



## Overview

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

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Fair  
Independent  
Accountable

## Ombudsman's Foreword

I am very pleased to present the 2012-13 Annual Report of the Western Australian Ombudsman. The office of the Ombudsman (**the Office**) has four principal functions, which are to:

- Investigate and resolve complaints about State government agencies, local governments and universities;
- Review certain child deaths and family and domestic violence fatalities;
- Undertake own motion investigations and education and liaison programs with public authorities; and
- Undertake a range of additional functions.



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

During 2012-13, the continuation of our major complaint handling improvement program, introduced in 2007-08, resulted in 83 per cent of complaints being finalised within three months and 99 per cent of complaints being finalised within 12 months. For the fifth consecutive year, the cost of handling complaints has reduced.

Overall, aged cases have been virtually eliminated, with 2 cases older than 12 months at 30 June 2013 compared to 20 at 30 June 2007. During the same time, the average age of complaints has reduced from 173 days to 33 days. In the last five years, the cost of handling complaints has reduced by 38 per cent. These improvements have been made in the context of a very significant increase in complaints that occurred in 2009-10.

This year, we continued to undertake a significant level of work in relation to our child death review role 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 also led to two major own motion investigations into issues, patterns and trends arising from our reviews.

The first major own motion investigation, *Investigation into ways that State Government departments can prevent or reduce sleep-related infant deaths*, was tabled in Parliament in November 2012. The investigation found that the Department of Health has undertaken a range of work to contribute to safe sleeping practices in Western Australia, however, there is still important work to be done. This work particularly includes establishing a comprehensive statement on safe sleeping that will form the basis for safe sleeping advice to parents. 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. The second own motion investigation in relation to suicide by young people will be tabled in Parliament in 2014.

During the year, we also commenced an own motion investigation into local government collection of outstanding rates which will be tabled in Parliament in 2014.

On 1 July 2012, we commenced an important new function to review family and domestic violence fatalities. Significant work has been undertaken during the year to develop the structures and processes to ensure that the function is undertaken effectively and efficiently.

In 2007-08, we commenced a new program aimed at addressing the historical under-representation of regional and Aboriginal 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, liaison activities with Aboriginal communities, complaint clinics for the general public, and visits to regional prisons. The program has continued this year with visits to the Pilbara and South West regions.

In a very busy year for the Office, I take this opportunity to recognise the outstanding contribution of my staff team. I thank each of 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 investigating complaints and from undertaking major own motion investigations. The Office also undertakes an important range of reviews, inspections and additional functions, such as the Energy Ombudsman. In undertaking all of these functions, the Office is committed to providing services to the Parliament and the people of Western Australia that are of the highest quality and efficiency. This is a commitment that I strongly believe we have fulfilled this year.



Chris Field  
**Western Australian Ombudsman**

## **The Year in Brief for 2012-13**

### **Resolving Complaints**

#### **Complaints and Enquiries**

There were 11,710 contacts with the Office, including 9,445 enquiries and 2,265 complaints.

#### **Timely Complaint Handling**

Timely complaint handling in 2012-13 meant that:

- 83% of allegations were finalised within 3 months; and
- There has been a reduction of 67% in the average age of complaints on hand.

Following the introduction of the Office's complaint handling improvement program in 2007-08, very significant improvements have been achieved in timely complaint handling, including:

- The average age of complaints decreased from 173 days at 30 June 2007 to 33 days at 30 June 2013; and
- Complaints on hand older than 12 months have decreased by 90%.

#### **Efficient Complaint Handling**

- The average cost of finalising allegations has reduced this year to \$1,821.
- As a result of the Office's complaint handling improvement program, commencing in 2007-08, the average cost of finalising allegations has now reduced for five consecutive years by a total of 38% (from \$2,941 per finalised allegation in 2007-08 to \$1,821 per finalised allegation in 2012-13).

### **Child Death Reviews**

- There were 37 investigable child deaths.
- Timely review processes have resulted in 68% of reviews completed within 3 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.

## **Family and Domestic Violence Fatality Reviews**

An important new function to review family and domestic violence fatalities commenced on 1 July 2012. In the first year of operation:

- Significant work has been undertaken to develop structures and processes to ensure that the function is undertaken effectively and efficiently;
- There were 20 reviewable family and domestic violence fatalities from a total of 22 notifications; and
- Issues, patterns and trends arising from family and domestic violence fatality reviews have been identified and are set out in the Annual Report.

## **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 ways that State Government departments can prevent or reduce sleep-related infant deaths was tabled in Parliament in November 2012. The investigation found that the Department of Health has undertaken a range of work to contribute to safe sleeping practices in Western Australia. However, there is still work to be done, particularly in relation to establishing a comprehensive statement on safe sleeping that will form the basis for safe sleeping advice to parents. The report made 23 recommendations, all of which were accepted by the agencies involved.
- Significant work has been undertaken on own motion investigations into ways that State Government departments and authorities can prevent or reduce suicide by young people and local government collection of outstanding rates.

## **Collaboration and Access to Services**

- Liaison and collaboration with other Ombudsmen and Western Australian accountability agencies has been undertaken.
- Access for regional Western Australians, in particular Aboriginal Western Australians, continued to be a focus through the Office's Regional Access and Awareness Program.

