



# Annual Report 2008-09

**Ombudsman Western Australia**  
Serving Parliament – Serving Western Australians

# Ombudsman Western Australia

Serving Parliament – Serving Western Australians

## 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

We value being:

- **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

Our strategic focus is:

- Complaint resolution that is independent, fair and timely raising community awareness of our role and increasing access to our services;
- Improved public administration through investigation of concerns that affect the broader community, recommending improvements and promoting good practice;
- Review and investigation of certain child deaths and recommendations to the Department for Child Protection and other public authorities;
- Audit of telecommunications intercepts and review of appeals by international students; and
- Good governance and maintaining a skilled and valued workforce.

For contact details, please see inside back cover.  
ISSN: 1832-245X

## Contents

Performance Highlights 2008-09 .....	4
Ombudsman's Foreword.....	6
Overview of the Ombudsman's Office.....	7
Executive Summary	8
Operational Structure	10
Performance Management Framework	16
Agency Performance – Report on Operations.....	17
Key Financial and Performance Outcomes	18
Complaint Resolution	18
Improved Public Administration	57
Child Death Review and Investigations	67
Audit and Review of Statutory Compliance	68
Communications and Access	69
Significant Issues Impacting the Office .....	73
Disclosures and Legal Compliance .....	77
Appendices .....	131
Appendix 1 - Allegations Received and Outcomes of Allegations Finalised by Public Authorities	132
Appendix 2 - Process for Assessing and Handling Complaints and Dealing with Enquiries	136
Appendix 3 - Publications	140

To the Hon. Barry House MLC, President of the Legislative Council and  
the Hon. Grant Woodhams MLA, Speaker of the Legislative Assembly.

In accordance with Section 61 of the *Financial Management Act 2006*, I submit to Parliament the Annual Report of the Parliamentary Commissioner for Administrative Investigations for the year ended 30 June 2009. The report has been prepared in accordance with the provisions of the *Financial Management Act 2006* and section 27 of the *Parliamentary Commissioner Act 1971*.



Chris Field  
**Western Australian Ombudsman**

## Performance Highlights 2008-09

Substantially improved timeliness of complaint resolution:

- 61% reduction in the average time to finalise complaints;
- 72% reduction in open complaints older than 6 months; and
- 84% reduction in open complaints older than 12 months.

Improved timeliness in complaint handling over the last three years has resulted in:

- Average time to resolve complaints  
– down from 271 days to 72 days;
- Open complaints older than 6 months  
– down from 199 to 22; and
- Open complaints older than 12 months  
– down from 97 to 6.

Our complaint resolution work resulted in:

- 124 remedial actions by public authorities to assist complainants;
- 69 improvements to public administration; and
- 100% of our recommendations accepted by public authorities.

Improved awareness of, and accessibility to, our office through:

- Two regional visits involving complaint clinics and workshops for public authorities, community groups and Indigenous people;
- Hosting the Integrity Coordinating Group Forum; and
- Ombudsman speeches and media appearances.

Improved public administration through two major Ombudsman projects examining:

- Management of personal information by public authorities; and
- Effective administration of complaint handling systems by public authorities.

Establishment of the important new Child Death Review jurisdiction that will work to:

- Review the deaths of certain children known to the Department for Child Protection; and
- Where appropriate, recommend improvements to the way that public authorities operate to help prevent deaths of children.

Development of our strategic direction over the next three years through:

- The Ombudsman's Strategic Plan 2009-11; and
- Establishing a Human Resources Strategy covering attraction and retention, performance management and staff development.

## Ombudsman's Foreword

It gives me great pleasure to present my third annual report as Western Australian Ombudsman. The twelve month period documented in this annual report has been the most significant period of activity in my time of office. In last year's annual report I indicated that, despite very significant improvements in our performance in recent years, there was still:

much work to be achieved in reducing the time taken to resolve complaints, eliminating aged complaints, reducing the cost per complaint investigation, increasing our accessibility and awareness, particularly to regional and indigenous Western Australians, and enhancing our contribution to administrative improvements and accountability.



This year, I am very pleased to report substantial progress in each of these areas. A range of new complaint handling processes has improved the timeliness and quality of our investigations, resulting in a 61 per cent reduction in the average time to finalise complaints this year. Indeed, over the last three years the average time to resolve complaints has reduced from 271 days to 72 days and we have now nearly eliminated aged complaints with only 6 cases older than twelve months, down from 97 cases three years ago. In doing so, we have exceeded every Key Efficiency Indicator forecast for the year and at a lower cost per finalised complaint.

The creation of our Administrative Improvement Team, and the development of systems to improve our identification of themes that may require further investigation, has led to two major projects - the first examining management of personal information by public authorities and the second looking at complaints management by public authorities.

This year we commenced a major new initiative – the Ombudsman Regional Awareness and Accessibility Program. As part of the program we visited the Goldfields and Mid West regions and undertook complaints clinics for the public as well as workshops for public authorities, community groups and Indigenous Western Australians.

We also established an important new jurisdiction reviewing child deaths. The Child Death Review Team will be responsible for reviewing certain child deaths and, where appropriate, recommending improvements to the way that public authorities operate to help prevent deaths of children.

Our successful work this year is the result of the combined achievements of a very dedicated, professional team. I take this opportunity to thank each of them for their contribution.

Western Australian citizens have a right to expect us to act independently to deliver fair, timely and effective resolution of complaints, achieve improvements to the standard of public administration over time and contribute to government services hallmarked by integrity, accountability and responsiveness. This year I am very pleased to say that we have delivered in each of these areas more effectively and efficiently than last year.

A handwritten signature in black ink, appearing to read 'Chris Field', written over a light-colored background.

**Chris Field**  
Western Australian Ombudsman

# Overview of the Ombudsman's Office

Executive Summary .....	8
Operational Structure .....	10
The Ombudsman	10
Strategic Direction	10
Role and Functions of the Ombudsman	10
Governance Framework	12
Organisational Structure	14
Shared Business Services	15
Performance Management Framework.....	16
Relationship to Government Goals	16

## Executive Summary

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

### Complaint Resolution

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

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

Our complaint resolution work resulted in:

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

### Improved Public Administration

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

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

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

### Child Death Review and Investigation

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

### Audit and Review of Statutory Compliance

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

### Good Governance and a Skilled and Valued Workforce

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

## Operational Structure

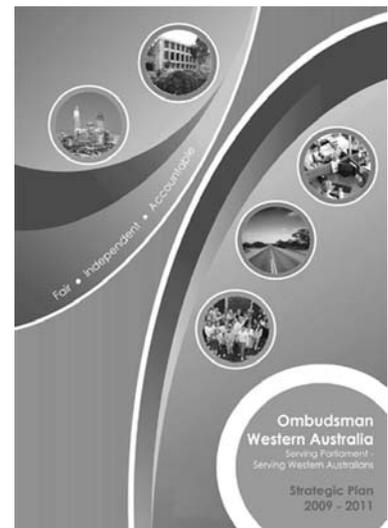
### The Ombudsman

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

### Strategic Direction

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

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



### Role and Functions of the Ombudsman

#### Principal Functions

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

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

## Other Functions

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

---

### Public Interest Disclosure

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

---

### Terrorism

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

---

### Indian Ocean Territories

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

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

---

### Right of appeal for international students

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

---

### Energy Ombudsman

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

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

---

### Telecommunications Interception

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

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

## Governance Framework

### Corporate Executive

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

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



Photo: Jacaranda Photography

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

**Chris Field**  
*Ombudsman*

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

**Peter Wilkins**  
*Deputy Ombudsman*

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

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

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

**Kim Lazenby**  
*Assistant Ombudsman, Administrative Improvement*

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

**Andrew Harvey**  
*Assistant Ombudsman, Complaint Resolution*

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

**Julie Roberts**  
*A/Assistant Ombudsman, Child Death Review*

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

## Plans, Policies and Delegations

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

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

## Internal Audit

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

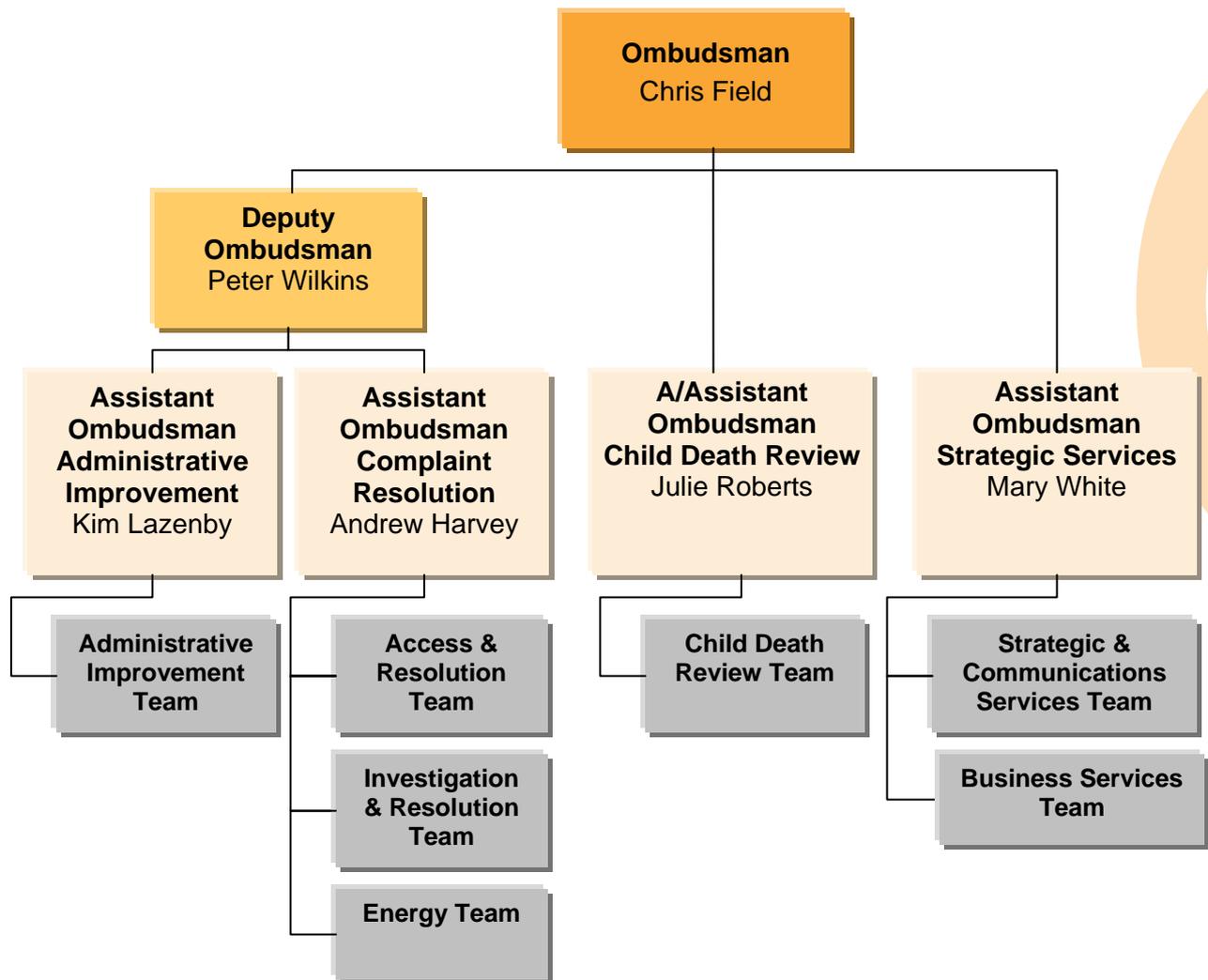
## Organisational Structure

The Ombudsman's office has five key business areas:

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

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

**Organisational structure as at 30 June 2009**



**Shared Business Services**

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

# Performance Management Framework

## Relationship to Government Goals

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

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

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

# Agency Performance – Report on Operations

Key Financial and Performance Outcomes.....	18
Summary of Financial Performance	18
Summary of Performance Outcomes	19
Complaint Resolution.....	20
Corrective Services	29
Local Government	32
Public Housing	35
Public Education Sector	38
International Students	42
Western Australia Police	43
Department for Planning and Infrastructure	46
Department for Child Protection	49
Health and Hospitals	52
Other Complaint Handling Functions	55
Improved Public Administration .....	57
Ombudsman Investigation and Reviews	57
Ombudsman Suggestions and Recommendations	59
Portfolio Liaison	60
Promoting Good Administrative Practices	63
Working Collaboratively	65
Child Death Review and Investigations .....	67
Audit and Review of Statutory Compliance .....	68
Audits of Telecommunication Intercepts	68
Reviewing Appeals by International Students	68
Communications and Access .....	69

## Key Financial and Performance Outcomes

### Summary of Financial Performance

The key financial outcomes compared to the budget targets for the Ombudsman's office for the year ending 30 June 2009 are summarised below.

Further details are provided in the Financial Statements under **Disclosures and Legal Compliance** and a more detailed explanation of expenditure and funding is contained in note 29.

	2008-09 Target (\$'000)	2008-09 Actual (\$'000)	Variation (\$'000)
Total Cost of Services (Expense Limit)	4,780	5,512	732
Net Cost of Service	4,262	4,689	427
Total Equity	1,116	1,454	338
Net Increase/(Decrease) in Cash Held	(1)	(152)	(151)

	2008-09 Target (\$'000)	2008-09 Actual (\$'000)	Variation (\$'000)
Approved Full-Time-Equivalent (FTE) Staff Level	48	45	3

### Comparison of Actual Results and Budget Targets

#### Total Cost of Services

During 2008-09 the Ombudsman's initial expense limit of \$4.80 million increased due to approved expense adjustments in 2008-09. These included approved increases in funding for the new child death review jurisdiction, and increased expenses for the Energy Ombudsman function as a result of a review to identify and recognise work done in a range of positions across the office. The Energy Ombudsman expenses were fully offset by an increase in revenue.

Compared to 2007-08 the total cost of service increased by \$1.12 million, mainly reflecting additional expenses associated with approved funding for the establishment of the new child death review jurisdiction, handling appeals from overseas students under the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007*, and normal salary and cost escalations.

#### Financial Position

Our net asset position in 2008-09 is \$1.45 million, an increase from \$1.34 million in 2007-08, primarily due to the installation of a new telephone system during the year.

The decrease in the cash held compared to the budget target reflects unspent funds from previous years that were used to reduce aged cases and undertake project work associated with the implementation of the child death review jurisdiction.

## Summary of Performance Outcomes

The key effectiveness indicators of the Ombudsman's office report on the extent to which public authorities have improved their decision making, practices and conduct as a result of recommendations and suggestions made by the Ombudsman.

The key performance outcomes compared to the targets for the Ombudsman's office for the year ending 30 June 2009 are summarised below. Further details are provided under **Disclosures and Legal Compliance**.

Key Effectiveness Indicators	2008-09 Target	2008-09 Actual
Of allegations where the Ombudsman made recommendations to improve practices or procedures, percentage of recommendations accepted by agencies	95%	100%
Number of improvements to practices or procedures as a result of Ombudsman action	25	29
Key Efficiency Indicators		
Service 1: Investigating Complaints about Public Authorities		
Percentage of allegations finalised within three months	75%	82%
Percentage of allegations finalised within 12 months	95%	96%
Percentage of allegations on hand at 30 June less than three months old	50%	71%
Percentage of allegations on hand at 30 June less than 12 months old	86%	96%
Cost per finalised allegation	\$3,095	\$2,759
Service 2: Telecommunications Intercept Inspections		
Average cost per inspection	\$4,909	\$2,583

### Comparison of Actual Results and Budget Targets

The percentage of recommendations accepted has exceeded the target of 95 per cent for the last two years, with 100 per cent of recommendations being accepted in both 2007-08 and 2008-09.

The number of accepted recommendations and suggestions for improvements to practices or procedures was 29 in 2008-09, above the target of 25. A very pleasing observation is that agencies are initiating improvements to their practices prior to the conclusion of an investigation. In 2008-09 agencies advised the Ombudsman of 40 voluntary actions by agencies compared to 27 in 2007-08.

Efficiency indicators show a substantial improvement in the timeliness of complaint handling in 2008-09, with all indicators exceeding the target.

The cost per finalised allegation is below the target because, in 2008-09, the actual number of allegations (1,479) was higher than expected (1,244) but resources for complaint resolution remained similar to last year.

The average cost per telecommunications intercept inspection has declined in 2008-09 due to an increased number of inspections this year, arising from enhanced processes.

## Complaint Resolution

This section provides an overview of one of the Ombudsman's core functions – complaint resolution and investigation. It also deals with the office's enquiry function. Information is provided on the number and nature of complaints and enquiries. Case studies are used to demonstrate the range and possible outcomes to the complaints dealt with. Information is also provided on eight complaint areas that made up 64 per cent of all complaints received during the year. These complaint areas are corrective services, local government, public housing, public education, police, planning and infrastructure, child protection, and public health services. **Appendix 1** gives details of all allegations received and finalised for each public authority during the reporting period.

Details of the process for assessing and handling complaints and enquiries together with details of complaint outcomes referred to in this section of the report are provided at **Appendix 2**.

### Case Study

#### Ombudsman helps to protect right to privacy

A complainant rang the Ombudsman's office concerned that her personal information was available publicly after she had enrolled her children online in a government-run program. Due to an error in the program the complainant's personal information remained on the enrolment web page so that when the next person came to enrol their children, the complainant's details came up as default. The information that was available included the complainant's name, her children's names and ages, her home and email addresses.

The complainant was advised of the error by another parent attempting to enrol their children in the program online. The complainant contacted the public authority and was told they were not going to remove the web site or the web page while they were fixing the problem.

After the Ombudsman's office telephoned the public authority it was agreed that the web page would be removed until the problem was fixed. The public authority noted that although the problem had been immediately referred to the IT department, there were some concerns about the way the matter had been handled that would be reviewed.

The public authority agreed to work with the complainant to resolve any outstanding issues with respect to potential breaches of privacy.

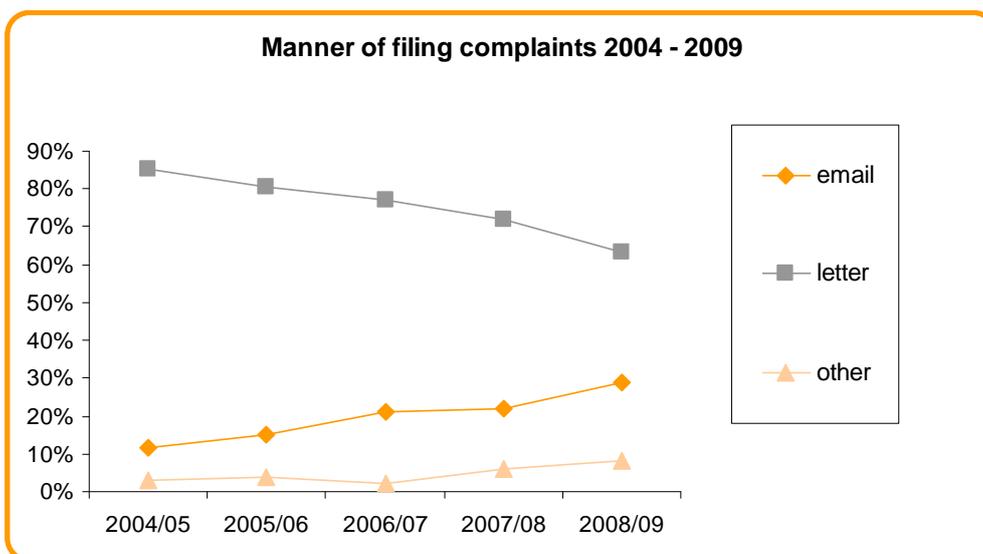
## Complaints and Enquiries Received in 2008-09

### Complaints Received

The number of complaints and allegations received by the office in 2008-09 is the highest in three years. As shown by the chart below, the office received 1,238 complaints involving 1,350 separate allegations. There were a further seven allegations arising from complaints made in the previous reporting period.



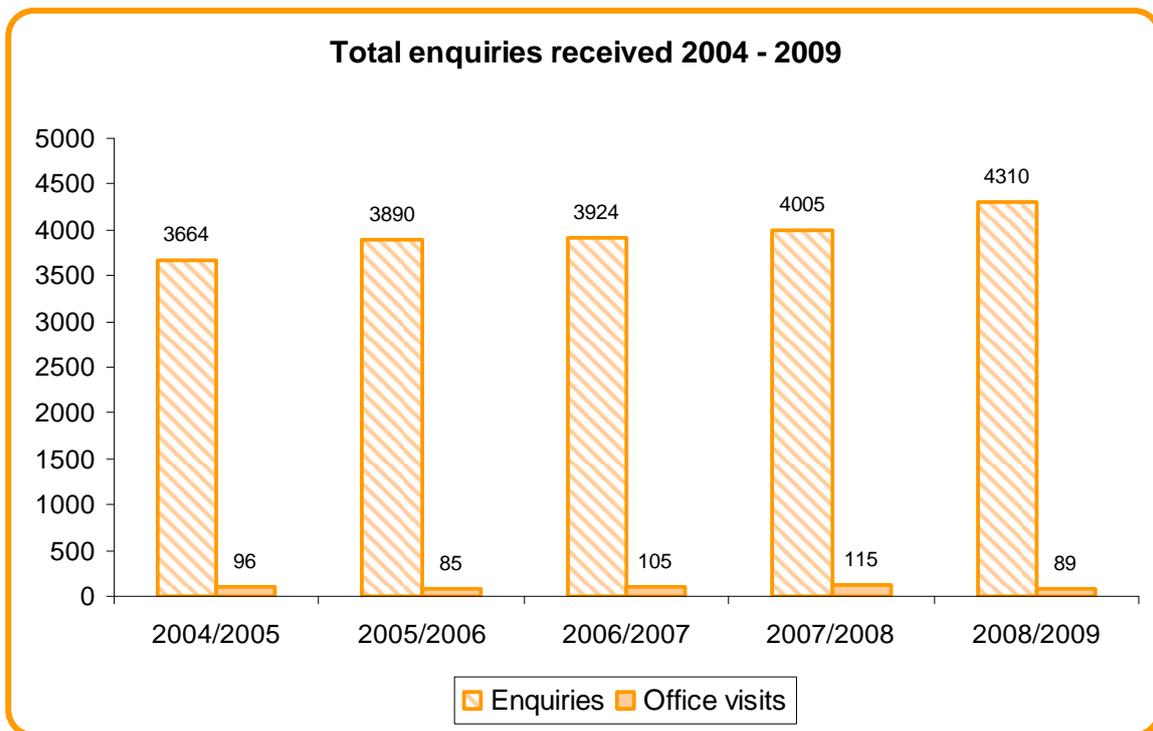
The use of email to make complaints continues to increase. In 2008-09, 29 per cent of complaints were received by email compared to 22 per cent in 2007-08. As shown in the chart below, the use of email to access the Ombudsman’s complaint service has been increasing steadily over the last five years and now accounts for nearly a third of all complaints received.



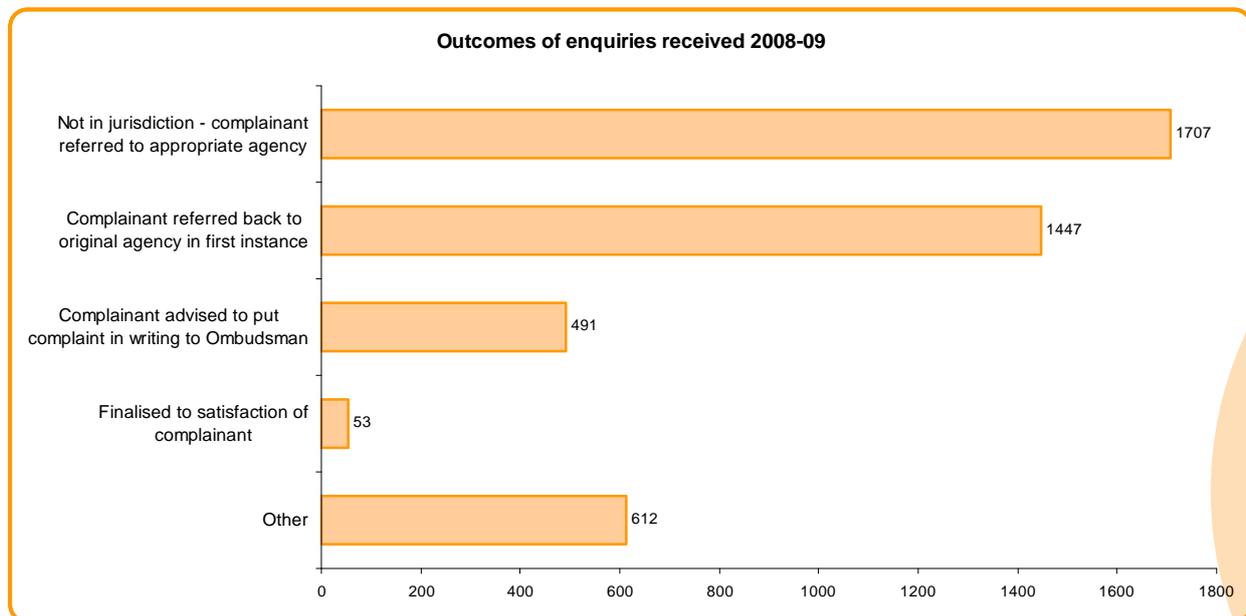
To increase accessibility to the office’s complaint service from regional and Indigenous Western Australians, the Ombudsman initiated a Regional Awareness and Accessibility Program in January 2009. The Program involves visits to regional locations in Western Australia to raise awareness of, and accessibility to, the Ombudsman. During regional visits, staff ran complaint clinics where people can make complaints about the public authorities located both within the region and in Perth. Forty one percent of complaint allegations received from people living in the Goldfields-Esperance region in 2008-09 were received during the regional visit to Kalgoorlie in May 2009. Complaints received during the regional visit to Geraldton will be reported in the 2009-10 reporting period. Two further regional visits are proposed for the 2009-10 year.

**Enquiries Received**

The Ombudsman’s office handles enquiries via the telephone or from people visiting the office. Enquiries come from the public seeking general information and from public authorities seeking advice, but most are from people seeking advice on how to make a complaint. The chart below indicates that there has been an increasing number of enquiries over the past five years.



The office's new database, implemented during the year, enables staff to record and report in greater detail the nature and outcomes of enquiries received by the office. The chart below shows the outcomes of enquiries received.



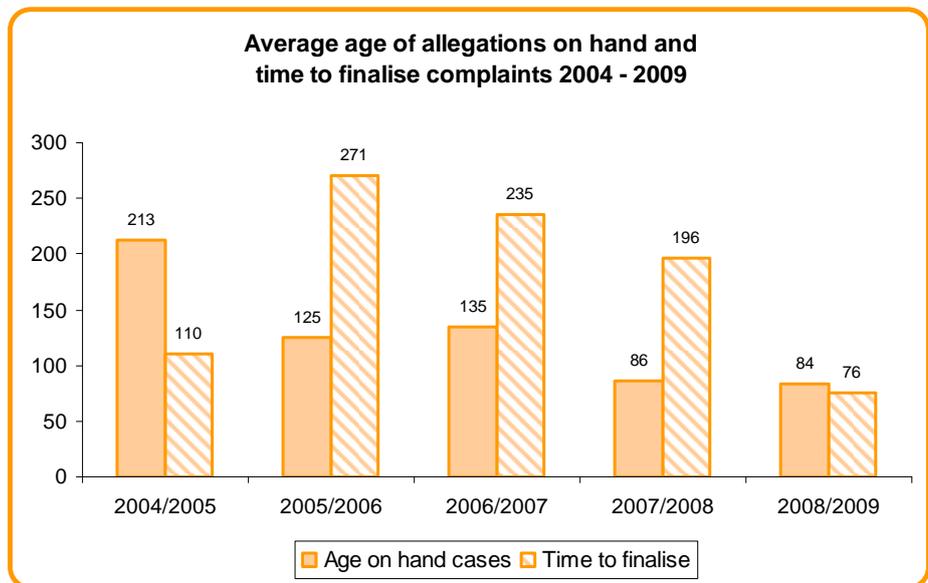
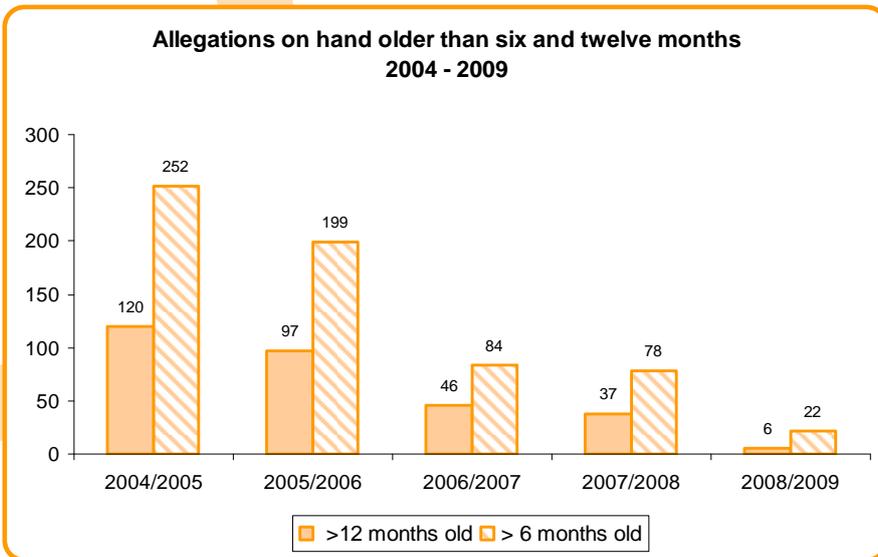
### Timeliness of Complaint Handling in 2008-09

In 2008-09 the office continued to focus on improving the timeliness of the complaint resolution process while maintaining the quality and consistency of the advice and assistance given to complainants and public authorities. This has resulted in significant reductions in the time taken to finalise allegations and the number of older cases on hand:

- The average time to finalise allegations has improved by 61 per cent during the year from 196 days to 76 days; and
- The number of open allegations more than six months old fell by 72 per cent over the year (from 78 cases at 30 June 2008 to 22 cases at 30 June 2009). The number of cases on hand older than 12 months fell by 84 per cent (from 37 at 30 June 2008 to 6 at 30 June 2009).

Most complaints are finalised at the initial stage. Examples of complaints that are resolved quickly include those that are referred back to the public authority in the first instance, referred to a more appropriate body or are out of jurisdiction. These cases take an average time of 25 days to resolve. Complaints that are finalised after a more detailed investigation are often complex and require longer to resolve. The average time taken for these complaints is 260 days.

The tables below demonstrate the significant improvements in these timeliness measures over the last five years.

