that is not expected to be settled within 12 months after the end of the reporting period is recognised and measured at the present value of amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions, as well as the experience of employee departures and periods of service. The expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

Unconditional long service leave provisions are classified as current liabilities as the Office does not have an unconditional right to defer settlement of the liability for at least 12 months after the end of the reporting period. Pre-conditional and conditional long service leave provisions are classified as non-current liabilities because the Office has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

#### *Superannuation*

The Government Employees Superannuation Board (**GESB**) and other funds administer public sector superannuation arrangements in Western Australia in accordance with legislative requirements. Eligibility criteria for membership in particular schemes for public sector employees varies according to commencement and implementation dates.

Eligible employees contribute to the Pension Scheme, a defined benefit pension scheme closed to new members since 1987, or the Gold State Superannuation Scheme (**GSS**), a defined benefit lump sum scheme closed to new members since 1995.

The GSS is a defined benefit scheme for the purposes of employees and whole-of-government reporting. However, it is a defined contribution plan for agency purposes because the concurrent contributions (defined contributions) made by the Office to GESB extinguishes the agency's obligations to the related superannuation liability.

The Office has no liabilities under the Pension Scheme or the GSS. The liabilities for the unfunded Pension Scheme and the unfunded GSS transfer benefits attributable to members who transferred from the Pension Scheme, are assumed by the Treasurer. All other GSS obligations are funded by concurrent contributions made by the Office to the GESB.



Employees commencing employment prior to 16 April 2007 who were not members of either the Pension Scheme or the GSS became non-contributory members of the West State Superannuation Scheme (WSS). Employees commencing employment on or after 16 April 2007 became members of the GESB Super Scheme (GESBS). From 30 March 2012, existing members of the WSS or GESBS and new employees became able to choose their preferred superannuation fund. The Office makes concurrent contributions to GESB or other funds on behalf of employees in compliance with the *Commonwealth Government's Superannuation Guarantee (Administration) Act 1992*. Contributions to these accumulation schemes extinguish the Office's liability for superannuation charges in respect of employees who are not members of the Pension Scheme or GSS.

The GESB makes all benefit payments in respect of the Pension Scheme and GSS, and is recouped from the Treasurer for the employer's share.

#### Provisions - other

##### *Employment on-costs*

Employment on-costs, including workers' compensation insurance, are not employee benefits and are recognised separately as liabilities and expenses when the employment to which they relate has occurred. Employment on-costs are included as part of 'Other expenses' and are not included as part of the Office's 'Employee benefits expense'. The related liability is included in 'Employment on-costs provision'.

#### **(q) Superannuation expense**

The superannuation expense in the Statement of Comprehensive Income comprises of employer contributions paid to the GSS (concurrent contributions), the WSS, the GESBS, or other superannuation funds. The employer contribution paid to the GESB in respect of the GSS is paid back into the Consolidated Account by the GESB.

#### **(r) Resources received free of charge or for nominal cost**

Resources received free of charge or for nominal cost that can be reliably measured are recognised as income at fair value. Where the resource received represents a service that the Office would otherwise pay for, a corresponding expense is recognised. Receipts of assets are recognised in the Statement of Financial Position.

Assets or services are received from other State Government agencies are separately disclosed under Income from State Government in the Statement of Comprehensive Income.

#### **(s) Comparative Figures**

Comparative figures are, where appropriate, reclassified to be comparable with the figures presented in the current financial year.

### **Note 3. Judgements made by management in applying accounting policies**

The preparation of financial statements requires management to make judgements about the application of accounting policies that have a significant effect on the amounts recognised in the financial statements. The Office evaluates these judgements regularly.

## Operating lease commitments

The Office has entered into a lease for a building used for office accommodation. It has been determined that the lessor retains substantially all the risks and rewards incidental to ownership. Accordingly, this lease has been classified as an operating lease.

## Note 4. Key sources of estimation uncertainty

Key estimates and assumptions concerning the future are based on historical experience and various other factors that have a significant risk of causing a material adjustment to the carrying amount of assets and liabilities within the next financial year.

## Long Service Leave

Several estimations and assumptions used in calculating the Office's long service leave provision include expected future salary rates, discount rates, employee retention rates and expected future payments. Changes in these estimations and assumptions may impact on the carrying amount of the long service leave provision.

## Note 5. Disclosure of changes in accounting policy and estimates

### Initial application of an Australian Accounting Standard

The Office has applied the following Australian Accounting Standards effective for annual reporting periods beginning on or after 1 July 2011 that impacted on the Authority.

<i>AASB 1054</i>	<i>Australian Additional Disclosures</i>
	This Standard, in conjunction with <i>AASB 2011-1 Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project</i> , removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards. There is no financial impact.
<i>AASB 2009-12</i>	<i>Amendments to Australian Accounting Standards [AASB 5, 8, 108, 110, 112, 119, 133, 137, 139, 1023 &amp; 1031 and Int 2, 4, 16, 1039 &amp; 1052]</i>
	This Standard makes editorial amendments to a range of Australian Accounting Standards and Interpretations. There is no financial impact.

**AASB 2010-4** *Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project [AASB 1, 7, 101 & 134 and Int 13]*

The amendments to AASB 7 clarify financial instrument disclosures in relation to credit risk. The carrying amount of financial assets that would otherwise be past due or impaired whose terms have been renegotiated is no longer required to be disclosed. There is no financial impact.

The amendments to AASB 101 clarify the presentation of the statement of changes in equity. The disaggregation of other comprehensive income reconciling the carrying amount at the beginning and the end of the period for each component of equity can be presented in either the Statement of Changes in Equity or the Notes. There is no financial impact.

**AASB 2010-5** *Amendments to Australian Accounting Standards [AASB 1, 3, 4, 5, 101, 107, 112, 118, 119, 121, 132, 133, 134, 137, 139, 140, 1023 & 1038 and Int 112, 115, 127, 132 & 1042]*

This Standard makes editorial amendments to a range of Australian Accounting Standards and Interpretations. There is no financial impact.

**AASB 2011-1** *Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project [AASB 1, 5, 101, 107, 108, 121, 128, 132 & 134 and Int 2, 112 & 113]*

This Standard, in conjunction with AASB 1054, removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards. There is no financial impact.

### **Future impact of Australian Accounting Standards not yet operative**

The Office cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 *Application of Australian Accounting Standards and Other Pronouncements*. Consequently, the Office has not applied early any of the following Australian Accounting Standards that have been issued that may impact the Office. Where applicable, the Office plans to apply these Australian Accounting Standards from their application date.

AASB 9	<p><i>Financial Instruments</i></p> <p>This Standard supersedes AASB 139 <i>Financial Instruments: Recognition and Measurement</i>, introducing a number of changes to accounting treatments.</p> <p>The Standard was reissued in December 2010. The Office has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2013
AASB 10	<p><i>Consolidated Financial Statements</i></p> <p>This Standard supersedes requirements under AASB 127 <i>Consolidated and Separate Financial Statements</i> and Int 112 <i>Consolidation – Special Purpose Entities</i>, introducing a number of changes to accounting treatments.</p> <p>The Standard was issued in August 2011. The Office has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2013
AASB 11	<p><i>Joint Arrangements</i></p> <p>This Standard supersedes AASB 131 <i>Interests in Joint Ventures</i>, introducing a number of changes to accounting treatments.</p> <p>The Standard was issued in August 2011. The Office has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2013
AASB 12	<p><i>Disclosure of Interests in Other Entities</i></p> <p>This Standard supersedes disclosure requirements under AASB 127 <i>Consolidated and Separate Financial Statements</i>, AASB 128 <i>Investments in Associates</i> and AASB 131 <i>Interests in Joint Ventures</i>.</p> <p>The Standard was issued in August 2011. The Office has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2013

Operative for  
reporting periods  
beginning on/after

<i>AASB 13</i>	<i>Fair Value Measurement</i>	1 Jan 2013
	This Standard defines fair value, sets out a framework for measuring fair value and requires disclosures about fair value measurements. There is no financial impact.	
<i>AASB 119</i>	<i>Employee Benefits</i>	1 Jan 2013
	This Standard supersedes <i>AASB 119 (October 2010)</i> . As the Office does not operate a defined benefit plan, the impact of the change is limited to measuring annual leave as a long-term employee benefit. The resultant discounting of the annual leave benefit has an immaterial impact.	
<i>AASB 127</i>	<i>Separate Financial Statements</i>	1 Jan 2013
	This Standard supersedes requirements under <i>AASB 127 Consolidated and Separate Financial Statements</i> , introducing a number of changes to accounting treatments.	
	The Standard was issued in August 2011. The Office has not yet determined the application or the potential impact of the Standard.	
<i>AASB 128</i>	<i>Investments in Associates and Joint Ventures</i>	1 Jan 2013
	This Standard supersedes <i>AASB 128 Investments in Associates</i> , introducing a number of changes to accounting treatments.	
	The Standard was issued in August 2011. The Office has not yet determined the application or the potential impact of the Standard.	
<i>AASB 1053</i>	<i>Application of Tiers of Australian Accounting Standards</i>	1 Jul 2013
	This Standard establishes a differential financial reporting framework consisting of two tiers of reporting requirements for preparing general purpose financial statements. There is no financial impact.	

AASB 2009-11	<i>Amendments to Australian Accounting Standards arising from AASB 9 [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 121, 127, 128, 131, 132, 136, 139, 1023 &amp; 1038 and Int 10 &amp; 12]</i> [Modified by AASB 2010-7]	1 Jul 2013
AASB 2010-2	<i>Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements [AASB 1, 2, 3, 5, 7, 8, 101, 102, 107, 108, 110, 111, 112, 116, 117, 119, 121, 123, 124, 127, 128, 131, 133, 134, 136, 137, 138, 140, 141, 1050 &amp; 1052 and Int 2, 4, 5, 15, 17, 127, 129 &amp; 1052]</i>  This Standard makes amendments to Australian Accounting Standards and interpretations to introduce reduced disclosure requirements for certain types of entities. There is no financial impact.	1 Jul 2013
AASB 2010-7	<i>Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 &amp; 1038 and Int 2, 5, 10, 12, 19 &amp; 127]</i>  This Standard makes consequential amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 9 in December 2010. The Office has not yet determined the application or the potential impact of the Standard.	1 Jan 2013
AASB 2011-2	<i>Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project – Reduced Disclosure Requirements [AASB 101 &amp; 1054]</i>  This Standard removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards for reduced disclosure reporting. There is no financial impact.	1 Jul 2013

Operative for  
reporting periods  
beginning on/after

- AASB 2011-6** *Amendments to Australian Accounting Standards – Extending Relief from Consolidation, the Equity Method and Proportionate Consolidation – Reduced Disclosure Requirements [AASB 127, 128 & 131]* 1 Jul 2013
- This Standard extends the relief from consolidation, the equity method and proportionate consolidation by removing the requirement for the consolidated financial statements prepared by the ultimate or any intermediate parent entity to be IFRS compliant, provided that the parent entity, investor or venturer and the ultimate or intermediate parent entity comply with Australian Accounting Standards or Australian Accounting Standards – Reduced Disclosure Requirements. There is no financial impact.
- AASB 2011-7** *Amendments to Australian Accounting Standards arising from the Consolidation and Joint Arrangements Standards [AASB 1, 2, 3, 5, 7, 9, 2009-11, 101, 107, 112, 118, 121, 124, 132, 133, 136, 138, 139, 1023 & 1038 and Int 5, 9, 16 & 17]* 1 Jan 2013
- This Standard gives effect to consequential changes arising from the issuance of AASB 10, AASB 11, AASB 127 *Separate Financial Statements* and AASB 128 *Investments in Associates and Joint Ventures*. The Office has not yet determined the application or the potential impact of the Standard.
- AASB 2011-8** *Amendments to Australian Accounting Standards arising from AASB 13 [AASB 1, 2, 3, 4, 5, 7, 9, 2009-11, 2010-7, 101, 102, 108, 110, 116, 117, 118, 119, 120, 121, 128, 131, 132, 133, 134, 136, 138, 139, 140, 141, 1004, 1023 & 1038 and Int 2, 4, 12, 13, 14, 17, 19, 131 & 132]* 1 Jan 2013
- This Standard replaces the existing definition and fair value guidance in other Australian Accounting Standards and Interpretations as the result of issuing AASB 13 in September 2011. There is no financial impact.