## 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 undertaking the Ombudsman's functions.

### Functions of the Ombudsman

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

#### Principal Functions

<b>Investigating and resolving complaints</b>	Receiving, investigating and resolving complaints about State Government agencies, local government and universities.
<b>Reviewing certain deaths</b>	Reviewing certain child deaths and family and domestic violence fatalities.
<b>Undertaking own motion investigations 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 range of additional 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 Australian Government, the Ombudsman handles complaints from residents of the Indian Ocean Territories (Christmas and Cocos (Keeling) Islands) about public authorities in the Ombudsman's jurisdiction.
<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 family and domestic violence fatalities and improvements to public administration to reduce or prevent child deaths and family and domestic violence fatalities.
- Inspection of the records of telecommunications interception activities and review of appeals by overseas students.
- Good governance and maintaining a skilled and valued workforce.

## Executive Management

Executive management of the Office is undertaken by the Executive Management Group comprised of the Ombudsman, Deputy Ombudsman, Principal Assistant Ombudsman Strategic Services and Principal Assistant Ombudsman Investigations and Inspections and the Office's Corporate Executive which includes each member of the Executive Management Group and the leaders of the Complaint Resolution, Administrative Improvement and Review teams.

The role of executive management is to:

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

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

## 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**



Karen commenced her role as Principal Assistant Ombudsman Investigations and Inspections in October 2012. She has significant experience as a legal practitioner in the WA public sector, including eight years investigating and managing complaints against legal practitioners.

**Karen Whitney, Principal Assistant Ombudsman  
Investigations and Inspections**

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, Principal Assistant Ombudsman Own Motion Investigations**



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**

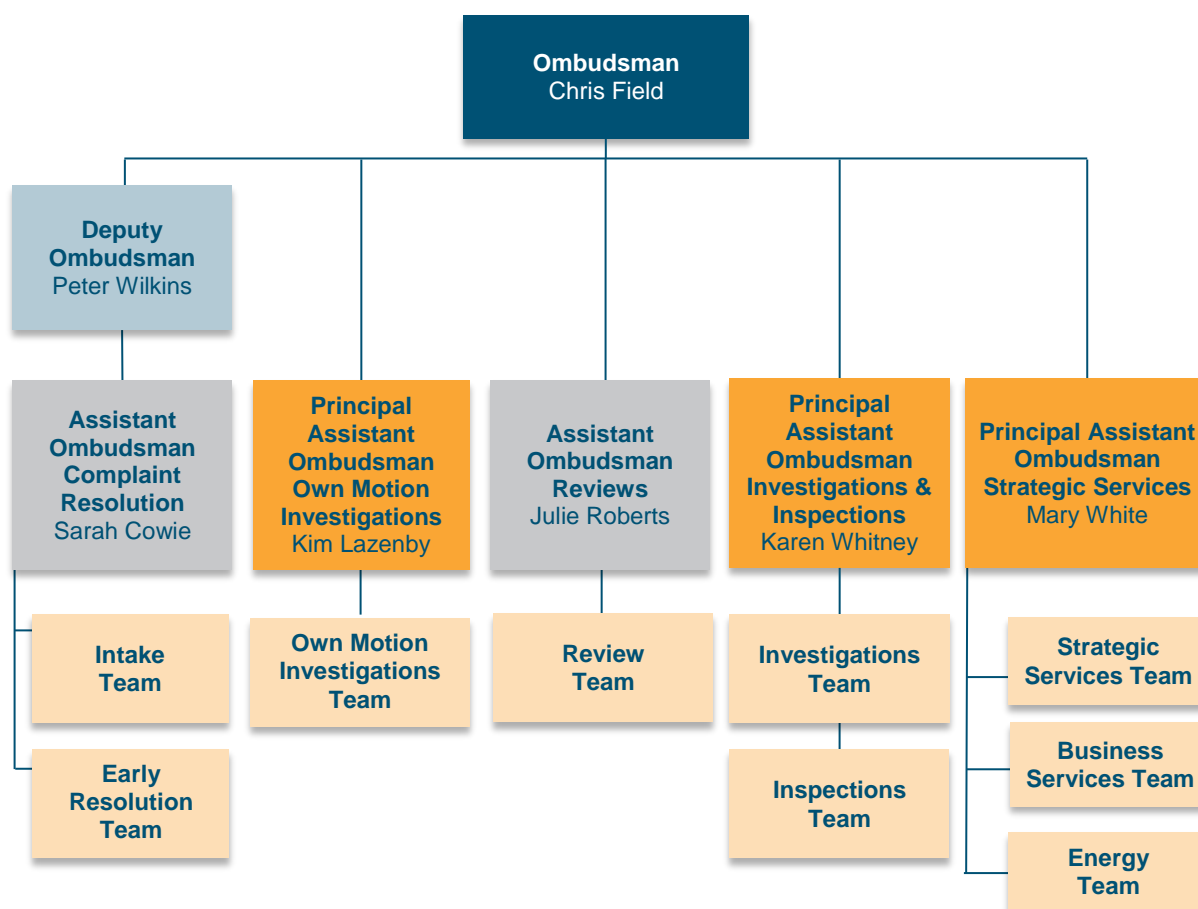
Julie joined the Office in 2005 and commenced her current role as an Assistant Ombudsman in June 2009. Julie has more than 25 years' experience in the Commonwealth and State public sectors and the non-government community services sector.



### **Julie Roberts, Assistant Ombudsman Reviews**

## Our Structure and Teams

Organisational Structure as at 30 June 2013



## Team Responsibilities

- The **Complaint Resolution Team** includes the Intake Team and the Early Resolution Team and has responsibility for handling enquiries, receiving and assessing complaints, and the early resolution of complaints where appropriate.
- The **Own Motion Investigations Team** undertakes own motion investigations and other strategies aimed at improving public administration.
- The **Review Team** reviews certain child deaths and family and domestic violence fatalities, identifies patterns and trends arising from these reviews and makes recommendations to relevant public authorities to prevent or reduce 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 death review notification.

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