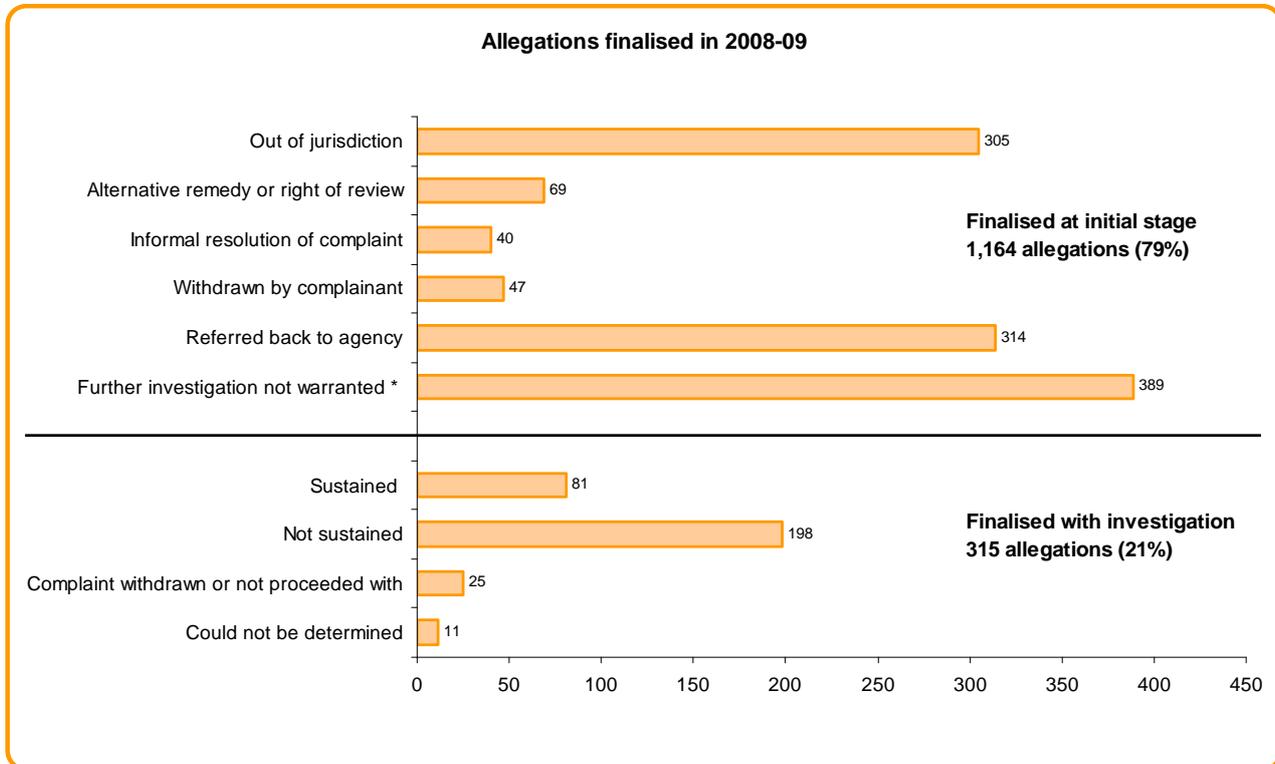


### The Consistent, Efficient and Effective Complaint Handling Project

In early 2009, the Ombudsman’s office initiated a major project to strengthen the office’s capacity to handle complaints consistently, effectively and efficiently. One of the goals of this project is to build on the significant improvements in the time taken to resolve complaints achieved to date. The project aims to achieve benefits for the public and public authorities through improved timeliness and improved consistency in outcomes and reports. The project will also provide the office with a number of new resources and tools to assist it to further improve the timeliness and quality of its complaint handling function.

## Complaints and Allegations Finalised

In 2008-09, 1,277 complaints were finalised during the reporting period containing 1,479 allegations. The majority of these were finalised at the initial stage (79%). The remaining allegations (21%) were finalised following an investigation. Details are shown in the chart below.



\* Includes cases where enquiries were made and assistance provided without further investigation

There was a 41 per cent increase in the number of investigated complaint allegations, with 315 investigated in 2008-09 compared to 223 in 2007-08. Of the 315 allegations that were investigated in 2008-09, 81 were sustained. In 2007-08, 60 allegations were sustained. The proportion of investigated allegations that was sustained in 2008-09 was one in four, which was similar to 2007-08. In most cases, where a complaint was not sustained, the Ombudsman concluded that the public authority had acted reasonably and within its powers.

**Appendix 1** gives details of all allegations received and finalised about public authorities during the reporting period. **Appendix 2** provides details of the definitions for complaint outcomes described in the above chart and **Appendix 1**.

## Action to Benefit the Complainant

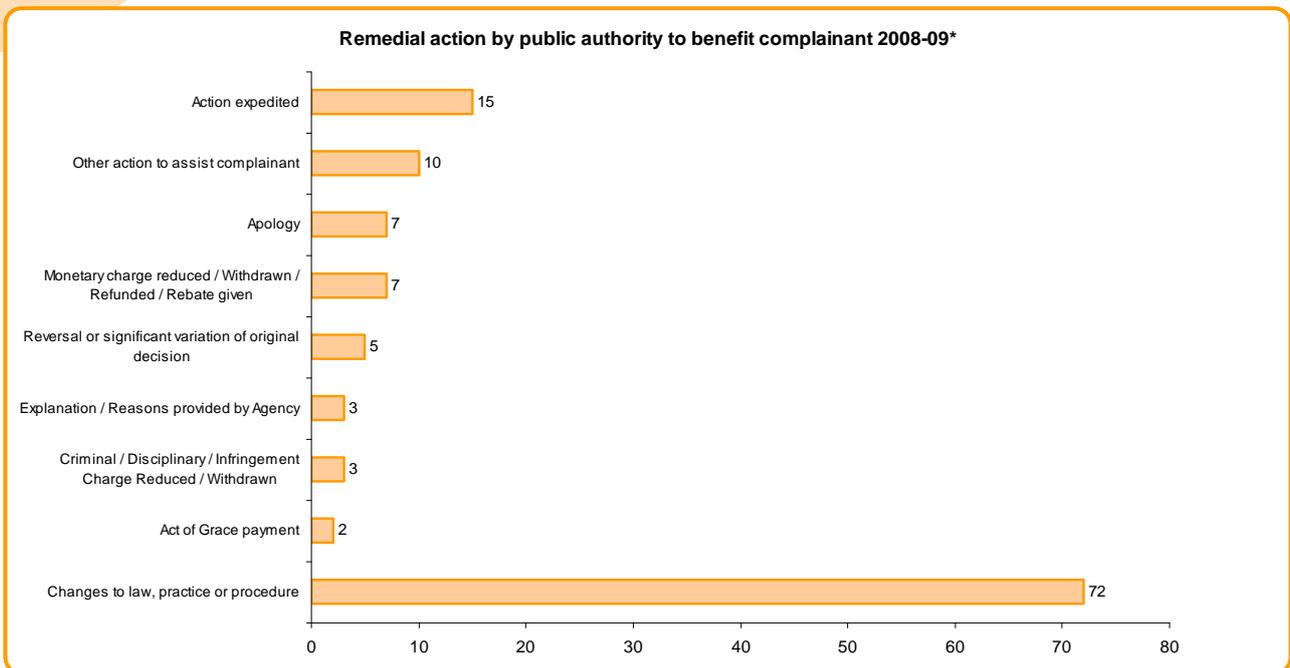
Complainants look to the Ombudsman to facilitate some form of assistance or action to remedy the problem they have complained about. Such assistance may involve the public authority:

- Issuing an apology;
- Expediting action;
- Reducing or withdrawing a monetary charge or infringement;

- Providing a refund or rebate;
- Reversing or varying a decision;
- Making an act of grace payment; and/or
- Providing an explanation or giving reasons for action taken.

In some cases, the complainant benefits from the involvement of the Ombudsman even though the complaint is not sustained, for example where the authority voluntarily changes its practices.

In 2008-09 there were 124 remedial actions to benefit the complainant compared to 89 in the previous year. The nature of the remedial actions by public authorities to benefit the complainant as a result of Ombudsman investigations is shown in the chart below.



\* Changes to law, practice and procedure can occur that may benefit both the complainant and others in the future.

**Case Study**

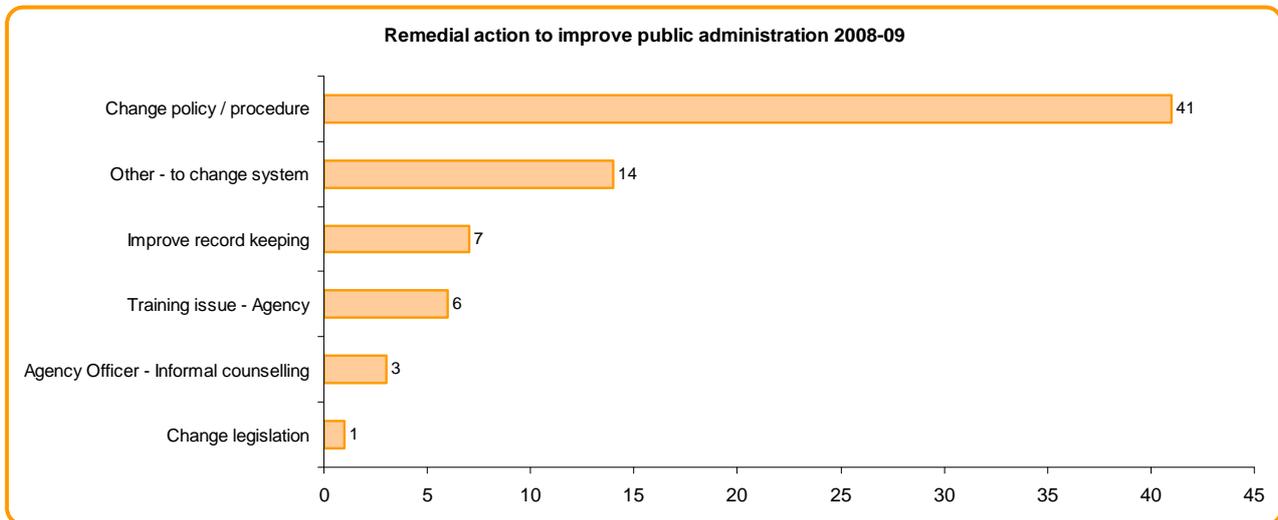
**Correction of errors leads to home loan approval**

The complainant alleged that the Department’s Keystart Home Loans unfairly refused her application for a home loan.

Enquiries by the Ombudsman revealed that the Department had made an administrative error that disadvantaged the complainant’s application for a home loan. As a result, the Department took action to rectify its error and the original decision, which was based on incorrect and incomplete information. The complainant’s application for a home loan was then accepted and approved.

## Action to Improve Public Administration

Improved administration may include changes to policy and practices, other changes to improve systems or record keeping, training of staff and action to address staff conduct. The actions taken by public authorities to improve their administrative practices and staff conduct as a result of complaints received by the Ombudsman is shown in the chart below.



In 2008-09, there were 72 actions taken by public authorities to improve their processes and procedures as a result of the Ombudsman's involvement compared to 53 in 2007-08. These were achieved through:

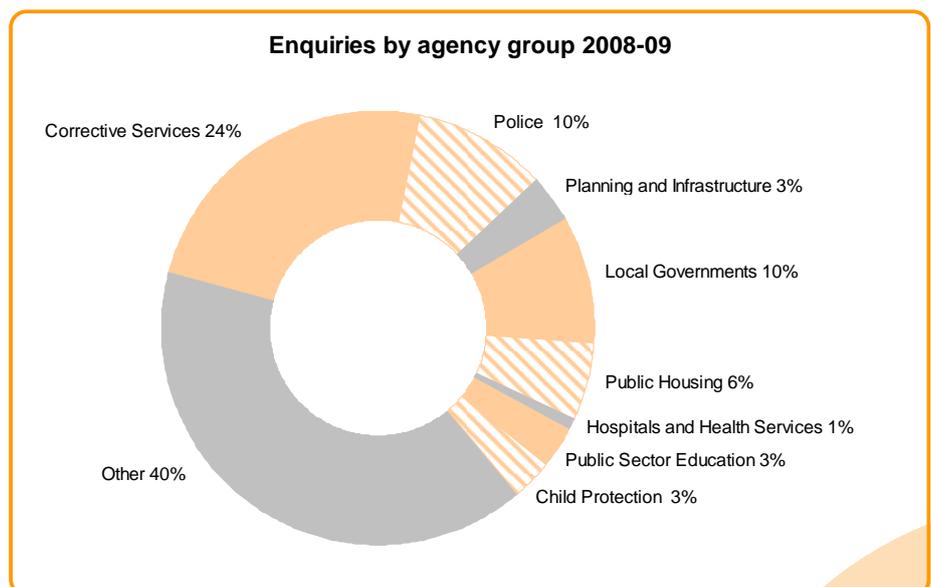
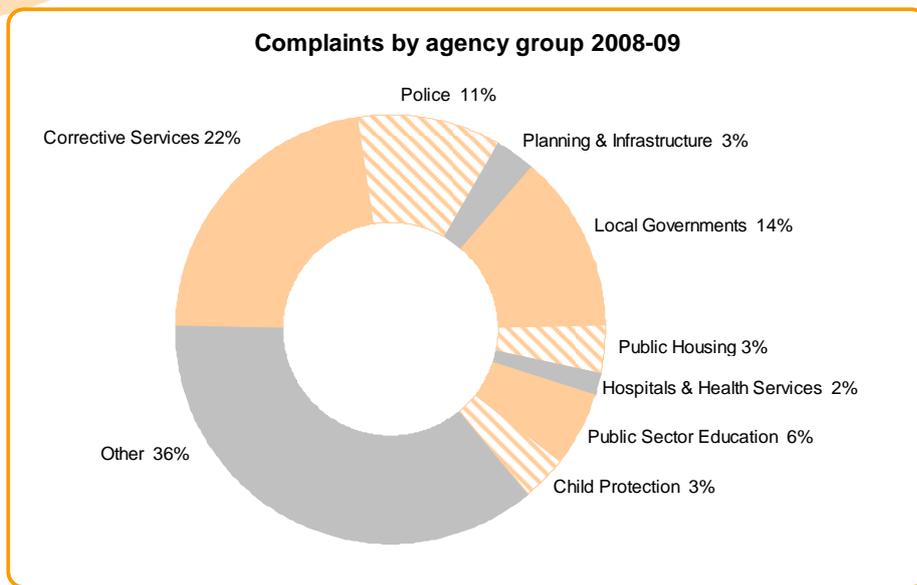
- 29 recommendations and suggestions for administrative improvement accepted by the public authorities;
- 40 actions for administrative improvement initiated by public authorities as a result of the Ombudsman's involvement; and
- 3 occasions of training or counselling for specific identified officers.

## Primary Focus of Complaints

The majority of complaints (64%) received by the Ombudsman are about eight key industry sectors covering Corrective Services (in particular prisons), local governments, public housing, public education including overseas students, police, planning and infrastructure, child protection and health and hospitals.

This section of the report provides information about complaints and enquiries received by the Ombudsman relating to these sectors. It should be noted that these areas are likely to have more complaints because they have a large customer base.

The proportion of complaints and enquiries received about these sectors is shown below.



## Corrective Services

Of all the complaints received by the Ombudsman in 2008-09, 22 per cent related to corrective services. Twenty four per cent of enquiries related to corrective services.

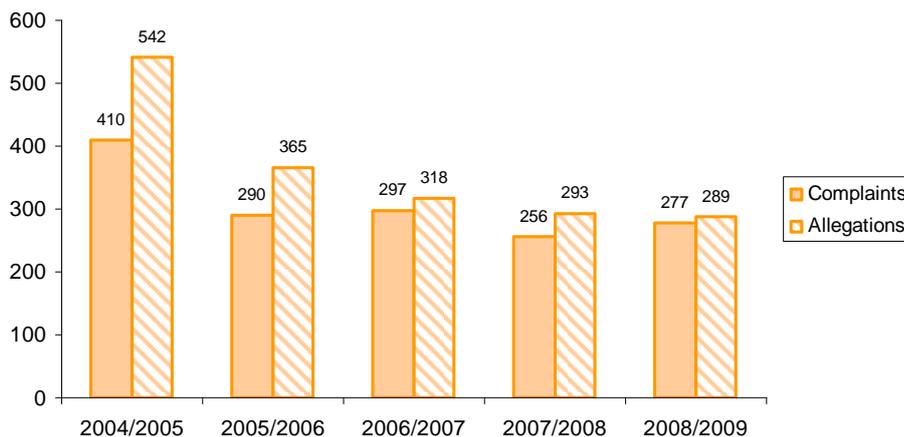
### Complaints and Allegations Received

The majority of complaints received about corrective services are from people in custody. These people use a confidential mail system to access the Ombudsman’s services. They do not need to identify themselves on confidential mail envelopes and such mail is not subject to prison mail scrutiny. People in custody can also make free confidential telephone calls to the Ombudsman’s office. As shown in the chart below, the number of complaints and allegations received about corrective services has been relatively steady over the last three years.

In 2008-09 there were 277 complaints involving 289 allegations. The main areas complained about were:

- Facilities and conditions
- Health services
- Prison officer conduct

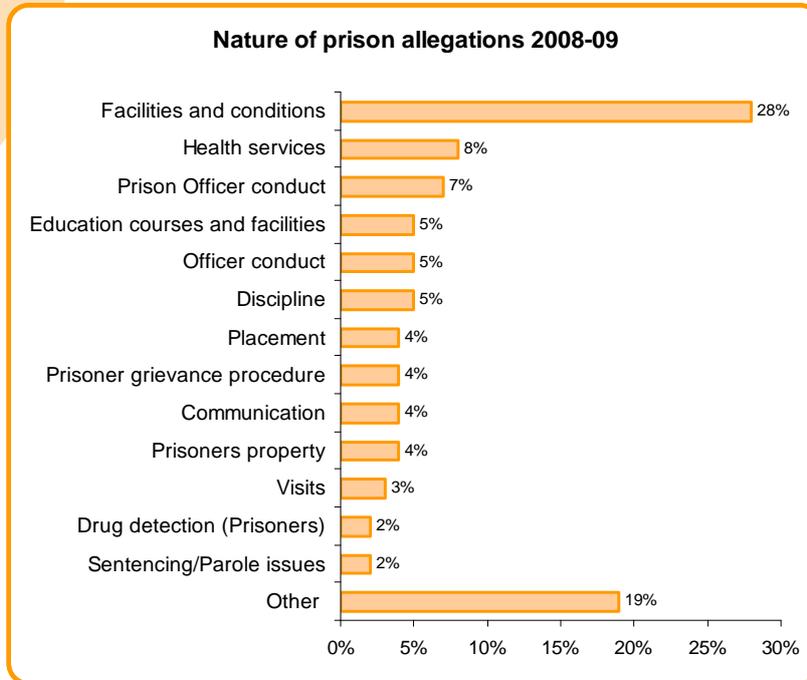
**Complaints and allegations received about Corrective Services  
2004 - 2009**



In 2008-09, 69% of allegations about corrective services related to metropolitan prisons, 15% were about regional prisons and 16% were about other areas of corrective services.

### Nature of Allegations Received

The nature of allegations is varied covering a diverse range of services to prisoners as well as matters concerning their placement and the conduct of prison officers. Details are shown in the chart below. The 'Other' category includes issues such as canteen spends, alleged assaults and food and diet concerns.



### Allegations Finalised

During the year, 316 allegations in 286 complaints about corrective services were finalised. Two hundred and eighty five allegations were finalised at the initial stage without the need for investigation, with 98 (34%), of these being referred back to either the prison or the prison Complaints Management Unit, ACCESS. Thirty one allegations were finalised after an investigation was undertaken.

Sustained wholly or partly	10
Not sustained	14
Other*	7

\* Discontinued, withdrawn or could not be determined

### Remedial Action to Benefit Complainant or to Improve Public Administration

In 2008-09, remedies to benefit the complainant or to improve administrative practices as a result of complaints made to the Ombudsman included:

- The procedure for prisoner management transfers for a particular prison were re-written to ensure transfers are timely, well organised and in accordance with the principles of procedural fairness;

Disciplinary charge dismissed	1
Other assistance or explanation	2
<b>Direct benefit for complainant</b>	<b>3</b>

- A prison officer assisted a prisoner to prepare a letter to the Prisoner Review Board after previous letters had been blocked due to content;
- A prison agreed to review a prisoner’s security rating after a disciplinary charge against the prisoner was dropped. This resulted in the prisoner being returned to a minimum security prison; and
- A prison agreed to erect signage at the entrance to warn visitors they would have to pass through a metal detector scan before being admitted. The prison had not complied with an operational instruction about this matter and as a result a visitor wearing a heart defibrillator complained about the risk to his health caused by the metal detector scan.

<b>Improved public administration</b>	
Changes to policies/procedures	1
Change to system	1
<b>Improved public administration</b>	<b>2</b>

**Enquiries from Prisoners**

Phone calls relating to corrective services made up 24 per cent of enquiries made to the office. Although these calls were primarily from prisoners, family members, friends and other people who were affected in other ways by decisions or practices of the Department of Corrective Services contacted the office. The nature of issues raised by people making enquiries included placement, sentencing and parole, health services and communication.

Sixty one per cent of enquiries relating to corrective services were referred back to the prison Complaints Management Unit, ACCESS in the first instance. People who were referred to ACCESS were advised that they could complain further to the Ombudsman if they were dissatisfied after ACCESS had dealt with their complaint.

**Case  
Study**

**Ombudsman explanation clarifies health management arrangements for diabetic prisoner**

A diabetic prisoner wrote to the Ombudsman for assistance after hearing about a prison directive requiring glucometers, which are used to take blood sugar level readings, to be withdrawn from use within a prison. The prisoner managed his medical condition by taking four readings each day using a glucometer, followed by four insulin injections. The prisoner was concerned about the potential impact of the directive on his disease management.

The Ombudsman’s office contacted the prison about the matter and found that, although the Director of Health Services did issue an instruction to the prison to withdraw glucometers from use, the instruction was only meant for stable diabetic prisoners on oral control.

The Ombudsman’s office was able to reassure the prisoner that the instruction did not apply to him, there would be no change to the way he managed his diabetes and that he could continue to use a glucometer to take blood sugar level readings.

## Local Government

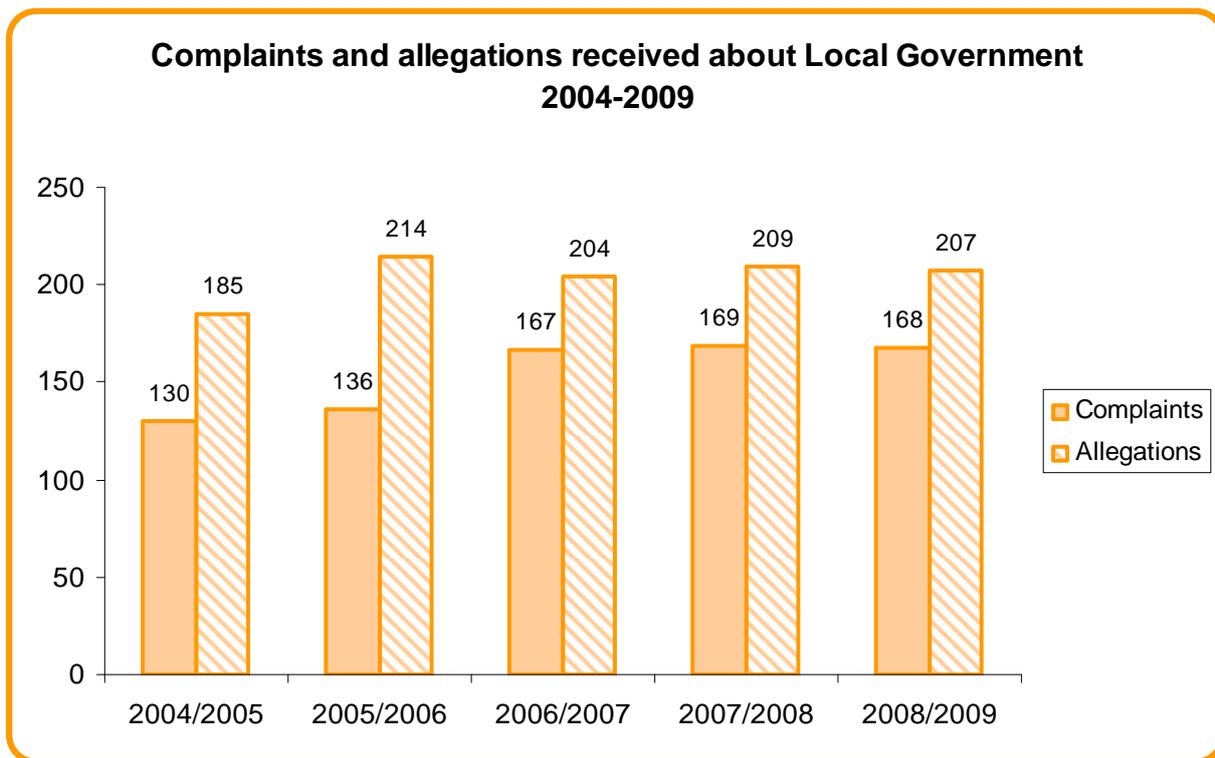
Complaints about local governments continued to be the second largest source of complaints received, contributing 14 per cent of total complaints received during the year. Complaints were received about 57 of the 141 local governments. Ten per cent of enquiries received related to local governments.

### Complaints and Allegations Received

The local government sector provides a diverse range of services to local communities. Services including planning and building approvals, community facilities, parking enforcement, maintenance of local roads and footpaths have the potential to generate complaints. As shown in the chart below, the number of complaints received by the office has remained relatively steady over the last three years.

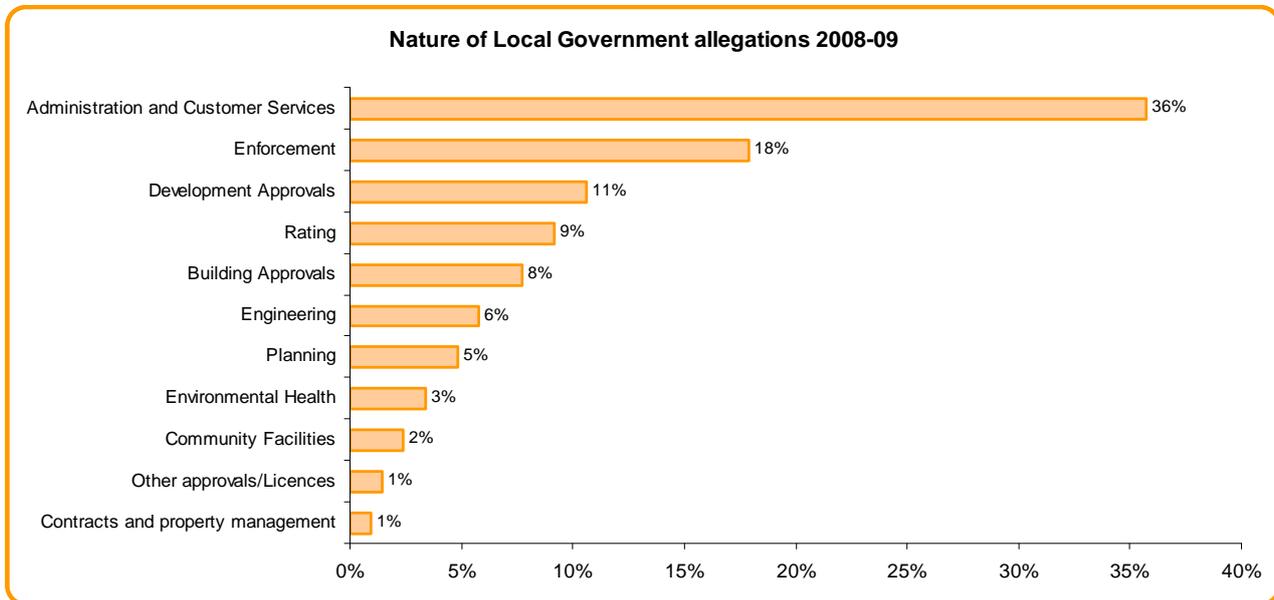
In 2008-09 there were 168 complaints involving 207 allegations. The main areas complained about were:

- Administration and customer service
- Building and development approvals
- Enforcement action



### Nature of Allegations

The nature of allegations covers a diverse range of local government functions. Details of the nature of allegations for 2008-09 are shown in the following chart.



### Allegations Finalised

During the year 211 local government allegations were finalised. One hundred and seventeen (55%) were finalised at the initial stage without the need for investigation. Ninety four allegations (45%) were finalised after an investigation was conducted.

Outcome of investigated complaints	
Sustained wholly or partly	27
Not sustained	62
Other*	5

\* Discontinued, withdrawn or could not be determined

### Remedial Action to Benefit Complainant and/or to Improve Public Administration

The nature of remedial actions to benefit the complainant or improve public administration taken by local governments during the year is summarised below.

- A local government conducted a survey about the noise from an annual fund raising event, prior to confirming an offer of alternative accommodation for the complainant during the event;
- A local government reviewed procedures dealing with the clearance of subdivision conditions involving the release of security bonds;
- A local government introduced policies and procedures to improve communication with ratepayers about major developments;

Remedy for the complainant	
Action/decision expedited or varied	8
Apology	2
Monetary remedy	2
Other assistance or explanation	2
<b>Direct benefit for complainant</b>	<b>14</b>

- A local government introduced a policy relating to the release of information provided by developers in order to avoid sensitive or confidential advice being provided in error;
- A local government reviewed its outstanding rates collection procedures to avoid situations where the legal fees incurred in collecting rates were in excess of the outstanding amount to be recovered;
- A local government reviewed information provided on its website about resident parking permits to avoid confusion about the circumstances when such permits may be issued;
- A local government introduced a building licence endorsement to ensure that any excavations, backfilling and retaining walls would not detract from the amenity or safety of adjoining property; and
- A local government agreed that advice would be provided to applicants on the legislative requirements relating to situations where retaining or excavation is proposed within three metres of an adjoining building, and notification processes for adjoining property owners.

Improved public administration	
Changes to policies/procedures	14
Public authority training	4
Individual staff training	1
Changes to system	2
<b>Improved public administration</b>	<b>21</b>

**Enquiries Received**

The Ombudsman received 351 enquiries relating to local governments in 2008-09. These were about a range of matters including administration and customer service, enforcement, building and development approvals and rating. Forty two per cent of people making enquiries were referred back to the relevant local government in the first instance. Thirty seven per cent were invited to make a written complaint with the Ombudsman’s office.

Case  
Study

### Improved local government website information clarifies permit arrangements

One of the factors influencing a complainant to enter into a 12 month lease on an inner city residential unit was her belief that she and her housemates would be entitled to on-street parking because they were residents. Otherwise, the parking was short-term and metered. However, she was refused a permit because her unit had one off-street parking bay and, in accordance with the local government’s policy, she was not entitled to additional parking. She stated that her understanding of the entitlement was based on information on the local government’s website that she alleged was misleading.

In response to the Ombudsman’s enquiries, the local government acknowledged that, although not misleading, the website was not totally comprehensive and it voluntarily created extra links on its website to avoid any future misunderstanding.

The Ombudsman concluded that, had the website been clearer at the time of the complainant’s enquiry, the problem would not have arisen. Ombudsman staff suggested to the local government that it may be appropriate to exercise their discretion to issue the complainant with a parking permit for the duration of her lease. The local government accepted the Ombudsman’s suggestion and issued the parking permit.

## Public Housing

Complaints about the Department of Housing make up three per cent of complaints received by the Ombudsman. Six per cent of enquiries received by the office relate to public housing.