- AASB 2011-9** *Amendments to Australian Accounting Standards – Presentation of Items of Other Comprehensive Income [AASB 1, 5, 7, 101, 112, 120, 121, 132, 133, 134, 1039 & 1049]* 1 Jul 2012

This Standard requires to group items presented in other comprehensive income on the basis of whether they are potentially reclassifiable to profit or loss subsequently (reclassification adjustments). The Office has not yet determined the application or the potential impact of the Standard.

- AASB 2011-10** *Amendments to Australian Accounting Standards arising from AASB 119 (September 2011) [AASB 1, 8, 101, 124, 134, 1049 & 2011-8 and Int 14]* 1 Jan 2013

This Standard makes amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 119 in September 2011. There is limited financial impact.

- AASB 2011-11** *Amendments to AASB 119 (September 2011) arising from Reduced Disclosure Requirements* 1 Jul 2013

This Standard gives effect to Australian Accounting Standards – Reduced Disclosure Requirements for AASB 119 (September 2011). There is no financial impact.

- AASB 2012-1** *Amendments to Australian Accounting Standards – Fair Value Measurement – Reduced Disclosure Requirements [AASB 3, 7, 13, 140 & 141]* 1 Jul 2013

This Standard establishes and amends reduced disclosure requirements for additional and amended disclosures arising from AASB 12 and the consequential amendments implemented through AASB 2011-8. There is no financial impact.



**Note 6. Employee benefits expense**

	2012 \$	2011 \$
Wages and salaries <sup>(a)</sup>	5,665,417	5,115,194
Superannuation - defined contribution plans <sup>(b)</sup>	574,054	530,108
Other related expenses	67,419	64,228
	<b>6,306,890</b>	<b>5,709,530</b>

(a) Includes the value of the fringe benefit to the employee plus the fringe benefit tax component and leave entitlements including superannuation contribution component.

(b) Defined contribution plans include West State, Gold State and GESB Super Scheme (contributions paid).

Employment on-costs expenses, such as workers' compensation insurance are included at [Note 10 'Other expenses'](#).

Employment on-costs liability is included in [Note 21 'Provisions'](#).

**Note 7. Supplies and services**

	2012 \$	2011 \$
Travel	39,762	51,037
Communications	80,293	69,542
Consumables	210,397	230,842
Services and contracts	566,126	312,445
Resources received free of charge	131,556	135,432
Other	232,205	204,960
	<b>1,260,339</b>	<b>1,004,258</b>

**Note 8. Depreciation and amortisation expense**

	2012 \$	2011 \$
<u>Depreciation</u>		
Furniture fixtures and fittings	53,077	77,714
Computer hardware	17,463	15,127
Communications	29,567	20,623
Office equipment	6,784	6,977
Plant and machinery	2,124	1,726
<b>Total depreciation</b>	<b>109,015</b>	<b>122,167</b>
<u>Amortisation</u>		
Intangible assets	141,918	58,511
<b>Total amortisation</b>	<b>141,918</b>	<b>58,511</b>
<b>Total depreciation and amortisation</b>	<b>250,933</b>	<b>180,678</b>

**Note 9. Accommodation expenses**

	2012 \$	2011 \$
Lease rentals	951,030	809,952
Repairs and maintenance	982	2,319
Resources received free of charge <sup>(a)</sup>	144,389	
	<b>1,096,401</b>	<b>812,271</b>

(a) Relates to the notional value of the fit-out of office accommodation provided through Building Management and Works.

**Note 10. Other expenses**

	2012 \$	2011 \$
Employment on-cost <sup>(a)</sup>	34	48
Audit Fee <sup>(b)</sup>	20,000	21,600
Other Miscellaneous Expenses	3,553	3,045
	<b>23,587</b>	<b>24,693</b>

(a) Includes workers' compensation insurance and other employment on-costs. The on-costs liability associated with the recognition of annual and long service leave liability is included at [Note 21 'Provisions'](#). Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.

(b) Audit fee, see also [Note 30 'Remuneration of auditor'](#).

**Note 11. Other revenue**

	2012 \$	2011 \$
Other revenue - general	2,313,272	1,597,214
Other recoup	58,337	59,472
	<b>2,371,609</b>	<b>1,656,686</b>

**Note 12. Net gain/(loss) on disposal of non-current assets**

	2012 \$	2011 \$
<u>Proceeds from disposal of non-current asset</u>		
Plant and Equipment	-	-
<u>Cost of disposal of non-current assets</u>		
Plant and Equipment	485,598	-
Net gain/(loss)	<b>(485,598)</b>	<b>-</b>

**Note 13. Income from State Government**

	2012 \$	2011 \$
Appropriation received during the year:		
Service appropriations <sup>(a)</sup>		
- Recurrent	6,052,000	5,795,000
- Special Acts	578,000	553,000
	<b>6,630,000</b>	<b>6,348,000</b>
Resources received free of charge <sup>(b)</sup>		
Determined on the basis of the following estimates provided by agencies:		
- State Solicitors Office	9,323	-
- Department of the Premier and Cabinet Corporate and Business Services	122,233	122,842
- Department of Finance - Building and Management Works	144,389	-
- Department of Treasury and Finance - Building and Management Works	-	12,590
- Public Sector Commission	-	41,451
	<b>275,945</b>	<b>176,883</b>
	<b>6,905,945</b>	<b>6,524,883</b>

(a) Service appropriations funds the net cost of services delivered. 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.

(b) Assets or services received free of charge or for nominal cost are recognised as revenue at fair value of the assets and/or services that can be reliably measured and which would have been purchased if they were not donated. Contributions of assets or services in the nature of contributions by owners are recognised direct to equity.

**Note 14. Restricted cash and cash equivalents**

	2012 \$	2011 \$
<u>Non-current</u>		
Accrued salaries suspense account <sup>(a)</sup>	152,461	115,169
	<b>152,461</b>	<b>115,169</b>

(a) Funds held in the suspense account used only for the purpose of meeting the 27th pay in a financial year that occurs every 11 years.

**Note 15. Receivables**

	2012 \$	2011 \$
<u>Current</u>		
Receivables	227,937	84,459
GST receivable	27,956	4,390
<b>Total current</b>	<b>255,893</b>	<b>88,849</b>

There were no allowances made in the current year for the impairment of receivables (2010/11: nil)

The Office does not hold any collateral or other credit enhancements as security for receivables.

**Note 16. Amounts receivable for services (Holding Account)**

	2012 \$	2011 \$
Current	190,000	125,000
Non-Current	1,847,000	1,744,000
	<b>2,037,000</b>	<b>1,869,000</b>

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.

**Note 17. Plant and Equipment**

	2012 \$	2011 \$
<u>Furniture fixtures and fittings</u>		
At cost	6,814	1,187,897
Accumulated depreciation	(170)	(664,258)
	<b>6,644</b>	<b>523,639</b>
<u>Computer Hardware</u>		
At Cost	194,543	208,778
Accumulated depreciation	(175,801)	(174,611)
	<b>18,742</b>	<b>34,167</b>
<u>Office equipment</u>		
At cost	41,418	33,921
Accumulated depreciation	(21,285)	(14,501)
	<b>20,133</b>	<b>19,420</b>

	2012 \$	2011 \$
<u>Plant and machinery</u>		
At cost	-	31,560
Accumulated depreciation	-	(14,571)
	<b>-</b>	<b>16,989</b>
<u>Communications</u>		
At cost	162,995	150,017
Accumulated depreciation	(94,796)	(64,779)
	<b>68,199</b>	<b>85,238</b>
	<b>113,718</b>	<b>679,453</b>

### Reconciliation

Reconciliations of the carrying amounts of plant and equipment at the beginning and end of the reporting period are set out in the table below:

	Furniture and Fittings	Computer hardware	Office Equipment	Plant and Machinery	Communications	Total
2012	\$	\$	\$	\$	\$	\$
Carrying amount at start of year	523,639	34,167	19,420	16,989	85,238	679,453
Additions	6,814	2,038	7,497	-	12,978	29,327
Transfers	-	-	-	-	-	-
Retirements	(470,732)	-	-	(14,865)	-	(485,597)
Correction prior period error	-	-	-	-	(450)	(450)
Depreciation	(53,077)	(17,463)	(6,784)	(2,124)	(29,567)	(109,015)
Carrying amount at end of year	<b>6,644</b>	<b>18,742</b>	<b>20,133</b>	<b>-</b>	<b>68,199</b>	<b>113,718</b>
2011	\$	\$	\$	\$	\$	\$
Carrying amount at start of year	533,493	36,095	26,396	10,087	68,312	674,383
Additions	67,861	13,199	-	8,628	37,549	127,237
Depreciation	(77,714)	(15,127)	(6,977)	(1,726)	(20,623)	(122,167)
Carrying amount at end of year	<b>523,640</b>	<b>34,167</b>	<b>19,419</b>	<b>16,989</b>	<b>85,238</b>	<b>679,453</b>

**Note 18. Intangible assets**

	2012 \$	2011 \$
<u>Computer Software</u>		
At cost	454,235	298,651
Accumulated amortisation	(391,188)	(249,270)
	<b>63,047</b>	<b>49,381</b>
Work in Progress	25,125	36,350
	<b>25,125</b>	<b>36,350</b>
<b>Total intangible assets</b>	<b>88,172</b>	<b>85,731</b>
<b>Reconciliation:</b>		
<u>Computer Software</u>		
Carrying amount at start of year	85,731	59,741
Additions	119,234	36,350
Transfer	-	21,425
Amortisation expense	(141,918)	(58,511)
<b>Carrying amount at end of year</b>	<b>63,047</b>	<b>59,005</b>
<u>Licenses</u>		
Carrying amount at start of year	-	21,425
Additions	-	-
Transfer	-	(21,425)
<b>Carrying amount at end of year</b>	<b>-</b>	<b>-</b>

**Note 19. Impairment of assets**

There were no indications of impairment to plant and equipment or intangible assets at 30 June 2012.

The Office held no goodwill or intangible assets with an indefinite useful life during the reporting period. At the end of the reporting period there were no intangible assets not yet available for use.

All surplus assets as at 30 June 2012 have either been classified as assets held for sale or written-off.

**Note 20. Payables**

	2012 \$	2011 \$
<u>Current</u>		
Trade payables	44,685	82,176
Accrued Expenses	226,536	213,909
Accrued Salaries	138,472	139,828
Accrued Superannuation	10,499	2,925
Other payables	232,519	1,207
<b>Total current</b>	<b>652,711</b>	<b>440,045</b>

## Note 21. Provisions

	2012 \$	2011 \$
<b>Current</b>		
<i>Employee benefits provision</i>		
Annual leave <sup>(a)</sup>	571,482	568,572
Long service leave <sup>(b)</sup>	662,816	611,361
	<b>1,234,298</b>	<b>1,179,933</b>
<i>Other provisions</i>		
Employment on-costs <sup>(c)</sup>	560	535
	560	535
	<b>1,234,858</b>	<b>1,180,468</b>
<b>Non-current</b>		
<i>Employee benefits provision</i>		
Long service leave <sup>(b)</sup>	346,155	327,445
	346,155	327,445
<i>Other provisions</i>		
Employment on-costs <sup>(c)</sup>	158	149
	158	149
	<b>346,313</b>	<b>327,594</b>

- (a) Annual leave liabilities have been classified as current as there is no unconditional right to defer settlement for at least 12 months after the reporting period. Assessments indicate that actual settlement of the liabilities is expected to occur as follows:

	2012 \$	2011 \$
Within 12 months of the end of the reporting period	331,867	342,357
More than 12 months after the reporting period	239,615	226,215
	<b>571,482</b>	<b>568,572</b>

- (b) Long service leave liabilities have been classified as current where there is no unconditional right to defer settlement for at least 12 months after the reporting period. Assessments indicate that actual settlement of the liabilities is expected to occur as follows:

	2012 \$	2011 \$
Within 12 months of the end of the reporting period	291,633	303,443
More than 12 months after the reporting period	717,337	635,363
	<b>1,008,970</b>	<b>938,806</b>

- (c) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including worker's compensation insurance. The provision is the present value of expected future payments. The associated expense, apart from the unwinding of the discount (finance cost), is disclosed in [Note 10 'Other expenses'](#).