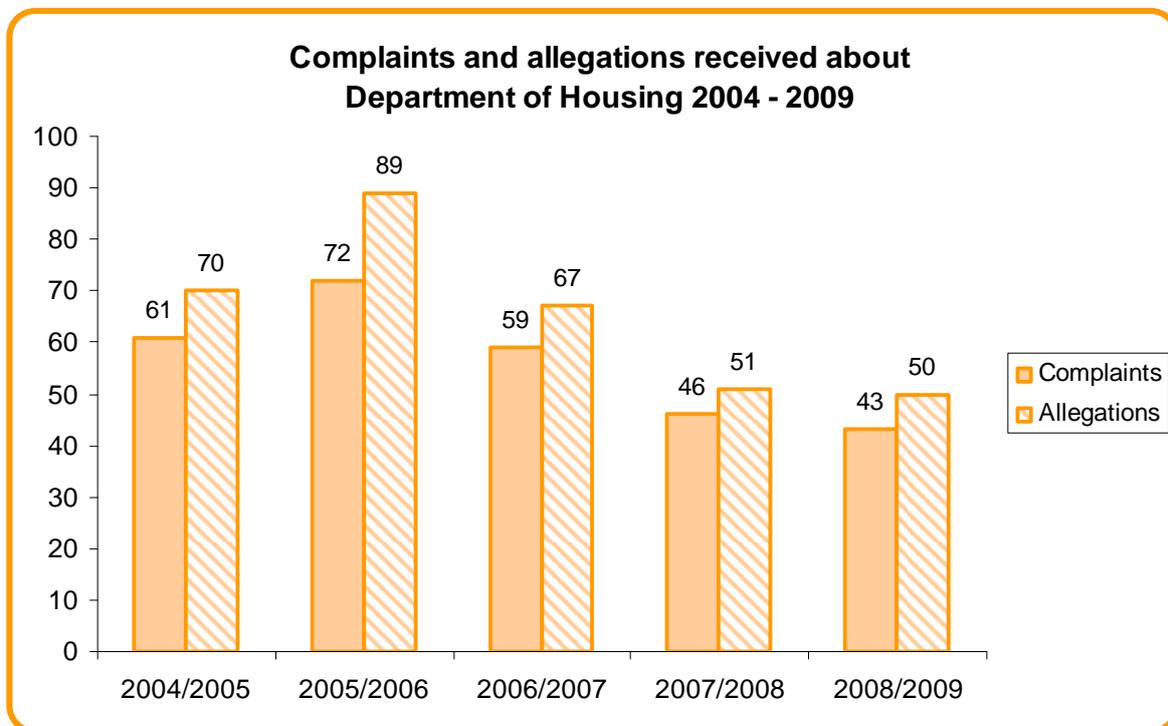
### Complaints and Allegations Received

The Department of Housing provides a diverse range of services to the community. These include public and community housing, Indigenous and regional housing, Keystart Home Loans, property sales, major government projects, capital works projects and property and facilities maintenance and services.

In 2008-09 there were 43 complaints involving 50 allegations. 73% of allegations were about the Department's Rental Operations Program. The main areas complained about were:

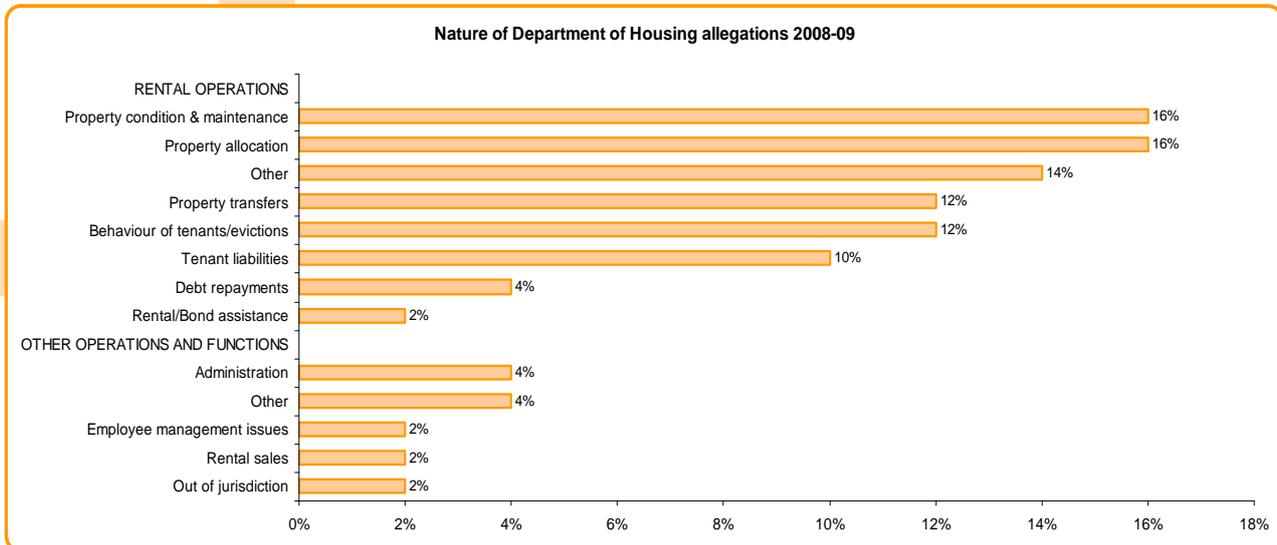
- Property allocation and transfer
- Property condition and maintenance issues

The Department has an internal appeals process that allows people to seek a review of many decisions made by the Department that may affect them. The Department also has a central complaints contact for complaints not dealt with by the appeals process. These processes would enable many complaints to be handled by the Department without the need for the person to come to the Ombudsman. As shown in the chart below, the number of complaints and allegations received about the Department in 2008-09 was similar to last year.



### Nature of Allegations

As shown in the chart below, the nature of allegations about the Department of Housing covers a number of functions under the Rental Operations Program, as well as other operational areas in the Department. The nature of issues complained about in 2008-09 is broadly similar to previous years.



### Allegations Finalised

Thirty seven allegations (73%) were finalised at the initial stage without the need for investigation. Of these, 17 (46%) were referred back to the Department. Fourteen allegations (27%) were finalised by investigation.

Outcome of investigated complaints	
Sustained wholly or partly	3
Not sustained	8
Other*	3

\* Discontinued, withdrawn or could not be determined

### Remedial Action to Benefit Complainant and/or to Improve Public Administration

The nature of remedial actions to benefit the complainant or improve public administration is summarised below.

- The Department agreed to review its procedures relating to decisions of the Housing Review Panel to provide appellants with the information considered in the Housing Review Panel’s deliberative process and the reasons for decisions in relation to appeals and reviews;

Remedy for the complainant	
Action/decision expedited or varied	2
Monetary remedy	1
<b>Direct benefit for complainant</b>	<b>3</b>

- The Department met with a complainant to discuss a neighbour’s concerns about their behaviour after the complainant made allegations that his concerns were not being addressed and he was not getting a reply to his correspondence. The Department also agreed to change its practices for filing correspondence to ensure all correspondence was responded to and filed according to record keeping principles;
- The Department corrected an administrative error that had resulted in a complainant being denied a home loan. This resulted in the complainant receiving their home loan; and
- Tenant liability charges were waived for a complainant who had not been informed of charges to be made and that direct debit deductions were being made from their account without consent. The Department also undertook to train its officers about the correct procedures for deducting tenant liability charges from Centrelink income support benefits.

<b>Improved public administration</b>	
Changes to policies/procedures	1
Improved record keeping	1
Staff training	1
<b>Improved public administration</b>	<b>3</b>

**Enquiries Received**

The Ombudsman received 204 enquiries relating to the Department of Housing in 2008-09. The majority of enquiries received concerned the Department’s Rental Operations Program.

**Case Study**

### Ombudsman guides public authority in giving clearer reasons for decisions

A complainant contacted the Ombudsman concerned that their appeal for transfer to another public housing tenancy had been unsuccessful. The complainant’s transfer application had been declined on the grounds that they were adequately housed.

During the enquiries, the Ombudsman was provided with a copy of the letter on the outcome of the appeal in which the appeal body advised the complainant that, in reaching its decision to dismiss the appeal, it had reviewed all associated documents and listed the folios of the files held by the Department. The Ombudsman’s view was that it would be more helpful if the letter contained details of the information considered.

The public authority agreed that reference to the files and folio numbers reviewed by the appeal body was not meaningful and indicated that the practice would be reviewed to ensure that any information provided to clients could be understood.

## Public Education Sector

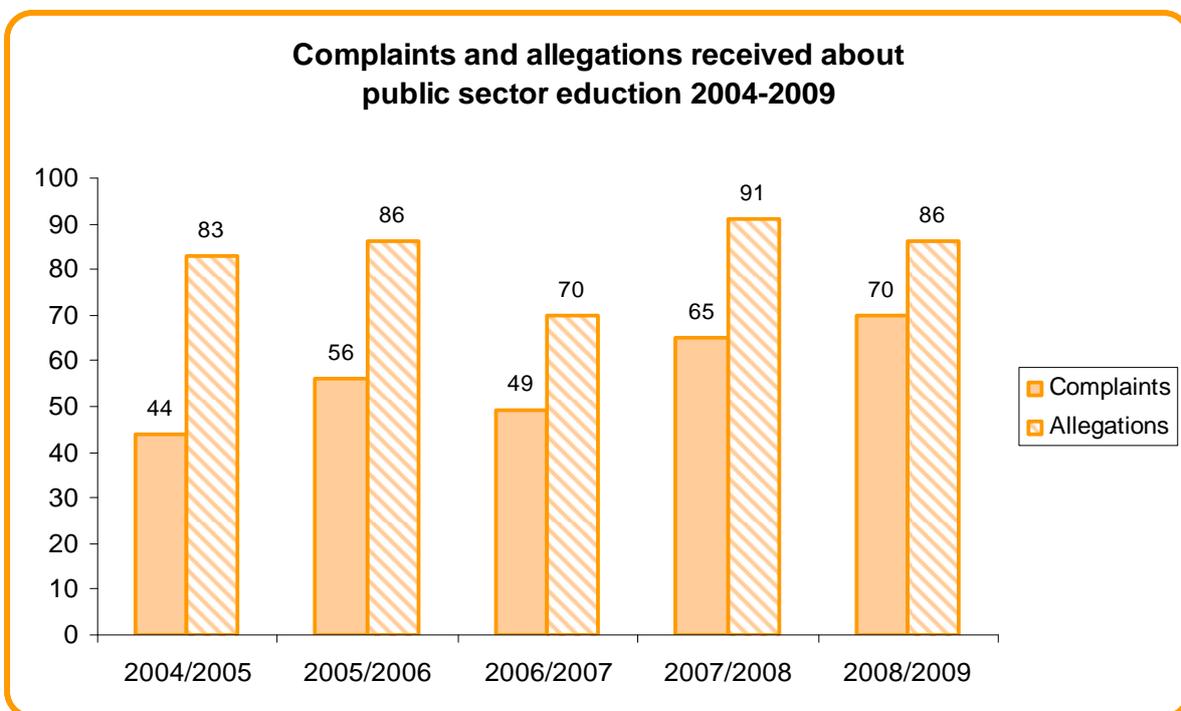
The public education sector includes the Department of Education and Training (including individual schools), the Department of Education Services, the Curriculum Council, Technical and Further Education (TAFE) colleges and public universities. There were 70 complaints received about the education sector comprising 86 allegations and a total of 106 allegations were finalised. The public education sector made up six per cent of all complaints received and three per cent of enquiries.

### Complaints and Allegations Received

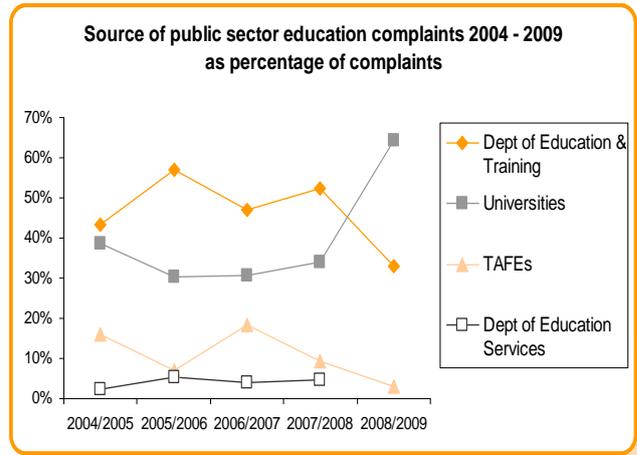
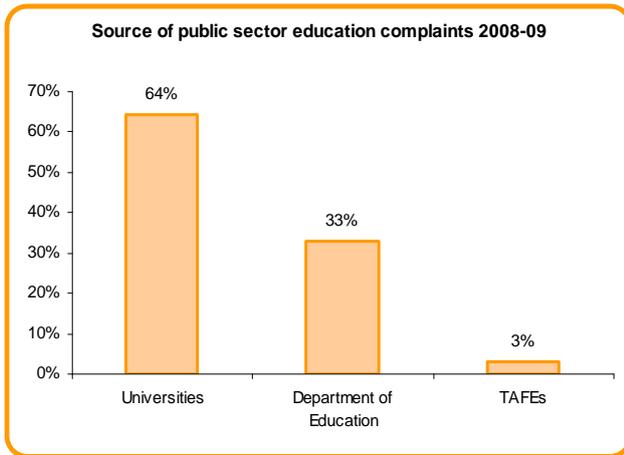
Complaints about the education sector have increased in the last two years, primarily due to a 51 per cent increase in complaints about universities. This is largely due to the introduction of a new **National Code of Practice for Registration Authorities and Providers of Education and Training**

In 2008-09, 34% of allegations received about the public education sector were received under the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students*

**to Overseas Students 2007** (the Code), which gives international students the right of appeal to an external and independent body - such as the Ombudsman - if their internal appeals at school or university level were unsuccessful. The Code has been in operation for the last two years. Further information about the Ombudsman's role under the Code is provided later in this section. Details of the trend in complaints and allegations received over the last five years are shown in the chart below.

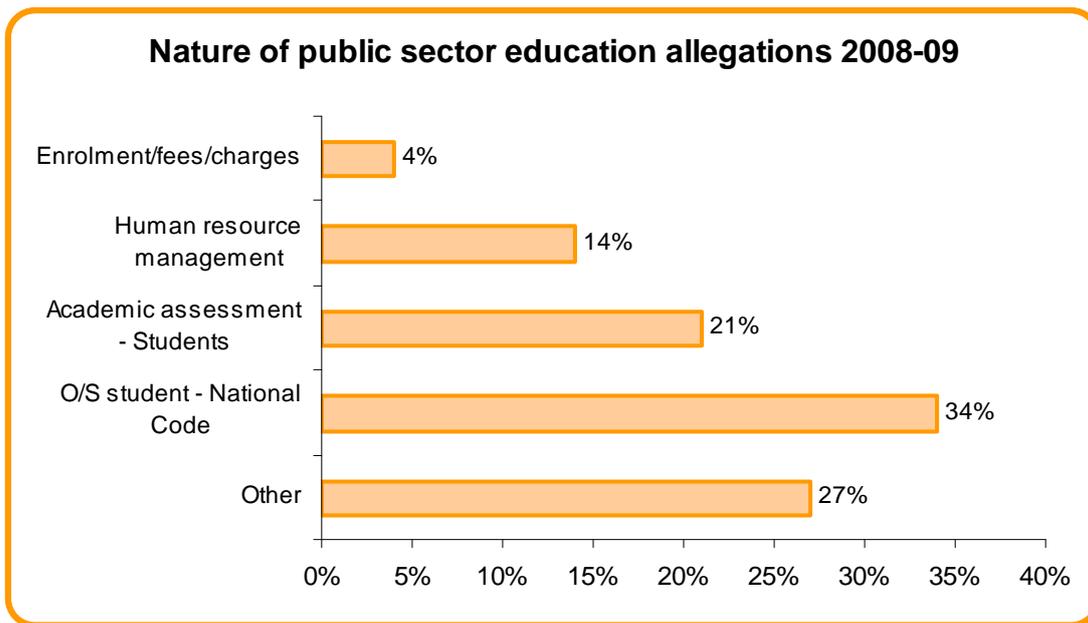


An indication of the trends in the source of complaints is illustrated in the charts below.



### Nature of Allegations

As shown in the chart below, allegations about public education relate to four main categories. The 'Other' allegation category includes allegations such as the quality of teaching, organisation of courses and student discipline.



### Allegations Finalised

During 2008-09, 106 allegations from 68 complaints were finalised. Forty two allegations (40%) were finalised at the initial stage without the need for investigation. Sixty four allegations (60%) were finalised after an investigation was undertaken.

Outcome of investigated complaints	
Sustained wholly or partly	11
Not sustained	50
Other*	3

\* Discontinued, withdrawn or could not be determined

## Remedial Action to Benefit Complainant and/or to Improve Public Administration

The nature of remedial actions to benefit the complainant or improve public administration is summarised below.

- A public authority implemented suggestions to improve administrative practices in relation to enrolment and re-enrolment of students and the fees associated with the enrolments;
- A university student's terminated status was referred back to the head of school for review;
- A university removed a finding against a student that they had breached the Student Discipline Statute and the University implemented a review of student polices and procedures;
- A university accepted an out of time appeal from an international student whose enrolment had been terminated after it was discovered that the student had not lodged an appeal before contacting the Ombudsman; and
- A university agreed to clarify policies made available to students to ensure that students were made aware that they are entitled to have a support person in any appeals hearing.

### Remedy for the complainant

Action/decision expedited or varied	1
Disciplinary finding removed from student record	1
Other assistance or explanation	3
<b>Direct benefit for complainant</b>	<b>5</b>

### Improved public administration

Changes to legislation	1
Changes to policies/procedures	9
Changes to system	4
<b>Improved public administration</b>	<b>14</b>

## Enquiries Received

One hundred and six enquiries relating to public sector education services were received last year. Major areas of concern included academic assessment and human resource management within the Department of Education and Training. Forty one per cent of people making enquiries were invited to submit a written complaint to the Ombudsman. Thirty nine per cent were referred back to the original agency in the first instance.



## Case Study

### Ombudsman expedites resolution of disputed payment of professional registration fees

The complainant paid her annual professional registration fees on time. However, due to an administrative error, the public authority did not process the transaction correctly and both the complainant and her employer received reminder notices stating that she was not registered to teach in 2008.

The complainant contacted the public authority by phone, and in writing, but after four months the matter was still not resolved. The public authority asked the complainant to organise a cheque trace with her bank and advised that it would reimburse any bank costs. The bank traced the cheque and found that it was cashed by the public authority some four months earlier (at the time it was originally paid). Although the public authority acknowledged this information and gave the complainant a verbal confirmation of her current membership, she did not receive anything in writing.

The complainant wrote to the Ombudsman's office seeking written confirmation of her registration paperwork and membership card, reimbursement of the bank audit fees and an apology for the inconvenience.

The Ombudsman made informal enquiries with the public authority and expedited a remedy for the complainant. The registration certificate, membership card and \$15 reimbursement for the cheque trace were sent to the complainant, together with an apology for the inconvenience caused to the complainant.

## International Students

Approximately 21,500 international students on temporary student visas are currently enrolled with public education service providers in Western Australia, including universities, TAFE colleges and schools. An international student's visa can be cancelled if they fail to meet certain educational requirements. However, a student can no longer be reported to immigration authorities by their educational institution until they have followed an internal complaints and appeals process and have been given the opportunity to appeal to an external independent body, such as the Ombudsman, if dissatisfied with the internal process. The right to an external appeal is provided under the **National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007** (the Code), which is part of the Federal framework regulating international education services.

Four universities in Western Australia have nominated the Ombudsman to perform this external appeals function. During the year, the Ombudsman's office received 25 appeals from international university students, a significant increase on the nine appeals received in the previous year.

Over the past year, Ombudsman staff have worked with local public universities to ensure that the Code is applied consistently and appropriately and that international students are adequately informed about their appeal rights.

The office's internal processes also continue to be refined to ensure an efficient and effective service that recognises the particular implications of appeal decisions for a student's visa status. A specific complaint form for international student appeals, and a factsheet explaining the scope and limitations of the Ombudsman's jurisdiction in relation to this function, are currently under development.

### Case Study

#### Recognition of special circumstances results in university acceptance of out of time appeal

An international student lodged a complaint with the Ombudsman about her university's decision to exclude her. However, the Ombudsman's office can only accept complaints from international students under the Code if they have first been through the university's internal appeals process.

Following receipt of information from the university it became apparent that the student had missed the university's deadline to appeal against its decision to exclude her, because she had appealed to the Ombudsman instead. As a result of discussions with the Ombudsman's office, the university agreed to accept an out of time appeal from the student.

## Western Australia Police

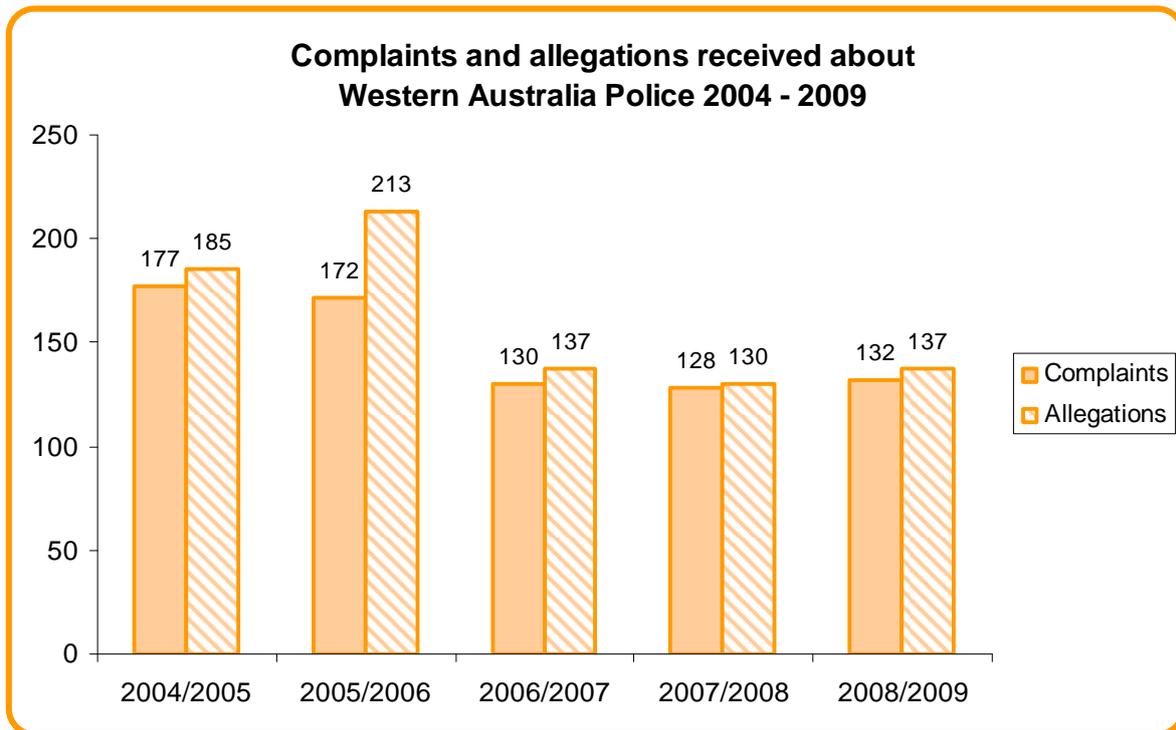
Complaints about Western Australia Police made up 11 per cent of the complaints received in 2008-09. Ten per cent of enquiries related to Western Australia Police.

### Complaints and Allegations Received

As shown in the chart below, the number of complaints received about Western Australia Police in 2008-09 is consistent with the previous two years.

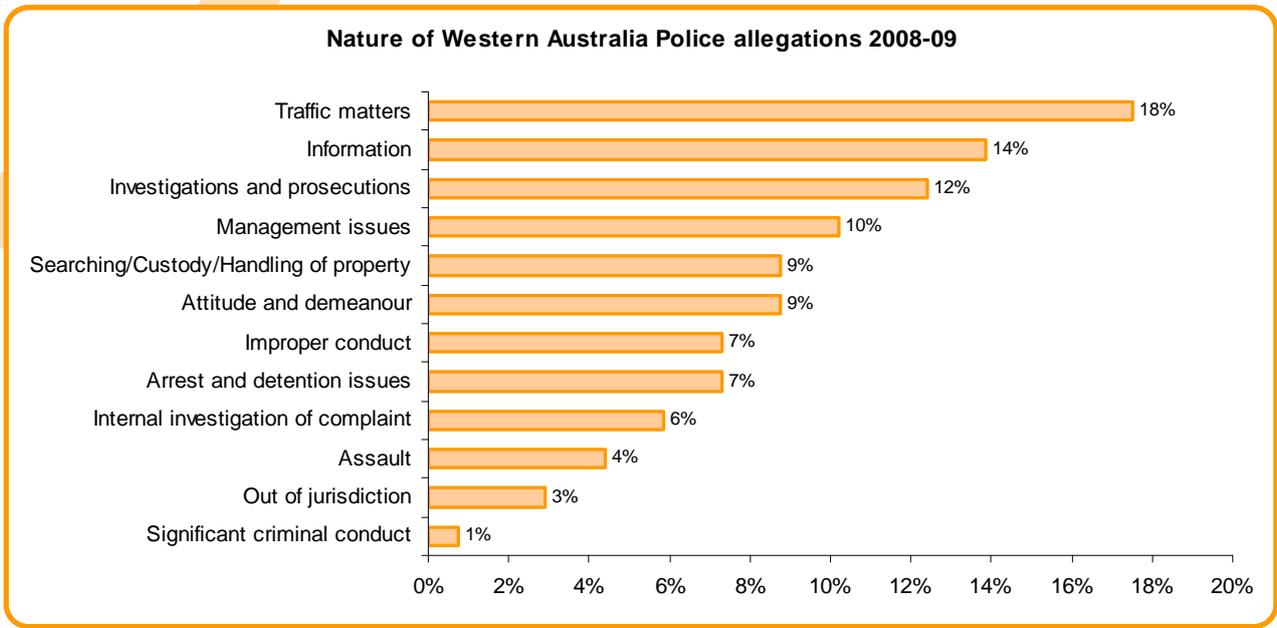
In 2008-09 there were 132 complaints involving 137 allegations. The main areas complained about were:

- Traffic issues
- Failure to provide information, inaccurate records and inappropriate disclosure of information



### Nature of Allegations

The nature of allegations received in 2008-09 was varied, covering a range of police functions. Details are shown in the chart below. Investigation and prosecution complaints included concerns about the failure to prosecute and inadequate police investigation.



### Allegations Finalised

One hundred and forty one police allegations were finalised in 2008-09. Ninety four per cent of these were finalised at the initial stage. Eighty two (59%) of these were referred back to Western Australia Police. The remainder of complaints were investigated.

Outcome of investigated complaints	
Sustained wholly or partly	4
Not sustained	4
Other*	1

\* Discontinued, withdrawn or could not be determined

### Remedial Action to Benefit Complainant and/or to Improve Public Administration

Following complaints made to the Ombudsman, Western Australia Police undertook several actions voluntarily to improve its practices and procedures or to provide remedial action to the complainant. An example of this was the return of a complainant’s missing mobile phone the day after Ombudsman staff made enquiries with Police Complaints Administration Centre.

## Enquiries Received

The Ombudsman received 362 enquiries relating to Western Australia Police in 2008-09. The most common enquiries related to police conduct, investigations and prosecutions, and provision of information. Sixty nine per cent of enquiries were referred back to Western Australia Police in the first instance. Complainants are commonly referred to the Police Complaints Administration Centre.

### Case Study

#### Ombudsman helps prompt correction of records needed for insurance claim

The complainant's son had been involved in a motor vehicle accident and was having problems with insurance because his driver's licence had been incorrectly recorded as being suspended. The complainant needed to provide a letter from either Western Australia Police or the Fines Enforcement Registry to the Insurance Commission stating that his son's licence was not under suspension on the date of the accident. The complainant had not been successful in getting the required letter from either public authority.

The matter was resolved satisfactorily through informal enquiries by the Ombudsman with Western Australia Police and the Fines Enforcement Registry. The complaint also prompted improved liaison between Western Australia Police and the Fines Enforcement Registry, which is likely to result in improved public administration.

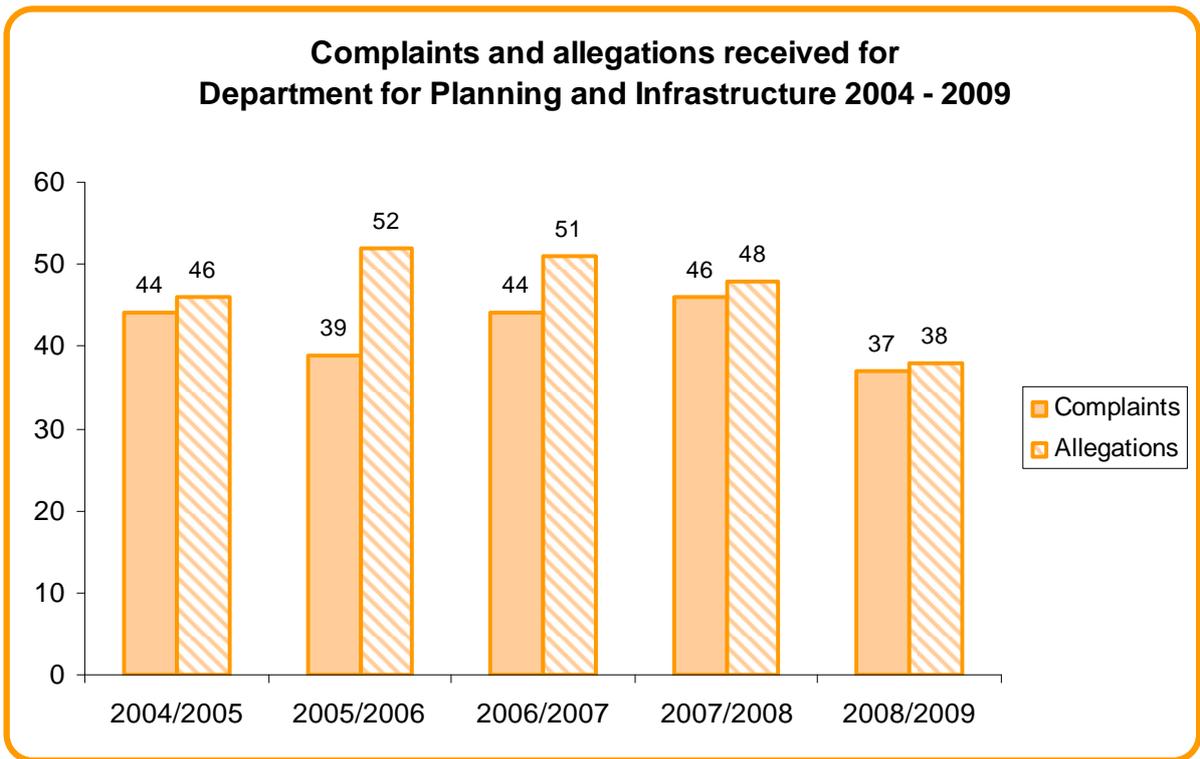
## Department for Planning and Infrastructure

Complaints about the Department for Planning and Infrastructure made up three per cent of complaints received and three per cent of enquiries in 2008-09.

### Complaints and Allegations Received

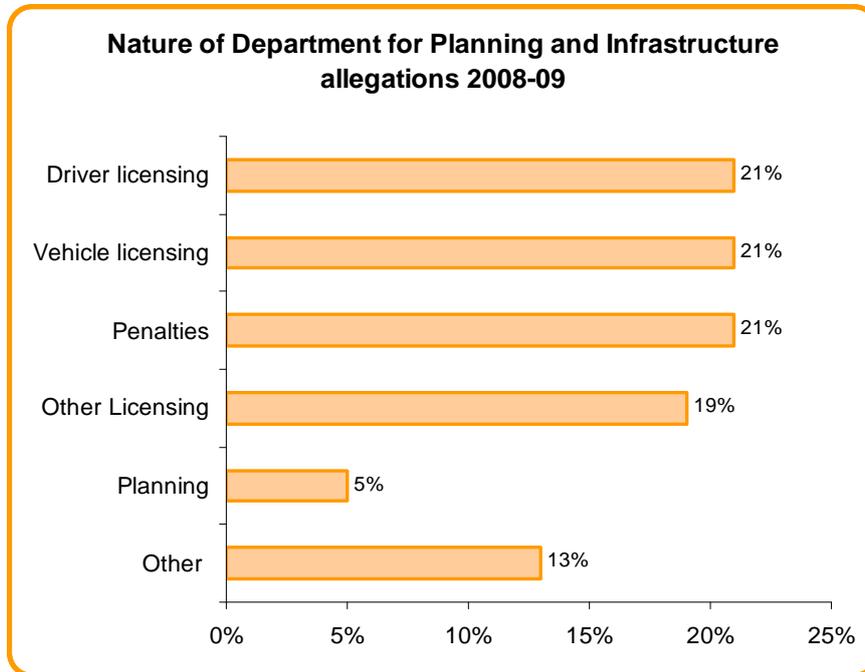
The Department for Planning and Infrastructure provides a diverse range of services to the community relating to driver licensing and town planning. The number of complaints and allegations received for the last five years is shown in the chart below.

In 2008-09 there were 37 complaints involving 38 allegations. The main areas complained about were vehicle and driver licensing issues



### Nature of Allegations

The nature of allegations received about the Department for Planning and Infrastructure is shown in the following chart.



### Allegations Finalised

Forty six allegations were finalised in 2008-09. Thirty nine (85%) were finalised at the initial stage with nearly one third of these (31%) being referred back to the Department. Seven allegations were finalised after investigation.

Sustained wholly or partly	3
Not sustained	3
Other*	1

\* Discontinued, withdrawn or could not be determined

### Remedial Action to Benefit Complainant and/or to Improve Public Administration

The nature of remedial actions to benefit the complainant or improve public administration is summarised below.

- Apologies were given to complainants where decisions of the Department were a result of an administrative error. In one case the Department also undertook to create instructions to ensure the error did not occur again. In both cases, fines paid were refunded;

Action/decision expedited or varied	4
Apology	2
Act of grace payment/monetary benefit	2
<b>Direct benefit for complainant</b>	<b>8</b>

- The Department agreed to reconsider the cancellation of the licence of a business on the basis that there were mitigating factors that the Department had not considered in its original decision;
- Errors in records were corrected;
- Where the Department had failed to respond to a complainant in a reasonable time, follow up by the Ombudsman achieved a response and in some cases, a refund for the complainant; and
- A vehicle licence that had been refused was issued after it was shown that there was inconsistency between the Department’s policy and practices. The issue was referred for legal advice and the Departmental policy was reviewed pursuant to the legislation governing the matter. The Department’s policy, procedures and website were reviewed and updated on this issue.

Improved public administration	
Public authority training	2
Informal counselling of officer	2
Improved record keeping	2
<b>Improved public administration</b>	<b>6</b>

**Enquiries Received**

One hundred and twenty seven enquiries were received about the Department for Planning and Infrastructure. The majority of these related to licensing issues. Over fifty per cent of enquiries were referred back to the agency in the first instance.

Case  
Study

### Ombudsman involvement results in policy update and withdrawal of incorrect infringement notice

The complainant received an infringement notice for failing to return his number plates after his vehicle licence had expired. Although the complainant believed an error had been made by the public authority, he paid the infringement as he was told by the public authority that he could not re-licence his vehicle until the infringement had been paid.

As a result of the Ombudsman’s investigation, the public authority acknowledged that the complainant had been misinformed and therefore denied the right of election to have the matter dealt with by a court. It withdrew the infringement notice and refunded the penalty amount.

The public authority also reviewed its policy on the payment of infringements and found it to be out of date. As a result, the public authority issued a new instruction to all staff regarding applications for the re-issue of expired vehicle licences.

## Department for Child Protection

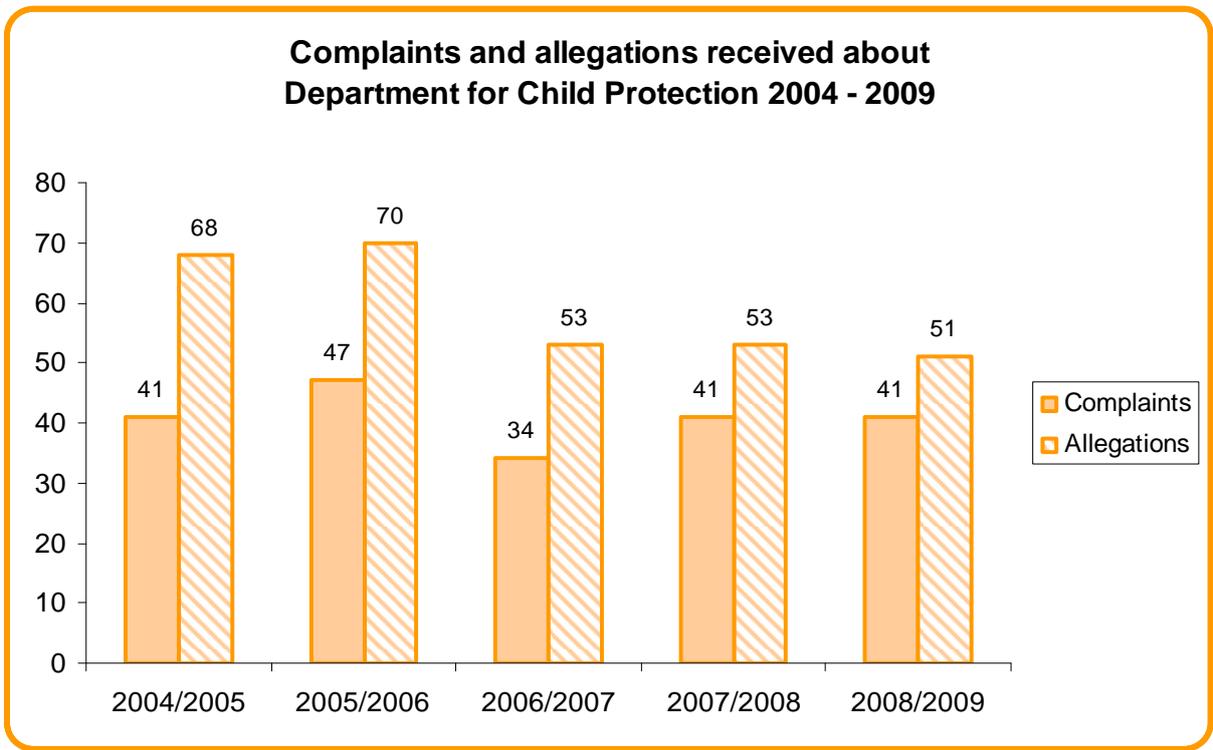
The Department for Child Protection made up three per cent of complaints received in 2008-09. The number of complaints received about the Department has been consistent over the last three years. Three percent of enquiries related to the Department for Child Protection.

### Complaints and Allegations Received

The Department for Child Protection works to meet the needs of vulnerable children and families. It is responsible for protecting and caring for children, and supporting people at risk of crisis.

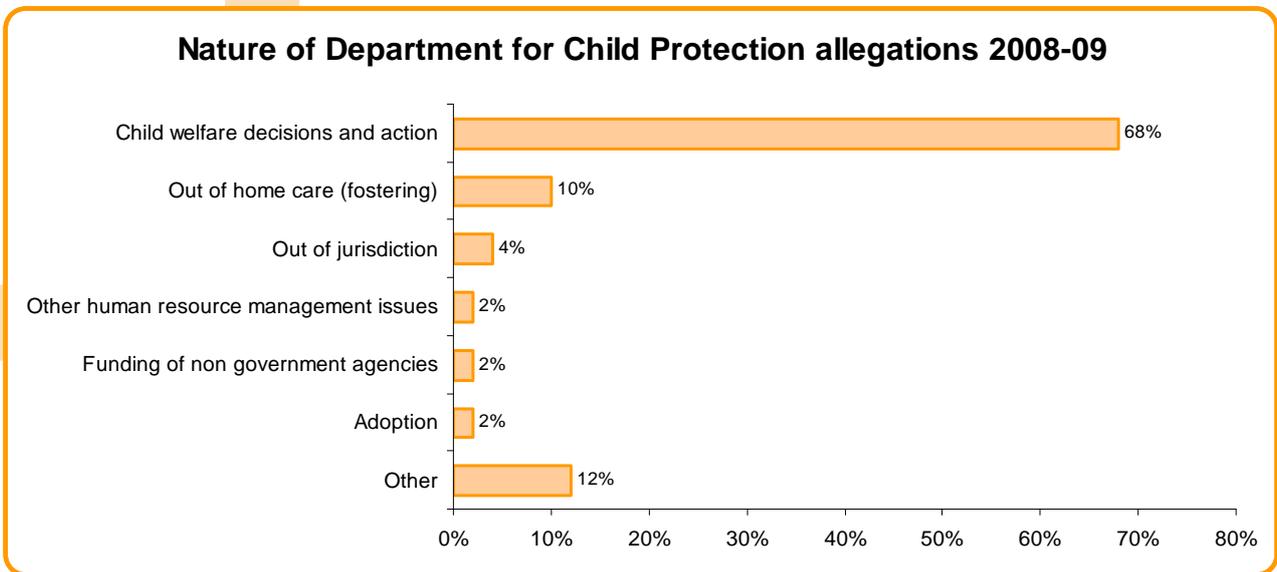
Details of complaints and allegations received in the last five years about the Department are shown in the chart below.

In 2008-09 there were 41 complaints involving 51 allegations. The main areas complained about were decisions and actions on child welfare issues.



### Nature of Allegations

The nature of allegations received about the Department for Child Protection during the year is outlined in the chart below.



### Allegations Finalised

A total of 64 allegations were finalised in 2008-09. Forty eight allegations (75%) were finalised at the initial stage without the need for investigation. Twenty four of these (50%) were referred back to the Department’s Complaints Management Unit which deals with complaints about decisions and actions taken by the Department in relation to child protection through a three-step process. Sixteen allegations were finalised after investigation.

Sustained wholly or partly	2
Not sustained	10
Other*	4

\* Discontinued, withdrawn or could not be determined

### Remedial Action to Benefit Complainant and/or to Improve Public Administration

The Department agreed to a suggestion from the Ombudsman that it report back to the Ombudsman at the beginning of 2010 on the number of children in provisional protection and care between April and December 2009, and the rate of compliance with the *Children and Community Services Act 2004*.

## Enquiries Received

One hundred and thirteen enquiries were received relating to the Department for Child Protection. These mostly covered issues relating to child welfare decisions and actions, out-of-home care and departmental human resource management.

Sixty three per cent of people making enquiries were referred back to the Department in the first instance and advised that if they remain dissatisfied with the Department's decision or actions, to write to the Ombudsman again.

### Case Study

#### Ombudsman involvement results in provisional care plans for children in care being prioritised

The complainant raised issues regarding the case management practices and decisions of the Department in regard to her children, who were placed under the provisional protection and care of the Director General of the Department for Child Protection in accordance with the provisions of the *Children and Community Services Act 2004*.

The Ombudsman conducted a formal investigation, which identified that there was a failure by the Department to prepare provisional care plans within seven days of the children being placed in provisional protection and care as required by the Act.

In response, the Department informed the Ombudsman that the completion of provisional care plans has now been identified as an 'elevated priority' for field staff and strategies have been implemented to assist with compliance.

## Health and Hospitals

Complaints relating to the Department of Health and public hospitals comprise two per cent of allegations and complaints received by the Ombudsman in 2008-09. The Office of Health Review also handles complaints about health services. Arrangements are in place to refer matters to the Office of Health Review where appropriate. One per cent of enquiries related to health and hospitals.

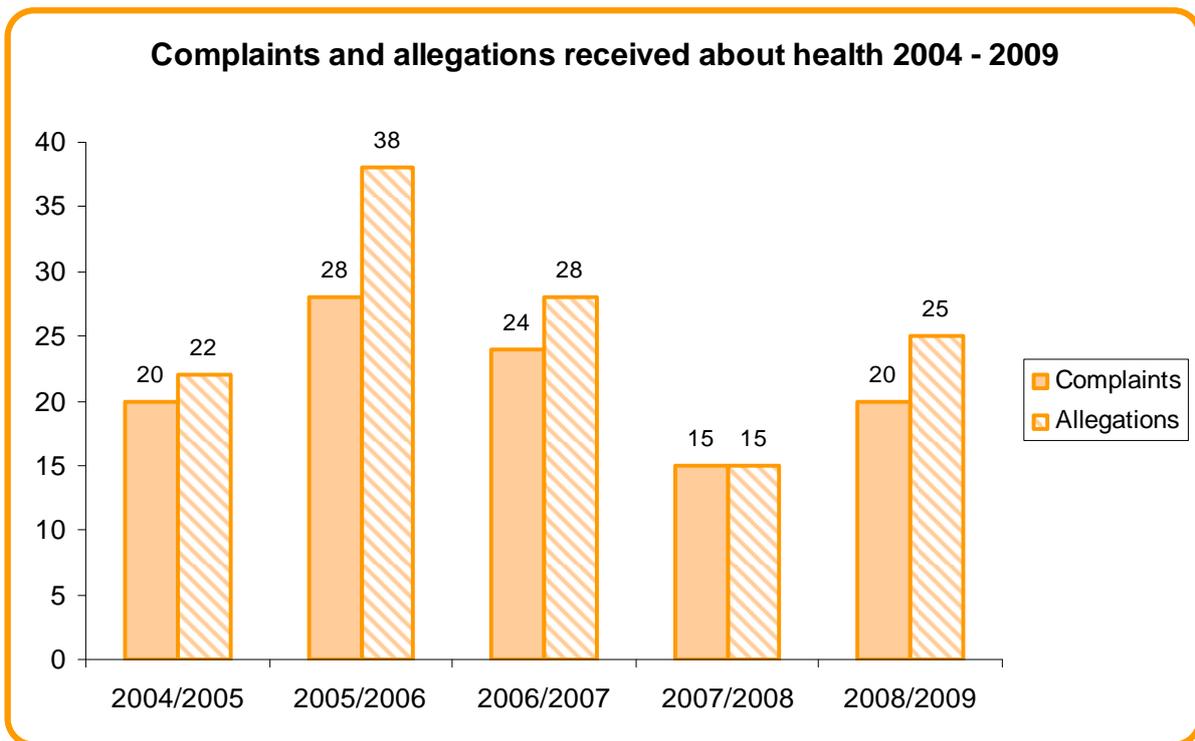
### Complaints and Allegations Received

The number of complaints and allegations about health matters received in the last five years is shown below.

After a decline in complaints and allegations received in 2007-08, the number has increased in 2008-09 to a level similar to the number received in 2006-07.

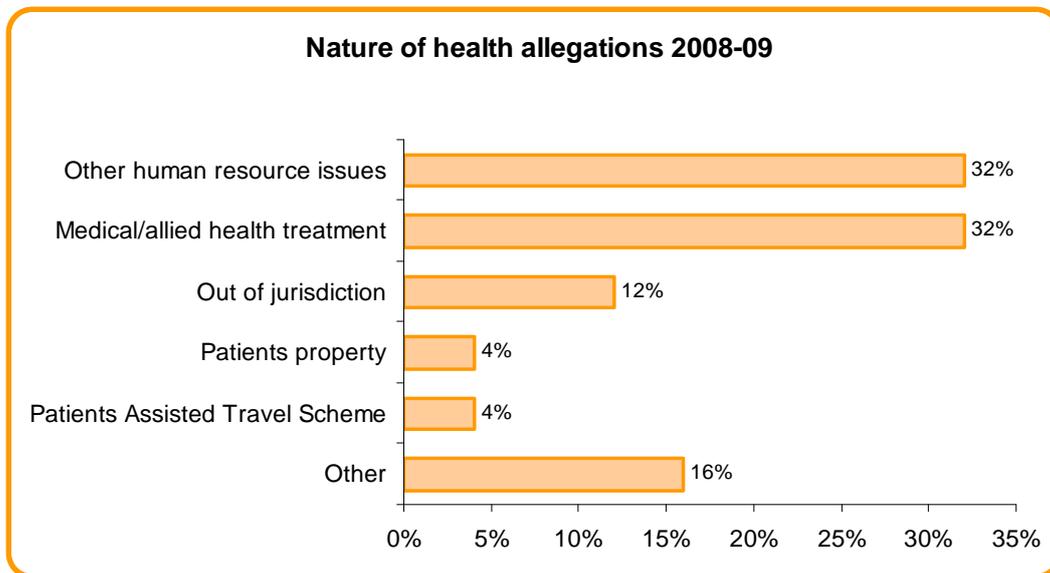
In 2008-09 there were 20 complaints involving 25 allegations. The main areas complained about were:

- Patient treatment issues
- Employee issues



### Nature of Allegations

The nature of allegations is shown in the following chart.



### Allegations Finalised

Twenty nine allegations were finalised in 2008-09. Seventeen (59%) were finalised at the initial stage. Twelve allegations were finalised after investigation.

Sustained wholly or partly	2
Not sustained	5
Other*	5

\* Discontinued, withdrawn or could not be determined

### Remedial Action to Benefit Complainant and/or to Improve Public Administration

The nature of remedial actions to benefit the complainant or improve public administration is summarised below.

- Compensation was paid to a patient for lost property after it was found that the hospital had not complied with its procedures for recording and handling patient property. The hospital also agreed to establish a working committee to review the hospital's property handling practices;
- Administration apologised for an error that led to an employee incorrectly recording his income for the financial year, which resulted in interest being charged by the Australian Taxation Office. The employee was also reimbursed for the additional costs incurred due to the error; and

Apology	1
Monetary remedy	2
Other assistance or explanation	1
<b>Direct benefit for complainant</b>	<b>4</b>

- The Department agreed to recalculate the payment of income arrears for an employee after the employee disputed an earlier calculation. This showed an error in the initial calculation. The Department agreed to make a second lump-sum payment of income arrears covering a four year period. The Department also provided an itemised account of the employee’s payment increments as calculated.

<b>Improved public administration</b>	
Changes to policies/procedures	1
<b>Improved public administration</b>	<b>1</b>

**Enquiries Received**

Thirty nine enquiries were received relating to health and hospitals. The majority of these related to patient health treatment matters and employee issues. In two thirds of these cases, Ombudsman staff provided information to assist people to take their concerns to the health service provider, the Department of Health or the Office of Health Review.

Case  
Study

**Ombudsman helps resolve complaint about lost property and prompts review of policies**

A complainant alleged that her personal property was lost by a hospital. However the hospital and its insurer denied liability for the loss.

As a result of the Ombudsman’s enquiries, the hospital agreed to reimburse the complainant for the loss. The hospital also agreed to conduct its own internal review of its property handling policies and procedures. The hospital formed a working committee of senior medical staff and hospital administrators and commenced its review on the terms of reference suggested by the Ombudsman’s Office.

**Requests for Review**

The Ombudsman’s office is committed to providing complainants with a service that reflects best practice administration. The office provides the opportunity for people dissatisfied with the outcome of their complaint to have the matter reviewed. Twenty nine requests for reviews were received this year, or less than one per cent of the total number of complaints finalised. Twenty four reviews were completed this year. One review resulted in the original decision being amended and in all other cases, the original decisions were upheld.

## Other Complaint Handling Functions

### Public Interest Disclosures

The Ombudsman is one of the authorities nominated in section 5(3) of the **Public Interest Disclosure Act 2003** (the **PID Act**) to receive disclosures about particular types of 'public interest information'. Persons can make disclosures to the Ombudsman where the information relates to:

- A matter of administration that can be investigated under section 14 of the **Parliamentary Commissioner Act 1971**; or
- A public officer other than a member of Parliament, a minister of the Crown, a judicial officer or an officer referred to in Schedule 1 of the *Parliamentary Commissioner Act 1971*.

The information provided is assessed having regard to the legislation and relevant guidelines, and a decision made as to whether the disclosure is a matter requiring investigation. Subject to the requirements of the PID Act 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 continued the investigation of one disclosure carried over from the previous year and received two others.

As required under the PID Act the office reported the number of disclosures received and the outcome of any investigation to the Office of the Public Sector Standards Commissioner. Any outcomes resulting in changes to public authority practices and procedures are included in the Ombudsman's annual report statistics without identifying that they were the result of a particular public interest disclosure.

### 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 in this category during the year.

### Indian Ocean Territories

Under the service delivery arrangement between the Ombudsman and the Australian Government, the Ombudsman handles complaints from residents of the Indian Ocean Territories (Christmas and Cocos (Keeling) Islands) about public authorities in the Ombudsman's jurisdiction that operate in the Territories at the Commonwealth's request. There were no complaints from the Indian Ocean Territories during 2008-09.

## Energy Ombudsman

The functions of the Energy Ombudsman are in addition to, and separate from, the Western Australian Ombudsman's role.

During the reporting period, 252 gas-related complaints were received and 98 per cent of these were resolved within 10 business days. A total of 962 electricity complaints were received, 96 per cent of which were resolved within 10 business days.

Ombudsman staff provide support to the Energy Ombudsman team by assisting with complex cases and case reviews. In 2008-09, staff also contributed to strategic Energy Ombudsman projects including:

- A review of the Energy Ombudsman budget for 2009-10; and
- Undertaking the statutory review of the Energy Ombudsman scheme, which is required every two years. The review showed that:
  - The Energy Ombudsman scheme meets the scheme objectives;
  - The scheme achieves the 1997 Australian Government *Benchmarks for Industry-Based Customer Dispute Resolution Schemes*, which cover accessibility, independence, fairness, accountability, efficiency and effectiveness;
  - Process improvements have been put in place to address issues arising from the last review undertaken in 2006; and
  - Overall, the scheme is operating at a very high level.

The Economic Regulation Authority commended the Energy Ombudsman on the comprehensive nature of the review.

Further details are available in the **[Energy Ombudsman Annual Report 2008-09](#)**.

## Improved Public Administration

There are a number of ways in which the Ombudsman achieves outcomes that result in improvements to public administration. These are:

- Identifying and investigating concerns about the decision making and practices of the Western Australian public sector that affect broader sections of the community;
- Making suggestions and recommendations to improve public administration and reporting on and monitoring the implementation of our recommendations;
- Identifying and promoting good decision making and practices through relevant publications, communications, workshops and training;
- Providing guidance and support to public authorities for the development of their internal complaint handling systems; and
- Providing leadership in integrity in the Western Australian public sector, including working collaboratively with other integrity agencies and co-located accountability agencies.

### Ombudsman Investigation and Reviews

The Ombudsman contributes to the continuous improvement of public administration through the identification and investigation of concerns affecting broader sections of the community. During the year, the office established a new Administrative Improvement Team to reinvigorate this role. The team works to identify emerging trends and topics of public interest and concern suitable for investigation.

#### Criteria for Topic Selection

Topics to investigate are selected on the basis of criteria including:

- The number of complaints received by the Ombudsman;
- The likely public interest in the identified issue of concern;
- The number of people likely to be affected;
- Whether other reviews of the issue have carried out recently or are in progress;
- The potential for an investigation to improve administration across the public sector; and
- Whether investigation of the chosen topic is the best and most efficient use of office resources.

To maximise the benefit to public administration, topics selected for investigation are likely to raise issues that are relevant to a number of agencies across the public sector.

## Investigation Topics in 2008-09

Work commenced during the year on two investigation topics and will continue into 2009-10:

- **The management of personal information by State Government agencies and local governments:** Members of the community are required by statute to provide personal information to State Government agencies and local governments for a range of reasons. Legislation allows agencies to share this personal information with each other and to disclose it to third parties in certain circumstances. The way in which agencies manage personal information has become an ongoing source of community concern and complaint, particularly in light of recent examples of its unauthorised use and release. The Ombudsman therefore decided to conduct an investigation to determine how well agencies comply with good practice principles for the management of personal information.
- **The effective administration of complaint handling systems in State Government agencies and local governments:** In line with good practice complaint handling principles, the Ombudsman's office refers complainants back to agencies' complaint handling processes in the first instance, with the option to advise the Ombudsman if the problem cannot be resolved. It is generally more efficient and effective for complaints to be resolved at the local level wherever possible. However, two previous surveys of public sector complaint systems found that very few agencies complied with national standards. The Ombudsman will conduct a further survey in 2009-10 to determine the standard and effectiveness of agencies' complaint handling processes.

The Ombudsman consults regularly with public authorities involved in major reviews and investigations to ensure that the facts and understanding of the issues are correct and any findings are evidence based.

## Follow Up of Ombudsman Investigation into the Complaints Management Process in the Department of Education and Training

In November 2007, the Ombudsman published the **Progress Report on the Implementation of the Ombudsman's Recommendations by the Department of Education and Training**. This followed an own motion investigation in response to a number of complaints about the Department's approach to complaints management. The report of the investigation - published in November 2006 - identified a number of systemic issues and five recommendations were made.

The Progress Report noted that the Department had made positive progress towards improving its complaints management processes and had commenced a comprehensive reform of its complaint handling processes involving changes to policies, procedures and practices.

The Department's commitment to improving its complaints management system is to be commended.

## Ombudsman Suggestions and Recommendations

Investigations undertaken by the office are a key mechanism through which administrative improvements are achieved. In a number of cases, the Ombudsman makes recommendations or suggestions to a public authority for improvements to processes or procedures as a result of shortcomings identified during the office's enquiries. Some improvements occur because a public authority voluntarily initiates a review of its processes and procedures where, as a result of the Ombudsman's enquiries, it realises there were gaps in its service delivery that should be addressed. There were 29 improvements to the practices and procedures of public authorities during the year as a result of recommendations or suggestions made by the Ombudsman. Twenty four per cent of these improvements were to public authority complaint handling systems.

In addition, there were 43 instances where public authorities voluntarily initiated changes to practices or procedures, or initiated training for staff, as a result of complaints being made to the Ombudsman. A number of these improvements related to communication of information to the public. Some public authorities updated information provided on web sites about their processes and procedures, others updated standard letters, information sheets and information provided to people about appeal mechanisms. There were also improvements to processes for providing reasons for decisions and in record keeping systems.

### Case Study

#### Ombudsman involvement results in improved monitoring of conditions for resource industry projects

A resource industry project was approved subject to certain conditions. The Ombudsman received a complaint that the conditions were not being monitored appropriately by the relevant public authority and that complaints about the issue had not been adequately addressed.

The Ombudsman investigation showed inadequacies in the monitoring procedures and associated record keeping, and shortcomings in the handling of complaints made about the matter.

The Ombudsman made recommendations to overcome the problems identified in the investigation and the public authority reported on a number of initiatives to address the issues raised. The recommendations had broader application across the authority's role in monitoring conditions related to project approvals. In addition, the public authority accepted that its dealings with the complainant had not been adequate and reviewed its complaint handling processes.

## Portfolio Liaison

Ombudsman staff liaise regularly with public sector authorities to promote good public administration. This is done through:

- The Ombudsman meeting with Directors General and Chief Executive Officers;
- Ombudsman staff meeting with senior staff of Complaint Handling Units in public authorities;
- Training on the role and function of the Ombudsman and complaint resolution; and
- Seminars for Ombudsman staff on public authority roles and functions to enhance the development of practical recommendations and suggestions for administrative improvement for complaints received.

Liaison may occur in response to individual complaints or as part of managing portfolios within the office. It provides opportunities for Ombudsman staff to share and exchange information with public authorities, and report on complaint trends and emerging systemic issues. Key outcomes achieved in this area during 2008-09 are outlined below.

### Corrective Services

The Complaint Resolution Team conducted the following activities during the year:

- Regular meetings were held with senior Corrective Services staff to keep them updated on developments, trends and issues. These meetings provided an opportunity to share information and address systemic issues relating to the well-being of prisoners;
- ACCESS staff and the Ombudsman's office shared statistical information on the complaint referral process to assess if pathways for prisoner complaints are effective for prisoners;
- Past and present prisoner enquiries and complaints were monitored to identify systemic issues and ensure prisoner concerns were handled appropriately;
- Meetings were held with staff of the Office of the Inspector of Custodial Services four times during the year to discuss issues of mutual concern and ways to address them in the future;
- Enquiries and complaints from Indigenous prisoners were monitored as this is an area of common interest for the Department of Corrective Services, the Inspector of Custodial Services and the Ombudsman; and
- A meeting was held with the contract management division of the Department of Corrective Services and its private contractors to address issues of mutual concern and establish proactive ways of working together to resolve complaints. In the future, the Complaint Resolution Team will participate in monthly forums for public authorities and private contractors to jointly address issues as they arise.

## Prison Officer Training

Training of new prison officers about the role and expectations of the Ombudsman in relation to prisoner complaints was a strong commitment of the Ombudsman's office during the year. Staff talked to trainee officers about the processes for dealing with prisoner complaints and outlined the types of grievances that should be able to be resolved at the local prison level. Over 10 training sessions were conducted with highly positive feedback from the participants.

## Prison Visits

During the year, staff from the Ombudsman's office attended two prison visits. The Ombudsman attended Bandyup Women's Prison for the launch of the self care unit and toured the facility. The new self care unit is an important rehabilitation development for the prisoners.

As part of the **Regional Awareness and Accessibility Program** visit to Kalgoorlie in May, the Ombudsman and senior staff from the office visited Eastern Goldfields Regional Prison. Staff met with senior prison staff including the Superintendent, members of the Aboriginal Visitors Scheme and Peer Support Prisoners. They also toured the prison buildings and grounds, especially noting the location of telephones and confidential mailboxes to enable prisoners to contact the Ombudsman's office.

The visit provided an excellent opportunity for Ombudsman staff and prison staff to meet and discuss issues of concern, give updates on new policies and procedures and to discuss the best ways to address prisoner complaints. The prison was supplied with guidelines and information sheets including the new brochure **Complaining to the Ombudsman – Information for prisoners**, which were well received. Prison officers asked for ongoing contact with the Ombudsman as a way of staying informed about efficient complaint resolution. The visit was an important reminder that developing local networks supports timely and effective complaint resolution.

Incorporating a visit to the local prison into the Regional Awareness and Accessibility Program has been successful. Visits to regional prisons as part of the Program will continue in 2009-10.

## Local government

Complaints about local government can be very complex when they relate to planning, development and building approvals. They require considerable knowledge of the relevant rules, regulations and codes relating to these areas. The following action was taken during the year to strengthen the capacity of Ombudsman staff in relation to local government issues:

- Two Ombudsman officers attended the Western Australian Local Government Association (WALGA) Local Government Compliance Officers Forum;
- The Director Access and Resolution spoke about *Good decision making in government* at the 2008 West Australian Rangers Association International Professional Development Conference;
- Two staff attended the Planning Institute Forum; and

- A guest speaker from local government gave a presentation to Ombudsman staff about the issues faced by local government relating to property rating and collection of rates.