### Movement in other provisions

Movements in each class of provisions during the financial year, other than employee benefits, are set out below.

	2012 \$	2011 \$
<u>Employment on-cost provision</u>		
Carrying amount at start of year	684	636
Additional provisions recognised	34	48
<b>Carrying amount at end of year</b>	<b>718</b>	<b>684</b>

### Note 22. Equity

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

#### Contributed equity

	2012 \$	2011 \$
Balance at start of period	930,000	930,000
<b>Balance at the end of period</b>	<b>930,000</b>	<b>930,000</b>

#### Accumulated surplus/(deficit)

	2012 \$	2011 \$
Balance at start of year	820,664	370,975
Result for the period	(146,194)	450,139
<b>Balance at end of year</b>	<b>674,470</b>	<b>821,114</b>
<b>Total Equity at the end of period</b>	<b>1,604,470</b>	<b>1,751,114</b>



## Note 23. Notes to the Statement of Cash Flows

### Reconciliation of cash

Cash at the end of the financial year as shown in the [Statement of Cash Flows](#) is reconciled to the related items in the [Statement of Financial Position](#) as follows:

	2012 \$	2011 \$
Cash and cash equivalents	1,191,108	861,019
Restricted cash and cash equivalents	152,461	115,169
	<b>1,343,569</b>	<b>976,188</b>

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

	2012 \$	2011 \$
Net cost of services	<b>(7,052,139)</b>	<b>(6,074,744)</b>
<u>Non-cash items:</u>		
Depreciation and amortisation expense	250,933	180,678
Resources received free of charge	275,945	135,432
Net gain/(loss) on disposal of non-current assets	485,598	-
<u>(Increase)/decrease in assets:</u>		
Current receivables <sup>(a)</sup>	(143,478)	57,729
<u>Increase/(decrease) in liabilities:</u>		
Accrued salaries	(1,356)	66,208
Accrued superannuation	7,574	2,925
Accrued expenses	12,627	47,199
Current payables <sup>(a)</sup>	133,902	8,005
Current provisions	54,390	98,663
Non-current provisions	18,719	25,113
Net GST receipts/(payments) <sup>(b)</sup>	(22,917)	20,088
Change in GST in receivables/payables <sup>(c)</sup>	(649)	13,459
<b>Net cash provided by/(used in) operating activities</b>	<b>(5,980,851)</b>	<b>(5,419,245)</b>

(a) Note that the Australian Taxation Office (ATO) receivable/payable in respect of GST and the receivable/payable in respect of the sale/purchase of non-current assets are not included in these items as they do not form part of the reconciling items.

(b) This is the net GST paid/received, i.e. cash transactions.

(c) This reverses out the GST in receivables and payables.

At the end of the reporting period, the Office had fully drawn on all financing facilities, details of which are disclosed in the financial statements.

## Note 24. Commitments

The commitments below are inclusive of GST where relevant.

### Lease commitments

Commitments in relation to leases contracted for at the end of the reporting period but not recognised in the financial statements are payable as follows:

### Non-cancellable operating leases commitments

	2012 \$	2011 \$
Commitments for minimum leases payments are payable as follows:		
Within 1 year	916,087	600,204
Later than 1 year and not later than 5 years	1,835,450	44,663
	<b>2,751,537</b>	<b>644,867</b>

The Office has entered into a property lease which is a non-cancellable lease with a three year term, with rent payable monthly in advance. Contingent rent provisions within the lease agreement require that the minimum lease payments shall be increased by the lower of CPI or 3.5% per annum. An option exists to renew the lease at the end of the three year term for an additional term of five years.

The motor vehicle lease is a non-cancellable lease with a three year term, with lease payments monthly. New vehicle leases are negotiated at the end of this period, the number of vehicle leases being subject to the Office's operational needs.

## Note 25. Contingent liabilities and contingent assets

The Office had no contingent liabilities or contingent assets.

## Note 26. Events occurring after the end of the reporting period

There were no events occurring after the reporting date that impact on the financial statements.

## Note 27. Explanatory statement

Significant variations between estimates and actual results for income and expense as presented in the financial statement titled '[Summary of Consolidated Account Appropriations and Income Estimates](#)' are shown below. Significant variations are considered to be those greater than 10%.

### Significant variances between estimate and actual for 2012

	2012 Estimate \$	2012 Actual \$	Variance \$
Supplies and services	782,000	1,260,339	478,339
Other expenses	237,000	23,587	(213,413)
Other revenue	1,500,000	2,371,609	871,609
Resources received free of charge	106,000	275,945	169,945

#### Supplies and services

The increase is primarily due to additional expenses associated with the increased work in the Energy jurisdiction, expenses associated with the relocation to new accommodation and the provision of equipment for additional staff to handle increased workload and new functions. In addition some expenses included in the estimate as other expenses, were included under supplies and services for actual expenses.

#### Other expenses

The decrease is primarily because some expenses, included in the estimate as other expenses, were included under supplies and services for actual expenses.

#### Other revenue

The increase is primarily due to an increase in funding, approved by the Board of the Energy Ombudsman Western Australia, to cover additional expenses associated with a significant increase in complaints proceeding to investigation under the Energy jurisdiction.

#### Resources received free of charge

The increase is primarily due to government accommodation - Fit-out Depreciation, provided through the Department of Finance (Building Management and Works) for the refit of the Office's new accommodation.

Significant variances between actual results for 2011 and 2012

	2012 \$	2011 \$	Variance \$
Other revenue	2,371,609	1,656,686	714,923
Resources received free of charge	275,945	176,883	99,062
<u>Expenses</u>			
Employee benefits expense	6,306,890	5,709,530	597,360
Supplies and Services	1,260,339	1,004,258	256,081
Accommodation expense	1,096,401	812,271	284,130
Depreciation and amortisation expense	250,933	180,678	70,255

Other revenue

The increase is primarily due to an increase in funding, approved by the Board of Energy Ombudsman Western Australia, to cover additional expenses associated with a significant increase in complaints proceeding to investigation under the Energy jurisdiction.

Resources received free of charge

The increase is primarily due to government accommodation - Fit-out Depreciation, provided through the Department of Finance (Building Management and Works) for the refit of the Office's new accommodation.

Employee benefits expense

The increase is primarily due to increased staff recruited to handle the increased work in the Energy jurisdiction (offset by increased revenue from the Board of the Energy Ombudsman Western Australia) and work to develop the new function of family and domestic violence fatality reviews.

Supplies and Services

The increase is primarily due to additional expenses associated with the increased work in the Energy jurisdiction, expenses associated with the relocation to new accommodation and the provision of equipment for additional staff to handle increased workload and new functions.

Accommodation expense

The increase is due to the costs of additional space to accommodate the increase in staff required to handle the work associated with an increase in complaints and new functions for the Office and the Fit-out Depreciation provided through the Department of Finance (Building Management and Works) for the Office's new accommodation.

Depreciation and amortisation

Due to the size of the Office, there are fluctuations from year to year in the capital purchases resulting in associated fluctuations in depreciation.

## Note 28. Financial instruments

### (a) Financial risk management objectives and policies

Financial instruments held by the Office are cash and cash equivalents, restricted cash and cash equivalents, receivables and payables. The Office has limited exposure to financial risks. The Office's overall risk management program focuses on managing the risks identified below.

#### Credit risk

Credit risk arises when there is the possibility of the Office's receivables defaulting on their contractual obligations resulting in financial loss to the Office.

The maximum exposure to credit risk at the end of the reporting period in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment, as shown in the table at [Note 28\(c\) 'Financial instruments disclosures'](#) and [Note 15 'Receivables'](#).

Credit risk associated with the Office's financial assets is minimal because the main receivable is the amounts receivables for services (holding accounts). For receivables other than government, the Office trades only with recognised, creditworthy third parties. The Office has policies in place to ensure that sales of products and services are made to customers with an appropriate credit history. In addition, receivable balances are monitored on an ongoing basis with the result that the Office's exposure to bad debts is minimal. At the end of the reporting period there were no significant concentrations of credit risk.

#### Liquidity risk

Liquidity risk arises when the Office is unable to meet its financial obligations as they fall due. The Office is exposed to liquidity risk through its trading in the normal course of business. The Office has appropriate procedures to manage cash flows including drawdowns of appropriations by monitoring forecast cash flows to ensure that sufficient funds are available to meet its commitments.

#### Market risk

Market risk is the risk that changes in market prices such as foreign exchange rates and interest rates will affect the Office's income or the value of its holdings of financial instruments. The Office does not trade in foreign currency and is not materially exposed to other price risks. The Office's exposure to market risk for changes in interest rates relate primarily to the long-term debt obligations.

**(b) Categories of financial instruments**

In addition to cash, the carrying amounts of each of the following categories of financial assets and financial liabilities at the end of the reporting period are:

	2012 \$	2011 \$
<u>Financial Assets</u>		
Cash and cash equivalents	1,191,108	861,019
Restricted cash and cash equivalents	152,461	115,169
Receivables <sup>(a)</sup>	2,264,937	1,953,459
<u>Financial Liabilities</u>		
Financial liabilities measured at amortised cost	652,711	440,045

(a) The amount of receivables excludes GST recoverable from the ATO (statutory receivable).

**(c) Financial instrument disclosures**Credit risk

The following table details the Office's maximum exposure to credit risk and the ageing analysis of financial assets. The Office's maximum exposure to credit risk at end of the reporting period is the carrying amount of financial assets as shown below. The table discloses the ageing of financial assets that are past due but not impaired and impaired in financial assets. The table is based on information provided to senior management of the Office.

The Office does not hold any collateral as security or other credit enhancements relating to the financial assets it holds.

The Office does not hold any financial assets that had to have their terms renegotiated that would have otherwise resulted in them being past due or impaired.

Aged analysis of financial assets <sup>(a)</sup>								
	Carrying Amount	Not past due and not impaired	Past due but not impaired					Impaired financial assets
			Up to 1 month	1 – 3 months	3 months to 1 Year	1 – 5 Years	More than 5 Years	
	€	€	€	€	€	€	€	€
<b>Financial Assets</b>								
<b>2012</b>								
Cash and cash equivalents	1,191,108	1,191,108	-	-	-	-	-	-
Restricted cash and cash equivalent	152,461	152,461	-	-	-	-	-	-
Receivables <sup>(a)</sup>	227,937	153,530	33,926	-	40,481	-	-	-
Amount receivable for service	2,037,000	2,037,000	-	-	-	-	-	-
	<b>3,608,506</b>	<b>3,534,099</b>	<b>33,926</b>	<b>-</b>	<b>40,481</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>2011</b>								
Cash and cash equivalents	861,019	861,019	-	-	-	-	-	-
Restricted cash and cash equivalent	115,169	115,169	-	-	-	-	-	-
Receivables <sup>(a)</sup>	84,459	77,851	-	6,608	-	-	-	-
Amount receivable for service	1,869,000	1,869,000	-	-	-	-	-	-
	<b>2,929,647</b>	<b>2,923,039</b>	<b>-</b>	<b>6,608</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

(a) The amount of receivables excludes GST recoverable from the ATO (statutory receivable).