### Child Protection

The following activities were undertaken by the Complaint Resolution Team in 2008-09:

- Discussions with the Department for Child Protection's Complaints Management Unit regarding the most effective and efficient approach to resolving complaints about the Department and the referral of complainants between the two agencies for assistance;
- Presentation by the Department's Complaint Management Unit for Ombudsman staff on the new complaint management system;
- In-house training of Ombudsman staff on the Department's new complaint management system;
- Discussions with the Department regarding a trial Department of Child Protection/Centrelink strategy of income management and their clients rights of appeal; and
- Liaison meetings between the Department for Child Protection and Ombudsman staff to familiarise each other with respective roles in relation to issues, trends and concerns relating to complaints.

### Housing

After observing that an increasing number of complaints about anti-social behaviour of tenants were becoming more complex, and in response to growing concerns about the issues raised in such complaints, Ombudsman staff met with Department of Housing staff to discuss the implementation of a departmental trial strategy to address tenant anti-social behaviour issues. Ombudsman staff propose to monitor complaints received in this area and will continue to liaise with departmental staff in relation to the strategy.

## Promoting Good Administrative Practices

Improvements to public administration can be achieved through assistance, education and training programs. The office provides high level strategic advice to public authorities on their administrative practices and complaint handling systems.

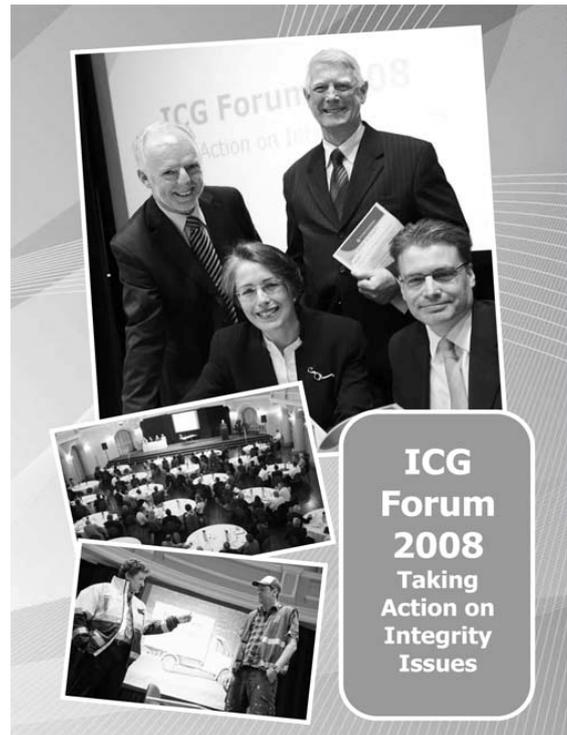
### Assistance with Good Administrative and Decision Making Practices

#### ICG Forum 2008 – Taking Action on Integrity Issues

In 2008-09, the **Integrity Coordinating Group (ICG)** presented the *ICG Forum 2008 - Taking Action on Integrity Issues* to give public authorities an insight into how the accountability agencies deal with integrity issues.

The ICG Forum 2008, influenced by feedback to the 2007 Forum, took a practical approach, adopting hypothetical scenarios using professional actors. The ICG produced a DVD of the forum for use by public authorities in staff training and education. The DVD is also an important mechanism to facilitate the ICG's shared commitment to communicating about integrity issues throughout the State.

Over 170 senior staff from State Government agencies, local governments and public universities attended the ICG Forum to hear the views of the integrity agencies on issues such as misuse of corporate credit cards, theft of government resources, inappropriate access and disclosure of confidential information and mismanagement of grievance processes. Attendees received the ICG's latest information brochure *Taking Action on Integrity Issues*, giving guidance for managing integrity issues.



Feedback from attendees was extremely positive with 97% saying that they were either very satisfied or satisfied with the overall quality of the event.

The *Taking Action on Integrity Issues* brochure can be downloaded from the ICG website at [www.opssc.wa.gov.au/icg](http://www.opssc.wa.gov.au/icg) or received electronically by emailing [icg@ombudsman.wa.gov.au](mailto:icg@ombudsman.wa.gov.au). For more information on the Integrity Coordinating Group, see **Working Collaboratively**.

#### Good Public Administration Workshop

The office worked collaboratively with the New South Wales Ombudsman's office and the Queensland Ombudsman's office during the year to develop workshop materials to deliver at a joint workshop on good public administration. The workshop will be held as part of the Australian Public Sector Anti-Corruption Conference in July 2009.

## Guidelines on Good Administrative and Decision Making Practices

The Ombudsman's office publishes a range of brochures, guidelines and information sheets to assist public authorities to improve their administrative practices and procedures. These cover procedural fairness, good record keeping, guidelines for conducting administrative investigations and providing redress. Publications can be downloaded from the office's website at [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au) or requests for hard copy publications can be made to the office. A full list of current publications is listed in **Appendix 3**.

In addition, significant work has been undertaken to develop new guidelines on exercising discretion in administrative decision making and providing reasons for decisions. These new documents will be released later in 2009.

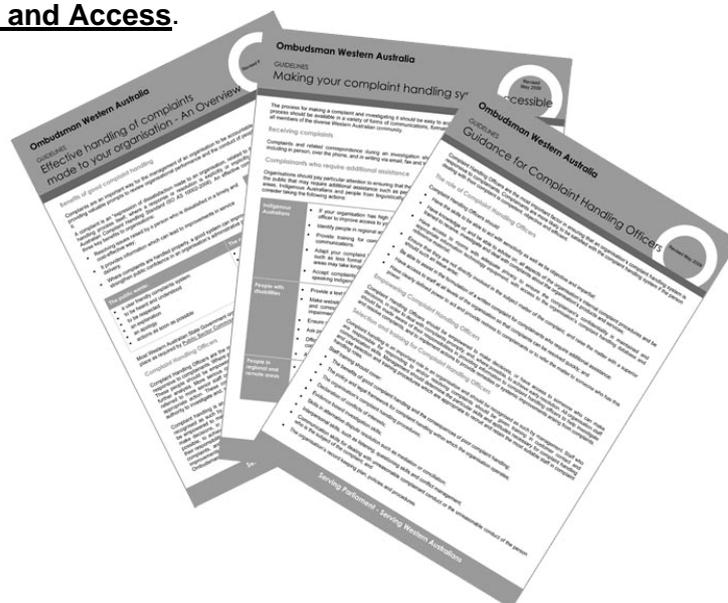
## Assistance with Complaint Handling Practices

### Guidelines and Resource Materials on Good Complaint Handling Systems

During the financial year, the office developed new complaint handling guidelines to assist public authorities to resolve complaints. These include guidelines on complaint handling systems, a complaint handling systems checklist, guidelines on making complaint handling systems accessible and guidance for Complaint Handling Officers. The guidelines complement the range of other resource material published by the Ombudsman's office. Publications can be downloaded from the office's website at [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au) or requests for hard copy publications can be made to the office. A full list of current publications is listed in **Appendix 3**.

### Complaint Handling Workshop

Following the release of the office's complaint handling guidelines, workshop materials were developed for use with public authorities. The workshops covered topics including what is a complaint, the benefits of effective complaint handling, advice for complaint handling officers, complaint investigation and resolution, remedies and redress and dealing with unreasonable complainant conduct. The workshop will be delivered initially as part of the Regional Awareness and Accessibility Program later in 2009 and may be presented at other forums throughout the next reporting year. Further details of the Regional Awareness and Accessibility Program can be seen under **Communication and Access**.



## Working Collaboratively

The Ombudsman's office worked collaboratively on a number of programs and initiatives and was represented on a number of groups and committees throughout the year.

Program/Initiative	Agencies involved	Details
Regional Awareness and Accessibility Program	Ombudsman Western Australia Commonwealth Ombudsman Office of the Public Sector Standards Commissioner Office of the Information Commissioner Office of Health Review	The Ombudsman launched the Regional Awareness and Accessibility Program in 2008-09 to significantly enhance awareness of, and accessibility to, the office's services for regional and Indigenous Western Australians. Further details of the Program can be seen under <b><u>Communication and Access</u></b> .
Indonesian-Australian Ombudsman Linkages and Strengthening Program	Ombudsman Western Australia Commonwealth Ombudsman New South Wales Ombudsman Ombudsman of the Republic of Indonesia	The goal of the program is to provide greater access, across a larger portion of Indonesia, to more effective and sustainable Ombudsman and other complaint management services. Program activities help to strengthen the links between Ombudsman offices in Indonesia and Australia and strengthen the complaint handling and investigation capacity of staff. The Ombudsman's office has been involved with the program since 2005 and supports the program through staff placements in Indonesia and Australia.
Dealing with Complainants whose Behaviour is Challenging	Ombudsman Western Australia Led by New South Wales Ombudsman, involving Parliamentary Ombudsmen from all other Australian jurisdictions	<p>Since 2006, the office has been part of a national research project led by the New South Wales Ombudsman to develop better strategies for managing complainants whose behaviour is challenging. During the project, an interim practice manual was developed in 2007 for Ombudsman staff to assist them to deal with challenging behaviour.</p> <p>In 2008-09, the office invited several Western Australian public authorities to trial the practice manual to gauge whether it would have broader application. The feedback was very positive. The manual was put on the office's website for wider distribution. A final manual was released by the New South Wales Ombudsman's office in June 2009. This will be made available to public authorities in the 2009-10 year through the office's website.</p>

Groups/Committees	Agencies involved	Details
State Records Commission	Ombudsman Western Australia Information Commissioner Auditor General	<p>The Ombudsman is a member of the State Records Commission, which was established in July 2001 under the <b><u>State Records Act 2000</u></b>. The Commission monitors the operation of, and compliance with, the legislation, monitors record keeping compliance by government bodies and makes enquiries into alleged breaches of the legislation. The Commission reports direct to Parliament.</p> <p>The Ombudsman participated in four meetings of the Commission during the financial year.</p>
Integrity Coordinating Group	Ombudsman Western Australia Commissioner for Public Sector Standards Corruption and Crime Commissioner Auditor General	<p>The <b><u>Integrity Coordinating Group</u></b> (ICG) was formed to promote and strengthen integrity in Western Australian public bodies.</p> <p>The group works collaboratively in:</p> <ul style="list-style-type: none"> <li>• fostering cooperation between public sector integrity bodies;</li> <li>• encouraging coordinated research, evaluation and monitoring of the implementation of integrity and accountability;</li> <li>• fostering operational cooperation and consistency in communication, education and support in public sector organisations; and</li> <li>• providing ongoing advice to government and the public on integrity issues.</li> </ul>
Australia and New Zealand Ombudsman Association (ANZOA)	16 Parliamentary and industry-based Ombudsmen from Australia and New Zealand including the Ombudsman Western Australia and the Energy Ombudsman Western Australia.	<p><b><u>ANZOA</u></b> is a peak body industry association for Parliamentary and industry-based Ombudsmen in Australia and New Zealand. ANZOA acts as a network for consultation and discussion for Ombudsman schemes/offices on matters of interest, concern or common experience.</p> <p>The Ombudsman's office supports the network by attending meetings and submitting a quarterly report on activities in Western Australia.</p> <p>The Director Access and Resolution is involved in ANZOA's First Contact Group for staff working directly with complaints received from the public.</p>

## Child Death Review and Investigations

There are two outcomes related to the new child death review and investigations function highlighted in the office's Strategic Plan 2009-11. These are:

- Reviewing, investigating and making recommendations to the Department for Child Protection and other public authorities in relation to preventable deaths of children; and
- Advancing good decision making and practices in services to children and their families, and strengthening collaborative approaches across the public sector to child safety and well-being.

Prudence Ford undertook an independent review of the former Department for Community Development in 2007 (**Review of the Department for Community Development, Prudence Ford, January 2007**). The report made three recommendations relating to the Ombudsman:

- That the Department develop a three tier complaints process, in conjunction with the Ombudsman and the Corruption and Crime Commission (Recommendation 30);
- That the child death review function be transferred from the ministerial Child Death Review Committee to the Ombudsman (Recommendation 31); and
- That a small specialist investigative unit be established within the Ombudsman's office to investigate complaints and examine cases of child deaths involving a number of agencies (Recommendation 32).

These recommendations were endorsed and funding approved by the State Government during 2008-09. Work then commenced on transferring the child death review function to the Ombudsman's office during the reporting year.

Legislative changes were required to enable the transfer of the new function. Amendments to the **Parliamentary Commissioner Act 1971** were passed by the Western Australian Parliament in June 2009 and the new jurisdiction became effective on 30 June 2009.

The new powers enable the Ombudsman to review and investigate the sudden or unexpected deaths of certain children known to the Department for Child Protection. The Ombudsman can:

- Monitor and review the investigable deaths of children;
- Exercise existing powers to investigate administrative actions that relate to investigable deaths; and
- Make recommendations to the Department for Child Protection and other public authorities within the Ombudsman's jurisdiction, relating to policies, practices and systems for the prevention or reduction of deaths of children and to advance good decision making practice.

During the year, significant work was carried out on developing policies, procedures and systems to support a small investigative unit to carry out the new function which will be known as the Child Death Review Team.

## Audit and Review of Statutory Compliance

The office is involved in the audit and review of statutory compliance in the areas of telecommunications intercepts used by Western Australia Police and the Corruption and Crime Commission and reviewing appeals by international students. Issues around international university students has been an emerging topic of significant interest for the office over the reporting year.

### Audits of Telecommunication Intercepts

The **Telecommunications (Interception) Western Australia Act 1996**, the *Telecommunications (Interception) Western Australia Regulations 1996* and the Commonwealth *Telecommunications (Interception and Access) Act 1979* permit certain designated 'eligible authorities' to carry out strictly regulated telecommunication intercepts. In this State, Western Australia Police and the Corruption and Crime Commission are eligible authorities.

Under the Regulations, the Ombudsman is appointed as the Principal Inspector to inspect the interception activities of both Western Australia Police and the Corruption and Crime Commission to ensure they are meeting their legislative requirements and carrying out interceptions lawfully. The Ombudsman must inspect the telecommunications interception records of Western Australia Police and the Corruption and Crime Commission at least twice a year and report on the outcome to the relevant Western Australian and Australian Government ministers within three months of the end of the financial year.

During the year, the office implemented processes to enhance the efficiency of the telecommunication interception inspection process. This was done by updating the inspection manual, in consultation with eligible authorities, increased training for inspection officers and revising the timing of inspections to better align with eligible authorities' telecommunication interception processes.

In 2008-09, Ombudsman staff undertook 33 inspections at eligible authorities and reported in accordance with the legislation.

### Reviewing Appeals by International Students

The Ombudsman's office reviews appeals by international students who are facing cancellation of their visas because of failure to meet educational requirements. The right to an external appeal is provided under the **National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007** (the Code) which is part of the Australian Government framework regulating international education services.

A full overview of this function and the work carried out during the reporting period can be seen under the **Report on Operations – International students**.

## Communications and Access

In 2008-09, the office continued exploring ways to raise awareness of the role of the Ombudsman in the Western Australian community. A dedicated Communications Manager was appointed during the year and a review was conducted of existing communications materials and activities.

Development of a draft communications strategy commenced with the key objectives of raising the profile of, and promoting accessibility to, the Ombudsman among stakeholder groups. The communications strategy will be finalised in the 2009-10 financial year in line with the outcomes of the office's strategic planning initiatives.

During the year, key messages and target audiences were identified and a number of new communications initiatives were implemented as detailed below.

### Regional Awareness and Accessibility Program

The Ombudsman launched the Regional Awareness and Accessibility Program (**the Program**) in 2008-09 as a key initiative in strengthening relationships with regional and Indigenous Western Australians. These groups are currently under-represented among complainants.

The Program aims to improve access to, and understanding of, the Ombudsman's services to regional Western Australians. It also promotes good administrative practices, effective complaint/dispute resolution, ethical conduct and appropriate access to information in the public sector.



**Geraldton Regional Visit June 2009.**

L-R: Information Commissioner Sven Bluemmel, Gary Savill, Treasury and Finance, Ombudsman Chris Field, Beverley Hills, Advocare and Roslyn Miller, Shire of Carnamah.

While the Program is coordinated by the Ombudsman's office, it incorporates the work of other agencies including the Office of the Public Sector Standards Commissioner, Office of Health Review, Office of the Information Commissioner and the Commonwealth Ombudsman's office.

Visits were held in the Goldfields-Esperance Region in May 2009 and the Mid West Region in June 2009.

Activities undertaken as part of each regional visit included:

- Complaints clinics to provide an opportunity for people to speak with complaint resolution staff face to face. Where possible, complaint issues were resolved during the regional visits;
- Seminars for regionally-based public sector agencies and local governments to discuss the office's role, relevant issues and trends related to complaints and good administrative practice;
- A seminar for community groups to discuss the role of the Ombudsman and how to make a complaint;
- A workshop with Indigenous community groups on challenging issues and ways to improve accessibility to the Ombudsman's office; and
- Individual meetings with key regional stakeholders and visits to regional prisons.

Key outcomes of the Program to date include:

- Increased awareness and accessibility derived from the Program will contribute to the development of a comprehensive strategy for working with regional and Indigenous groups;
- Providing public authorities with key contacts for skills development, workshops and information sharing;
- The establishment and maintenance of networks and relationships with regional stakeholders for the dissemination of information and improved accessibility;
- Insight into the issues and challenges facing people in regional areas; and
- Development of two-way communications channels to build mutually beneficial relationships.

More visits are planned for other regional locations in 2009-10 including a visit to the Peel region in November. For more details on the Program visit the website at [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au).

### 'Ask the Ombudsman' on 6PR Nightline

The Ombudsman continued to appear regularly on 'Ask the Ombudsman' on the 6PR Nightline program. Listeners who had queries for the Ombudsman's office have the opportunity to email or call in and discuss their complaints with the Ombudsman live on air.

The appearances assist with the continued promotion of the role and function of the Ombudsman to the Western Australian public. The Ombudsman appeared on 6PR Nightline in September, December, February and May.

## Newsletter

The **Western Australian Ombudsman Newsletter** was issued in July, November, February and June. The newsletter is a key vehicle for promoting office achievements, upcoming events and new materials and resources to key target audiences.

The newsletters included articles on Ombudsman initiatives and projects; public sector responses to Ombudsman recommendations; office achievements; case studies; helpful information and resources; a series of team work profiles; and Ombudsman staff profiles.

The newsletter is published on the Ombudsman's website and an email with a link to the newsletter is sent directly to all public authorities, members of Parliament and interested members of the public.

As part of the Communications Strategy, the newsletter will undergo a reinvigoration during 2009-10.

## Western Australian Ombudsman

Edition 5 - June 2009

**In this issue...**

- Goldfields-Esperance visit improves access and awareness in the region 1
- Message from the Ombudsman 2
- Helpful information - Understanding who we are and what we do 2
- Our strategic direction - New Strategic Plan released for 2009-2011 3
- Case Study 5
- Regional visit to Geraldton 5
- Staff Profile 6

### Goldfields-Esperance visit improves access and awareness in the region

Over three days in early May, the Western Australian Ombudsman and Energy Ombudsman held a series of seminars, workshops and complaints clinics in Kalgoorlie.

The purpose of these events was to meet with community members, community groups, Indigenous groups, government agencies, local governments and others to resolve complaints and promote good administrative practice.

The event was organised with the Commissioner for Public Sector Standards, Office of Health Review, Freedom of Information Commission and Commonwealth Ombudsman who joined the Ombudsman's office on the visit.

Western Australian Ombudsman, Chris Field, said the Regional Awareness and Accessibility Program visit was an important priority for his office.

"We want to ensure that the services of our agencies are as accessible as they can possibly be to Western Australians living and working in regional areas," said Mr Field.

"We want to go to the regions and learn from the community what we can do to better serve their needs".

During the visit, the accountability agencies held a number of Complaints Clinics to give local people the opportunity to discuss their unresolved concerns about government services with the accountability agencies.

"We were very pleased to be able to offer quick, informal resolution to the concerns community members had about government services," Mr Field said.

*Continues on Page 4*



Pictured from left to right: Dr Ruth Shean, Commissioner for Public Sector Standards, Anne Donaldson, Director of the Office of Health Review, Grace Grandia, Projects Officer from the Office of the Information Commissioner, Chris Field, Western Australian Ombudsman and Sandra Pelham, Investigations Office from the Commonwealth Ombudsman's office.

Serving Parliament – Serving Western Australians

## Ombudsman Speeches and Presentations

An important way for the office to promote awareness of its role is through presentations at conferences and seminars. In 2008-09, the Ombudsman delivered speeches or presentations to:

- New members of the Western Australian Parliament on *The role of the Ombudsman* in September 2008;
- The Integrity Coordinating Group Forum in October 2008;
- The Public Sector Governance Conference 2008 on *Accomplishing successful leadership through integrity* in November 2008;
- The Economic Regulation Authority Water Managers Forum on *The role of the Energy Ombudsman and the proposed Water Ombudsman* in March 2009; and
- The Institute of Public Administration at a Twilight Seminar on *Meet the Integrity Group: The Role of the Ombudsman* in March 2009.

Copies of these speeches are available at [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au)

## Attendance at Conferences, Events and Seminars

Ombudsman staff represented the office at a number of external conferences, events and seminars throughout the year. Highlights for 2008-09 include:

- The Deputy Ombudsman attended the *IXth International Ombudsman Institute World Conference* and *The Swedish Parliamentary Ombudsmen 200 Year Anniversary* celebrations in Stockholm in June; and
- The Ombudsman attended the annual 2008 W.S. Lonnie Awards in June where the Ombudsman's office received a Silver Award in the 'Less than 100 FTE' category and sponsored the 'Outstanding Complaint Handling' award.

## Publications

The office publishes a range of brochures, guidelines and information sheets to assist complainants and public authorities to understand the services the office delivers. Publications can be downloaded from the office's website at [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au) and hard copies can be mailed on request. A full list of publications is shown in **Appendix 3**.

During 2008-09, the content and design of all guidelines and information sheets were reviewed. A number of new publications were issued during the period:

- Information Sheet for Complainants - How to complain to the Ombudsman;
- Information Sheet for Agencies - About the Ombudsman;
- Effective handling of complaints made to your organisation;
- Effective handling of complaints – Checklist;
- Making your complaint handling system accessible; and
- Guidance for Complaint Handling Officers.

## Accessibility for People from Diverse Backgrounds

The Ombudsman's office is committed to ensuring that it is accessible to people with special needs and from diverse backgrounds. The office strives to publish all documents in plain English. Publications and information are available in alternative formats on request. TTY phone access is available for people with a hearing impairment.

Where necessary, the complaint process is modified to meet individual needs. This includes meeting with people who have difficulty attending the office or using translation services.

Information about the role of the Ombudsman and how to complain will be available on the new public website (to be launched later in 2009) and in hard copy on request in 15 languages appropriate to the cultural and linguistic diversity of the office's clients. Further translations can be made on request.

## Significant Issues Impacting the Office

Complaint Resolution	74
Improving Public Administration	74
Child Death Review and Investigations	75
Audit and Review of Statutory Compliance	75
Good Governance and Maintaining a Skilled and Valued Workforce	76

## Significant Issues Impacting the Office

Significant achievements and highlights for the office during the year and key issues identified that will impact the office in the future are described below.

### Complaint Resolution

- The office achieved a reduction in the age of complaints and the number of older allegations on hand. The Ombudsman received 1,238 complaints and 4,000 telephone enquiries from members of the public during the financial year. The quality and efficiency of complaint handling has been improved in 2008-09 resulting in an increase in administrative improvements and significantly improved timeliness in complaint handling.
- The office has commenced a project to further improve the timeliness, consistency and quality of Ombudsman complaint resolution. The project will provide the office with a number of new resources and tools to assist it to further improve the complaint handling function.
- The office has increased awareness of, and accessibility to, its services through:
  - The Regional Awareness and Accessibility Program, which commenced during the year and focuses on regional and Indigenous Western Australians; and
  - Enhanced communication with the Parliament, the public and public authorities.
- The office will evaluate the Regional Awareness and Accessibility Program visits held during 2009. Success to date indicates it is likely that the Program will continue into 2009-10 with visits to new regional areas. A comprehensive Communications Strategy will also be finalised during 2009-10.

### Improving Public Administration

- There has been a renewed focus on the Ombudsman's role in improving public administration during the year including:
  - The establishment of the Administrative Improvement Team as a dedicated resource for improving public administration through investigation of systemic issues; and
  - The development of publications and products and the provision of assistance and training to assist public authorities in good decision making and practices.
- The Administrative Improvement Team will continue to work toward improving public administration through identifying emerging topics of public interest suitable for investigation.

Two provisional topics for investigation in 2009-10 are:

- The Management of Personal Information by State Government agencies and local governments; and
- The Effective Administration of Complaint Handling Systems.
- Tools and publications to assist public authorities in good decision making and practices will continue to be developed as required.
- The Ombudsman has continued to work collaboratively with other Ombudsman offices in Australia and overseas, with other accountability agencies – including agencies that constitute the Integrity Coordinating Group (ICG) – and the four agencies co-located with the Ombudsman’s office. Examples of this collaboration during the past year include ongoing strategic partnerships, the ICG Forum 2008, the development of the Unreasonable Complainant Conduct Manual and the Regional Awareness and Accessibility Program.
- The Ombudsman’s office will continue to foster strong relationships and work collaboratively with other agencies to improve awareness and understanding of the role and services of these organisations.

## Child Death Review and Investigations

- The legislative changes to the **Parliamentary Commissioner Act 1971** came into effect on 30 June 2009 and allow the Ombudsman to review and investigate notifiable deaths of children known to the Department for Child Protection.
- The Ombudsman’s office has established a small, investigative unit known as the Child Death Review Team to carry out the new function. The team will be responsible for reviewing and investigating child deaths and making suggestions and recommendations to the Department for Child Protection and other public authorities regarding the safety and well-being of children in Western Australia, with the aim of reducing preventable deaths.

## Audit and Review of Statutory Compliance

- Structure and processes continue to be improved to enable the cost effective handling of a range of functions undertaken by the Ombudsman under other jurisdictions including:
  - Handling complaints and working with educational institutions in the development of complaint handling procedures under the **National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007 (the Code)**; and
  - Performing the duties of Principal Inspector and inspecting officers under the **Telecommunications (Interception) Western Australia Act 1996**.
- The office is currently reviewing how the Code is being applied by education providers to support the development of enhanced assistance for educational institutions in 2009-10.

## Good Governance and Maintaining a Skilled and Valued Workforce

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

## Disclosures and Legal Compliance

<b>Financial Statements and Performance Indicators .....</b>	<b>78</b>
Independent Audit Opinion	78
Certification of Financial Statements	80
Index to the Financial Statements	81
Financial Statements	82
Key Performance Indicators	115
<b>Other Disclosures and Legal Compliance.....</b>	<b>118</b>
Ministerial Directives	118
Other Financial Disclosures	118
Pricing Policies of Services Provided	118
Capital Works	118
Employment and Industrial Relations	119
Staff Policies, Procedures, Recruitment and Development	120
Industrial Relations	121
Governance Disclosures	122
Other Legal Requirements	123
Advertising and Sponsorship Expenditure	123
Disability Access and Inclusion Plan Outcomes	123
Compliance with Public Sector Standards and Ethical Codes	124
Recordkeeping Plans	126
Government Policy Requirements	127
Corruption Prevention	127
Substantive Equality	128
Occupational Safety and Health	129

# Financial Statements and Performance Indicators

## Independent Audit Opinion



### Auditor General

#### INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

#### PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS FINANCIAL STATEMENTS AND KEY PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2009

I have audited the accounts, financial statements, controls and key performance indicators of the Parliamentary Commissioner for Administrative Investigations.

The financial statements comprise the Balance Sheet as at 30 June 2009, and the Income Statement, Statement of Changes in Equity, Cash Flow Statement, 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, a summary of significant accounting policies and other explanatory Notes.

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

#### Parliamentary Commissioner's Responsibility for the Financial Statements and Key Performance Indicators

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 (including the Australian Accounting Interpretations) and the Treasurer's Instructions, and the key performance indicators. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements and key performance indicators that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; making accounting estimates that are reasonable in the circumstances; and complying with the Financial Management Act 2006 and other relevant written law.

#### Summary of my Role

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements, controls and key performance indicators based on my audit. This was done by testing selected samples of the audit evidence. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion. Further information on my audit approach is provided in my audit practice statement. Refer [www.audit.wa.gov.au/pubs/AuditPracStatement\\_Feb09.pdf](http://www.audit.wa.gov.au/pubs/AuditPracStatement_Feb09.pdf).

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

Page 1 of 2

4<sup>th</sup> Floor Dumas House 2 Havelock Street West Perth 6005 Western Australia Tel: 08 9222 7500 Fax: 08 9322 5664

**Parliamentary Commissioner for Administrative Investigations  
Financial Statements and Key Performance Indicators for the year ended 30 June 2009**

**Audit Opinion**

In my opinion,

- (i) the financial statements are based on proper accounts and present fairly the financial position of the Parliamentary Commissioner for Administrative Investigations at 30 June 2009 and its financial performance and cash flows for the year ended on that date. They are in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions;
- (ii) the controls exercised by the Parliamentary Commissioner 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; and
- (iii) the key performance indicators of the Parliamentary Commissioner are relevant and appropriate to help users assess the Parliamentary Commissioner's performance and fairly represent the indicated performance for the year ended 30 June 2009.



COLIN MURPHY  
AUDITOR GENERAL  
17 September 2009

## Certification of Financial Statements

### **Certification of Financial Statements for the year ended 30 June 2009**

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 ending 30 June 2009 and the financial position as at 30 June 2009.

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



Mary White  
**Chief Finance Officer**

8 September 2009



Chris Field  
**Accountable Authority**

8 September 2009

## Index to the Financial Statements

Financial Statements	82
Income Statement	82
Balance Sheet	83
Statement of Changes in Equity	84
Cash Flow Statement	85
Schedule of Income and Expenses by Service	86
Schedule of Assets and Liabilities by Service	87
Summary of Consolidated Fund Appropriations and Income Estimates	88
Notes to the Financial Statements	89
1. Mission and funding	89
2. Australian equivalents to International Financial Reporting Standards	89
3. Summary of significant accounting policies	89
4. Judgements made by management in applying accounting policies	98
5. Key sources of estimation uncertainty	98
6. Disclosure of changes in accounting policy and estimates	98
7. Employee benefits expense	99
8. Supplies and Services	100
9. Depreciation and amortisation expense	100
10. Accommodation expenses	100
11. Other expenses	100
12. Net gain / (loss) on disposal of non-current assets	100
13. User charges and fees	101
14. Income from State Government	101
15. Restricted cash and cash equivalents	102
16. Receivables	102
17. Amounts receivable for services	102
18. Property, Plant and Equipment	102
19. Intangible assets	104
20. Impairment of assets	104
21. Payables	104
22. Provisions	104
23. Equity	105
24. Notes to the Cash Flow Statement	107
25. Resources provided free of charge	107
26. Commitments	108
27. Contingent liabilities and contingent assets	108
28. Events occurring after the balance sheet date.	108
29. Explanatory Statement	108
30. Financial Instruments	109
31. Remuneration of senior officers	112
32. Remuneration of Auditor	113
33. Related bodies	113
34. Affiliated bodies	113
35. Indian Ocean Territories	113
36. Supplementary financial information	114

## Financial Statements

### Income Statement

For the year ended 30 June 2009

	Note	2009 \$	2008 \$
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits expense	7	3,886,648	3,119,225
Supplies and services	8	864,163	658,700
Depreciation and amortisation expense	9	120,517	116,619
Accommodation expenses	10	618,159	466,339
Other expenses	11	19,344	29,581
Loss on disposal of non-current assets	12	3,418	-
<b>Total cost of services</b>		<b>5,512,249</b>	<b>4,390,464</b>
<b>Income</b>			
<b>Revenue</b>			
Users charges and fees	13	823,376	671,690
<b>Total revenue</b>		<b>823,376</b>	<b>671,690</b>
<b>Total income other than income from State Government</b>		<b>823,376</b>	<b>671,690</b>
<b>NET COST OF SERVICES</b>		<b>4,688,873</b>	<b>3,718,774</b>
<b>INCOME FROM STATE GOVERNMENT</b>	14		
Service Appropriation		4,564,000	3,727,000
Resources received free of charge		42,546	63,120
Liabilities assumed by the Treasurer		-	182,386
<b>Total income from State Government</b>		<b>4,606,546</b>	<b>3,972,506</b>
<b>(DEFICIT)/SURPLUS FOR THE PERIOD</b>		<b>(82,327)</b>	<b>253,732</b>

## Balance Sheet

For the year ended 30 June 2009

	Note	2009 \$	2008 \$
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and cash equivalents	24	420,570	594,419
Receivables	16	424,814	335,725
Amounts receivable for services	17	67,000	143,000
<b>Total Current Assets</b>		<b>912,384</b>	<b>1,073,144</b>
<b>Non-Current Assets</b>			
Restricted cash and cash equivalents	15	52,498	30,731
Property, plant and equipment	18	716,538	667,594
Intangible assets	19	147,965	157,853
Amounts receivable for services	17	1,033,000	600,000
<b>Total Non-Current Assets</b>		<b>1,950,001</b>	<b>1,456,178</b>
<b>TOTAL ASSETS</b>		<b>2,862,386</b>	<b>2,529,322</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	21	304,102	376,819
Provisions	22	852,981	638,453
<b>Total Current Liabilities</b>		<b>1,157,083</b>	<b>1,015,272</b>
<b>Non-Current Liabilities</b>			
Provisions	22	251,559	175,980
<b>Total Non-Current Liabilities</b>		<b>251,559</b>	<b>175,980</b>
<b>TOTAL LIABILITIES</b>		<b>1,408,642</b>	<b>1,191,252</b>
<b>Net Assets</b>		<b>1,453,744</b>	<b>1,338,070</b>
<b>EQUITY</b>			
	23		
Contributed equity		930,000	732,000
Reserves		0	-
Accumulated surplus		523,743	606,070
<b>TOTAL EQUITY</b>		<b>1,453,743</b>	<b>1,338,070</b>

See also the 'Schedule of Assets and Liabilities by Service'

## Statement of Changes in Equity

For the year ended 30 June 2009

	Note	2009 \$	2008 \$
<b>Balance of equity at start of period</b>		1,338,070	1,084,338
<b>CONTRIBUTED EQUITY</b>	23		
Balance at start of period		732,000	732,000
Capital contribution		198,000	-
Balance at end of period		930,000	732,000
<b>RESERVES</b>	23		
<b>Asset Revaluation Reserve</b>			
Balance at start of period		-	-
Changes in accounting policy or correction of prior period errors		-	-
Restated balance at start of period		-	-
Gains/(losses) from asset revaluation		-	-
Balance at end of period		-	-
<b>ACCUMULATED SURPLUS (RETAINED EARNINGS)</b>	23		
Balance at start of period		606,070	352,338
Change in accounting policy or correction of prior period errors		-	-
Restated balance at start of period		606,070	352,338
Surplus/(deficit) or profit/(loss) for the period		(82,327)	253,732
Gain/(losses) recognised directly in equity		-	-
Balance at end of period		523,743	606,070
<b>Balance of equity at end of period</b>		1,453,743	1,338,070
Total income and expense for the period		(82,327)	253,732

## Cash Flow Statement

For the year ended 30 June 2009

	Note	2009 \$	2008 \$
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Service appropriations		4,123,000	3,346,000
Capital contribution		198,000	-
Holding account drawdowns		84,000	403,000
<b>Net Cash provided by State Government</b>		<b>4,405,000</b>	<b>3,749,000</b>
<b>Utilised as follows:</b>			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits		(3,579,582)	(2,775,912)
Supplies and services		(898,985)	(511,220)
Accommodation		(618,159)	(511,933)
GST payments on purchases		(135,750)	(48,431)
GST payments to taxation authority		(23,555)	(40,089)
Other payments		(19,343)	(79,915)
<b>Receipts</b>			
User Charges and Fees		721,978	739,084
GST receipts on sales		82,331	26,740
GST receipts from taxation authority		76,974	63,798
<b>Net cash used in operating activities</b>	24	<b>(4,394,091)</b>	<b>(3,137,878)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Proceeds from sale of non-current physical assets		150	-
Purchase of non-current physical assets		(163,141)	(529,258)
<b>Net cash used in investing activities</b>		<b>(162,991)</b>	<b>(529,258)</b>
<b>Net (decrease)/increase in cash and cash equivalents</b>		<b>(152,082)</b>	<b>81,864</b>
Cash and cash equivalents at the beginning of period		625,150	543,286
<b>CASH AND CASH EQUIVALENTS AT THE END OF PERIOD</b>	24	<b>473,068</b>	<b>625,150</b>

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

## Schedule of Income and Expenses by Service

For the year ended 30 June 2009

	Investigating Complaints about Public Authorities		Telecommunication Intercept Inspections		Total	
	2009 \$	2008 \$	2009 \$	2008 \$	2009 \$	2008 \$
<b>COST OF SERVICES</b>						
<b>Expenses</b>					(a)	
Employee benefits expense	3,819,490	3,059,761	67,158	59,465	3,886,648	3,119,226
Supplies and services	864,163	658,656	-	43	864,163	658,699
Depreciation and amortisation expense	120,517	116,619	-	-	120,517	116,619
Accommodation expenses	618,159	466,339	-	-	618,159	466,339
Other expenses	19,344	29,531	-	50	19,344	29,581
Loss on disposal of non-current assets	3,418	-	-	-	3,418	-
<b>Total cost of services</b>	<b>5,445,091</b>	<b>4,330,906</b>	<b>67,158</b>	<b>59,558</b>	<b>5,512,249</b>	<b>4,390,464</b>
<b>Income</b>						
Other revenue	823,376	671,690	-	-	823,376	671,690
<b>Total income other than income from State Government</b>	<b>823,376</b>	<b>671,690</b>	<b>-</b>	<b>-</b>	<b>823,376</b>	<b>671,690</b>
<b>NET COST OF SERVICES</b>	<b>4,621,715</b>	<b>3,659,216</b>	<b>67,158</b>	<b>59,558</b>	<b>4,688,873</b>	<b>3,718,774</b>
<b>INCOME FROM STATE GOVERNMENT</b>						
Service appropriation	4,510,000	3,673,000	54,000	54,000	4,564,000	3,727,000
Resources received free of charge	42,546	63,120	-	-	42,546	63,120
Liabilities assumed by the Treasurer	-	182,386	-	-	-	182,386
<b>Total income from State Government</b>	<b>4,552,546</b>	<b>3,918,506</b>	<b>54,000</b>	<b>54,000</b>	<b>4,606,546</b>	<b>3,972,506</b>
<b>Surplus/(deficit) for the period</b>	<b>(69,169)</b>	<b>259,290</b>	<b>(13,158)</b>	<b>(5,558)</b>	<b>(82,327)</b>	<b>253,732</b>

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

- (a) Employee benefits expense and flow on figures for 2008 had been adjusted in this financial year's annual report to reflect changes to prior year's figures.

## Schedule of Assets and Liabilities by Service

As at 30 June 2009

	Investigating Complaints about Public Authorities		Telecommunication Intercept Inspections		Total	
	2009 \$	2008 \$	2009 \$	2008 \$	2009 \$	2008 \$
<b>ASSETS</b>						
Current Assets	912,384	1,073,144	-	-	912,384	1,073,144
Non-Current Assets	1,950,001	1,456,178	-	-	1,950,001	1,456,178
<b>Total assets</b>	<b>2,862,385</b>	<b>2,529,322</b>			<b>2,862,385</b>	<b>2,529,322</b>
<b>LIABILITIES</b>						
Current liabilities	1,157,083	1,015,272			1,157,083	1,015,272
Non-current liabilities	251,559	175,980			251,559	175,980
<b>Total liabilities</b>	<b>1,408,642</b>	<b>1,191,252</b>	-	-	<b>1,408,642</b>	<b>1,191,252</b>
<b>NET ASSETS</b>	<b>1,453,743</b>	<b>1,338,070</b>	-	-	<b>1,453,743</b>	<b>1,338,070</b>

The Schedule of Assets and Liabilities by Service should be read in conjunction with the accompanying notes.

## Summary of Consolidated Fund Appropriations and Income Estimates

For the year ended 30 June 2009

	2009 Estimate \$	2009 Actual \$	Variance \$	2009 Actual \$	2008 Actual \$	Variance \$
<b>DELIVERY OF SERVICES</b>						
Item 4 Net amount appropriated to deliver services	3,743,000	4,067,000	324,000	4,067,000	3,251,000	816,000
Section 25 transfer of service appropriation	-	-	-	-	-	-
Amount authorised by other statutes						
Parliamentary Commissioner Act 1971	493,000	497,000	4,000	497,000	476,000	21,000
Salaries & Allowances Act 1975			-	-		-
<b>Total appropriations provided to deliver services</b>	<b>4,236,000</b>	<b>4,564,000</b>	<b>328,000</b>	<b>4,564,000</b>	<b>3,727,000</b>	<b>837,000</b>
<b>CAPITAL</b>						
Capital Contributions	198,000	198,000	-	198,000	-	198,000
<b>GRAND TOTAL</b>	<b>4,434,000</b>	<b>4,762,000</b>	<b>328,000</b>	<b>4,762,000</b>		<b>1,035,000</b>
<b>Details Of Expenses by Service</b>						
Investigating Complaints about Public Authorities	4,726,000	5,445,091	719,091	5,445,091	4,330,906	1,114,185
Telecommunications Intercept Inspections	54,000	67,158	13,158	67,158	59,558	7,600
<b>Total Cost of Services</b>	<b>4,780,000</b>	<b>5,512,249</b>	<b>732,249</b>	<b>5,512,249</b>	<b>4,390,464</b>	<b>1,121,785</b>
Less total income	(518,000)	(823,376)	(305,376)	(823,376)	(671,690)	(151,686)
<b>Net Cost of Services</b>	<b>4,262,000</b>	<b>4,688,873</b>	<b>426,873</b>	<b>4,688,873</b>	<b>3,718,774</b>	<b>970,099</b>
Adjustments	(26,000)	(124,873)	(98,873)	(124,873)	8,226	(133,099)
<b>Total appropriations provided to deliver services</b>	<b>4,236,000</b>	<b>4,564,000</b>	<b>328,000</b>	<b>4,564,000</b>	<b>3,727,000</b>	<b>837,000</b>
<b>Capital Expenditure</b>						
Purchase of non-current physical assets	282,000	163,141	(118,859)	163,141	403,000	(239,859)
Adjustment for other funding sources	(84,000)	(84,000)	-	(84,000)	(403,000)	319,000
<b>Item 119 Capital Contribution (appropriation)</b>	<b>198,000</b>	<b>79,141</b>	<b>(118,859)</b>	<b>79,141</b>	<b>0</b>	<b>79,141</b>

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

Note 29 "Explanatory statement" provides details of any significant variations between estimates and actual results for 2009 and between the actual results

## Notes to the Financial Statements

### 1. Mission and funding

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

The office is mainly funded by Parliamentary appropriation. The financial statements encompass all funds through which the office controls resources to carry on its functions.

### 2. Australian equivalents to International Financial Reporting Standards

#### General

The office's financial statements for the year ended 30 June 2009 have been prepared in accordance with Australian equivalents to International Financial Reporting Standards (AIFRS), which comprise a Framework for the Preparation and Presentation of Financial Statements (**the Framework**) and Australian Accounting Standards (including the Australian Accounting Interpretations).

In preparing these financial statements the office has adopted, where relevant to its operations, new and revised Standards and Interpretations from their operative dates as issued by the AASB and formerly the Urgent Issues Group (**UIG**).

#### Early adoption of standards

The office cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 "Application of Australian Accounting Standards and Other Pronouncements". No Standards and Interpretations that have been issued or amended but are not yet effective have been early adopted by the office for the annual reporting period ended 30 June 2009.

### 3. Summary of significant accounting policies

#### (a) General statement

The financial statements constitute a general purpose financial report which has been prepared in accordance with Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board 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 are legislative provisions governing the preparation of financial statements and take precedence over Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board.

Where modification is required and has 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, modified by the revaluation of land, buildings and infrastructure which have been measured at fair value.

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.

The judgements that have been made in the process of applying the office's accounting policies that have the most significant effect on the amounts recognised in the financial statements are disclosed at note 4 'Judgements made by management in applying accounting policies'.

The key assumptions made concerning the future, and other key sources of estimation uncertainty at the balance sheet date that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year are disclosed at note 5 'Key sources of estimation uncertainty'.

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

The reporting entity comprises the office.

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

UIG Interpretations 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities' requires transfers in the nature of equity contributions 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 contributions (appropriations) have been designated as contributions by owners by Treasurer's Instruction (TI) 955 "Contributions by Owners made to Wholly Owned Public Sector Entities" and have been credited directly to Contributed Equity.

Transfer of net assets to/from other agencies are designated as contributions by owners where the transfers are non-discretionary and non-reciprocal. See note 23 'Equity'.

### **(e) Income**

#### ***Revenue recognition***

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

### *Rendering of Services*

Revenue is recognised upon the delivery of the service to the client or by reference to the stage of completion of the transaction.

### *Service Appropriations*

Service Appropriations are recognised as revenues in the period in which the Department gains control of the appropriated funds. The Department gains control of appropriated funds at the time those funds are deposited into the Departments bank account or credited to the holding account held at Treasury. See note 14 "Income from State Government" for further detail.

### *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 2008-2009 Budget Statements, the office retained \$823,377 in 2009 (\$671,690 in 2008) from the following:

- Proceeds from fees and charges; and
- Other office revenue.

### *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, which is 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.

Where contributions recognised as revenues during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at the balance sheet date, the nature of, and amounts pertaining to, those undischarged conditions are disclosed in the notes.

### **Gains**

Gains may be realised or unrealised and 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) Property, plant and equipment**

#### *Capitalisation/Expensing of assets*

Items of property, 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 property, plant and equipment costing less than \$5,000 are immediately expensed direct to the Income Statement (other than where they form part of a group of similar items which are significant in total).

### *Initial recognition and measurement*

All items of property, plant and equipment are initially recognised at cost.

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

### *Subsequent measurement*

After recognition as an asset, the Department uses the cost model for all other property, plant and equipment. All items of property, plant and equipment are carried at historical cost less accumulated depreciation and accumulated impairment losses.

### *Derecognition*

Upon disposal or derecognition of an item of property, plant and equipment, any revaluation reserve relating to that asset is retained in the asset revaluation reserve.

### *Depreciation*

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

Depreciation is calculated on 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

Works of art controlled by the office are classified as property, plant and equipment. They are anticipated to have very long and indefinite useful lives. Their service potential has not, in any material sense, been consumed during the reporting period and so no depreciation has been recognised.

## **(g) Intangible assets**

### *Capitalisation/Expensing of assets*

Acquisitions of intangible assets costing \$5,000 and 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 life. Costs incurred below these thresholds are immediately expensed directly to the Income Statement.

All acquired and internally developed 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) on the straight line basis using rates which are reviewed annually. 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, 3 Years

#### *Computer software*

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

#### *Web site costs*

Web site 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 web site, and ongoing costs of maintenance during the operating phase are expensed. Costs incurred in building or enhancing a web site, to the extent that they represent probable future economic benefits that can be reliably measured, are capitalised.

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

Property, plant and equipment and intangible assets are tested for any indication of impairment at each balance sheet date. 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 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 each balance sheet date 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 each balance sheet date.

### **(i) Leases**

The office holds operating leases for its office buildings and motor vehicles where the lessor effectively retains all of the risks and benefits incidental to ownership of the items held under the operating leases. Equal instalments of the lease payments are charged to the Income Statement over the lease term as this is representative of the pattern of benefits to be 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.

These 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 Cash Flow Statement, cash and cash equivalents includes restricted cash and cash equivalents. These are comprised of 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**

The accrued salaries suspense account (see note 15 'Restricted cash and cash equivalents') 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.

Accrued salaries (refer note 21 'Payables') represent the amount due to staff but unpaid at the end of the financial year, as the pay date for the last pay period for that financial year does not coincide with 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 net fair value.

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

The office receives appropriation funding on an accrual basis that recognises the full annual cash and non-cash cost of services. The appropriations are paid partly in cash and partly as an asset (Holding account receivable) that is accessible on the emergence of the cash funding requirement to cover items such as leave entitlements and asset replacement.

See also note 14 'Income from State Government' and note 17 'Amounts receivable for services'.

**(n) Receivables**

Receivables are recognised and carried at original invoice amount less an allowance for uncollectible amounts (i.e. impairment). The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectable are written-off against the allowance account. The allowance for uncollectable 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. See note 3(j) 'Financial Instruments and note 16 'Receivables'.

**(o) Payables**

Payables are recognised 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 they are generally settled within 30 days. See note 3(j) 'Financial Instruments and note 21 'Payables'.

**(p) Provisions**

Provisions are liabilities of uncertain timing and amount and are recognised where there is a present legal, equitable 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 each balance sheet date. See note 22 'Provisions'.

**(i) Provisions - Employee benefits**

*Annual Leave and Long Service Leave*

The liability for annual and long service leave expected to be settled within 12 months after the balance sheet date is recognised and measured at the undiscounted amounts expected to be paid when the liabilities are settled. Annual and long service leave expected to be settled more than 12 months after the balance sheet date is measured at the present value of amounts expected to be paid when the liabilities are settled. Leave liabilities are in respect of services provided by employees up to the balance sheet date.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions. In addition, the long service leave liability also considers the experience of employee departures and periods of service.

The expected future payments are discounted using market yields at the balance sheet date on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

All annual leave and 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 balance sheet date.

### *Superannuation*

The Government Employees Superannuation Board (**GESB**) administers the following superannuation schemes.

Employees may contribute to the Pension Scheme, a defined benefit pension scheme now closed to new members or the Gold State Superannuation Scheme (**GSS**), a defined benefit lump sum scheme also closed to new members. The office has no liabilities for superannuation charges under the Pension or the GSS Schemes as the liability has been assumed by the Treasurer.

Employees commencing employment prior to 16 April 2007 who are not members of either the Pension or the GSS Schemes 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). Both of these schemes are accumulation schemes. The office makes concurrent contributions to GESB on behalf of employees in compliance with the Commonwealth Government's *Superannuation Guarantee (Administration) Act 1992*. These contributions extinguish the liability for superannuation charges in respect of the WSS and GESBS Schemes.

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

*See also note 3(q) 'Superannuation expense'.*

### **(ii) 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'. (See note 11 'Other expenses and note 22 'Provisions').

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

The following elements are included in calculating the superannuation expense in the Income Statement:

(a) Defined benefit plans - Change in the unfunded employer's liability (i.e. current service cost and actuarial gains and losses) assumed by the Treasurer in respect of current employees who are members of the Pension Scheme and current employees who accrued a benefit on transfer from that Scheme to the Gold State Superannuation Scheme (GSS); and

(b) Defined contribution plans - Employer contributions paid to the GSS (concurrent contributions), the West State Superannuation Scheme (WSS), GESB Super Scheme (GESBS).

Defined benefit plans - in order to reflect the true cost of services, the movements (i.e. current service cost and actuarial gains and losses) in the liabilities in respect of the Pension Scheme and the GSS Scheme transfer benefits are recognised as expenses directly in the Income Statement. As these liabilities are assumed by the Treasurer (*refer note 3(p)(i)*), a revenue titled 'Liabilities assumed by the Treasurer' equivalent to the expense is recognised under Income from State Government in the Income Statement. See note 14 'Income from State Government'. Commencing in 2008-09, the reporting of annual movements in these notional liabilities has been discontinued and is no longer recognised in the Income Statement.

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

Defined contribution plans - in order to reflect the office's true cost of services, the office is funded for the equivalent of employer contributions in respect of the GSS Scheme (excluding transfer benefits). These contributions were paid to the GESB during the year and placed in a trust account administered by the GESB on behalf of the Treasurer. The GESB subsequently paid these employer contributions in respect of the GSS Scheme to the Consolidated Account.

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

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

Resources received free of charge or for nominal cost that can be reliably measured are recognised as income and as assets or expenses as appropriate, at fair value.

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

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

#### **4. Judgements made by management in applying accounting policies**

The judgements that have been used in the process of applying accounting policies have had no material effect on amounts recognised in the financial statements.

#### **5. Key sources of estimation uncertainty**

There were no estimates or assumptions made concerning the future, or other key sources of estimation uncertainty at the balance sheet data that is likely to have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year.

#### **6. Disclosure of changes in accounting policy and estimates**

##### **Initial application of an Australian Accounting Standard**

The office has applied the following Australian Accounting Standards and Australian Accounting Interpretations effective for annual reporting periods beginning on or after 1 July 2008 that impacted on the office:

Review of AAS 27 "Financial Reporting by Local Governments", AAS 29 "Financial Reporting by Government Departments" and AAS 31 "Financial Reporting by Governments". The AASB has made the following pronouncements from its short term review of AAS 27, AAS 29 and AAS 31:

- AASB 1004 "Contributions";
- AASB 1050 "Administered Items";
- AASB 1051 "Land Under Roads";
- AASB 1052 "Disaggregated Disclosures";
- AASB 2007-9 "Amendments to Australian Accounting Standards arising from the review of AASs 27, 29 and 31 (AASB 3, AASB 5, AASB 8, AASB 101, AASB 114, AASB 116, AASB 127 & AASB 137),
- Interpretation 1038 "Contributions by Owners Made to Wholly-Owned Public Sector Entities"

The existing requirements in AAS 27, AAS 29 and AAS 31 have been transferred to the above new and revised topic-based Standards and Interpretation. These requirements remain substantively unchanged. The new and revised Standards and Interpretation make some modifications to disclosures and provide additional guidance (for example, Australian Guidance to AASB 116 "Property, Plant and Equipment" in relation to heritage and cultural assets has been introduced), otherwise there is no financial impact.

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

The office cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. Consequently, the office has not applied the following Australian Accounting Standards and Australian Accounting Interpretations that have been issued and which may impact the office but are not yet effective. Where applicable, the office plans to apply these Standards and Interpretations from their application date:

Title	Operative for reporting periods beginning on/after
AASB 101 'Presentation of Financial Statements (September 2007). This Standard has been revised and will change the structure of the financial statements. These changes will require that owner changes in equity are presented separately from non-owner changes in equity. The office does not expect any financial impact when the Standard is first applied.	1 January 2009
AASB 2008-13 "Amendments to Australian Accounting Standards arising from AASB Interpretation 17 - Distributions on Non-Cash Assets to Owners (AASB5 & AASB 110). This Standard amends AASB 5 "Non-current Assts Held for Sale and Discontinued Operations" in respect of the classification, presentation and measurement on non-current assets held for distribution to owners in their capacity as owners. This may impact on the presentation and classification of Crown land held by the Department where the Crown land is to be sold by the Department for Planning and Infrastructure. The Department does not expect any financial impact when the Standard is first applied prospectively.	1 July 2009

	2009	2008
	\$	\$
<b>7. Employee benefits expense</b>		
Wages and salaries <sup>(a)</sup>	3,197,834	2,579,134
Superannuation - defined contribution plans <sup>(b)</sup>	314,642	226,860
Superannuation - defined benefit plans <sup>(c)(d)</sup>	0	182,386
Long service leave <sup>(e)</sup>	180,857	51,062
Annual leave <sup>(e)</sup>	112,912	56,652
Other employee benefit expense	80,403	23,131
	<u>3,886,648</u>	<u>3,119,225</u>

- (a) Includes the value of the Fringe benefit to the employee plus the fringe benefits tax component
- (b) Defined contribution plans include West State, Gold State and GESB Super Scheme (contributions paid).
- (c) Defined benefit plans include Pension scheme and Gold State (pre-transfer benefit).
- (d) An equivalent notional income is also recognised (see note 14 'Income from State Government').
- (e) Includes a superannuation contribution component.

Employment on-costs such as workers' compensation insurance are included at note 11 'Other expenses'. The employment on-costs liability is included at note 22 'Provisions'.

	2009	2008
	\$	\$
<b>8. Supplies and Services</b>		
Travel	31,318	35,638
Communications	54,353	37,422
Consumables	185,380	143,259
Services and contracts	351,782	296,798
Resources received free of charge (see note 14)	33,244	63,120
Other	208,086	82,463
	864,163	658,700
<b>9. Depreciation and amortisation expense</b>		
Furniture and fittings	25,658	68,205
Computer equipment	6,165	11,015
Communications	4,554	-
Office equipment	8,610	7,215
Plant & Machinery	1,593	1,587
Computer software	73,937	28,597
Total Depreciation & amortisation	120,517	116,619
<b>10. Accommodation expenses</b>		
Lease rentals and outgoings	608,200	465,683
Resources received free of charge (see note 14)	9,959	656
	618,159	466,339
<b>11. Other expenses</b>		
Employment on-costs <sup>(a)</sup>	-3,661	3,393
Audit Fee <sup>(b)</sup>	23,005	18,800
Bad Debt Write-off	0	7,388
	19,344	29,581
<b>12. Net gain / (loss) on disposal of non-current assets</b>		
<u>Costs of Disposal of Non-Current Assets</u>		
Property, plant and equipment	3,568	-
<u>Proceeds from Disposal of Non-Current Assets</u>		
Property, plant and equipment	150	-
Net Gain/(loss)	3,418	0

(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 22 '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 32 "Remuneration of auditor".

	2009	2008
	\$	\$

### 13. User charges and fees

Retained revenue - other	823,376	671,690
	<u>823,376</u>	<u>671,690</u>

### 14. Income from State Government

Appropriation received during the year:

Service appropriations<sup>(a)</sup>

Recurrent	4,067,000	3,251,000
Special Acts	497,000	476,000
	<u>4,564,000</u>	<u>3,727,000</u>

The following liabilities have been assumed by the Treasurer during the financial year:

Superannuation <sup>(b)</sup>	-	182,386
Total liabilities assumed by the Treasurer	<u>-</u>	<u>182,386</u>

The following assets have been assumed from/(transferred to) other State Government agencies during the financial year<sup>(c)</sup>

Inventories	-	-
Total assets assumed/(transferred)	<u>-</u>	<u>-</u>

Resources received free of charge<sup>(d)</sup>

Determined on the basis of the following estimates provided by agencies:

Department of Justice	43	8,297
Department of the Premier and Cabinet		
Corporate and Business Services	33,201	54,823
Department of Housing and Works - property management	9,302	-
	<u>42,546</u>	<u>63,120</u>

- (a) Service appropriations are accrual amounts reflecting the full cost of services delivered. The appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account) comprises the depreciation expense for the year and any agreed increase in leave liability during the year.
- (b) The assumption of the superannuation liability by the Treasurer is a notional income to match the notional superannuation expense reported in respect of current employees who are members of the Pension Scheme and current employees who have a transfer benefit entitlement under the Gold State Superannuation Scheme.
- (c) Discretionary transfers of assets between State Government agencies are reported as assets assumed/(transferred) under Income from State Government. Non-discretionary non-reciprocal transfers of net assets, other than those resulting from a restructure of administrative arrangements, have been classified as Contributions by Owners (CBOs) under TI 955 and are taken directly to equity.

- (d) Where assets or services have been received free of charge or for nominal cost, the office recognises revenues equivalent to the fair value of the assets and/or the fair value of those services that can be reliably measured and which would have been purchased if not donated, and those fair values shall be recognised as assets or expenses, as applicable. Where the contribution of assets or services are in the nature of contributions by owners, the office makes an adjustment direct to equity.

	2009	2008
	\$	\$

### 15. Restricted cash and cash equivalents

#### Non-current

Accrued salaries suspense account <sup>(a)</sup>	52,498	30,731
--	--------	--------

- (a) Amount held in the suspense account is only to be used for the purpose of meeting the 27<sup>th</sup> pay in a financial year that occurs every 11 years.

### 16. Receivables

Current		
GST Receivable	24,645	36,955
Accrued Revenue	35,769	140,563
Other	364,400	158,207
Total Current	424,814	335,725

See note 3(n) and note 30 "Financial Instruments"

### 17. Amounts receivable for services

Current	67,000	143,000
Non-current	1,033,000	600,000
	1,100,000	743,000

Represents the non-cash component of service appropriations. See note 3(m) 'Amounts Receivable for Services (Holding Account)'. It is restricted in that it can only be used for asset replacement or payment of leave liability.

### 18. Property, Plant and Equipment

#### Buildings - Leasehold Improvements (WIP)

At cost	-	494,253
---------	---	---------

#### Furniture and fittings

At cost	1,102,766	611,362
Accumulated depreciation	(509,383)	(483,726)
	593,383	127,636

#### Computer Hardware

At cost	78,248	78,248
Accumulated depreciation	(72,597)	(66,432)
	5,651	11,816

	2009	2008
	\$	\$
Office equipment		
At cost	22,349	44,357
Accumulated depreciation	(3,054)	(23,741)
	19,295	20,616
Plant & machinery		
At cost	15,780	15,780
Accumulated depreciation	(4,100)	(2,507)
	11,680	13,273
Communications		
At cost	109,083	18,000
Accumulated depreciation	(22,554)	(18,000)
	86,529	-
Total		
At cost	1,328,226	1,262,000
Accumulated depreciation	(611,688)	(594,406)
	716,538	667,594

#### Reconciliations

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

	Furniture & fittings	Computer Hardware	Office equipment	Communi- cations	Office establish- ment	Leasehold Improve- ments WIP	Plant and Machinery	Art Work	Total
	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>2009</b>									
Carrying amount at start of year	127,636	11,816	20,616	-	-	494,253	13,273	-	667,594
Additions	491,404		10,857	91,083					593,344
Transfers			(3,568)			(494,253)			(497,821)
Depreciation	(25,658)	(6,165)	(8,610)	(4,554)			(1,593)		(46,580)
Carrying amount at end of year	<b>593,382</b>	<b>5,651</b>	<b>19,295</b>	<b>86,529</b>	-	-	<b>11,680</b>	-	<b>716,537</b>
<b>2008</b>									
Carrying amount at start of year	14,859	22,831	16,339	-	195,842	-	-	-	249,871
Additions		-	11,492			494,253			505,745
Transfers	180,982				(195,842)		14,860		-
Depreciation	(68,205)	(11,015)	(7,215)	-	-		(1,587)		(88,022)
Carrying amount at end of year	<b>127,636</b>	<b>11,816</b>	<b>20,616</b>	-	-	<b>494,253</b>	<b>13,273</b>	-	<b>667,594</b>

	2009	2008
	\$	\$
<b>19. Intangible assets</b>		
Computer Software		
At cost	250,500	186,450
Accumulated amortisation	(102,535)	(28,597)
	147,965	157,853
<b>Reconciliations:</b>		
Computer Software		
Carrying amount at start of year	157,853	91,920
Additions	158,580	94,530
Transfer	(94,530)	-
Amortisation expense	(73,938)	(28,597)
Carrying amount at end of year	147,965	157,853

## 20. Impairment of assets

There were no indications of impairment of property, plant and equipment and intangible assets at 30 June 2009. The office held no goodwill or intangible assets with an indefinite useful life during the reporting period and at balance sheet date there were no intangible assets not yet available for use. All surplus assets at 30 June 2009 have either been classified as assets held for sale or written-off.