#### Liquidity risk and interest rate exposure

The following table details the Office's interest rate exposure and the contractual maturity analysis of financial assets and financial liabilities. The maturity analysis section includes interest and principal cash flow. The interest rate exposure section analysis only the carrying amounts of each item.

## Interest rate exposure and maturity analysis of financial assets and financial liabilities

Weighted average effective interest rate %	Interest rate exposure				Nominal Amount	Maturity date				
	Carrying Amount	Fixed interest rate	Variable interest rate	Non-interest bearing		Up to 1 months	1-3 months	3 months to 1 Year	1 – 5 Years	More than 5 Years
€	€	€	€	€	€	€	€	€	€	€
2012										
Financial Assets										
Cash and cash equivalents	1,191,108	-	-	1,191,108	1,191,108	1,191,108	-	-	-	-
Restricted cash and cash equivalent	152,461	-	-	152,461	152,461	-	-	-	152,461	-
Receivables (a)	227,937	-	-	227,937	227,937	227,937	-	-	-	-
Amount receivable for service	2,037,000	-	-	2,037,000	2,037,000	-	-	190,000	561,000	1,286,000
	3,608,506	-	-	3,608,506	3,608,506	1,419,045	-	190,000	713,461	1,286,000
Financial liabilities										
Payables	652,711	-	-	652,711	652,711	652,711	-	-	-	-
	652,711	-	-	652,711	652,711	652,711	-	-	-	-

(a) The amount of receivables excludes GST recoverable from the ATO (statutory receivable).

## Interest rate exposure and maturity analysis of financial assets and financial liabilities

Weighted average effective interest rate %	Interest rate exposure				Nominal Amount	Maturity date				
	Carrying Amount	Fixed interest rate	Variable interest rate	Non-interest bearing		Up to 1 months	1-3 months	3 months to 1 Year	1 – 5 Years	More than 5 Years
€	€	€	€	€	€	€	€	€	€	€
2011										
Financial Assets										
Cash and cash equivalents	861,019	-	-	861,019	861,019	861,019	-	-	-	-
Restricted cash and cash equivalent	115,169	-	-	115,169	115,169	-	-	-	115,169	-
Receivables (a)	84,459	-	-	84,459	84,459	84,459	-	-	-	-
Amount receivable for service	1,869,000	-	-	1,869,000	1,869,000	-	-	125,000	543,000	1,201,000
	2,929,647	-	-	2,929,647	2,929,647	945,478	-	125,000	658,169	1,201,000
Financial liabilities										
Payables	440,045	-	-	440,045	440,045	440,045	-	-	-	-
	440,045	-	-	440,045	440,045	440,045	-	-	-	-

(a) The amount of receivables excludes GST recoverable from the ATO (statutory receivable).



### Interest rate sensitivity analysis

None of the Office's financial assets and liabilities at the end of the reporting period are sensitive to movements in interest rates. Movements in interest rates would therefore have no impact on the Office's surplus or equity.

### Fair values

All financial assets and liabilities recognised in the Statement of Financial Position, whether they are carried at cost or fair value, are recognised at amounts that represent a reasonable approximation of fair value unless otherwise stated in the applicable notes.

## **Note 29. Remuneration of senior officers**

The number of senior officers whose total fees, salaries, superannuation, non-monetary benefits and other benefits for the financial year fall within the following bands are:

\$	2012	2011
70,001 - 80,000	1	-
80,001 - 90,000	1	-
150,001 - 160,000	1	1
160,001 - 170,000	1	2
170,001 - 180,000	-	1
200,001 - 210,000	1	-
250,001 - 260,000	1	1
360,001 - 370,000	1	1
	\$	\$
<b>Total remuneration of senior officers</b>	<b>1,309,393</b>	<b>1,288,638</b>

The total remuneration includes the superannuation expense incurred by the Office in respect of senior officers.

## **Note 30. Remuneration of auditor**

Remuneration payable to the Auditor General in respect of the audit for the current financial year is as follows:

	2012 \$	2011 \$
Auditing the accounts, financial statements and performance indicators	21,200	20,000
	<b>21,200</b>	<b>20,000</b>

### Note 31. 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 involved 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.

	2012 \$	2011 \$
Opening Balance	(9,599)	11,632
Receipts	31,330	39,399
Payments	(25,622)	(60,630)
<b>Closing Balance</b>	<b>(3,891)</b>	<b>(9,599)</b>

### Note 32. Supplementary financial information

#### (a) Write-offs

There was no write-off during the financial year.

#### (b) Losses through theft, defaults and other causes

There were no losses of public money and public and other property during the financial year.

#### (c) Gifts of public property

There were no gifts of public property provided by the Office during the financial year.

## Key Performance Indicators

### Certification of Key Performance Indicators for year ended 30 June 2012

I hereby certify that the key performance indicators are based on proper records, are relevant and are appropriate for assisting users to assess performance and fairly represent the performance of the Parliamentary Commissioner for Administrative Investigations for the financial year ended 30 June 2012.



Mary White  
**Chief Finance Officer**

2 August 2012



Chris Field  
**Accountable Authority**

2 August 2012

## Key Performance Indicators

### Key Effectiveness Indicators

The desired outcome for the Parliamentary Commissioner for Administrative Investigations (**the Ombudsman**) is:

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

Key Effectiveness Indicators	2007-08	2008-09	2009-10	2010-11	2011-12 Target	2011-12 Actual
Of allegations where the Ombudsman made recommendations to improve practices or procedures, percentage of recommendations accepted by agencies (a)	100%	100%	100%	100%	100%	100%
Number of improvements to practices or procedures as a result of Ombudsman action (b)	34	29	49	57	55	96

(a) For public authority responses each year, the percentage of recommendations and suggestions relating to improved practices and procedures that were accepted by the public authority.

(b) For public authority responses each year, the number of recommendations and suggestions relating to improved practices and procedures that were accepted by the public authority.

### Comparison of Actual Results and Budget Targets

Commencing in 2007-08, the office of the Ombudsman (**the Office**) commenced a program to ensure that its work increasingly contributed to improvements to public administration. Consistent with this program, the number of improvements to practices and procedures of public authorities as a result of Ombudsman action in 2011-12 is a significant improvement on the 2011-12 budget target and 2010-11 actual results. The number of improvements to practices and procedures of public authorities as a result of Ombudsman action has now increased each year for the past three years and has nearly trebled from 2007-08.

For the fifth consecutive year, public authorities have accepted every recommendation made by the Ombudsman, matching the 2010-11 actual result and meeting the 2011-12 budget target.

## Key Efficiency Indicators

The Ombudsman's key efficiency indicators relate to the following service:

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

Key Efficiency Indicators	2007-08	2008-09	2009-10	2010-11	2011-12 Target	2011-12 Actual
Percentage of allegations finalised within three months	78%	82%	82%	78%	<b>85%</b>	<b>72%</b>
Percentage of allegations finalised within 12 months	95%	96%	99%	96%	<b>98%</b>	<b>99%</b>
Percentage of allegations on hand at 30 June less than three months old	51%	71%	63%	68%	<b>68%</b>	<b>45%</b>
Percentage of allegations on hand at 30 June less than 12 months old	85%	96%	97%	98%	<b>97%</b>	<b>99%</b>
Average cost per finalised allegation (a)	\$2,941	\$2,759	\$1,999	\$1,899	<b>\$1,900</b>	<b>\$1,866</b>
Average cost per finalised notification of the sudden or unexpected death of a child (b)	NA	NA	\$9,377	\$9,651	<b>\$9,500</b>	<b>\$10,410</b>

- (a) This is the net cost of complaint resolution services divided by the number of allegations finalised.
- (b) This is the net cost of undertaking the child death review function divided by the number of notifications finalised.

## Comparison of Actual Results and Budget Targets

Overall, the timeliness of complaint handling has substantially improved over the previous five years due to a major complaint handling improvement program introduced in 2007-08. An initial focus of the program was the elimination of aged complaints, including a high number of complaints older than twelve months of age and complaints as old as six years. In 2011-12, there has been a further reduction of aged cases with 99% of allegations finalised in less than 12 months and 99% of allegations on hand less than twelve months old. Both these figures exceed 2011-12 budget targets and 2010-11 actual results. For the fourth consecutive year, the cost per finalised allegation has reduced and the Office has exceeded the 2011-12 budget target, reflecting the efficiency dividends of the program.

The program has also ensured that over the last five years the Office has been able to manage successfully a very substantial increase in the level of complaints that commenced in mid 2009. In the current financial year, complaints increased by 23%, which followed a 67% increase in complaint numbers experienced up to the commencement of the current financial year. Overall, the Office has experienced an 83% increase in the average number of complaints received in the last three years

(2009-10 to 2011-12), compared to the average for the previous three years (2006-07 to 2008-09). In this context, the actual percentages of allegations finalised within three months and the percentage of allegations on hand less than three months old have not met 2011-12 budget targets, reflecting the fact that the Office has been required to manage the further 23% increase in complaints received in 2011-12. Pleasingly, however, despite this increase in complaints, nearly three quarters of all complaints received have been resolved in less than three months.

The Office has now developed and commenced a new organisational structure and processes to promote and support early resolution of complaints. The early resolution of complaints will be a principal focus in 2012-13 and the Office expects to meet or exceed both budget targets in 2012-13.

The average cost of \$10,410 per finalised notification of the sudden or unexpected death of a child has moderately exceeded the 2011-12 budget target, reflecting an increased complexity of certain child death reviews.

## Other Disclosures and Legal Compliance

### Ministerial Directives

The Ombudsman reports directly to the Western Australian Parliament and is not under the control of a Minister. Ministers cannot issue directives to the Ombudsman in relation to desired outcomes or operational issues.

### Other Financial Disclosures

#### Pricing Policies of Services Provided

The Office currently receives revenue for the functions outlined below.

- Costs for the Energy Ombudsman functions are recouped from the Energy Industry Ombudsman (Western Australia) Limited on a full cost recovery basis. These costs are determined by the actual staffing costs involved in delivering the service plus an allowance for overheads and the direct recovery of capital expenditure and particular operational expenses, such as travel.
- Under an arrangement with the Commonwealth Government, the Office handles enquiries and complaints from the Indian Ocean Territories about local government and Western Australian public authorities delivering services to the Territories. Each year the Office recoups costs from the Commonwealth Government for any complaints received from the Territories. Cost recovery is based on the average cost per complaint in the last two years as published in the Office's annual reports. Administrative costs and the costs of any travel to the Territories by the Ombudsman or staff and any promotional materials are also recouped in full.
- The Office is a partner with the Commonwealth Ombudsman and the New South Wales Ombudsman in an AusAID funded program in Indonesia (funded under the AusAID Government Partnership Fund), the principal goal of which is to provide greater access, across Indonesia, to more effective and sustainable Ombudsman Services. The Office recoups costs for these activities from the Commonwealth Ombudsman's Office in accordance with the Australia Indonesia Partnership for Reconstruction and Development Government Partnership Fund Guidelines.

### Capital Works

The development of a database for case management of child death reviews commenced in 2010-11. Further development was undertaken in 2011-12 to provide for case management for a new function for the Office to review family and domestic violence fatalities. The estimated total cost of the project is \$150,000 and, as at 30 June 2012, the outstanding amount required to complete the project was \$47,000, \$21,000 of which was already committed. The remaining \$26,000 will be used in 2012-13 to complete the project. There were no other major capital projects in 2011-12.

## Employment and Industrial Relations

### Employment of Staff

Staff numbers at the Office have increased in 2011-12 due to an increase in the number of complaints received in both the State Ombudsman and Energy Ombudsman jurisdictions and the commencement of the family and domestic violence fatality review function.

Over the full year for 2011-12 there was an average of 58 full-time equivalent positions (**FTEs**). There were also additional staff seconded into the Office and people employed through a recruitment agency to cover short term vacancies and work requirements.