## 21. Payables

### Current

Trade payables	35,044	240,434
Accrued Expenses	148,502	109,520
Accrued Salaries	41,275	24,314
Other payables	79,281	2,551
Total Current	304,102	376,819

### Non-Current

Trade payables	-	-
Other payables	-	-
Total Non-Current	-	-

## 22. Provisions

### Current

Employee benefits provision		
Annual leave <sup>(a)</sup>	401,852	290,012
Long service leave <sup>(b)</sup>	451,050	345,498
	852,902	635,510

### Other provisions

Employment on-costs <sup>(c)</sup>	79	2,943
	79	2,943
	852,981	638,453

	2009 \$	2008 \$
<b>Non-current</b>		
Employee benefits provision		
Long service leave <sup>(b)</sup>	156,862	175,158
	<u>156,862</u>	<u>175,158</u>
<b>Other provisions</b>		
Employment on-costs <sup>(c)</sup>	94,697	822
	<u>94,697</u>	<u>822</u>
	<u><u>251,559</u></u>	<u><u>175,980</u></u>

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

Within 12 months of balance sheet date	229,747	169,997
More than 12 months after balance sheet date	135,440	120,015
	<u>365,187</u>	<u>290,012</u>

- (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 balance date. Assessments indicate that actual settlement of the liabilities will occur as follows:

Within 12 months of balance sheet date	246,323	221,898
More than 12 months after balance sheet date	410,127	298,758
	<u>656,450</u>	<u>520,656</u>

- (c) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including workers' 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 included in note 11 'Other expenses'.

#### *Movement in Other Provisions*

Employment on-cost provision		
Carrying amount at start of year	3,765	3,325
Additional provisions recognised	91,011	488
Payments/other sacrifices of economic benefits	-	(48)
Carrying amount at end of year	<u>94,776</u>	<u>3,765</u>

### 23. Equity

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

#### **Contributed equity**

Balance at the start of the year	732,000	732,000
----------------------------------	---------	---------

	2009	2008
	\$	\$
<b>Contributions by owners:</b>		
Capital Contributions <sup>(b)</sup>	198,000	-
Transfer of net assets from other agencies <sup>(a) (c)</sup>	-	-
Total contributions by owners	198,000	-
<b>Distributions to owners:</b>		
Transfer of net assets to other agencies <sup>(a) (c)</sup>	-	-
Net assets transferred to Government <sup>(d)</sup>	-	-
Total distributions to owners	-	-
Balance at the end of the year	930,000	732,000

- (a) Under AASB 1004 "Contributions", transfers of net assets as a result of a restructure of administrative arrangements are to be accounted for as contributions by owners and distribution to owners.
- (b) Under the Treasurer's instruction TI 955 "Contributions by Owners Made to Wholly Owned Public Sector Entities" Capital Contributions (appropriations) have been designated as contributions by owners in accordance with AASB Interpretation 1038 "Contributions by Owners made to Wholly-Owned Public Sector Entities".
- (c) Under TI 955, non-discretionary (non-reciprocal) transfers of net assets between State Government agencies have been designated as contributions by owners in accordance with AASSB Interpretation 1038, where the transferee agency accounts for a non-discretionary (non-reciprocal) transfer of net assets as a contribution by owners and the transferor agency accounts for the transfer as a distribution to owners.
- (d) TI 955 requires non-reciprocal transfers of net assets to Government to be accounted for as distributions to owners in accordance with AASB Interpretation 1038.

	2009	2008
	\$	\$
<b>Reserves</b>		
<b>Asset revaluation reserve</b>		
Balance at the start of the year	-	-
Realised on asset disposal	-	-
Balance at the end of the year	-	-
<b>Accumulated surplus</b>		
Balance at the start of the year	606,070	352,338
Result for the period	(82,327)	253,732
Income and expense recognised directly to equity	-	-
Balance at the end of the year	523,743	606,070

## 24. Notes to the Cash Flow Statement

### Reconciliation of cash

Cash at the end of the financial year as shown in the Cash Flow Statement is reconciled to the related items in the Balance Sheet as follows:

	2009 \$	2008 \$
Cash and cash equivalents	420,570	594,419
Restricted cash and cash equivalents (refer to note 15)	52,498	30,731
	473,068	625,150

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

Net cost of services	4,688,873	(3,718,774)
Non-cash items:		
Depreciation and amortisation expense	120,517	116,619
Superannuation expense	0	182,386
Resources received free of charge	42,546	63,120
Other Revenue		(110,800)
(Increase)/decrease in assets:		
Current receivables <sup>(c)</sup>	(241,962)	(101,529)
Amounts receivable for services	(357,000)	-
Increase/(decrease) in liabilities:		
Accrued salaries	16,961	-
Current Provisions	214,528	69,519
Current payables	(72,717)	323,708
Non-current provisions	75,579	35,855
Net GST receipts/(payments) <sup>(a)</sup>	0	2,018
Change in GST in receivables/payables <sup>(b)</sup>	(93,233)	(39,783)
Net cash provided by/(used in) operating activities	4,394,091	(3,137,878)

(a) This is the net GST paid/received, i.e cash transaction.

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

(c) 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.

## 25. Resources provided free of charge

The office did not provide any resources to other agencies free of charge.

	2009	2008
	\$	\$

## 26. Commitments

Non-cancellable operating leases commitments

Commitments for accommodation and motor vehicle lease payments are payable as follows:

Within 1 year	461,472	475,111
Later than 1 year and not later than 5 years	923,995	1,407,332
Later than 5 years		-
	1,385,467	1,882,443

The non cancellable operating leases represent the office's property lease and leases on its motor vehicles. The property lease is a non-cancellable lease with a five year term with a further option to renew the lease. Rent is payable monthly. Contingent rent provisions within the lease agreement allow for the minimum lease payments to be reviewed and increased in line with movements in market rents.

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 Department's operational needs.

Other commitments

Other expenditure commitments for operational expenditure contracted for at the balance sheet date but not recognised as liabilities, are payable as follows:

Within 1 year	-	682
Later than 1 year and not later than 5 years		-
	-	682

These commitments are all inclusive of GST.

## 27. Contingent liabilities and contingent assets

### Contingent Liabilities

The office has no contingent liabilities.

### Contingent Assets

The office has no contingent assets.

## 28. Events occurring after the balance sheet date.

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

## 29. Explanatory Statement

Significant variations between estimates and actual results for 'total appropriations provided to deliver services', 'total income', 'expenses by service' and 'capital expenditure' as presented in the financial statement titled 'Summary of Consolidated Fund Appropriations and Income Estimates' are shown below. Significant variations are considered to be those greater than 10% or \$423,600.

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

### **(i) Significant variances between estimated and actual 2009 total appropriation provided to deliver services:**

	Estimate 2009	Actual 2009	Variance
	\$	\$	\$

### Total Appropriation Provided to Deliver Services

Total Appropriation Provided to Deliver Services	4,236,000	4,564,000	(328,000)
--	-----------	-----------	-----------

The variation relates to approved increases in appropriation during the year of \$90,000 for salary increases (primarily the CSA wages outcome) and \$238,000 for the establishment of the child death review function (primarily for accrual costs for leave liability and depreciation).

### (i) Significant variances between estimated and actual 2009 expenses for public sector organisations:

	Estimate 2009	Actual 2009	Variance
	\$	\$	\$

#### Service Expenditure

Public Sector Organisations	4,726,000	5,445,091	(719,091)
-----------------------------	-----------	-----------	-----------

The variation relates primarily to increased expenses associated with the increased appropriation of \$328,000 as described above; \$166,000 for the Energy Ombudsman function (as a result of a review to identify and recognise work done in a range of positions across the office); \$60,000 for minor equipment (under \$5,000) that was previously budgeted as capital; \$60,000 for furniture and equipment associated with the fitout to accommodate the new child death review function; and \$100,000 for additional staffing costs to enable a reduction in the number of older cases. These additional expenses were mostly offset by an approved increase in appropriation of \$328,000 and increased revenue of \$305,000 (including \$166,000 to offset the full costs identified for the Energy function).

### (iii) Significant variances between actual 2008 and actual 2009 expenses for public sector organisations:

	Estimate 2009	Actual 2009	Variance
	\$	\$	\$

#### Service Expenditure

Public Sector Organisations	4,330,906	5,445,091	(1,114,185)
-----------------------------	-----------	-----------	-------------

The variation relates primarily to increased expenses in 2009 above the initial estimate, as described above, and \$395,000 additional expenses (primarily salaries) to undertake functions for which there was additional approved funding in the 2009 estimate including: \$202,000 partial funding of the child death review function pending the transfer of remaining funds from the Department for Child Protection; \$124,000 to handle appeals from overseas students under the National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007; and salary escalation.

## 30. 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 and receivables and payables. All of the office's cash is held in the public bank account

(non-interest bearing) apart from restricted cash held in a special purpose account. 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 office measures credit risk on a fair value basis and monitors risk on a regular basis.

The maximum exposure to credit risk at balance sheet date 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 30(c).

Credit risk associated with the office's financial assets is minimal because the main receivable is the amounts receivable for services (holding account). For receivables other than Government, the office trades only with recognised, creditworthy third parties. In addition, receivable balances are monitored on an ongoing basis with the result that the office's exposure to bad debts is minimal. There are no significant concentrations of credit risk.

Allowance for impairment of financial assets is calculated based on past experience, and current and expected changes in client credit ratings. For financial assets that are either past due or impaired, refer to Note 16 'Receivables'.

#### *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*

The office does not trade in foreign currency and is not materially exposed to other price risks. Other than as detailed in the interest rate sensitivity analysis table at Note 30(c), the office is not exposed to interest rate risk because all other cash and cash equivalents and restricted cash are non-interest bearing, and the office has no borrowings.

### **(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 balance sheet date are as follows:

	2009	2008
	\$	\$
<b>Financial Assets</b>		
Cash and cash equivalents	420,570	594,419
Restricted cash and cash equivalents	52,498	30,731
Receivables <sup>(a)</sup>	1,500,169	1,041,770
<b>Financial Liabilities</b>		
Financial liabilities measured at amortised cost	304,102	376,819

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

### (c) Financial Instrument disclosures

#### *Credit Risk, Liquidity Risk and interest Rate Risk Exposure*

The following table discloses the office's maximum exposure to liquidity risk and interest rate risk as at the balance sheet date. The office's maximum exposure to credit risk at the balance sheet date is the carrying amount of the financial assets as shown on the following table. The table is based on information provided to senior management of the office. The contractual maturity amounts in the table are representative of the undiscounted amounts at the balance sheet date. An adjustment for discounting has been made where material.

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.

	Weighted average effective interest rate	Carrying Amount	Variable interest rate	Non-Interest Bearing	Contractual Maturity Dates			Adjustment for Discounting
					Within 1 Year	4-5 Years	More than 5 Years	
	%	\$	\$	\$	\$	\$	\$	
<b>2009</b>								
Financial assets								
Cash Assets		420,570	-	420,570	-	-	-	
Restricted Cash Assets		52,498	-	52,498	-	-	-	
Receivables <sup>(a)</sup>		400,169	-	400,169	-	-	-	
Amounts receivable for services		1,100,000	-	1,100,000	-	-	-	
		<u>1,973,237</u>	<u>-</u>	<u>1,973,237</u>	<u>-</u>	<u>-</u>	<u>-</u>	
Financial Liabilities								
Payables		304,102	-	304,102	-	-	-	
		<u>304,102</u>	<u>-</u>	<u>304,102</u>	<u>-</u>	<u>-</u>	<u>-</u>	

	Weighted average effective interest rate	Carrying Amount	Variable interest rate	Non-Interest Bearing	Contractual Maturity Dates			Adjustment for Discounting
					Within 1 Year	4-5 Years	More than 5 Years	
	%	\$	\$	\$	\$	\$	\$	
<b>2008</b>								
Financial assets								
Cash Assets		594,419	-	594,419	-	-	-	
Restricted Cash Assets		30,731	-	30,731	-	-	-	
Receivables <sup>(a)</sup>		298,770	-	298,770	-	-	-	
Amounts receivable for services		743,000	-	743,000	-	-	-	
		<u>1,666,920</u>	<u>-</u>	<u>1,666,920</u>	<u>-</u>	<u>-</u>	<u>-</u>	
Financial Liabilities								
Payables		376,819	-	376,819	-	-	-	
		<u>376,819</u>	<u>-</u>	<u>376,819</u>	<u>-</u>	<u>-</u>	<u>-</u>	

(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 balance sheet date are sensitive to movements in interest rates, hence movements in interest rates have no bottom line impact on the office's surplus or equity.

#### Fair Values

All financial assets and liabilities recognised in the balance sheet, 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.

	2009	2008
	\$	\$

### 31. Remuneration of senior officers

#### **Remuneration**

The number of senior officers whose total fees, salaries and other benefits received, or due and receivable, for the financial year, fall within the following bands are:

1,001 - 2,000		1
60,001 - 70,000		
70,001 - 80,000	1	
80,001 - 90,000		1
90,001 - 100,000		1
100,001 - 110,000	1	

	2009	2008
	\$	\$
110,001 - 120,000		1
120,001 - 130,000	3	
130,001 - 140,000	1	1
200,001 - 210,000		
230,001 - 240,000		
270,001 - 280,000		1
280,001 - 290,000	1	1
330,000 - 340,000		1

The total remuneration of senior officers is: 976,632 1,035,782

The total remuneration includes the superannuation expense incurred by the office in respect of senior officers. One senior officer is a member of the Pension Scheme.

### 32. Remuneration of Auditor

Remuneration to the Auditor General for the financial year is estimated as follows:

Auditing the accounts, financial statements and performance indicators	<u>14,500</u>	<u>20,700</u>
--	---------------	---------------

### 33. Related bodies

The office had no related bodies during the financial year.

### 34. Affiliated bodies

The office had no affiliated bodies during the financial year.

### 35. Indian Ocean Territories

The Indian Ocean Territories Reimbursement Fund was established in March 1996 and became operational in July 1996. The purpose of the Fund is to meet the cost of the services of the office in relation to complaints involving the Indian Ocean Territories.

The balance of the Fund at the end of the financial year is included in the office's Operating Account. The figures presented below for the Fund have been prepared on a cash basis.

	11,174	13,210
	-	-
	(1,140)	(2,036)
	<u>10,034</u>	<u>11,174</u>

### 36. Supplementary financial information

#### Write-Offs

There was no write-off during the financial year.

#### Losses Through Theft, Defaults and Other Causes

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

#### Gifts of public property

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

## Key Performance Indicators

### Certification of Key Performance Indicators

#### Certification of Key Performance Indicators for the year ended 30 June 2009

I certify that the performance indicators are based on proper records, are relevant and are appropriate for assisting users to assess performance and accurately represent the performance of the Parliamentary Commissioner for Administrative Investigations for the financial year ended 30 June 2009.



Mary White  
**Chief Finance Officer**  
 8 September 2009



Chris Field  
**Accountable Authority**  
 8 September 2009

### Key Effectiveness Indicators

The key effectiveness indicators of the Ombudsman's office report on the extent to which public sector agencies have improved their decision making, practices and conduct as a result of recommendations and suggestions made by the Ombudsman.

In 2008-09 there were 1,238 complaints received and 1,277 complaints finalised (including 1,479 separate allegations). During the year agencies responded to 29 recommendations and suggestions for improvement made by the Ombudsman.

The effectiveness of the Ombudsman in achieving improved administrative decision making and practices in agencies is shown by the high levels of acceptance of recommendations and suggestions for improvement over the last four years, with all 29 being accepted by agencies in 2008-09.

<b>Table 1 - Key Effectiveness Indicators</b>	2005-06	2006-07	2007-08	2008-09 Target	2008-09 Actual
Of allegations where Ombudsman made recommendations to improve practices or procedures, percentage of recommendations accepted by agencies (a)	88%	94%	100%	95%	<b>100%</b>
Number of improvements to practices or procedures as a result of Ombudsman action (b)	57	50	34	25	<b>29</b>

- (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

The percentage of recommendations accepted has improved significantly over the last two years, with 100 per cent of recommendations being accepted in both 2007-08 and 2008-09. This is above the target figure for 2008-09 of 95 per cent. The office has now set an ongoing target for 2009-10 of 100 per cent.

The number of accepted recommendations and suggestions for improvements to practices or procedures was 29 in 2008-09, above the target of 25. A very pleasing observation is that there has been a decreasing need for recommendations and suggestions in the past two years due to agencies initiating improvements to their practices prior to the conclusion of an investigation. In 2008-09 agencies advised the Ombudsman of 40 voluntary actions by agencies compared to 27 in 2007-08.

### Key Efficiency Indicators

The Ombudsman's key efficiency indicators for Service 1: *Investigation of Complaints about Administrative Actions of Public Sector Organisations* relate to timeliness of complaint handling and the cost per finalised allegation.

#### Service 1: Public Sector Organisations

<b>Table 2 – Public Sector Organisations</b>	2005-06	2006-07	2007-08	2008-09 Target	2008-09 Actual
Percentage of allegations finalised within three months	63%	69%	78%	75%	<b>82%</b>
Percentage of allegations finalised within 12 months	90%	89%	95%	95%	<b>96%</b>
Percentage of allegations on hand at 30 June less than three months old	34%	33%	51%	50%	<b>71%</b>
Percentage of allegations on hand at 30 June less than 12 months old	77%	78%	85%	86%	<b>96%</b>
Cost per finalised allegation (a)	\$1,582 (b)	\$2,579	\$2,941	\$3,095	<b>\$2,759</b>

(a) This is the net cost of complaint resolution services divided by the number of allegations finalised.

(b) Cost figures from 2005-06 onwards do not include capital user charges. To allow comparison, the 2005-06 figures are those shown in the 2006-07 Budget Papers and differ from those shown in the 2005-06 Annual Report, which did include capital user charges.

### Comparison of Actual Results and Budget Targets

These indicators show a substantial improvement in the timeliness of complaint handling in 2008-09, with all indicators exceeding the target. In particular, there has been a significant increase in the allegations on hand less than three months old (71% in 2008-09 compared to 51% in 2007-08). This has arisen due to a strong focus in recent years on efficiency and timeliness of the complaint handling process. The office will continue to build on this achievement in the future and has raised the target for allegations finalised within three months to 80 per cent for 2009-10.

In 2008-09 there were 1,479 allegations finalised compared to 1,244 in 2007-08. As resources for complaint resolution have remained similar to last year, the increase in finalised allegations has contributed to a decline in the cost per finalised allegation in 2008-09. This year the office has received additional funding but these funds have been used to establish two new specialist teams:

- The Child Death Review Team has been established to review the deaths of certain children known to the Department for Child Protection and investigate complaints related to the wellbeing of children, with the aim of identifying strategies to improve public sector administration and collaboration between agencies in relation to preventable child deaths; and
- The Administrative Improvement Team has been established to improve public administration through reviews and investigations initiated by the Ombudsman and working with public authorities on good administrative practices.

These new teams are not directly related to complaint resolution and the associated costs have not been included when calculating the cost per finalised allegation.

### Service 2: Telecommunications Intercept Audit

The Ombudsman's key efficiency indicator for Service 2: *Inspection of Eligible Authorities to Ensure Compliance with Statutory Provisions When They Intercept Telecommunications* relates to the cost per inspection.

<b>Table 3 – Telecommunications Intercept Audit</b>	2005-06	2006-07	2007-08	2008-09 Target	2008-09 Actual
Average cost per inspection (a)	\$3,333(b)	\$2,341	\$4,254	\$4,909	<b>\$2,583</b>

(a) This is the net cost of telecommunications intercept audits divided by the number of inspections conducted that examined warrants issued in 2008-09.

(b) Cost figures from 2006 onwards do not include capital user charges. To allow comparison the 2006 figures are those shown in the 2007 Budget Papers and differ from those shown in the 2005-06 Annual Report, which did include capital user charges.

### Comparison of Actual Results and Budget Targets

The cost per inspection has declined in 2008-09 and is considerably lower than the target. The Principal Inspector (and Inspecting Officers) must do an inspection at least twice per year; however it can be more often. The office has an internal policy that all warrants are to be inspected. This year the Ombudsman updated our inspection process and guidelines to underpin the operation of the inspection function and enhance the efficiency and effectiveness of the inspection process. The changes to the nature and frequency of inspections under the enhanced process have led to an increased number of inspections this year, resulting in a decline in the cost per inspection.

## 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 are not able to give directives to the Ombudsman relating to desired outcomes or operational objectives.

### Other Financial Disclosures

#### Pricing Policies of Services Provided

The Ombudsman's office currently receives revenue for the functions outlined below.

- Costs for the Energy Ombudsman functions are recouped from Energy Industry Ombudsman (Western Australia) Limited on the basis of full cost recovery. 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 agreement with the Australian Government, the Ombudsman's office handles enquiries and complaints from the Indian Ocean Territories about local governments and Western Australian Government public authorities delivering services to the Territories. Each year the office recoups costs from the Australian Government for any complaints received from these Territories. Cost recovery is based on the average cost per complaint in the last two years as published in the office's Annual Reports. The costs of any travel to the Territories by the Ombudsman or staff and any promotional materials are also recouped in full.
- The Ombudsman's 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 Ombudsman's 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

##### Case Management System

In 2008-09, the Ombudsman's office finalised the project to replace the case management system that tracks complaints handled by the office. The new system is used to record all enquiries and complaints received by the Ombudsman and the Energy Ombudsman and to provide statistics for internal management, and reports to Parliament and stakeholders. A tender process was undertaken by the Department of Treasury and Finance and a capital project was approved. The project had funding for \$260,000 for the initial setup of the system in 2006-07 with additional funds of \$28,000 per year for software licences in the following three years.

There were two phases for the setup of the system:

Phase 1: Establish the system for Energy Ombudsman complaints.

Phase 2: Establish the system for general complaints handled under the **Parliamentary Commissioner Act 1971**.

Phase 1 was largely completed in 2006-07 at a cost of \$91,920. Phase 2 was completed on 30 June 2008. Progress payments of \$94,530 were made during 2007-08 with final payments of \$64,050 made in 2008-09, following the successful implementation of the system. The total cost of the new system for general complaints was \$158,580.

### New Telephone System

In 2008-09, the Ombudsman's office and the Office of the Public Sector Standards Commissioner issued a joint Request for Quotation for the provision of a new, shared telephone system. Separate contracts were issued by each office to purchase their own components of the required equipment and handsets for the new system.

The total cost to the Ombudsman's office was \$91,083.36. The system became operational in April 2009 and was paid for in full during 2008-09.

## Employment and Industrial Relations

The Ombudsman's office has grown significantly over the past three years. Over the full year 2008-09 there were 38 full-time equivalent positions (FTEs), and as at 30 June 2009, there were 46 employees, including 35 full time employees and 11 part time employees. This includes people on unpaid leave and contract staff employed to provide short term expertise and backfill staff during extended leave periods, such as maternity leave. There were also three people seconded to the office. All employees are public sector employees operating in executive, policy, enquiry, investigation and administrative roles. The table below provides a breakdown of the categories of employment for staff as at 30 June 2009 over the past three years.

Employee Category	2006-07	2007-08	2008-09
Full-time permanent	26	30	30
Full-time contract	2	2	5
Part-time permanent	7 (4.4 FTEs)	5 (3.2 FTEs)	11 (7.4 FTEs)
Part-time contract	1 (0.2 FTEs)	1 (0.8 FTEs)	0
<b>TOTAL</b>	<b>36 (32.6 FTEs)</b>	<b>38 (36 FTEs)</b>	<b>46 (42.4 FTEs)</b>
Employees seconded out (included in numbers above)	2	0	0
Employees seconded in (not included in numbers above)	4 (3.8 FTEs)	2 (1.5 FTEs)	3 (3 FTEs)
<b>NET TOTAL (Full-time Equivalent)</b>	<b>34.4</b>	<b>37.5</b>	<b>45.4</b>
<b>NET TOTAL (Head Count)</b>	<b>38</b>	<b>40</b>	<b>49</b>

## Staff Policies and Procedures, Recruitment and Staff Development

The Ombudsman's office has policies in place to cover a range of human resource management practices. All human resources related policies are developed in consultation with a Joint Consultative Committee for the purpose of setting a framework for the interpretation of awards, agreements and legislative requirements. A comprehensive review of policies was undertaken during the 2008-09 year, predominantly to ensure that policies were consistent with the updated **Government Officers' Salaries, Allowances and Conditions General Agreement 2008 (GOSAC GA)**, and the **Government Officers' Salaries, Allowances and Conditions Award 1989**.

### Flexible Work Practices

Flexible work options, part-time and job-sharing arrangements are widely accepted as part of the office's work-life balance approach. Advertisements for all positions in the office include information that flexible work arrangements, including part-time employment, may be negotiated. Many staff choose flexible work options, and staff in all areas and at all levels have access to, and use, part-time or purchased leave arrangements. Opportunities are also available for staff to work from home.

### Diversity in the Workplace

The office recognises the importance of a diverse workforce in providing services to the diverse Western Australian community. The office has strategies in place to increase the diversity of the workforce and ensure equitable treatment of staff and clients. In addition, the office has policies on equal opportunity and harassment, and will not tolerate any form of direct or indirect discrimination.

The office's Equal Employment Opportunity (EEO) management planning and practices take into account the principles and objectives of the Government's **Equity and Diversity Plan for the Public Sector Workforce 2006-2009**. The office has good representation of people with disabilities and a good balance of women and men in management positions.

The office has a small staff and as such, changes in staffing, such as turnover of only one or two people, have a significant effect on levels of representation. It is therefore not practical to set specific objectives for representation. However, the office identified areas where it will be working to achieve increased representation and has identified key opportunities to achieve these objectives and other equal employment opportunity outcomes.

The opportunities identified for the year ahead are to:

- Increase the representation of youth (staff in the age range 17 to 24 years);
- Appoint a Principal Indigenous Liaison Advisor to the Child Death Review Team to undertake liaison with Indigenous people to improve their access to making complaints to the Ombudsman;
- Train/retrain staff who are involved in selection processes; and
- Update the office's EEO/Diversity Management Plan.

## Recruitment

There is a strong focus on merit and equity in all recruitment and selection processes, whether the process is to fill a permanent position or short term secondment or acting vacancy. All job advertisements encourage people from diverse backgrounds to apply and provide for negotiation of flexible work arrangements. The office's recruitment and selection practices are designed to meet the requirements of the public sector standards in human resource management and enable both organisational requirements and employee interests to be met.

## Training and Development

The Ombudsman's office values learning and encourages staff to take advantage of training and development opportunities. A Human Resource Strategy is being developed which will incorporate the office's training and development priorities.

## Performance Management

A consistent performance management process is used across the office and a monitoring system ensures all employees have performance management in place.

The Ombudsman's performance management process is current being reviewed as part of an overall Human Resources Strategy.

## Grievance Management

The office is committed to creating a work environment free from all forms of discrimination and harassment and to resolving grievances promptly. Grievance management and harassment policies are available to all staff at induction and through the office intranet. In 2008-09 there were no formal internal grievances.

## Public Interest Disclosure

The Ombudsman's office 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 provides guidelines to staff wishing to make such disclosures. In 2008-09 there were no public interest disclosures about the activities of the Ombudsman's office.

## Industrial Relations

Staff in the Ombudsman's office are employed under the **Government Officers' Salaries, Allowances and Conditions General Agreement 2008** and the **Government Officers' Salaries, Allowances and Conditions Award 1989**. No industrial disputes were recorded during the year.

## Governance Disclosures

Governance Disclosures	Disclosures in 2008-09
<b>Shares in Statutory Authorities</b>	This is not relevant as the Ombudsman's office is not a statutory authority and does not have shares.
<b>Shares in Subsidiary Bodies</b>	This is not relevant as the Ombudsman's office does not have any subsidiary bodies.
<b>Interests in Contracts by Senior Officers</b>	<p>The office's Code of Conduct and Conflict of Interest Policy defines 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.</p> <p>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.</p> <p>In addition, senior staff are aware of the Conflict of Interest guidelines developed by the Integrity Coordinating Group, of which the Ombudsman Western Australia is a member.</p> <p>The office's policy on identifying and addressing conflict of interest includes any interest of:</p> <ul style="list-style-type: none"> <li>(a) a senior officer; or</li> <li>(b) a firm of which a senior officer is a member; or</li> <li>(c) an entity in which the senior officer has a substantial financial interest</li> </ul> <p>in any existing or proposed contract made with the Ombudsman's office.</p> <p>There have been no declarations of an interest in any existing or proposed contracts by senior officers in 2008-09.</p>
<b>Benefits to Senior Officers through Contracts</b>	This is not applicable as no senior officers have received any benefits.
<b>Insurance Paid to Indemnify Directors</b>	This is not applicable as the Ombudsman's office does not have any directors as defined in Part 3 of the <b><u>Statutory Corporations (Liability of Directors) Act 1996</u></b> .

## Other Legal Requirements

### Advertising and Sponsorship Expenditure

During 2008-09, the office incurred the following expenditure in relation to advertising, market research, polling, direct mail or media advertising that require disclosure under s.175ZE of the **Electoral Act 1907**.

Total expenditure was \$20,352 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	\$20,352	Adcorp	\$15,642
		Media Decisions	\$4,710

### 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 Ombudsman's **Disability Access and Inclusion Plan** includes the following initiatives.

Initiative	Action
People with disabilities have the same opportunities as other people to access the services of, and any events organised by, a public authority	Any member of the public or staff with a disability has an equal opportunity to participate in consultations, decision making, events organised by the office, grievance processes, complaint handling and other services provided by the office. For events and meetings organised by the office, venues are assessed for suitable access for people with disabilities and, where necessary, staff will meet with complainants outside the office to provide them with appropriate access to the complaints process.
People with disabilities have the same opportunities as other people to access the buildings and other facilities of a public authority	The Ombudsman's office is located within the St Martins Tower building, which has access for people with disabilities. This includes a lift to accommodate people in wheelchairs, an accessible toilet on the ground floor, and electronic door openers within the Ombudsman's office area.

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

The office strives to publish all documents in plain English. Publications are available in alternative formats on request and this information is provided in all new publications. Information published on the office website can be viewed and printed in alternative formats and TTY phone access is available for people with a hearing impairment. In addition, the office has provided suitable equipment to enable employees with vision impairments to access electronic information.

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 barriers to people with disabilities through better access and the availability of information in various formats on request. This has helped to raise the awareness of staff in relation to their obligations in dealing with people with disabilities.

A Disability Access Awareness training DVD was presented to all staff on 2 June 2009.

People with disabilities have the same opportunities as other people to make complaints to a public authority

A key role of the Ombudsman's office is to handle complaints about public authorities. Any member of the public with a disability has an equal opportunity to make a complaint to the office. All complaints are investigated free of any bias or discrimination in order to achieve appropriate outcomes quickly and efficiently. Where necessary, the complaint process is modified to meet the needs of a person with a disability. This includes meeting with people at a local venue where it is difficult for them to attend the office, and modifying communication strategies, for example by using a translator where required.

People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority

Any member of the public or staff with a disability has an equal opportunity to participate in consultations, decision making, grievance process and any other consultative process within the office. Most consultation within the office is handled through the website or other electronic means. The office website meets disability access requirements. Upon request, 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 accountability agency, the Ombudsman's office has a strong commitment to promoting integrity in official conduct and the Ombudsman is a member of the Integrity Coordinating Group. The office aspires to lead by example and is committed to achieving high standards in monitoring and ensuring compliance with the Public Sector Standards, the **Western Australian Public Sector Code of Ethics** and the office's Code of Conduct.

The following table identifies the significant action taken to monitor and ensure compliance and any compliance issues that have arisen in 2008-09 in each of these areas.

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

### Western Australian Public Sector Code of Ethics

The Code of Ethics is available on the intranet and as part of the induction of new staff. Awareness has been promoted by senior staff attending a number of forums relating to ethical conduct.

**Compliance issues:** There has been no evidence of non-compliance with the Public Sector Code of Ethics.

### Public Sector Standards

Managers and staff are required to comply with the Public Sector Standards in Human Resource Management. Examples of 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 Recruitment Selection and Appointment Standard;
- A review process is in place to ensure that, for acting and secondment positions, a merit-based process is used and there are no inadvertent extensions that result in long-term opportunities without expressions of interest; and
- A monitoring process is in place to ensure there are current performance management processes in place for all employees.

**Compliance issues:**

- Internal checks have shown compliance with the standards is achieved before any final decision; and
- No breach claims were lodged.

### Code of Conduct

The Code of Conduct includes a core value statement that identifies and defines the key values of justice, equity, efficiency and effectiveness.

The Code of Conduct also addresses a range of issues including dealing with clients, harassment and discrimination, conflict of interest, fraud, intellectual property, confidentiality, public comment by staff, and grievances and allegations against officers. It has a particular emphasis on identifying and addressing conflicts of interest between public duty and private benefits. It also refers to key policies relating to handling of grievances and allegations against staff and internal review of operational decisions.

Based on the standards included in the Public Sector Code of Ethics, the office Code of Conduct is an integral part of the standards of behaviour adhered to by employees. It is available to all staff on the office intranet and is part of the induction of all new staff.

The Code is regularly reviewed along with the policies to which it refers.

**Compliance issues:** There has been no evidence of non-compliance with the office's Code of Conduct.

## Recordkeeping Plans

### Records Management Framework

The Ombudsman's office is committed to continuously improving record keeping practices consistent with the **State Records Act 2000** and aims for best practice record keeping practices. The current office Record Keeping Plan, was approved by the State Records Commission for five years in March 2006 and an electronic document records management system (**EDRMS**) called TRIM (**Tower Records Information Management**) was implemented in 2005. The office's Retention and Disposal Schedule was approved in December 2005.

### Evaluation and Review of Efficiency and Effectiveness of Systems

During 2008-09, the office's record keeping processes continued to undergo reviews to demonstrate compliance with the framework and a commitment to efficient practices. The reviews show that current processes are operating effectively and have resulted in ongoing improvements.

### Records, Plans and Policies

During the year the office's Records Management Policy, Records Management and TRIM User Manual and Records File Classification Plan were reviewed and updated. In addition a one-page summary – available on the office's intranet - defining significant and ephemeral records was produced to assist in maintaining consistency and efficiency in record handling by staff.

In the review of the File Classification Plan the areas of Administrative Improvement, Child Death Review and Industry Ombudsman were added to reflect the growth of the office functions.

### Offsite Storage and Disposal

The office also continues to maintain an offsite storage facility for the storage of all 'significant' complaints files and all other relevant files for the duration of their retention. A regular disposal program is undertaken to ensure ongoing on-site storage capacity.

### Electronic Records Management

All incoming, outgoing and significant internal documents are being saved electronically into the EDRMS. All staff are required to save their final electronic documents into the EDRMS. This complements the saving of electronic mail and facsimiles directly into the TRIM EDRMS.

A new complaints management system named RESOLVE, which was installed in April 2008, has been successfully integrated with TRIM, increasing efficiency as all records are saved automatically into the records management system.

### Induction and Training

The Coordinator Records Management conducts individual training sessions with new staff members within the first week of arrival. Follow-up training and help desk assistance is provided to all staff as required. A short instruction leaflet was produced and the Records Management and TRIM User Manual was updated to assist staff to comply with their record keeping requirements.

## Government Policy Requirements

### Corruption Prevention

The Ombudsman's office is committed to operating with a high level of integrity, consistent with its role in promoting confidence in public administration.

#### Strategy for Identifying, Managing and Preventing Misconduct and Corruption and Communication to Staff About Internal Corruption or Misconduct Notification Procedures

The Ombudsman's office Code of Conduct has a strong emphasis on identifying, managing and preventing misconduct and corruption. This includes detailed definitions and procedures for:

- Conflict of interest - this includes information on improper conduct for personal benefit, such as officers taking advantage of status or power to gain benefits for themselves;
- Gifts - this includes how gifts to the office should be handled and registered;
- Fraud - this includes information on fraud prevention; and
- Confidentiality - this includes the requirement that staff take an oath or affirmation on confidentiality.

There is an internal policy and procedures for Public Interest Disclosures, which was implemented in 2005.

The office investigates complaints about public administration and handles Public Interest Disclosures relating to other agencies, which also raises awareness of these issues.

The high profile of these issues in the work of the office, the office's membership of the Integrity Coordinating Group and regular discussion on these matters ensures staff are aware of:

- The integrity framework for the office, including the office's values, Code of Ethics, Code of Conduct and internal Public Interest Disclosure procedures;
- Internal notification procedures for dealing with complaints relating to misconduct and corruption, including the ability to raise matters as a Public Interest Disclosure; and
- Those activities that constitute misconduct and corruption and the requirement to refer these matters to the Corruption and Crime Commission.

All staff, particularly those handling complaints and Public Interest Disclosures, are aware that matters may come to their attention from the rest of the sector that relate to misconduct and corruption. They are well informed about requirements to report these matters to the Corruption and Crime Commission. This maintains awareness of the nature of misconduct and corruption and reporting requirements for any of these matters that arise within the office.

Prevention of misconduct and corruption is supported by:

- A strong focus on integrity and conflict of interest issues in the Code of Conduct and a requirement to declare and address conflicts of interest; and
- Internal checks and balances including quality checks and sign off of major decisions, such as recruitment and major purchases, in accordance with the office's Instrument of Delegation for Chief Executive Officer functions.

### **Education of Staff and Inclusion of Misconduct and Corruption Policies in Management Development Activities**

Staff are aware of the revised Code of Ethics developed by the Commissioner for Public Sector Standards. The office adopts a continuous improvement approach to its Code of Conduct, including the conflict of interest provisions. Information about these documents is provided to new staff and is available on the office's intranet. Ethical awareness is reinforced through attendance by staff at presentations by guest speakers and relevant seminars and workshops. Senior staff are asked to declare any conflicts of interest at the commencement of management meetings and monthly staff meetings focus on and reinforce the application of the office's values.

### **Integration of Misconduct and Corruption Prevention into Agency's Risk Management System and Amendment of Agency Policies and Procedures**

Given the role of the office, the need to maintain its reputation by preventing misconduct and corruption is an important aspect of the office's risk management. Policies are regularly reviewed with a focus on integrity issues. In addition, any identification of a practice that may result in a risk of misconduct or corruption results in a review of relevant policies and practices to prevent it occurring.

Information security is a high priority for the office. The office has an Information Security Policy and relevant risks and control strategies have been identified and implemented. The office's hard copy and electronic records management system and information technology networks have restricted access to sensitive records. Highly sensitive records are kept in independent lockable storage and are only accessible to relevant staff. Staff are made aware of their obligations relating to information security as part of the induction process and make an oath or affirmation that they will not inappropriately disclose information from the office's confidential records. The office has an Internet Usage Policy that informs staff about their responsibilities in using the internet.

## **Substantive Equality**

The Ombudsman's 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 to eliminate systemic racial discrimination in the delivery of public services and promote sensitivity to the different needs of client groups.

The office's *EEO/Diversity Management Plan 2007-2009* includes initiatives designed to eliminate systemic racial discrimination in the delivery of services, as well as promoting equal employment opportunity. The Ombudsman's office understands that cultural diversity in the workforce contributes to increased sensitivity by all staff to the different needs of client groups.

Planned initiatives to address both employment opportunity and improved services to customers include a review of the induction manual and procedures to include ways to cover requirements for a workplace that values diversity and is free of discrimination, harassment and victimisation.

The office understands the importance of appropriate service delivery for people from diverse backgrounds. To ensure that services provided by the Ombudsman's office are as accessible as possible, all publications are available in alternative formats on request. Information published on the office website can be viewed and printed in alternative formats and TTY phone access is available for people with hearing impairment. The office also provides interpreter services to people whose first language is not English.

## Occupational Safety and Health

The office is committed to providing a safe and healthy work environment for all staff and visitors to the office. The office's goal is to have 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 to control risks as far as practicable.

The office promotes a consultative environment in which management, staff and other stakeholders work together to continually improve occupational safety and health practices. Formal mechanisms for consultation with employees on occupational safety and health matters include:

- Management and staff representation at a co-located agency Occupational Safety and Health Committee. This committee includes membership from each of the co-located agencies within the St Martins Tower building and meets on a regular basis;
- A Joint Consultative Committee; and
- Dissemination of information and discussion at whole of staff meetings.

During the year, the Joint Consultative Committee developed an Occupational Safety and Health framework that includes an Occupational Health and Safety Policy and the following supporting documents:

- Managing and Reporting Workplace Hazards, Incidents and Injuries;
- Safe Work Practices;
- Workers' Compensation and Injury Management;
- Emergency Procedures; and
- General Employee Health and Wellbeing, including an Employee Assistance Program.

The injury management system was developed in accordance with the **Workers' Compensation and Injury Management Act 1981** and extends to assisting employees with non-work related injuries.

There were no compensation claims processed during the year.

The Ombudsman's office Occupational Health and Safety Statistics for 2008-09 are shown below.

Occupational Health and Safety Statistics	2008-09 Target	2008-09 Actual
Number of fatalities	0	0
Lost time injury/diseases (LTI/D) incidence rate	0	0
Lost time injury severity rate	0	0
Percentage of injured workers returned to work within 28 weeks	Annual percentage result	n/a
Percentage of managers trained in occupational safety, health and injury management responsibilities	Greater than or equal to 50%	60%

# Appendices

Appendix 1 – Allegations Received and Outcome of Allegations Finalised By Public Authorities	132
Appendix 2 - Process for Assessing and Handling Complaints and Dealing with Enquiries	136
Appendix 3 - Publications	140

# Appendix 1 – Allegations Received and Outcomes of Allegations Finalised by Public Authorities

## Departments and Authorities

Departments and Authorities	Allegations Received in 2008-09	Finalised at initial stage					Finalised by completed investigation or review					Allegations finalised in 2008-09 *
		No jurisdiction	Discretion exercised	Withdrawn or not proceeded with	Finalised to complainant's satisfaction	Referred back to public authority	Withdrawn or not proceeded with	Could not be determined	Sustained partly	Sustained wholly or substantially	Not sustained	
Agriculture – Department of	1											
Attorney-General - Department of the	15	4	6			1			1			12
Builders' Registration Board	4	1	3								6	10
Building Disputes Tribunal	6	4	2				1				1	8
Burswood Park Board	1										1	1
Busselton Water Board	1		1									1
Central TAFE	3		3			1						4
Challenger TAFE	1											
Child Protection - Department for	51	2	18	3	1	24	4		1	1	10	64
Commerce – Department of	16	2	10		1				1			14
Communities - Department for	1	1										1
Corrective Services - Department of	262	20	137	11	4	83	2	4	3	6	12	282
Country Housing Authority	1		1									1
Culture & the Arts - Department of	2				1						1	2
Curtin University of Technology	25		1			1	1		2	1	16	22
Disability Services Commission	2		1						3			4
East Perth Redevelopment Authority	1											
Edith Cowan University	17		1	1		1			1	2	16	22
Education & Training - Department of	26	5	9	1		7	1				11	34
Education Services – Department of							1		1		2	4
Electoral Commission	3	1	1	1								3
Energy – Office of	3		1			1						2
Environment & Conservation - Department of	5			1	1				2	3	1	8
Environmental Protection Authority		1										1
Fisheries - Department of	3		2		5							7
GSL (Aust) Pty Ltd - Transport	2											
Government Employees Superannuation Board	11		6	2	1	1					1	11
Hairdressers Registration Board	1					1						1
Health - Department of	26	5	9	1		2	4	1		2	5	29
Heritage Council	1	1										1
Housing - Department of	50	2	14	1	3	17	2	1	3		8	51
Indigenous Affairs - Department of	2	1			1							2
Insurance Commission of WA	2					2						2
Kimberley TAFE			1									1
Landgate	5	1	1			2						4

Departments and Authorities	Allegations Received in 2008-09	Finalised at initial stage					Finalised by completed investigation or review					Allegations finalised in 2008-09 *
		No jurisdiction	Discretion exercised	Withdrawn or not proceeded with	Finalised to complainant's satisfaction	Referred back to public authority	Withdrawn or not proceeded with	Could not be determined	Sustained partly	Sustained wholly or substantially	Not sustained	
Legal Aid WA	10	1	3	1		3	1					9
Legal Profession Complaints Committee	6		2		1	1					1	5
Local Government & Regional Development - Department of	8		3			1	1				2	7
Main Roads WA	7		5			2					2	9
Medical Board of WA	3		4									4
Mental Health Review Board	1				1							1
Metropolitan Cemeteries Board	1		4								5	9
Mines & Petroleum – Department of	3	1	2									3
Murdoch University	8		5			2			1	3	3	14
Nurses and Midwives Board of WA			1									1
Organisation not identified	10	3	3	2	1	2						11
Parliamentary Services – Department of	1	1										1
Planning & Infrastructure - Department for	38	2	13	3	9	12	1		1	2	3	46
Plumbers' Licensing Board	1		1									1
Prisoner Review Board	9		3			3						6
Premier & Cabinet - Department of	3	1	2			1					1	5
Psychologists Board of WA	2		2	1		1						4
Public Advocate	1		1									1
Public Prosecutions - Director of	1	1										1
Public Sector Standards Commissioner – Office of the	3			1		1						2
Public Transport Authority	20	2	5	2	2	5		1	1	2		20
Public Trustee	12		9		1	3					1	14
Racing, Gaming & Liquor - Department of	3	1	2								1	4
Real Estate and Business Agents Supervisory Board	5				1	1				2	6	10
SERCO - Acacia Prison	27	1	12		2	15		1		1	2	34
Small Business Development Corporation	1					1						1
State Revenue – Office of	7		14		1							15
Treasury & Finance - Department of	7		3	1		1						5
University of Western Australia	3					1					2	3
Water - Department of	2		2									2
Water Corporation	16	3	6	2	1	6	1				1	20
Western Australia Police	138	8	37	4	5	78	1		2	2	4	141
Western Australian College of Teaching	4		1		1						1	3
Western Australian Planning Commission	7		2			1					7	10
Western Power Corporation			2				1					3
Workcover	2		1			1		1	1	3	3	10
<b>Sub Totals (Depts. &amp; Authorities)</b>	<b>920</b>	<b>76</b>	<b>378</b>	<b>39</b>	<b>44</b>	<b>286</b>	<b>22</b>	<b>9</b>	<b>23</b>	<b>31</b>	<b>136</b>	<b>1044</b>

\* Allegations finalised in 2008-09 may include allegations which were received in earlier financial years.

## Local Governments

Local Governments	Allegations Received in 2008-09	Finalised at initial stage					Finalised by completed investigation or review					Allegations finalised in 2008-09 *
		No jurisdiction	Discretion exercised	Withdrawn or not proceeded with	Finalised to complainant's satisfaction	Referred back to public authority	Withdrawn or not proceeded with	Could not be determined	Sustained partly	Sustained wholly or substantially	Not sustained	
Albany - City of	7	1	1						2	2	6	
Armadale - City of	3	1								2	3	
Augusta-Margaret River – Shire of	2			1							1	
Bayswater - City of	2				1					1	2	
Belmont – City of	4	1	1						1	1	4	
Beverley - Shire of	1		1								1	
Broome - Shire of	2							1			1	
Bunbury - City of	5		2					1	2	2	7	
Busselton - Shire of	3		2					1			3	
Cambridge - Town of	2		2								2	
Canning - City of	6	1				2		1		2	6	
Capel – Shire of	4	1	1								2	
Chittering - Shire of	2							1		1	2	
Claremont - Town of	2		1							1	2	
Cockburn - City of	6		5	1						1	7	
Collie - Shire of	3									2	2	
Coorow - Shire of	1	1									1	
Cranbrook – Shire of	1	1									1	
Denmark - Shire of	1		1								1	
Donnybrook / Balingup - Shire of	4		4							1	5	
Dumbleyung - Shire of	2		1					1			2	
Eastern Metro Regional Council	1		1								1	
East Fremantle – Town of	1		1								1	
Esperance - Shire of	2					1				1	2	
Exmouth – Shire of	1											
Fremantle – City of	1											
Gosnells - City of	5		4			1				3	8	
Harvey - Shire of	1		1								1	
Joondalup - City of	8	1	2			2	1				6	
Kalamunda - Shire of	8		3			5					8	
Kalgoorlie-Boulder – City of	1											
Mandurah - City of	5		3			1	1	1	1	1	8	
Manjimup - Shire of			1								1	
Melville - City of	5		1	1		1				3	6	
Merredin - Shire of	3	1	1			1					3	
Mosman Park - Town of	2							1		1	2	
Mundaring - Shire of	2									2	2	
Murray - Shire of	6		2	1						3	6	
Narrogin – Town of	1									1	1	
Nedlands - City of								1			1	

Local Governments	Allegations Received in 2008-09	Finalised at initial stage					Finalised by completed investigation or review					Allegations finalised in 2008-09 *
		No jurisdiction	Discretion exercised	Withdrawn or not proceeded with	Finalised to complainant's satisfaction	Referred back to public authority	Withdrawn or not proceeded with	Could not be determined	Sustained partly	Sustained wholly or substantially	Not sustained	
Northam – Shire of	1											
Northampton - Shire of	1					1						1
Perth - City of	9	1	3			1	1				3	9
Plantagenet – Shire of	1		1									1
Port Hedland – Town of	1										1	1
Ravensthorpe – Shire of	1		1									1
Rockingham - City of	2		1									1
Serpentine / Jarrahdale - Shire of	4							2	1			3
Shark Bay – Shire of	1		1									1
South Perth - City of	9		2					1			6	9
Stirling - City of	20		9								6	15
Subiaco – City of	6		2					1			3	6
Swan - City of	9		2					4			10	16
Toodyay - Shire of	1							1				1
Victoria Park - Town of			1									1
Victoria Plains – Shire of	1		1									1
Vincent - Town of	4		1			1		1			1	4
Wanneroo - City of	11		7	1		3		1	1		1	14
Wyndham / East Kimberley - Shire of	3	1	1	1		1						4
York - Shire of	6		2			1					1	4
<b>Sub Totals (Local Governments)</b>	<b>207</b>	<b>11</b>	<b>77</b>	<b>6</b>	<b>1</b>	<b>22</b>	<b>3</b>	<b>2</b>	<b>19</b>	<b>8</b>	<b>62</b>	<b>211</b>
Organisation not within jurisdiction	230	218	3	2		1						224
<b>Grand Totals (Departments &amp; Authorities and Local Governments)</b>	<b>1357</b>	<b>305</b>	<b>458</b>	<b>47</b>	<b>45</b>	<b>309</b>	<b>25</b>	<b>11</b>	<b>42</b>	<b>39</b>	<b>198</b>	<b>1479</b>

\* Allegations finalised in 2008-09 may include allegations which were received in earlier financial years.

## Appendix 2 - Process for Assessing and Handling Complaints and Dealing with Enquiries

### Assessing Complaints

The ***Parliamentary Commissioner Act 1971*** provides wide-ranging discretionary powers to help determine the scope and nature of investigations. All complaints are assessed before an investigation commences to determine whether the matter is within the Ombudsman's jurisdiction. This involves assessing whether:

- The authority complained about is within jurisdiction (State Government departments or agencies, prisons, schools, technical colleges, universities and local governments);
- The action or decision complained about relates to a matter of administration;
- The action complained about was within the public authority's powers or functions;
- The complainant is personally affected by the action or decision;
- The complainant became aware of the action or decision within 12 months of making the complaint; and
- The complainant has or had a legal remedy or a right of review or appeal.

The Ombudsman can exercise discretion to investigate a complaint in situations where special circumstances exist for matters over 12 months old and where the complainant has a legal remedy or right of review or appeal and it is not reasonable to expect the complainant to resort to that remedy.

The Ombudsman can also exercise discretion not to investigate where:

- The complaint appears to be frivolous, trivial, vexatious, or not in good faith;
- An investigation does not appear to be warranted in the circumstances, such as where the public authority is still investigating the complaint, or where another complaint-taking body may be more appropriate; or
- The complainant does not have a sufficient personal interest in the matter.

### Investigating Complaints

If a complaint is out of the Ombudsman's jurisdiction or there is a more appropriate body to investigate the matter, the complainant is referred onto that body.

If a decision is made not to investigate a complaint, the complainant is advised and provided with reasons for the decision. If a decision is made to investigate, the public authority and the complainant are advised.

A formal or an informal investigation may be conducted. The majority of the investigations undertaken by the office are conducted informally. Investigations are prioritised according to a range of factors such as whether there is any urgency attached to the outcome.

Formal investigations may involve the Ombudsman's Royal Commission powers and are used where there are high public interest or public policy implications in the matter or informal resolution is unlikely to be successful, and where:

- There is a reasonable prospect of proving an allegation or group of allegations;
- Practical outcomes can be achieved for the complainant; and
- Important systemic policy, procedural or legislative issues are involved.

Once an investigation is finalised, if the Ombudsman's office considers that the complaint is not sustained and that no administrative improvements are required, the complainant will be advised and will generally be given the opportunity to comment before a final decision is made.

If it is considered that a complainant has been adversely affected by the actions or decisions of the public authority, both the authority and the complainant will be advised and given the opportunity to respond to any issues. The office may also make recommendations for change to the public authority and, in this case, the relevant Minister will be advised.

Generally the public authority will agree with the Ombudsman's recommendations or suggestions and will take action that will assist the complainant and/or improve the authority's policy and processes. The complainant will be advised of any outcome. If the action needed may take some time to implement, the office will ask the public authority to advise when it has been completed or follow-up with the authority later. In the event that the public authority does not agree with a recommendations or suggestion, the Ombudsman may provide a report to the Premier and Parliament if required.

## Complaint outcomes

Complaints may be finalised at the initial stage without the need for an investigation, for the following reasons:

- An assessment is made that the complaint is out of jurisdiction, usually because it relates to the decision of a Minister or Cabinet, is not an administrative matter, or the public authority complained about is not covered by the Ombudsman's jurisdiction;
- The complainant has a reasonable alternative legal remedy or right of review or appeal;
- The complaint has been informally resolved to the satisfaction of the complainant;
- The complainant withdraws the complaint or decides not to proceed, for example if the person is satisfied with an explanation provided or action taken by the public authority;
- The matter is referred back to the public authority, for example, where the public authority is still investigating the complaint. In this case, the complainant may come back to the Ombudsman if the matter is not resolved by the authority; or
- Further investigation does not appear to be warranted in the circumstances. This may occur where initial investigation reveals another body, such as the Corruption and Crime Commission, may be more appropriate (or is already investigating the matter), the matter is out of jurisdiction or, in rare circumstances, where the complaint appears to be frivolous, trivial, vexatious, or not in good faith.

The remaining complaints are finalised following an investigation with one of the following outcomes:

- The complaint was wholly or partly sustained. In these cases the Ombudsman may make recommendations and suggestions for remedial action for the complainant and to improve administrative practices to prevent reoccurrence;
- The complaint was not sustained. In some cases the investigation process highlights areas for improvement to administrative practices and the authority may initiate action to make appropriate changes;
- The complainant withdraws the complaint;
- The complaint is closed without a finding when it becomes clear it is inappropriate to continue the investigation for a variety of reasons including:
  - it is not possible, based on the evidence, to reach a conclusion;
  - there is a more appropriate public authority to deal with the complaint;
  - the matter is reasonably resolved by the voluntary action of the public authority complained about; and
  - the potential benefits of pursuing an investigation are clearly outweighed by the costs of doing so.

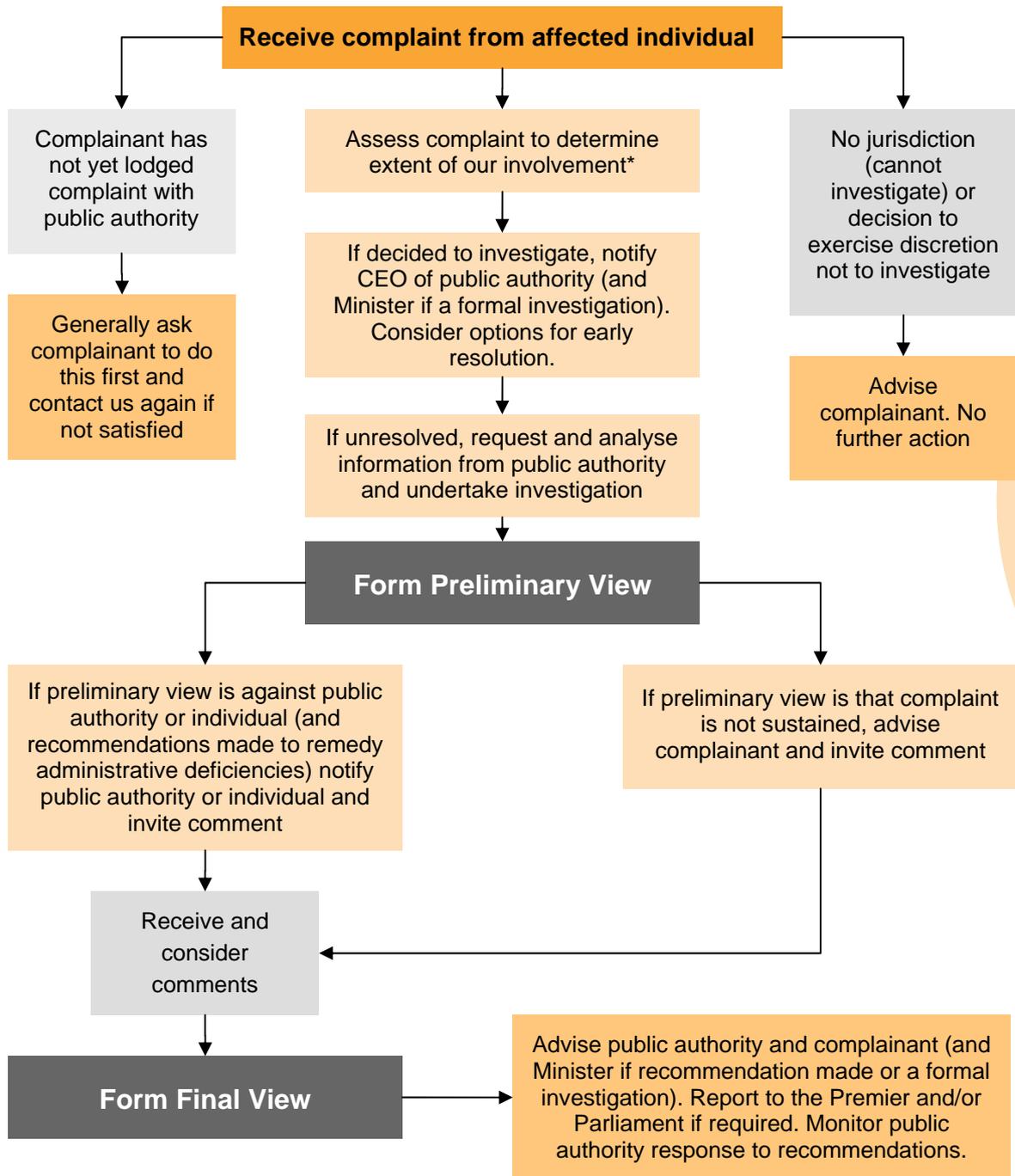
It is not necessary for an investigation to be completed and the allegation to be sustained for the complainant to receive an appropriate remedy and/or the public authority to implement administrative improvements. This can also occur at the initial stage and prior to completion of an investigation.

## The Enquiry Service

The Ombudsman's office handles enquiries via the telephone or from people visiting the office. Enquiries may come from the public seeking general information or from public authorities seeking advice, but most are from people asking for assistance in making a complaint. As far as possible the office provides advice and assistance to people making enquiries. Where the person's complaint relates to a matter outside the Ombudsman's jurisdiction, they are generally referred to an appropriate alternative agency. If the matter is within jurisdiction, but the person has not already raised the matter with the public authority concerned, they are referred back to the relevant public authority in the first instance and are advised to come back to the Ombudsman if the matter is not resolved. Enquiry Officers provide information about the public authority's complaint processes if appropriate. The Ombudsman has an information sheet called *Making a complaint to a State Government agency*, which is provided to people making enquiries. It is also available on the Ombudsman's website at [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au)

If an enquiry relates to a matter that the Ombudsman may be able to investigate and the person has already attempted to resolve the matter with the public authority, people are asked to submit a complaint in writing to the Ombudsman. If the person is unable to put their complaint in writing, the Enquiry Officer will work with them to ensure that a written complaint can be submitted.

**Overview of the complaint investigation process**



\* For a full explanation of the assessment process, see the Ombudsman Information Sheet *How we assess complaints*

## 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 by request to [mail@ombudsman.wa.gov.au](mailto:mail@ombudsman.wa.gov.au):

### Brochures

Ombudsman Western Australia

### Guidelines and Information Sheets

#### For Complainants

How to complain to the Ombudsman (with complaints process flow chart)

Ombudsman Western Australia & Energy Ombudsman Western Australia

Overview of the complaints management process

Making a complaint to a State Government agency

How we assess complaints

Assessment of complaints checklist

Being interviewed by the Ombudsman

Requesting the review of a decision

Complaining to the Ombudsman - Information for prisoners

#### For Agencies

Information for agencies - About the Ombudsman

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

Conducting administrative investigations

Investigation of complaints

Procedural fairness (Natural justice)

Dealing with unreasonable complainant conduct

Remedies and redress

Good record keeping

Information for boards and tribunals

## About this Annual Report

This Annual Report 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.

### Contact Details

#### Street Address

Level 12, 44 St George's Terrace  
PERTH WA 6831

#### Postal Address

PO Box Z5386  
PERTH WA 6831

**Telephone:** (08) 9220 7555 or 1800 117 000 (free call)

**Facsimile:** (08) 9325 1107

**Email:** [mail@ombudsman.wa.gov.au](mailto:mail@ombudsman.wa.gov.au)

**Web:** [www.ombudsman.wa.gov.au](http://www.ombudsman.wa.gov.au)

**ISSN: 1832-245X**

This report was designed, printed and converted for electronic viewing in-house.