As at 30 June 2012 there were 70 staff (63.8 FTEs) undertaking the work of the Office. There were 64 people (57.8 FTEs) directly employed by the Office, including 53 full-time employees and 13 part-time employees. This includes people on unpaid leave, contract staff providing short term expertise and backfilling staff during extended leave periods and people seconded out of the Office. The net total is adjusted for people seconded into and out of the Office and people employed through a recruitment agency to cover short term vacancies.

All employees are public sector employees operating in executive, policy, enquiry, investigation and administrative roles. The following table provides a breakdown of the categories of employment for staff as at 30 June over the past three years.

Employee Category	2009-10	2010-11	2011-12
Full-time permanent	37	40	40
Full-time contract	8	9	12
Part-time permanent	13 (8.6 FTEs)	11 (7 FTEs)	11 (5.3 FTEs)
Part-time contract	0	2 (0.9 FTEs)	1 (0.5 FTEs)
<b>TOTAL</b>	<b>58 (53.6 FTEs)</b>	<b>62 (56.9 FTEs)</b>	<b>64 (57.8 FTEs)</b>
Employees seconded out (included in numbers above)	-2 (2 FTEs)	-2 (2 FTEs)	-2 (2 FTEs)
Employees seconded in (not included in numbers above)	4 (4 FTEs)	2 (2 FTEs)	3 (3 FTEs)
Temporary staff employed through recruitment agencies	3 (3 FTEs)	4 (3.4 FTEs)	5 (5 FTEs)
<b>NET TOTAL (FTE)</b>	<b>58.6</b>	<b>60.3</b>	<b>63.8</b>
<b>NET TOTAL (Head Count)</b>	<b>63</b>	<b>66</b>	<b>70</b>



## Human Resources Strategy 2009-12

The Office continued with the implementation of the Human Resources Strategy 2009-12 (**the Strategy**) during the year. The Strategy aims to support the attraction and retention of staff and staff development through performance management and continuous professional development. Work was undertaken on the Strategy in three key areas:

- **Recruitment, Retention and Engagement of High Quality Staff**

Recruitment practices are proving successful in attracting staff to apply for positions with the Office, with high numbers of quality applications received for positions advertised during the year. The Office provides benefits for staff such as flexible work options and part-time arrangements and this is promoted in all job advertisements. Staff use flexible work options, and staff, in all areas and at all levels, have access to, and use, part-time or purchased leave arrangements as well as working from home arrangements.

- **Accounting for Performance**

The Office's performance management system includes identifying expectations as well as performance-based recognition. Managers and staff annually formalise a performance agreement that provides a framework to:

- Identify and acknowledge the contribution employees make in the achievement of the Office's operational and strategic goals; and
- Develop and retain skilled employees and assist employees achieve their professional and personal career goals.

- **Continual Learning**

The Office prepares a *Training and Continuous Professional Development Calendar* each year and in 2011-12 held four in-house training sessions and four professional development sessions for staff. Where appropriate the sessions use the expertise of senior staff of the Office to deliver the material. To supplement this in-house program, staff are encouraged to attend external training, conferences and seminars to improve their skills and knowledge in areas relevant to their work. These opportunities are facilitated through development plans as part of staff annual performance reviews and the continual learning assists with positioning the Office as an employer of choice.

## Workforce Plan

In 2011-12, the *Workforce Plan 2012-2014* was developed in accordance with the *Public Sector Commissioner's Circular 2010-02: Workforce Planning And Diversity In The Public Sector*, Part IX of the *Equal Opportunity Act 1984*, and *Strategic Directions for the Public Sector Workforce 2009-2014*. The Office has four key focus areas for 2012-2014 covering:

- The scheduled review of the strategic plan and related human resources strategies;
- Workforce reporting to Corporate Executive that shows the status of key workforce indicators;

- Collation of information on current skills of staff and future continuous professional development requirements from the performance management process; and
- Continuing to develop innovative and effective strategies to improve workforce diversity.

## Induction

The Online Induction mini-site and the Induction Reference Book are provided to all new employees to the Office. The Online Induction mini-site and Reference Book contain useful information on the Office's strategic direction, structure and roles, policies and procedures and facilities.

Staff recruited in 2011-12 have provided feedback that the induction process is welcoming and useful in assisting new employees to understand the Office's direction, expectations and processes. The product has also proved valuable for existing staff members to keep them informed and updated about policy and governance issues within the Office.

## Governance Disclosures

### Shares in Statutory Authorities

This is not relevant as the Office is not a statutory authority and does not have shares.

### Shares in Subsidiary Bodies

This is not relevant as the Office does not have any subsidiary bodies.

### Interests in Contracts by Senior Officers

The Office's *Code of Conduct* and *Conflict of Interest Policy* define conflict of interest and appropriate action to take where a conflict arises between the employee's public duty and their private interests, including during tender and purchasing processes.

Employees are aware through the *Code of Conduct* that they have an obligation to disclose interests that could reasonably create a perception of bias, or an actual conflict of interest, and members of Corporate Executive are asked to declare any interests at each Corporate Executive meeting. In addition, senior staff are aware of the *Conflict of Interest Guidelines* developed by the Integrity Coordinating Group, of which the Ombudsman is a member.

The Office's policy on identifying and addressing conflict of interest includes any interest of a senior officer, or a firm of which a senior officer is a member, or an entity in which the senior officer has a substantial financial interest, in any existing or proposed contract made with the Office.

There have been no declarations of an interest in any existing or proposed contracts by senior officers.

### Benefits to Senior Officers through Contracts

This is not applicable as no senior officers have received any benefits.

### Insurance Paid to Indemnify Directors

This is not applicable as the Office does not have any directors as defined in Part 3 of the [Statutory Corporations \(Liability of Directors\) Act 1996](#).

## Other Legal Requirements

### Advertising and Sponsorship Expenditure

During 2011-12 the Office incurred the following expenditure in relation to advertising, market research, polling, direct mail and media advertising that requires disclosure under s.175ZE of the [Electoral Act 1907](#).

Total expenditure was \$8,519 for advertising vacant positions and promoting regional visits.

Category of Expenditure	Total	Company
Advertising agencies	Nil	Nil
Market research organisations	Nil	Nil
Polling organisations	Nil	Nil
Direct mail organisations	Nil	Nil
Media advertising organisations	\$8,143	Adcorp
	\$376	Seek

### Disability Access and Inclusion Plan Outcomes

The Office is committed to providing optimum access and service to people with disabilities, their families and carers. The Office's Disability Access and Inclusion Plan includes the following initiatives.

**Initiative 1:** People with disabilities have the same opportunities as other people to access the services of, and any events organised by, a public authority.

People with a disability have an equal opportunity to participate in consultation, decision making, events, processes, complaints and other services provided by the Office. Venues for events and meetings are assessed for suitable access for people with disabilities. A notice regarding disclosure of 'special access or dietary requirements', is added to all invitations for events coordinated by the Office.

**Initiative 2:** People with disabilities have the same opportunities as others to access the buildings and other facilities of a public authority.

Disability access was a key consideration in preparation for the Office's move to Albert Facey House in March 2012. The new building provides access for people with disabilities, including lifts that accommodate wheelchairs and feature braille on the access buttons. Accessible and ambulant toilets are located on all floors used by the Office (the Ground Floor, Level 2 and Level 3), and a low reception desk on Level 2 accommodates wheelchair access. The building also includes electronic doors at the entrance and through to the lifts, a ramp at the front of the building, and a disabled parking bay beneath the building.

**Initiative 3:** People with disabilities receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.

All Office documents are in plain English and publications are available in alternative formats on request. The Office's website meets the requirements set out in the Public Sector Commission's Website Governance Framework, including access requirements. Information published on the website can be viewed and printed in alternative sizes and online documents are published in PDF format to allow browsers to use screen readers as required. TTY phone access is available and signs are provided in the reception area to assist visitors who have a hearing loss. The Office also provides suitable equipment to enable employees with vision impairments to access electronic information.

**Initiative 4:** People with disabilities receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.

The services provided by the Office have been adapted to reduce access barriers for people with disabilities and information is available in various formats on request. Staff receive disability access awareness training and watch a DVD about their obligations in dealing with people with a disability at induction. The Office has an internal guideline for staff on *Assisting complainants with vision, hearing or speech impairments*. The document is part of the internal Complaint Handling Toolkit and provides useful information, contacts and procedures for all staff when dealing with a complainant with a disability.

**Initiative 5:** People with disabilities have the same opportunities as other people to make complaints to a public authority.

A key role of the Office is to handle complaints about public authorities and anyone with a disability has an equal opportunity to make a complaint. Where necessary, the complaint process is modified to meet the needs of a person with a disability. This includes meeting people outside the Office and modifying communication strategies, for example, by using a translator (such as TTY or Auslan) where required.

**Initiative 6:** People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority.

Staff and members of the public with a disability have an equal opportunity to participate in any consultation process. Most consultation is handled electronically and the website meets disability access requirements. Documents can be made available in alternative formats to meet the needs of people with disabilities.

## Compliance with Public Sector Standards and Ethical Codes

As an independent accountability agency and a member of the Integrity Coordinating Group, the Office has a strong commitment to promoting and strengthening integrity in public authorities and building integrity in the conduct of public officers. The Office understands that its good conduct is essential to its reputation, which in turn influences its business activities. The Office aspires to lead by example and is committed to ensuring compliance with, and monitoring of, the *Public Sector Standards in Human Resource Management*, the Western Australian public sector *Code of Ethics* and the Office's *Code of Conduct*. The Corporate Executive, which includes the Ombudsman, promotes these principles and guidelines within the Office.

The Office has policies, guidelines, strategies, procedures and processes that support the application of:

- The Western Australian Public Sector *Code of Ethics*;
- The Office's *Code of Conduct*;
- The Public Sector Standards in Human Resources Management;
- Part IX of the [Equal Opportunity Act 1984](#); and
- A family friendly workplace.

An independent *Employee Perceptions Survey (the Survey)* was conducted by the Public Sector Commission in August 2011 and the results, including comparisons to the sector as a whole, were presented to Corporate Executive in November 2011. The survey, which had a strong response rate of 73%, showed high awareness of public sector standards and ethical codes. The Survey also provided useful information for the Office's continuous improvement to related policies and practices.

The following table identifies action taken to monitor and ensure compliance with each of these areas and any compliance issues that have arisen in 2011-12.

### Significant Action to Monitor and Ensure Compliance with Western Australian Public Sector Standards

Managers and staff are aware of, and are required to comply with, the *Public Sector Standards in Human Resource Management*. This is supported by policies and procedures relating to each of the public sector standards, regular professional development for managers and staff about the standards and related policies, a requirement that there be at least one trained person on selection panels and the inclusion of the policies in the induction process. Monitoring provisions include:

- For recruitment, selection and appointment, an individual review of each process is undertaken prior to the final decision to ensure compliance with the Employment Standard;
- A review process to ensure that, for acting opportunities and secondments, a merit-based process is used and there are no inadvertent extensions that result in long-term opportunities without expressions of interest or a full merit selection process;
- A monitoring process to ensure there are current performance management processes in place for all employees; and
- An independent survey of employee perceptions by the Public Sector Commission in August 2011, which included questions relating to awareness of, and compliance with, the public sector standards.

The survey showed very high awareness of the standards, and understanding of the courses of action available to staff should a breach of standard occur. A high proportion of staff also considered the Office had clearly documented policies and procedures including for employment, professional development and performance management.

**Compliance issues:** Internal reviews have shown compliance with the Standards is achieved before any final decision is made.

### Significant Action to Monitor and Ensure Compliance with Western Australian Public Sector Code of Ethics

The *Code of Ethics* is available on the Office's intranet and is part of the Online Induction for new staff. Guidelines for *Ethical and Accountable Decision Making* have been developed as a ready reference for staff when dealing with a difficult situation related to the *Code of Ethics* and the Office's *Code of Conduct*. The Guidelines are based on the *Accountable and Ethical Decision Making in the WA Public Sector* training materials provided by the Public Sector Commissioner.

The Office's *Code of Conduct* is designed to provide guidance to staff on conduct that will ensure compliance with the *Code of Ethics*. Details of further action to monitor and ensure compliance with both these ethical codes are provided below.

**Compliance issues:** There has been no evidence of non-compliance with the *Code of Ethics*.



## Significant Action to Monitor and Ensure Compliance with Ombudsman Western Australia Code of Conduct

The Office's *Code of Conduct* supports the *Code of Ethics* and links the Office's corporate values with expected standards of personal conduct. All staff, contractors and consultants who carry out work for, or on behalf of, the Office are required to comply with the spirit of the *Code of Conduct*, which has the premise that all staff accept personal responsibility for their behaviour, such behaviour being what the Office would expect of a person employed to serve the interests of the citizens of Western Australia. On appointment, all staff sign the *Code of Conduct* to confirm their understanding of its application in the workplace and swear an oath or make an affirmation about maintaining appropriate confidentiality.

Ethics and conduct related policies have been developed, including policies and procedures for declaring and managing conflicts of interest and gifts. Policies, practices and potential issues are regularly discussed at Corporate Executive and Management Consultative Committee meetings and managers and supervisors then follow this up with staff at individual team meetings. There is regular professional development for managers and staff about the ethical codes and related policies, and the codes and policies are included in the induction process.

The Office has procedures in place for reporting unethical behaviour and misconduct. The Office also has a Public Interest Disclosure Policy and strongly supports disclosures being made by staff. The Ombudsman will take all reasonable steps to provide protection to staff who make such disclosures from any detrimental action in reprisal for making a public interest disclosure. The Office has trained all Public Interest Disclosure Officers and provides guidelines to staff wishing to make such disclosures.

Monitoring provisions for both the *Code of Ethics* and the *Code of Conduct* include:

- High level review, and Ombudsman sign off, for management of conflicts of interest and gifts;
- High level analysis and sign off of requests for review of the Office's handling of a complaint and any complaints about the conduct of staff;
- Internal audits each year on financial management and every two years on procurement, that are referred to the Audit and Risk Management Committee; and
- An independent survey of employee perceptions by the Public Sector Commission In August 2011, which included questions relating to ethics and public interest disclosures.

The survey showed a high level of awareness of the Code of Ethics and the Office's Code of Conduct. A high proportion of staff were aware of the Office's policies and procedures for managing conflicts of interest and gifts, and reporting unethical behaviour and misconduct, and were aware how to make a public interest disclosure. All staff who responded considered that confidential information is only disclosed to appropriate people

**Compliance issues:** There has been no evidence of non-compliance with the Office's Code of Conduct and there were no public interest disclosures about the activities of the Office.

## Corporate Governance Framework

The Office's corporate governance framework is based on the Public Sector Commissioner's *Good Governance Guide*.

### Principle 1: Government and public sector relationship (The organisation's relationship with the government is clear)

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. The [\*Parliamentary Commissioner Act 1971\*](#) regulates the operations of the Office.

Delegations for communication and interaction between Ministers and other Parliamentary representatives are identified in the Office's *Instruments of Delegations*, in particular those relating to external communications, and staff are aware of these delegations.

### Principle 2: Management and oversight (The organisation's management and oversight is accountable and has clearly defined responsibilities)

The Office's *Strategic Plan 2009-2012* outlines the Office's vision, mission and values, and provides a framework for the strategic direction for 2009 to 2012 with identifiable key measures of success. The Office's operational planning identifies how the key strategies in the *Strategic Plan* will be achieved through a detailed list of key projects, measures and targets. The *Strategic Plan* will be reviewed in 2012 to incorporate a range of new functions coming to the Office.

Chief Executive Officer delegations are set out in the Office's *Instrument of Delegation – Chief Executive Officer Functions*. Statutory delegations under the *Parliamentary Commissioner Act 1971* and administrative arrangements for statutory roles are set out in the *Ombudsman Western Australia, Statutory Delegations and Administrative Arrangements* document.

The Office has a strong organisational policy framework covering governance, conduct, communications, information technology, human resources, finance and procurement. Policies and guidelines are available to staff through the Office's intranet and as part of the Online Induction.

The Ombudsman undertakes the role of Energy Ombudsman under a service delivery arrangement with the Energy Industry Ombudsman (Western Australia) Limited (**the governing body**). Management and oversight are included in the annual report of the Board of the governing body.

The Office has an Internal Audit and Risk Management Charter and Committee. An external quality assurance review of the Office's internal audit function has been undertaken to ensure the Office conforms with the Institute of Internal Auditors international standards for the professional practice of internal auditing.



### **Principle 3: Organisational structure** **(The organisation's structure services its operations)**

Decision making responsibilities for the Office lie with the Executive Team, comprising the Ombudsman, Deputy Ombudsman and Principal Assistant Ombudsman Strategic Services, and the Corporate Executive which also includes the leaders of the Complaint Resolution, Investigations and Inspections, Administrative Improvement and Review teams.

The Office's organisational structure has been created in line with its operations and reflects its key strategic direction covering complaint resolution, improved public administration, child death reviews, audit and review of statutory compliance, good governance and a skilled and valued workforce. The Office undertakes continuous improvement to the structure to ensure it remains relevant and effective with changes linked to the *Strategic Plan* and redirection of resources within the structure to respond to workload priorities. A detailed organisational chart provides a reference for staff on the intranet.

In 2011-12, a new position of Principal Assistant Ombudsman, Investigations and Inspections was created to bring in specialist skills for complex investigations and the inspection functions of the Office.

### **Principle 4: Operations** **(The organisation plans its operations to achieve its goals)**

The organisational structure, business processes and key performance indicators are linked to the strategic goals and outcomes in the *Strategic Plan 2009-2012*. Progress toward key performance indicators and major strategic projects is monitored through reports to the Corporate Executive and is reported in the annual report each year. Operations are linked to the *Strategic Plan*, progress on projects is reported to Corporate Executive and priorities are altered based on strategic and environmental imperatives.

An Online Complaint Handling Toolkit is available to all enquiry and investigating staff for the purpose of achieving consistent, efficient and effective complaint handling. It is updated regularly as new processes, or updates to processes occur. The Office has continued work on a Precedents Database as a reference tool for staff on past decisions and best practice examples. Processes have been developed for the ongoing identification and development of material for inclusion in the database.

A Child Death Review Advisory Panel provides independent advice to the Ombudsman. The Panel is an advisory body, separate from the administrative and policy processes of the Office, and does not review child death cases. Terms of appointment apply to all panel members.

For the Energy Ombudsman role, the Office prepares a Business Plan and Budget for approval by the Board of the governing body each year.

**Principle 5: Ethics and Integrity****(Ethics and integrity are embedded in the organisation's values and operations)**

The Office's values are to be fair, independent and accountable (including being rigorous, responsible and efficient). In line with these values, the Ombudsman observes an independent and impartial approach to the conduct of investigations as well as observing procedural fairness at all times.

Ethics and integrity are contained within the *Code of Conduct* and *Guidelines for Ethical and Accountable Decision Making*. Staff are required to sign a Conduct Agreement to confirm their understanding of the application of the *Code of Conduct* in the workplace.

As the Ombudsman is a member of the Integrity Coordinating Group, the Office coordinates activities, fosters consistency in communication and education, and collaborates on shared activities to support integrity throughout the public sector.

Through the Online Induction, staff are made aware of the [Public Interest Disclosure Act 2003](#) and the protections that apply. The Office has identified Public Interest Disclosure Officers who receive public interest disclosure information. Staff are also made aware of the Office's Conflict of Interest and Gift Policies and registers and how they should be declared. When conflict of interest declarations are made, the Ombudsman assesses what action needs to be taken and where appropriate, removes the officer from any involvement in the matter.

**Principle 6: People****(The organisation's leadership in people management contributes to individual and organisational achievements)**

It is a strategic direction of the Office to attract, develop and retain a skilled and valued workforce with a culture that supports high quality, responsive and efficient service; and to treat people professionally, courteously and with appropriate sensitivity.

The Office continues to implement its *Human Resources Strategy*, which focuses on the recruitment, retention and engagement of staff; individual performance and development; and continual learning. For more information see [Human Resources Strategy 2010-2012](#). The *Workforce Plan 2012-2014* provides a strong workforce planning framework to support the achievement of the goals in the strategy.

The Office has a strong human resources policy framework covering employment of staff, conditions of employment, flexible work arrangements, staff development, study assistance, employee relations (including grievance resolution) and occupational safety and health.

### **Principle 7: Finance** **(The organisation safeguards financial integrity and accountability)**

The Office produces an annual budget, by team and by function, which is approved by Corporate Executive to ensure that it is in line with the strategic direction of the Office. Financial integrity and accountability is secured through reporting to Corporate Executive.

The Office also has a *Financial Management Manual*, designed to assist employees to perform their tasks efficiently and effectively by assisting them to become fully conversant with the financial management aspects of the Office's operations, and to ensure disruptions to operations are minimised as a result of staff changes. The processes in the manual are consistent with relevant Treasurer's Instructions and State Supply Commission policies.

An Internal Audit and Risk Management Committee reviews an audit of financial management each year against the policies and procedures in the *Financial Management Manual*. Every two years an audit is conducted on procurement. The procurement audit in 2010-11 showed no areas of non-compliance with State Supply Commission requirements and the financial audit in 2011-12 concluded that a good level of internal control is being maintained over financial management functions to ensure compliance with financial legislation.

### **Principle 8: Communication** **(The organisation communicates with all parties in a way that is accessible, open and responsive)**

To ensure services are accessible, open and responsive, the Office communicates with its key stakeholders using a range of communication channels, adapted to suit the audience. The Office also provides guidance for dealing with people with disabilities and people from culturally and linguistically diverse backgrounds. Policies covering record keeping, records management and communications ensure the Office safeguards the confidentiality and integrity of information, preventing unauthorised or false disclosure.

Communication with external stakeholders occurs through the Office's complaint handling service, Regional Awareness and Accessibility Program, workshops, advice to public authorities, Integrity Coordinating Group Forums, publications and information on the website. Information about the Office has been translated into 15 languages and is available in other formats as requested.

Monthly Staff Meetings and separate team meetings provide a forum for sharing information internally and the Staff Consultative Committee has input into Office policies and procedures that affect staff, by considering issues and making recommendations. The committee is made up of management and staff representatives from all teams in the Office.

### Principle 9: Risk Management (The organisation identifies and manages its risks)

The Office identifies and manages its risk through a *Risk Management Plan* that has been created in line with the Office's *Strategic Plan 2009-2012*. A review of the *Risk Management Plan* was conducted during 2011-12 to ensure it continues to be relevant. The Office also has a *Business Continuity Plan* to ensure it can respond to, and recover from, any business disruption.

Under the *Risk Management Plan*, controls have been identified for significant risks and any action required is assigned to a relevant member of Corporate Executive. Progress on these actions is monitored through reporting to Corporate Executive.

The internal audit plan is based on the areas of risk identified in the *Risk Management Plan* and the Audit and Risk Management Committee oversees these audits and the *Audit Plan* for each year.

## Record Keeping Plans

### Records Management Framework

The Office is committed to maintaining a strong records management framework and aims for best practice record keeping practices. The Office is continuously improving record keeping practices to ensure they are consistent with the requirements of the [State Records Act 2000](#) and meet the needs of the Office for high quality record keeping. The Office's framework includes:

- A Record Keeping Plan, a Retention and Disposal Schedule, a Records Keeping Policy, a Records Classification Plan and Security Framework and a Records Disaster Recovery Plan;
- An electronic document records management system (**EDRMS**) called Tower Records Information Management (**TRIM**), which was implemented in 2005 and upgraded in 2011-12; and
- A series of guidelines and user manuals for staff.

### Evaluation and Review of Efficiency and Effectiveness of Systems

During 2011-12, the Office's record keeping processes continued to undergo reviews to ensure compliance with the Records Management Framework and promote best practice record keeping.

During the year the Office moved from St Martins Tower to Albert Facey House. An evaluation was conducted of the systems needed for onsite and offsite storage in the new premises to ensure that records could be safely stored and efficiently retrieved. An evaluation was also conducted to identify the best process for the transfer of records safely, confidentially, efficiently and with minimal disruption to core services.

## Records Plans and Policies

The Office has a range of plans and policies designed to ensure effective record keeping suited to the Office's needs as outlined in the Record Management Framework above.

During the year the Retention and Disposal Schedule was reviewed to provide for retention and disposal of records associated with new functions for the Office and was approved by the State Records Commission in December 2011. Following this approval the new schedule was implemented and posted on the Office's intranet.

## Offsite Storage and Disposal

The Office continues to maintain an off-site storage facility for the storage of all 'significant' complaint files and all other relevant files for the duration of their retention. A regular disposal program is undertaken to ensure ongoing onsite storage capacity and minimise use of offsite storage.

In preparation for the Office relocation in March 2012 a project was undertaken to destroy or move offsite as many files as possible. The remaining files were carefully packed into sealed crates for transportation with sensitive files being escorted by records staff members. The relocation of all business records was achieved with a minimum of disruption to staff. Records requiring immediate attention were available on the first day and full records functions were available on the second day in the new premises.

Following the review of storage of archived records, records with the sentence 'archive' are now identified and prepared for storage that meets the requirements as outlined in the State Records Office publication *Directions for keeping hardcopy State archives awaiting transfer to the State Records Office*.

This preparation involves scanning of all documents so that the Office has a complete electronic copy of a file when the hard copy file is sent offsite, removal of all staples, clips or adhesive notes and packaging in acid free polypropylene sheet protectors.

## Electronic Records Management

All incoming, outgoing and significant internal documents are saved electronically into the EDRMS. Staff are required to save their final electronic documents into the EDRMS as well as saving electronic mail and facsimiles directly into the EDRMS.

The complaints management system, RESOLVE, which was installed in April 2008 for the State Ombudsman jurisdiction and in June 2007 for the Energy Ombudsman jurisdiction, continues to perform effectively with TRIM. It increases efficiency as all records created in RESOLVE are saved automatically into the EDRMS and records saved directly to the EDRMS are able to be accessed through RESOLVE. A further RESOLVE complaints management system has been installed for the child death review function and this system is currently being upgraded to include the family and domestic violence fatality review function.

## Induction and Training

All records related plans, policies, guidelines and manuals are available on the Office's intranet to assist staff to comply with their record keeping requirements and include user friendly guides for training staff. The Office's Online Induction mini-site, developed in 2010-11, includes a section on record keeping. This is part of the induction process for new staff and is also available as a resource for existing staff members. The induction process also includes individual training sessions with new staff members conducted by the Customer Service and Records Manager soon after appointment. Follow up training and help desk assistance are provided as required.

The efficiency and effectiveness of the training for record keeping was reviewed as part of the internal audit completed in February 2011 and was found to be effectively operating in practice. An independent Survey by the Public Sector Commission in August 2011 showed most staff considered that they receive appropriate training or have access to information that enables them to meet their record keeping responsibilities and that good information management practices are promoted and supported in their work area.

## Government Policy Requirements

### Substantive Equality

The Office does not currently have obligations under the Substantive Equality Framework as it is not a member of the Strategic Management Council. However, the Office is committed to the objectives of the policy, including the elimination of systemic racial discrimination in the delivery of public services, and the promotion of sensitivity to the different needs of key stakeholders.

The Office understands the importance of appropriate service delivery for people from culturally and linguistically diverse backgrounds. To ensure that services provided by the Office are as accessible as possible:

- Information on how to make a complaint to the Ombudsman is available in 15 languages and features on the homepage of the Office's website;
- All publications are available in alternative formats and can be translated on request and information published on the Office website can be viewed and printed in alternative formats;
- TTY phone access is available, and promoted to, people with a hearing impairment;
- Details for Translating and Interpreting Services are promoted on the website and in publications for people with English as a second language; and
- Interpreters and translators are regularly used when resolving complaints. Complaints can be written in the person's first language and the Office arranges translators for the incoming complaint and outgoing response and staff use interpreters, either face to face or by telephone, when discussing complaints with people whose first language is a language other than English.

The Office also has an Equal Employment Opportunity Plan for 2010-2012.



## Occupational Safety, Health and Injury Management

### Commitment to Occupational Safety, Health and Injury Management

The Office is committed to ensuring a safe and healthy workplace. The goal is for a workplace that is free from work-related injuries and diseases by developing and implementing safe systems of work and by continuing to identify hazards and control risks as far as practicable.

The Office maintains an Occupational Safety and Health (**OSH**) framework that includes:

- Managing and reporting workplace hazards, incidents and injuries;
- Safe work practices;
- Injury management, including a Return to Work Program that extends to non-work related injuries;
- Emergency procedures; and
- General employee health and wellbeing, including an Employee Assistance Program.

All employees and contractors are made aware of their OSH responsibilities through an Online Induction that includes a component on OSH as well as safe work practices in an office environment. This is also used as an information source for existing staff. The Office's policies and guidelines are also accessible to employees through the Office's intranet.

There is a strong executive commitment to the health and safety of staff. Hazards and other issues relating to health and safety can be raised directly with the Principal Assistant Ombudsman, Strategic Services and key issues are brought to the attention of the Ombudsman, who is committed to their prompt and effective resolution.

### Consultation

The Office promotes a consultative environment in which management, staff and other stakeholders work together to continually improve OSH practices. Formal mechanisms for consultation with employees and others on OSH matters include:

- Prior to the Office's relocation to Albert Facey House in March 2012, management and staff were represented on a committee comprised of independent agencies co-located at St Martins Tower that met regularly and incorporated OSH as a standing item. At Albert Facey House, the OSH responsibilities for the building as a whole are the responsibility of the Department of Finance - Building Management and Works with input directly from individual tenants or through tenants meetings;
- The Office has OSH responsibilities within its tenancy but works closely with the building management to ensure a safe working environment is maintained;
- The Staff Consultative Committee has OSH responsibilities and a staff contact person for OSH is a member of the committee. OSH matters are a standing item on the agenda to allow Committee members to refer matters raised by staff to the

committee for resolution and inform their team of issues and safe working practices raised at committee meetings;

- There is dissemination of OSH information and discussion at monthly Staff Meetings;
- There is regular training on OSH matters for both management and staff. In 2011-12 there was OSH training for managers in October 2011 and a follow up session in December 2011, an OSH session for staff in December 2011 and an ergonomic education session for staff in June 2012, after the move to new premises in March; and
- There is a contact person for the change in Office premises who handles OSH issues and identification of hazards arising from the move to new premises.

### Statement of Compliance

The Office complies with the injury management requirements of the [Workers' Compensation and Injury Management Act 1981](#) and is committed to providing injury management support to all workers who sustain a work related injury or illness with a focus on a safe and early return to their pre-injury/illness position. Rehabilitation support is also provided to employees with non-work related injuries or when recovering from a protracted illness.

As part of this approach, the Office encourages early intervention in injury management, and ensures there is early and accurate medical assessment and management of each injury, work related or not.

### Self Evaluation

An audit of the Office's OSH systems was conducted internally in 2009 against the elements of the WorkSafe Plan. The results of the audit were used to develop an OSH framework that was endorsed by the Staff Consultative Committee and approved by Corporate Executive in June 2009.

There is ongoing review of the Office's emergency procedures for dealing with unreasonable conduct by visitors to the Office and interim procedures were put in place during the transition to Albert Facey House to ensure the safety of staff while alarms were being tested.

Internal evaluation of the new accommodation at Albert Facey House was conducted both before and after moving to the new Office and identified OSH changes have been promptly addressed.



During 2011-12 there were two trial evacuations of St Martins Tower, where the fire alarms were sounded and all staff in St Martins Tower were evacuated for drill purposes. There has been one similar trial evacuation of Albert Facey House since the Office relocated there in March 2012.

Following the move to Albert Facey House, an external accredited assessment of the Office's OSH management systems will be undertaken in 2012-13.

### Annual Performance

During 2011-12, there were no workers' compensation claims recorded within the Office.

The Office's OSH and injury management statistics for 2011-12 are shown below.

Occupational Safety and Health Statistics	2011-12 Target	2011-12 Actual
Number of fatalities	0	Target achieved, 0
Lost time injury/diseases (LTI/D) incidence rate	0	Target achieved, 0
Lost time injury severity rate	0	Target achieved, 0
Percentage of injured workers returned to work within (i) 13 weeks; and (ii) 26 weeks	Greater than or equal to 80% return to work within 26 weeks	Not applicable - no lost time injuries
Percentage of managers and supervisors trained in occupational safety, health and injury management responsibilities	> 80%	Target achieved, 86%

This page has been intentionally left blank.

## Appendices

This section provides additional information to assist readers.

- [Appendix 1 – Complaints Received and Finalised](#)
- [Appendix 2 – Legislation](#)
- [Appendix 3 – Publications](#)



Fair  
Independent  
Accountable

## Appendix 1 – Complaints Received and Finalised

	Total Complaints Received in 2011-12	Complaints finalised at assessment				Complaints finalised at investigation				Total Complaints Finalised in 2011-12	
		Issue not in jurisdiction	More appropriate body to handle complaint	Referred back to the public authority	Further investigation not warranted	Resolved	Sustained	Not sustained or cannot be determined	Discontinued		Withdrawn
PUBLIC SECTOR											
Agriculture and Food, Department of	4	1			2	1		1			5
Assessor of Criminal Injuries Compensation	1					1					1
Attorney General, Department of the	18	3	3	3	2	7					18
Builders' Registration Board						1					1
Building Disputes Tribunal	2							1			1
Busselton Water Board	2					1					1
Cemetery Boards	4	2		2		2					6
Central Institute of Technology	6			1		1		2		2	6
Challenger Institute of Technology	2	1								1	2
Child Protection, Department for	57	1	1	17	9	20	1	1		3	53
Commerce, Department of	47	4	3	9	20	11		1		1	49
Communities, Department for	10			1		7		1			9
Conservation Commission of WA	1			1							1
Corrective Services, Department of	502	6	17	87	69	49	1	5		7	241
Culture and the Arts, Department of	1				2						2
Disability Services Commission	1				1			2			3
Education Services, Department of	6	1				2					3
Education, Department of	32	1		7	10	6		2	1	2	29
Electoral Commission	1	1									1
Environment and Conservation, Department of	14	1	1	2	3	10				1	18
Environmental Protection Authority, Office of the	2					1		1			2
Finance, Department of	14	2	2	3	1	4					12
Financial Institutions Authority	1	1									1
Fire and Emergency Services Authority	2					1					1
Fisheries, Department of	3					3					3
Forest Products Commission	7	1	2	1	3	1					8
Gold Corporation	2				2						2
Government Employees Superannuation Board	3				2	1					3
Health and Disability Services Complaints Office	1					1				1	2
Health, Department of	24	7	2	8	6	3				3	29
Heritage Council	1										
Housing, Department of	137	6	2	14	27	94	1	6		2	152
Indigenous Affairs, Department of	2				1			1			2
Industrial Relations Commission Registrar, Department of the						1					1
Insurance Commission of Western Australia	5				3	2		1			6
Keep Australia Beautiful Council	1				1						1
Land Surveyors Licensing Board	1										

	Total Complaints Received in 2011-12	Complaints finalised at assessment				Complaints finalised at investigation				Total Complaints Finalised in 2011-12	
		Issue not in jurisdiction	More appropriate body to handle complaint	Referred back to the public authority	Further investigation not warranted	Resolved	Sustained	Not sustained or cannot be determined	Discontinued		Withdrawn
Landcorp (WA Land Authority)	2	1		1							2
Landgate	10		2	3		3				2	10
Legal Aid WA	8			1	5	3					9
Legal Practice Board	1		1								1
Legal Profession Complaints Committee	6	1			3					1	5
Local Government, Department of	4				2	3			1		6
Main Roads WA	7	1			2	3					6
Mental Health Review Board					1						1
Mines and Petroleum, Department of	1			1		1					2
Occupational Therapists Registration Board	1										
Planning, Department of	4		1		3						4
Plumbers Licensing Board	2			1		1		1			3
Polytechnic West	6		1		1	1		2		1	6
Premier and Cabinet, Department of	1				1						1
Prisoners Review Board	9	2	1		5	2					10
Public Advocate	6				1	3					4
Public Sector Commission	1			1							1
Public Transport Authority	9		2	2	2	3				4	13
Public Trustee	22			10	7	3		1	1		22
Racing, Gaming and Liquor, Department of	2										
Real Estate and Business Agents Supervisory Board	2		1			1					2
Regional Development and Lands, Department of	2			1	1						2
Rottnest Island Authority	2		1					1			2
School Curriculum and Standards Authority	3			1		1					2
SERCO - Acacia Prison	38	2	3	13	11	12	17	4		1	63
Training and Accreditation Council	2		1								1
Training and Workforce Development, Department of	3			1		1		1		1	4
Transport, Department of	68	1	1	15	24	28		1		3	73
Veterinary Surgeons' Board								1			1
Water Corporation	35	1	4	17	9	6		1			38
Water, Department of	9			2	1	4		3			10
West Coast Institute of Training	4				1			3			4
Western Australia Police	148	12	21	75	31	23		4		4	170
Western Australian College of Teaching	2				1	2					3
Western Australian Planning Commission	6		1	1		2		3			7
Western Power Corporation	1			1	1						2
Workcover	3		1		1					2	4
TOTAL PUBLIC SECTOR COMPLAINTS	1347	60	75	303	278	337	20	51	3	42	1169

	Total Complaints Received in 2011-12	Complaints finalised at assessment				Complaints finalised at investigation				Total Complaints Finalised in 2011-12	
		Issue not in jurisdiction	More appropriate body to handle complaint	Referred back to the public authority	Further investigation not warranted	Resolved	Sustained	Not sustained or cannot be determined	Discontinued		Withdrawn
LOCAL GOVERNMENT											
Albany, City of	9		1		4	1		2			8
Armadale, City of	4				1	2					3
Augusta / Margaret River, Shire of	4				1	4					5
Bassendean, Town of	1			1							1
Bayswater, City of	7			2	3	2					7
Belmont, City of	1							1			1
Brookton, Shire of	2				1						1
Broome, Shire of	2			1	1						2
Bunbury, City of	1					2					2
Busselton, City of	4			2		2					4
Cambridge, Town of	2		1			1					2
Canning, City of	10			1	6	2					9
Capel, Shire of	1							1			1
Carnarvon, Shire of	4	1				1					2
Chapman Valley, Shire of	1										
Chittering, Shire of	2			1							1
Christmas Island, Shire of	1					2					2
Claremont, Town of	4				2					1	3
Cockburn, City of	6			1	1	1				1	4
Collie, Shire of	2	1				2					3
Coolgardie, Shire of	1		1								1
Coorow, Shire of	1		1								1
Cottesloe, Town of	3				1	1				1	3
Cranbrook, Shire of	2				1	1					2
Cue, Shire of	1				1						1
Dalwallinu, Shire of	1										
Dardanup, Shire of	3					1		1			2
Denmark, Shire of	2					2					2
Donnybrook / Balingup, Shire of	2				1						1
Dumbleyung, Shire of	1	1									1
Dundas, Shire of	1					1					1
East Fremantle, Town of	2					3					3
Exmouth, Shire of	1			1							1
Fremantle, City of	6			1	2	3					6
Gingin, Shire of	2			1	1	1					3
Gosnells, City of	9	1		1		3					5
Greater Geraldton, City of	4	1			2	3					6
Harvey, Shire of	5				3	1					4
Joondalup, City of	19	1	4	3	5	5		1			19
Kalamunda, Shire of	8			1	2	3					6
Kalgoorlie / Boulder, City of	3				1	1					2
Katanning, Shire of	4		1		2	1					4
Kellerberrin, Shire of		1									1

	Total Complaints Received in 2011-12	Complaints finalised at assessment				Complaints finalised at investigation				Total Complaints Finalised in 2011-12	
		Issue not in jurisdiction	More appropriate body to handle complaint	Referred back to the public authority	Further investigation not warranted	Resolved	Sustained	Not sustained or cannot be determined	Discontinued		Withdrawn
Kulin, Shire of	1				1						1
Kwinana, Town of	2	1									1
Mandurah, City of	4				1	2					3
Manjimup, Shire of						1			1		2
Melville, City of	12		1		4	8				1	14
Mt. Magnet, Shire of	1			1							1
Mukinbudin, Shire of	1				1						1
Mundaring, Shire of	4			1		6					7
Murray, Shire of	2			1	1	1					3
Nedlands, City of	2					1		1			2
Northam, Shire of	1					2		1			3
Northampton, Shire of	2		1								1
Perenjori, Shire of						1					1
Perth, City of	14	1		2	11	1					15
Pingelly, Shire of	1		1								1
Port Hedland, Town of	2					2					2
Rockingham, City of	8		1	1	1	6					9
Serpentine / Jarrahdale, Shire of	3									2	2
South Perth, City of	7				1	3					4
Stirling, City of	22		2	3	2	11		1			19
Subiaco, City of	2					1					1
Swan, City of	15		1	3	3	4				1	12
Toodyay, Shire of	2					2					2
Victoria Park, Town of	8				3	5					8
Victoria Plains, Shire of	1				1	1					2
Vincent, City of	5			1	2	1					4
Wanneroo, City of	10				2	8					10
Westonia, Shire of	1										
Wickepin, Shire of	1					1					1
Wyndham / East Kimberley, Shire of						1					1
York, Shire of	2			1		2					3
TOTAL LOCAL GOVERNMENT COMPLAINTS	285	9	16	31	76	123	0	9	1	7	272

	Total Complaints Received in 2011-12	Complaints finalised at assessment				Complaints finalised at investigation				Total Complaints Finalised in 2011-12	
		Issue not in jurisdiction	More appropriate body to handle complaint	Referred back to the public authority	Further investigation not warranted	Resolved	Sustained	Not sustained or cannot be determined	Discontinued		Withdrawn
UNIVERSITIES											
Curtin University	30		2	2	2	7		18		5	36
Edith Cowan University	19	1		3	3	5		4			16
Murdoch University	9		2	2		2		2			8
University of Notre Dame	3										
University of Western Australia	6			3	1	4		1			9
TOTAL UNIVERSITIES	67	1	4	10	6	18	0	25	0	5	69
OUT OF JURISDICTION											
Organisation not identified	76	34	21	4	20	2				1	82
Out of jurisdiction	651	338	315	3	2					2	660
TOTAL OUT OF JURISDICTION	727	372	336	7	22	2	0	0	0	3	742
TOTAL COMPLAINTS											
Total complaints about agencies in jurisdiction	1699	70	95	344	360	478	20	85	4	54	1510
Total complaints about agencies not in jurisdiction	727	372	336	7	22	2				3	742
GRAND TOTAL	2426	442	431	351	382	480	20	85	4	57	2252



## Appendix 2 - Legislation

### Principal Legislation

- Parliamentary Commissioner Act 1971

### Legislation and Other Instruments Governing Other Functions

<b>Telecommunications Interception</b>	<ul style="list-style-type: none"> <li>• <u>Telecommunications (Interception and Access) Act 1979 (Commonwealth)</u></li> <li>• <u>Telecommunications (Interception and Access) Western Australia Act 1996</u></li> </ul>
<b>Reviewing appeals by overseas students</b>	<ul style="list-style-type: none"> <li>• <u>National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007</u></li> </ul>
<b>Public Interest Disclosure</b>	<ul style="list-style-type: none"> <li>• <u>Public Interest Disclosure Act 2003</u></li> </ul>
<b>Indian Ocean Territories</b>	<ul style="list-style-type: none"> <li>• <u>Indian Ocean Territories (Administration of Laws) Act 1992</u></li> <li>• <u>Christmas Island Act 1958</u></li> <li>• <u>Cocos (Keeling) Islands Act 1955</u></li> </ul>
<b>Terrorism</b>	<ul style="list-style-type: none"> <li>• <u>Terrorism (Preventative Detention) Act 2006</u></li> </ul>
<b>Energy Ombudsman</b>	<ul style="list-style-type: none"> <li>• <u>Parliamentary Commissioner Act 1971 (section 34)</u></li> <li>• <u>Economic Regulation Authority Act 2003</u></li> <li>• <u>Electricity Industry Act 2004</u></li> <li>• <u>Energy Coordination Act 1994</u></li> </ul>

### Other Key Legislation Impacting on the Office's Activities

- Auditor General Act 2006;
- Disability Services Act 1993;
- Equal Opportunity Act 1984;
- Financial Management Act 2006;
- Industrial Relations Act 1979;
- Minimum Conditions of Employment Act 1993;
- Occupational Safety and Health Act 1984;
- Public Sector Management Act 1994;
- Salaries and Allowances Act 1975;
- State Records Act 2000; and
- State Supply Commission Act 1991

## Appendix 3 – Publications

The following publications are available electronically on the Ombudsman's website at [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au) and in hard copy, in various formats, by request to [mail@ombudsman.wa.gov.au](mailto:mail@ombudsman.wa.gov.au).

### Brochures and Posters

#### About the Ombudsman

- Ombudsman Western Australia Brochure
- Ombudsman Western Australia Summary Posters
- Ombudsman Western Australia Summary Brochure

### Guidelines and Information Sheets for Members of the Public

#### Making a Complaint

- How to complain to the Ombudsman (translated into 15 community languages)
- Making a complaint to the Ombudsman (summary information sheet)
- Complaining to the Ombudsman - Information for prisoners
- Complaints by overseas students
- Making a complaint to a State Government agency

#### How Complaints are Handled

- Overview of the complaint management process - Information for complainants
- How we assess complaints
- Assessment of complaints checklist
- Being formally interviewed by the Ombudsman
- Requesting the review of a decision

## Guidelines and Information Sheets for Public Authorities

### General Information

- Information for agencies – About the Ombudsman
- Information for local governments – About the Ombudsman
- Information for universities – About the Ombudsman
- Overview of the complaint management process - Information for public authorities
- Information for boards and tribunals

### Information Packages

The following publications are available as individual documents and as a suite of documents under the headings listed:

#### Guidelines on Decision Making

- Exercising discretion in administrative decision making
- Procedural Fairness
- Giving reasons for decisions
- Good record keeping

#### Effective Complaint Handling

- The principles of effective complaint handling
- Effective handling of complaints made to your organisation – An overview
- Complaint handling system checklist
- Making your complaint handling system accessible
- Guidance for complaint handling officers
- Investigation of complaints
- Conducting administrative investigations
- Procedural Fairness
- Good record keeping
- Remedies and Redress
- Dealing with unreasonable complainant conduct
- Managing unreasonable complainant conduct practice manual

#### Conducting Investigations

- Conducting administrative investigations
- Investigation of complaints
- Procedural fairness (natural justice)
- Giving reasons for decisions
- Good record keeping

This page has been intentionally left blank.



**Serving Parliament - Serving Western Australians**

**Office Address:**

2nd Floor, Albert Facey House, 469 Wellington Street PERTH WA 6000

**Postal Address:**

PO Box Z5386, PERTH WA 6831

**Telephone:**

(08) 9220 7555 or 1800 117 000 (toll free for country callers)

National Relay Service 133 677

*(for people with voice or hearing impairment)*

Translating and Interpreting Service 131 450

*(for people who need an interpreter)*

**Facsimile:**

(08) 9220 7500

**Email:**

[mail@ombudsman.wa.gov.au](mailto:mail@ombudsman.wa.gov.au)

**Web:**

[www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au)

First published by Ombudsman Western Australia in September 2012.  
This report was written, designed, printed and converted for electronic viewing in-house.

